

KING COUNTY

1200 King County Courthouse 516 Third Avenue Seattle, WA 98104

Signature Report

October 2, 2001

Ordinance 14218

Proposed No. 2001-0255.2

Sponsors Pullen

1	AN ORDINANCE relating to the code of ethics;
2	revising various filing requirements provisions; and
3	amending Ordinance 12014, Section 3, and K.C.C.
4	3.04.030, Ordinance 1308, Section 6, as amended,
5	and K.C.C. 3.04.050, Ordinance 9704, Section 9, as
6	amended, and K.C.C. 3.04.055 and Ordinance 9704,
7	Section 10, as amended, and K.C.C. 3.04.057.
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10	BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:
11	SECTION 1. Ordinance 12014, Section 3, and K.C.C. 3.04.030 are each hereby
12	amended to read as follows:
13	Conflict of interest. A. No county employee shall engage in any act which is in
14	conflict with the performance of official duties. A county employee shall be deemed to
15	have a conflict of interest if the employee directly or indirectly:
16	((A-)) 1. Receives or has any financial interest in any purchase, sale or lease to or
17	by the county of any service or property when such financial interest was received or

obtained with the prior knowledge that	at the county intended to purchase, sell of	or lease such
property or service;		

- ((B.)) 2. Is beneficially interested, directly or indirectly, in any contract, sale, lease, option or purchase that may be made by, through, or under the supervision of the employee, in whole or in part, or accepts, directly or indirectly, any compensation, gift or thing of value from any other person beneficially interested therein;
- ((C₇)) 3. Accepts or seeks for others, directly or indirectly, any employment, travel expense, service, information, compensation, gift or thing of value on more favorable terms than those granted to other county employees or the public generally, from any person, doing business, or seeking to do business with the county for which the employee has responsibility or with regard to which he or she may participate, provided that this subsection shall not apply to the receipt by elected officials, or by employees who are supervised directly by an elected official, of meals, refreshments or transportation within the boundaries of the county when given in connection with meetings with constituents or meetings which are informational or ceremonial in nature;
- ((D-)) 4. Accepts, directly or indirectly, any gift, favor, loan, retainer, entertainment, travel expense, compensation or other thing of value from any person doing business or seeking to do business with the county when such acceptance may conflict with the performance of the employee's official duties. A conflict shall be deemed to exist where a reasonable and prudent person would believe that the gift, compensation, thing of value, or more favorable terms, was given for the purpose of obtaining special consideration or to influence county action. The financing of the conduct of county

40	election campaigns shall continue to be governed by ((the provisions of RCW)) chapter
41	42.17 <u>RCW</u> and the provisions of the charter and ordinances;
42	((E.)) 5. Participates in, influences((5)) or attempts to influence, directly or
43	indirectly, the selection of, or the conduct of business or a transaction with a person doing
44	or seeking to do business with the county if the employee has a financial interest in or with
45	said person;
46	((F.)) 6. Discusses or accepts an offer of future employment with any person doing
47	or seeking to do business with the county if either:
48	((1-)) <u>a.</u> $((T))$ the employee knows or has reason to believe that the offer of
49	employment was or is intended, in whole or in part, directly or indirectly, as compensation
50	or reward for the performance or nonperformance of a duty by the employee during the
51	course of county employment or to influence county action pertaining to the business((5));
52	or
53	((2.)) <u>b.</u> $((T))$ the employee has responsibility for a matter upon which the person
54	is doing or seeking to do business with the county unless the employee has first disclosed in
55	writing to his or her appointing authority that the employee intends to discuss future
56	employment with a specific person and the appointing authority has designated, in a
57	memorandum filed with the ((ombudsman and the clerk of the council)) board of ethics and
58	a copy of which is maintained by the appointing authority, a method of providing for an
59	alternative decisionmaker with regard to matters involving such person for which the
60	employee otherwise would have responsibility;
61	((G.)) 7. Within one year of entering county employment awards a county contract

or participates in a county action benefiting a person that formerly employed him or her,

53	provided, that participation other than contract award may be authorized in a memorandum
54	by the appointing authority following written disclosure by the affected employee and that
55	such authorization shall be filed with the ((ombudsman and the clerk of the council)) board
56	of ethics and a copy maintained by the appointing authority;
67	((H.)) 8. Is an employee, agent, officer, partner, director or consultant of any
58	person doing or seeking to do business with the county, unless such relationship has been
69	disclosed as provided by this chapter;
70	((L)) 9.a. ((E))engages in or accepts compensation, employment or renders services
71	for any person or a governmental entity other than the county when such employment or
72	service is incompatible with the proper discharge of official duties or would impair
73	independence of judgment or action in the performance of official duties. In addition, the
74	following employees must obtain the prior written consent of their highest ranking
75	supervisor authorizing either new or continued employment, or the acceptance of any
76	compensation or any thing of value for services performed outside King County
77	government:
78	((1-)) (1) ((T))the deputy county executive, the chief officer of each executive
79	department or administrative office as defined by the provisions of the charter, the manager
80	of each division of such department or office, and all persons who report directly to such
81	individuals;
82	((2-)) (2) ((A))all non((-))elected council employees, provided that the personal
83	staff of each individual councilmember shall obtain such consent from such
84	councilmember;
85	$((2))(3)((\Delta))$ all non(()) elected employees of the prosecuting attorney.

86	((4.)) (4) ((A))all non((-))elected employees of the department of judicial
87	administration; and
88	((5.)) (5) ((A))all non((-))elected employees of the department of assessments.
89	b. If such employment or service is deemed by the highest-ranking supervisor to
90	pose a conflict of interest, the employee immediately shall divest such employment and
91	failure to do so shall be grounds for dismissal;
92	((4.)) 10. Enters into a business relationship outside county government with any
93	other employee for whom he or she has any supervisory responsibility;
94	((K.)) 11. Enters into a business relationship outside county government with any
95	person with regard to a matter for which the employee has responsibility as a county
96	employee;
97	((L-)) 12. Appears on behalf of a person before any regulatory governmental
98	agency, or represents a person in any action or proceeding against the interest of the county
99	in any litigation to which the county is a party, unless the employee has a personal interest
100	in the litigation and this personal interest has been disclosed to the regulatory governmenta
101	agency or adjudicating individual or body. A county council member may appear before
102	regulatory governmental agencies on behalf of constituents in the course of his or her dutie
103	as a representative of the electorate or in the performance of public or civic obligations;
104	however, no official or employee shall accept a retainer or compensation, or any gift or
105	thing of value that is contingent upon a specific action by a county agency;
106	((M.)) 13. Directly or indirectly possesses a substantial or controlling interest in
107	any person which does or seeks to do business with the county, without disclosing such
108	interest as provided by this chapter. A substantial interest is an interest that exceeds one-

109	tenth of one percent of the outstanding securities of the person; or, if the interest is in an
110	unincorporated business concern, exceeds one percent of the net worth of such concern; or
111	the financial interest of a person exceeds five percent of the net worth of the employee and
112	his or her immediate family;
113	((N.)) 14. As a county council member has a financial or other private interest in
114	any legislation or other matter coming before the council, and fails to disclose such an
115	interest on the records of the county council. This provision shall not apply if the county
116	council member disqualifies himself or herself from voting by stating the nature and extent
117	of such interest. Any other employee who has a financial or other private interest, and who
118	participates in an action or proposed action of the county council and fails to disclose on
119	the records of the county council the nature and extent of such interest, shall be deemed in
120	violation of this chapter;
121	((O.)) 15.a. ((H))has an interest in any property being considered for revaluation by
122	the county board of appeals and equalization or has a personal interest or connection with
123	another person's petition for revaluation while:
124	((1-)) (1) $((A))$ an elected county official $((5))$;
125	((2.)) (2) ((D))deputy county executive and ((his/her)) the deputy county
126	executive's confidential secretary((;));
127	((3-)) (3) ((\pm))the executive's administrative assistants and office manager((\pm));
128	((4.)) (4) ((C))county councilmembers' executive secretaries((5));
129	((5.)) (5) ((C)) county administrative officer, ((his/her)) the county administrative
130	officer's administrative assistants and ((his/her)) the county administrative officer's
131	confidential secretary((5));

132	((6.)) (6) ((C)) chief officer of each executive department, ((his/her)) the chief
133	officer's administrative assistants((5)) and ((his/her)) the chief officer's confidential
134	secretary((5));
135	((7-)) (7) ((C)) chief officer of each administrative office, ((his/her)) the chief
136	officer's administrative assistants((5)) and ((his/her)) the chief officer's confidential
137	secretary((;));
138	((8.)) (8) ((C))council administrator, ((his/her)) the council administrator's
139	administrative assistants((5)) and ((his/her)) the council administrator's secretary((5));
140	((9-)) (9) $((T))$ the ombudsman and $((his/her))$ the ombudsman's staff $((5))$;
141	((10-)) (10) $((All))$ an employee((s)) of the department of assessments((-,));
142	((11.)) (11) ((All)) an employee((s)) assigned to either the board of equalization
143	((and/))or the board of appeals, or both;
144	((12.)) (12) ((A))any other county employee who has direct contact with the board
145	of appeals and equalization in the carrying out of his or her duties((, and));
146	((13.)) (13) a ((M))member of either the county board of appeals ((and/))or the
147	board of equalization, or both; and
148	((14.)) (14) $((C))$ clerk of the council((, his/her)) secretaries((;)).
149	b. All persons listed in ((subsections 1-14 above)) subsection A.15.a.(1). Through
150	(14). of this section, who wish to appeal to the county board of equalization on a matter of
151	property revaluation shall be governed by the procedure ((set forth)) in K.C.C. 3.04.040;
152	((P.)) 16. As an appointive member of a board or commission, has a close relative
153	serving on the same board or commission. For the purposes of this subsection, close
154	relative is defined as:

155	Husband	Wife	
156	Father	Father-in-law	
157	Mother	Mother-in-law	
158	Brother	Brother-in-law	
159	Sister	Sister-in-law	
160	Son-in-law	Daughter-in-law	
161	Niece	Nephew	
162	Grandparent	Grandchild	
163	Uncle	Aunt	
164	Child	Child of domestic partner	
165	Domestic par	tner	
166	In addition, the relati	ves of a domestic partner shall be considered close relatives to the	
167	same extent such rela	ntives would be included in this ((paragraph)) subsection if the	
168	employee and the do	mestic partner were married((-));	
169	((Q:)) 17. Discloses or uses for the personal benefit of the employee or his or her		
170	immediate family any information acquired in the course of official duties which is not		
171	available as a matter of public knowledge or public record; or		
172	((R.)) <u>18.</u> Ac	ets as an accomplice in any act by an immediate family member which,	
173	if such act were perfe	ormed by the employee would be prohibited by ((the provisions of	
174	paragraphs A, B, C,	D, E, F, G, H, J, K, M, N, O or Q)) 1., 2., 3., 4., 5., 6., 7., 8., 10., 11.,	
175	13., 14., 15. or 17. of	this ((section; provided,))subsection. ((h))However, ((that)) it shall	
176	not be a conflict of ir	nterest for such family member to enter into a bona((-)) fide contract of	
177	employment which is	s not intended to influence the action of the county employee($(\frac{1}{2})$).	

((S. The provisions of paragraphs B, E, and N)) B. Subsection A.2, 5, and 14 of
this section ((are)) \underline{is} not violated by the possession by an employee of a financial interest
in a person or other entity which is not a substantial interest as defined by ((paragraph M))
subsection A.13 of this section.

SECTION 2. Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050 are each hereby amended to read as follows:

Statement of financial and other interests. A. All candidates for county elective office, and nominees for appointment to any county elective office except for judicial candidates, ((and nominees for appointment to county boards and commissions,)) within two weeks of becoming a candidate or nominee, and all elected officials who are defined as county employees under K.C.C. 3.04.017, paid in whole or in part by county funds, shall file with the ((division of records and elections a code of ethics)) board of ethics a statement of financial and other interests as defined in this section. These requirements may be satisfied by filing with the ((division of records and elections)) board of ethics a copy of the report required to be filed by RCW 42.17.240, if this report contains an original signature of the person filing the report. The board of ethics shall forward a copy of such statements, reports and forms to the division of records and elections, or its successor agency, within ten days of their receipt. ((The division of records and elections shall forward a copy of such statements, reports and forms to the board of ethics within 10 days of their receipt.))

B. Within ten days of employment or appointment and on or before April 15 of each year thereafter, the following employees shall file a written statement of financial and other interests, as defined in this section, with the board of ethics: all employees

appointed by the county executive; all employees appointed by the deputy county		
executive or department directors and who are subject to the approval of the county		
executive; all employees of the council; and such additional employees as may be		
determined in accordance with criteria adopted by the board of ethics under subsection C		
of this section. Within two weeks of becoming a nominee for appointment to county		
boards and commissions, the nominee shall file a written statement of financial and other		
interests, as defined in this sections, with the board of ethics.		

C. The board of ethics shall adopt by rule criteria for determining which employees, in addition to those designated in subsection B of this section, are required to complete and file statements of financial and other interests. The criteria must consider the association between the duties and responsibilities of employees and the conflict of interest provisions in K.C.C. 3.04.030.

D.1. The statement of financial and other interests required to be filed under this section must include the following information of which the employee has, or reasonably should have, knowledge for the reporting year:

((1.)) <u>a.</u> ((C)) compensation, gifts and things of value:

- ((a-)) (1) the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017F, with King County in which the employee may participate or has responsibility for, from whom the employee or a member of the employee's immediate family received any compensation, gift or thing of value; and
- ((b.)) (2) the name of the individual who received the compensation, gift or thing of value and the individual's relationship to the employee;
 - ((2.)) <u>b.</u> ((F)) <u>f</u>inancial interests:

224	((a.)) (1) the name of each person engaged in a transaction, as defined by
225	K.C.C. 3.04.017F, with King County in which the employee may participate or has
226	responsibility for, in whom the employee or a member of the employee's immediate
227	family possessed a financial interest; and
228	((b-)) (2) the name of the individual who possessed the financial interest and
229	the individual's relationship to the employee;
230	((3.)) <u>c.</u> $((P))$ positions:
231	((a-)) (1) the name of each person engaged in a transaction, as defined by
232	K.C.C. 3.04.0107F, with King County in which the employee may participate or has
233	responsibility for, with whom the employee or a member of the employee's immediate
234	family held a position;
235	((b.)) (2) the name of the individual who held the position and the individual's
236	relationship to the employee; and
237	((e-)) (3) the title of the position; and
238	((4.)) <u>d.</u> $((R))$ real property:
239	((a.)) (1) real property, listed by street address, assessor parcel number or legal
240	description that was either involved in or the subject of an action by King County, in
241	which the employee or a member of the employee's immediate family possessed a
242	financial interest;
243	((b.)) (2) the name of the individual who possessed the financial interest and
244	the individual's relationship to the employee; and
245	((e-)) (3) the name of the King County department involved in the transaction.

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- 2. Property for which the only county action was valuation for tax purposes does not have to be reported except by those employees of the department of assessments and the board of appeals who are required to file a report. The use the individual made of the real property, such as recreation, personal residence or income, does not have to be reported.
- E. For purposes of the statements of financial and other interests required to be filed annually, the "reporting year" means the preceding calendar year. For purposes of the statements of financial and other interests to be filed within ten days of employment or appointment, the "reporting year" means the preceding twelve calendar months.
- F. An individual filing a statement of financial affairs under subsection A of this section shall swear that the statement is a complete copy of the statement filed under state law and that the information contained in the statement is true and accurate. A county employee filing a statement of financial and other interests under subsection B of this section shall swear that the information in the statement is true and accurate.
- G. The financing of election campaigns shall continue to be governed by other applicable local, state, and federal laws, and not by the provisions of this chapter.
- H. Filing of the written statement of financial and other interests, as defined in this section, does not relieve the employee of the duty to notify his or her supervisor of a potential conflict of interest as required by K.C.C. 3.04.037.
- I. The board may adopt rules and regulations by which affected employees may request suspension or modification of the requirements to disclose financial and other interests set forth in this section if the literal application of the requirements would cause

thereof((;)).

268	a manifestly unreasonable hardship and the suspension or modification would not
269	frustrate the purposes of this chapter.
270	J. The board of ethics may adopt necessary and appropriate rules, regulations and
271	forms related to completing, filing, maintaining and disclosing statements of financial
272	and other interests under this section. The board, if adopting the rules, regulations and
273	forms, shall adopt them as provided in K.C.C. chapter 2.98.
274	SECTION 3. Ordinance 9704, Section 9, as amended, and K.C.C. 3.04.055 are
275	each hereby amended to read as follows:
276	Complaints((5)) = $((1)$)investigations. A. It shall be the responsibility of the
277	ombudsman to investigate and report apparent criminal violations of this chapter to the
278	appropriate law enforcement authorities and to enforce this ordinance according to the
279	powers granted herein((;)).
280	B. Complaints alleging a violation of any of the provisions of this chapter shall be
281	filed with the ombudsman. Any such complaint shall be in writing, verified and signed by
282	the complainant. The complainant may state in writing whether the complainant wishes his
283	or her name not to be disclosed pursuant to the provisions of RCW 42.17.310(1)(e). The
284	complaint shall describe the basis for the complainant's belief that this chapter has been
285	violated((÷)).
286	C. Upon receipt of a complaint meeting the requirements of subsection B of this
287	section, the ombudsman shall cause to be served or mailed, by certified mail, return receipt
288	requested, a copy of the complaint to the person alleged to have violated this chapter within
289	twenty days after the filing of said complaint, and shall promptly make an investigation

291	D. The investigation by the ombudsman shall be directed to ascertain the facts
292	concerning the violation or violations of this chapter alleged in the complaint and shall be
293	conducted in an objective and impartial manner and in furtherance of such investigation the
294	ombudsman is authorized to use the subpoena power to compel sworn testimony from any
295	person and require the production of any records relevant or material to the investigation
296	except information which is legally privileged or otherwise required by law not to be
297	disclosed((;)).
298	E. During the investigation, the ombudsman shall consider any statement of
299	position or evidence with respect to the allegations of the complaint which the complainant
300	or respondent, wishes to submit((;)).
301	F. The results of the investigation shall be reduced to written findings of fact and
302	the finding shall be made that there either is or is not reasonable cause for believing that the
303	respondent has violated one or more of the provisions of this chapter.
304	G. If a finding is made that there is no reasonable cause, said finding shall be
305	served or mailed, by certified mail, return receipt requested, to the complainant and the
306	respondent, and a copy shall be provided to the board of ethics((;)).
307	H.1. If the finding is made that reasonable cause exists to believe that the
308	respondent has violated one or more of the provisions of this chapter, the ombudsman shall
309	prepare an order to that effect, ((eopies)) a copy of which shall be served or mailed, by
310	certified mail, return receipt requested, to the ((complainant and the)) respondent, and the
311	original thereof filed with the ((division of records and elections)) board of ethics.
312	((Copies)) The ombudsman shall provide a copy of the order ((shall also be provided)) to

313	((the highest ranking supervisor of the respondent,)) the office of the prosecuting
314	attorney((, and the board of ethics)). Such reasonable cause order shall include:
315	((1-)) <u>a.</u> $((A))$ <u>a</u> finding that one or more violations of the chapter has occurred;
316	((2-)) b. ((T))the factual basis for such finding((-)); and
317	((3-)) <u>c</u> . $((A))$ <u>a</u> notice informing the respondent that the respondent has the right
318	to request a hearing before the board of ethics as set forth in ((Section)) K.C.C. 3.04.057.
319	2. If the respondent does not request an appeal hearing in a timely manner under
320	K.C.C. 3.04.057, the ombudsman shall provide a copy of the reasonable cause order to
321	the complainant and the respondent's appointing authority.
322	SECTION 4. Ordinance 9704, Section 10, as amended, and K.C.C. 3.04.057 are
323	each hereby amended to read as follows:
324	Appeal. A. Any respondent aggrieved by an order of the ombudsman may request
325	in writing within twenty days of the service of the order upon the respondent an appeal
326	hearing before the board of ethics. The request shall cite the order appealed from and
327	specify with particularity the findings being contested. The request shall be filed with the
328	board of ethics, with a copy provided to the ombudsman;
329	B. Any order issued by the ombudsman pursuant to K.C.C. 3.04.055 shall become
330	final twenty days after service of the order unless a written request for an appeal hearing as
331	set forth above is received by the board of ethics within the twenty-day period;
332	C. If an order of the ombudsman has been timely appealed, a hearing shall be
333	conducted by the board of ethics for the purpose of affirming, denying((5)) or modifying the
334	order. The parties to the hearing shall be the respondent and the ombudsman or his or her
335	designee. There shall be a verbatim record kept of the hearing and the board of ethics shall

have the power to administer oaths and affirmations, issue subpoenas((5)) and compel
attendance, take evidence((5)) and require the production of any books, papers,
correspondence, memoranda((5)) or other records relevant or material to the hearing. The
burden of proving that a violation occurred shall at all times be upon the ombudsman. The
board of ethics's decision shall be based upon a preponderance of the evidence. Such
hearing shall be conducted within a reasonable time after receipt of the request for appeal.
Written notice of the time and place of the hearing shall be given at least ten days prior to
the date of the hearing to the parties;

- D. At the hearing, each party shall have the following rights:
- 1. To call and examine witnesses on any matter relevant to the issues raised by the order of the ombudsman or his or her designee;
 - 2. To introduce documentary and physical evidence;
 - 3. To cross-examine opposing witnesses on any relevant matter;
- 4. To impeach any witness regardless of which party first called the witness to testify;
 - 5. To rebut evidence against him or her; and
- 6. To represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so;
- E. Following review of the evidence submitted, the board shall within a reasonable time enter written findings and conclusions and shall affirm or modify the order previously issued if the board finds that one or more violations of this chapter has occurred. The board shall reverse the order if it finds no violations of this chapter have occurred. A copy of the board's decision shall be served or mailed, by certified mail, return receipt requested, to the

((ombudsman and the)) respondent, and the original thereof ((filed with the division of records and elections)) retained by the board. ((Copies of the board's)) The board shall provide a copy of its decision ((shall also be provided)) to the ombudsman, ((highest ranking supervisor of)) the respondent's appointing authority, the office of the prosecuting attorney((5)) and the complainant.

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Ordinance 14218 was introduced on 5/7/01 and passed by the Metropolitan King County Council on 10/1/01, by the following vote:

Yes: 11 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz, Mr. McKenna, Ms. Sullivan, Mr. Gossett, Ms. Hague, Mr. Thomas and Mr. Irons

No: 0

Excused: 2 - Mr. Nickels and Mr. Pullen

KING COUNTY COUNCIL
KING COUNTY, VASHINGTON

Pete von Reichbauer, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 11 day of OCTOBER 2001

Ron Sims, County Executive

Attachments

None