



KING COUNTY
Signature Report

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

February 17, 2010

Ordinance 16758

Proposed No. 2009-0598.1

Sponsors Lambert

1 AN ORDINANCE relating to technical corrections to
2 employee code of ethics provisions; and amending
3 Ordinance 12014, Section 2, as amended, and K.C.C.
4 3.04.017, Ordinance 1308, Section 5, as amended, and
5 K.C.C. 3.04.040, Ordinance 9704, Section 9, as amended,
6 and K.C.C. 3.04.055 and Ordinance 12138, Section 4, as
7 amended, and K.C.C. 3.04.120.

8 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

9 SECTION 1. Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017 are
10 each hereby amended to read as follows:

11 For the purposes of this chapter, ((A))all words shall have their ordinary and usual
12 meanings except those defined in this section which shall have, in addition, the following
13 meanings. In the event of conflict, the specific definitions set forth in this section shall
14 presumptively, but not conclusively, prevail.

15 A. "Accomplice" means a person who with knowledge that an action will
16 promote or facilitate the commission of a crime or violation of an ordinance:

17 1. Solicits, commands, encourages or requests another person to commit ((#))
18 the crime or violation; or

19 2. Aids or agrees to aid (~~(such other)~~) another person in planning or committing
20 (~~(#)~~) the crime or violation.

21 B. "Compensation" means anything of economic value, however designated,
22 which is paid, granted or transferred, or is to be paid, granted or transferred for, or in
23 consideration of, personal services to any person.

24 C. "County action" means any action on the part of the county, including, but not
25 limited to:

26 1. Any decision, determination, finding, ruling or order; and

27 2. Any grant, payment, award, license, contract, transaction, sanction or
28 approval, or the denial thereof or the failure to act with respect thereto. "County action"
29 shall not include actions of the county's judicial branch but shall include employees of the
30 department of judicial administration.

31 D. "County employee" or "employee" means any individual who is appointed as
32 an employee by the appointing authority of a county agency, office, department, council,
33 board, commission or other separate unit or division of county government, however
34 designated, but does not include employees of the county's judicial branch. "County
35 employee" also includes county elected officials and members of county boards,
36 commissions, committees or other multimember bodies, but does not include officials or
37 employees of the county's judicial branch but does include employees of the department
38 of judicial administration.

39 E. "Department" means:

40 1. In the executive branch, an executive department or administrative office that
41 reports to the executive or the county administrative officer, as applicable;

- 42 2. The department of assessments;
- 43 3. The office of the prosecuting attorney;
- 44 4. In the legislative branch, the council together with any subordinate legislative
- 45 branch agency;
- 46 5. The department of judicial administration;
- 47 6. The department of public safety; and
- 48 7. The office of economic and financial analysis.

49 F. "Doing business with the county" or "transactions with the county" means to
50 participate in any proceeding, application, submission, request for ruling or other
51 determination, contract, claim, case or other such a particular matter (~~(which)~~) that the
52 county employee or former county employee in question believes, or has reason to
53 believe:

- 54 1. Is, or will be, the subject of county action;
- 55 2. Is one to which the county is or will be a party; or
- 56 3. Is one in which the county has a direct and substantial proprietary interest.

57 G. "Gift" means anything of economic value, but shall not include campaign
58 contributions regulated by (~~(the provisions of)~~) chapter 42.17 RCW, the charter and
59 ordinances implementing them, informational materials exclusively for official or office
60 use, memorials, trophies and plaques of no commercial value, gifts of twenty dollars or
61 less for bona fide, nonrecurring, ceremonial occasions or any gifts which are not used and
62 which within thirty days after receipt are returned to the donor, or donated to a charitable
63 organization without seeking a tax deduction.

64 H. "Immediate family" means a county employee's spouse, domestic partner,
65 employee's child or the child of an employee's spouse or domestic partner, and other
66 dependent relatives if living in his or her household.

67 I. "Ombudsman" means the director of the office of citizen complaints
68 established (~~(pursuant to)~~) under Section 260 of the King County Charter and K.C.C.
69 chapter 2.52, or his or her designee.

70 J. "Participate" means, in connection with a transaction involving the county, to
71 be involved in a county action personally and substantially as a county employee either
72 directly, or through others through approval, disapproval, decision, recommendation, the
73 rendering of advice, investigation or otherwise. However, for the purposes of K.C.C.
74 3.04.035, "participate" does not include the provision of legal advice or other activities
75 involving the practice of law and does not include, as an elected official, preparation,
76 consideration or enactment of legislation or the performance of legislative duties.

77 K. "Person" means any individual, partnership, association, corporation, firm,
78 institution or other entity, whether or not operated for profit. The term does not include
79 governmental units of the state of Washington or the United States unless so specified.

80 L. "Respondent" means the person against whom a complaint is filed or an
81 investigation is conducted.

82 M. "Retaliatory action" means any action by a supervisor or other employee that
83 is intended to embarrass or to harass any person as a result of the person having filed a
84 written complaint with the office of citizen complaints or having raised privately or
85 publicly any concern or question regarding an actual or apparent violation of this chapter.

86 N. "Thing of value" means anything of tangible worth which is not compensation
87 or a gift.

88 SECTION 2. Ordinance 1308, Section 5, as amended, and K.C.C. 3.04.040 are
89 each hereby amended to read as follows:

90 All persons deemed to have a conflict of interest, (~~pursuant to Section~~
91 ~~3.04.030(O))~~ in accordance with K.C.C. 3.04.030.A., and wishing to appeal to the
92 county board of equalization shall be governed by the following procedure;

93 The appeal shall be automatically denied by the county board of equalization
94 without hearing and a minute entry shall be made. The petitioner may then take action to
95 appeal the decision of the county board of equalization to the State Board of Appeals in
96 accordance with RCW 84.08.130.

97 However, the Board of Equalization may grant a change of venue to a Board of
98 Equalization of another county, as provided in K.C.C. Title 2, (~~(K.C.C.,)~~) in lieu of
99 automatic denial, when:

100 A. A quorum cannot be achieved due to members of the board disqualifying
101 themselves because of conflicts of interest or the appearance of fairness doctrine; or

102 B. When equalization is the basis for an appeal by a member of the board,
103 assistants to the board, or any member of the county governmental authority or his or her
104 own property or on property in which that person has an interest.

105 SECTION 3. Ordinance 9704, Section 9, as amended, and K.C.C. 3.04.055 are
106 each hereby amended to read as follows:

107 A. It shall be the responsibility of the ombudsman to investigate and report
108 apparent criminal violations of this chapter to the appropriate law enforcement authorities
109 and to enforce this ordinance according to the powers granted herein.

110 B. Complaints alleging a violation of ~~((any of the provisions of))~~ this chapter
111 shall be filed with the ombudsman. Any such a complaint shall be in writing, verified
112 and signed by the complainant. The complainant may state in writing whether the
113 complainant wishes his or her name not to be disclosed ~~((pursuant to the provisions of~~
114 RCW 42.17.310(1)(e)) in accordance with RCW 42.56.240(2). The complaint shall
115 describe the basis for the complainant's belief that this chapter has been violated.

116 C. Upon receipt of a complaint meeting the requirements of subsection B₂ of this
117 section, the ombudsman shall cause to be served or mailed, by certified mail, return
118 receipt requested, a copy of the complaint to the person alleged to have violated this
119 chapter within twenty days after the filing of said complaint, and shall promptly make an
120 investigation thereof.

121 D. The investigation by the ombudsman shall be directed to ascertain the facts
122 concerning the violation or violations of this chapter alleged in the complaint and shall be
123 conducted in an objective and impartial manner and in furtherance of ~~((such))~~ the
124 investigation the ombudsman is authorized to use the subpoena power to compel sworn
125 testimony from any person and require the production of any records relevant or material
126 to the investigation except information which is legally privileged or otherwise required
127 by law not to be disclosed.

128 E. During the investigation, the ombudsman shall consider any statement of
129 position or evidence with respect to the allegations of the complaint which the
130 complainant or respondent, wishes to submit.

131 F. The results of the investigation shall be reduced to written findings of fact and
132 the finding shall be made that there either is or is not reasonable cause for believing that
133 the respondent has violated ~~((one or more of the provisions of))~~ this chapter.

134 G. If a finding is made that there is no reasonable cause, said finding shall be
135 served or mailed, by certified mail, return receipt requested, to the complainant and the
136 respondent, and a copy shall be provided to the board of ethics.

137 H.1. If the finding is made that reasonable cause exists to believe that the
138 respondent has violated ~~((one or more of the provisions of))~~ this chapter, the ombudsman
139 shall prepare an order to that effect, a copy of which shall be served or mailed, by
140 certified mail, return receipt requested, to the respondent, and the original thereof filed
141 with the board of ethics. The ombudsman shall provide a copy of the order to the office
142 of the prosecuting attorney. Such a reasonable cause order shall include:

- 143 a. a finding that one or more violations of the chapter has occurred;
- 144 b. the factual basis for ~~((such))~~ the finding; and
- 145 c. a notice informing the respondent that the respondent has the right to request
146 a hearing before the board of ethics as set forth in K.C.C. 3.04.057.

147 2. If the respondent does not request an appeal hearing in a timely manner under
148 K.C.C. 3.04.057, the ombudsman shall provide a copy of the reasonable cause order to
149 the complainant and the respondent's appointing authority.

150 SECTION 4. Ordinance 12138, Section 4, as amended, and K.C.C. 3.04.120 are
151 each hereby amended to read as follows:

152 A.1. Each consultant entering into a contract to provide professional or technical
153 services to the county costing in excess of ~~((two thousand five hundred dollars))~~ the
154 amount specified in K.C.C. 4.16.095 shall file both with the King County board of ethics
155 and the executive a sworn written statement disclosing the following information:

156 a. any office or directorship in the consultant held by any county employee or
157 any member of his or her immediate family;

158 b. any financial interest in the consultant held or received by any county
159 employee or any member of his or her immediate family as follows:

160 (1) ownership of over five percent of the stock or other form of interest in the
161 consultant; and

162 (2) receipt of any compensation, gift or thing of value from the consultant;

163 c. a list of all contracts between the consultant and the county in the five years
164 immediately preceding the presently contemplated contract including the amount of
165 money paid by the county to the consultant ~~((pursuant to))~~ in accordance with each
166 contract;

167 d. any position or positions on any county board or commission, whether
168 salaried or unsalaried, held by any officer or director of the consultant in the five years
169 immediately preceding the presently contemplated contract; and

170 e. any other information known to the consultant about any interest or
171 relationship whatsoever between any county employee, including any member of his or

172 her immediate family, and the consultant, other than that disclosed (~~(pursuant to)~~) in
173 accordance with subsection A.1.a. through d. of this section.

174 2. Unless otherwise specified in this section, the information disclosed shall
175 cover the period twenty-four months before and including the date of filing the sworn
176 statement.

177 3. A consultant filing a King County consultant disclosure form in accordance
178 with this section shall execute a written declaration that:

179 a. recites that the information in the disclosure form is declared by the
180 consultant to be true, complete and correct under penalty of perjury;

181 b. is signed by the consultant;

182 c. states the date and place of the declaration's execution; and

183 d. states that the declaration is so declared under the laws of the state of

184 Washington.

185 B. No payment shall be made on any contract with any consultant until five days
186 after receipt by the board of ethics and the executive of the information required to be
187 disclosed by this section.

188 C. For purposes of this section, "consultant" means a person(~~(, as defined in~~
189 ~~K.C.C. 3.04.017,))~~) who by experience, training and education has established a reputation
190 or ability to provide professional or technical services, as defined in K.C.C. 4.16.010, on

191 a

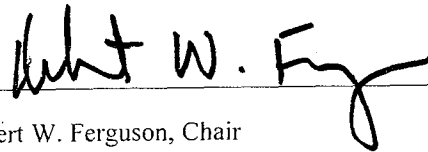
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193 discrete, nonrecurring basis over a limited and pre-established term as an independent
194 contractor to the county.

Ordinance 16758 was introduced on 1/19/2010 and passed by the Metropolitan King County Council on 2/16/2010, by the following vote:

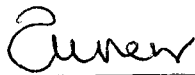
Yes: 6 - Ms. Drago, Mr. von Reichbauer, Mr. Gossett, Ms. Lambert,
Mr. Ferguson and Mr. Dunn
No: 0
Excused: 3 - Mr. Phillips, Ms. Hague and Ms. Patterson

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



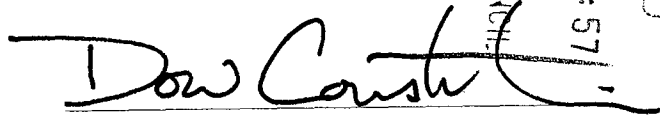
Robert W. Ferguson, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 26th day of February, 2010



Dow Constantine, County Executive

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CLERK
KING COUNTY COUNCIL

Attachments: None