



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Ordinance 19661

Proposed No. 2023-0180.2

Sponsors Dembowski

1 AN ORDINANCE relating to the King County office of
2 public complaints; amending Ordinance 473, Section 2, as
3 amended, and K.C.C. 2.52.020, Ordinance 5869, Section 4,
4 as amended, and K.C.C. 2.52.030, Ordinance 473, Section
5 4, as amended, and K.C.C. 2.52.040, Ordinance 473,
6 Section 9, as amended, and K.C.C. 2.52.090, Ordinance
7 473, Section 11, as amended, and K.C.C. 2.52.110,
8 Ordinance 473, Section 15, as amended, and K.C.C.
9 2.52.150, Ordinance 473, Section 18, as amended, and
10 K.C.C. 2.52.170, Ordinance 9704, Section 1, as amended,
11 and K.C.C. 3.04.015, Ordinance 12014, Section 2, as
12 amended, and K.C.C. 3.04.017, Ordinance 1308, Section 3,
13 as amended, and K.C.C. 3.04.020, Ordinance 9704, Section
14 9, as amended, and K.C.C. 3.04.055, Ordinance 1321,
15 Section 2, as amended, and K.C.C. 3.04.080, Ordinance
16 1321, Section 3, as amended, and K.C.C. 3.04.090 and
17 Ordinance 1321, Section 4, as amended, and K.C.C.
18 3.04.100.

19 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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20 SECTION 1. Ordinance 473, Section 2, as amended, and K.C.C. 2.52.020 are
21 hereby amended to read as follows:

22 (~~The King County~~) In accordance with Section 260 of the King County Charter,
23 the office of ((~~citizen~~)) public complaints/tax advisor is established and may also be
24 referred to as the ombuds office.

25 SECTION 2. Ordinance 5869, Section 4, as amended, and K.C.C. 2.52.030 are
26 hereby amended to read as follows:

27 The director of the ombuds office (~~(of citizen complaints/tax advisor)~~) shall be
28 appointed by a majority of the members of the county council.

29 SECTION 3. Ordinance 473, Section 4, as amended, and K.C.C. 2.52.040 are
30 hereby amended to read as follows:

31 The director shall be a registered voter of the United States, shall hold a degree
32 from an accredited college or its equivalent in service to government, shall have a
33 working knowledge of legal and administrative procedures, and shall have either
34 experience(~~, and~~) or knowledge, or both, in local government commensurate to the
35 powers of the office. During the term of which the director is appointed, the director
36 shall be ineligible to hold any other public office of employment. The director shall not
37 be a candidate for any public office for a period of two years following the completion of
38 the director's term as the director of the (~~(King County)~~) ombuds office (~~(of citizen~~
39 ~~complaints/tax advisor)~~). The director shall not be included in the classified civil or
40 career service of the county.

41 SECTION 4. Ordinance 473, Section 9, as amended, and K.C.C. 2.52.090 are
42 hereby amended to read as follows:

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43 The director shall have the following powers:

44 A. To investigate, on complaint or on the director's own initiative, any

45 administrative act of any administrative agency~~((:))~~, including:

46 ~~((B-))~~ 1. To prescribe the methods by which complaints are made, received and
47 acted upon; to determine the scope and manner of investigations to be made; and, subject
48 to the requirements of this chapter, to determine the form, frequency, and distribution of
49 the director's conclusions and recommendations;

50 ~~((C-))~~ 2. To request and be given by each administrative agency the assistance
51 and information the director deems necessary for the discharge of the director's
52 responsibilities; to examine the records and documents of all administrative agencies; and
53 to enter and inspect premises within administrative agencies' control;

54 ~~((D-))~~ 3. To administer oaths and hold hearings in connection with any matter
55 under inquiry;

56 ~~((E-))~~ 4. To issue a subpoena to compel any person to appear, give sworn
57 testimony, or produce documentary or other evidence reasonable in scope and generally
58 relevant to a matter under inquiry; however, the subpoena power shall be limited to
59 matters under written complaints by a ~~((citizen of the city or))~~ resident of the county; and

60 ~~((F-))~~ 5. To undertake, participate in, or cooperate with general studies or
61 inquiries, whether or not related to any particular administrative agency or any particular
62 administrative act, if the director believes that ~~((they may))~~ the general studies or
63 enquiries might enhance knowledge about or lead to improvements in the functioning of
64 administrative agencies~~((:))~~;

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65 ~~((G-))~~ B. To investigate and enforce the provisions of the King County Code
66 chapter about lobbyist disclosure, K.C.C. chapter 1.07, in accordance with the terms
67 thereof;

68 C. To investigate and enforce the provisions of the ~~((C))~~code of ~~((E))~~ethics,
69 K.C.C. chapter~~((:))~~ 3.04, ~~((pursuant to))~~ in accordance with the terms thereof~~((:))~~;

70 D. To investigate and enforce the provisions of the King County Code chapter
71 about whistleblower protection, K.C.C. chapter 3.42, in accordance with the terms
72 thereof; and

73 ~~((H-))~~ E. To provide advice to any person liable for payment of property taxes in
74 King County, including the process for appealing property tax assessments and other
75 matters related to property taxes.

76 SECTION 5. Ordinance 473, Section 11, as amended, and K.C.C. 2.52.110 are
77 hereby amended to read as follows:

78 A. The director shall receive complaints from any source concerning any
79 administrative act. The director shall conduct a suitable investigation into the subject
80 matter of the complaint within a reasonable time, unless the director believes that:

81 1. The complainant has available another remedy or channel of complaint that the
82 complainant could reasonably be expected to use;

83 2. The grievance pertains to a matter outside the power of the ombuds office ~~((of~~
84 ~~citizen complaints/tax advisor))~~;

85 3. The complainant's interest is insufficiently related to the subject matter;

86 4. The complaint is trivial, frivolous, vexatious, or not made in good faith; or

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87 5. The complaint has been too long delayed to justify present examination of its
88 merit.

89 B. After completing the director's consideration of a complaint ~~((~~))~~ whether or not
90 it has been investigated~~((~~))~~, the director shall suitably inform the complainant and the
91 administrative agency or agencies involved.~~~~

92 C. A letter to the ombuds director ~~((of the office of citizen complaints/tax advisor))~~
93 from a person in a place of detention or in a hospital or other institution under the control of
94 an administrative agency shall be forwarded immediately, unopened, to the director.

95 SECTION 6. Ordinance 473, Section 15, as amended, and K.C.C. 2.52.150 are
96 hereby amended to read as follows:

97 In addition to whatever reports the director may make from time to time, the
98 director shall report to the county council ~~((semiannually))~~ annually. The director shall file
99 the report by March 1 ~~((and September 1))~~ of each year, in the form of a paper original and
100 an electronic copy with the clerk of the council, who shall retain the original and provide an
101 electronic copy to all councilmembers, the council chief of staff, and the executive. The
102 director shall also transmit that portion of the report related to ethics complaints, as
103 described in subsection C. of this section, annually by March 1 of each year, in the form of
104 an electronic copy to the board of ethics administrator, who shall provide an electronic
105 copy to all board members. The ombuds report shall include, but not be limited to:

106 A. The exercise of the director's functions under this chapter during the preceding
107 ~~((six month period))~~ calendar year. In discussing matters with which the director has dealt,
108 the director need not identify those immediately concerned if to do so would cause

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109 unnecessary hardship. Insofar as the report may criticize named agencies or persons, it
110 must also include their replies to the criticism; and

111 B. The status of the lobbyist disclosure program described in K.C.C. chapter 1.07
112 from the proceeding calendar year, including a summary of case outcomes of complaints
113 alleging a violation of K.C.C. chapter 1.07 that are no longer eligible for appeal, resource
114 issues, and any concerns and recommendations for program improvement raised by
115 members of the public or county employees; and

116 C. The status of the employee code of ethics program described in K.C.C. chapter
117 3.04 from the proceeding calendar year, including a summary of case outcomes of
118 complaints alleging a violation of K.C.C. chapter 3.04 that are no longer eligible for appeal,
119 resource issues, and any concerns and recommendations for program improvement raised
120 by members of the public or county employees; and

121 D. The status of the whistleblower program described in K.C.C. chapter 3.42 from
122 the preceding ~~((six month period))~~ calendar year, including ~~((summarizing))~~ a summary of
123 improper governmental action and retaliation claims processed during the reporting period,
124 case outcomes ~~((from))~~ of all claims investigated by ~~((King County officials))~~ the ombuds,
125 resource issues, any concerns raised by whistleblowers about the process, and any
126 recommendations for program improvements. The ombuds is encouraged to seek feedback
127 from participants in the whistleblower process when preparing the report.

128 SECTION 7. Ordinance 473, Section 18, as amended, and K.C.C. 2.52.170 are
129 hereby amended to read as follows:

130 A. A person required by the director to provide information shall be paid the same
131 fees and allowances, in the same manner and under the same conditions, as are extended to

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132 witnesses whose attendance has been required in the courts of this state, excepting that city
133 or county employees who are receiving compensation for the time that they are witnesses
134 shall not be paid the set fees and allowances.

135 B. A person who, with or without service of compulsory process, provides oral or
136 documentary information requested by the director shall be accorded the same privileges
137 and immunities as are extended to witnesses in the courts of this state.

138 C. Any witness in a proceeding before the ombuds office (~~(of the office of citizen~~
139 ~~complaints/tax advisor)~~) shall have the right to be represented by counsel.

140 D. If a person fails to obey a subpoena, or obeys a subpoena but refuses to testify
141 when requested concerning any matter under examination or investigation at the hearing,
142 the director may petition the superior court of King County for enforcement of the
143 subpoena. The petition shall be accompanied by a copy of the subpoena and proof of
144 service, (~~and~~) shall set forth in what specific manner the subpoena has not been complied
145 with, and shall ask an order of the court to compel the witness to appear and testify before
146 the ombuds office (~~(of citizen complaints/tax advisor)~~). The court upon such petition shall
147 enter an order directing the witness to appear before the court at a time and place to be
148 fixed in such order and then and there to show cause why the witness has not responded to
149 the subpoena or has refused to testify. A copy of the order shall be served upon the
150 witness. If it appears to the court that the subpoena was properly issued and that the
151 particular questions (~~which~~) that the witness refuses to answer are reasonable and
152 relevant, the court shall enter an order that the witness appear at the time and place fixed in
153 the order and testify or produce the required papers and on failing to obey the order the
154 witness shall be dealt with as for a contempt of court.

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155 SECTION 8. Ordinance 9704, Section 1, as amended, and K.C.C. 3.04.015 are
156 hereby amended to read as follows:

157 A. It is the policy of King County that the private conduct and financial dealings of
158 public officials and employees and of candidates for public office shall present no actual or
159 apparent conflict of interest between the public trust and private interest.

160 B. Public confidence in government is essential and must be sustained by
161 establishing and enforcing rules to ~~((assure))~~ ensure the impartiality and honesty of officials
162 and employees in all public transactions and decisions. Each affected agency of county
163 government should inform its employees of the provisions of this chapter and strive to
164 effectively enforce its requirements by seeking appropriate assistance from the ombuds
165 office ~~((of citizen complaints))~~, the board of ethics, and the prosecuting attorney when
166 considering and acting upon allegations of misconduct.

167 C. Former county employees should engage in transactions with the county
168 consistent with the highest level of ethical conduct. It is essential that former county
169 employees and the county maintain public confidence and ensure fair dealings with all
170 persons by the county. A former county employee should not act, or appear to act, in such
171 a manner as to take improper advantage of the former county employee's previous office or
172 position with the county. A former county employee should not request or otherwise seek
173 special consideration, treatment, or advantage beyond that which is available to every other
174 person. A former county employee should avoid circumstances in which it appears, or to a
175 reasonable person might appear, that the former county employee is requesting or
176 otherwise seeking special consideration, treatment, or advantage.

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

179 The definitions in this section apply throughout this chapter unless the context
180 clearly requires otherwise.

181 A. "Accomplice" means an individual who with knowledge that an action will
182 promote or facilitate the commission of a crime or violation of an ordinance:

183 1. Solicits, commands, encourages, or requests another individual to commit the
184 crime or violation; or

185 2. Aids or agrees to aid another individual in planning or committing the crime or
186 violation.

187 B. "Close relative" means spouse, domestic partner, parent, child, child of domestic
188 partner, sibling, aunt, uncle, niece, nephew, grandparent, grandchild, father-in-law, mother-
189 in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, or relatives of a domestic
190 partner who would be included in this subsection if the employee and the domestic partner
191 were married.

192 C. "Compensation" means anything of economic value that is paid, granted, or
193 transferred, or is to be paid, granted, or transferred for, or in consideration of, personal
194 services to any person.

195 D. "County action" means any action on the part of the county, including, but not
196 limited to:

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

198 2. Any grant, payment, award, license, contract, transaction, sanction, or approval,
199 or the denial thereof or the failure to act with respect thereto. "County action" shall not

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200 include actions of the county's judicial branch but shall include employees of the
201 department of judicial administration.

202 E. "County employee" or "employee" means any individual who is appointed as an
203 employee by the appointing authority of a county agency, office, department, council,
204 board, commission, or other separate unit or division of county government, however
205 designated, but does not include employees of the county's judicial branch. "County
206 employee" also includes county elected officials and members of county boards,
207 commissions, committees, or other multimember bodies, but does not include officials or
208 employees of the county's judicial branch but does include employees of the department of
209 judicial administration.

210 F. "De minimis personal use" means: personal use that is brief and infrequent,
211 incurs negligible or no additional cost to the county, and does not interfere with the conduct
212 of county business.

213 G. "Department" means:

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

216 2. The department of assessments;

217 3. The prosecuting attorney's office;

218 4. In the legislative branch, the council together with any subordinate legislative
219 branch agency;

220 5. The department of judicial administration;

221 6. The department of public safety;

222 7. The office of economic and financial analysis; and

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223 8. The department of elections.

224 H. "Doing business with the county" or "transactions with the county" means to
225 participate in any proceeding, application, submission, request for ruling, or other
226 determination, contract, claim, case, or other such a particular matter that the county
227 employee or former county employee in question believes, or has reason to believe:

228 1. Is, or will be, the subject of county action;

229 2. Is one to which the county is or will be a party; or

230 3. Is one in which the county has a direct and substantial proprietary interest.

231 I. "Gift or thing of value" or "gift or other thing of value" means anything of
232 economic value or tangible worth that is not compensation. It shall not include campaign
233 contributions regulated by chapter 42.17A RCW or the charter and ordinances
234 implementing it; informational materials exclusively for official or office use; memorials,
235 trophies, and plaques of no commercial value; gifts of fifty dollars or less for bona fide,
236 nonrecurring, ceremonial occasions; any gifts that are not used and that, within thirty days
237 after receipt, are returned to the donor, or donated to a charitable organization without
238 seeking a tax deduction; or promotional benefits that an employee receives from a travel
239 service provider in connection with official travel if obtained under the same conditions as
240 those offered to the general public at no additional cost to the county.

241 J. "Immediate family" means a county employee's spouse, domestic partner,
242 employee's child or the child of an employee's spouse or domestic partner, and other
243 dependent relatives if living in the employee's household.

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244 K. "Ombuds" means the director of the King County ombuds office (~~(of citizen~~
245 ~~complaints)~~), established under Section 260 of the King County Charter and K.C.C.
246 chapter 2.52, or designee.

247 L. "Participate" means, in connection with a transaction involving the county, to be
248 involved in a county action personally and substantially as a county employee either
249 directly, or through others through approval, disapproval, decision, recommendation, the
250 rendering of advice, investigation, or otherwise. However, for the purposes of K.C.C.
251 3.04.035, "participate" does not include the provision of legal advice or other activities
252 involving the practice of law and does not include, as an elected official, preparation,
253 consideration, or enactment of legislation or the performance of legislative duties.

254 M. "Person" means any individual, partnership, association, corporation, firm,
255 institution, or other entity, whether or not operated for profit. The term does not include
256 governmental units of or within the United States.

257 N. "Respondent" means the individual against whom a complaint is filed or an
258 investigation is conducted.

259 O. "Retaliatory action" means any action by a supervisor or other employee that is
260 intended to embarrass or to harass any individual as a result of the individual having filed a
261 written complaint with the ombuds office (~~(of citizen complaints)~~) or having raised
262 privately or publicly any concern or question regarding an actual or apparent violation of
263 this chapter.

264 P. "Substantial financial interest" means a financial interest in a person that
265 exceeds one-tenth of one percent of the outstanding securities of the person, or, if the
266 interest is in an unincorporated business concern, exceeds one percent of the net worth of

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267 the concern; or a financial interest that exceeds five percent of the net worth of the
268 employee and the employee's immediate family.

269 SECTION 10. Ordinance 1308, Section 3, as amended, and K.C.C. 3.04.020 are
270 hereby amended to read as follows:

271 A. No county employee shall request, use, or permit the use of county-owned
272 vehicles, equipment, materials, or other property or the expenditure of county funds for
273 personal convenience or profit. Use or expenditure is to be restricted to such services as are
274 available to the public generally or for such employee in the conduct of official business.
275 However, de minimis personal use of county-owned property by county employees may be
276 authorized by policies of the executive, council, or other elected county officials.

277 B. No county employee shall grant any special consideration, treatment, or
278 advantage beyond that which is available to every other (~~citizen~~) resident.

279 C. Except as authorized by law and in the course of the employee's official duties,
280 no county employee shall use the power or authority of the employee's office or position
281 with the county in a manner intended to induce or coerce any other person, directly or
282 indirectly to provide the county employee or any other person with any compensation, gift,
283 or thing of value.

284 D. No county employee shall seek or receive, directly or indirectly, any
285 compensation, gift, or thing of value, or promise thereof, for performing or for omitting or
286 deferring the performance of any official duty, or action by the county other than the
287 compensation, costs, or fees provided by law.

288 E. County employees are encouraged to participate in the political process on their
289 own time and outside of the workplace by assisting a campaign for the election of any

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290 individual to any office or for the promotion of or opposition to any ballot proposition, but
291 shall not use or authorize the use of the facilities of King County for such purposes except
292 as authorized by RCW 42.17A.555.

293 F. No county employee shall disclose or use for the personal benefit of the
294 employee or the employee's immediate family any information acquired in the course of
295 official duties that is not available as a matter of public knowledge or public record.

296 G. No county employee shall engage in retaliatory action.

297 SECTION 11. Ordinance 9704, Section 9, as amended, and K.C.C. 3.04.055 are
298 hereby amended to read as follows:

299 A. It shall be the responsibility of the ombuds to investigate and report apparent
300 criminal violations of this chapter to the appropriate law enforcement authorities and to
301 enforce this ordinance according to the powers granted (~~herein~~) in this chapter. The
302 ombuds is expressly authorized to serve as an enforcement officer for this chapter and to
303 impose the civil penalties authorized in K.C.C. 3.04.060.

304 B.1. Complaints alleging a violation of this chapter shall be filed with the
305 ombuds.

306 2. The complaint shall describe the basis for the complainant's belief that this
307 chapter has been violated. Any such a complaint shall be in writing, signed by the
308 complainant with location of signing, dated, and declared to be true and correct to the
309 best of the complainant's knowledge under penalty of perjury of the laws of the state of
310 Washington. The complainant may state in writing whether the complainant wishes the
311 complainant's name not to be disclosed in accordance with RCW 42.56.240(2).

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312 3. Any complaint filed under this chapter must be filed within five years from
313 the date of the violation. However, if it is shown that the violation was not discovered
314 because of concealment by the person charged, then the complaint must be filed within
315 two years from the date the violation was discovered or reasonably should have been
316 discovered.

317 C. Upon receipt of a complaint meeting the requirements of subsection B. of this
318 section, and upon a determination that the alleged conduct could constitute a violation of
319 this chapter, the ombuds shall cause to be served or mailed, by certified mail, return
320 receipt requested, a copy of the complaint to the person alleged to have violated this
321 chapter within twenty days after the filing of ~~((said))~~ the complaint, and shall promptly
322 make an investigation thereof. If the ombuds determines that the complaint does not
323 meet the requirements of subsection B. or C. of this section, the ombuds shall inform the
324 complainant in writing of that determination and the reason.

325 D. An investigation by the ombuds under this chapter shall be directed to
326 ascertain the facts concerning the alleged violation or violations of this chapter and shall
327 be conducted in an objective and impartial manner. In furtherance of the investigation
328 the ombuds is authorized to use the subpoena power to compel sworn testimony from any
329 person, and to require the production of any records relevant or material to the
330 investigation except information that is legally privileged or otherwise required by law
331 not to be disclosed.

332 E. During the investigation, the ombuds shall consider any statement of position
333 or evidence with respect to the allegations of the complaint that the complainant or
334 respondent wishes to submit.

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335 F. The results of the investigation shall be reduced to written findings of fact and
336 the finding shall be made that there either is or is not reasonable cause for believing that
337 the respondent has violated this chapter.

338 G. If a finding is made that there is no reasonable cause, ~~((said))~~ the finding shall
339 be served or mailed, by certified mail, return receipt requested, to the complainant and
340 the respondent, and a copy shall be provided to the board of ethics.

341 H.1.a. If the finding is made that reasonable cause exists to believe that the
342 respondent has violated this chapter, the ombuds shall prepare an order to that effect, a
343 copy of which shall be served or mailed, by certified mail, return receipt requested, to the
344 respondent, and the original thereof filed with the board of ethics. The ombuds shall
345 provide a copy of the order to the prosecuting attorney's office. Such a reasonable cause
346 order shall include:

347 ~~((a-))~~ (1) a finding that one or more violations of the chapter has occurred;

348 ~~((b-))~~ (2) the factual basis for the finding;

349 ~~((c-))~~ (3) any civil penalties; and

350 ~~((d-))~~ (4) a notice informing the respondent that the respondent has the right
351 to request a hearing before the board of ethics as set forth in K.C.C. 3.04.057.

352 b. A reasonable cause order may also include any recommendations for
353 disciplinary action to the respondent's appointing authority.

354 2. In determining civil penalties, the ombuds may consider any notification
355 made by the employee under K.C.C. 3.04.037 as a mitigating factor.

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356 3. If the respondent does not request an appeal hearing in a timely manner under
357 K.C.C. 3.04.057, the ombuds shall provide a copy of the reasonable cause order to the
358 complainant and the respondent's appointing authority.

359 I.1. At any stage in the investigation, the respondent may agree to an early
360 resolution agreement in lieu of a finding of reasonable cause by the ombuds.

361 2. An early resolution agreement may not be appealed.

362 3. The agreement shall be in writing and signed by the ombuds and the
363 respondent.

364 4. The respondent shall acknowledge in the agreement that an ethical violation
365 has occurred and that the agreement may not be appealed. The respondent may include a
366 statement explaining circumstances surrounding the ethical violation.

367 5. The agreement shall identify the violations of the chapter that occurred, the
368 factual basis for the violation, and any civil penalties, and may include any
369 recommendations for disciplinary action to the respondent's appointing authority.

370 6. The agreement shall detail appropriate reporting and compliance
371 requirements that shall be monitored by and reported to the ombuds. It shall also include
372 a timeline for such reporting and compliance requirements.

373 7. The agreement shall state that the signed agreement is not effective unless
374 approved by the board of ethics and that the board may require the respondent to attend a
375 board hearing at which the respondent shall be required to respond to inquiries from the
376 board regarding the agreement and the circumstances giving rise to the agreement.

377 8.a. The early resolution agreement is not effective unless approved by the
378 board of ethics. ~~((If approved by the board of ethics, the))~~

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379 b. Within seven days of the ombuds and respondent signing the agreement, the
380 ombuds shall file with the board the signed agreement and a report of all material facts
381 the ombuds considered material in reaching their decision to enter the early resolution
382 agreement.

383 c. Upon an individual member of the board's request to the ombuds, the
384 member shall have the ability to review either the complete ombuds investigative file or
385 those documents supporting the specific material facts considered by the ombuds, or
386 both.

387 d. Before taking action on the agreement, and unless otherwise by action of the
388 board, the board shall require either the respondent or the ombuds, or both, to attend a
389 hearing to respond to inquiries regarding the agreement and circumstances giving rise to
390 the agreement. The hearing shall be conducted within a reasonable time after the board
391 receives the signed agreement and related materials. Written notice of the time and place
392 of the hearing shall be given to the respondent and ombuds at least ten days prior to the
393 hearing date.

394 e. After a sufficient period for the board to consider the agreement, but no later
395 than ninety days after the board receives the signed agreement and related materials, the
396 board shall take one of the following actions:

397 (1) approve the agreement. The board shall send a copy of the approved early
398 resolution agreement to the ombuds, who shall forward a copy to the respondent, the
399 respondent's appointing authority, to the prosecuting attorney's office, and to the
400 complainant((-));

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401 ~~((b-))~~ (2) reject the agreement. If the early resolution agreement is ~~((not~~
402 ~~approved))~~ rejected by the board~~((of ethics)), ((the board shall notify))~~ the ombuds shall
403 complete the investigation in accordance with the provisions of this chapter; or
404 (3) refer the agreement back to the ombuds. The board may direct that the
405 agreement be revised and refer the agreement back to the ombuds. The board should
406 identify the revisions to be made to the agreement before the board will consider
407 approving the agreement. In the event either the ombuds or respondent choose not to
408 amend the agreement, the ombuds shall complete the investigation in accordance with the
409 provisions of this chapter. Any revised agreement must be resubmitted to the board for
410 action in accordance with this subsection I.8.

411 f. After taking final action on an agreement, the board may choose to advise
412 the ombuds in writing of its determination that administrative acts by an administrative
413 agency contributed to the respondent's violation of this chapter and request the ombuds to
414 consider exercising its authority under K.C.C. 2.52.090 to investigate such administrative
415 acts by the administrative agency. The board may also choose to report its determination
416 that improper governmental actions contributed to the respondent's violation of this
417 chapter and request the appropriate investigating official, under K.C.C. 3.42.030.D., who
418 is not the ombuds exercise its authority under K.C.C. 3.42.055 to investigate the report.

419 g. If the board fails to take action as set forth in this subsection I.8., the early
420 resolution agreement shall be effective.

421 9. The ombuds shall monitor the respondent's compliance to the early resolution
422 agreement and the appointing authority's action in response to any disciplinary
423 recommendations in the agreement. The ombuds shall submit a report to the board of

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424 ethics within thirty days after the reporting and compliance deadline set forth in the
425 agreement that details the respondent's compliance to the agreement and the appointing
426 authority's response to disciplinary recommendations.

427 SECTION 12. Ordinance 1321, Section 2, as amended, and K.C.C. 3.04.080 are
428 hereby amended to read as follows:

429 A. There is created a board of ethics, composed of five members, two to be
430 appointed by the county executive, two to be appointed by the county executive from a
431 list of nominees submitted by the county council, and the fifth, who shall be chair, to be
432 appointed by the county executive from a list of nominees submitted by the other four
433 members. All appointments are to be confirmed by the county council.

434 B. Board members shall have demonstrated experience applicable to carrying out
435 the responsibilities of the board, such as experience in the areas of ethics, law, finance,
436 administration, compliance, human resources, or other relevant experience. Board
437 members should also have a willingness to commit the time necessary to attend board
438 meetings and activities as well as a strong commitment to an accountable, transparent,
439 and well-managed board of ethics.

440 C. The terms of the board members shall be three years. The first three members
441 shall be appointed for one, two, and three-year terms, respectively. The chair shall have a
442 three-year term; the other terms are to be determined by lot. A member of the board of
443 ethics may be removed for just cause by a two-thirds vote of the county council, after
444 written charges have been served on the member and a public hearing has been held by
445 the county council.

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446 D. The board shall ~~((be advisory and shall))~~ meet as frequently as it deems
447 necessary. A majority of the board shall constitute a quorum.

448 E. Under K.C.C. 2.16.035, the county administrative officer is responsible for
449 staffing the board. An appropriate budget shall be made for such staffing to provide the
450 board with assistance to carry out its duties, including issuing advisory opinions, issuing
451 decisions on early resolution agreements, hearing appeals of reasonable cause orders, and
452 adopting rules, regulations, and forms. In matters involving the prosecuting attorney's
453 office, the board may request and the prosecutor shall provide special deputy prosecutors
454 to advise the board.

455 SECTION 13. Ordinance 1321, Section 3, as amended, and K.C.C. 3.04.090 are
456 hereby amended to read as follows:

457 The purpose of the board of ethics shall be to ~~((insure))~~ ensure proper
458 implementation and interpretation of the code of ethics under this chapter.

459 SECTION 14. Ordinance 1321, Section 4, as amended, and K.C.C. 3.04.100 are
460 hereby amended to read as follows:

461 In addition to its other authorities set forth in this chapter, ~~((W))~~ whenever
462 requested by a county officer or employee, or whenever it deems it in the public interest,
463 the board of ethics shall render advisory opinions, in writing, concerning questions of
464 ethics, conflicts of interest, and the applicability of the code of ethics. Copies of the


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465 opinion shall be delivered to any officer or employee requesting the opinion, the ombuds,
466 the county executive, and all members of the King County council.

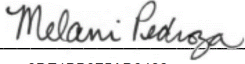
Ordinance 19661 was introduced on 5/2/2023 and passed by the Metropolitan King County Council on 8/22/2023, by the following vote:

Yes: 9 - Balducci, Dembowski, Dunn, Kohl-Welles, Perry, McDermott, Upthegrove, von Reichbauer and Zahilay

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

DocuSigned by:

E76CE01F07B14EF...
Dave Upthegrove, Chair

ATTEST:

DocuSigned by:

8DE1BB375AD3422...
Melani Pedroza, Clerk of the Council

APPROVED this _____ day of 9/1/2023, _____.

DocuSigned by:

4FBCAB8196AE4C6...
Dow Constantine, County Executive

Attachments: None

Certificate Of Completion

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dave.upthegrove@kingcounty.gov
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Melani Pedroza
melani.pedroza@kingcounty.gov
Clerk of the Council
King County Council
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Dow.Constantine@kingcounty.gov
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	9/1/2023 3:43:17 PM
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