



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

June 24, 2003

Ordinance 14689

Proposed No. 2003-0148.2

Sponsors Gossett

1 AN ORDINANCE relating to the code of ethics; revising
2 provision related to former employees and members of
3 county boards and commissions; and amending Ordinance
4 9704, Section 1, and K.C.C. 3.04.015, Ordinance 6144,
5 Section 2, as amended, and K.C.C. 3.04.035 and Ordinance
6 12014, Section 2, as amended, and K.C.C. 3.04.017.

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BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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SECTION 1. Ordinance 9704, Section 1, and K.C.C. 3.04.015 are each hereby

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amended to read as follows:

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Policy.

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A. It is the policy of King County that the private conduct and financial dealings

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of public officials and employees and of candidates for public office shall present no

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actual or apparent conflict of interest between the public trust and private interest.

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B. Public confidence in government is essential and must be sustained by

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establishing and enforcing rules to assure the impartiality and honesty of officials and

18 employees in all public transactions and decisions. Each affected agency of county
19 government should inform its employees of the provisions of this chapter and strive to
20 effectively enforce its requirements by seeking appropriate assistance from the office of
21 citizen complaints, the board of ethics and the prosecuting attorney when considering and
22 acting upon allegations of misconduct.

23 C. Former county employees should engage in transactions with the county
24 consistent with the highest level of ethical conduct. It is essential that former county
25 employees and the county maintain public confidence and ensure fair dealings with all
26 persons by the county. A former county employee should not act, or appear to act, in
27 such a manner as to take improper advantage of the former county employee's previous
28 office or position with the county. A former county employee should not request or
29 otherwise seek special consideration, treatment or advantage beyond that which is
30 available to every other person. A former county employee should avoid circumstances
31 in which it appears, or to a reasonable person might appear, that the former county
32 employee is requesting or otherwise seeking special consideration, treatment or
33 advantage.

34 SECTION 2. Ordinance 6144, Section 2, as amended, and K.C.C. 3.04.035 are
35 each hereby amended to read as follows:

36 **Conflict of ((F))interest - former employees and members of county boards and**
37 **commissions.**

38 ~~((A. A conflict of interest shall be deemed to exist if any individual who has served~~
39 ~~as a member of a county board or commission, does within a period of two years after the~~
40 ~~termination of such service, appear before such board or commission, or receives~~

41 ~~compensation for any services rendered on behalf or in assistance of any person in relation~~
42 ~~to any action with respect to which such individual was directly concerned and in which he~~
43 ~~or she personally participated, either directly or indirectly, during the period of his or her~~
44 ~~service. The foregoing will also apply during the same period of time to any individual~~
45 ~~who is a partner, associate, or member of a person with which the former board or~~
46 ~~commission member has a financial interest;~~

47 ~~B. All other county employees are prohibited from attempting to influence for~~
48 ~~compensation their former departments within one year after termination of county~~
49 ~~employment: provided, that such prohibition shall not apply to former deputy prosecuting~~
50 ~~attorneys with respect to their representation of defendants in criminal proceedings; and,~~
51 ~~provided further that such prohibition shall not apply to former career service employees~~
52 ~~whose termination of county employment is solely the result of a reduction in force due to~~
53 ~~lack of work, lack of funds or considerations of efficiency so long as such former employee~~
54 ~~does not participate in work related to any application, permit, approval or contract on~~
55 ~~which, while a county employee, he or she personally participated or acquired information~~
56 ~~in the course of official duties which is not available as a matter of public knowledge or~~
57 ~~public record. For two years after leaving the county's employ, former employees are~~
58 ~~required to disclose past county employment prior to participation in any county action;~~

59 ~~C. No former county employee may assist any person for compensation or share in~~
60 ~~compensation received by any person on matters concerning which the former employee is~~
61 ~~prohibited from participating personally.))~~

62 A. For one year after terminating service to the county, a former member of a
63 county board, commission, committee or other multimember body may not appear before

64 that board, commission, committee or other multimember body, or receive compensation
65 for any services rendered on behalf of or for assistance to any person, in relation to any
66 county action in which the former member participated during the period of his or her
67 service. This prohibition also applies during the same period of time to any person who
68 is a partner, associate or member of a partnership, association, corporation, firm,
69 institution or other entity, whether or not operated for profit, in which the former member
70 has a financial or beneficial interest. However, this prohibition does not apply if the
71 former member's financial or beneficial interest in any entity listed in this subsection is
72 limited to investments and does not include managerial or other influential authority,
73 including holding controlling interest in any classes of stock.

74 B. For one year after leaving county employment, a former county employee may
75 not have a financial or beneficial interest in a contract or grant that was planned,
76 authorized or funded by a county action in which the former county employee
77 participated during county employment.

78 C. For one year after leaving county employment, a former county employee may
79 not assist a person, whether or not for compensation, in any county action in which the
80 former county employee participated during county employment. This subsection does
81 not prohibit a former county employee from rendering assistance to county employees in
82 the course of employee organization business.

83 D. For one year after leaving county employment, a former employee must
84 disclose his or her past county employment before participation in any county action.
85 The disclosure shall be made in writing to the department considering or taking the
86 county action on which the former employee is or would be participating.

87 E. A former county employee may not, for the personal benefit of the former
88 employee or a member of the former employee's immediate family, disclose or use any
89 privileged or proprietary information gained by reason of the former employee's county
90 employment unless the information is a matter of public knowledge or is available to the
91 public on request.

92 F. A former county employee may not assist any person for compensation on
93 matters in which the former employee is personally prohibited from participating.

94 G. It is not a violation of this chapter for a former county employee to render
95 assistance to a person if the assistance is provided without compensation in any form and
96 is limited to one or more of the following:

97 1. Providing names, work addresses and work telephone numbers of county
98 agencies or county employees, to the extent the information is available as a matter of
99 public record under state law;

100 2. Providing free transportation to another for the purpose of conducting
101 business with a county agency;

102 3. Assisting oneself or another person in obtaining or completing forms required
103 by a county agency for the conduct of a county business;

104 4. Providing assistance to the poor or infirm; or

105 5. Engaging in conduct that is authorized or protected by the constitutions or
106 laws of Washington state or the United States.

107 H.1. This section does not prohibit a former county employee from accepting
108 future employment with the county at any time, including employment with his or her
109 former department.

110 2. Except as otherwise provided in this section, a former county employee is not
111 prohibited from appearing before the county or seeking a county action on his or her own
112 behalf to the same extent other persons may appear before or seek actions by the county.

113 K. Except as otherwise limited by this chapter, a former county employee may
114 contract with the county, or participate in a contract with the county, to provide materials,
115 equipment, supplies or services. However, any such a contract must comply with
116 applicable requirements and procedures related to procurement.

117 SECTION 3. Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017 are
118 each hereby amended to read as follows:

119 **Definitions.** All words shall have their ordinary and usual meanings except those
120 defined in this section which shall have, in addition, the following meanings. In the event
121 of conflict, the specific definitions set forth in this section shall presumptively, but not
122 conclusively, prevail.

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

125 1. ~~((s))~~Solicits, commands, encourages~~((;))~~ or requests another person to commit
126 it; or

127 2. Aids or agrees to aid such other person in planning or committing it.

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

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

133 1. Any decision, determination, finding, ruling or order; and
134 2. Any grant, payment, award, license, contract, transaction, sanction((;)) or
135 approval, or the denial thereof((;)) or the failure to act with respect thereto. "County
136 action" shall not include actions of the county's judicial branch but shall include employees
137 of the department of judicial administration.

138 D. "County employee" or "employee" means any individual who is appointed as an
139 employee by the appointing authority of a county agency, office, department, council,
140 board, commission or other separate unit or division of county government, however
141 designated, but does not include employees of the county's judicial branch. ((The term))
142 "(e)County employee" also includes county elected officials and members of county
143 boards, commissions, committees((;)) or other multi((-))member bodies, but does not
144 include officials or employees of the county's judicial branch but does include employees
145 of the department of judicial administration.

146 E. "Department" means:

- 147 1. In the executive branch, an executive department or administrative office
148 ((which)) that reports to the executive or the county administrative officer, as applicable;
- 149 2. The department of assessments;
- 150 3. The office of the prosecuting attorney;
- 151 4. In the legislative branch, the council together with any subordinate legislative
152 branch agency;
- 153 5. The department of judicial administration((;)); and
- 154 6. The department of public safety.

155 F. "Doing business with the county" or "transactions with the county" means to
156 participate in any proceeding, application, submission, request for ruling or other
157 determination, contract, claim, case(;) or other such particular matter which the county
158 employee or former county employee in question believes, or has reason to believe:

- 159 1. Is, or will be, the subject of county action; ((or))
- 160 2. Is one to which the county is or will be a party; or
- 161 3. Is one in which the county has a direct and substantial proprietary interest.

162 G. "Gift" means anything of economic value, but shall not include campaign
163 contributions regulated by the provisions of chapter 42.17 RCW, the charter and ordinances
164 implementing them, informational materials exclusively for official or office use,
165 memorials, trophies(;) and plaques of no commercial value, gifts of ((\$20.00)) twenty
166 dollars or less for bona fide, non((-)recurring, ceremonial occasions or any gifts which are
167 not used and which within thirty days after receipt are returned to the donor, or donated to a
168 charitable organization without seeking a tax deduction.

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

172 I. "Ombudsman" means the director of the office of citizen complaints established
173 pursuant to Section 260 of the King County ((e))Charter and K.C.C. chapter 2.52, or his or
174 her designee.

175 J. "Participate" means, in connection with a transaction involving the county, to
176 be involved in a county action personally and substantially as a county employee either
177 directly, or through others through approval, disapproval, decision, recommendation, the

178 rendering of advice, investigation((;)) or otherwise. However, for the purposes of K.C.C.
179 3.04.035, "participate" does not include the provision of legal advice or other activities
180 involving the practice of law and does not include, as an elected official, preparation,
181 consideration or enactment of legislation or the performance of legislative duties.

182 K. "Person" means any individual, partnership, association, corporation, firm,
183 institution((;)) or other entity, whether or not operated for profit. The term does not
184 include governmental units of the ((S))state of Washington or the United States unless so
185 specified.

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

188 M. "Retaliatory action" means any action by a supervisor or other employee
189 ((which)) that is intended to embarrass or to harass any person as a result of ((such)) the
190 person having filed a written complaint with the office of citizen complaints or having
191 raised privately or publicly any concern or question regarding an actual or apparent
192 violation of ((the provisions of)) this chapter.

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

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Ordinance 14689 was introduced on 4/7/2003 and passed as amended by the Metropolitan King County Council on 6/23/2003, by the following vote:

Yes: 13 - Ms. Sullivan, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Phillips, Mr. Pelz, Mr. McKenna, Mr. Constantine, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons and Ms. Patterson
No: 0
Excused: 0

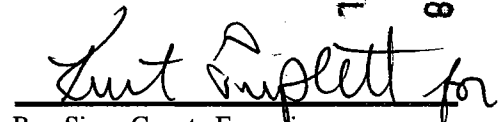
KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Cynthia Sullivan, Chair

ATTEST:


Anne Noris, Clerk of the Council

APPROVED this 2 day of July, 2003.


Ron Sims, County Executive

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CLERK
KING COUNTY COUNCIL

Attachments None