



Legislation Details (With Text)

File #: 2003-0148 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 4/7/2003 **In control:** Law, Justice and Human Services Committee

On agenda: 6/23/2003 **Final action:** 6/23/2003

Enactment date: 7/2/2003 **Enactment #:** 14689

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

Sponsors: Larry Gossett

Indexes: Boards, Commissions, Ethics

Code sections: 3.04.015 -, 3.04.017 -, 3.04.035 -

Attachments: 1. Ordinance 14689.pdf, 2. 2003-0148 Attachment #4 ~ ZZGroup Email, Post Employment Provisions Under the Code of Ethics, March 27, 2001.rtf, 3. 2003-0148 Attachment #5 ~ Memo, Post Employment Amendment Process, May 15, 2001.doc, 4. 2003-0148 Staff Report for 05-01-03 LJHS.doc, 5. 2003-0148 Transmittal Letter.doc, 6. None

Date	Ver.	Action By	Action	Result
6/23/2003	2	Metropolitan King County Council	Passed as Amended	Pass
5/19/2003	1	Metropolitan King County Council	Deferred	
5/12/2003	1	Metropolitan King County Council	Hearing Held	
5/12/2003	1	Metropolitan King County Council	Deferred	
5/1/2003	1	Law, Justice and Human Services Committee	Recommended Do Pass	Pass
4/7/2003	1	Metropolitan King County Council	Introduced and Referred	

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

Policy.

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

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

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

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

Conflict of ~~((F))~~interest - former employees and members of county boards and commissions.

~~((A. A conflict of interest shall be deemed to exist if any individual who has served as a member of a county board or commission, does within a period of two years after the termination of such service, appear before such board or commission, or receives compensation for any services rendered on behalf or in assistance~~

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

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

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

A. For one year after terminating service to the county, a former member of a county board, commission, committee or other multimember body may not appear before that board, commission, committee or other multimember body, or receive compensation for any services rendered on behalf of or for assistance to any person, in relation to any county action in which the former member participated during the period of his or her service. This prohibition also applies during the same period of time to any person who is a partner, associate or member of a partnership, association, corporation, firm, institution or other entity, whether or not operated for profit, in which the former member has a financial or beneficial interest. However, this prohibition

does not apply if the former member's financial or beneficial interest in any entity listed in this subsection is limited to investments and does not include managerial or other influential authority, including holding controlling interest in any classes of stock.

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

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

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

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

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

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

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

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

agency;

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

4. Providing assistance to the poor or infirm; or

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

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

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

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

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

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

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

1. ((s))Solicits, commands, encourages((;)) or requests another person to commit it; or
2. Aids or agrees to aid such other person in planning or committing it.

B. "Compensation" means anything of economic value, however designated, which is paid, granted or

transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person.

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

1. Any decision, determination, finding, ruling or order; and
2. Any grant, payment, award, license, contract, transaction, sanction((;)) or approval, or the denial

thereof((;)) or the failure to act with respect thereto. "County action" shall not include actions of the county's judicial branch but shall include employees of the department of judicial administration.

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

E. "Department" means:

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

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

reason to believe:

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

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

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

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

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

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

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

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

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