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

Sponsors: Kathy Lambert

Indexes: Ethics

Code sections: 3.04.017 -, 3.04.040 -, 3.04.055 -, 3.04.120 -

Attachments: 1. 16758.pdf, 2. 2009-0598 Transmittal Letter.doc, 3. 2009-0598 Ethics Code SR.doc

| Date | Ver. | Action By | Action | Result |
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| 2/16/2010 | 1 | Metropolitan King County Council | Passed | Pass |
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Clerk 10/27/2009

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

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017 are each hereby amended

to read as follows:

For the purposes of this chapter, ((A))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. Solicits, commands, encourages or requests another person to commit ~~((it))~~ the crime or violation;

or

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

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. "County employee" also includes county elected officials and members of county boards, commissions, committees or other multimember 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 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;
6. The department of public safety; and
7. The office of economic and financial analysis.

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 a particular matter (~~((which))~~) that 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;
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 twenty dollars or less for bona fide, nonrecurring, 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 spouse or 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))~~ under Section 260 of the King County 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 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 that is intended to embarrass or to harass any person as a result of 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 this chapter.

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

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

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

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

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

A. A quorum cannot be achieved due to members of the board disqualifying themselves because of

conflicts of interest or the appearance of fairness doctrine; or

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

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

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

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

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

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

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

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

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

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

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

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

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

A.1. Each consultant entering into a contract to provide professional or technical services to the county costing in excess of (~~two thousand five hundred dollars~~) the amount specified in K.C.C. 4.16.095 shall file

both with the King County board of ethics and the executive a sworn written statement disclosing the following information:

- a. any office or directorship in the consultant held by any county employee or any member of his or her immediate family;
- b. any financial interest in the consultant held or received by any county employee or any member of his or her immediate family as follows:
 - (1) ownership of over five percent of the stock or other form of interest in the consultant; and
 - (2) receipt of any compensation, gift or thing of value from the consultant;
- c. a list of all contracts between the consultant and the county in the five years immediately preceding the presently contemplated contract including the amount of money paid by the county to the consultant (~~((pursuant to))~~) in accordance with each contract;
- d. any position or positions on any county board or commission, whether salaried or unsalaried, held by any officer or director of the consultant in the five years immediately preceding the presently contemplated contract; and
- e. any other information known to the consultant about any interest or relationship whatsoever between any county employee, including any member of his or her immediate family, and the consultant, other than that disclosed (~~((pursuant to))~~) in accordance with subsection A.1.a. through d. of this section.

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

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

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

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

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

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

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

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