



Legislation Details (With Text)

File #:	2023-0180	Version:	2
Type:	Ordinance	Status:	Passed
File created:	5/2/2023	In control:	Government Accountability and Oversight Committee
On agenda:		Final action:	8/22/2023
Enactment date:	9/1/2023	Enactment #:	19661
Title:	AN ORDINANCE relating to the King County office of public complaints; amending Ordinance 473, Section 2, as amended, and K.C.C. 2.52.020, Ordinance 5869, Section 4, as amended, and K.C.C. 2.52.030, Ordinance 473, Section 4, as amended, and K.C.C. 2.52.040, Ordinance 473, Section 9, as amended, and K.C.C. 2.52.090, Ordinance 473, Section 11, as amended, and K.C.C. 2.52.110, Ordinance 473, Section 15, as amended, and K.C.C. 2.52.150, Ordinance 473, Section 18, as amended, and K.C.C. 2.52.170, Ordinance 9704, Section 1, as amended, and K.C.C. 3.04.015, Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017, Ordinance 1308, Section 3, as amended, and K.C.C. 3.04.020, Ordinance 9704, Section 9, as amended, and K.C.C. 3.04.055, Ordinance 1321, Section 2, as amended, and K.C.C. 3.04.080, Ordinance 1321, Section 3, as amended, and K.C.C. 3.04.090 and Ordinance 1321, Section 4, as amended, and K.C.C. 3.04.100.		
Sponsors:	Rod Dembowski		
Indexes:	King County		
Code sections:	2.52.020 - ., 2.52.030 - ., 2.52.040 - ., 2.52.090 - ., 2.52.110 - ., 2.52.150 - ., 2.52.170 - ., 3.04.015 - ., 3.04.020 - ., 3.04.055 - ., 3.04.080 - ., 3.04.090 - ., 3.04.100 - .		
Attachments:	1. Ordinance 19661, 2. 2023-0180_SR_Ethics_6-7-23, 3. 2023-0180 ATT1 Proposed Ordinance, 4. 2023-0180_ATT2_AMD1, 5. 2023-0180_SR_Ethics_7.11.2023, 6. 2023-0180_RevisedSR_Ethics_7.11.2023		

Date	Ver.	Action By	Action	Result
8/22/2023	2	Metropolitan King County Council	Passed	Pass
8/15/2023	2	Metropolitan King County Council	Deferred	
7/25/2023	2	Metropolitan King County Council	Deferred	
7/11/2023	1	Government Accountability and Oversight Committee	Recommended Do Pass Substitute	Pass
6/7/2023	1	Government Accountability and Oversight Committee	Deferred	
5/2/2023	1	Metropolitan King County Council	Introduced and Referred	

Clerk 04/27/2023

AN ORDINANCE relating to the King County office of public complaints;
amending Ordinance 473, Section 2, as amended, and K.C.C. 2.52.020,
Ordinance 5869, Section 4, as amended, and K.C.C. 2.52.030, Ordinance 473,
Section 4, as amended, and K.C.C. 2.52.040, Ordinance 473, Section 9, as

amended, and K.C.C. 2.52.090, Ordinance 473, Section 11, as amended, and K.C.C. 2.52.110, Ordinance 473, Section 15, as amended, and K.C.C. 2.52.150, Ordinance 473, Section 18, as amended, and K.C.C. 2.52.170, Ordinance 9704, Section 1, as amended, and K.C.C. 3.04.015, Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017, Ordinance 1308, Section 3, as amended, and K.C.C. 3.04.020, Ordinance 9704, Section 9, as amended, and K.C.C. 3.04.055, Ordinance 1321, Section 2, as amended, and K.C.C. 3.04.080, Ordinance 1321, Section 3, as amended, and K.C.C. 3.04.090 and Ordinance 1321, Section 4, as amended, and K.C.C. 3.04.100.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

The director shall be a registered voter of the United States, shall hold a degree from an accredited college or its equivalent in service to government, shall have a working knowledge of legal and administrative procedures, and shall have either experience~~((, and/))~~ or knowledge, or both, in local government commensurate to the powers of the office. During the term of which the director is appointed, the director shall

be ineligible to hold any other public office of employment. The director shall not be a candidate for any public office for a period of two years following the completion of the director's term as the director of the ((King County)) ombuds office ((of citizen complaints/tax advisor)). The director shall not be included in the classified civil or career service of the county.

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

The director shall have the following powers:

A. To investigate, on complaint or on the director's own initiative, any administrative act of any administrative agency((;)), including:

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

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

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

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

((F-)) 5. To undertake, participate in, or cooperate with general studies or inquiries, whether or not related to any particular administrative agency or any particular administrative act, if the director believes that ((they may)) the general studies or enquiries might enhance knowledge about or lead to improvements in the

functioning of administrative agencies~~((:))~~;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. The exercise of the director's functions under this chapter during the preceding (~~((six-month period))~~) calendar year. In discussing matters with which the director has dealt, the director need not identify those immediately concerned if to do so would cause unnecessary hardship. Insofar as the report may criticize named agencies or persons, it must also include their replies to the criticism; and

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

C. The status of the employee code of ethics program described in K.C.C. chapter 3.04 from the proceeding calendar year, including a summary of case outcomes of complaints alleging a violation of K.C.C. chapter 3.04 that are no longer eligible for appeal, resource issues, and any concerns and recommendations for

program improvement raised by members of the public or county employees; and

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

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

A. A person required by the director to provide information shall be paid the same fees and allowances, in the same manner and under the same conditions, as are extended to witnesses whose attendance has been required in the courts of this state, excepting that city or county employees who are receiving compensation for the time that they are witnesses shall not be paid the set fees and allowances.

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

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

D. If a person fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at the hearing, the director may petition the superior court of King County for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, ((~~and~~)) shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the ombuds office ((~~of citizen complaints/tax advisor~~)). The court upon such petition shall enter an order directing

the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why the witness has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions (~~((which))~~) that the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers and on failing to obey the order the witness shall be dealt with as for a contempt of court.

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

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))~~) ensure 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 ombuds 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 9. Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017 are hereby amended to read as follows:

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

A. "Accomplice" means an individual 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 individual to commit the crime or violation; or
2. Aids or agrees to aid another individual in planning or committing the crime or violation.

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

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

D. "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.

E. "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.

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

G. "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 prosecuting attorney's office;
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;
7. The office of economic and financial analysis; and
8. The department of elections.

H. "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 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.

I. "Gift or thing of value" or "gift or other thing of value" means anything of economic value or tangible worth that is not compensation. It shall not include campaign contributions regulated by chapter 42.17A RCW or the charter and ordinances implementing it; informational materials exclusively for official or

office use; memorials, trophies, and plaques of no commercial value; gifts of fifty dollars or less for bona fide, nonrecurring, ceremonial occasions; any gifts that are not used and that, within thirty days after receipt, are returned to the donor, or donated to a charitable organization without seeking a tax deduction; or promotional benefits that an employee receives from a travel service provider in connection with official travel if obtained under the same conditions as those offered to the general public at no additional cost to the county.

J. "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 the employee's household.

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

L. "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.

M. "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 or within the United States.

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

O. "Retaliatory action" means any action by a supervisor or other employee that is intended to embarrass or to harass any individual as a result of the individual having filed a written complaint with the ombuds office (~~(of citizen complaints)~~) or having raised privately or publicly any concern or question regarding

an actual or apparent violation of this chapter.

P. "Substantial financial interest" means a financial interest in a person that exceeds one-tenth of one percent of the outstanding securities of the person, or, if the interest is in an unincorporated business concern, exceeds one percent of the net worth of the concern; or a financial interest that exceeds five percent of the net worth of the employee and the employee's immediate family.

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

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

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

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

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

E. County employees are encouraged to participate in the political process on their own time and outside of the workplace by assisting a campaign for the election of any individual to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of the facilities of

King County for such purposes except as authorized by RCW 42.17A.555.

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

G. No county employee shall engage in retaliatory action.

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

A. It shall be the responsibility of the ombuds 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))~~ in this chapter. The ombuds is expressly authorized to serve as an enforcement officer for this chapter and to impose the civil penalties authorized in K.C.C. 3.04.060.

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

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

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

C. Upon receipt of a complaint meeting the requirements of subsection B. of this section, and upon a determination that the alleged conduct could constitute a violation of this chapter, the ombuds 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))~~ the complaint, and shall promptly make an investigation thereof. If the ombuds determines that the complaint does not meet the requirements of subsection B. or C. of this section, the ombuds shall inform the complainant in writing of that determination and the reason.

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

E. During the investigation, the ombuds shall consider any statement of position or evidence with respect to the allegations of the complaint that 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 this chapter.

G. If a finding is made that there is no reasonable cause, ~~((said))~~ the 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.a. If the finding is made that reasonable cause exists to believe that the respondent has violated this chapter, the ombuds 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 ombuds shall provide a copy of the order to the prosecuting attorney's office. Such a reasonable cause order shall include:

- ~~((a-))~~ (1) a finding that one or more violations of the chapter has occurred;
- ~~((b-))~~ (2) the factual basis for the finding;
- ~~((c-))~~ (3) any civil penalties; and

~~((d.))~~ (4) 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.

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

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

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

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

2. An early resolution agreement may not be appealed.

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

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

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

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

7. The agreement shall state that the signed agreement is not effective unless approved by the board of ethics and that the board may require the respondent to attend a board hearing at which the respondent shall be

required to respond to inquiries from the board regarding the agreement and the circumstances giving rise to the agreement.

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

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

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

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

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

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

~~((b-))~~ (2) reject the agreement. If the early resolution agreement is ~~((not approved))~~ rejected by the board~~((of ethics))~~, ~~((the board shall notify))~~ the ombuds shall complete the investigation in accordance with the provisions of this chapter; or

(3) refer the agreement back to the ombuds. The board may direct that the agreement be revised

and refer the agreement back to the ombuds. The board should identify the revisions to be made to the agreement before the board will consider approving the agreement. In the event either the ombuds or respondent choose not to amend the agreement, the ombuds shall complete the investigation in accordance with the provisions of this chapter. Any revised agreement must be resubmitted to the board for action in accordance with this subsection I.8.

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

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

9. The ombuds shall monitor the respondent's compliance to the early resolution agreement and the appointing authority's action in response to any disciplinary recommendations in the agreement. The ombuds shall submit a report to the board of ethics within thirty days after the reporting and compliance deadline set forth in the agreement that details the respondent's compliance to the agreement and the appointing authority's response to disciplinary recommendations.

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

A. There is created a board of ethics, composed of five members, two to be appointed by the county executive, two to be appointed by the county executive from a list of nominees submitted by the county council, and the fifth, who shall be chair, to be appointed by the county executive from a list of nominees

submitted by the other four members. All appointments are to be confirmed by the county council.

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

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

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

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

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

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

SECTION 14. Ordinance 1321, Section 4, as amended, and K.C.C. 3.04.100 are hereby amended to

read as follows:

In addition to its other authorities set forth in this chapter, ((W))whenever requested by a county officer or employee, or whenever it deems it in the public interest, the board of ethics shall render advisory opinions, in writing, concerning questions of ethics, conflicts of interest, and the applicability of the code of ethics. Copies of the opinion shall be delivered to any officer or employee requesting the opinion, the ombuds, the county executive, and all members of the King County council.