



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 9, 2006

Ordinance 15610

Proposed No. 2006-0389.1

Sponsors Hague, Gossett and Phillips

1 AN ORDINANCE transferring duties and responsibilities
2 for processing and investigating lobbyist disclosure
3 complaints from the county auditor to the county
4 ombudsman, and amending Ordinance 13320, Section 5,
5 and K.C.C. 1.07.050, Ordinance 13320, Section 14, as
6 amended, and K.C.C. 1.07.140 and Ordinance 13320,
7 Section 15, and K.C.C. 1.07.150.

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10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Ordinance 13320, Section 5, and K.C.C. 1.07.050 are each hereby
12 amended to read as follows:

13 A. It is understood that businesses may employ a specific person or persons as
14 lobbyists. In addition, other employees of a business, or contracted experts, may have
15 occasion to meet on an irregular basis with councilmembers or the executive or appear
16 before public sessions of the council or its committees to provide information or expert

17 testimony. Such other employees or contracted experts shall not be required to register or
18 report under this chapter ~~((provided))~~ only if:

19 1. ~~((t))~~ They restrict their ~~((lobbying))~~ activities as defined in this section to no
20 more than six days or parts thereof during any quarter ~~((, and provided further that))~~.
21 ~~((a))~~ Appearing before public sessions of the council and committees of the council are
22 not counted towards the six days; and

23 2. They are not registered as a lobbyist with the Washington State Public
24 Disclosure Commission as a representative of the same client or organization for which
25 they are an employee or contracted technical expert.

26 B. Any person exempt under this section may at his or her option register and
27 report under this chapter.

28 SECTION 2. Ordinance 13320, Section 14, as amended, and K.C.C. 1.07.140 are
29 each hereby amended to read as follows:

30 A. Except for allegations of untimely filing of statements and reports, which are
31 processed by the department under section K.C.C. 1.07.130.L, complaints alleging a
32 violation of any of the provisions of this chapter shall be filed with the county ~~((auditor))~~
33 ombudsman. Any such a complaint shall be in writing, verified and signed by the
34 complainant. The complainant shall describe the basis for the complainant's belief that
35 this chapter has been violated. The complainant may state in the written complaint
36 whether the complainant desires that his or her name be withheld from disclosure under
37 RCW 42.17.310(1)(e) if the complaint is the subject of a public records disclosure
38 request.

39 B. Within twenty days of receiving a complaint meeting the requirements of
40 subsection A. of this section, the ((auditor)) ombudsman shall serve or mail, by certified
41 mail, return receipt requested, a copy of the complaint to the person alleged to have
42 violated this chapter. Within forty days of receiving the complaint the ((auditor))
43 ombudsman shall analyze the merits of the complaint to determine whether a full
44 investigation is warranted. The ((auditor)) ombudsman shall have the authority to issue
45 an order dismissing the complaint, or specific sections of the complaint, if the ((auditor))
46 ombudsman determines that the complaint or specific sections of the complaint, as
47 written, alleges a de minimis violation or does not state facts that, even if true, would
48 constitute a violation of this chapter.

49 C. If the ((auditor)) ombudsman determines that a full investigation of the
50 complaint is warranted, then the investigation shall be directed to ascertain the facts
51 concerning the violation or violations alleged in the complaint and shall be conducted in
52 an objective and impartial manner. The ((auditor)) ombudsman is authorized to contract
53 for such investigative services and other assistance as may be needed to conduct the
54 investigation, subject to the council's appropriation of adequate funds to pay for the costs
55 of the contracts. In furtherance of such an investigation, the ((auditor)) ombudsman is
56 authorized to use the subpoena power to compel sworn testimony from any person and
57 require the production of any records relevant or material to the investigation except
58 information that is legally privileged. Upon request of the ((auditor)) ombudsman,
59 county employees shall provide sworn testimony and produce any records relevant or
60 material to the investigation, except information that is legally privileged.

61 D. During the investigation, the ((auditor)) ombudsman shall consider any
62 statement of position or evidence with respect to the allegations of the complaint that the
63 complainant or respondent wishes to submit.

64 E. The results of the investigation shall be reduced to written findings of fact and
65 a finding shall be made that there either is or is not reasonable cause for believing that the
66 respondent has violated one or more provisions of the chapter.

67 F. If a finding is made that there is no reasonable cause, then the finding shall be
68 served or mailed, by certified mail, return receipt requested, to the complainant and the
69 respondent and the finding shall be final. The original of the ((auditor's)) ombudsman's
70 finding shall be filed with the clerk of the council.

71 G. If a finding is made that reasonable cause exists to believe that the respondent
72 has violated one or more of the provisions of this chapter, then the ((auditor))
73 ombudsman shall prepare an order to that effect, copies of which shall be served or
74 mailed, by certified mail, return receipt requested, to the complainant and the respondent.
75 The original of the ((auditor's)) ombudsman's order shall be filed with the clerk of the
76 council. The reasonable cause order shall include:

- 77 1. A finding that one or more violations of this chapter has occurred;
- 78 2. The factual basis for the finding;
- 79 3. The amount of the civil penalty or penalties imposed for remedial purposes to
80 be assessed for each violation. A person who is found to have violated this chapter shall
81 be given a written warning for the first violation by certified mail, return receipt
82 requested, and shall be subject to a civil penalty of up to one thousand dollars for each
83 subsequent violation after the warning has been given. Further, an individual penalty

84 may not exceed one thousand dollars per violation and in any case where multiple
85 violations are involved in a single complaint, the maximum aggregate civil penalty shall
86 not exceed two thousand five hundred dollars; and

87 4. A notice informing the respondent that the respondent has the right to a
88 hearing before the hearing examiner as set forth in K.C.C. 1.07.150.

89 SECTION 3. Ordinance 13320, Section 15, and K.C.C. 1.07.150 are each hereby
90 amended to read as follows:

91 A. Any respondent aggrieved by an order of the ((auditor)) ombudsman may
92 request in writing within twenty days of the service of the order upon the respondent an
93 appeal hearing before the hearing examiner. The request shall cite the order appealed
94 from and specify with particularity the findings being contested. The request shall be
95 filed with the hearing examiner with a copy to the ((auditor)) ombudsman and the
96 complainant.

97 B. Any order issued by the ((auditor)) ombudsman pursuant to K.C.C. 1.07.140
98 shall become final twenty days after service of the order unless a written request for an
99 appeal hearing as set forth above is received by the hearing examiner within the twenty
100 day period.

101 C. If an order of the ((auditor)) ombudsman has been timely appealed, a hearing
102 shall be conducted by the hearing examiner for the purpose of affirming, denying or
103 modifying the order. The parties to the hearing shall be the respondent and the ((auditor))
104 ombudsman. There shall be a verbatim record kept of the hearing and the hearing
105 examiner shall have the power to administer oaths and affirmations, issue subpoenas,
106 compel attendance, take evidence and require the production of any books, papers,

107 correspondence, memoranda or other documents relevant or material to the hearing,
108 except information which is covered by the attorney-client privilege. The burden of
109 proving that a violation occurred shall at all times be upon the ~~((auditor))~~ ombudsman.
110 The decision of the hearing examiner shall be based upon a preponderance of the
111 evidence. Such hearing shall be conducted within a reasonable time after receipt of the
112 request for appeal. Written notice of the time and place of the hearing shall be given to
113 the parties and the complainant at least ten days prior to the date of the hearing.

114 D. At the hearing each party shall have the following rights:

- 115 1. To call and examine witnesses on any matter relevant to the issues raised by
116 the order of the ~~((auditor))~~ ombudsman;
- 117 2. To introduce documentary and physical evidence;
- 118 3. To cross-examine opposing witnesses on any relevant matter;
- 119 4. To impeach any witness regardless of which party first called the witness to
120 testify;
- 121 5. To rebut evidence against him or her; and
- 122 6. To represent himself or herself or to be represented by anyone of his or her
123 choice who is lawfully permitted to do so.

124 E. Following review of the evidence submitted the hearing examiner shall, within
125 a reasonable time, enter written findings and conclusions and shall affirm or modify the
126 order previously issued if the hearing examiner finds that one or more violations of this
127 chapter have occurred. The hearing examiner shall reverse the order if he or she finds
128 that no violations of this chapter have occurred. A copy of the hearing examiner's
129 decision shall be served or mailed, by certified mail, return receipt requested, to the

130 ((auditor)) ombudsman, the respondent and the complainant. The original of the hearing
131 examiner's decision shall be filed with clerk of the council.

132 F. A decision of the hearing examiner shall be a final and conclusive action
133 unless within twenty-one calendar days from the date of issuance of the hearing
134 examiner's decision an aggrieved person files an appeal in superior court, state of
135 Washington, for the purpose of review of the action taken.

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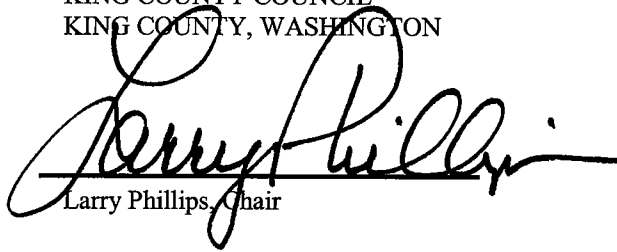
Ordinance 15610 was introduced on 9/5/2006 and passed by the Metropolitan King
County Council on 10/9/2006, by the following vote:

Yes: 7 - Mr. Phillips, Ms. Lambert, Mr. Ferguson, Mr. Gossett, Ms. Hague,
Mr. Constantine and Ms. Patterson

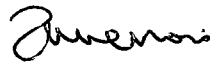
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Excused: 2 - Mr. von Reichbauer and Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

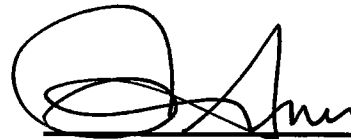

Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 20 day of OCTOBER, 2006.



Ron Sims, County Executive

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Attachments None