



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### Ordinance

**Proposed No.** 2023-0180.1

**Sponsors** Dembowski

1 AN ORDINANCE relating to the King County office of  
2 public complaints; amending Ordinance 473, Section 2, as  
3 amended, and K.C.C. 2.52.020, Ordinance 5869, Section 4,  
4 as amended, and K.C.C. 2.52.030, Ordinance 473, Section  
5 4, as amended, and K.C.C. 2.52.040, Ordinance 473,  
6 Section 9, as amended, and K.C.C. 2.52.090, Ordinance  
7 473, Section 11, as amended, and K.C.C. 2.52.110,  
8 Ordinance 473, Section 15, as amended, and K.C.C.  
9 2.52.150, Ordinance 473, Section 18, as amended, and  
10 K.C.C. 2.52.170, Ordinance 9704, Section 1, as amended,  
11 and K.C.C. 3.04.015, Ordinance 12014, Section 2, as  
12 amended, and K.C.C. 3.04.017, Ordinance 1308, Section 3,  
13 as amended, and K.C.C. 3.04.020, Ordinance 9704, Section  
14 9, as amended, and K.C.C. 3.04.055, Ordinance 1321,  
15 Section 2, as amended, and K.C.C. 3.04.080, Ordinance  
16 1321, Section 3, as amended, and K.C.C. 3.04.090 and  
17 Ordinance 1321, Section 4, as amended, and K.C.C.  
18 3.04.100.

19 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

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

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

31            The director shall be a registered voter of the United States, shall hold a degree  
32 from an accredited college or its equivalent in service to government, shall have a  
33 working knowledge of legal and administrative procedures, and shall have either  
34 experience(, and/) or knowledge, or both, in local government commensurate to the  
35 powers of the office. During the term of which the director is appointed, the director  
36 shall be ineligible to hold any other public office of employment. The director shall not  
37 be a candidate for any public office for a period of two years following the completion of  
38 the director's term as the director of the (~~King County~~) ombuds office (~~(of citizen~~  
39 ~~complaints/tax advisor)~~). The director shall not be included in the classified civil or  
40 career service of the county.

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

43 The director shall have the following powers:

44 A. To investigate, on complaint or on the director's own initiative, any

45 administrative act of any administrative agency~~((s))~~, including:

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

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

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

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

60 ~~((F-))~~ 5. To undertake, participate in, or cooperate with general studies or  
61 inquiries, whether or not related to any particular administrative agency or any particular  
62 administrative act, if the director believes that ~~((they may))~~ the general studies or  
63 enquiries might enhance knowledge about or lead to improvements in the functioning of  
64 administrative agencies~~((s))~~;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

106           A. The exercise of the director's functions under this chapter during the preceding  
107 ~~((six-month period))~~ calendar year. In discussing matters with which the director has dealt,  
108 the director need not identify those immediately concerned if to do so would cause

109 unnecessary hardship. Insofar as the report may criticize named agencies or persons, it  
110 must also include their replies to the criticism; and

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

116       C. The status of the employee code of ethics program described in K.C.C. chapter  
117 3.04 from the proceeding calendar year, including a summary of case outcomes of  
118 complaints alleging a violation of K.C.C. chapter 3.04 that are no longer eligible for appeal,  
119 resource issues, and any concerns and recommendations for program improvement raised  
120 by members of the public or county employees; and

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

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

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

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

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

141           D. If a person fails to obey a subpoena, or obeys a subpoena but refuses to testify  
142 when requested concerning any matter under examination or investigation at the hearing,  
143 the director may petition the superior court of King County for enforcement of the  
144 subpoena. The petition shall be accompanied by a copy of the subpoena and proof of  
145 service, (~~and~~) shall set forth in what specific manner the subpoena has not been complied  
146 with, and shall ask an order of the court to compel the witness to appear and testify before  
147 the ombuds office (~~(of citizen complaints/tax advisor)~~). The court upon such petition shall  
148 enter an order directing the witness to appear before the court at a time and place to be  
149 fixed in such order and then and there to show cause why the witness has not responded to  
150 the subpoena or has refused to testify. A copy of the order shall be served upon the  
151 witness. If it appears to the court that the subpoena was properly issued and that the  
152 particular questions (~~(which)~~) that the witness refuses to answer are reasonable and  
153 relevant, the court shall enter an order that the witness appear at the time and place fixed in

154 the order and testify or produce the required papers and on failing to obey the order the  
155 witness shall be dealt with as for a contempt of court.

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

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

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

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

176 reasonable person might appear, that the former county employee is requesting or  
177 otherwise seeking special consideration, treatment, or advantage.

178 SECTION 9. Ordinance 12014, Section 2, as amended, and K.C.C. 3.04.017 are  
179 hereby amended to read as follows:

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

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

184 1. Solicits, commands, encourages, or requests another individual to commit the  
185 crime or violation; or

186 2. Aids or agrees to aid another individual in planning or committing the crime or  
187 violation.

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

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

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

198 1. Any decision, determination, finding, ruling, or order; and

199           2. Any grant, payment, award, license, contract, transaction, sanction, or approval,  
200 or the denial thereof or the failure to act with respect thereto. "County action" shall not  
201 include actions of the county's judicial branch but shall include employees of the  
202 department of judicial administration.

203           E. "County employee" or "employee" means any individual who is appointed as an  
204 employee by the appointing authority of a county agency, office, department, council,  
205 board, commission, or other separate unit or division of county government, however  
206 designated, but does not include employees of the county's judicial branch. "County  
207 employee" also includes county elected officials and members of county boards,  
208 commissions, committees, or other multimember bodies, but does not include officials or  
209 employees of the county's judicial branch but does include employees of the department of  
210 judicial administration.

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

214           G. "Department" means:

215           1. In the executive branch, an executive department or administrative office that  
216 reports to the executive or the county administrative officer, as applicable;

217           2. The department of assessments;

218           3. The prosecuting attorney's office;

219           4. In the legislative branch, the council together with any subordinate legislative  
220 branch agency;

221           5. The department of judicial administration;

222           6. The department of public safety;

223           7. The office of economic and financial analysis; and

224           8. The department of elections.

225           H. "Doing business with the county" or "transactions with the county" means to

226 participate in any proceeding, application, submission, request for ruling, or other

227 determination, contract, claim, case, or other such a particular matter that the county

228 employee or former county employee in question believes, or has reason to believe:

229           1. Is, or will be, the subject of county action;

230           2. Is one to which the county is or will be a party; or

231           3. Is one in which the county has a direct and substantial proprietary interest.

232           I. "Gift or thing of value" or "gift or other thing of value" means anything of

233 economic value or tangible worth that is not compensation. It shall not include campaign

234 contributions regulated by chapter 42.17A RCW or the charter and ordinances

235 implementing it; informational materials exclusively for official or office use; memorials,

236 trophies, and plaques of no commercial value; gifts of fifty dollars or less for bona fide,

237 nonrecurring, ceremonial occasions; any gifts that are not used and that, within thirty days

238 after receipt, are returned to the donor, or donated to a charitable organization without

239 seeking a tax deduction; or promotional benefits that an employee receives from a travel

240 service provider in connection with official travel if obtained under the same conditions as

241 those offered to the general public at no additional cost to the county.

242           J. "Immediate family" means a county employee's spouse, domestic partner,

243 employee's child or the child of an employee's spouse or domestic partner, and other

244 dependent relatives if living in the employee's household.

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

248 L. "Participate" means, in connection with a transaction involving the county, to be  
249 involved in a county action personally and substantially as a county employee either  
250 directly, or through others through approval, disapproval, decision, recommendation, the  
251 rendering of advice, investigation, or otherwise. However, for the purposes of K.C.C.  
252 3.04.035, "participate" does not include the provision of legal advice or other activities  
253 involving the practice of law and does not include, as an elected official, preparation,  
254 consideration, or enactment of legislation or the performance of legislative duties.

255 M. "Person" means any individual, partnership, association, corporation, firm,  
256 institution, or other entity, whether or not operated for profit. The term does not include  
257 governmental units of or within the United States.

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

260 O. "Retaliatory action" means any action by a supervisor or other employee that is  
261 intended to embarrass or to harass any individual as a result of the individual having filed a  
262 written complaint with the ombuds office (~~(of citizen complaints)~~) or having raised  
263 privately or publicly any concern or question regarding an actual or apparent violation of  
264 this chapter.

265 P. "Substantial financial interest" means a financial interest in a person that  
266 exceeds one-tenth of one percent of the outstanding securities of the person, or, if the  
267 interest is in an unincorporated business concern, exceeds one percent of the net worth of

268 the concern; or a financial interest that exceeds five percent of the net worth of the  
269 employee and the employee's immediate family.

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

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

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

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

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

289 E. County employees are encouraged to participate in the political process on their  
290 own time and outside of the workplace by assisting a campaign for the election of any

291 individual to any office or for the promotion of or opposition to any ballot proposition, but  
292 shall not use or authorize the use of the facilities of King County for such purposes except  
293 as authorized by RCW 42.17A.555.

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

297 G. No county employee shall engage in retaliatory action.

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

300 A. It shall be the responsibility of the ombuds to investigate and report apparent  
301 criminal violations of this chapter to the appropriate law enforcement authorities and to  
302 enforce this ordinance according to the powers granted (~~herein~~) in this chapter. The  
303 ombuds is expressly authorized to serve as an enforcement officer for this chapter and to  
304 impose the civil penalties authorized in K.C.C. 3.04.060.

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

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

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

318           C. Upon receipt of a complaint meeting the requirements of subsection B. of this  
319 section, and upon a determination that the alleged conduct could constitute a violation of  
320 this chapter, the ombuds shall cause to be served or mailed, by certified mail, return  
321 receipt requested, a copy of the complaint to the person alleged to have violated this  
322 chapter within twenty days after the filing of ~~((said))~~ the complaint, and shall promptly  
323 make an investigation thereof. If the ombuds determines that the complaint does not  
324 meet the requirements of subsection B. or C. of this section, the ombuds shall inform the  
325 complainant in writing of that determination and the reason.

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

333           E. During the investigation, the ombuds shall consider any statement of position  
334 or evidence with respect to the allegations of the complaint that the complainant or  
335 respondent wishes to submit.

336 F. The results of the investigation shall be reduced to written findings of fact and  
337 the finding shall be made that there either is or is not reasonable cause for believing that  
338 the respondent has violated this chapter.

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

342 H.1.a. If the finding is made that reasonable cause exists to believe that the  
343 respondent has violated this chapter, the ombuds shall prepare an order to that effect, a  
344 copy of which shall be served or mailed, by certified mail, return receipt requested, to the  
345 respondent, and the original thereof filed with the board of ethics. The ombuds shall  
346 provide a copy of the order to the prosecuting attorney's office. Such a reasonable cause  
347 order shall include:

348 ~~((a-))~~ (1) a finding that one or more violations of the chapter has occurred;

349 ~~((b-))~~ (2) the factual basis for the finding;

350 ~~((c-))~~ (3) any civil penalties; and

351 ~~((d-))~~ (4) a notice informing the respondent that the respondent has the right  
352 to request a hearing before the board of ethics as set forth in K.C.C. 3.04.057.

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

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

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

360           I.1. At any stage in the investigation, the respondent may agree to an early  
361 resolution agreement in lieu of a finding of reasonable cause by the ombuds.

362           2. An early resolution agreement may not be appealed.

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

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

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

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

374           7. The agreement shall state that the signed agreement is not effective unless  
375 approved by the board of ethics and that the board may require the respondent to attend a  
376 board hearing at which the respondent shall be required to respond to inquiries from the  
377 board regarding the agreement and the circumstances giving rise to the agreement.

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

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

384           c. Individual members of the board shall have the ability to review the full  
385 ombuds investigative file upon request.

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

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

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

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

403           (3) refer the agreement back to the ombuds. The board may direct that the  
404 agreement be revised and refer the agreement back to the ombuds. The board should  
405 identify the revisions to be made to the agreement before the board will consider  
406 approving the agreement. In the event either the ombuds or respondent choose not to  
407 amend the agreement, the ombuds shall complete the investigation in accordance with the  
408 provisions of this chapter. Any revised agreement must be resubmitted to the board for  
409 action in accordance with this subsection I.8.

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

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

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

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

428            A. There is created a board of ethics, composed of five members, two to be  
429 appointed by the county executive, two to be appointed by the county executive from a  
430 list of nominees submitted by the county council, and the fifth, who shall be chair, to be  
431 appointed by the county executive from a list of nominees submitted by the other four  
432 members. All appointments are to be confirmed by the county council.

433            B. Board members shall have demonstrated experience applicable to carrying out  
434 the responsibilities of the board, such as experience in the areas of law, finance,  
435 administration, compliance, human resources, or other relevant experience.

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

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

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

449 office, the board may request and the prosecutor shall provide special deputy prosecutors  
450 to advise the board.

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

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

455 SECTION 14. Ordinance 1321, Section 4, as amended, and K.C.C. 3.04.100 are  
456 hereby amended to read as follows:

457 In addition to its other authorities set forth in this chapter, (~~W~~)whenever  
458 requested by a county officer or employee, or whenever it deems it in the public interest,  
459 the board of ethics shall render advisory opinions, in writing, concerning questions of  
460 ethics, conflicts of interest, and the applicability of the code of ethics. Copies of the

461 opinion shall be delivered to any officer or employee requesting the opinion, the ombuds,  
462 the county executive, and all members of the King County council.

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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Dave Upthegrove, Chair

ATTEST:

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Melani Pedroza, Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None