



Legislation Text

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Clerk 12/10/2012

AN ORDINANCE relating to ethics; amending 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 12014, Section 3, as amended, and K.C.C. 3.04.030, Ordinance 6144, Section 2, as amended, and K.C.C. 3.04.035, Ordinance 9704, Section 8, as amended, and K.C.C. 3.04.037, Ordinance 1308, Section 5, as amended, and K.C.C. 3.04.040, Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050, Ordinance 9704, Section 9, as amended, and K.C.C. 3.04.055, Ordinance 9704, Section 10, as amended, and K.C.C. 3.04.057, Ordinance 1308, Section 7, as amended, and K.C.C. 3.04.060, Ordinance 1321, Section 2, as amended, and K.C.C. 3.04.080, Ordinance 1321, Section 3, and K.C.C. 3.04.090, Ordinance 1321, Section 4, and K.C.C. 3.04.100, Ordinance 12138, Section 4, as amended, and K.C.C. 3.04.120 and Ordinance 9704, Section 13, as amended, and K.C.C. 3.04.130 and repealing Ordinance 1321, Section 5, as amended, and K.C.C. 3.04.110.

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

A. "Accomplice" means (~~(a person)~~) 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 (~~(person)~~) individual to commit the crime or violation; or
2. Aids or agrees to aid another (~~(person)~~) 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(~~(, however designated, which)~~) that is paid, granted or transferred, or is to be paid, granted or transferred for, or in consideration of, personal services to any person.

~~((C-))~~ 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.

~~((D-))~~ 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.

~~(E-)~~ 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 ~~(office of 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; ~~(and)~~
7. The office of economic and financial analysis; and
8. The department of elections.

~~(F-)~~ 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.

~~(G-)~~ 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. ~~(, but)~~ It shall not include: campaign contributions regulated by chapter 42.17A RCW~~(, or)~~ the charter and ordinances implementing ~~(them,)~~it; informational materials exclusively for official or office use~~(, or)~~; memorials, trophies and plaques of no commercial value; gifts of

~~twenty~~) fifty dollars or less for bona fide, nonrecurring, ceremonial occasions; ~~((or))~~ any gifts ~~((which))~~ that are not used and ~~((which))~~ 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.

~~((H.))~~ 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 his or her household.

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

~~((J.))~~ 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.

~~((K.))~~ 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 ~~((the state of Washington))~~ or within the United States ~~((unless so specified))~~.

~~((L.))~~ N. "Respondent" means the ~~((person))~~ individual against whom a complaint is filed or an investigation is conducted.

~~((M.))~~ O. "Retaliatory action" means any action by a supervisor or other employee that is intended to embarrass or to harass any ~~((person))~~ individual as a result of the ~~((person))~~ individual 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.))~~

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 2. Ordinance 1308, Section 3, as amended, and K.C.C. 3.04.020 are each 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.

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

D. No county employee ~~((may ask for))~~ 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 ~~((working on))~~ assisting a campaign~~((s))~~ for the election of any ~~((person))~~

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 ~~((the provisions of))~~ RCW ~~((42.17.130))~~ 42.17A.555.

F. No county employee shall disclose or use for the personal benefit of the employee or his or her 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 3. Ordinance 12014, Section 3, as amended, and K.C.C. 3.04.030 are each hereby amended to read as follows:

A. No county employee shall engage in any act ~~((which))~~ that is in conflict with the performance of official duties.

B. A county employee shall be deemed to have a conflict of interest if the employee directly or indirectly:

1. Receives or has any financial interest in any purchase, sale or lease to or by the county of any service or property when ~~((such))~~ the financial interest was received or obtained with the prior knowledge that the county intended to purchase, sell or lease such property or service;

2. Is beneficially interested or has a substantial financial interest in, ~~((directly or indirectly,))~~ or accepts any compensation, gift or thing of value from any other person beneficially interested in, any contract, sale, lease, option or purchase that may be made by, through~~((,))~~ or under the supervision of the employee, in whole or in part~~((, or accepts, directly or indirectly, any compensation, gift or thing of value from any other person beneficially interested therein))~~);

3. Accepts or seeks for others, ~~((directly or indirectly,))~~ any employment, travel expense, service, information, compensation, gift or thing of value on more favorable terms than those granted to other county

employees or the public generally, from any person~~(;)~~ doing business, or seeking to do business, with the county for which the employee has responsibility or with regard to which he or she may participate, provided that this subsection shall not apply to the receipt by elected officials, or by employees who are supervised directly by an elected official, of meals, refreshments or transportation within the boundaries of the county when given in connection with meetings with constituents or meetings ~~((which))~~ that are informational or ceremonial in nature;

4. Accepts~~((, directly or indirectly,))~~ any ~~((gift,))~~ favor, loan, retainer, entertainment, travel expense, compensation, gift or other thing of value from any person doing business or seeking to do business with the county when such an acceptance may conflict with the performance of the employee's official duties. A conflict shall be deemed to exist where a reasonable and prudent ~~((person))~~ individual would believe that ~~((the gift, compensation, thing of value, or more favorable terms,))~~ it was given for the purpose of obtaining special consideration or to influence county action. The financing of ~~((the conduct of))~~ county election campaigns shall continue to be governed by chapter 42.17A RCW and the provisions of the charter and ordinances implementing it;

5. Participates in, influences or attempts to influence, ~~((directly or indirectly,))~~ the selection of, or the conduct of business or a transaction with a person doing or seeking to do business with the county if the employee has a substantial financial interest in or with said person;

6. Discusses or accepts an offer of future employment with any person doing or seeking to do business with the county if either:

a. the employee knows or has reason to believe that the offer of employment was or is intended, in whole or in part, ~~((directly or indirectly,))~~ as compensation or reward for the performance or nonperformance of a duty by the employee during the course of county employment or to influence county action pertaining to the business; or

b. the employee has responsibility for a matter upon which the person is doing or seeking to do

business with the county, unless the employee has ~~((first disclosed in writing to his or her appointing authority that the employee intends to discuss future employment with a specific person and the appointing authority has designated, in a memorandum filed with the board of ethics and a copy of which is maintained by the appointing authority, a method of providing for an alternative decision maker with regard to matters involving such person for which the employee otherwise would have responsibility))~~ given notice in accordance with K.C.C. 3.04.037 and a method of providing for an alternative decision maker for the matter has been designated by the employee's appointing authority in a memorandum filed with the board of ethics, a copy of which is maintained by the appointing authority;

7. Within one year of entering county employment ~~((awards a county contract or))~~:

a. participates in a county action benefiting a person that formerly employed ~~((him or her, provided))~~ the employee, except that participation ~~((other than contract award))~~ may be authorized in a memorandum by the appointing authority following written disclosure by the affected employee and ~~((that such))~~ the authorization shall be filed with the board of ethics and a copy maintained by the appointing authority; or

b. awards a county contract benefitting a person that formerly employed the employee;

8. Is an employee, agent, officer, partner, director or consultant, of any person doing or seeking to do business with the county, unless such relationship has been disclosed as provided by this chapter;

9.~~((a.))~~ Engages in or accepts compensation, employment or renders services for any person or a governmental entity other than the county when such employment or service is incompatible with the proper discharge of official duties or would impair independence of judgment or action in the performance of official duties. ~~((In addition, the following employees must obtain the prior written consent of their highest ranking supervisor authorizing either new or continued employment, or the acceptance of any compensation or any thing of value for services performed outside King County government:~~

~~(1) the county administrative officer, the chief officer of each executive department or administrative office as defined by the provisions of the charter, the manager of each division of such~~

~~department or office, and all ((persons))individuals who report directly to ((such individuals))them;~~

~~(2) all nonelected council employees, provided that the personal staff of each individual councilmember shall obtain such consent from such councilmember;~~

~~(3) all nonelected employees of the prosecuting attorney;~~

~~(4) all nonelected employees of the department of judicial administration;~~

~~(5) all nonelected employees of the department of assessments; and~~

~~(6) the chief economist of the office of economic and financial analysis.~~

~~b. If such employment or service is deemed by the highest ranking supervisor to pose a conflict of interest, the employee immediately shall divest such employment and failure to do so shall be grounds for dismissal));~~

10. Enters into a business relationship outside county government;

a. with any other employee for whom he or she has any supervisory responsibility, or

~~((11. Enters into a business relationship outside county government))~~

b. with any person with regard to a matter for which the employee has responsibility as a county employee;

~~((12. Appears on behalf of a person before any regulatory governmental agency, or represents a person in any action or proceeding against the interest of the county in any litigation to which the county is a party, unless the employee has a personal interest in the litigation and this personal interest has been disclosed to the regulatory governmental agency or adjudicating individual or body. A county council member may appear before regulatory governmental agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation, or any gift or thing of value that is contingent upon a specific action by a county agency;~~

~~13. Directly or indirectly))~~ 11. ((p)) Possesses a substantial ((or controlling)) financial interest in any

person which does or seeks to do business with the county, without disclosing such interest as provided by this chapter(~~(. A substantial interest is an interest 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 such concern; or the financial interest of a person exceeds five percent of the net worth of the employee and his or her immediate family));~~

~~((14. As a county council member has a financial or other private interest in any legislation or other matter coming before the council, and fails to disclose such an interest on the records of the county council. This provision shall not apply if the county council member disqualifies himself or herself from voting by stating the nature and extent of such interest. Any other employee who has a financial or other private interest, and who participates in an action or proposed action of the county council and fails to disclose on the records of the county council the nature and extent of such interest, shall be deemed in violation of this chapter;~~

~~15.a. Has an interest in any property being considered for revaluation by the county board of appeals and equalization or has a personal interest or connection with another person's petition for revaluation while:~~

- ~~(1) an elected county official;~~
- ~~(2) the executive's administrative assistants and office manager;~~
- ~~(3) county councilmembers' executive secretaries;~~
- ~~(4) county administrative officer, the county administrative officer's administrative assistants and the county administrative officer's confidential secretary;~~
- ~~(5) chief officer of each executive department, the chief officer's administrative assistants and confidential secretary;~~
- ~~(6) chief officer of each administrative office, the chief officer's administrative assistants and the chief officer's confidential secretary;~~
- ~~(7) council administrator, the council administrator's administrative assistants and the council administrator's secretary;~~

~~(8) the ombudsman and the ombudsman's staff;~~

~~(9) an employee of the department of assessments;~~

~~(10) an employee assigned to either the board of equalization or the board of appeals, or both; and~~

~~(11) any other county employee who has direct contact with the board of appeals and equalization in the carrying out of his or her duties;~~

~~(12) a member of either the county board of appeals or the board of equalization, or both; and~~

~~(13) clerk of the council and his or her secretaries.~~

~~b. All persons listed in subsection A.15.a.(1) through (13) of this section, who wish to appeal to the county board of equalization on a matter of property revaluation shall be governed by the procedure in K.C.C. 3.04.040;~~

~~16.)) 12. As an appointive member of a board or commission, has a close relative serving on the same board or commission((. For the purposes of this subsection, close relative is defined as:~~

- | | |
|-----------------------------|--------------------------------------|
| Husband | Wife |
| Father | Father-in-law |
| Mother | Mother-in-law |
| Brother | Brother-in-law |
| Sister | Sister-in-law |
| Son-in-law | Daughter-in-law |
| Niece | Nephew |
| Grandparent | Grandchild |
| Uncle | Aunt |
| Child | Child of domestic partner |
| Domestic partner | |

~~In addition, the relatives of a domestic partner shall be considered close relatives to the same extent such~~

~~relatives would be included in this subsection if the employee and the domestic partner were married;~~

~~17. Discloses or uses for the personal benefit of the employee or his or her immediate family any information acquired in the course of official duties which is not available as a matter of public knowledge or public record)); or~~

~~((18.)) 13. Acts as an accomplice in any act by an immediate family member which, if ((such)) the act were performed by the employee, would be prohibited by ((1., 2., 3., 4., 5., 6., 7., 8., 10., 11., 13., 14., 15. or 17. ef)) this subsection. However, it shall not be a conflict of interest for ((such)) the family member to enter into a bona fide contract of employment ((which)) that is not intended to influence the action of the county employee.~~

~~((B. Subsection of A.2., 5., and 14. of this section is not violated by the possession by an employee of a financial interest in a person or other entity which is not a substantial interest as defined by subsection A.13. of this section.))~~

C.1. The following employees must obtain the prior written consent of their highest ranking supervisor authorizing new or continued employment outside King County government, or authorizing the acceptance of any compensation or any thing of value for services performed outside King County government:

a. the county administrative officer, the chief officer of each executive department or administrative office as defined by the charter, the manager of each division of the department or office and all individuals who report directly to them;

b. all nonelected council employees, except that the personal staff of each individual councilmember shall obtain the consent from the councilmember;

c. all nonelected employees of the prosecuting attorney;

d. all nonelected employees of the department of judicial administration;

e. all nonelected employees of the department of assessments; and

f. the chief economist of the office of economic and financial analysis.

2. If the employment or service is deemed by the highest-ranking supervisor to pose a conflict of

interest, the employee immediately shall divest the employment and failure to do so shall be grounds for dismissal.

D. A county employee shall be deemed to have a conflict of interest if the employee appears on behalf of a person before any regulatory governmental agency, or represents a person in any action or proceeding against the interest of the county in any litigation to which the county is a party, unless the employee has a personal interest in the litigation and this personal interest has been disclosed to the regulatory governmental agency or adjudicating individual or body. A county councilmember may appear before regulatory governmental agencies on behalf of constituents in the course of the councilmember's duties as a representative of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation, or any gift or thing of value that is contingent upon a specific action by a county agency.

E.1. A county councilmember shall be deemed to have a conflict of interest if the councilmember, directly or indirectly, has a substantial financial or other private interest in any legislation or other matter coming before the council, and fails to disclose the interest on the records of the county council. This subsection shall not apply if the county councilmember disqualifies himself or herself from voting by stating the nature and extent of such an interest.

2. Any other employee who is not a county councilmember, who, directly or indirectly, has a substantial financial or other private interest in, and who participates in, an action or proposed action of the county council and fails to disclose on the records of the county council the nature and extent of the interest, shall be deemed in violation of this chapter.

F.1. A county employee shall be deemed to have a conflict of interest if the employee, directly or indirectly, has an interest in any property being considered for revaluation by the county board of appeals and equalization or has a personal interest or connection with another person's petition for revaluation while the employee is:

- a. an elected county official;
 - b. the executive's administrative assistant or office manager;
 - c. a county councilmember's executive secretary;
 - d. the county administrative officer, the county administrative officer's administrative assistants or the county administrative officer's confidential secretary;
 - e. the chief officer of an executive department, the chief officer's administrative assistant or the chief officer's confidential secretary;
 - f. the chief officer of an administrative office, the chief officer's administrative assistants or the chief officer's confidential secretary;
 - g. the council administrator, the council administrator's administrative assistant or the council administrator's secretary;
 - h. the ombudsman or the ombudsman's staff;
 - i. an employee of the department of assessments;
 - j. an employee assigned to either the board of equalization or the board of appeals, or both;
 - k. any other county employee who has direct contact with the board of appeals and equalization in the carrying out of his or her duties;
 - l. a member of either the county board of appeals or the board of equalization, or both; or
 - m. The clerk of the council or the clerk's secretary.
2. All individuals listed in this subsection who wish to appeal to the county board of equalization on a matter of property revaluation shall be governed by the procedure in K.C.C. 3.04.040.

SECTION 4. Ordinance 6144, Section 2, as amended, and K.C.C. 3.04.035 are each hereby amended to read as follows:

A. For one year after terminating service to the county, a former member of a county board, commission, committee or other multimember body may not appear before that board, commission, committee

or other multimember body, or receive compensation for any services rendered on behalf of or for assistance to any person, in relation to any county action in which the former member participated during the period of his or her service. This prohibition also applies during the same period of time to any person (~~who is a partner, associate or member of a partnership, association, corporation, firm, institution or other entity, whether or not operated for profit, in~~) with which the former member has a financial or beneficial interest. However, this prohibition does not apply if the former member's financial or beneficial interest in any entity listed in this subsection is limited to investments and does not include managerial or other influential authority, including holding controlling interest in any class(es) of stock.

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

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

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

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

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

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

1. Providing names, work addresses and work telephone numbers of county agencies or county employees, to the extent the information is available as a matter of public record under state law;
2. Providing free transportation to another for the purpose of conducting business with a county agency;
3. Assisting oneself or another person in obtaining or completing forms required by a county agency for the conduct of a county business;
4. Providing assistance to the poor or infirm; or
5. Engaging in conduct that is authorized or protected by the constitutions or laws of Washington state or the United States.

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

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

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

SECTION 5. Ordinance 9704, Section 8, as amended, and K.C.C. 3.04.037 are each hereby amended to read as follows:

Any employee who becomes aware that he or she (~~may~~) might have a potential conflict of interest (~~which~~) that arises in the course of his or her official duties shall notify in writing his or her supervisor or appointing authority of (~~such~~) the potential conflict.

Upon receipt of such a notification, the supervisor or appointing authority shall take action to resolve the potential conflict of interest ~~(, including)~~ within a reasonable time, which may include, but is not limited to, designating ~~((within a reasonable time))~~ an alternative employee to perform the duty ~~((which))~~ that is involved in the potential conflict. The supervisor or appointing authority shall document the disposition of the potential conflict ~~((shall be stated))~~ in writing in files maintained by the ~~((supervisor or official))~~ appointing authority. The supervisor or ~~((official))~~ appointing authority may request an advisory opinion from the board of ethics before disposing of ~~((such))~~ the potential conflict.

SECTION 6. 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, in accordance with K.C.C. 3.04.030 ~~((A-))~~ E, 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 ~~((S))~~ state Board of Appeals in accordance with RCW 84.08.130.

However, the ~~((B))~~ board of ~~((E))~~ equalization may grant a change of venue to a ~~((B))~~ board of ~~((E))~~ equalization of another county, as provided in K.C.C. Title 2, 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 7. Ordinance 1308, Section 6, as amended, and K.C.C. 3.04.050 are each hereby amended to read as follows:

A. All ~~((candidates for county elective office, and))~~ nominees for appointment to any county elective

office except for judicial candidates, within two weeks of becoming a ~~((candidate or))~~ nominee, and all elected officials who are defined as county employees under K.C.C. 3.04.017, paid in whole or in part by county funds, shall file with the board of ethics a statement of financial and other interests as ~~((defined))~~ prescribed in subsection D. of this section. ~~((These))~~ This requirement((s)) may be satisfied by filing with the board of ethics a signed copy of the report required to be filed by RCW ((42.17.240, if this report contains an original signature of the person filing the report. The board of ethics shall forward a copy of such statements, reports and forms to the elections division, or its successor agency, within ten days of their receipt)) 42.17A.700.

B.1. Within ~~((ten days))~~ two weeks of employment or appointment and on or before April 15 of each year thereafter, the following employees shall file a ~~((written))~~ statement of financial and other interests, as ~~((defined))~~ prescribed in subsection D. of this section, with the board of ethics: all elected county officials; all employees appointed by the county executive; all employees appointed by the county administrative officer or department directors and who are subject to the approval of the county executive; all employees of the council; all employees of the office of economic and financial analysis; and such additional employees as may be determined by the board of ethics in accordance with criteria adopted by the board of ethics under subsection C. of this section. Statements of financial and other interests that are to be filed within two weeks of employment or appointment shall report on information for the preceding twelve calendar months. Annual statements of financial and other interests shall report on information for the preceding calendar year.

2. Within two weeks of becoming a nominee for appointment to county boards and commissions, the nominee shall file with the board of ethics a ~~((written))~~ statement of financial and other interests, as ~~((defined))~~ prescribed in subsection D. of this section, ~~((with the board of ethics))~~ reporting on information for the preceding twelve calendar months.

C. The board of ethics shall adopt by rule criteria for determining which employees, in addition to those designated in subsection B. of this section, are required to complete and file statements of financial and other interests. The criteria must consider the association between the duties and responsibilities of employees and

the conflict of interest provisions in K.C.C. 3.04.030.

D.~~((1-))~~ The statement of financial and other interests required to be filed under this section must include the following information of which the employee has, or reasonably should have, knowledge for the reporting ~~((year))~~ period:

~~1.a. ((compensation, gifts and things of value:~~

~~((1)))~~ the name of each person engaged in a transaction~~((, as defined by K.C.C. 3.04.017.F,))~~ with ~~((King County in which the employee may participate or has responsibility for, from whom the employee or a member of the employee's immediate family received any compensation, gift or thing of value))~~ the county in which the employee may participate or has responsibility for, where the employee or a member of the employee's immediate family received any compensation, gift or thing of value, possessed a financial interest or held a position with the person; ~~((and))~~

~~((2)))~~ b. the name of the individual who received the compensation, gift or thing of value from, possessed the financial interest in, or held a position with the person engaged in the transaction with the county, and the individual's relationship to the employee; and

~~((b. financial interests:~~

~~((1))~~ ~~the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017.F, with King County in which the employee may participate or has responsibility for, in whom the employee or a member of the employee's immediate family possessed a financial interest; and~~

~~((2))~~ ~~the name of the individual who possessed the financial interest and the individual's relationship to the employee;~~

~~e. positions:~~

~~((1))~~ ~~the name of each person engaged in a transaction, as defined by K.C.C. 3.04.017.F, with King County in which the employee may participate or has responsibility for, with whom the employee or a member of the employee's immediate family held a position;~~

~~(2) the name of the individual who held the position and the individual's relationship to the employee; and~~

~~(3)) c. the title of the position; and~~

~~d. real property;~~

~~(4)) 2.a. real property, listed by street address, assessor parcel number or legal description that was ((either)) involved in or the subject of an action by ((King)) the ((County)), in which the employee or a member of the employee's immediate family possessed a financial interest, except that property for which the only county action was valuation for tax purposes does not have to be reported except by those employees of the department of assessments and the board of appeals who are required to file a report related to the valuation;~~

~~((2)) b. the name of the individual who possessed the financial interest and the individual's relationship to the employee; and~~

~~((3)) c. the name of the King County department involved in the transaction.~~

~~((2. Property for which the only county action was valuation for tax purposes does not have to be reported except by those employees of the department of assessments and the board of appeals who are required to file a report.)) d. The use the individual made of the real property, such as recreation, personal residence or income, does not have to be reported.~~

~~E. ((For purposes of the statements of financial and other interests required to be filed annually, the "reporting year" means the preceding calendar year. For purposes of the statements of financial and other interests to be filed within ((ten days))two weeks of employment or appointment, the "reporting year" means the preceding twelve calendar months.~~

~~F. An individual filing a statement of financial affairs in accordance with subsections A. and B. of this section shall execute a written declaration that:~~

~~1. Recites that the statement is declared by the person to be true, complete and correct under penalty of perjury;~~

- ~~2. Is signed by the person;~~
- ~~3. States the date and place of the declaration's execution; and~~
- ~~4. States that the declaration is so declared under the laws of the state of Washington.~~

~~G.))~~ The statement of financial and other interests must be signed with location of signing, dated and declared to be complete, true and correct under penalty of perjury of the laws of the state of Washington.

F. The financing of election campaigns shall continue to be governed by other applicable local, state and federal laws, and not by the provisions of this chapter.

~~((H.))~~ G. Filing of the ~~((written))~~ statement of financial and other interests~~((, as defined in this section,))~~ does not relieve the employee of the duty to notify his or her supervisor of a potential conflict of interest as required by K.C.C. 3.04.037.

~~((F.))~~ H. The board may adopt rules and regulations by which affected employees may request suspension or modification of the requirements to disclose financial and other interests set forth in this section if the literal application of the requirements would cause a manifestly unreasonable hardship and the suspension or modification would not frustrate the purposes of this chapter.

~~((J.))~~ I. The board of ethics may adopt necessary and appropriate rules, regulations and forms related to completing, filing, maintaining and disclosing statements of financial and other interests under this section. The board~~((, if adopting the rules, regulations and forms,))~~ shall ~~((adopt them as provided in))~~ follow the requirements of K.C.C. chapter 2.98 for rule making.

SECTION 8. 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. The ombudsman 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 ombudsman.

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, ~~((verified and))~~ 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 his or her name not to be disclosed 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.))~~

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 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. If the ombudsman determines that the complaint does not meet the requirements of subsection B. or C. of this section, the ombudsman shall inform the complainant in writing of that determination and the reason.

D. ~~((The))~~ An investigation by the ombudsman under this chapter shall be directed to ascertain the facts concerning the alleged violation or violations of this chapter ~~((alleged in the complaint))~~ and shall be conducted in an objective and impartial manner~~((and in))~~. In furtherance of the investigation the ombudsman 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 ~~((which))~~ that 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~~) that the complainant or respondent(~~s~~) 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 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 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's office. 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 the finding; (~~and~~)
- c. any civil penalties; and
- d. 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. In determining civil penalties, the ombudsman 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 ombudsman shall provide a copy of the reasonable cause order to the complainant and the respondent's appointing authority.

I.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 ombudsman.

2. An early resolution agreement may not be appealed.

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

6.a. The early resolution agreement is not effective unless approved by the board of ethics. If approved by the board of ethics, the board shall send a copy of the approved early resolution agreement to the ombudsman, who shall forward a copy to the respondent, the respondent's appointing authority, to the prosecuting attorney's office and to the complainant.

b. If the early resolution agreement is not approved by the board of ethics, the board shall notify the ombudsman.

SECTION 9. Ordinance 9704, Section 10, as amended, and K.C.C. 3.04.057 are each hereby amended to read as follows:

A. Any respondent (~~((aggrieved by))~~) who disagrees with an order of reasonable cause of the ombudsman may file a written request(~~((in writing))~~), within twenty days of the service of the order upon the respondent or delivery of the order by certified mail, for an appeal hearing before the board of ethics. The request shall be filed with the board of ethics, with a copy provided to the ombudsman. The request shall cite the order appealed from and specify with particularity the findings being contested(~~((The request shall be filed with the board of ethics, with a copy provided to the ombudsman))~~);

B. Any order of reasonable cause issued by the ombudsman pursuant to K.C.C. 3.04.055 shall become final twenty days after service of the order or delivery of the order by certified mail, unless a timely written request for an appeal hearing is filed as set forth above(~~((is received by the board of ethics within the twenty-~~

~~day period~~));

C. If an order of ~~((the ombudsman))~~ reasonable cause has been timely appealed, a hearing shall be conducted by the board of ethics for the purpose of affirming, ~~((denying))~~ reversing or modifying the order. The parties to the hearing shall be the respondent and the ombudsman or his or her designee. There shall be a verbatim record kept of the hearing and the board of ethics shall have the power to administer oaths and affirmations, issue subpoenas and compel attendance, take evidence and require the production of any books, papers, correspondence, memoranda or other records relevant or material to the hearing. The burden of proving that a violation occurred shall at all times be upon the ombudsman. The board of ethics's decision shall be based upon a preponderance of the evidence. Such a hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given to the parties at least ten days prior to the hearing date~~((of the hearing to the parties))~~);

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

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

E. Following review of the evidence submitted, the board shall within a reasonable time enter written findings and conclusions and shall affirm or modify the order previously issued if the board finds that one or more violations of this chapter has occurred. The board shall reverse the order if it finds no violations of this chapter have occurred. A copy of the board's decision shall be served or mailed, by certified mail, return receipt

requested, to the respondent, and the original thereof retained by the board. The board shall provide a copy of its decision to the ombudsman, the respondent's appointing authority, the ~~((office of the))~~ prosecuting attorney's office and the complainant.

SECTION 10. Ordinance 1308, Section 7, as amended, and K.C.C. 3.04.060 are each hereby amended to read as follows:

A. ~~((Criminal Penalties.))~~ Any negligent or willful violation of the provisions of this chapter shall constitute a misdemeanor and upon conviction be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail not to exceed ninety days; or both;

B. ~~((Civil Penalties and Disciplinary Action.))~~ 1. Any elected official who commits a violation of this chapter ~~((shall))~~ may be subjected to penalties as provided by RCW 42.12.010 and the King County Charter, and ~~((shall))~~ may also be subjected to a civil penalty of an amount not to exceed the lesser of one month of the respondent's county pay or the amount authorized by law. ~~((Any person having an existing contract with King County or seeking to obtain a contract who willfully attempts to secure preferential treatment in his/her dealings with the county by offering any valuable consideration, thing of value or gift, whether in the form of services, loan, thing or promise, in any form to any county official or employee, shall have his/her current contracts with the county canceled and shall not be able to bid on any other county contract for a period of two years.))~~

2. An employee of the county who commits a violation of this chapter ~~((shall))~~ may be subjected to disciplinary action, up to and including termination from employment; provided that such disciplinary action is consistent with Career Service Guidelines and collective bargaining agreements. An employee of the county who commits a violation of this chapter ~~((shall))~~ may also be subjected to a civil penalty; provided that such penalty shall not exceed the lesser of one month of the respondent's county pay or the amount authorized by law.

3. Members of boards and commissions who commit a violation of this chapter ~~((shall))~~ may be

subjected to immediate removal from such appointment.

C. Civil and criminal liability under the provisions of this section shall be imposed on any person who either directly or as an accomplice commits a violation of this chapter.

D. ~~((A county employee who engages in retaliatory action as defined herein shall be subject to civil and criminal penalties as set forth in this section))~~Any person having an existing contract with King County or seeking to obtain a contract who willfully attempts to secure preferential treatment in his/her dealings with the county by offering any valuable consideration, gift or thing of value, whether in the form of services, loan, thing or promise, in any form to any county official or employee, shall have his/her current contracts with the county canceled and shall not be able to bid on any other county contract for a period of two years.

SECTION 11. Ordinance 1321, Section 2, as amended, and K.C.C. 3.04.080 are each hereby amended to read as follows:

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

SECTION 12. Ordinance 1321, Section 3 and K.C.C. 3.04.090 are each hereby amended to read as follows:

The purpose of the board of ethics shall be to insure proper implementation and interpretation of the

code of ethics (~~((and to investigate and report on conflicts of interest))~~) under this chapter.

SECTION 13. Ordinance 1321, Section 4, as amended, and K.C.C. 3.04.100 are each hereby amended to read as follows:

~~((A.))~~ 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 ombudsman, the county executive and all members of the King County council. ~~((Such opinion may also be released to the public at the discretion of the board with such omissions as may be necessary to protect the confidence and privacy of county officers or employees. A written copy of the board's opinion shall be delivered to the officer or employee requesting the opinion.~~

~~B. The board shall hear appeals from orders of the ombudsman as provided in this chapter.))~~

SECTION 14. Ordinance 1321, Section 5, as amended, and K.C.C. 3.04.110 are each hereby repealed.

SECTION 15. 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 the amount specified in K.C.C. 4.16.095 shall file both with the King County board of ethics and the executive a signed, 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 in accordance with to 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 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 signed, dated with location of signing, written declaration that((=

~~a. recites that~~) the information in the disclosure form is ~~((declared by the consultant to be))~~ complete, true~~((, complete))~~ and correct under penalty of perjury of((=

~~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 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 preestablished term as an independent contractor to the county.

SECTION 16. Ordinance 9704, Section 13, as amended, and K.C.C. 3.04.130 are each hereby amended

to read as follows:

The ombudsman and the board of ethics are each authorized to implement such forms, administrative processes, and operational procedures as are necessary to comply with the provisions of this chapter ~~((; provided that a))~~. Any rules governing the conduct of contested hearings shall be promulgated in compliance with K.C.C. chapter 2.98, Rules of County Agencies.

The executive is directed to prepare, with the assistance of council staff, the office of the prosecuting attorney, the ombudsman and the board of ethics, information regarding the provisions of this chapter to be made available to employees and members of boards and commissions. ~~((t))~~ The availability of these materials and of copies of this chapter shall be described in a summary form, which shall be distributed to all new county employees ~~((on or before April 20, 1994 and an acknowledgment of receipt of such form shall be signed and returned by each employee to the office of human resource management on or before May 20, 1994. Each new employee)), who shall sign and return ((such)) the form ((prior to)) within two weeks of commencing work for King County or at the new employee orientation, whichever is sooner. A summary of the ethics code shall also be distributed to all county employees at least once every two years, and any time there are material changes to this chapter.~~