

**RULES RELATED TO FILING
STATEMENTS OF FINANCIAL AND OTHER INTERESTS**

of the

KING COUNTY BOARD OF ETHICS

Effective March 24, 2000
As Amended Effective November 15, 2004
As Amended Effective September 20, 2008

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1.0 INTRODUCTION

1.1 By K.C.C. 3.04.050(C), the Board of Ethics is directed to adopt by rule criteria for determining which employees, in addition to those designated in K.C.C. 3.04.050(B), are required to complete and file statements of financial and other interests.

1.2 The Board of Ethics is authorized by K.C.C. 3.04.110 to adopt and promulgate rules and regulations delineating personnel employed by the county, not included in the King County Code of Ethics, who shall be required to complete and file statements of financial and other interests.

1.3 By motion adopted November 23, 1999, the Board of Ethics determined the following: (1) K.C.C. 2.98.050(C) requires the board to adopt criteria for determining which employees, in addition to those designated in K.C.C. 3.04.050(B), are required to complete and file statements of financial and other interests; (2) such criteria are necessary and in the public interest to effectuate the annual filing of such statements by April 15, 2000; and (3) emergency rules establishing such criteria should be adopted until non-emergency rules can be promulgated, thereby ensuring criteria are in place for use by departments in identifying employees who must file such statements. Based thereon, the board adopted emergency rules effective upon filing with the clerk of the county council on November 24, 1999. Pursuant to K.C.C. chapter 2.98, the emergency rules shall be effective for no longer than ninety days from the date of filing.

1.4 Also by motion adopted November 23, 1999, the Board of Ethics directed the ethics administrator and board counsel to develop non-emergency rules establishing such criteria for adoption and promulgation by the Board of Ethics in compliance with the rule-making provisions of K.C.C. chapter 2.98.

1.5 The Board of Ethics readopted the emergency rules for filing statements of financial and other interests by motion on February 22, 2000. Continuation of the emergency rules would avoid a gap between the end of the effective period of the emergency rules and the beginning of the effective period for rules set forth below.

1.6 Also on February 22, 2000, the Board of Ethics adopted by motion regular rules for filing statements of financial and other interests, and directed the ethics administrator to file the rules with the Clerk of the Council as prescribed by K.C.C. chapter 2.98; the rules were then filed on February 23, 2000.

1.7 By motion adopted on October 11, 2004, the Board of Ethics approved the following amended rules intended to incorporate additional provisions from the Code of Ethics into the rules and make the rules consistent with statements of financial and other interests. The board directed the ethics administrator to file the rules with the clerk of the council as prescribed by K.C.C. chapter 2.98; the rules were then filed on October 14, 2004.

1.8 At its meeting on June 16, 2008, the Board of Ethics determined that the rules related to filing statements of financial and other interests should be amended due to change of location and minor editing changes. By motion adopted on August 18, 2008, the board adopted amendments to the rules related to filing statements of financial and other interests and directed the executive director to file amended rules with the Clerk of the Council as prescribed by K.C.C. chapter 2.98.

2.0 PURPOSE

2.1 Filing statements of financial and other interests provides an opportunity to inform candidates for elective office and nominees for appointment to county elective office, except judicial candidates, and to remind affected employees, including members of county boards, commissions, committees and other multi-member bodies, of the kinds of interests and activities that result or could result in conflicts of interest under the Code of Ethics.

2.2 Under K.C.C. 3.04.050(A), all candidates for county elective office and nominees for appointment to any county elective office, except 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, must file a statement of financial and other interests with the Board of Ethics. This requirement may be satisfied by filing with the board a copy of the report required to be filed by RCW 42.17.240 if the report contains an original signature of the person filing the report.

2.3 Under K.C.C. 3.04.050(B), all employees appointed by the executive, all employees appointed by the county administrative officer or department directors, and who are subject to the approval of the county executive, and all employees of the council are required to file with the Board of Ethics statements of financial and other interests both within ten days of employment and on or before April 15 of each year after the date of employment. Nominees for appointment to county boards and commissions are required to file within two weeks of becoming a nominee, and on or before April 15 of each year while in the service of the county.

2.4 Under K.C.C. 3.04.050(C), the Board of Ethics is directed to adopt criteria for determining which employees, in addition to those designated in K.C.C. 3.04.050(B), are required to complete and file statements of financial and other interests.

2.5 In the criteria set forth below, the Board of Ethics has identified duties and responsibilities that involve or could involve participation in county actions and provide access to non-public information. Under the Code of Ethics, the greater the extent to which an employee participates in county actions, the greater the possibility the employee could have potential or actual conflicts of interest.

2.6 Using the criteria set forth below, departments will identify individual employees, including members of county boards, commissions, committees and other multi-member bodies, who will be required to file statements of financial and other interests with the Board of Ethics.

3.0 DEFINITIONS

Except as provided otherwise herein, the definitions set forth in K.C.C. chapter 3.04 shall apply under these rules.

3.1 "Board of Ethics" means the board established pursuant to K.C.C. 3.04.080.

3.2 "Code of Ethics" means the provisions of K.C.C. chapter 3.04.

3.3 "Department" means those executive and legislative departments, offices and agencies identified in K.C.C. 3.04.017.

3.4 “Ethics Administrator and/or Executive Director” means the county employee who is assigned to provide administrative support to the Board of Ethics.

4.0 CRITERIA

4.1 The Board of Ethics adopts the following criteria for purposes of determining which employees, in addition to those designated in K.C.C. 3.04.050(B), are required to complete and file statements of financial and other interests:

4.1.1 Employees who participate in or have decision-making responsibilities for the awarding and/or administration of agreements or contracts for the purchase, lease, rental, disposal or sale of personal tangible property or real property or public works contracts.

4.1.2 Employees who participate in or have decision-making responsibilities for grants and services contracts, whose duties include but are not limited to the following activities: writing or preparing specifications; evaluating bids and proposals; negotiating, administering or monitoring performance on contracts; and exercising contract signature authority.

4.1.3 Employees who participate in or have decision-making responsibilities for the investment, management or expenditure of county funds.

4.1.4 Employees who participate in or have decision-making responsibilities for policy and its implementation in the Office of the Assessor.

4.1.5 Employees who participate in or have decision-making responsibilities for policy and its implementation in the Sheriff’s Office.

4.1.6 Employees whose duties and responsibilities include having access to information that is not available as a matter of public knowledge or public record, including, but not limited to, administrative assistants and confidential secretaries in non-career service positions.

4.1.7 Employees who provide administrative support greater than clerical support to county boards, commissions, committees and other multi-member bodies that come within subsection 4.2 of these rules.

4.1.8 Employees who conduct or supervise the conduct of audits, including audits of county programs and third party activities.

4.1.9 Employees who participate in or have decision-making responsibilities for policy and its implementation in the Office of the Prosecuting Attorney, and employees appointed by the prosecuting attorney to serve as his or her deputies.

4.1.10 Employees who supervise, directly or through others, employees identified in subsections 4.1.1 through 4.1.9 above.

4.2 The Board of Ethics adopts the following criteria for purposes of determining which members of county boards, commissions, committees and other multi-member bodies are required to complete and file statements of financial and other interests:

4.2.1. Nominees for appointment and persons appointed by the executive or County Council to serve on county boards, commissions, committees and other multi-member bodies that are established by county council action.

5.0 PROCESS TO APPLY CRITERIA AND FILE ANNUAL STATEMENTS

5.1 The executive director will communicate with county elected officials and department directors by mid-December of each year for the purpose of distributing these rules and identifying and confirming the individuals designated as department coordinators for employees and staff liaison for county boards, commissions, committees and other multi-member bodies. By January 1 of each year, department directors shall inform the executive director of the names of the department coordinators and staff liaison of each affected board and commission within the department as well as a list of boards, commissions, committees and other multi-member bodies operating within their department whose members shall be required to file statements.

5.2 The executive director will provide training and distribute these rules and forms to each department coordinator and staff liaison by the end of January of each year.

5.3 Each department shall consider the criteria set forth in these rules and prepare a list, in a format to be identified by the executive director, by name and position of employees and members of county boards, commissions, committees and other multi-member bodies that meet the criteria set forth in subsections 4.1 and 4.2 above. Each department shall submit its list to the executive director in the prescribed format by February 15 of each year or on the date published by the executive director.

5.4 The Board of Ethics shall use the list prepared by each department to send notices and regular communications to department directors, department coordinators, staff liaisons, individual employees and others to be determined by the executive director.

5.5 Employees and members of county boards, commissions, committees and other multi-member bodies on the lists prepared by departments shall complete and submit to the Board of Ethics a statement of financial and other interests by April 15 of each year.

5.6 Upon receipt of statements of financial and other interests, the executive director will review the statements. If a statement is not complete, is ambiguous, or provides information that requires additional explanation, the executive director shall return the statement to the person who submitted it with an explanation of why the statement has been returned. The person who submitted the statement shall respond to the issues raised by the executive director within fourteen calendar days.

5.7 The Board of Ethics will issue periodic reports and a final report no later than September 15 of each year on compliance with the requirements to submit statements of financial and other interests as set forth above.

6.0 PROCESS TO FILE STATEMENTS BY NEW EMPLOYEES

6.1 Departments and the Human Resources Division shall coordinate efforts to ensure that new employees who accept positions included on the list prepared by departments

under subsection 5.3 above file a written statement of financial and other interests within ten days of employment or appointment, as required by K.C.C. 3.04.050(B).

6.2 Upon receipt of statements of financial and other interests, the executive director will review the statements. If a statement is not complete, is ambiguous, or provides information that requires additional explanation, the executive director shall return the statement to the person who submitted it with an explanation of why the statement has been returned. The person who submitted the statement shall respond to the issues raised by the executive director within fourteen calendar days.

7.0 PROCESS TO FILE STATEMENTS BY CANDIDATES FOR COUNTY ELECTIVE OFFICE, NOMINEES FOR APPOINTMENT TO COUNTY ELECTIVE OFFICE AND ELECTED OFFICIALS

7.1 Upon receipt of the candidate registration form, the King County Elections Division shall inform candidates for county elective office and nominees for appointment to county elective office, except judicial candidates, of the requirement to file a statement of financial and other interests, or a copy of the report required to be filed by RCW 42.17.240 if the report contains an original signature of the person filing the report, with the Board of Ethics within two weeks of becoming a candidate or nominee.

7.2 Upon receipt of statements of financial and other interests from candidates, nominees and elected officials, the executive director will review the statements. If a statement is not complete, is ambiguous, or provides information that requires additional explanation, the executive director shall return the statement to the person who submitted it with an explanation of why the statement has been returned. The person who submitted the statement shall respond to the issues raised by the executive director within fourteen calendar days.

7.3 The Board of Ethics will forward a copy of statements from candidates for elective office and elected officials to the Elections Division within ten days of receipt of a fully completed statement.

8.0 REQUESTS FOR SUSPENSION OR MODIFICATION

8.1 Pursuant to K.C.C. 3.04.050(I), the Board of Ethics may adopt rules to suspend or modify the requirements to disclose financial and other interests. Any suspensions or modifications would be considered only if evidence is provided that the literal application of the disclosure requirements would cause a manifestly unreasonable hardship and that the requested suspension or modification would not frustrate the purposes of the disclosure requirements. Any suspension or modification shall be only to the extent necessary to substantially relieve the hardship.

8.2 A request for suspension or modification of disclosure requirements must contain (a) a statement of financial and other interests that has been completed to the extent possible, (b) a statement of the reasons why the reporting of required information would cause a manifestly unreasonable hardship, and (c) a proposed modification that would relieve the perceived hardship. A general statement, such as "disclosing would violate my privacy rights," will not be a sufficient statement.

8.3 To the extent allowed by law and unless otherwise ordered by a court of competent jurisdiction, the request for suspension or modification of disclosure requirements will be considered and held confidential by the Board of Ethics.

8.4 The Board of Ethics will issue a written decision on each request for suspension or modification of disclosure requirements.