



KING COUNTY OMBUDS OFFICE

2019 Annual Report

Background

The King County Ombuds Office was created by the voters of King County in the County Home Rule Charter of 1968, and operates as an independent office within the Legislative branch of county government.

The Ombuds Office resolves issues informally where possible, and investigates county agency conduct in response to complaints received from the public, county employees, or on its own initiative. This includes investigating alleged violations of the Employee Code of Ethics (KCC 3.04), Lobbyist Disclosure Code (KCC 1.07), and the Whistleblower Protection Code (KCC 3.42). In addition, the Tax Advisor section of the Ombuds Office provides property owners with information regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their valuation.

The Ombuds Office reports to the Metropolitan King County Council in March and October each year on the activities of the Office, per KCC 2.52.150. This report summarizes Office activities for January through December 2019.

Mission

To promote public trust in King County government by responding to complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

The Ombuds Office

The Ombuds Office opened 1,444 cases and inquiries from residents and county employees during the report period. Ombuds cases are classified as Investigation, Assistance, or Information.

The Ombuds Office opened 37 new investigations during this period. The allegations that initiated these investigations relate to potential improper administrative conduct, as well as violations of the county's ethics and whistleblower codes, including allegations of conflicts of interest, retaliation, and improper governmental action. We strive to complete these investigations in a thorough and timely manner, and to produce findings and recommendations to improve county operations and promote public trust in county government. Investigations are the most resource-intensive aspect of our work.

Response to Complaints

The Ombuds Office reviews each complaint individually to determine the appropriate actions. Once we fully understand the complaint, our office responds in one or more of the following ways:

INFORMATION

Requests for information or advice, which may result in referral.

ASSISTANCE

Complaints resolved through problem solving, including by agency inquiry, facilitation, counseling, and coaching. Assistance cases can range from simple to complex.

INVESTIGATION

Complaints resolved through independent fact-finding, which may involve evidence collection including witness testimony, and the analysis of evidence, laws, policies, and procedures. The Ombuds makes findings and may also develop recommendations for change and work with departments to ensure that appropriate actions are taken. Investigation cases can range from simple to complex.

In addition to addressing individual concerns, the Ombuds Office also focuses on identifying patterns which may indicate a systemic issue. We work with departments to ensure that systemic problems are resolved, and necessary changes are made to improve functions going forward.

Cases Received by Agency

Agencies not listed in the table had no Ombuds cases during the reporting period.

DEPARTMENT	TOTAL
Adult and Juvenile Detention	790
Boards and Commissions	1
Community and Human Services	10
County Council	3
County Executive Office	10
District Court	2
Executive Services	50
Judicial Administration	2
Natural Resources and Parks	30
Ombuds Office/Tax Advisor ¹	48
Permitting and Environmental Review	68
Prosecuting Attorney's Office	7
Public Defense	25
Public Health	158
Sheriff's Office	18
Superior Court	24
Transportation	48
Non-Jurisdictional ²	150
Total	1,444

¹ Cases coded to the Ombuds Office include inquiries about Ombuds operations and processes, public records requests, PAO litigation holds and records requests, special projects, etc.

² The category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

Case Summaries

The Ombuds Office handles cases involving a wide range of issues, circumstances, and County agencies. We employ a variety of tools and methods to research and respond to the nuances of each case. The case summaries below describe how our office resolved some of the cases we closed during the reporting period.

ALLEGATION	RESOLUTION
<p>Employee alleged that the Department of Public Health retaliated against her for objecting to possible sexual harassment in the workplace.</p>	<p>The former term-limited temporary employee reported possible retaliation including non-renewal of her employment status. Ombuds staff spoke several times with the complainant about the specifics of the allegations, and we corresponded with her labor representative about applicable policies.</p> <p>Though the Ombuds does not have jurisdiction to enforce sexual harassment and other civil rights laws, we assisted the complainant in understanding her available options and referred her to the appropriate civil rights enforcement agencies for further action.</p>
<p>Resident complained that a rainbow-themed “vote” image on the Department of Elections website constituted support for a political agenda.</p>	<p>The Elections website contains downloadable images in various languages and color schemes intended to “support voter education and outreach in the community.” The website encourages visitors to use the image of their choice on social media accounts to “show your voting pride!” The resident objected that the rainbow-themed image improperly supported the LGBTQ+ movement and demanded that the image be removed from the Elections website.</p> <p>Upon reviewing the image, the Ombuds determined that it does not necessarily support the LGBTQ+ movement since rainbow images have other meanings and the one at issue does not resemble a traditional gay rights rainbow flag. Regardless, displaying such an image in support of LGBTQ+ equality would express King County's legitimate governmental interest in the civil rights of its LGBTQ+ residents.</p>
<p>An official for a town government within King County contacted the Ombuds for an ethics inquiry concerning town employees.</p>	<p>The town official raised possible ethics violations by town employees, including inaccurately recording employee time, modifying timecards, and personal use of town resources. The official indicated that responsible officials were unresponsive to the concerns.</p> <p>Though Ombuds jurisdiction extends only to County government, not town governments, Ombuds personnel met with the official, reviewed records, and assisted the official in determining and understanding options. As the</p>

allegations involved possible criminal activity, we conferred with the King County Prosecuting Attorney's Office and referred the town official to the appropriate deputy prosecutor there for possible further action.

Complainant alleged that Metro Access paratransit failed to pick up her parents for three scheduled rides.

During initial research we noted that the neighborhood had a confusing street layout with duplicated street names. In public mapping software, the same address pointed to both the parents' retirement home and a newly-constructed building around the corner. We contacted Metro Access to diagnose the missed rides. Metro Access staff sent a field supervisor to visit the pickup location and update map data and driver instructions. Subsequent pickups were successful.

After the February snowstorms, a rider on Vashon Island complained that none of the island's Metro Transit bus routes were running even though the Department of Local Services was plowing the roads. The rider also alleged that a long delay in plowing park-and-rides forced riders to climb over snow berms to board buses.

During a snow emergency Metro may activate the Emergency Snow Network (ESN), which provides a preplanned reduced level of service for the County based on expected road conditions, staffing levels, and snow-day rider demand. Metro activated the ESN for the first time for this snowstorm. We confirmed that Vashon received no bus service even though Local Services planned to plow some or all the bus' normal route.

We contacted Metro Transit's Service Development Section, which advised that Vashon was excluded from the snow routes for several reasons, including a low and peak-heavy ridership and a large hill near the ferry terminal. In addition, ESN is a static service map designed to make sure riders and Metro are prepared for snow ahead of time. During snow emergencies, Metro staff and equipment are focused on keeping the ESN running, so they cannot inspect and restore individual routes based on plowing progress without diverting resources and confusing riders. Metro heard similar concerns about other areas that lost service during the snowstorms, and Metro advised that they would revisit the network before the next winter.

We also contacted the Department of Local Services, who advised that they plow roads but Metro retains responsibility for plowing stops and park and rides. Metro has limited resources for plowing, and park-and-rides are a lower priority than transit centers and bases. Metro does not use private contractors for snow clearance because of past reliability issues.

Resident alleged that the bus stop near his house had a chronic litter problem but Metro Transit refused to provide a garbage can or cleanup services.

We used public street-view software to confirm that the stop had experienced a litter problem in the past; someone had hung a garbage bag on the fence to address the problem. Through our discussions with Metro, we learned that Metro only provides garbage service to bus stops with shelters. Metro installs shelters at stops with more than 25 riders a day, but there is a long waiting list. This stop had only 21 boardings per weekday so it did not qualify for a shelter under Metro's rules. We also contacted the local city, which does not provide garbage service to bus stops.

For stops that lack shelters, Metro offers an Adopt-A-Stop program. If a resident agrees to service a stop, Metro will install a small garbage can and provide bags and free ride tickets. On a site visit we attempted to leave contact information for the neighbor who had serviced the stop with their own bags, but we were unsuccessful. The complainant appreciated our efforts and agreed to refer the neighbor to us if he identified them.

A mother alleged that her son, who was detained at the King County Jail, should be in Mental Health Court and in psychiatric housing.

The mother stated that the Department of Adult and Juvenile Detention (DAJD) had denied her son treatment offered by the Regional Mental Health Court (RMHC). Upon investigation, we found that neither DAJD nor Jail Health Services were responsible for determining whether the complainant's son could participate in RMHC. To participate in RMHC, a defendant must be referred by the prosecuting attorney or the defense attorney (depending on whether the crime was a felony or misdemeanor). If a defendant is referred to the RMHC and meets the eligibility criteria, the Court Clinician would draft an individualized treatment plan specific to the defendant's needs. We provided this information to the detainee's mother.

A detainee at the Maleng Regional Justice Center (MRJC) alleged they were not receiving adequate mental health care.

The detainee told the Ombuds that they had bipolar disorder and had the option to participate in Mental Health Court but needed to begin stabilizing medications first. The detainee reported that he was not receiving any medications at MRJC. Ombuds staff brought his concern to the attention of Jail Health Services.

Complainant requested information concerning the authority on which the Recorder's Office requires citation on a Real Estate Excise Tax (REET) to subsections and sub-subsections of a WAC when claiming an exemption from the tax.

We researched the Recorder's Office requirements and learned that they originated from the Washington State Department of Revenue. Washington Administrative Code 458-61A-301(3) states that King County shall act as an agent for Washington State in the review and collection of real estate excise taxes. WAC 458-61A-303(6)a and 303(6)b require that all information on the Real Estate Excise Tax Affidavit (REETA) must be complete, accurate, and include all necessary documentation. Box 7 of the REETA states: "If claiming an exemption, list WAC number and reason for exemption: WAC No. (Section/Subsection)_____". (Emphasis added.)

Here, we found that the information requested in Box 7 is a requirement for recording. The Recorder's Office stated that the Washington State Department of Revenue had instructed the Recorder's Office to ensure that the relevant WAC on a REETA included the section and subsection to confirm the taxability of the transaction. We informed the complainant that the Recorder's Office adheres to Department of Revenue requirements when recording REETs and cannot waive or change filing requirements.

Owners of a home-based craft brewery alleged that the Department of Local Services' Permitting Division failed to comply with state law regarding review of their Already Built Construction (ABC) permit.

The owners alleged that the Permitting Division had told them they would accept an amendment to the ABC application to include beverage tasting. However, eleven weeks after Permitting had accepted the amended permit, they informed the owners that the application was incomplete and therefore not vested into existing regulations. Permitting stated that the permit application would be canceled entirely if the owners did not respond to Permitting's comments on the application. The owners alleged that Permitting was not following state law that required them to timely review permit applications for completeness.

If a jurisdiction receives an incomplete permit application, state law requires the jurisdiction to alert the applicant within 28 days and provide a list of what would be required to complete the application. If the agency does not do so within the 28-day period, the application is considered complete. Our review found that Permitting did not follow the state-prescribed process in this case. The Ombuds Office, the brewery owners, and the Permitting Division's ABC and Commercial Permits Product Line managers worked together to review the issues. Ultimately, the Commercial Permits Product Line Manager determined that the amended application was complete and that the applicant had satisfied the requirement to respond to Permitting's comments. We will continue to monitor the permit application review process.

Neighbors alleged that the Department of Local Services' Permitting Division failed to take enforcement action against unpermitted land clearing by a parcel owner.

Our investigation found that the owner had cleared all trees from part of their parcel to create a pasture, but the owner was only permitted to create the pasture if they maintained the existing tree canopy. The parcel owners have since applied for an Already Built Construction (ABC) permit to address removal of the trees. The ABC permit requires Permitting to conduct an environmental review and accept public comment as provided in the State Environmental Policy Act (SEPA). The neighbors were advised of the County's response to the unpermitted clearing activity and of the opportunity to comment.

A new property owner contacted the Ombuds Office after discovering an old code violation on a property they had recently purchased.

The Ombuds Office looked into the matter and learned that the property had a vegetation-clearing violation in 2008. There was no notice on the new owner's title, and the new owner estimated that restoration work and permit costs could total about \$100,000.

After discussion, the new owner and their attorney decided to attempt to sell the property back to the previous owner (who did the clearing and received the original notice of the code violation) at the current market rate. We advised that if the new owner chose to pursue the restoration permit, we would assist them through that process. We also noted that there may be less restoration work to do after ten years of natural growth.

A property owner requested Ombuds assistance in working with the Department of Local Services regarding drainage and flooding issues on their property.

The property owner contacted the Ombuds to allege that Local Services' Roads Division was not maintaining a clogged culvert. The Roads Division had told the owner that they were busy with the snow storm, but the owner alleged that after several days the undrained snowmelt was flooding their property. We contacted the Roads Division; they visited the site and unclogged the culvert. The floodwater dissipated.

A resident alleged that damage to a County bridge leaves them unable to access their residence.

The resident has filed complaints with the Department of Local Services' Roads Division and King County Sheriff's Office for years about lack of enforcement of truck weight limits on the Baring Bridge, a historically-landmarked timber suspension bridge that is the only route of access to the complainant's residence. The resident, who has experience with construction, warned the County that the bridge was sustaining damage from overweight loads.

Our review found that neither Roads nor the Sheriff's Office have the mobile scales necessary to gather evidence to cite drivers of vehicles over the road weight limit. The County temporarily closed the bridge for repairs. The bridge has reopened for now while Roads develops plans to replace it with a steel bridge that will not have weight restrictions.

Special Projects

In follow-up to the 2018 Ombuds Office presentation to King County Council's Planning, Rural Service and Environment Committee we continued our research into the County's approach to working with people who have hoarding behaviors. In the 2018 presentation we provided an overview of hoarding disorder, and we discussed the connection between hoarding disorder, mental health issues and homelessness. Our 2018 report included a discussion of how the County currently works with families and individuals with this federally recognized disability and we reported a summary of innovations and best practices which include: looking at options to this complex challenge, using interdisciplinary approaches, including mental health services in a meaningful way, working along with family whenever possible, and working towards safety and health for individuals, families, and communities.

In 2019 we attended a six-week, nine-hour national webinar about hoarding disorder, which was also attended by staff from DPH Environmental Health, and the Hearing Examiner's Office as well as local governments and experts from around the United States. Through this webinar and other sources, we continued to learn about current research and best practices for addressing hoarding behaviors. Our office continued our work on our case study which allowed us to learn more about the County's approach. In 2019, we discovered that it was nearly impossible to find any shelter for the two women in the case study and it was not possible to find them shelter which provided more than a mat on a floor at night which did not include any daytime access and or connection to services. We continued to learn from other families. Our approach to this work is to try to facilitate a collaboration among the parties involved within the County and within the community. In August of 2019 the Ombuds Office presented an update on our work on this topic to the Local Services, Regional Roads and Bridges Committee of the King County Council. This work is ongoing.

Whistleblower Program

King County encourages employees to report significant wrongdoing, called “improper governmental action,” so that problems can be identified and corrected. King County’s Whistleblower Protection Code creates a reporting process for employees, and protects employees from retaliation for reporting improper governmental action or cooperating in investigations of it.

Whistleblower Cases by Department

The table below lists all whistleblower and whistleblower retaliation cases processed by the Ombuds Office during the reporting period. Cases include investigations, assistance, and information inquiries. Departments not listed did not have any whistleblower cases during this reporting period.

DEPARTMENT	ASSISTANCE	INVESTIGATION	TOTAL
Community and Human Services	1	0	1
Human Resources	1	0	1
Natural Resources & Parks	0	3	3
Metro Transit	0	2	2
Public Defense	1	0	1
Public Health	1	0	1
Total	4	5	9

Whistleblower Case Summaries

The nature and circumstances of whistleblower complaints vary widely. These selected case summaries offer a sample of the range of allegations and resolutions.

- The Parks director alleged that the King County Executive and the director and deputy director of the Department of Natural Resources and Parks improperly directed that a Parks contract be awarded to the Executive's associate and political benefactor. Ombuds investigated and found insufficient evidence to sustain the allegations. Ombuds nonetheless recommended changes to contracting processes to prevent staff perceptions of Executive-level pressure in the future.
- A Metro Transit employee alleged that Metro management announced an improper change in policy to begin counting minor bus collisions as mere near-misses. We transmitted the complaint to Metro and

reviewed Metro's existing collision investigation policies. We determined that despite statements one manager made in a staff meeting, no substantive policy change was planned.

- A King County employee alleged that a manager misused County resources when she hosted fundraiser lunches and solicited money from subordinates to pay for food. The complainant alleged that subordinates felt pressured to attend and donate to the fundraisers and that the manager personally profited from the food cost donations. We consulted with department management, who provided background on the fundraising lunches and the supervisor's role in generating the idea and organizing the lunches. Based on the concerns the complainant raised, the supervisor stepped back from personally organizing future lunches.

Tax Advisor Statistics

The Tax Advisor Office, a section of the Ombuds Office, provides property owners with information and resources regarding all aspects of the property tax assessment process and offers specific guidance for those who are considering an appeal of their assessment.

The assistance we provide helps support fair and equitable taxation, especially in cases where the King County Assessor may not have known or considered significant new property information during the valuation process. To facilitate this process, we provide comparable sales searches and information on property tax exemption programs.

Tax Advisor Contacts

MONTH	INFORMATION	RESEARCH	TOTAL
January	25	12	37
February	257	10	267
March	258	33	291
April	321	40	361
May	124	19	143
June	98	9	107
July	147	30	177
August	182	41	223
September	248	70	318
October	371	94	466
November	116	70	186
December	145	44	189
Total	2293	472	2765

Sales Surveys by Property Value

As the chart below indicates, the property owners who contact our office for assistance represent a variety of property value levels within the County, and we strive to provide them all with accurate information that will assist them in making decisions about potential value appeals.

ASSESSED PROPERTY VALUE	SALES SURVEYS
\$0-200k	11
\$201-300k	13
\$301-400k	16
\$401-500k	14
\$501-700k	39
\$701-1M	63
Over \$1M	77
Total	233



CONTACT THE KING COUNTY OMBUDS OFFICE

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