



KING COUNTY OMBUDS OFFICE

# 2020 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 2020.

## 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

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The Ombuds Office opened 999 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 48 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	456
Assessments	4
Community and Human Services	7
County Council	4
County Executive Office	5
Executive Services	44
Human Resources	1
Natural Resources and Parks	31
Ombuds Office/Tax Advisor <sup>1</sup>	36
Permitting and Environmental Review	81
Prosecuting Attorney's Office	7
Public Defense	8
Public Health	115
Sheriff's Office	13
Superior Court	2
Transportation	50
Non-Jurisdictional <sup>2</sup>	135
<b>Total</b>	<b>999</b>

<sup>1</sup> 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.

<sup>2</sup> 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>Complainant alleged that County staff improperly communicated and collaborated on a Request For Proposal related to an affordable housing development.</p>	<p>We reviewed documents from the complainant, the Department of Community and Human Services, and the Department of Executive Services' Procurements and Payables Section related to the DCHS project and the related procurement processes. We also interviewed several County staff involved in the processes. We also reviewed applicable town plans for Vashon Island and meeting minutes from Water District 19. We determined that the complainant's allegations relating to the water district fell outside Ombuds jurisdiction. We did not sustain the complainant's allegations that the Island Center Project violated community plans or zoning laws. We reviewed the complainant's allegations that the vendor and agency had improperly communicated in detail. Though we determined that no violation occurred, we recommended that the County clarify and standardize its processes and contracting language--particularly for nonstandard procurements--in order to minimize the risk of dispute in future procurement processes. We directed our recommendations primarily to Procurements so the improvements would be available Countywide; however, DCHS provided the response for both agencies, indicating that it was creating its own contracting unit to address some of these concerns.</p>
<p>Complainant alleged that a DAJD Corrections Officer does not wear masks as required, and also fails to enforce COVID-19 safety policies..</p>	<p>The Ombuds Office was contacted by a person experiencing incarceration at the Maleng Regional Justice Center, who alleged that a MRJC corrections officer did not wear a mask while COVID-19 was on the rise. We forwarded the complaint to the Internal Investigations Unit as well as contacting DAJD leadership.</p> <p>The Internal Investigations Unit contacted our office and provided a closing letter, stating that the MRJC corrections officer was given verbal coaching and with non-sustained findings of misconduct.</p>
<p>Excessive force and unnecessary cell extraction.</p>	<p>The Ombuds Office found the complainant's allegation to be unfounded. Per the video recordings, the complainant stabbed the officer in the face/head area. Complainant also confirmed that he was not hurt in the video (other than officers grabbing him). We were unable to find any</p>

	<p>supporting information or documentation to support excessive force used by DAJD corrections officers.</p>
<p>Employee alleged violations of King County policies and guidelines regarding nepotism within the Department of Adult and Juvenile Detention (DAJD), in violation of the Whistleblower Protection Code.</p>	<p>Discontinued. Ombuds completed a preliminary investigation and found (1) DAJD has generally acknowledged that it has not complied with County anti-nepotism policies and guidelines; (2) the conduct at issue has been viewed as a past practice under collective bargaining rules that takes precedence over County nepotism policies and guidelines, and (3) DAJD and the King County Corrections Guild have been engaged in productive negotiations that appear headed toward resolution concerning adherence to the County's conflicts of interest policy, adopted in 2018, which covers the kind of nepotism included in the complaint. Ombuds will review anti-nepotism language upon completion of the bargaining process.</p>
<p>A member of the public complained about the colocation of the King County Medical Examiner's Office and Vital Statistics. The complainant thought it was insensitive to subject family members who have experienced tragic loss to people getting birth certificates for new children. The complainant also stated that the physical setup didn't allow for sufficient privacy for grieving loved ones.</p>	<p>The Ombuds Office recommended that the Medical Examiner's Office (KCMEO) create a long-term plan that aligns the office with King County's growth and procures physical space to continue to provide operational excellence to the constituents of King County. KCMEO worked in collaboration with our office to come to a recommendation that was practical, realistic, and would be feasible to execute. KCMEO thanked our office for our careful, thoughtful, and collaborative approach to bring this investigation forward and for our recommendation.</p>

Homeowner recently went through an arduous Already Built Construction (ABC) grading permit process for which our office made findings. Now the homeowner wants to pave over gravel. Gravel was permitted through the ABC process. Homeowner does not want to get in trouble but feels that because Permitting required the homeowner to treat the gravel as impermeable, the homeowner should be allowed to pave the gravel driveway without additional permits..

Paving a gravel driveway often requires a permit in King County however in this case the homeowner has all of the gravel permitted. Therefore the homeowner can pave up to 2000 square feet of gravel driveway without a new permit. Permitting made the determination and Ombuds Office shared the information with the homeowner.

Resident went through a very lengthy process to have a legal lot converted to a building lot and then through another long process to get a building permit. Now the home is completed and many of the inspections have been completed. The resident says that only the sprinkler system still needs to be inspected and the building needs final sign-off. Because of COVID-19 the resident believes that Permitting is not able to do the Final sign-off and issue occupancy and without occupancy the resident cannot move into the new home. The resident needs to move into the completed home as the resident does not have another place to live and is asking for assistance.

Ombuds Office worked with the Building Official, the rest of the team at Permitting, the contractor(s) and the property owner. The home was inspected, and the project passed final inspection. The Vashon resident was able to move into the new home.



Resident is concerned that Water and Land Resources Division (WLRD) employee explained that the schedule for getting a report produced was taking longer than expected because the employee was working from home and that the employee was occupied with children at home.

We investigated the matter by contacting the Deputy Director of WLRD who worked with the employee's supervisor. WLRD provided the Ombuds Office with an explanation of how WLRD management is providing supervision of employees and their productivity during the telework directive associated with the pandemic. We also interviewed the Deputy Director regarding WLRD's satisfaction with the productivity of this employee. The Ombuds concluded based on the information provided by the Department and a phone conversation with the employee that the employee was maintaining productivity.

Metro employee filed a complaint through a friend alleging that Public Health was wasting money by using purchasing cards to buy retail supplies when they could be purchased more cheaply under existing contracts.

The report in this case duplicated a report regarding the cost-effectiveness of the use of purchase cards versus central warehouse purchase and distribution that the Ombuds looked into approximately four years ago. After some research into the issue, we concluded at that time that there were legitimate business reasons for using purchase cards, and that there was not evidence of waste or inefficiencies as had been alleged. Because this complaint did not present new allegations or evidence, we declined to reinvestigate this issue.

# Special Projects

In 2020 our office was able to retain the services of a subject matter expert in hoarding disorder and we, with the expert's help, developed a draft report, "Updating How King County Works with People who Have Hoarding Behaviors within Unincorporated King County." Our office provided the draft report for review and comment to the Departments of Local Services, Public Health, and Community and Human Services. We received comments from those departments. We also continued with our case study with the added support from the subject matter expert. Generally, we continued to hear from others in the community about the challenges individuals, families and communities face around hoarding disorder and hoarding behaviors. It became increasingly clear in 2020 that the County's current approach and the team that works with people with hoarding issues needs to be augmented with mental health professionals and social workers. This work is ongoing.

# Whistleblower Program

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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	INFORMATION	INVESTIGATION	TOTAL
Natural Resources & Parks	0	2	1	3
Metro Transit <sup>3</sup>	1	1	14	16
Prosecuting Attorney's Office	0	0	2	2
Public Health	2	3	0	1
<b>Total</b>	<b>2</b>	<b>3</b>	<b>17</b>	<b>22</b>

## 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.

- A King County employee who served on his workgroup's elected safety committee alleged that the safety administrator interfered in the elections process and then excluded him from several meeting invitations in retaliation for his role in raising safety concerns. During our inquiry, the department told us that the alleged election and meeting problems were not retaliation but instead the result of a series of clerical oversights and labor contract controversies. After reviewing the information we gathered and spending more time on the committee, the complainant withdrew his retaliation complaint.
- Employee concerned about receiving box at home address, from Metro HR. Box contained a thank you note for work done during the past year, and small food and other inexpensive items branded with Metro logos, for the purpose of virtual team building meeting and celebration. Mailing was not for personal use

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<sup>3</sup> The Ombuds established a transit-focused ombuds function in 2019. Though the transit function initially focused on transit riders as contemplated in its authorizing legislation (Council Motion 14938), starting in 2020 we encountered a greater-than-expected interest in Ombuds services among transit employees. Though the Covid pandemic and other factors may have influenced the volume of complaints, we attribute much of the new demand to our increased visibility among Metro employees and our improving grasp on the context and culture of this large department.

as alleged by complaining employee, but rather for morale and team building, which are legitimate business purposes and reasonable under the circumstances. Dismissed due to complaint not stating basis for belief that Ethics Code had been violated.

- Several employees this year filed whistleblower complaints that cited violations of King County's Antidiscrimination and Harassment Policy as alleged improper governmental action, but did not necessarily allege that the harassment was retaliation. We took a closer look at this policy. Though the Whistleblower Code does not cover alleged violations of antidiscrimination laws, complainants contended that the definition of "harassment" in the policy did not require a protected-class basis. We consulted with the Department of Human Resources, which advised that this was an oversight and the harassment policy as authorized in the King County Code only contemplated protected-class-based conduct. We noted that the absence of a broad prohibition on workplace harassing conduct may leave employees with few paths to raise these complaints. The Department of Human Resources clarified the Antidiscrimination Policy and began exploring proposed amendments to the Personnel Code.

# Tax Advisor Statistics

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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	124	40	164
February	293	51	344
March	210	30	240
April	274	24	298
May	186	39	225
June	222	28	250
July	211	29	240
August	184	29	213
September	181	63	244
October	284	55	229
November	173	43	216
December	65	32	97
<b>Total</b>	<b>2,407</b>	<b>463</b>	<b>2,870</b>

## 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	15
\$201-300k	5
\$301-400k	8
\$401-500k	14
\$501-700k	28
\$701-1M	34
Over \$1M	56
<b>Total</b>	<b>160</b>

### Tax Advisor Special Project

In 2020, the Department of Assessments Senior Exemption Office experienced a “perfect storm.” In January the state increased the income threshold for the senior exemption program from an annual household income of \$40,000 to \$58,423 for King County residential taxpayers. In February, the Assessor launched a new online application process, which required additional training for staff and applicants. In March, all employees were mandated to work from home due to COVID-19.

The Senior Exemption Office received nearly triple the number of applications from 2,764 in 2019 to 8,255 in 2020. It also doubled the median processing time for customers to eight (8) months instead of four (4) months. Customers were faced with longer waits and more dropped calls as call volumes increased.





## CONTACT THE KING COUNTY OMBUDS OFFICE

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