



King County Board of Ethics
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KING COUNTY BOARD OF ETHICS MEETING NOTICE

When: Monday, August 16, 1999 at 4:30 p.m.

Where: Executive Conference Room, Fourth Floor
King County Courthouse
516 Third Avenue, Seattle

AGENDA

1. **Approval of Agenda.** (2 minutes)
2. **Approval of Meeting Minutes of July 19, 1999.** (4 minutes)
3. **Request for Clarification from King County Councilmembers.** Deliberation on whether or not to issue clarification. (Item may be re-ordered based on need) (25 minutes)
4. **Proposed Procedures for Board Meetings and Issuing Advisory Opinions.** Status report. (15 minutes)
5. **Proposed Amendment Regarding Consultant Disclosure Under the Code of Ethics..** Status report. (15 minutes)
6. **Proposed Amendment to the Financial Disclosure Requirement Under the Code of Ethics.** Update on plans for follow-up with Council. (10 minutes)
7. **Staffing Resources (Loaned Staff).** Board discussion. (10 minutes)
8. **Ombudsman's Findings on Ethics Complaint 9811-001E.** Information only; no action required. (5 minutes)
9. **Board Appointments.** Status report.

cc: Ron Sims, King County Executive
King County Councilmembers
Duncan Fowler, Director–Ombudsman, Office of Citizen Complaints
Sheryl V. Whitney, Director, DIAS
James J. Buck, Deputy Director, DIAS
Carl A. Johansen, Senior Deputy Prosecuting Attorney

Minutes of the August 16, 1999 Meeting of the King County Board of Ethics

The August 16, 1999 meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 4:31 p.m. Board members in attendance were:

Dr. Lois Price Spratlen, Chair
Mr. Roland H. Carlson
Lembhard G. Howell, Esq.
Rev. Paul F. Pruitt

Others in attendance:

Ms. Catherine A. Clemens, Administrator, King County Board of Ethics
Mr. Carl A. Johansen, Senior Deputy Prosecuting Attorney
Ms. Sheryl V. Whitney, Director, Department of Information and Administrative Services
(arriving at 4:40 p.m. and departing at 5:05 p.m.)
Mr. James J. Buck, Deputy Director, Department of Information and Administrative Services
Mr. Duncan Fowler, Ombudsman—Office of Citizen Complaints (departing at 5:15 p.m.)
King County Councilmember Louise Miller (departing at 5:15 p.m.)
King County Councilmember Jane Hague (departing at 5:15 p.m.)
King County Councilmember Dwight Pelz (departing at 5:15 p.m.)
Ms. Christine Ottoway, Legislative Aide to Jane Hague (departing at 5:15 p.m.)
Mr. John Chelminiak, Council Chief of Staff (departing at 5:15 p.m.)

1. *Proposed Agenda.* Chair Price Spratlen added Item 9, Board Appointments. With that change, Mr. Howell moved the agenda be approved; Rev. Pruitt seconded the motion and the agenda was approved.

2. *Approval of Meeting Minutes of July 19, 1999.* Rev. Pruitt moved to approve the July 19, 1999 meeting minutes; Mr. Carlson seconded the motion, and the minutes were approved.

3. *Request for Clarification from King County Councilmembers.* Ms. Clemens briefed the Board on the request. Chair Price Spratlen noted that the request contained a quote from the Ombudsman's recent findings of reasonable cause in which he found that Ethics Complaint 9709-0012E against Councilmember Hague was supported. She asked if the Board should address a request based on an issue so recently reviewed and investigated by the Ombudsman? Mr. Fowler stated that the request was not an appeal and that the quote was taken from his June 21, 1999 cover letter and not the findings themselves. Dr. Price Spratlen then stated that the task before the Board now is to decide whether or not to issue a clarification on the six questions.

Councilmember Hague stated that, based on Ms. Clemens e-mail of July 21, 1999, it is her understanding that the Board would deliberate today and then decide the issue at the next meeting. Further, a main issue for clarification is when it is appropriate for a councilmember to solicit money given the Ombudsman's findings. She stated that the role of councilmembers includes raising the public's consciousness and supporting civic and charitable causes; however, many of those causes may have business before the council.

Mr. Howell asked if the signers of the request had drafted the questions? Yes. He then stated that during his confirmation hearings, he said he would pursue the issue of office funds for the council. He stated the Board would not draft the legislation but the council could if they wished, allowing a fund to be used for gifts to visiting dignitaries and the like. Councilmember Pelz stated there is a Washington State prohibition against gift giving. Mr. Howell noted there is nothing to prevent citizens from donating or setting up funds for certain kinds of spending by councilmembers. Councilmember Pelz replied that this is true as long as these individuals do not do business with the County and councilmembers do not solicit them. Chair Price Spratlen asked if the council could not establish its own office fund? Councilmember Pelz responded that they may, if those donating have no nexus with the County. Mr. Howell then read from the minutes of the May 18, 1999 Board meeting in

which the Board discussed office funds and determined that the council could establish office funds if they so wished and therefore the Board would make no recommendation.

Councilmember Miller said that the difficulty is finding someone who is not now doing business or will not do business in the future with the County, considering the County size. She said that prohibition eliminates almost everyone. Mr. Howell asked about the possibilities of accepting contributions but not soliciting the funds. The response was that there would be no contributions.

Chair Price Spratlen suggested using City and State legislation as models. Mr. Howell said that the council could write legislation to amend the current code. Councilmember Pelz stated that if the council amends the code without general agreement from the Board of Ethics, people will wonder why they taking this action. He also noted that these issues extend to county employees at every level. The County Code may be stronger than the state law, but if we use similar terminology, there will be less confusion (i.e., personal gain.) Councilmember Miller pointed out that state laws state there must be a benefit to the individual as a person; not so with the County Code.

Mr. Fowler agreed that the Code should be reviewed and changed. He encouraged the Board to respond to the questions and said he thought it reasonable for councilmembers to assist charitable organizations. Mr. Howell asked how provisions in the County Code compared to the model ethics code? Mr. Johansen stated that he had not looked at the COGEL model, but the State code is more contemporary and has better phrasing. The County Code has been crafted over years, and in addition, other provisions have been recently suggested for change. Ms. Clemens noted that the COGEL model offered clear definitions and well integrated provisions, but agreed with Councilmember Pelz that whatever model was used, the final version must conform with current local and regional ordinances.

Mr. Carlson suggested the Board first address the questions posed by the Council, using the Code and past advisory opinions for guidance. Second, the Board would review the County Code in comparison to city, state and national models. Mr. Howell stated he was uneasy with that approach, since all activities in the questions are prohibited. Mr. Carlson stated that we do not know if that is true, but if it is, we must first review and then take steps to change the Code as necessary. Mr. Fowler stated that people deserve to know how the Board responds to the questions. Mr. Howell stated he was nervous about saying these activities are wrong. He envisioned a working situation, or process, to amend the Code. Councilmember Pelz offered he would be willing to work on a Code revision.

Chair Price Spratlen stated that the Board would agree to a working session since the Board has the responsibility to review the Code. In addition, she sees no problem for the Board to work with councilmembers for a thoughtful outcome. Councilmember Pelz stated that first there must be a review of the various codes. Mr. Howell moved to establish a working session to review the questions for clarification posed by County Councilmembers and to review the Code of Ethics with comparisons to city and state ordinances. Rev. Pruitt seconded the motion and the motion passed unanimously. Ms. Clemens was directed to arrange the special board meeting for this purpose. Councilmember Pelz noted that counsel for the board and council should meet in advance to frame the questions. Chair Price Spratlen stated that the Board might begin with the materials provided by Mr. Johansen and Ms. Clemens. Councilmember Miller stated that other councilmembers may want to participate because of shared concerns. She said providing various kinds of support to charitable organizations is something all councilmembers do in providing leadership. Members also interact frequently with foreign dignitaries, and so they wish to know that they are following the law and the code in all they do.

Chair Price Spratlen thanked everyone for attending; Councilmembers Pelz, Miller, Hague, Ms. Ottoway, Mr. Chelminiak and Mr. Fowler left the meeting at 5:15 p.m. The Chair expressed the Board's appreciation to Mr. Johansen and Ms. Clemens for their efforts in beginning the process and providing helpful materials.

4. *Proposed Procedures for Board Meetings and Issuing Advisory Opinions.* Ms. Clemens briefed the Board on the process and progress for adopting the proposed procedures under K.C.C. Chapter 2.98. To date, Board and staff have approved the draft procedures; determined time, place and manner of receiving public comment; approved the notice for public comment; filed notice with Clerk of the Council; sent the notice to interested parties including but not limited to the county executive and legislative branches, county employees, Ombudsman, Washington State and Seattle Ethics Commissions, and League of Women Voters; and published the notice in The Seattle Times. Ms. Clemens noted that copies of such communications were included in Board packets. Ms. Clemens stated she has received approximately 35 requests for copies of the proposed procedures and received comments. All comments will be considered at the September 21 Board meeting at which time the Board will adopt the regular rules, if appropriate. If filed on September 22 with the Clerk of the Council, the procedures become effective October 23, 1999.

5. *Proposed Amendment Regarding Consultant Disclosure Under the Code of Ethics.* Ms. Clemens and Mr. Johansen briefed the Board on the background and status of the proposed amendment. The proposed amendment was first approved by the Board in January, 1999, and the proposed amendment was forwarded by the Board to the Executive, via Ms. Whitney, on July 20, 1999. The proposed legislation has not yet been sent to the Executive. Mr. Buck asked Mr. Johansen if there is a possibility to make the proposed changes without using this approach, but to go through the 'code reviser?' Would this be a better way? Mr. Johansen stated that the proposed changes go beyond a simple revision and the Board agreed. However, that suggestion could be an expedient way if only for the change regarding reference to '2.14.010.' Chair Price Spratlen requested that Ms. Clemens take part in that activity.

6. *Proposed Amendment to the Financial Disclosure Requirement Under the Code of Ethics.* Ms. Clemens informed the Board that efforts to establish a meeting as directed at the July 19 Board meeting among Councilmember Miller, Chair Price Spratlen and Mr. Carlson have been unsuccessful. Mr. Johansen noted that the issue has recently been sent to a council committee for consideration. Chair Price Spratlen suggested delaying any further attempts to meet with councilmembers until after the issue of the request for clarification has been resolved, and the Board agreed. If and when more information on the progress of the proposed amendment is known, Ms. Clemens will notify the Board via e-mail.

7. *Staffing Resources (Loaned Staff).* Ms. Clemens briefed the Board on recent discussions with Mr. Buck regarding 'loaned staff,' since it is important for everyone to have a common understanding of this term. Mr. Buck stated that budget and staff cuts, both present and potential, have affected the County's ability to provide staff assistance to the ethics office. Consistent availability of loaned staff support is unrealistic, he said. Board members asked about the possibilities of interns. Mr. Buck said that while interns do work within the County, they are usually assigned to specific projects. Ms. Clemens remarked that the office has employed such an intern each year for financial disclosure, but bringing in new and different staff for basic office support is unreliable, requires a high level of oversight and level of ability is unpredictable. Chair Price Spratlen stated that the office should be diligent in using existing resources, and the Board make certain the council understands the level of our work and need for staff support.

8. *Ombudsman's Findings of Ethics Complaint 9811-001E.* Ms. Clemens briefed the Board on the recent finding in which no reasonable cause was found in a complaint against Councilmember Cynthia Sullivan. The complaint related to the obligation of fair and equitable treatment of citizens and allowable campaign activities under the Code of Ethics.

9. *Board Appointments.* Ms. Clemens announced that the Executive had re-appointed Mr. Howell for another Board term and appointed Dr. Margaret T. Gordon, Professor and Dean Emeritus of the Evans School of Public Affairs, to her first term on the Board. The appointments now go to the council for confirmation, but members shall be considered sitting members thirty (30) days after the appointment if the council does not act. Chair Price Spratlen requested that the item regarding board appointments be carried over every meeting until all board members serve under current terms.

At 6:08 p.m., Mr. Howell moved to adjourn the meeting. Mr. Carlson seconded the motion. The motion was approved unanimously and the meeting was adjourned.

Approved this _____ day of _____, 1999 by the King County Board of Ethics.

Signed for the
Board: _____

Dr. Lois Price Spratlen, Chair