



King County Board of Ethics  
900 Fourth Avenue, Suite 860  
Bank of California Building  
Seattle, WA 98164 MS BOC-ES-0860  
(206) 296-1586 FAX (206) 205-0725  
board.ethics@metrokc.gov  
www.metrokc.gov/ethics/

## **KING COUNTY BOARD OF ETHICS MEETING NOTICE**

**When:** Monday, November 18, 2002, at 4:30 p.m.

**Where:** Bank of California Building  
900 Fourth Avenue, 4<sup>th</sup> Avenue and Marion Street, Seattle  
5<sup>th</sup> floor conference room, northwest corner of building

### **AGENDA**

1. ***Approval of Agenda***
2. ***Approval of Meeting Minutes of October 21, 2002.***
3. ***Mr. Terry Thomas, Executive Director, Seattle Ethics and Elections Commission.***  
Guest.
4. ***Request for Advisory Opinion.*** Potential Conflict of Interest for Solid Waste Advisory Commission Members.
5. ***Nominations and Appointments.*** Board discussion.
6. ***Staff Report.***
  - 2002 Washington State Ethics Conference
  - Letter to Ethics Chair from former Ombudsman
  - Training and Education
  - Current Ethics Issues
  - National Symposium on Corporate Responsibility: Compliance and Ethics Programs
  - Office Move
7. ***Executive Session.*** Personnel evaluation.

Upon advance request, reasonable accommodations for people with disabilities  
are available by calling (206) 296-1586 or 771 TTY

**ALTERNATE FORMATS AVAILABLE**



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## **Minutes of the November 18, 2002, Meeting of the King County Board of Ethics**

The November 18, 2002, meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 4:32 p.m. Board members in attendance were:

Lois Price Spratlen, Ph.D., Chair  
Mr. Roland H. Carlson  
Margaret T. Gordon, Ph.D.  
Rev. Paul F. Pruitt

Others in attendance:

Mr. Terry Thomas, Executive Director, Seattle Ethics and Elections Commission  
Ms. Diane Yates, Program Analyst and Staff Liaison to the Solid Waste Advisory Commission, Solid Waste Division, Department of Natural Resources and Parks  
Ms. Catherine A. Clemens, Administrator, King County Board of Ethics  
Mr. James J. Buck, Administrative Services Manager, Department of Executive Services  
Ms. Cheryl Carlson, Senior Deputy Prosecuting Attorney and Board Counsel

1. *Approval of Agenda.* Dr. Gordon moved and Mr. Carlson seconded that the board approve the proposed agenda. The board unanimously adopted the motion.

Chair Price Spratlen asked for introductions from those present.

2. *Approval of Meeting Minutes of October 21, 2002.* Rev. Pruitt moved and Mr. Carlson seconded that the board approve the October 21, 2002, meeting minutes. The board unanimously adopted the motion and the minutes were approved.

3. *Mr. Terry Thomas, Executive Director, Seattle Ethics and Elections Commission.* The board welcomed the new Executive Director of the SEEC. Mr. Thomas provided an overview of his past experience, current position and the work of the SEEC. Responding to Rev. Pruitt's question about any foreseen changes within the SEEC, Mr. Thomas stated that he plans to focus office resources on providing information and education to prevent future code violations. Mr. Carlson stated that the King County ethics board shares this philosophy. The administrator noted that the two offices had enjoyed a collaborative and productive relationship for some time and expressed her desire to continue that relationship. Mr. Thomas agreed. After further discussion, the Chair expressed appreciation to Mr. Thomas for attending the meeting.

Mr. Thomas left the meeting at 4:43 p.m.

4. *Request for Advisory Opinion.* Ms. Clemens briefed the board. The Planning and Communications Manager of the Solid Waste Division (SWD) asked the Board of Ethics to review SWD procedures designed to prevent conflict of interests for members of the Solid Waste Advisory Commission (SWAC.) Following that review, the SWD asked the board to

issue an advisory opinion, or provide a determination, on whether the procedures they devised were appropriate and adequate based on the King County Code of Ethics.

Ms. Clemens described the circumstances related to the request. Two members of the SWAC are waste management industry representatives, as required by the SWAC's enabling legislation. Both represented industries have current contracts with King County; the contracts are managed by the SWD. During the October 18<sup>th</sup> meeting, SWAC members were to discuss solid waste management issues, including whether or not the county should renew the existing contracts. In order to prevent a conflict of interest between the financial interests of the two SWAC members whose employers currently hold the contracts, the staff liaison to the SWAC sought information and direction from SWD management, the prosecuting attorney assigned to her division, and the administrator to the ethics board. She wanted to ensure that all matters related to these contracts be fair and present no actual or apparent conflict of interest. Based on the advice and information from these three resources, she took these actions: 1) prior to the meeting, notified the two waste management industry representatives of the potential conflict of interest and outlined the procedures to prevent such conflict; 2) prior to the meeting, notified all SWAC members, by placing a notice on the agenda, of the potential conflict of interest and outlined the procedures to prevent such conflict; 3) during the meeting, allowed the two waste management industry representatives to testify; then required them to leave the meeting during discussion and voting to ensure members and staff were not unduly influenced by the presence of the contractors; and 4) invited the two waste management industry representatives to bring company representatives to the public meeting as audience members. Prior to leaving the meeting, the two SWAC members who represent waste management industries, were each allowed to announce that their companies wished to renew the existing contracts with the county; both members were allowed to identify desired modifications to the existing contracts. Upon departure from the meeting, one of these SWAC members objected to the procedures but complied. Based on this objection, and concern about the procedures expressed by other SWAC members, the SWAC voted to request the advisory opinion to guide them in the future.

Ms. Clemens provided relevant legal and policy references that included: defining board and commission members as county employees subject to the ethics code [K.C.C. 3.04.017D]; county ethics policy related to conflict of interest [K.C.C. 3.04.015]; requirement of county agencies to inform and enforce its ethics laws [K.C.C. 3.04.015]; conflict of interest prohibition [K.C.C. 3.04.030(A) and K.C.C. 3.04.030(5)]; penalty provisions for code violations K.C.C. 3.04.060(B)(3)]. In addition, Ms. Clemens provided two advisory opinions previously issued by the King County Board of Ethics. Opinion 1081 provided guidelines for commission members with potential conflicts of interest and opinion 1104 determined that members participating in discussions or votes on matters which have direct financial impacts on their employers must disclose such conflict and recuse themselves as outlined in opinion 1081. In addition, Ms. Clemens provided Advisory Opinion 96-09 by the Washington State Executive Ethics Board that allowed boards and commissions to create rules and procedures to prevent ethical violations under the state code.

Finally, Ms. Clemens reported that a recent review of the disclosure statements filed in 2002 by SWAC members revealed that the two SWAC members having personal and financial interests in represented industries did not report such personal or financial interests in their disclosure statements. The ethics administrator had conducted education sessions for the SWAC in 1999 and 2002, including a thorough review of the financial disclosure requirement and the conflict of interest provisions under the code. Further, the administrator annually conducts orientation sessions on the financial disclosure requirement for staff liaisons.

Dr. Gordon stated there is built in conflict when the county allows members of represented industries with county contracts to sit on the commission. Ms. Yates stated that state law requires that every county must have such a commission and that affected industries have members sitting on the commission. Dr. Price Spratlen asked if the two members were allowed to make general or opening statements. Ms. Yates said yes. The SWAC chair

announced the protocols and invited general comments. Mr. Carlson stated that commission members are employees under the code and managers are within their rights and obligations to set such procedures to prevent conflict of interest. He noted that the SWD had proceeded correctly in order to follow the policies and laws of the county. Chair Price Spratlen agreed, and commended Ms. Yates for researching the issue, using existing advisory opinions and for being steadfast in following appropriate protocols. The chair asked Ms. Yates if, since applicable advisory opinions exist, did she feel the need to have an opinion from the board. Ms. Yates said no, that the affirmation of the board on the procedures used by the SWD had been appropriate to the situation and the ethics code. Rev. Pruitt asked for a brief history of the state law for SWACs and Ms. Yates responded. Following further discussion, Mr. Carlson moved to affirm the procedures created by the SWD to prevent conflict of interest among the SWAC membership; Dr. Gordon seconded and the board unanimously approved the motion.

At this time, Ms. Clemens distributed a letter written to the board by Mr. Steve Goldstein, expressing his views on the issue of conflict of interest by SWAC members. Mr. Goldstein is Vice Chair of the SWAC. The administrator received the letter this day. The chair reminded the board of the policy that only materials received in advance of the meeting shall be considered. Because of this fact, review of the letter was deferred until the next scheduled meeting of the board.

Dr. Gordon asked the board to address the issue of the statements of financial and other interests. She asked why the forms had been incorrectly completed despite training? Mr. Carlson stated that the SWAC disclosure statements should be treated as all other disclosure forms when pertinent information is not disclosed. Ms. Clemens described the process for review of all disclosure statements. Following additional discussion, the board agreed to defer the issue of the disclosure statements until the next scheduled meeting. The chair directed the administrator to respond to the SWD by letter informing the agency of the board's determination in the matter.

Ms. Yates thanked the board and stated that a copy of the letter would be conveyed to the SWAC members. Ms. Yates left the meeting at 5:22 p.m.

5. *Nominations and Appointments.* Ms. Clemens briefed the board. She drew attention to: 1) a letter dated October 16<sup>th</sup> from the executive to Council Chair Sullivan urging quick action on council nominations; 2) a letter dated October 16<sup>th</sup> to Dr. Gordon reappointing her to a second, three year term; and 3) a letter dated October 29<sup>th</sup> from Council Chair Sullivan to Executive Sims nominating Rev. Pruitt and Mr. Carlson for another term. Ms. Clemens announced the executive's intention to reappoint Rev. Pruitt and Mr. Carlson for another three-year term; they will be notified by mail. The chair directed the administrator to make arrangements for a lunch to be held in December celebrating this significant milestone in which all members of the board would serve under current terms for the first time since August 1, 1997.

The board reviewed a list of five potential candidates submitted by board members and the public for the remaining fifth board position; this is an executive appointment. Following review, Dr. Gordon moved and Rev. Pruitt seconded that the list be delivered to Executive Sims at the next quarterly meeting between the executive and the board chair. The board unanimously approved the motion.

6. *Staff Report. 2002 Washington State Ethics Conference.* Ms. Clemens announced that there will be reserved tables for board and commission members during the breakfast and lunch speakers. She cautioned board members to keep discussion of board business general in nature when a quorum exists to avoid any violation of the Open Public Meetings Act. Letter to Ethics Chair from Former Ombudsman. Ms. Clemens announced that the letter from the former ombudsman to Chair Price Spratlen was placed in the packets at the chair's request. The board agreed to review the document and discuss the issues it raised at the December 16<sup>th</sup> meeting of the board. Training and Education. The executive has

made centralized training for new employees mandatory. Formerly, new employee orientations were conducted monthly. This change will allow the administrator to personally reach more new employees but the move to increase sessions from one to four per month will also impact the administrator's schedule. The chair stated that this move by the executive conforms to the board's teaching and education goals and stated that she would send a letter to the executive expressing appreciation. The administrator also noted that she issues about six written staff information responses each month and asked if the board would like to receive copies of these responses? The board stated that they would appreciate having all staff informational responses included in board meeting packets until further notice. Current Ethics Issues. Several months ago, the board addressed a request to review the HUM guidelines. The HUM messaging system sends weekly notices to county employees on county-sponsored information of general interest. The board deferred to the executive in reviewing the guidelines but expressed its concern when for-profit and non-profit groups sponsored by county employees used the HUM to advertise events, sales and meetings. The guidelines have not yet been changed although the HUM has refused such advertisements. Since the issue continues to arise and information requested from the ethics office, Mr. Tanaka, CAO, DES, has offered to assist the administrator in resolving the issue by speaking to appropriate managers. Chair Price Spratlen stated that this approach was consistent with information she received during the last meeting with the executive at which meeting Mr. Tanaka was present. National Symposium on Corporate Responsibility: Compliance and Ethics Programs. The administrator will attend this ethics symposium in late November. The event is sponsored by private corporations and health organizations and will focus on current ethics compliance programs. The board asked that the administrator report on the symposium at the next meeting. Office Move. The ethics office may move at the first of the year. Timing and exact location should be known with two weeks and the administrator will notify the board.

7. *Executive Session*. At 5:44 p.m., the chair requested that the meeting move into executive session for the purpose of discussing a personnel issue and asked that all persons other than board members and Mr. Buck leave the room. The chair announced that the executive session would conclude in fifteen minutes.

Ms. Carlson and Ms. Clemens left the room.

At 6:00 p.m. the board completed the executive session and resumed its regular meeting. Ms. Clemens returned to the meeting.

Mr. Carlson moved and Dr. Gordon seconded a motion to adjourn the meeting. The board unanimously approved the motion and the meeting was adjourned at 6:09 p.m.

Approved this 16th day of December, 2002, by the King County Board of Ethics.

Signed for the Board: \_\_\_\_\_  
Dr. Lois Price Spratlen, Chair