



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

When: Monday, September 15, 2003, at 4:30 p.m.

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

AGENDA

1. ***Approval of Agenda***
2. ***Approval of Special Meeting Minutes of June 17, 2003.***
3. ***Proposed Amendment to Disclosure Provisions Under the Ethics Code.*** Review of proposed changes and vote on acceptance.
4. ***2003 Financial Disclosure Program.*** Report and discussion on non-compliance and allowable exceptions.
5. ***Recent Legislation.*** Report.
 - Post Employment Amendment Under the Ethics Code - Notification & Training
 - Confirmation of Chair Lois Price Spratlen, Ph.D.
6. ***Use of County Resources.*** Review and discussion.
7. ***Meetings with Executive and Councilmembers.*** Report by Chair
8. ***Staff Report***
 - Administrator/Department Leadership Meetings
 - Training and Education
 - Use of County Resources - DNRP
 - Staff Informational Responses
 - Miscellaneous Letters

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Minutes of the September 15, 2003, Meeting of the King County Board of Ethics

The September 15, 2003, meeting of the King County Board of Ethics was called to order by Chair Lois Price Spratlen at 4:30 p.m. Board members in attendance were:

Lois Price Spratlen, Ph.D., Chair
Mr. Roland H. Carlson
Rev. Paul F. Pruitt
Mr. Jerry Saltzman

Dr. Margaret T. Gordon had an excused absence.

Others in attendance:

Ms. Catherine A. Clemens, Administrator, King County Board of Ethics
Mr. Alan Abrams, Senior Deputy Prosecuting Attorney and Board Counsel
Mr. Pat Sainsbury, Chief Deputy, Fraud Division, King County Prosecuting Attorney's Office

1. *Approval of Agenda.* Mr. Carlson moved and Rev. Pruitt 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 Special Meeting Minutes of June 17, 2003.* Rev. Pruitt moved and Mr. Saltzman seconded that the board approve the June 17, 2003, special meeting minutes. The board unanimously adopted the motion and the minutes were approved.

Since Mr. Sainsbury, who was slated to speak to agenda item #3, had not yet arrived, the board moved directly to agenda item #4. Mr. Sainsbury arrived at 4:35 p.m.

4. *2003 Financial Disclosure Program.* Ms. Clemens briefed the board. She noted that the 2003 financial disclosure program saw 100% filing compliance for county employees, but a small number of board and commission members had failed to file for a variety of reasons, including ill health, unavailability, and inactivity of the related board. Board counsel had advised Ms. Clemens that the board might wish to formalize such exceptions to the filing requirement in the ethics code or board procedures. Following discussion about the advisability of identifying and formalizing any exceptions, Mr. Saltzman moved to direct board counsel to prepare a list of potential exemptions to the filing requirement for board review at the next scheduled meeting; Mr. Carlson seconded the motion and the motion passed unanimously.

3. *Proposed Amendment to the Disclosure Provisions Under the Ethics Code.* Mr. Sainsbury provided the history behind his suggestion for amending the ethics code related to declarations and oaths for disclosure forms. Such forms include the statement of financial and other interests for board and commission members and employees, and the consultant disclosure form. In the recent past, the Prosecuting Attorney's Office encountered problems while attempting to charge a county employee for failure to fully disclose potential conflict of interest on his statement of financial and other interest. Specifically, the declaration or oath section of the statement was legally insufficient for prosecution and, in order to correct the

form, the ethics code must be amended to reflect the required language. Mr. Sainsbury responded to questions from the board. Following review of the proposed revisions and discussion, Mr. Carlson moved to accept the proposed revisions to the ethics code regarding declarations for the statement of financial and other interests [K.C.C. 3.04.050(F)] and for the consultant disclosure form [K.C.C. 3.04.120(A)(3)]. Mr. Saltzman seconded the motion and the motion was unanimously approved.

Next, the board reviewed the disclosure forms themselves with edits reflecting the proposed revisions to the code. Rev. Pruitt then moved to accept the amended statement of financial interest and consultant disclosure form as presented, with the understanding that the new declaration language would not be legally binding until the proposed amendment had been passed by the county council and signed by the executive. Mr. Carlson seconded the motion and the motion was unanimously approved.

The board and Ms. Clemens thanked Mr. Sainsbury for his time and expertise; Mr. Sainsbury left the meeting at 5:18 p.m.

5. Recent Legislation. Post Employment Amendment Under the Ethics Code - Notification & Training. Ms. Clemens briefed the board on notification and training activities related to the recently amended post employment provision under the ethics code. They included: notification on the ethics web site; an executive announcement via email to county employees; updated ethics training curriculum and materials; notification of the updated consultant disclosure form to all county employees and made available to vendors via the procurement web site; mass mailing notification to entities doing business or seeking to do business with the county; and targeted training for procurement staff, operations cabinet, HR community, employees working with grants and contracts and exiting employees. Following discussion, Mr. Abrams stated that the information flier provided during the monthly exiting employee class must be a part of the packet in order for legally sufficient notification to be met. The chair directed the administrator to research this issue and to report to the board at its next scheduled meeting. Confirmation of Chair Lois Price Spratlen, Ph.D. With confirmation of Dr. Lois Price Spratlen as chair of the King County Board of Ethics on July 14, 2003, all board members now serve under current terms, having received timely appointment and confirmation.

6. Use of County Resources. Ms. Clemens briefed the board. During its May 19, 2003, meeting, the Board of Ethics agreed that it would review the county's laws and policies regarding use of county resources and directed the administrator to conduct research on the matter. She directed the board to a matrix that identified current laws for King County, the State of Washington, and the City of Seattle. The matrix also provided related policies and standards issued by the respective ethics agencies in regard to use of governmental resources. Ms. Clemens noted that in comparing the three jurisdictions, the restrictions and allowable exceptions are almost identical. They protect government resources from abuse, while allowing for infrequent and brief personal use for 'daily necessities of life,' including, among others, emergency phone calls, coordinating with family members, and making doctor and dental appointments. All prohibit use for conducting outside business or private employment; supporting or promoting the interests of or soliciting for an outside organization or political party; assisting a campaign for election or ballot proposition; advocacy; and any illegal activity. The board also reviewed a summary of advisory opinions issued by the King County Board of Ethics on the matter, and Frequently Asked Questions issued by the state and city that provide guidance to employees on particular situations related to use of government resources. Following discussion, the board expressed appreciation for the detailed research provided for their consideration, and determined to make no changes to their previous advisory opinions on use of county resources.

7. Meetings with Executive and Councilmembers. The chair stated that board members had been busy and diligent as she reviewed the roster of meetings held between ethics board members and the executive and councilmembers this year. She expressed pleasure and appreciation that all members had participated and had made this effort a priority. She noted

that both Councilmembers Sullivan and Hague had invited the board to present to the Committee-of-the-Whole next year. While agreeing that this is an excellent idea, she stated that new councilmembers must receive a personal, individual meeting to maintain meaningful contact with the ethics board. Mr. Saltzman agreed, noting that in several meetings, councilmembers wished to discuss particular ethics issues and the meetings gave them the opportunity to ask specific questions. Mr. Carlson noted that Dr. Price Spratlen had made a significant commitment to these meeting which is reflected by her participation in all but one meeting.

7. *Staff Report.* Administrator/Department Leadership Meetings. The board reviewed the roster of meetings conducted by the administrator to county leadership in 2003, noting that meetings had been held with top leadership in all departments. Training and Education. The administrator stated that she had conducted training for 1,146 county employees thus far this year, an increase of over 100 in all of 2002. The categories showing the greatest increase in numbers were supervisors and directors and their deputies. Use of County Resources - DNRP. Ms. Clemens provided background on an exchange between the ethics office and DNRP management on use of county resources. The matter first came to the attention of the board and office during an inquiry by a county employee asking what kind of announcements may be included in broadcast emails under the Code of Ethics. A significant number of announcements from a DNRP employee representing the 'King County Garden Club' had, in part, prompted this question. Following several meetings among the ethics administrator, DNRP supervisor, and staff, the administrator suggested they seek a legal opinion in addition to her information. Board counsel Alan Abrams attended the final meeting and he provided clear, concise, and definitive advice on the matter. The result is that the informal 'Garden Club' is now the NW Gardening Connection, a public-service web site from DNRP on environmental issues related to gardening. Such official business use of county resources is allowable under the Code of Ethics. Staff Informational Responses. Ms. Clemens reported that she wrote 24 staff informational responses to county agencies and employees upon request and noted that these do not include telephone inquiries and assistance. The administrator issued the responses between June 10, 2003 and August 26, 2003, inclusive. Responses are communicated by e-mail for efficiency and timely response. Ethics-related topics contained in these responses include: post employment regarding layoffs and outside contractors; receipt of meals from vendors and vendor logos; special ticket offers to county employees; attendance at vendor sponsored events; letters of support for agencies with grants; potential conflict for board/commission members; use of county resources - conference rooms; receipt of gifts; solicitation for charitable organizations; solicitation of employees by outside vendors; use of county resources for trade/professional organizations; use of county resources by unions; and conflict with official position. It was agreed that the administrator would forward all future responses to board members via email and provide a summary for board meeting purposes. Miscellaneous Letters. Letters directed to the Board of Ethics but required no action.

Chair Price Spratlen asked for any additional comments or business. There was none.

Mr. Carlson moved and Mr. Saltzman seconded the motion to adjourn the meeting. The board unanimously approved the motion and the meeting was adjourned at 5:49 p.m.

Approved this 20th day of October, 2003, by the King County Board of Ethics.

Signed for the Board: _____

Dr. Lois Price Spratlen, Chair