

PROCEDURES FOR ISSUING ADVISORY OPINIONS

by the

KING COUNTY BOARD OF ETHICS

Effective October 4, 1999
As Amended Effective September 20, 2008

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1.0. INTRODUCTION

1.1 K.C.C. 3.04.080 creates a Board of Ethics. Under K.C.C. 3.04.090, the purpose of the board is to insure proper implementation of the Code of Ethics.

1.2 The Board of Ethics is authorized by K.C.C. 3.04.130 to implement forms, administrative processes and operational procedures necessary to comply with the provisions of the Code of Ethics.

1.3 Under K.C.C. 3.04.100, when requested by a county officer or employee, or whenever it deems it to be in the public interest, the Board of Ethics shall render written advisory opinions concerning questions of ethics, conflicts of interest and the applicability of the Code of Ethics.

1.4 At its meeting on June 21, 1999, the Board of Ethics determined that procedures for issuing advisory opinions are necessary and in the public interest. By motion adopted June 21, 1999, the board adopted the following procedures and directed the ethics administrator to file the procedures with the Clerk of the King County Council as prescribed by K.C.C. Chapter 2.98.

1.5 These procedures shall become effective thirty days after the date of filing with the Clerk of the Council.

1.6 At its meeting on June 16, 2008, the Board of Ethics determined that procedures for issuing advisory opinions are out-of-date due to location move and other operational matters and that they should be made current. On August 18, 2008, the board adopted by motion amendments to the procedures for issuing advisory opinions and directed the executive director to file amended procedures with the Clerk of the Council as prescribed by K.C.C. chapter 2.98.

2.0 DEFINITIONS

Except as provided otherwise herein, the definitions set forth in K.C.C. chapter 3.04 shall apply under these Procedures.

2.1 "Board of Ethics" means the board established pursuant to K.C.C. 3.04.080.

2.2 "Board Counsel" means the deputy prosecuting attorney assigned to provide legal advice and assistance to the Board of Ethics and the executive director.

2.3 "Code of Ethics" means the provisions of K.C.C. chapter 3.04.

2.4 "Ethics Administrator and/or Executive Director" means the county employee who is assigned to provide administrative support to the Board of Ethics.

3.0 CONSIDERATION OF REQUESTS FOR ADVISORY OPINIONS

3.1 County officers, county employees and any other parties subject to or affected by the Code of Ethics may submit requests for advisory opinions from the Board of Ethics. Requests for advisory opinions shall:

- 3.1.1 be in writing;
- 3.1.2 identify all pertinent facts and circumstances; and
- 3.1.3 be directed to the executive director or the chair of the board.

3.2 Upon receipt of a written request for an advisory opinion, the executive director shall acknowledge the request and notify the requester in writing of the meeting of the Board of Ethics at which the request may be discussed.

3.3 After consulting with the chair of the Board of Ethics about the request for an advisory opinion, the executive director may conduct fact finding and background research, which may include interviewing the requester, appropriate supervisory personnel, and other affected parties; gathering applicable policies, procedures, legal and contractual information; reviewing past advisory opinions; and conferring with board counsel. The executive director shall include the results of the research on an agenda for a regular or special meeting of the board.

3.4 The Board of Ethics shall consider requests for advisory opinions at a regular or special meeting. The board shall determine whether requests are within the jurisdiction of the board. The board may defer or extend its deliberations pending the receipt of additional information. For requests that the board determines are within its jurisdiction and for which the board has sufficient information, the board, in its sole discretion, shall determine whether or not it will issue an opinion. In determining whether to issue an opinion, the board may consider the following general factors, in addition to specific factors related to a request:

- 3.4.1 would an opinion assist the requester and guide future conduct;
- 3.4.2 is the issue one of general application to others who are subject to the Code of Ethics;
- 3.4.3 has the board previously issued an opinion on the issue or substantially the same issue, and if so, should the previous opinion be reconsidered due to changed conditions or circumstances; and
- 3.4.4 is the issue likely to be the subject of controversy or dispute.

3.5 If the Board of Ethics determines the subject of a request for an advisory opinion is not within the jurisdiction of the board, or if the board determines it will not issue an opinion based on the facts before it, the executive director shall prepare and deliver a letter from or on behalf of the chair of the board to the requester explaining the determination of the board.

3.6 If the Board of Ethics determines additional information about the request is needed, the executive director shall prepare and deliver a letter on behalf of the board to the requester explaining the need for additional information and providing a reasonable estimate of when and if the board may again consider the request.

3.7 If the Board of Ethics determines what response should be included in an advisory opinion, the executive director shall prepare a draft advisory opinion for review by the board.

3.8 Upon approval by the Board of Ethics of a draft advisory opinion, the chair of the board shall sign the advisory opinion on behalf of the board.

3.9. The executive director shall forward copies of the advisory opinion to the requester and relevant parties promptly after the chair of the board signs the opinion. The executive director shall also forward copies of the advisory opinion to the County Executive, each member of the County Council, the Ombudsman, board counsel, and each county department or agency involved in the opinion.

3.10 The executive director shall maintain administrative files for each advisory opinion and a compilation of all advisory opinions, which compilation shall be available to any person upon request.

3.11 To the extent resources are available, the executive director shall post each advisory opinion on the Web site of the Board of Ethics.