

2.52 KING COUNTY OFFICE OF PUBLIC COMPLAINTS/TAX ADVISOR - OMBUDS OFFICE

(Formerly KING COUNTY OFFICE OF CITIZEN COMPLAINTS/TAX ADVISOR)

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2.52.010 Definitions. As used in this chapter, the term:

A. "Administrative agency" means any department, office or other governmental unit, or any employee of King County acting or purporting to act by reason of a connection with the county; but "administrative agency" does not include:

1. Any court or judge or appurtenant judicial staff,
2. The members or staffs of the county council,
3. The executive or the executive's personal staff,

4. The county prosecuting attorney or the prosecuting attorney's staff. For purposes of this chapter "administrative agency" shall specifically include the Board of Equalization/Appeals.

B. "Administrative act" includes every action (such as decisions, omissions, recommendations, practices, or procedures) of an administrative agency. (Ord. 18618 § 32, 2017: Ord. 11107 § 2, 1993: Ord. 5869 § 1, 1982: Ord. 473 § 1, 1970).

2.52.020 Establishment of office of public complaints/tax advisor - referral to office as the ombuds office. In accordance with Section 260 of the

King County Charter, the office of public complaints/tax advisor is established and may also be referred to as the ombuds office. (Ord. 19661 § 1, 2023: Ord. 11107 § 3, 1993: Ord. 5869 § 2, 1982: Ord. 473 § 2, 1970).

2.52.030 Appointment of director. The director of the ombuds office shall be appointed by a majority of the members of the county council. (Ord. 19661 § 2, 2023: Ord. 11107 § 4, 1993: Ord. 5869 § 4, 1982).

2.52.040 Director qualifications. The director shall be a registered voter of the United States, shall hold a degree from an accredited college or its equivalent in service to government, shall have a working knowledge of legal and administrative procedures, and shall have either experience or knowledge, or both, in local government commensurate to the powers of the office. During the term of which the director is appointed, the director shall be ineligible to hold any other public office of employment. The director shall not be a candidate for any public office for a period of two years following the completion of the director's term as director of the ombuds office. The director shall not be included in the classified civil or career service of the county. (Ord. 19661 § 3, 2023: Ord. 18618 § 33, 2017: Ord. 11107 § 5, 1993: Ord. 5869 § 5, 1982: Ord. 473 § 4, 1970).

2.52.050 Term of office. The director shall serve for a term of five years, unless removed by a vote of two-thirds of the members of the county council upon their determination that the director has become incapacitated or has been guilty of neglect of duty, misconduct or political activity. The council may appoint an interim director pending the appointment of a new director whenever the term of the director has expired or the office otherwise becomes vacant. (Ord. 18618 § 34, 2017: Ord. 10340 § 1, 1992: Ord. 5869 § 6, 1982: Ord. 473 § 5, 1970).

2.52.080 Organization of office.

A. The director shall serve as property tax advisor for King County in accordance with RCW 84.48.140.

B. The director may with concurrence of the council select, appoint and compensate, within the amount available or budgeted by appropriation, such assistants and employees as staff as the director deems necessary to discharge the director's responsibilities under this chapter. The assistants and employees shall not be included in the classified civil or career service of the county.

C. The director may delegate to staff any of the director's authority or duties under this chapter except this power of delegation and the duty formally to make recommendations to administrative agencies or reports to either or both the executive and the council. (Ord. 18618 § 35, 2017: Ord. 15393 § 1, 2006: Ord. 11107 § 6, 1993: Ord. 5869 § 9, 1982: Ord. 473 § 8, 1970).

2.52.090 Powers of director. The director shall have the following powers:

A. To investigate, on complaint or on the director's own initiative, any administrative act of any administrative agency, including:

1. To prescribe the methods by which complaints are made, received and acted upon; to determine the scope and manner of investigations to be made; and, subject to the requirements of this chapter, to determine the form, frequency and distribution of the director's conclusions and recommendations;

2. To request and be given by each administrative agency the assistance and information the director deems necessary for the discharge of the director's responsibilities; to examine the records and documents of all administrative agencies; and to enter and inspect premises within administrative agencies' control;

3. To administer oaths and hold hearings in connection with any matter under inquiry;

4. To issue a subpoena to compel any person to appear, give sworn testimony or produce documentary or other evidence reasonable in scope and generally relevant to a matter under inquiry; however, the subpoena power shall be limited to matters under written complaints by a resident of the county; and

5. To undertake, participate in, or cooperate with general studies or inquiries, whether or not related to any particular administrative agency or any particular administrative act, if the director believes that the general studies or enquiries might enhance knowledge about or lead to improvements in the functioning of administrative agencies;

B. To investigate and enforce the provisions of the King County Code chapter about lobbyist disclosure, K.C.C. chapter 1.07, in accordance with the terms thereof;

C. To investigate and enforce the provisions of the code of ethics, K.C.C. chapter 3.04, in accordance with the terms thereof;

D. To investigate and enforce the provisions of the King County Code chapter about whistleblower protection, K.C.C. chapter 3.42, in accordance with the terms thereof; and

E. To provide advice to any person liable for payment of property taxes in King County, including the process for appealing property tax assessments and other matters related to property taxes. (Ord. 19661 § 4, 2023: Ord. 18618 § 36, 2017: Ord. 11107 § 7, 1993: Ord. 9704 § 11, 1990: Ord. 473 § 9, 1970).

2.52.100 Matters appropriate for investigation.

A. In selecting matters for the director's attention, the director shall address an administrative act that might be:

1. Contrary to law or regulation;
2. Unreasonable, unfair, oppressive, or inconsistent with the general course of an administrative agency's functioning;
3. Arbitrary in ascertainment of facts;
4. Improper in motivation or based on irrelevant considerations;
5. Unclear or inadequately explained when reasons should have been revealed;
6. Inefficiently performed; or
7. Otherwise objectionable.

B. The director also may recommend strengthening procedures and practices of administrative agencies. (Ord. 18618 § 37, 2017: Ord. 473 § 10, 1970).

2.52.110 Action on complaints.

A. The director shall receive complaints from any source concerning any administrative act. The director shall conduct a suitable investigation into the subject matter of the complaint within a reasonable time, unless the director believes that:

1. The complainant has available another remedy or channel of complaint that the complainant could reasonably be expected to use;
 2. The grievance pertains to a matter outside the power of the ombuds office;
 3. The complainant's interest is insufficiently related to the subject matter;
 4. The complaint is trivial, frivolous, vexatious, or not made in good faith;
- or

5. The complaint has been too long delayed to justify present examination of its merit.

B. After completing the director's consideration of a complaint, whether or not it has been investigated, the director shall suitably inform the complainant and the administrative agency or agencies involved.

C. A letter to the ombuds director from a person in a place of detention or in a hospital or other institution under the control of an administrative agency shall be forwarded immediately, unopened, to the director. (Ord. 19661 § 5, 2023: Ord. 18618 § 38, 2017: Ord. 11107 § 8, 1993: Ord. 473 § 11, 1970).

2.52.120 Right to present witnesses - Consultation with agency.

A. Any individual who is the subject of a complaint shall have the right to present witnesses and other evidence on the individual's own behalf prior to disclosure of any conclusions or recommendations by the director.

B. Before publishing a conclusion or recommendation that criticizes an administrative agency or any person, the director shall consult with the agency

or person and shall disclose fully the critical findings the director intends to publish. (Ord. 18618 § 39, 2017: Ord. 473 § 12, 1970).

2.52.130 Recommendations.

A. If, having considered a complaint and whatever material the director deems pertinent, the director is of the opinion that an administrative agency should:

1. Consider the matter further;
2. Modify or cancel an administrative act;
3. Alter a regulation or ruling;
4. Explain more fully the administrative act in question; or
5. Take any other step,

The director shall state the director's recommendations to the administrative agency. If the director so requests, the agency shall inform the director, within the time the director has specified, about the action taken on the director's recommendations or the reasons for not complying with them.

B. If the director believes that an administrative action has been dictated by laws whose results are unfair or otherwise objectionable, the director shall bring to the attention of the council the director's views concerning desirable legislative change. (Ord. 18618 § 40, 2017: Ord. 5869 § 10, 1982: Ord. 473 § 13, 1970).

2.52.140 Publication of recommendations. The director may publish the director's conclusions, recommendations and suggestions by transmitting them to the county executive, the county council or to any appropriate committee of the council, the press and others who may be concerned. When publishing an opinion criticizing an administrative agency or person, the director, unless excused in writing by the agency or individual affected, shall include such statement or document that may have been made available to the director by way of explaining past conduct or present rejection of the director's proposals. The director shall not publish any interim or confidential reports. (Ord. 18618 § 41, 2017: Ord. 5869 § 11, 1982: Ord. 473 § 14, 1970).

2.52.150 Written reports. In addition to whatever reports the director may make from time to time, the director shall report to the county council annually. The director shall file the report by March 1 of each year, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the executive. The director shall also transmit that portion of the report related to ethics complaints, as described in subsection C. of this section, annually by March 1 of each year, in the form of an electronic

copy to the board of ethics administrator, who shall provide an electronic copy to all board members. The ombuds report shall include, but not be limited to:

A. The exercise of the director's functions under this chapter during the preceding calendar year. In discussing matters with which the director has dealt, the director need not identify those immediately concerned if to do so would cause unnecessary hardship. Insofar as the report may criticize named agencies or persons, it must also include their replies to the criticism; and

B. The status of the lobbyist disclosure program described in K.C.C. chapter 1.07 from the preceding calendar year, including a summary of case outcomes of complaints alleging a violation of K.C.C. chapter 1.07 that are no longer eligible for appeal, resource issues, and any concerns and recommendations for program improvement raised by members of the public or county employees; and

C. The status of the employee code of ethics program described in K.C.C. chapter 3.04 from the preceding calendar year, including a summary of case outcomes of complaints alleging a violation of K.C.C. chapter 3.04 that are no longer eligible for appeal, resource issues, and any concerns and recommendations for program improvement raised by members of the public or county employees; and

D. The status of the whistleblower program described in K.C.C. chapter 3.42 from the preceding calendar year, including a summary of improper governmental action and retaliation claims processed during the reporting period, case outcomes of all claims investigated by the ombuds, resource issues, any concerns raised by whistleblowers about the process, and any recommendations for program improvements. The ombuds is encouraged to seek feedback from participants in the whistleblower process when preparing the report. (Ord. 19661 § 6, 2023; Ord. 18635 § 11, 2017; Ord. 18618 § 42, 2017; Ord. 5869 § 12, 1982; Ord. 473 § 15, 1970).

2.52.160 Disciplinary action against public personnel. If the director has reason to believe that any public official, employee or other person has acted in a manner warranting criminal or disciplinary proceedings, the director shall refer the matter to the appropriate authorities. (Ord. 18618 § 43, 2017; Ord. 473 § 16, 1970).

2.52.170 Rights and duties of witnesses - enforcement of subpoenas.

A. A person required by the director to provide information shall be paid the same fees and allowances, in the same manner and under the same conditions, as are extended to witnesses whose attendance has been required in the courts of this state, excepting that city or county employees who are

receiving compensation for the time that they are witnesses shall not be paid the set fees and allowances.

B. A person who, with or without service of compulsory process, provides oral or documentary information requested by the director shall be accorded the same privileges and immunities as are extended to witnesses in the courts of this state.

C. Any witness in a proceeding before the ombuds office shall have the right to be represented by counsel.

D. If a person fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at the hearing, the director may petition the superior court of King County for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the ombuds office. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why the witness has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions that the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers and on failing to obey the order the witness shall be dealt with as for a contempt of court. (Ord. 19661 § 7, 2023: Ord. 18618 § 44, 2017: Ord. 11107 § 9, 1993: Ord. 473 § 18, 1970).