



King County

Tri-Annual Report

King County Ombudsman's Office

Ombudsman's Office Tri-Annual Report
January 1 to April 30, 2017

Background

The King County Ombudsman's Office was created by the voters of King County in the County Home Rule Charter of 1968, and operates as an independent office within the legislative branch of county government. The Ombudsman's Office resolves issues informally where possible, and investigates county agency conduct in response to complaints received from the public, county employees, or on its own initiative. This includes investigating alleged violations of the Employee Code of Ethics (KCC 3.04), Lobbyist Disclosure Code (KCC 1.07), and the Whistleblower Protection Code (KCC 3.42). In addition, the Tax Advisor section of the Ombudsman's Office provides property owners with information regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their valuation.

The Ombudsman's Office reports to the Metropolitan King County Council in January, May, and September of each year on the activities of the Office for the preceding calendar period, per KCC 2.52.150. This report summarizes Office activities for January through April, 2017.

Mission

To promote public trust in King County government by responding to complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

The Ombudsman's Office

The Ombudsman's Office received 574 complaints and inquiries from residents and county employees, and closed 547 complaints during that same period. Ombudsman cases are either classified as Investigation, Assistance, or Information.

The Ombudsman's Office opened 22 new investigations during this period. The allegations that initiated these investigations relate to potential improper administrative conduct, as well as violations of the county's ethics and whistleblower codes, including allegations of conflicts of interest, retaliation, and improper governmental action. We strive to complete these investigations in a thorough and timely manner, and to produce findings and recommendations to improve county operations and promote public trust in county government. Cases involving investigations are the most resource-intensive aspect of our Office's work.

Contact the King County Ombudsman's Office:

516 Third Avenue, Room W-1039
Phone: 206.477-1050
Email: ombudsman@kingcounty.gov
Website: <http://www.kingcounty.gov/operations/Ombudsman.aspx>

Response to Complaints

The Ombudsman's Office reviews each complaint individually, to determine the appropriate actions. Once we fully understand the complainant, our office responds in one or more of the following ways:

- Information: Requests for information or advice, which may result in referral.
- Assistance: Complaints resolved through problem solving, including by agency inquiry, facilitation, counseling, and coaching. Assistance cases can range from simple to complex.
- Investigation: Complaints resolved through independent fact-finding, which may involve evidence collection including witness testimony, and the analysis of evidence, laws, policies, and procedures. The Ombudsman makes findings and may also develop recommendations for change and work with departments to ensure that appropriate actions are taken. Investigation cases can range from simple to complex.

In addition to addressing individual concerns, the Ombudsman's Office also focuses on identifying patterns which may indicate a systemic issue. We work with departments to ensure that systemic problems are resolved and necessary changes are made to improve functions going forward.

Complaints Received

The table below shows the number of cases associated with each county agency, and reveals how we responded to the 574 complaints and inquiries we received during the first triannual reporting period of 2017:

| Department | Assistance | Investigation ¹ | Information | Total |
|---|------------|----------------------------|-------------|------------|
| Adult and Juvenile Detention | 57 | 9 | 195 | 261 |
| Assessments | 2 | 1 | 5 | 8 |
| Community and Human Services | 0 | 1 | 3 | 4 |
| County Executive | 5 | 0 | 0 | 5 |
| District Court | 0 | 0 | 2 | 2 |
| Executive Services | 16 | 0 | 8 | 24 |
| Information Technology | 0 | 0 | 1 | 1 |
| Judicial Administration | 0 | 0 | 1 | 1 |
| Natural Resources and Parks | 3 | 0 | 2 | 5 |
| Ombudsman's Office / Tax Advisor ² | 23 | 0 | 5 | 28 |
| Permitting and Environmental Review | 14 | 0 | 6 | 20 |
| Prosecuting Attorney's Office | 1 | 0 | 3 | 4 |
| Public Defense | 2 | 0 | 5 | 7 |
| Public Health | 57 | 0 | 8 | 65 |
| Sheriff's Office | 4 | 2 | 4 | 10 |
| Transportation | 13 | 9 | 11 | 33 |
| Non-Jurisdictional ³ | 4 | 0 | 92 | 96 |
| Total | 201 | 22 | 351 | 574 |

¹ Investigations include general jurisdiction complaints, alleged violations of the ethics code, employee whistleblower reports of improper governmental action, whistleblower retaliation complaints, and ombudsman-initiated investigations. Cases may be initially classified as Information or Assistance, but reclassified to Investigation at a later time.

² Cases coded to the Ombudsman's Office include inquiries about Ombudsman operations and processes, public records requests, PAO litigation holds and records requests, special projects, etc.

³ The category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

Case Summaries

The nature and circumstances of the issues we receive often vary widely. Our Office has a broad array of tools to respond to the nuances of each case. The case summaries below describe how our office resolved some of the cases we closed this triannual reporting period.

| Allegation | Resolution |
|---|---|
| <p>Unfair interference with subcontract for project labor agreement work related to Children's and Family Justice Center.</p> | <p>After preliminary investigation, the Ombudsman's Office retained an independent expert, who concluded that the county did not unfairly interfere with the contract, had the right to object to the prime contractor's selection of subcontractor (the complainant), and gave due consideration to issues raised about the selection. Ombudsman's Office recommended that Facilities Management Division enhance subcontract approval procedures related to transparency and communication. Recommendations were accepted.</p> |
| <p>Assessor's Office should issue tax refunds for lots that were approved several years ago, but designated as unbuildable.</p> | <p>The Ombudsman's Office found that the Assessor's Office acted within its proper authority and used an appropriate process to assess the lots in question and to refund taxes. We found that many years ago the building department had a subdivision process that created lots that have a restrictive covenant declaring them as non-buildable. We did not find evidence that the permitting office and the Assessor's office were systematically coordinating on how to assess lots that were created through this method at a lower value than standard building lots. We found that the Assessor's office acted within the limit of their authority when they reduced the assessed value and refunded taxes going back three years on the lots that were brought to their attention.</p> |
| <p>The Parks Department improperly managed North Green River Community Gardens by restricting gardening to seasons and for instituting practices that were burdensome to gardeners.</p> | <p>The Ombudsman's Office found that Parks properly managed the community garden and proactively engaged constituents, and that the existing seasonal gardening practice was necessary to offer an equitable gardening experience to future gardeners. The Ombudsman's Office convened discussions between the gardeners and the Parks Department to explore potential avenues for creating an annual garden.</p> |
| <p>Metro Transit did not disclose the guidelines for the return of a bike left on the bus.</p> | <p>The Ombudsman's Office found that Metro did not provide sufficient information on how to retrieve the lost bike. Metro stated that complainant was not provided the level of customer service expected of its agency. Metro took action to retrieve the lost bike from a surplus auction, and the complainant was grateful.</p> |

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| <p>Property owner needed help clearing a code violation for a wall that was constructed to control surface runoff from a dairy barn.</p> | <p>The Ombudsman's Office held a meeting with the property owner, the neighbor, and several county agencies. The agencies explained what the issue was, what modifications were needed, and King Conservation District assisted in the redesign of the wall. The farmer has rebuilt the wall and is working with the permitting agency to get it approved.</p> |
| <p>Resident concerned that neighbors are encroaching on their property, and wants a permit for an outbuilding.</p> | <p>The Ombudsman's Office suggested that the resident meet with the neighbor and try to resolve the property boundary issue, which they did. We brought the permitting issue to a building official who suggested a way to modify the existing outbuilding to qualify for a permit exemption. We transmitted this information to the resident, who plans on making the necessary adjustments.</p> |
| <p>Commercial vehicles parked in residential area of unincorporated King County.</p> | <p>The Ombudsman's Office brought the issue to the emergency coordinator at the county's transportation department, who he explored the problem with the state Department of Transportation. It was clarified that the issue occurs during unplanned emergency closures of Interstate 90, when the trucks are not allowed to park within city limits, so they park on county surface streets and sometimes block driveways, and this is a regional problem. The solution explored is having the state transportation department notify the Sherriff's Office so they can check for blocked driveways in that area during emergency closures.</p> |
| <p>Resident claimed that the county transferred a land parcel that the county did not own.</p> | <p>The Ombudsman's Office worked with the county's Roads Services Division to have surveyors searched county records. The surveyors determined that the county never owned the property, and the Ombudsman's Office provided this information to the resident and the city in which the land was located, which resolved the issue.</p> |
| <p>Former domestic partner fraudulently using county medical insurance after the termination of the partnership</p> | <p>The Ombudsman's Office found that the insurance had been used improperly and possibly fraudulently and so consulted extensively with other county agencies to determine the proper course of action. The decision was made that the case was not worth the effort to prosecute and that a change in policy was not necessary to prevent future occurrences because revision of the state's marriage laws made the issue moot.</p> |
| <p>Former Sheriff's deputy alleged whistleblower retaliation following her disclosure of concerns about the polygraph results of a candidate for a deputy position.</p> | <p>Investigation revealed that former deputy's concerns did not amount to a report of improper governmental action sufficient to trigger retaliation protections in the county's Whistleblower Code. The Ombudsman's Office determined that the former deputy was terminated due to serious misconduct, and not targeted due concerns about the polygraph.</p> |

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| <p>Excessive force by a corrections officer at the county jail</p> | <p>The Ombudsman's Office found that the force used against the complainant was not excessive based on rules of operation and a review of reports including medical records.</p> |
| <p>Excessive force by a corrections officer when the corrections officer at the county jail.</p> | <p>Complainant alleged that a corrections officer stomped on his hand. The Ombudsman's Office found that the corrections officer's use of force was not excessive but reasonable as self-defense against a threat of imminent harm. The corrections officer was disciplined, however, for providing a false or misleading statement.</p> |

Tax Advisor Statistics

The Tax Advisor Office, a section of the Ombudsman's Office, provides property owners with information and resources regarding all aspects of the property tax assessment process, and offers specific guidance for those who are considering an appeal of their assessment.

The assistance we provide helps support fair and equitable taxation, especially in cases where the King County Assessor may not have known or considered significant new property information during the valuation process. To facilitate this process, we regularly provide:

- Comparable sales searches,
- Records and deed research,
- Information on property tax exemption programs,
- Assistance resolving complaints about other departments.

Contacts

The Tax Advisor Office responded to 1373 residents from January 1 to April 30, 2017. In the first four months of 2017, we provided sales or other property-related research to 95 of our taxpayer contacts.

| | Information | Research | Total |
|--------------|-------------|-----------|-------------|
| January | 131 | 21 | 152 |
| February | 427 | 25 | 452 |
| March | 337 | 27 | 364 |
| April | 383 | 22 | 405 |
| Total | 1278 | 95 | 1373 |

As the chart below indicates, the county residents who contact our office for assistance represent a variety of income levels and we strive to provide them all with accurate information that will assist them in making decisions about potential value appeals.

| Assessed Property Value | Sales Surveys |
|-------------------------|---------------|
| \$0-200K | 5 |
| \$201-300K | 0 |
| \$301-400K | 5 |
| \$401-500K | 5 |
| \$501-700K | 4 |
| \$701K-1M | 8 |
| Over \$1M | 14 |
| Total | 41 |