

**2006 CHARTER REVIEW COMMISSION  
BRIEFING PAPER  
OMBUDSMAN SERVICES  
JUNE 7, 2006**

**Prepared by  
Stephen Reinig; Administrative Analyst**

## **Background**

Implementing an Ombudsman service through the Charter was raised in 1986 and 1996. The issue has never gone to the ballot though the 86 commission wrote a separate letter to the County Executive and Council recommending they implement that type of service. Council and Executive chose not to implement such a program.<sup>1</sup>

## **The Issue**

*Shall there be a County Ombudsman?*<sup>2</sup>

## **Support**

Councilmember Dave Somers was the only elected official who spoke in favor of the idea. In the survey:

62%/41 respondents support the idea while  
33%/22 respondents do not support the idea.

## **Ombudsman Services in Other Counties**

King County is the only county in the state of Washington to have an Ombudsman Program. It is a very extensive program that includes investigations due to ethics, whistleblower, administrative conduct and a soon to be implemented rural ombudsman.<sup>3</sup> The nearest county outside of Washington to have this service is Multnomah County in Oregon.

## **What is an Ombudsman Service?**

The definition on the King County web page states "Ombudsman has jurisdiction to investigate complaints about the administrative conduct of executive branch agencies including the Department of Assessments and the Sheriff's Office. We investigate complaints that assert a County agency or employee is acting in a manner that is unfair, arbitrary, inconsistent or contrary to law."<sup>4</sup>

The scope of the King county office has grown over the years to include other duties such as whistleblower and ethics complaints.

## **Issues to Consider when establishing an Ombudsman in the Charter**

- Where would it be placed

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<sup>1</sup> 1996 Snohomish County Charter Review Commission , Background Paper, Ombudsman Services

<sup>2</sup> While the original issue included Ombudsman/Salary Commission, staff have taken the liberty to remove salary commission as that issue was debated on 5/31/06

<sup>3</sup> Land -use complaint? Talk to the ombudsman: He's not your advocate, but David Spohr will try to hear you out and help. King County Journal, 5/30/06

<sup>4</sup> [www.metrokc.gov/ombuds/citizen.htm](http://www.metrokc.gov/ombuds/citizen.htm)

- Independence of the Office. (Should the Ombudsman be appointed to a term of Office?)
- Address Qualifications, where appropriate
- Access to records and staff
- Others as required

### **Other Factors**

Ten years ago the King County Ombudsman noted in a presentation to the 96 Charter Review Commission that one area that needs to be considered in workload and staffing is the impact of the jails and detention facilities. They made up over 50% of the workload in the office. According to the attached quarterly report the corrections system continues to lead when non-jurisdictional concerns are eliminated.

Deputy Prosecuting Rick Robertson points out that anonymity and confidentiality may be an issue to consider due to Washington State's public disclosure laws especially related to litigation. King County responded that for non-judicial requests for information names are blocked.

### **What happens in Snohomish County?**

Currently there is no formal Ombudsman position or process in the county. The county elected officials claim that they serve in that role. A perusal of the County web site shows no obvious access to a complaint mechanism. While the Sheriff produces an annual report on internal affairs investigations, it was unclear as to how to access that process. The County does have an Ethics Commission to investigate ethics and campaign issues.

### **Options to Consider**

1. No change to current system. Elected Officials and Departments field citizen complaints. A variety of citizen advisory boards exist to solicit input and hear complaints and issues.
2. Create a County Ombudsman Office. As a reference the King County Charter States in Section 260:  

The county council shall establish by ordinance an office to receive complaints concerning the operation of the county government and shall grant it sufficient power to permit it quickly and efficiently to investigate and to make and publicize recommendations concerning its findings, including the power to subpoena witnesses, documents and other evidence and to administer oaths...<sup>5</sup>

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<sup>5</sup> King County Charter Section 260

### **Impacts:**

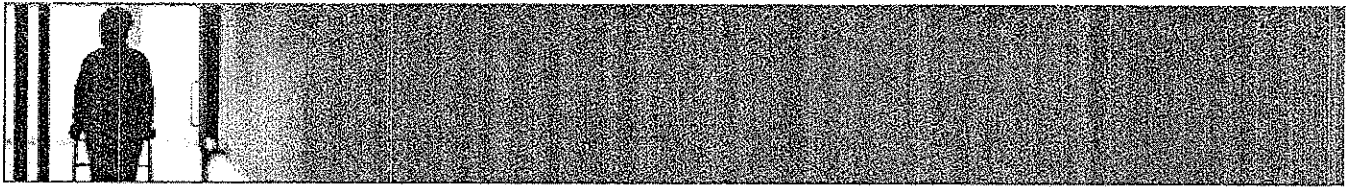
- Creates a centralized office for citizens to file complaints, request for information etc.
- Requires Budgetary Support

### **Budget Impacts**

Since the County has no experience in this area, one area to look to for some comparison may be the budget of the performance auditor which is attached. This might provide a starting point for determining impacts.

### **Attachments**

- 1 King County Journal, 5/30/06
- 2 King County Ombudsman Web Pages
- 3 King County Office of Citizen Complaints Triannual Report 1/06 – 4/06
- 4 Snohomish County Performance Auditor Annual Budget



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## Land-use complaint? Talk to the ombudsman: He's not your advocate, but David Spohr will try to hear you out and help

2006-05-30  
by [Dean A. Radford](#)  
Journal Reporter

David Spohr comes into his job as the county's first-ever rural ombudsman with a lot of expectations on his shoulders.

Some are realistic; some miss the point of what's in his job description. He's not a rural advocate, but he'll make sure rural residents get a fair shake and he'll make sure county government follows its own rules and regulations.

He'll hold hands. He'll referee. He'll listen.

But most of all, he'll mediate disputes over land-use regulations, just as he has done in Utah as the state's deputy property rights ombudsman.

The King County Council hired Spohr, 37, a former attorney for the U.S. Department of Justice in Washington, D.C., and Seattle, earlier this month. Spohr will make \$70,983, about \$50,000 less, he said, than he made as a federal attorney.

Residents of rural King County likely will fill his plate with complaints about the enforcement of county codes and the controversial Critical Areas Ordinance, which is designed to protect sensitive areas.

Spohr's hiring, rather than former County Councilman Steve Hammond, has set off the Internet drumbeats. Some favored the conservative Hammond because of his deep understating of rural issues, especially those related to property rights.

For them, Hammond was seen as an ally. He came with built-in credibility and trust.

Some had said the job was created with Hammond in mind. Hammond lost the Republican primary in the council's 9th District last year to Reagan Dunn, of Bellevue, who, along with Bob Ferguson, of Shoreline, sponsored the ordinance creating the position.

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Attachment 1

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Hammond was interviewed for the job, but he didn't make the list of finalists.

``This hire boils down to the need to build trust and ensure a sense of fairness for all county citizens," Ferguson said after the council's 8-1 vote.

``Too many rural residents have lost their trust of county government and feel that the county does not pay close enough attention to their needs," said Ferguson, whose district includes part of northeast King County.

Since Jan. 1, 2004, the county's ombudsman's office has received 153 inquiries related to the county's Department of Development and Environmental Services, including many that were simply seeking information, said Spohr's boss, Amy Calderwood, the county ombudsman.

Twenty-one of those inquiries led to investigations, she said, which in some cases resulted in mediation.

Eastern King County also has twice given birth to drives for a new county, fueled by a rural rage over what some argue is a distant government in Seattle.

Spohr has dealt with those issues in Utah, perhaps the most conservative state in the nation, and as a government attorney, he has tried cases involving a government's power to condemn property and compensation for the loss of property value because of a government action.

``The value I have is that those cases are better resolved not through litigation but through dispute resolution early," he said.

Well-heeled corporations can hire top-flight attorneys to defend their interests, he said, but what about the ``little guy" who can't afford a lawyer for advice or to investigate the case?

``He or she should not face the choice between `lawyering up' or simply rolling over," he said.

For a time, he defended the federal government in a case involving the ownership of the former railroad corridor that has become the East Lake Sammamish Trail on the Eastside. The government lost the case.

The trail has opened, but still unresolved is a claim by Warren and Vicki Beres, of Sammamish, over issues of the rail corridor's ownership.

But that gives Spohr expertise in property issues that could arise over the potential sale to King County of the BNSF railroad corridor between Renton and Woodinville.

There are a few key rural leaders willing to give Spohr a chance, or at least hear him out before making a judgment. As soon as he starts his job next month, he plans to meet with rural groups

Rodney McFarland, of May Valley, president of the Citizens Alliance for Property Rights, has heard from an attorney who faced Spohr in court that Spohr is ``pretty much a straight shooter."

But McFarland said Spohr will have to demonstrate whether he's the right person for the job.

``We want him to mediate, rather than just plain referee," McFarland said.

He wonders whether there is room to mediate some of the tough regulatory issues that divide the county and rural residents.

``I don't know," he said.

But the office of the ombudsman can use its subpoena power to get information it needs to get a fair resolution, Calderwood, the ombudsman, said.

That power isn't used with county agencies, because they're required by law to cooperate with her office, she said.

It's clear, Calderwood said, that the County Council intention is that the rural ombudsman is an impartial neutral investigator.

``We advocate for a fair process," she said. ``We don't identify ourselves as citizen advocates."

His jobs in government and as a federal attorney have led some to charge that Spohr is a ``government man." In answer, Calderwood said that an ombudsman's goal is always to resolve disputes.

``I hope they give him a chance," Calderwood said.

Dean Radford covers King County. He can be reached at dean.radford@kingcountyjournal.com or 253-872-6719.

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# King County Ombudsman

## Citizen Complaints



### OUR JURISDICTION

The Office of Citizen Complaints — Ombudsman has jurisdiction to investigate complaints about the administrative conduct of executive branch agencies, including the Department of Assessments and the Sheriff's Office. The Ombudsman's authority and jurisdiction are detailed in KCC 2.52. We investigate complaints that assert a County agency or employee is acting in a manner that is unfair, arbitrary, inconsistent, or contrary to law.

We do not have the authority to investigate the administrative conduct of:

- Members of the Metropolitan King County Council and their staffs
- The King County Executive and his/her personal staff
- The Prosecuting Attorney and his/her staff
- Judges and their staffs
- Any city, state, or federal agencies
- Any private business or non-profit agency

### COMPLAINT INVESTIGATION AND RESOLUTION

The majority of citizen complaints are resolved through information and referral, or assistance and facilitation. Complaints that we are unable to resolve with staff-level inquiries are handled as complaint investigations, which are summarized and sent to the subject agency director for review and response.

Complaint investigations seek to: (a) determine if the complaint was substantiated or unsubstantiated, (b) make recommendations to the department for improved practices or policy changes, and (c) resolve the problem.

We are not an office of first recourse. We recommend that citizens try to resolve their

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# King County Ombudsman



## WELCOME

Welcome to the King County Office of Citizen Complaints — Ombudsman web site. The Ombudsman office manages citizen complaints concerning King County government agencies. We also investigate allegations regarding violations of the Employee Code of Ethics, and reports of improper governmental action and retaliation filed under the Whistleblower Protection Act.

## Job Opening

The King County Office of Citizen Complaints — Ombudsman currently has a job opening for a Deputy Ombudsman

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For more information about the types of complaints we investigate and our jurisdiction, please visit the links listed on the menu bar to the left. In addition, you may contact us via e-mail, phone, or visit our office to speak with an Ombudsman staff person.

## OUR MISSION

To promote public confidence in King County government by responding to citizen 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.

## WHO WE ARE

The Office of Citizen Complaints — Ombudsman 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 the King County government.

## WHAT WE DO

The Office of Citizen Complaints — Ombudsman is authorized, by King County Code (KCC) 2.52, to investigate complaints regarding administrative conduct by King County agencies, and to publish recommendations for change based on the results

of investigations. In addition, the Ombudsman office investigates possible violations of the King County Employee Code of Ethics (KCC 3.04), and reports of improper governmental action and retaliation under the Whistleblower Protection Code (KCC 3.42).

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complaint with the agency before contacting our office. Please refer to the Problem Solving Tips below for some pointers. The Ombudsman office is also available for coaching and guidance in problem solving procedures and techniques, if you need additional help.

### **PROBLEM SOLVING TIPS**

#### **Write it down.**

Whether you are seeking service or filing a complaint, keep records of the contact you have with an agency. Record the names of the staff people you speak with, and include the date of your conversation. Keep copies of all documents you receive or provide the agency. A chronological sequence of contacts and dates is helpful in explaining your problem to the agency.

#### **Ask questions.**

Some good questions to ask:

- Why was my request denied?
- What law or policy applies?
- Was the law or policy applied consistently?
- What appeal process (if any) is available?

#### **Be clear and pleasant.**

Before you contact an agency, determine exactly what the problem is and what remedy you are seeking. Pleasantly state the issue and what you want. Public employees, like most of us, respond favorably when a positive and courteous approach is used.

#### **Be persistent.**

Persist in your effort to resolve the issue. Ask to speak with a supervisor if the staff person is unable to assist you. Be sure you are asking the right question and are focusing on a resolution, rather than just recounting the transgression. Find out if the agency needs any additional information from you that will help them better understand the problem, and diligently follow up.

[Download a PDF of the "Office of Citizen Complaints Code" \(KCC 2.52\). \(76.6 KB\)](#)

[Download a PDF of a "Citizen Complaint Form." \(64.0 KB\)](#)

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# King County Ombudsman Code of Ethics



## ETHICS VIOLATIONS

The King County Employee Code of Ethics (KCC 3.04) states "that the private conduct and financial dealings of (county employees)...shall present no actual or apparent conflict of interest between the public trust and private interest."

Complaints asserting a violation of the ethics code are made to the Ombudsman. Upon receipt of a complaint, we review the allegation to determine if it constitutes a violation of the ethics code. If the complaint is considered to be founded, or if the matter requires additional exploration, an investigation is initiated by serving the agency/respondent with a copy of the complaint. If the complaint is considered to be unfounded, investigation is declined.

Respondents in ethics complaints are afforded due process rights, such as the right to be represented by legal counsel or union representation, and the right to present witnesses and evidence. Written results of the investigation include a determination as to whether an ethics violation occurred. Respondents may appeal our findings to the Board of Ethics.

Please contact us with any questions concerning the ethics code and ethics complaint process.

[Download a PDF of the "Ethics Code" \(KCC 3.04\).](#) (121.0 KB)

[Download a PDF of "Guidelines For Filing An Ethics Complaint."](#) (88.0 KB)

[Download a PDF of an "Ethics Complaint Form."](#) (55.2 KB)

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## King County Ombudsman

## Whistleblower

**WHISTLEBLOWER SAFEGUARDS**

The Whistleblower Protection Code (KCC 3.42) is an avenue for King County employees to report improper governmental action and retaliation. Improper governmental action is defined as any action by a county office or employee undertaken in the course of the employee's official duties that:

1. violates any county, state, or federal law
2. constitutes an abuse of authority
3. creates a substantial danger to public health or safety
4. results in a gross waste of public funds

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Improper governmental action does not include personnel actions or authorized action to which an employee or the investigating authority disagrees. Employees may not report privileged information or information that is legally protected from disclosure. Also, the report of an employee's own improper governmental action does not provide immunity from discipline.

Employees who report improper governmental action are protected from retaliation.

Whistleblower complaints must be made in writing to an appropriate investigating official, either the department director in which the proposed improper governmental action occurred or the Ombudsman office. Specific direction as to which agency or individual a whistleblower complaint should be made is provided in KCC 3.42.020(a).

Complaints are investigated by our office or referred to the subject department for investigation. Investigation results are provided to the complainant. Retaliation for whistle blowing should be reported to the Ombudsman office, in writing, within thirty days of the incident.

We encourage employees to review the Whistleblower Protection Code and to pay special attention to the reporting requirements.

Ombudsman staff is available to answer employees' questions about the code.

(Please note: The Whistleblower Protection Code is only applicable to King County employees.)

[Whistleblower Brochure \(pdf, 694 KB\)](#)

[Download a PDF of the "Whistleblower Protection Code" \(KCC 3.42\). \(77.9 KB\)](#)

[Download a PDF of the "Whistleblower Protection Code Summary." \(86.2 KB\)](#)

[Download a PDF of the "Whistleblower Complaint Form." \(56.2 KB\)](#)

[Download a PDF of the "Whistleblower Retaliation Complaint Form." \(56.4 KB\)](#)

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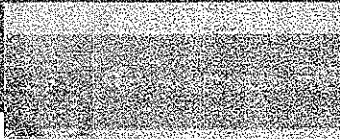
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# King County Ombudsman Public Disclosure



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## PUBLIC RECORDS DISCLOSURE

King County is required under the Washington State Public Disclosure Act (RCW 42.17) to provide citizens with access to public records upon request. The Public Disclosure Act defines a public record as "any state or local record relating to the performance and conduct of government." Public records may be in the form of a written record, report, handwritten note or memo, e-mail, picture, disk, maps, etc.

Public agencies are required to respond to requests for records within five business days in one of three ways:

1. By providing the requested record
2. By acknowledging receipt of the request, and providing a reasonable estimate of the time needed to respond to the request.
3. By denying the request

If an agency refuses to release all or part of a record to you, the agency must provide you with the specific exemption that authorizes the withholding of the record, and include a brief explanation of how the exemption applies to the particular record in question.

An agency is not obligated to create a new document for you or to provide a record in a particular format. Rather, existing records must be provided in response to your request.

It is best to request public records from the agency that owns or created the record. We advise that you keep the scope of your request as narrow and specific as possible. This will save time and expense for all parties.

## CHARGES

The Public Disclosure Act allows agencies to impose a "reasonable charge" for providing copies of public records, provided that the cost does not exceed the amount necessary to reimburse the

agency. Our office will charge 15 cents per page for copies. Additional charges include postage if records are mailed.

If you do not wish to pay for a copy of the record, you can request an appointment with the agency to review the record. The agency must make the record available to you during normal business hours. Our office's business hours are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding official holidays.

[Download a PDF of a "Public Disclosure Request Form" for Ombudsman records. \(60 KB\)](#)

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**KING COUNTY  
OFFICE OF CITIZEN COMPLAINTS**

**TRIANNUAL REPORT**

**JANUARY - APRIL 2006**

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**Presented to the  
Metropolitan King County Council**

**May 15, 2006**

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## INTRODUCTION

The Office of Citizen Complaints is required to report to the Metropolitan King County Council on the 15th of 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 1 through April 30, 2006.

During the report period, the Office of Citizen Complaints received 610 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 30 complaint investigations, and completed 30 investigations.

## BACKGROUND

The Office of Citizen Complaints – Ombudsman investigates complaints about the administrative conduct of King County executive branch agencies. In addition, the Ombudsman investigates alleged violations of the King County Employee Code of Ethics as well as reports of improper governmental action and retaliation under the Whistleblower Protection Code.

The mission of the Office is to promote public confidence in King County government by responding to citizen 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.

## INQUIRY CLASSIFICATION

The Office of Citizen Complaints classifies citizen inquiries into three categories:

- |                             |  |
|-----------------------------|--|
| Information:                | Request for information or advice which may result in referral.  |
| Assistance:                 | Complaint resolved through staff-level inquiry and facilitation.   |
| Investigation: <sup>1</sup> | Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response. |
- Investigations involve independent factual research, including witness interviews, evidence collection and review, analysis of applicable laws, policies/procedures, standards, etc.
- Investigations seek to determine if the complaint is supported or unsupported, and to resolve the problem. Investigations may result in recommendations to departments for improved practices or policy changes, or for legislative change. Investigations are closed with a finding of resolved, supported, unsupported, or discontinued.
- Complainants, respondents, directors of administrative agencies, and other parties of record are provided with a report of our findings.

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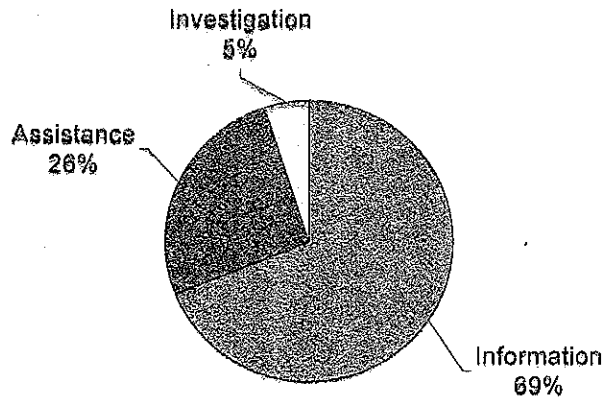
<sup>1</sup> Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

OMBUDSMAN STATISTICS

**Table A**  
**Total Inquiries Received**  
**January - April 2006**

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	58	44	11	113
Assessor	4	2	2	8
Boards and Commissions	0	0	0	0
Community and Human Services	10	2	0	12
Development and Environmental Services	7	5	0	12
District Court	9	3	0	12
Executive	2	0	0	2
Executive Services	24	11	3	38
Judicial Administration	3	2	0	5
Metropolitan King County Council	30	13	0	43
Natural Resources and Parks	6	6	0	12
Prosecuting Attorney's Office	7	0	0	7
Public Health	29	42	6	77
Sheriff's Office	17	9	8	34
Superior Court	8	1	0	9
Transportation	14	7	0	21
Non-jurisdictional <sup>2</sup>	193	12	0	205
<b>Total</b>	<b>421</b>	<b>159</b>	<b>30</b>	<b>610</b>

**Chart A**  
**Disposition of Total Inquiries Received**  
**January - April 2006**



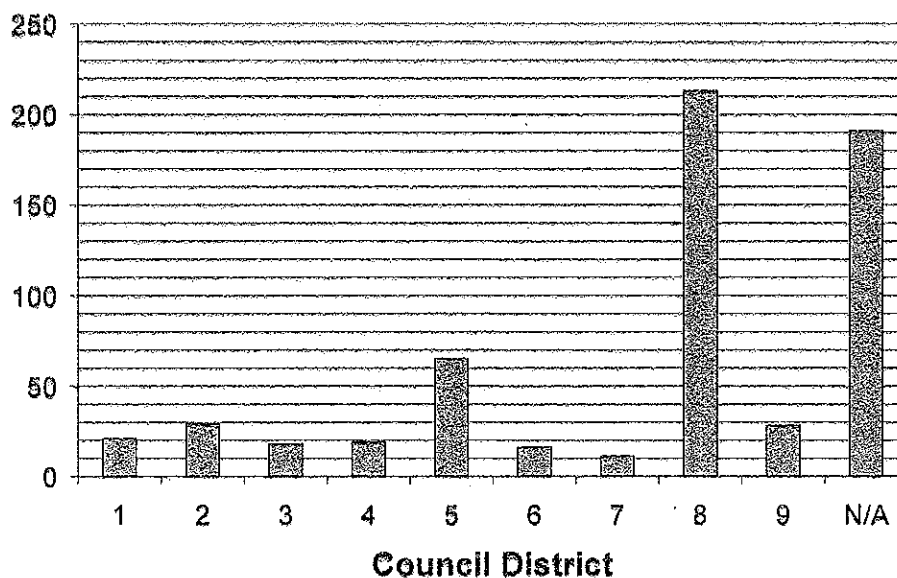
<sup>2</sup> The non-jurisdictional category represents inquiries about non-jurisdictional city, state, federal, non-profit, or other private entities.

OMBUDSMAN STATISTICS

**Table B**  
**Inquiries by Council District**  
**January - April 2006**

District	Councilmember	Inquiries
1	Bob Ferguson	21
2	Larry Gossett	29
3	Kathy Lambert	18
4	Larry Phillips	19
5 <sup>3</sup>	Julia Patterson	65
6	Jane Hague	16
7	Pete von Reichbauer	11
8 <sup>4</sup>	Dow Constantine	213
9	Reagan Dunn	28
N/A	Unavailable	190
<b>Total</b>		<b>610</b>

**Chart B**  
**Inquiries by Council District**  
**January - April 2006**



<sup>3</sup> Inquiries for this district may be higher due to the number of calls from the Regional Justice Center.

<sup>4</sup> Inquiries for this district may be higher due to the number of calls from the Seattle Jail facility.

**COMPLETED INVESTIGATIONS<sup>6</sup>**

**DEPARTMENT OF ASSESSMENTS**

Synopsis	Disposition
Improper governmental action pursuant to Whistleblower Protection Code.	Resolved/Unsupported. Two employees alleged that a third employee repeatedly took time off from work for personal reasons, either without approval or with approval improperly granted. Following investigation, concluded that work schedule alteration was properly granted, and no rules or policies were violated. Discussed underlying workplace concerns with complainants, as well as alternatives such as mediation. Ultimately, supervisor involved was terminated by department for variety of reasons, resulting in better work environment for remaining employees.

**DEPARTMENT OF ADULT AND JUVENILE DETENTION**

Synopsis	Disposition
Alleges unnecessary force.	Discontinued. Complainant filed civil rights claim in Federal District Court. Per KCC 4.12.060(B)(4), the Ombudsman must discontinue any further investigation of complaint.
Complainant alleges jail policy requiring "rack back" when inmates from other, lower security units are brought in the use unit computers. Complainant alleges that inmates must discontinue collect calls when this occurs.	Unsupported. DAJD policy does not allow inmates with different custody levels in same housing area. Therefore, inmates are required to "rack back" when other custody level inmates are brought into the area. Inmates possibly affected by the cost of having to terminate collect telephone when ordered to "rack back" were advised to file grievances.
Failure to respond and track grievances as required by the grievance policy and procedures; failure to provide inventory of confiscated non-contraband property; loss of personal items.	Unsupported. Records show that inmate's grievances were tracked and responded to appropriately. DAJD did not inventory personal items confiscated in connection with drug investigation. However, in response to complaint DAJD developed "Evidence Inventory Sheet," and will log items removed from an inmate cells on sheet. Copy will be provided to inmate.
Complainant alleges two inmates have been allowed in the Administrative Segregation common area in violation of jail policy.	Discontinued. Complainant failed to respond to several requests for information necessary to proceed with investigation.
Complainant alleges being assaulted by a Corrections Officer.	Discontinued. Inmate filed claim regarding assault. KCC 4.12.060(B)(1) requires that Ombudsman discontinue further investigation of subject incident.

<sup>6</sup> Open, ongoing investigations are not subject to public disclosure, and are therefore not included in the investigation synopsis.

OFFICE OF CITIZEN COMPLAINTS TRIANNUAL REPORT  
 JANUARY - APRIL 2006

Synopsis	Disposition
Assaulted and injured by corrections officers.	Unsupported. Ombudsman staff reviewed complainant's medical records and records with DAJD. There was no evidence that complainant was assaulted and injured by corrections officers.
Complainant objects to continuance of Administrative Segregation status without consideration of more recent good behavior.	Unsupported. DAJD Classifications responsible for gathering and assessing inmate disciplinary information and determining housing assignments based on jail security requirements. Record indicates Ad Seg status appropriate.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Complainant objects to DDES order to obtain permit for pool enclosure that has been in existence for 30 years.	Discontinued. "Pool enclosure" was cabana that was built without permit, and within property line setback area. Complainant filed land use petition in Superior Court to appeal department's denial of building permit, and order to remove structure.
Arbitrary and capricious action by agency officials to assist developer in avoiding consequences of excessive traffic on Novelty Hill Road.	Unsupported. Reviewed and analyzed complainant's allegations and evidence. Conducted legal and factual research and analysis, including field work. Interviewed appropriate department officials. Provided detailed written response and follow-up responses to complainant.
Unreasonable denial of fee waiver.	Resolved. Formally transmitted complaint to agency director. Reviewed agency response. Conducted relevant legal and factual research and analysis. Convened and participated in mediation between complainant and responsible agency division manager. Parties reached mutually agreeable resolution and requested that complaint file be closed.

DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
Personal use of county resources.	Declined. Investigated whether complaint concerning published opinion-editorial written by director of emergency management would implicate Ethics Code. Subject matter of opinion-editorial was well within director's official duties. Complaint therefore would not state a valid claim under the Ethics Code.
Director of Records and Elections may have violated county policies or law.	Declined. Investigated whether complaint concerning published letter to the editor would implicate Ethics Code. Subject matter of opinion-editorial was well within director's county portfolio, letter was not written for personal convenience or profit, and was within scope of official duties. Complaint therefore would not state a valid claim under the Ethics Code.

**NATURAL RESOURCES AND PARKS**

Synopsis	Disposition
Unfair process used to lay off unrepresented county employee.	Resolved. Interviewed complainant and responsible agency division director. Conducted relevant legal and factual research and analysis. Convened and participated in mediation between complainant and responsible agency managers. Parties reached mutually agreeable resolution and requested that complaint file be closed.

**PROSECUTING ATTORNEY'S OFFICE**

Synopsis	Disposition
Questions ethics of PAO contracting with outside counsel to represent DOT in Redmond Ridge concurrency appeal.	Partially declined following preliminary investigation; partially unsupported. At complainant's request, sought advisory opinion from Board of Ethics, which was declined by the Board. Performed necessary legal and factual research and analysis of remaining allegations. Provided complainant with detailed written account of investigation and conclusions.

**PUBLIC HEALTH**

Synopsis	Disposition
Alleges improper governmental action pursuant to Whistleblower Code.	Discontinued. Department and executive auditor investigating complaint prior to complaint being filed with Ombudsman.
Alleges inadequate medical care was in retaliation for complainant's local protest activities.	Unsupported. Jail Health Services provided adequate care while complainant was incarcerated. There was no evidence that there was any retaliation for his local protest activities.
Alleges failure to treat MRSA symptoms.	Discontinued. Complainant filed claim for damages.
Inmate claims to have MRSA that is not being treated by Jail Health.	Discontinued. Complainant filed claim for damages.
Failure to provide prescribed medication.	Unsupported, but recommendations made to, and accepted by, agency. See summary of consolidated case no. 2005-01186.
Failure to provide prescribed medications to inmates.	Unsupported, but recommendations made to, and accepted by, agency. Four inmates, in two separate incidents, alleged that a nurse failed to deliver prescribed medications. Two other nurses made similar general allegations but could not provide specific examples. Evidence insufficient to sustain allegations. However, Ombudsman provided recommendations regarding oversight of inmate medication administration. Agency responded with commitment to take specific steps for improving inmate medication system, specifically regarding tracking, verification, and administration of medications.

SHERIFF'S OFFICE

Synopsis	Disposition
Requests change in Ombudsman findings in complaints alleging that the Sheriff's Office: (1) unjustifiably denied concealed pistol license; and (2) mishandled sexual assault case.	Unsupported. (1) Complainant filed notice of intention to file a tort claim related to the concealed pistol license. KCC 4.12.060(B) forbids county agencies from affecting the settlement of a claim against the county. We therefore could not act further in this case. (2) Ombudsman requested review of complainant's sexual assault case by San Diego County Sexual Assault Response Team, cited as a best practice model on victims' rights. As a courtesy the SART reviewed case and advised this Office that nothing was out of the ordinary in how case was handled by KCSO. Ombudsman upheld Initial finding.
Alleges unnecessary force by Sheriff's Deputy.	Discontinued. Complainant filed claim for damages.
Complaint alleges that the KCSO IIU refused to investigate an officer who failed to investigate and file charges against a person who was responsible for a hit and run.	Discontinued. Complainant filed claim for damages.
Sheriff's deputy driving in HOV lane in single-occupant patrol car, and inadequate response to citizen complaint by Sheriff's Internal Investigations Unit.	Unsupported. Reviewed complainant's allegations and evidence. Interviewed appropriate Sheriff's Office personnel. Conducted independent factual and legal research and analysis. Sheriff's Office interpretation of state rules to allow HOV lane usage by off-duty deputies who are in uniform and driving marked patrol cars was not improper in light of administrative history of HOV rule and public policy considerations favoring unfettered access to all lanes by law enforcement personnel. IIU response to complainant was substantively accurate. Detailed written explanation provided to complainant.
Complainant states another case of excessive force by Sheriff's officers.	Unsupported. Complainant was advised that a review of Sheriff's records and the additional information provided by the complainant did not support the allegations of excessive force by Sheriff's officers.
Alleges Sheriff's spokesperson used inappropriate language, and used county resources for campaign purposes.	Declined. Complainant did not provide sufficient information to investigate ethics complaint.

DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Complainant alleges that a road was widened causing traffic noise and possible flooding and staff are not responding to calls and/or emails.	Discontinued. Complainant did not provide additional information required to continue with this investigation.
Conflicts of interest within DOT, DDES, and Prosecuting Attorney's Office.	Partially declined following preliminary investigation; partially unsupported. At complainant's request, sought advisory opinion from Board of Ethics, which was declined by the Board. Performed necessary legal and factual research and analysis of remaining allegations. Provided complainant with detailed written account of investigation and conclusions.
Improper Governmental Action pursuant to the Whistleblower Protection Code.	Unsupported. Complainant alleged that managers failed to discipline agency employee whose actions placed other employees in significant danger. Formally transmitted complaint to agency. Reviewed formal agency response. Interviewed complainant, and appropriate departmental officials. Reviewed agency investigative file. Based on available evidence, concluded that agency managers conducted appropriate investigation, and imposed serious and substantial discipline on employee who endangered others. Informed complainant and department of conclusions by letter.

**TAX ADVISOR STATISTICS**

The Tax Advisor Office provides advice and assistance to any person responsible for the payment of property taxes in King County. Tax Advisor staff respond to citizen inquiries regarding the valuation of property, local and state appeal processes, and the property tax computation and collection process.

**CONTACT CLASSIFICATION**

The Tax Advisor Office classifies taxpayer contacts into two categories:

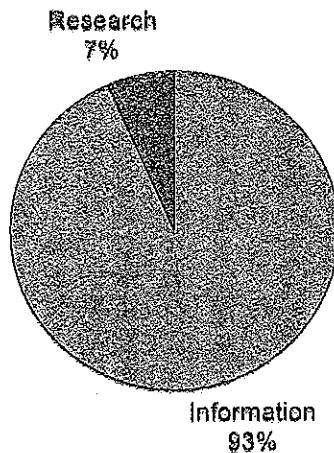
**Information:** Request for information, advice, or assistance which may result in database inquiry and/or referral.

**Research:** Sales survey, and/or inquiry and attempted resolution of taxpayer concerns related to assessments, taxes (payments, billings, and levies), property records, exemptions, and applicable tax codes.

**Table C**  
**Total Tax Advisor Contacts**  
**January - April 2006**

	Information	Research	Total
January	346	33	379
February	677	58	735
March	574	48	622
April	756	38	794
<b>Total</b>	<b>2353</b>	<b>177</b>	<b>2530</b>

**Chart C**  
**Total Tax Advisor Contacts**  
**January - April 2006**



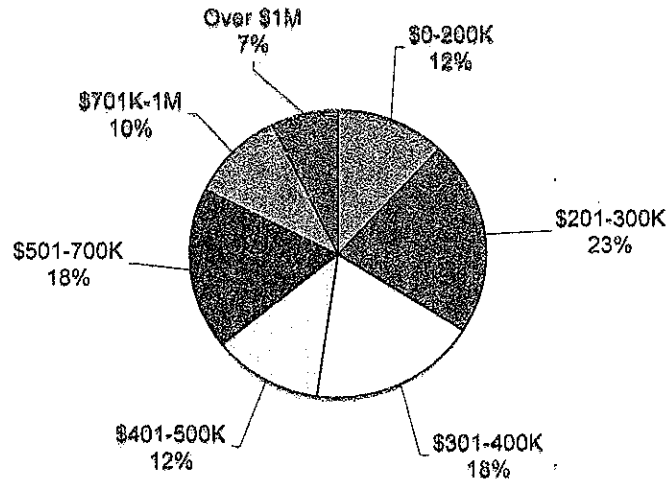
**SALES SURVEYS**

Residential sales surveys are provided to taxpayers who may wish to appeal their assessed values to the local or state boards. The Office uses the Assessor's CompSales program and other resources to identify sales of similar properties that closed during the lien period in question. Search criteria can be refined and may include such characteristics as lot size, views, and waterfront for land values, and grade, condition and total living area for improvement values. A sales report can be generated which provides sales information for similar, comparable properties including each property's characteristics as measured by the Assessor at the time of sale. This information is useful in helping taxpayers determine whether to appeal the Assessor's valuation, and can also be used as evidence when presenting an appeal.

**Table D**  
**Sales Surveys - Assessed Property Value**  
**January - April 2006**

Assessed Property Value	Sales Surveys
\$0-200K	13
\$201-300K	24
\$301-400K	20
\$401-500K	13
\$501-700K	20
\$701K-1M	11
Over \$1M	8
<b>Total</b>	<b>109</b>

**Chart D**  
**Sales Surveys - Assessed Property Value**  
**January - April 2006**

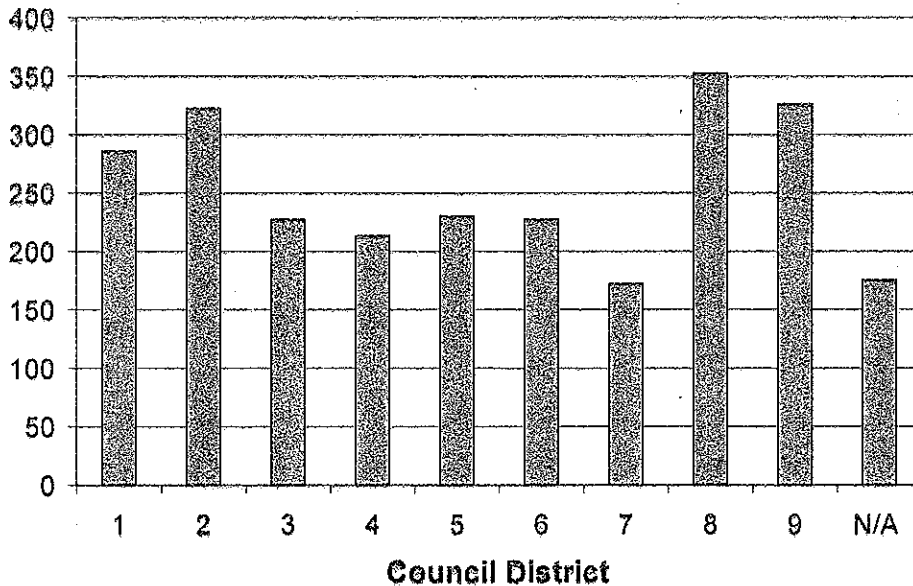


**TAX ADVISOR STATISTICS**

**Table E**  
**Tax Advisor Inquiries by Council District**  
**January - April 2006**

District	Councilmember	Inquiries
1	Bob Ferguson	286
2	Larry Gossett	322
3	Kathy Lambert	227
4	Larry Phillips	213
5	Julia Patterson	230
6	Jane Hague	227
7	Pete von Reichbauer	172
8	Dow Constantine	352
9	Reagan Dunn	326
N/A	Unavailable	175
<b>Total</b>		<b>2530</b>

**Table E**  
**Inquiries by Council District**  
**January - April 2006**





## Snohomish County 2006 Budget: Program Description

**Fund:** 002 General Fund

**Division:** 100 Auditor

**Department:** 11 Auditor

**Program:** 420 Performance Auditing

**Program Description:** The Division of Performance Auditing is a division within the Auditor's Office that provides independent evaluations of County operations to improve efficiency, effectiveness and accountability at all operational levels. Performance Auditing and its placement in the Auditor's office was voted on by the citizenry and established in 1998. A Performance Audit Committee, chaired by the Auditor, advises the Division and helps develop the Division's budget and assists with developing and adopting the Performance Audit Plan. Audit projects are chosen after consideration of cost and benefit, internal control and other management problems, potential for risk or loss, or citizen concerns. The makeup of the Performance Audit Committee changed beginning in 2003 to consist of (2) Executive appointed members, and (5) Council District members - all from outside County government. In addition, beginning in 2002 the Council has requested the Performance Auditor be involved with council requested consultant audits as the contract compliance manager. In 2005, a new Performance Auditor set an aggressive workplan to comprehensively audit, over time, all Snohomish County programs. We retained two part-time trained auditing interns to assist in setting and completing 2005's portion of this multi-year workplan.

**Related Priority Packages:**

Priority	#	Package Title	Amount
Leadership	61	Performance Auditing Services	\$110,966
Common Distribution	412	2006 COLA	\$2,573
Common Distribution	413	Attrition Management	(\$295)
Common Distribution	414	DIS Rate Adjustment 1	(\$48)
Common Distribution	415	DIS Rate Adjustment 2	(\$160)
<b>Performance Auditing</b>			<b>\$113,036</b>

**Staffing Resources:**

Program Name	2004 Adopted	2005 Adopted	2006 Budgeted	FTE Change	Percent Change
Performance Auditing	1.000	1.000	1.000	0.000	.00%

**Financial Resources - Expenditures:**

Expenditure Class Name	2004 Actuals	2005 Adopted	2006 Budgeted	Dollar Change	Percent Change
Salaries	\$43,167	\$73,681	\$78,356	\$4,675	6.34%
Personnel Benefits	\$8,625	\$14,314	\$16,525	\$2,221	15.52%
Supplies	\$8,594	\$2,304	\$3,750	\$1,446	62.76%
Services And Charges	\$1,745	\$2,000	\$7,260	\$5,260	263.00%
Interfund Payments For S	\$4,857	\$6,259	\$7,135	\$876	14.00%
Performance Auditing	\$66,988	\$98,558	\$113,036	\$14,478	14.69%

**ATTACHMENT 3**