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SNOHOMISH COUNTY
EXECUTIVE OFFICE

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



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AMENDED
ORDINANCE NO. 91-084

REPEALING CHAPTER 2.50, SNOHOMISH COUNTY CODE, ENTITLED
"REPORTING: CODE OF ETHICS" AND ENACTING A NEW CHAPTER 2.50,
"CODE OF ETHICS"

BE IT ORDAINED:

Section 1. Sections 2.50.010 through 2.50.030 and
Sections 2.50.080 through 2.50.120 of Chapter 2.50, SCC,
"Reporting: Code of Ethics", adopted by Ordinance No. 80-093
on December 17, 1980 is are hereby repealed ((in its
entirety)).

Section 2. A new chapter, Chapter 2.50, "Code of
Ethics", is hereby added to the Snohomish County Code as
follows:

CHAPTER 2.50

CODE OF ETHICS

Sections:

- 2.50.010 Definitions.
- 2.50.020 Appearance of Fairness.
- 2.50.030 Disclosure.
- 2.50.040 Recusancy.
- 2.50.050 Campaign contribution limitations.
- 2.50.060 Reporting.
- 2.50.070 Lobbyist reporting.
- 2.50.075 Lobbying prohibited after termination of
employment or service.
- 2.50.080 Ethics Commission - Creation and purpose.
- 2.50.090 Membership--term of office.
- 2.50.100 Meetings.
- 2.50.110 Complaint procedures.
- 2.50.((040))120 Representation.
- 2.50.((050))130 Confidences.
- 2.50.((060))140 Use of county property.
- 2.50.((070))150 Departmental code of ethics.
- 2.50.((120))160 Penalties.
- 2.50.600 Effective date.
- 2.50.900 Severability.

2.50.010 Definitions. For the purpose of this chapter:

(1) "Action" means any decision, determination, finding, ruling or order; and any grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect thereto;

(3) "Appearance of Fairness" means that Doctrine applied by Washington State Courts and RCW 42.36 to quasi-judicial actions;

(4) "Appointed official" means the chief deputy or assistant of any elected official, the chief officer or director of any office or department who is appointed by the executive or county council, any quasi-judicial officer and the members of any board or commission appointed by the executive or county council;

(5) "Contribution" means a loan, loan guarantee, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services, for less than full consideration;

(6) "County employee" means any person, other than an elected or appointed official and Judge or employee of superior and district courts, who is employed by the county or any elected or appointed official in their official capacity;

(7) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office, except judges of the superior or district courts;

(8) "Ethics" means principles of conduct governing an individual or a profession; standards of behavior;

(9) "Ex-parte communication" means any communication, written or oral and relating to a quasi-judicial action between an elected or appointed official and only one party to said action without the presence of other parties to the ((case)) action;

(10) "Immediate family" means the spouse, children, parents and siblings of an elected or appointed county official or county employee and shall include the children, parents and siblings of the spouse of any official or employee;

(11) "Individual" means a single natural person as distinguished from a partnership or corporation;

(12) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the Snohomish county council, or the adoption or rejection of any rule, standard, rate, or other enactment of any county agency;

(13) "Lobbyist" means any person who receives compensation of more than \$600 in a calendar year for lobbying, including attempting to influence county

legislation or other county legislative or administrative action by county employees having power to make discretionary determinations on behalf of the county or employees whose duties include providing recommendations or advice concerning county legislative or official action;

(14) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist;

(15) "Major violation" means any violation of this chapter which, in the judgment of the commission, is more likely than not to have a measurable impact on the outcome of an election or action.

(16) "Organized group" means any political committee (other than groups created for the purpose of a single specific candidate for his/her own campaign), political party, or any special interest group;

(17) "Person" means an individual, partnership, joint venture, public or private corporation, association, federal, state, or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(18) "Quasi-judicial actions" are those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or other appointed or elected board which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.

2.50.020 Appearance of Fairness. The Appearance of Fairness Doctrine shall apply to all quasi-judicial hearings conducted by Snohomish County elected and appointed officials. Hearings shall include, but not be limited to:

- (1) quasi-judicial actions on all matters concerning land use;
- (2) disability board proceedings;
- (3) boundary review board proceedings;
- (4) personnel board grievance proceedings;
- (5) business license revocation proceedings;
- (6) animal license enforcement proceedings; and
- (7) board of equalization proceedings.

2.50.030 Disclosure.

(1) After the call to order at any quasi-judicial proceeding, the adjudicating official(s) shall disclose for the record the existence and substance of any ex-parte communications in which adjudicating official(s) may have engaged.

(2) At any quasi-judicial proceeding, adjudicating officials shall fully disclose, by stating same for the record, campaign contribution(s) in excess of \$250 from any ~~((individual))~~ person who is a party to the proceedings and contributions in excess of \$700 from any organized group which is a party to the proceedings, received from one year prior to the date of the official's last election or appointment up to the date of the proceeding.

(3) Any ~~((individual))~~ person appearing at a quasi-judicial proceeding shall disclose his/her membership in any organized group if ((which)) he/she knows the organized group has made a campaign contribution in excess of \$700 to any official on the adjudicating body from one year prior to the date of the official's last election or appointment up to the date of the proceeding. Any ~~((individual))~~ person who, from one year prior to the date of the official's last election or appointment up to the date of the proceeding, has made ((an individual)) campaign contribution(s) exceeding \$250 to an official on the adjudicating body at a quasi-judicial proceeding must disclose that fact for the record.

(4) No elected or appointed official shall knowingly engage in any action which will directly or indirectly affect Snohomish County, and which is not ministerial, including communications, discussion, persuasion, or participation in decisions or determinations with respect to county matters, without fully disclosing the following:

(a) That gratuities, gifts, special favors or personal expenses of the official in excess of \$100 in any calendar year have been made to the official by any person or entity which is ~~((specifically involved in))~~ a party to the action;

(b) That the official or any member of the official's immediate family has any interest in the action, whether direct or indirect, personal or financial.

2.50.040 Recusancy. Any county elected or appointed official shall remove him or herself from hearing any quasi-judicial matter where, in the judgement of that official, his or her impartiality might be reasonably questioned. Grounds for such self-removal include, but are not limited to, a violation of the Appearance of Fairness Doctrine as defined in 2.50.010(2).

2.50.050 Campaign contribution limitations. No individual, person or corporation shall make a total contribution of more than \$350 to any candidate for elected county office; PROVIDED, That an organized group as defined in 2.50.010(15) may contribute up to \$1,000. No candidate for elected county office shall accept or receive a campaign contribution in amounts greater than allowed by this section. Except that no candidate shall be subject to the campaign contribution limitations described in this chapter when contributing to his or her own campaign.

((No campaign contributions may be received by any candidate for county office from county employees in excess of \$50 per employee-))

2.50.060 Reporting.

(1) Every appointed and elected official and candidate for election to a county elected office shall file with the county auditor a completed public disclosure form, F1, or as required by RCW 42.17.240, and amendments, or in similar form containing the information for the preceding year as required by RCW 42.17.240. In addition to the information required by RCW 42.17.240, each appointed or elected official and candidate shall file as part of or as a supplement to such form a list of sources of gratuity, gift or special favor in excess of one hundred dollars received by him or her during the preceeding calendar year from any person, firm or group that has had or may have any business transaction with Snohomish county.

Appointed officials who are not elected need not complete the section of the F1 or F1A requiring disclosure of political party. Any elected official or candidate for election to an elected county office shall also file with the county auditor copies of any C1 through C7 filed by him or in his behalf.

(2) Filing of F1 or F1A forms and supplements thereto shall be made after January 1st and before April 15th of each year; PROVIDED, That candidates for election and appointees to public office shall file a report as required above for the preceding twelve months within four weeks of filing for candidacy or appointment or upon request by the council prior to appointment; and PROVIDED FURTHER, That no person shall be required to file more than one report in any calendar year.

(3) If a report is required to be filed and there has been a minor change since the last report filed, the official may submit his report on public disclosure commission form F1A. The adequacy of information submitted will be determined by the instructions of the Public Disclosure Commission, where applicable. The county auditor shall supply copies of F1 and F1A forms and instructions to appointed and elected officials, and copies of this chapter upon request.

Where amounts are required to be reported, they may be reported by the following code:

| <u>FINANCIAL CODE</u> | <u>CODE AMOUNT</u> |
|-----------------------|---------------------------------|
| A | Less than \$1,000 |
| B | \$ 1,000 but less than \$ 5,000 |
| C | \$ 5,000 but less than \$10,000 |
| D | \$10,000 but less than \$25,000 |
| E | \$25,000 or more |

(4) Reports required to be filed under this section shall be public records and open to inspection by any member of the public during normal office hours of the county auditor.

2.50.070 Lobbyist reporting.

(1) Before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the county auditor a lobbyist registration statement, in such detail as the auditor shall prescribe, showing:

(a) His name, permanent business address, and any temporary residential and business addresses;

(b) His compensation for lobbying; how much he is to be paid for expenses, and what expenses are to be reimbursed;

(c) Whether the person from whom he receives said compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation;

(d) a description of the general subject or subjects of interest on which lobbying is intended;

(e) A written confirmation of employment as a lobbyist from each of the lobbyist's employers;

(f) the name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept;

(g) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations, or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments or other consideration paid to such entity during either of the prior two years have exceeded \$500 or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding \$500 to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for his services as a lobbyist shall file a separate notice of representation with respect to each such person; except that a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed to by more than one person may file a single statement, in which he shall detail the name, business address and occupation of each person so paying or contributing, and the amount of the respective payments or contribution made by each such person.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of such change, modification or termination, furnish full information regarding the same by filing with the county auditor an amended registration statement.

(4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, on the first day of January of each even-numbered year, and failure to do so shall terminate his or her registration.

2.50.075 Lobbying prohibited after termination of employment or service. Any elected or appointed official having the power to perform an official act or action shall, for a period of one year after the termination of his or her employment or term of service, refrain from lobbying the county department, agency, elected body, commission or board on which they last served.

2.50.080 Ethics Commission - Creation and purpose. There is hereby created a Snohomish County Ethics Commission composed of three members appointed by the Snohomish County Executive and subject to confirmation by a majority of the County Council. The purpose of the Snohomish County Ethics Commission is to receive complaints of ethics violations and otherwise administer the Code of Ethics as provided in this chapter.

2.50.090 Membership--term of office.

(1) The original members of the Snohomish County Ethics Commission shall be appointed within sixty days of the adoption of this chapter. The term of each member shall be three years, except that one of the original three members shall serve an initial term of two years and one of the original members shall serve an initial term of one year, as determined by the drawing of lots. Staff support for the commission shall be provided by the county as necessary.

(2) No member of the commission, during his or her tenure, shall:

- (a) hold or be a candidate for elective office;
- (b) be an officer of any political party or political committee;

(c) make contributions to, or permit his or her name to be used in support of, or in opposition to, any candidate for county office;

(d) lobby or employ or assist a lobbyist;

(3) No person shall be eligible for appointment to more than one three-year term, except as provided in subsection (4) below.

(4) An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he succeeds, but shall be eligible for appointment to one full three-year term thereafter only if one year or less remains in the term he is appointed to fill. Any vacancy occurring on the commission shall be filled within sixty days in the manner in which that position was originally filled. A vacancy shall not impair the powers of the remaining members to exercise all the powers of the commission.

2.50.100 Meetings.

(1) The commission may select a presiding officer in the manner it deems appropriate;

(2) Two members of the commission shall constitute a quorum and an affirmative vote of two members is required for any action or recommendation of the commission;

(3) Meetings of the Commission shall be held at least twice annually. However, the commission may meet as frequently as it deems necessary; PROVIDED, That ten days' advance written notice is mailed to each commission member and to all interested parties in any action who have appeared in said matter to be taken at said meeting;

(4) In addition to other duties prescribed by this chapter, the commission shall:

(a) Act as the primary determining body for complaints regarding violation of the provisions of this chapter;

(b) Preserve all files, statements, correspondence and records of proceedings for a period of seven years;

(c) Make provisions for the appearance and participation of complainants and respondents at commission proceedings and receive all testimony under oath;

(d) Develop and implement additional rules and procedures as the commission deems necessary, subject to approval by the county council.

2.50.110 Complaint Procedures.

(1) Any person who has personal knowledge of a violation of the Ethics Code may file a complaint of said violation with the Ethics Commission. Complaints shall be submitted on a form prepared by the ethics commission and approved by the county council and shall be delivered to the clerk of the council in a sealed envelope. The clerk shall

then deliver the sealed complaint to the ethics commission. Complaints shall include the following:

- (a) Identity of complainant;
- (b) Identity of alleged ethics code violator;
- (c) Detailed description of activity constituting violation including dates and locations of violation;
- (d) Section of Ethics Code believed to be violated;
- (e) Identity of other persons with knowledge regarding alleged violation, if known;

(2) Upon receipt of a properly completed complaint, the ethics commission shall forward to the alleged violator for his or her response the complaint and any evidence submitted. The accused shall respond in writing within twenty (20) days after receipt of the complaint and evidence. If no response is received by the commission within the said 20-day period and no extension has been requested, the commission may, in its discretion, deem the facts alleged in the complaint to be true and proceed to resolution of the issue.

(3) The commission shall follow an informal procedure as described below unless a formal procedure is requested by the respondent or complainant and the commission determines, after consultation with the prosecuting attorney, that there is probable cause to believe, based upon the complaint and the answer thereto, that a major violation of this chapter has occurred. The commission may, if it is deemed to be warranted, conduct further investigation prior to making the above determination. The commission may require a formal proceeding upon its own motion.

(4) The commission may, in its discretion, expedite its proceedings, formally or informally, in order to reach a timely result when the imminence of an election or other event would not permit normal timelines to be followed.

(5) Informal Procedure. The commission may hold one or more informal conferences with the complainant and alleged violator and shall issue a report containing its findings, conclusions, and one of the following dispositions:

(a) Dismissal of the complaint if it is determined to be without merit because it alleges no action that is a violation of this code, or because the complaint is not supported by any credible evidence; or

(b) Concur with the complainant where the alleged violator presents no credible evidence or information likely to lead to credible evidence controverting the complaint and the actions alleged constitute a violation of this code.

(c) If appropriate, the commission shall resolve the issue through negotiation between the parties to the complaint.

If the violation is determined by the commission to be minor, the commission may proceed to assess a penalty pursuant to 2.50.((~~130~~))160 resolve the issue by conference

between the parties.

(6) Formal procedure. A formal proceeding shall be as follows:

(a) If the investigation provides information which may indicate commission of a crime, the commission shall refer the information to the prosecuting attorney's office or the appropriate law enforcement office;

(b) If appropriate, the commission shall resolve the issue through negotiation between the parties to the complaint; or

(c) The commission shall file a formal allegation with specific charges of the ethics code violation(s) to be heard and acted upon as set forth in this chapter. After formal allegation, the ethics commission shall recommend to the county council for appointment a panel of three Snohomish County residents who are registered voters. This panel shall have the power to decide if an ethics violation has occurred, if the person or persons accused have committed that violation, and to assess an appropriate penalty if one is warranted.

The hearing shall be conducted in the presence of the panel by the Snohomish County Hearing Examiner. In the event of a conflict of interest, a substitute hearing examiner may be appointed to be paid at county expense. Said hearing examiner shall meet all of the qualifications of the Snohomish County Hearing Examiner. All final orders may be enforced by Snohomish County as provided in RCW 42.17.397.

(7) If a complaint is subsequently withdrawn or is dismissed pursuant to subsection (5)(a) above, the complainant shall pay to the county the costs of processing the complaint in the amount of \$500.

2.50.((040)).120 Representation. No appointed or elected official, or former employee, within one year of termination of his or her term of service or employment with the county, shall appear before any county board, body, agency, department, committee, examiner, adjustor, or commission in behalf of any client, person, group, partnership, association, corporation, business or other entity regarding a specific project he/she worked on during his/her term of service or employment unless appearing on his/her own behalf or where the matter involved directly affects his/her residence. No ((public official)) appointed or elected official shall appear before any county board, body, agency, department, committee, examiner, adjustor, or commission in behalf of any client, person, group, partnership, association, corporation, business or other entity other than Snohomish County except where appearance in his/her own behalf is authorized by personnel rules or any collective bargaining agreement or where the matter involved directly affects his/her residence, PROVIDED, That

public officials may appear before any such board, body, agency, department, committee, examiner, adjustor, or commission to express a general or policy position.

2.50.((050))130 Confidences. No ((public)) appointed or elected official or county employee shall disclose any confidential information secured during the course of his employment, a disclosure which is not otherwise required by law, or use any such information to advance his or her or any other financial interest to the detriment of Snohomish County.

2.50.((060))140 Use of County Property. No ((public)) appointed or elected official or county employee shall sell, divert, convert, give away, or use any county equipment, vehicles, or other county property, real or personal, other than in the performance of his/her official duties in behalf of the county.

2.50.((070))150 Departmental code of ethics. The council, the executive and the head of each administrative or executive department with the approval of the executive and the appropriate elected executive officer, shall adopt a code of ethics applicable to the officials and employees under his, her or its control which shall contain all the provisions and requirements of this chapter together with such additional provisions as shall be deemed necessary by the elected official or department head.

2.50.((120))160 Penalties. If it is determined, pursuant to the provisions of this chapter, that an ethics code violation has occurred, one or more of the following civil remedies and sanctions may be imposed in addition to any other remedies provided by law:

(1) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of the ethics code, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying; PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by law;

(2) Any person who violates any of the provisions of this ethics code may be subject to a civil penalty of not more than \$3,000 for each such violation;

(3) Any person who fails to file a properly completed statement or report within the time required by this code may be subject to a civil penalty of \$10.00 per day for each day each such delinquency continues;

(4) Any person who fails to report a contribution or expenditure in accordance with these procedures may be subject to a civil penalty equivalent to the amount he failed

to report.

(5) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

(6) Any decision and penalty assessed ((herein)) pursuant to this chapter shall be final unless appealed to Superior Court by writ of certiorari within 30 days.

2.50.600 Effective date. This chapter shall become effective August 1, 1991.

2.50.900 Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED this 1st day of July, 1991.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

[Signature]
Chairman

ATTEST:

[Signature]
Clerk of the Council, *asst*

- () APPROVED
- () VETOED
- () EMERGENCY

Dated: 7-18-91

[Signature]
County Executive

ATTEST:

[Signature]

Veto overridden on July 22, 1991
by a vote of 5 to 0.

ATTEST:

[Signature]
Asst. Clerk of the Council

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