

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



AMENDED
ORDINANCE NO. 93-064

RELATING TO THE CODE OF ETHICS
AMENDING SNOHOMISH COUNTY CODE CHAPTER 2.50

BE IT ORDAINED:

Section 1. Snohomish County Code Section SCC 2.50.030, adopted by Ordinance No. 91-084 on July 1, 1991, is hereby amended as follows:

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), including any contributions for the purpose of opposing a recall attempt in excess of \$250 from any person who is a party to the proceedings and such 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 person appearing at a quasi-judicial proceeding shall disclose his/her membership in any organized group if 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 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 campaign contributions exceeding \$250 to an official on the adjudicating body at a quasi-judicial proceeding must disclose that fact for the record. The disclosure requirements of this subsection apply to contributions made for the purpose of opposing a recall attempt.

(4) No elected or appointed official shall knowingly engage in action which will directly or indirectly affect Snohomish County, and which is not ministerial, by participating in public 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 have been made to the official by any person or entity which is a party to the action;

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

Section 2. Snohomish County Code Section SCC 2.50.050, last amended by Emergency Ordinance No. 91-116 on July 22, 1991, is hereby amended as follows:

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 for a campaign for election to a particular term of office, or to any campaign for or against the recall of any county elected official (including the campaign to place the recall on the ballot); PROVIDED, That a person which is an organized group as defined in SCC 2.50.010(16) may contribute up to \$1,000 to ((a)) such candidate ((for a)) or campaign ((for election to a particular term of office)). No candidate for elected county office shall accept or receive a campaign contribution in amounts greater than allowed by this section; ((- Except)) EXCEPT, T((t))hat no candidate shall be subject to the campaign contribution limitations described in this chapter when contributing to his or her own campaign for election or campaign in opposition to his or her own recall. No county elected or appointed official or individual or organized group supporting or opposing any recall attempt shall accept or receive a campaign contribution in amounts greater than allowed in this section.

Section 3. Snohomish County Code Section SCC 2.50.060 last amended by Ordinance No. 92-025 on April 15, 1992, is hereby amended as follows:

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 preceding 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, instructions for filing, and copies of this chapter to appointed and elected officials. Current membership information of affected boards and commissions shall be supplied by the county executive to the county auditor by January 1st of each year. Within three business days of the confirmation of an appointment of any individual, or board or commission member, affected by these provisions, notice shall be provided to the county auditor by the clerk of the council or the clerk of the affected board, whichever is appropriate.

Where amounts are required to be reported, they may be reported ~~((by the following code))~~ in accordance with the financial code promulgated by the Public Disclosure Commission and printed on PDC forms, as now in effect or hereafter amended.

((FINANCIAL CODE))	((CODE AMOUNT))
((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.

NEW SECTION. Section 4. A new section, 2.50.061, Modification of reporting requirements, is hereby added to Snohomish County Code Chapter 2.50 as follows:

2.50.061 Modification of reporting requirements. Any appointed or elected official or candidate therefore who considers compliance with the reporting requirements of SCC 2.50.060 to be a manifestly unreasonable hardship in a particular case may apply for a modification of such reporting requirements pursuant to the following procedures:

(1) An applicant shall file with the ethics commission a written request for hearing for suspension or modification of reporting requirements. The request shall be submitted not less than three weeks prior to the date the report is due.

(2) The request shall contain:

- (a) The required report completed to the extent possible;
- (b) The applicant's evidence to be submitted at the

hearing;

(c) A statement of reasons why the reporting of required information would cause a manifestly unreasonable hardship, with as much detail as possible. (A general statement, such as "violates right of privacy" shall not be deemed as sufficient compliance with this requirement.) The applicant is encouraged to also include a proposed modification to the required report which, in the applicant's opinion, will relieve the perceived hardship.

(3) The filing of a request for modification shall suspend the reporting requirement of SCC 2.50.060 until five business days after the commission issues its final decision on the request.

(4) Within thirty days of receipt of an application for modification, the commission shall hold a hearing and, after hearing the matter as provided in this chapter, may suspend the applicable reporting requirement if it finds that the literal application of such requirements works a manifestly unreasonable hardship in the case under consideration and if it also finds that such suspension or modification will not frustrate the purposes of this chapter. Not less than 10 days prior to the hearing, the commission shall give notice of the date, time and place of the hearing by one publication in the official county newspaper and by mailing written notice to the applicant by first class mail. The commission shall suspend or modify such reporting requirement or requirements only to the extent necessary to substantially relieve such hardship, and only upon clear and convincing proof to support such claim.

Any decision or order rendered by the commission shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law.

(5) All evidence presented at hearings of the commission held pursuant to this section shall be considered to be a public record; PROVIDED, That the commission may close the hearing and hold an executive session if it finds that it is necessary to allow the applicant to provide sufficient evidence to assure that proper findings are made. All evidence presented at any portion of a hearing held in executive session identifying the matters for which the applicant requests modification under these rules shall be considered and held confidential by the commission unless otherwise ordered by a court of competent jurisdiction.

NEW SECTION. Section 5. A new section, 2.50.062 Reporting modifications - possible qualifications, is hereby added to the Snohomish County Code Chapter 2.50 as follows:

2.50.062 Reporting modifications - possible qualifications.

(1) The following, or any of them, may be considered possible qualifications for a reporting modification:

(a) Reporting any financial interest, otherwise required to be reported by SCC 2.50.060, if the financial institution or other entity in which the candidate or elected or appointed official having such interest does not engage in business in the state of Washington, or is not regulated in whole or in part by the office sought or held by such candidate or elected or appointed official, and; PROVIDED, That such reporting would present actual difficulties to the candidate or elected or appointed official and the interest in question would present no actual or potential conflict with the proper performance of the duties of the office sought or held, in the public interest;

(b) Reporting any of the information required by SCC 2.50.060, if public disclosure would violate any legally recognizable confidential relationship; PROVIDED, That the information in question does not relate to a business entity which would be subject to the regulatory authority of the office sought or held by such candidate or elected or appointed official in whole or in part, and; PROVIDED, FURTHER, That such reporting would present actual difficulties to the candidate or elected or appointed official and the interest in question would present no actual or potential conflict with the performance of the duties of the office sought or held, in the public interest;

(c) Reporting of any of the information required by SCC 2.50.060 for members of the immediate family of a candidate or elected or appointed official, if such information relates to a financial interest held by such member under a bona fide separate property agreement, or other bona fide separate status and such financial interest does not constitute a present or prospective source of income to such candidate or elected or appointed official or to any other person who is dependent upon such candidate or elected or appointed official for support in whole or in part.

(d) Reporting any other matter under SCC 2.50.060 which would constitute an unreasonable hardship in a given case, when the matter reported would not indicate any actual or potential conflict with the proper performance of the duties of the office sought or held in the public interest.

(2) The commission shall find that a manifestly unreasonable hardship exists if reporting the name of an entity required to be reported under SCC 2.50.060 would be likely to adversely affect the competitive position of any entity in which the person filing the report or any member of his or her immediate family holds any office, directorship, general partnership interest, or an ownership interest of ten percent or more.

Section 6. Snohomish County Code Section 2.50.100, adopted by Ordinance No. 91-084 on July 1, 1991, is hereby amended as follows:

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 ~~((e))~~ 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 of record in any action before the commission ~~((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.

Section 7. Snohomish County Code Section 2.50.110, adopted by Ordinance No. 91-084 on July 1, 1991, is hereby amended to read:

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, within three business days, 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, within three business days, forward the complaint

and any evidence submitted 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 make 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. Expedited proceedings of the commission shall not be subject to the ten-day advance written notice requirement in SCC 2.50.100(3); PROVIDED, That notice, by service or any legal process, shall be delivered to each commission member and to all parties of record in any action before the commission at least three business days prior to any expedited proceeding.

(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 ~~((τ))~~ and ~~one of the following~~) disposition ~~((σ+))~~. If the commission finds ~~((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 ~~((τ-σ))~~, the commission may rule it to be frivolous and impose civil penalties as set forth in subsection (7) below. ~~((τ-σ))~~

~~((b))~~ The commission shall ~~((ε))~~ concur with the complainant ~~((where))~~ if 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. ~~((ε))~~ If appropriate, the commission ~~((shall))~~ may allow the issue to be resolved ~~((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 SCC 2.50.160. ~~((or resolve the issue by conference between the parties.))~~

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

~~((a))~~ If a preponderance of evidence produced through any ~~((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 if there is a finding upon clear, cogent and convincing evidence of a major violation of the ethics code. 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 the manner set forth in RCW 42.17.397.

(7) If a complaint is ~~((subsequently))~~ withdrawn prior to hearing by the ethics commission or ethics panel or is dismissed upon a finding that it is a frivolous complaint ~~((pursuant to subsection (5) (a) above))~~, the complainant may be assessed a civil penalty ~~((shall pay to the county the costs of processing the complaint))~~ in the amount of \$500.

Section 8. Snohomish County Code Section 2.50.160, adopted by Ordinance No. 91-084 on July 1, 1991, is hereby amended as follows:

2.50.160 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 pursuant to this chapter shall be final unless appealed to Superior Court by writ of certiorari within thirty days.

PASSED this 28th day of July, 1993.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

[Signature]
Chairman

ATTEST:

[Signature]
Clerk of the Council

- APPROVED
- VETOED
- EMERGENCY

Dated: 7/28/93

[Signature] GARY WEIKEL
County Executive Executive Director

_____, DPA
Approved as to form only on

Date