

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON



AMENDED
ORDINANCE NO. 95-056

AMENDING SNOHOMISH COUNTY CODE CHAPTER 2.50, CODE OF ETHICS

BE IT ORDAINED:

Section 1. That SCC 2.50.010, last amended by Ordinance No. 92-132, November 18, 1992, is hereby amended to read as follows:

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;

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

(3) "Appointed official" means the chief deputy 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 the planning commission, the board of equalization, the boundary review board, and the ethics commission;

(4) "Compensation" includes payment in any form for real or personal property or services of any kind: PROVIDED, That "compensation" shall not include per diem allowances or payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity.

~~((4))~~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, but does not include interest on moneys deposited in a political committee's account, ordinary home hospitality and the rendering of personal services of the sort commonly performed by volunteer campaign workers, or incidental expenses personally incurred by volunteer campaign workers not in excess of fifty dollars personally paid for by the worker. Volunteer services, for the purposes of this chapter, means services or labor for which the individual is not compensated by any person. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of the tickets.

and only the excess over the actual cost of the consumables shall be deemed a contribution.

~~(((5)))~~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;

~~(((6)))~~7 "Elected official" means any person elected at a general or special election to any county public office, and any person appointed to fill a vacancy in any such office, except judges of the superior or district courts or precinct committee officers;

~~(((7)))~~8 "Ethics" means principles of conduct governing an individual or a profession; standards of behavior;

~~(((8)))~~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 action;

~~(((9)))~~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;

~~(((10)))~~11 "Individual" means a single natural person as distinguished from a partnership or corporation;

~~(((11)))~~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. Neither "lobby" nor "lobbying" includes an association's or other organization's act of communicating with the members of that association or organization.

~~(((12)))~~13 "Lobbyist" includes any person who lobbies either in his own or another's behalf. means any person who receives compensation of more than \$600.00 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;

~~(((13)))~~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;

~~(14) "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;~~

(15) "Natural person" means an individual human being as distinguished from a partnership, corporation or other association.

~~(((15)))~~ ~~(((14)))~~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; PROVIDED, That after December 31, 1995 "organized group" shall mean political action committees (including political parties) who have filed with the Washington State Public Disclosure Commission, provided that groups created solely for the purpose of campaigning for the election of a specific candidate shall not be an organized group for the purposes of this chapter;

~~(((16)))~~ ~~(((15)))~~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))~~

(a) An individual;

(b) A partnership, limited partnership, public or private corporation, or joint venture;

(c) A nonprofit corporation, organization, or association, including but not limited to, a national, state, or local labor union or collective bargaining organization and a national, state, or local trade or professional association;

(d) A federal, state, or local governmental entity or agency, however constituted;

(e) A candidate, committee, political committee, bona fide political party, or executive committee thereof, and

(f) Any other organization or group of persons, however organized.;

~~((17))~~~~((16))~~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.

Section 2. That SCC 2.50.030, last amended by Ordinance No. 93-064, July 28, 1993, is hereby amended to read 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 \$250.00 from any person who is a party to the proceedings and contributions in excess of ~~(((\$700.00))~~ \$500.00 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 to any organized group if he/she knows the organized group has made a campaign contribution in excess of (((\$700.00)) 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 \$250.00 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))~~ (3) No elected or appointed official shall knowingly engage in any action which will directly or indirectly affect Snohomish county, and which ~~((does not))~~ requires the exercise of discretion 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 \$100.00 in any calendar year 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 official's immediate family has any interest in the action, whether direct or indirect, personal or financial.

(c) That the official, or any member of the official's immediate family as reported on the Public Disclosure Commission Form F-1, has or will receive any monetary compensation as a result of a separate financial relationship with any person who is a party to the action.

Section 3. That SCC 2.50.050, last amended by Ordinance 93-064 on July 28, 1993, is hereby repealed.

NEW SECTION. Section 4. A new section 2.50.050 is added to chapter 2.50 Snohomish County Code as follows:

2.50.050 Campaign contribution limitations.

(1) No person, other than an organized group, may make contributions to a candidate for elected county office that in the aggregate exceed the dollar amount established from time to time by the Public Disclosure Commission pursuant to RCW 42.17.690 for contributions to candidates for state legislative office for a campaign for election to a particular term of office; PROVIDED, That primary and general elections shall be considered two separate campaigns.

(2) No organized group may make contributions to a candidate for elected county office that in the aggregate exceed the dollar amount established from time to time by the Public Disclosure Commission pursuant to RCW 42.17.690 for contributions to candidates for state-wide office for a campaign for election to a particular term of office; PROVIDED, That primary and general elections shall be considered two separate campaigns.

(3) 2.50.050 (1) and (2) shall apply to the campaigns for and against the recall of any county elected official. The campaign to place the recall on the ballot and the campaign of the recall election shall be considered one campaign for the purposes of this section.

(4) The campaign contribution limits in this section shall not apply to a candidate contributing to his or her own campaign for election or in opposition to his or her recall.

(5) No contribution for the primary election shall be accepted after the date of the primary election except when used for the payment of bills for the primary election.

(6) No person shall accept or receive a contribution which violates this section.

Section 5. That SCC 2.50.060, last amended by Ord 93-064, Sec. 3, July 28, 1993, is hereby repealed.

NEW SECTION. Section 6. A new section 2.50.060, is added to chapter 2.50 Snohomish County Code as follows:

2.50.060 Filing of reports.

(1) All elected officials must file the reports required by RCW 42.17.240 with the Snohomish County Auditor in accordance with the timelines specified in RCW 42.17.240 for filing with the Public Disclosure Commission.

(2) All appointed officials and candidates for election to a county elected office shall file the reports referenced in 2.50.060 (1) as if they were elected officials; **PROVIDED**, That appointed officials who are not elected need not complete the section of the state Public Disclosure Commission forms F1 or F1A requiring disclosure of political party.

(3) Any county elected official or candidate for election to an elected county office shall also file with the county auditor copies of any state Public Disclosure Commission forms C1 through C7 filed by him/her or in his/her behalf. Such reports will be due at the county auditor's office on the same day that they are due at the Public Disclosure Commission's office.

(4) The county auditor shall supply copies of all necessary forms, instructions for filing, and copies of this chapter to appointed and elected officials.

(5) 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.

(6) 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.

Section 7. That SCC 2.50.070, last amended by Ordinance 92-007, February 19, 1992, is hereby amended to read as follows:

2.50.070 Lobbyist registration.

(1) ~~((Before doing any lobbying, or within))~~ Within 30 days after ((being employed-as)) becoming 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))~~ The lobbyist's name, permanent business address, and any temporary residential and business addresses;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of ((his))the lobbyist's employment;

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

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

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

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

~~((f))~~ (h) 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))~~ (i) 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 \$500.00 or who is obligated to or has agreed to pay fees, dues, payments, or other consideration exceeding \$500.00 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))~~the lobbyist 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 second Monday of January of each odd-numbered year, and failure to do so shall terminate his or her registration.

Section 8. That SCC 2.50.071, adopted by Ordinance 92-007, February 19, 1992, is hereby amended to read as follows:

2.50.071 Reporting by lobbyist.

(1) Any lobbyist registered under SCC 2.50.070 ~~((and any person who lobbies))~~ shall file with the county auditor semi-annual reports of their activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the county auditor; PROVIDED, That a registered lobbyist may use the forms as prescribed by the state Public Disclosure Commission pursuant to RCW 42.17.170. The reports shall cover the periods from January 1st through June 31st and July 1st through December 31st and shall be filed within 15 days after the last day of the calendar month covered by the report.

(2) Each such periodic report shall contain:

(a) The totals of all expenditures for lobbying activities made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report. Such totals for lobbying activities shall be segregated according to financial category, including compensation; food and refreshments; living accommodations; advertising; travel; contributions; and other expenses or services. Each individual expenditure of more than \$25.00 for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants. However, if the expenditure for a single hosted reception is more than one hundred dollars per person partaking therein, the report shall specify the per person amount, which shall be determined by dividing the total amount of the expenditure by the total number of persons partaking in the reception.

Notwithstanding the foregoing, lobbyists are not required to report the following:

(i) Unreimbursed personal living and travel expenses not incurred directly for lobbying;

(ii) Any expense incurred for his or her own living accommodations;

(iii) Any expenses incurred for his or her own travel to and from hearings of the council:

(iv) Any expense incurred for telephone, and any office expenses, including rent and salaries and wages paid for staff and secretarial assistance.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of their employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition, or for or on behalf of any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition. All contributions made to, or for the benefit of, any candidate, elected official, or officer or employee of any agency, or any political committee supporting or opposing any ballot proposition shall be identified by date, amount, and the name of the candidate, elected official, or officer, or employee of any agency, or any political committee supporting or opposing any ballot proposition receiving, or to be benefited by each such contribution.

(d) The subject matter or proposed legislation or other legislative activity or policy adoption and the county agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.

(e) Such other information relevant to lobbying activities as the ethics commission shall by rule prescribe. Information supporting such activities as are required to be reported is subject to audit by the ethics commission.

Section 9. That SCC 2.50.072, last amended by Ord 92-007 on February 19, 1992, is hereby repealed in its entirety.

NEW SECTION. Section 10. A new section 2.50.072 is hereby added to chapter 2.50 of the Snohomish County Code as follows:

2.50.072 Exempt from registration. The following persons and activities shall be exempt from registration and reporting under SCC 2.50.070 and 2.50.071:

(1) Persons who limit their lobbying activities to appearing before public sessions of the county council or committees of the council, or public hearings of county agencies;

(2) News or feature reporting activities and editorial comment by working members of the press, radio or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station;

(3) The county executive, deputy county executive and other elected county officer holders;

(4) Members of the council;

(5) Persons employed by the county who aid in the preparation or enactment of county codes or perform legislative duties;

(6) Other elected officials acting on behalf of the entity they represent;

(7) Appointed officials or employees of other public entities testifying on behalf of the entity they represent;

(8) Persons who lobby without compensation or other consideration for acting as a lobbyist and whose total expenditures during any one year period for or on behalf of any county elected official, county appointed officials, or county employee in connection with such lobbying do not exceed twenty-five dollars;

(9) Persons who have not received compensation of more than \$600.00 in the current 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.~~

Section 11. That SCC 2.50.075, adopted by Ordinance 91-084 on July 1, 1991, is hereby repealed.

NEW SECTION. Section 12. A new section 2.50.075, is hereby added to chapter 2.50 of the Snohomish County Code as follows:

2.50.075 Restrictions on future employment of county employees.

(1) No elected or appointed county official or other county employee may, within a period of one year from the date of termination of county employment, accept employment or receive compensation from an employer if:

(a) The elected or appointed county official or other county employee, during the two years immediately preceding termination of county employment, was

engaged in the negotiation or administration on behalf of the county of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration; and

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This section shall not be construed to prohibit a county elected or appointed official or a county employee from accepting employment with a county employee organization.

(2) No person who has served as a county elected or appointed official or county employee may, within a period of one year following the termination of county employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former county elected or appointed official or county employee participated.

(3) No person who has served as a county elected or appointed official or county employee may, within a period of one year following the termination of county employment, represent any person before any county board, body, agency, department, committee, examiner, adjustor, or commission regarding a specific project the former official or employee worked on, and was in a position to make discretionary decisions or recommendations, during his/her term of service or employment unless:

(a) The former county elected or appointed official or county employee receives no compensation for representing that person; or

(b) The specific project was a legislative issue; or

(c) The matter involved in the representation by the former county elected or appointed official or county employee directly affects properties owned by the former official or employee,

(4) 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 unless:

(a) The former county elected or appointed official is receiving no compensation for such lobbying; or

(b) The matter being lobbied directly affects properties owned by the former election or appointed official.

Section 13. That SCC 2.50.080, adopted by Ordinance No. 91-084 on July 1, 1991 is hereby amended as follows:

2.50.080 Ethics commission - Creation and purpose. There is hereby created a Snohomish county ethics commission composed of ~~((three))~~ five 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.

Section 14. That SCC 2.50.090, adopted by Ordinance 91-084 on July 1, 1991 is hereby amended as follows:

2.50.090 Membership - Term of office.

(1) ~~((The original members of the Snohomish county ethics commission shall be appointed within 60 days of the adoption of this chapter.))~~ The term of each member shall be three years, except that one of the ~~((original three))~~ two new members appointed to implement the expansion of the membership from three to five commissioners 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))~~ two three-year terms, 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))~~ two full three-year terms 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 60 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.

Section 15. That SCC 2.50.100, adopted by Ordinance No. 91-084 on July 1, 1991, is hereby amended to read as follows:

2.50.100 Meetings.

(1) ~~((The commission may select a presiding officer in the manner it deems appropriate))~~ At its first meeting each calendar year, the commission shall organize by electing a chairperson and vice chairperson to serve for a period of one year. The vice chairperson shall have the power to perform all duties of the chairperson in his or her absence;

(2) ~~((Two))~~ Three members of the commission shall constitute a quorum and an affirmative vote of ~~((two))~~ three 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 10 days'~~

~~advance written notice is mailed to each commission member and to all parties of record in any action before the commission;))~~

(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) Make provisions for the preservation of ~~((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, including, when necessary, the issuance of subpoenas of witnesses, 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 16. That SCC 2.50.110, last amended by Ord 83-064 on July 28, 1993, is hereby repealed in its entirety.

NEW SECTION. Section 17. A new section 2.50 110 is added to Snohomish County Code Chapter 2.50 to read as follows:

2.50.110 Complaint procedures.

(1) Any natural person who believes a person subject to the code of ethics has committed a violation of the code may file a complaint with the ethics commission.

Complaints shall be subject to the following requirements:

(a) The complaint must be based upon facts within the personal knowledge of the complainant;

(b) The complaint must be submitted in writing and signed under oath by the complainant;

(c) The complaint must include a detailed factual description of the alleged violation including the date, time and place of each occurrence and the name of the person or persons who are alleged to have committed a violation. The complaint must also refer to the specific provisions of the code of ethics which are alleged to have been violated;

(d) The complaint must be accompanied by all available documentation or other evidence known to the complainant to support the allegations of the complaint;

(e) The complaint must be filed within five years of the date of the occurrence or occurrences alleged to constitute a violation of the code of ethics.

(2) Complaints shall be filed with the clerk of the ethics commission who shall forward the complaint and any accompanying documentation and evidence forthwith to the chairperson of the ethics commission. The chairperson shall review the complaint for compliance with the requirements of subsection (1) of this section. Should the chairperson find that:

(a) The complaint is untimely; or

(b) The complaint has not been signed under oath; or

(c) The complaint does not, on its face, state facts which, if proven to be true, constitute a violation of the code of ethics provisions referred to in the complaint; or

(d) The complaint fails to refer to a specific provision of the code of ethics which is alleged to have been violated, the chairperson shall, within five working days of the filing of the complaint, enter a written order stating the chairperson's findings and, except as hereinafter provided, dismissing the complaint. If the chairperson finds that the complaint is deficient pursuant to findings (b) or (d), the chairperson shall issue an order notifying the complainant that unless a corrected complaint is filed within 5 days of the issuance of such order, the complaint shall be dismissed. The complainant may appeal the dismissal of a complaint under this subsection by filing an action in the Snohomish County Superior Court for a Writ of Certiorari pursuant to Chapter 7.16 RCW within 10 days of the date of issuance of the order dismissing the complaint.

(3) For complaints which are not dismissed under subsection (2), the chairperson shall direct the clerk to serve a complete copy of the complaint and any accompanying documentation and evidence to the person (hereinafter referred to as the respondent) alleged to have committed a violation of the code of ethics. The clerk shall serve a copy of the complaint and accompanying information upon the respondent by certified mail or by personal service not later than seven working days following the filing of the complaint.

(4) The respondent shall, within twenty days of the date of mailing or personal service of the complaint by the clerk of the commission, file with the clerk any response to the complaint the respondent wishes to make. A response to a complaint shall be made in writing signed under oath by the respondent. A response may include a detailed statement of facts pertaining to the complaint made on personal knowledge of the respondent and may include any matter constituting a defense to the complaint. A response should be accompanied by all available documentation or other evidence known to the respondent which the respondent wishes the commission to consider. The respondent may stipulate to some or all of the facts alleged in the complaint and shall either admit or deny the alleged violation. If the violation is admitted, the respondent may also submit an explanatory statement and may request a particular disposition.

(5) Upon receipt of a response to a complaint, the chairperson shall review the complaint and response, together with all supporting documentation and evidence submitted by the complainant and the respondent. Within ten days of receipt of the response (or, if no timely response is submitted, within thirty days of the date of mailing the complaint to the respondent by the clerk of the commission), the chairperson shall issue a preliminary decision in writing. A preliminary decision shall include one of the following determinations:

(a) Determine that a hearing is necessary in order to obtain a clear determination of the facts relevant to the complaint; or

(b) Determine that, based upon the complaint and response, the facts relevant to the complaint are clearly established and no hearing is necessary.

(6) When a preliminary decision is issued pursuant to subsection (5)(b), it shall contain findings and conclusions and a disposition of the complaint. If the chairperson concludes a violation of the code of ethics was committed, the preliminary decision shall include a penalty as provided for in section 2.50.160. Copies of the preliminary decision shall be served forthwith on all members of the commission by the clerk. Until it becomes a final decision, a preliminary decision issued pursuant to subsection (5)(b) shall be confidential and shall not be released to either the complainant, the respondent, or any

other person with the exception of commission members and commission staff. Commission members may either concur in the preliminary decision or request a hearing. A hearing on the complaint before the full commission shall be scheduled by the clerk if a request for hearing is filed with the clerk by one or more commission members within ten days of the date of the issuance of the preliminary decision, PROVIDED: that commission members shall have 15 days from the date of issuance of the preliminary decision to request a hearing if the chairperson so provides in the preliminary decision. If a commission member does not file a timely request for hearing, it shall be conclusively presumed that the commission member concurs in the preliminary decision.

(7) If no timely request for hearing is made by any commission member, a preliminary decision issued pursuant to subsection (5)(b) shall become a final decision of the commission and shall be signed and dated by the commission chairperson within two working days following the expiration of the review period provided in subsection (6) above. The clerk shall immediately notify the complainant and the respondent of the final decision and shall deliver a copy of the final decision to each of them and to any other person who has submitted a written request therefore. Either the complainant or the respondent may, within thirty days of the date of the final decision, appeal it to the Snohomish County Superior Court by writ of certiorari pursuant to Chapter 7.16 RCW.

(8) When a decision to hold a hearing is issued pursuant to subsection (5)(a) or when a request for hearing is filed by a commission member pursuant to subsection (6), the clerk shall schedule a hearing not more than thirty days from the date of the preliminary decision and shall mail written notice of the hearing to the complainant, the respondent, each member of the commission and to any other person who has submitted a written request therefore. In addition, notice shall be provided by publication in the official county newspaper not less than five days prior to the date of the hearing.

(9) All hearings on complaints before the ethics commission shall be de novo and a preliminary decision issued pursuant to subsection (5)(b), if any, shall have no force or effect and shall remain confidential. The parties may appear in person or through attorneys. Hearings shall be conducted in accordance with the following provisions:

(a) The complainant shall have the burden to prove by a preponderance of evidence that the violation or violations alleged in the complaint occurred.

(b) Not less than two days prior to the hearing date, the complainant and respondent shall each file with the clerk and serve upon the other party, a list of witnesses they wish to call at the hearing. Only those witnesses whose names appear on the witness lists may testify at the hearing. In exceptional circumstances and for good cause shown, the commission chairperson may, in his or her discretion, permit additional witnesses to testify.

(c) At the commencement of the hearing, the commission chairperson shall ask the parties to provide an estimate of the time required to present their evidence and arguments. The chairperson shall then issue an order establishing a reasonable limit on the time for each party to present his or her case which shall be equal for each party. The complainant may divide his or her allotted time between an opening presentation and rebuttal of the respondent's case. Each party may present opening and closing arguments.

(d) All testimony shall be given under oath administered by the clerk of the commission. Subject to control by the chairperson, each party shall be permitted to cross-examine the witnesses of the other party.

(e) The clerk shall electronically record all proceedings and shall assign exhibit numbers to, and become the custodian of, all documentary evidence.

(f) The chairperson shall have full authority to regulate the conduct of the hearing and may take any actions reasonably necessary to maintain an orderly proceeding. The chairperson may continue a hearing to a date and time certain should the chairperson determine that such continuance is necessary.

(10) At the conclusion of a hearing on a complaint, the commission shall deliberate and enter its oral decision which shall include findings and conclusions in support of the decision. The chairperson shall direct commission staff to prepare a draft written decision reflecting the commission's oral decision and shall continue the hearing to a date and time certain for commission consideration and approval of the written decision. The final written decision shall be signed and dated by the commission chairperson. The clerk shall deliver a copy of the final written decision to each party and to any other person who has submitted a written request therefore.

(11) A final written decision may, within thirty days of the date of the written decision, be appealed by either the complainant or the respondent to the Snohomish County Superior Court by writ of certiorari pursuant to Chapter 7.16 RCW.

NEW SECTION. Section 18. A new section 2.50.115 is added to Snohomish County Code Chapter 2.50 to read as follows:

2.50.115 Complaints filed close to elections - limitations on filing - expedited proceedings.

(1) From the date four weeks prior to any election through and including the date of the election, only those complaints may be filed which allege a violation of the code of ethics which occurred not more than one week prior to the date of filing the complaint. Immediately upon receipt of such a complaint, the clerk shall notify the chairperson and the respondent named in the complaint and shall deliver a copy of the complaint and its supporting documentation and evidence to them. Copies shall also be delivered forthwith to the remaining commission members. The clerk's notice to the respondent shall also state that the respondent may file a written response to the complaint within 5 days of the date the complaint was filed with the commission.

(2) Immediately upon receipt of the complaint, the chairperson shall review the complaint pursuant to subsection 2.50.110(2) and, if the complaint is defective, shall, within two days of the filing of the complaint, enter an order stating the chairperson's findings and dismissing the complaint.

(3) For those complaints which are not dismissed under subsection (2) above, the clerk shall confer with the commission chairperson and shall set a date and time for an expedited hearing on the complaint to be held not less than five nor more than ten days from the date of filing the complaint.

(4) The clerk shall deliver to the complainant, the respondent and each commission member a notice of expedited hearing on the complaint. Notice of the expedited hearing shall also be delivered to any person who has, at or prior to the time the complaint is filed, submitted a written request therefore. Notice of the hearing shall be published once in the official county newspaper prior to the hearing.

(5) The expedited hearing shall be conducted in accordance with subsections 2.50.110(9), (10) and (11) except that the parties shall not be required to file witness lists prior to the hearing.

NEW SECTION. Section 19. A new section 2.50 117 is added to Snohomish County Code Chapter 2.50 to read as follows:

2.50.117 Computation of time. As used in this chapter, the word "day" shall mean calendar day and the word "week" shall mean calendar week.

Section 20. Snohomish County Code Section 2.50.120 Representation, adopted by Ordinance 91-084 on July 1, 1991, is hereby repealed.

Section 21. Snohomish County Code Section 2.50.150, Departmental code of ethics, adopted by Ordinance 91-084 on July 1, 1991, is hereby repealed.

Section 22. Snohomish County Code Section 2.50.160, Penalties, last amended by Ord 93-064 on July 28, 1993, is hereby amended to read 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 violates any of the provisions of the ethics code, his or her 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 30 days))~~


NEW SECTION. Section 23. A new section 2.50.170, is added to chapter 2.50 of the Snohomish County Code as follows:

2.50.170 Public disclosure rules to govern.

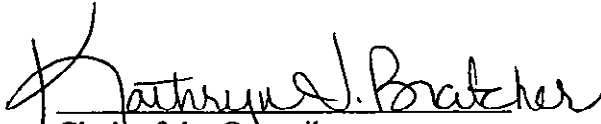
The rules and precedents established by the Washington State Public Disclosure Commission shall be considered in interpreting those sections of Chapter 2.50 which are analogous to state law.

Section 24. This ordinance shall become effective ((øñ)) ten days following signature by the County Executive.

DATED this 19th day of July, 1995.


Council Chair

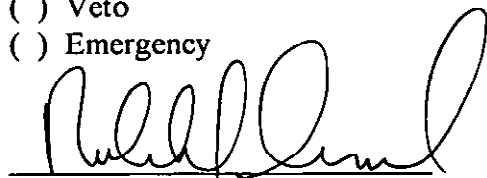
ATTEST:


Clerk of the Council

APPROVED AS TO FORM:

Deputy Prosecuting Attorney

DATE: 7/21/95
 Approved
 Veto
 Emergency


County Executive

ATTEST:

