

Code of Ethics Revisions

AB 5628 | November 19, 2019



Code of Ethics for Public Officials

- Originally adopted November 2018
- The code requires that:
 1. Officials comply with the laws and policies affecting the operations of government;
 2. Officials be independent, impartial and fair in their judgment and actions;
 3. Public office be used for the public good, not for personal gain; and
 4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.



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- Removed references to State laws as City is not authority to investigate complaints
- Additional sections:
 - *Acceptance of gifts (Section 2.60.030)*
 - *Interest in contracts prohibited (Section 2.60.040)*
 - *Incompatible service – confidential information (Section 2.60.050)*
 - *Personal or private interests (Section 2.60.060)*
- Update Code of Ethics Statement (Resolution No. 1572)



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Ethics Officer

- Responsible for prompt and fair enforcement of the code of ethics
- Seattle Ethics and Elections Commission
- After complaint is received, EO makes determination of sufficiency within 30 days
- If the complaint is insufficient, inadvertent, or has already been addressed, it will be dismissed



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Ethics Officer (continued)

- If the complaint is sufficient, EO conducts investigation
- If EO determines material violation of MICC 2.60.030-.060 occurred, a hearing will be held to determine if a violation has occurred
- Notice of hearing at least 30 days prior
- Public official complained against can file written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses



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Hearings

- Hearing Examiner will conduct hearings on complaints found to be sufficient by the Ethics Officer
- HE will prepare an official record of the hearing, including all testimony, which will also be recorded
- Within 30 days of the hearing, the HE will issue a final decision with findings of fact, conclusions of law, and recommended disposition



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City Council Action

- Deliberate the stipulations and recommendations from the Ethics Officer and findings, conclusions, and recommendations from the Hearing Examiner in Executive Session [RCW 42.30.110(1)(f)]
- Public Official complained against cannot participate in Executive Session
- City Council's final action shall be by majority vote in a public meeting



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City Council Action - Disposition

1. Dismissal
2. Refer to another agency
3. Admonition
4. Reprimand
5. Censure
6. Removal (for Board, Commission, Committee Member)
7. Civil Penalties
8. Void Contract
9. Other Penalties



Next Steps

1. Provide feedback on proposed Ordinance No. 19C-20 and Resolution No. 1572
2. Bring back for adoption on the Consent Calendar at the December 3 Council meeting
3. Staff will contract with
 - Seattle Ethics and Elections Commissions for Ethics Officer
 - Local lawyer for Hearing Examiner

