

**CITY OF STEVENSON
RESOLUTION NO. 2021-377**

**A RESOLUTION OF THE CITY OF STEVENSON
ADOPTING THE CONFLICT OF INTEREST MANAGEMENT PROCESS**

WHEREAS, the State of Washington has adopted a Code of Ethics for Municipal Officers – Contract Interests as outlined in RCW 42.23; and

WHEREAS, City Council of the City of Stevenson recognizes the need to establish a process to manage identified or potential conflicts of interest; and

WHEREAS, the implementation of this process enables City officials to protect the public interest and ensure public trust and confidence.

NOW, THEREFORE, be it resolved that the City Council of the City of Stevenson, Washington, hereby adopts the following process as described in Exhibit A, attached hereto and incorporated by reference.

APPROVED AND PASSED by the City Council of the City of Stevenson, Washington at its regular meeting this 18th day of March, 2021.

Mayor of the City of Stevenson

ATTEST:

Clerk of the City of Stevenson

APPROVED AS TO FORM:

Attorney for the City of Stevenson

City of Stevenson Conflict of Interest Management Process

Violation of the Code of Ethics RCW Ch. 42.23 and Inquiries

In conjunction with the City of Stevenson Personnel Policy, Chapter 9: Employee Responsibilities & Conduct and RCW Ch. 42.23 these provisions are intended to supplement the guidelines for appropriate conduct of city employees and officials as follows:

- a. Any person may submit a written complaint to the mayor alleging one or more violations of RCW Ch. 42.23 by a public official. If said complaint or allegation is against the mayor, the complaint shall be submitted to the mayor pro-tem. The allegation shall set forth specific facts with precision and detail, sufficient for a determination of sufficiency by the mayor. Complaints should be signed by the person or persons submitting them, include the submitter's correct name, address at which mail may be personally delivered to the submitter, and the telephone number at which the submitter may be contacted.
- b. The mayor or his/her designee shall inform the public official and the council of the complaint and shall submit the complaint to the city council for determination of sufficiency of the complaint within 24 hours of its receipt. Voice mail, e-mail or similar notification of the defendant is acceptable if actual notice is not immediately practicable. A copy of the complaint shall also be sent to the defendant by registered mail within three days of receipt. A complaint cannot be sufficient unless it precisely alleges and describes unjustified acts which constitute a prima facie showing of a violation of a specified provision or provisions of this code.
- c. The complainant shall have the responsibility for proving the allegations in the complaint by a preponderance of the evidence.
- d. Complaints shall be subject to a one-year statute of limitations. The limitations period shall commence from the date that information on completion of the alleged misconduct was reasonably available to the public.
- e. Complaints may be amended as authorized by the decision-maker as justice requires; provided, that the time frames of the review process provide the defendant with a fair opportunity to respond.
- f. All public officials and employees, excluding the alleged violator, shall observe strict confidentiality as to the complaint and alleged violator until the review is complete, to the extent that the information is acquired as a result of a person's status as a public official or employee.
- g. In the event the final determination by the city council provides that the individual against whom the complaint has been filed has violated RCW Ch. 42.23, the council shall convene and render its decision within 30 days of the receipt of said determination unless an extension is requested by the defendant and granted by the council. In the event the city council members agree by majority vote that one or more of the

Exhibit A

violations occurred, then as to the violations the city council may take any of the following actions by a majority vote of the council; provided, that penalties may only be based upon violations alleged in the complaint or amended complaint and not upon other violations discovered during the complaint process:

- i. Admonition. An admonition shall be a verbal nonpublic statement made by the mayor to the individual.
- ii. Reprimand. A reprimand shall be administered to the individual by letter. The letter shall be approved by the city council and shall be signed by the mayor. If the individual objects to the content of such letter, he or she may file a request for review of the letter of reprimand with the city council. The city council shall review the letter of reprimand in light of the report and the request for review and may take whatever action appears appropriate under the circumstances. The action of the city council shall be final and not subject to further review.
- iii. Censure. A censure shall be a written statement administered personally to the individual. The individual shall appear at a time and place directed by the city council to receive the censure. Notice shall be given at least 20 days before the scheduled appearance at which time a copy of the proposed censure shall be provided to the individual. Within five days of receipt of the notice, the individual may file a request for review of the content of the censure. The city council shall review the proposed censure in light of the report and the request for review and may take whatever action appears appropriate under the circumstances. The action of the city council shall be final and not subject to further review. If no such request is received, the censure shall be administered at the time and place set. It shall be given publicly, and the individual shall not make any statement in support of or in opposition thereto or in mitigation thereof. A censure shall be deemed administered at the time it is scheduled whether or not the individual appears as required.
- iv. Removal. In the event the individual against whom the complaint has been filed is a member of a city board, commission, committee, or other multi-member body appointed by the mayor with the approval of city council, the city council may, by a majority vote, remove the individual from such board, commission or committee; provided, however, that nothing in this section authorizes the city council to remove a council member or the mayor from his or her office. Removal of a Planning Commission member requires a public hearing and a showing of inefficiency, neglect of duty, or malfeasance in office as outlined in RCW 35.63.030.
- h. Action by the city council shall be by majority vote. If the proceeding involves a member of the city council, the member does not vote on any matter involving the member. As provided in RCW [35.27.280](#) and clarified in RCW [35.27.270](#) and [35.27.330](#), the mayor shall vote in the case of a tie, except if the action is against the mayor. Deliberation by the council may be in executive session; however, upon request of the person complained against, the meeting shall be open to the public.
- i. A complaint cannot be sufficient unless it precisely alleges and describes unjustified

Exhibit A

acts, which constitute a prima facie showing of a violation of a specified provision or provisions of this code.

In the event the individual against whom the complaint has been filed is a city employee, the city shall follow the appropriate discipline, through the employee's supervisor and/or department head, procedures as outlined in the City of Stevenson Personnel Policy. Employees also have the right to appeal through the court system as regulated by state and federal law.