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5-19-81

ORDINANCE NO. 132, 1981.

An ordinance amending C.C.C. 3.01.030(7) to allow additional exceptions to the restrictions placed on former public officials and public employees by C.C.C. 3.01.030(7) (a) and (b).

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

CHAPTER 3.01

ETHICS

Section 1. Amend C.C.C. 3.01.030, Code of Ethics, to read as follows:

(1) No public official or public employee shall, except for compensation as provided by law, use his office or any confidential information received thereby for commercial purposes, financial gain, or future employment, for himself, a member of his immediate family, or business with which he is associated.

(2) No person shall offer or give to a public official or public employee or candidate for public office, or members of his immediate family or business with which he is associated, and no public official or public employee or candidate for public office shall solicit or accept anything of value, including a gift, loan, political contribution, award, or promise of future employment or personal benefit based on any agreement that the vote or official action of the public official or public employee or candidate for public office would be determined thereby.

(3) No elected official shall solicit any political contribution from any public official or public employee. No elected official shall accept any political contribution greater than Fifty Dollars (\$50.00) from any public official or public employee. Provided, that this subsection shall not apply to contributions by County employees to elected officials when the County employee is a member of the immediate family of the elected official.

(4) No public official or public employee shall use his official influence to assist any person for compensation, other than compensation as provided by law, before a governmental body.

(5) No public official or public employee shall render or agree to render any personal, non-official services, in connection with the acquisition by any governmental body of an interest in real or personal property.

(6) No public official or public employee shall share in the compensation received by another as a result of assisting in a transaction with the public official or public employee would be prohibited from rendering under this section.

(7) No former public official or public employee shall:

(a) After his employment has ceased, knowingly act as agent, or attorney for anyone other than Clallam County, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter, involving a specific party or parties, in which Clallam County is a party or has a direct or substantial interest, and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed; provided, that this subsection shall be inapplicable to a particular and identifiable judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other matter, if the Board of Clallam County Commissioners determines, pursuant to the procedure of subsection (c) of this section, that there is no prejudice to, or conflict with, the interests of Clallam County; or,

(b) Within one (1) year after his employment has ceased, appear personally before any court or department or agency of Clallam County as agent, or attorney for anyone other than Clallam County, in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties, in which Clallam County is a party or has a direct and substantial interest, and which was under his official responsibility as an officer or employee of Clallam County at any time within a period of one (1) year prior to the termination of such responsibility; provided, that this subsection shall be inapplicable to a particular and identifiable judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other matter, if the Board of Clallam County Commissioners determines, pursuant to the procedure of subsection (c) of this section, that there is no prejudice to, or conflict with, the interests of Clallam County.

(c) The Board of Clallam County Commissioners, when requested to do so by a former employee, may make a determination of the inapplicability of subsections (a) or (b) of this section to a particular, and identifiable judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other matter. If the Board finds there to be no prejudice to, or conflict with the interests of Clallam County in the facts of the particular request to represent another by a former employee, the Board shall so indicate by a motion and the results of such motion shall be regularly entered upon the minutes of the Board.

(8) No public official or public employee shall use, request, or permit the use of, county motor vehicles, equipment, materials, or property, except on the conduct of official business.

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(9) No public official or public employee shall use his official influence to gainfully affect the revaluation of any property in which he, his immediate family, or a business with which he is associated has an interest.

(10) No public official or public employee shall intentionally engage in any act in addition to those listed above, which is in conflict with the performance of his official duties.

(11) All public officials and public employees shall bring personal knowledge of any violation of this Code of Ethics to the attention of the Department Head, or the Prosecuting Attorney, or the Board of County Commissioners within ten (10) days of acquiring such knowledge. Reports of violations shall remain confidential unless the testimony of the person reporting the violation is required in any enforcement action brought under this chapter.

(12) All public officials and public employees may request from the Prosecuting Attorney, and the Prosecuting Attorney may issue, a legal opinion on the application of this chapter whenever such application is uncertain.

(13) Violators of the Code of Ethics shall be subject to civil penalties under C.C.C. 3.01.060, but may be subject to criminal liability to the extent that their conduct violates RCW 9A.68.010.050 and 9A.80.010, and to such extent criminal penalties shall be imposed in accordance with state law.

Section 2. This ordinance shall take effect ten (10) days after adoption.

ADOPTED THIS 19 DAY OF May, 1981.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Dick Lotzgezell
DICK LOTZGESELL, Chairman

Don Feeley
DON FEELEY

Harry L. Lydiard
HARRY L. LYDIARD

ATTEST:

Ben L. Stone
Clerk of the Board

Debra L. Dickey
Deputy

APPROVED AS TO FORM AND CONTENT:

Michael Chinn
MICHAEL CHINN, Deputy Prosecutor

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cc: Prosecutor 5-20-81/r