

ORIGINAL

Ordinance No. 78 1977 Clallam County Commissioners
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AN ORDINANCE
establishing a code of ethics,
providing for the disclosure of financial interests
and providing penalties for violation of this Ordinance;
and adopting a chapter in the Clallam County Code. (C.C.C.)

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 3.01*
Ethics

Sections:

- 3.01.010 Purpose
- 3.01.020 Definitions
- 3.01.030 Code of Ethics
- 3.01.040 Financial Disclosure
- 3.01.050 Administration of Reports
- 3.01.060 Enforcement and Penalties
- 3.01.070 Severability
- 3.01.080 Effective Date

C.C.C. 3.01.010. Purpose. The Board of Clallam County Commissioners finds and declares that public office is a public trust; that the proper operation of this trust requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

Accordingly, it is the purpose of this Ordinance to establish ethical standards of conduct for all officials and employees of the County, paid or unpaid; to set forth those acts that are incompatible with such standards; to require disclosure of private financial or other interests in matters affecting the County or affected by County action; and to provide effective means for enforcement thereof.

By establishing a code of ethics and providing for financial disclosure, this chapter should permit County government to better serve the needs and respond to the wishes of all citizens equally.

To effectuate this trust, the following provisions are adopted, and should be liberally construed.

C.C.C. 3.01.020. Definitions. The following words and phrases as used in this chapter shall, unless the context clearly indicates otherwise, have the meanings as follows:

- (1) "Business". Any corporation, partnership, sole proprietor-

*Amended by
Ordinance 105, 1979
(3.01.030)
Amended by
Ordinance #131
Ordinance #132*

ship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receiver-ship, trust, or any legal entity organized for profit.

(2) "Business with which he is associated". Any business in which the person or a member of the person's immediate family is a director, officer, employee, or holder of stock worth Five Hundred Dollars (\$500.00) or more at a fair market value, or any business that is a client of the person.

(3) "Compensation". Payment in any form for real or personal property or services of any kind, unless the context requires a narrower meaning.

(4) "Confidential information". That information which is exempt from public inspection and copying pursuant to R.C.W. 42.17.310, and that information required under C.C.C. 3.01.040 (2).

(5) "Elected official". Any person elected at a general or special election to any County office and any person who is appointed to fill a vacant elective County office.

(6) "Gift". A voluntary transfer of real or personal property of any kind, or the voluntary rendition of services of any kind without consideration of equal or greater value, but not including:

(a) Any informational material which is transferred for the purpose of informing the recipient about matters pertaining to official County business and is not intended to benefit the recipient;

(b) Any symbolic presentation which is not intended to financially benefit the recipient;

(c) Any reasonable hosting, including travel expenses, entertainment, meals, or refreshments furnished in connection with appearances, ceremonies and occasions, reasonably relating to official County business; or,

(d) Any honorarium as defined herein.

(7) "Governmental body". Any department, office, commission, council, board, administration, or other establishment in the administrative, legislative or judicial branch of any local, state or federal government.

(8) "Immediate family". Anyone residing in the person's household, and spouses and dependents.

(9) "Honoraria". Reimbursement for expenses in connection with speeches, lectures, etc., that could not reasonably be inferred as given to influence the conduct of the official with relation to official matters.

(10) "Person" An individual, business, union, committee, club, or other entity however constituted, organized or designated.

(11) "Political Contribution". Any advance, conveyance, deposit, distribution, transfer of funds or anything of value, loan, payment, pledge, forgiveness or indebtedness, purchase of a ticket to a testimonial or similar fund raising affair, or subscription or money or anything of value, in connection with a political campaign, and any agreement or other obligation to make a political contribution.

(12) "Public official". Any individual who is responsible for taking or recommending official County action.

(13) "Public employee". Any individual who is employed by the County or who receives compensation from the County for services rendered, other than an individual who renders services at public expense by court appointment or as an independent contractor with the County.

C.C.C. 3.01.030. Code of Ethics.

(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 which 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 of employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed; 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.

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

(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 R.C.W. 9A.68.010-.050 and R.C.W. 9A.80.010, and to such extent criminal penalties shall be imposed in accordance with state law.

C.C.C. 3.01.040. Financial Disclosure.

(1) All candidates for County elective office, within two (2) weeks of becoming a candidate as defined under R.C.W. 42.17.020, as enacted or hereafter amended; all persons recommended by a party central committee to the Board of Commissioners for appointment to a vacant elective County Office, within five (5) days of such recommendation; and all department heads, at least ten (10) days prior to their confirmation; shall file with the County Auditor a copy of the report required to be filed under R.C.W. 42.17.240, as enacted or hereafter amended, and commonly referred to as Form F-I, which contains an original signature of the person filing the report. All elected officials and department heads, on or before January 31 of each year, shall file with the County Auditor a copy of the report required to be filed under R.C.W. 42.17.240, as enacted or hereafter amended. These reports shall be public documents filed in the Auditor's Office.

(2) The Building Officials, Road Superintendent, Utilities Supervisor, Purchasing Agent, road district supervisors, deputy prosecutors, first assistants of elected officials and first assistants of department heads, and members of the Planning Commission, Shoreline Advisory Committee, Parks Board, and Board of Equalization at least ten (10) days prior to appointment or confirmation, and on or before January 31 of each year, shall complete financial disclosure forms under R.C.W. 42.17.240, as enacted or hereafter amended, which shall be submitted only to the Board of County Commissioners for consideration in executive session, and which shall not be disclosed to the public without the disclosing individual's written permission unless the Board determines that a conflict of interest exists.

(3) It shall be sufficient to report whether amounts disclosed under C.C.C. 3.01.040 (1) and (2) are:

A)	Less than	\$ 1,000
B)	At least \$ 1,000 but less than \$	5,000
C)	At least \$ 5,000 but less than \$	10,000
D)	At least \$ 10,000 but less than \$	25,000
E)	At least \$ 25,000 but less than \$	50,000
F)	At least \$ 50,000 but less than \$	75,000
G)	At least \$ 75,000 but less than \$	100,000
H)	At least \$ 100,000 or more	

(4) All elected officials shall make a report for each honorarium received while in office, including a description of services performed, date of payment, payor's name and address, and amount received, and shall file such report with the Auditor during January of the next succeeding year after the honorarium is received.

C.C.C. 3.01.050 Administration of Reports.

(1) With respect to those reports required to be filed under C.C.C. 3.01.040 (1), the County Auditor shall:

(a) Provide forms for reports, statements, notices and other forms required, and furnish the same to persons required to file such statements and reports;

(b) Accept and file any information voluntarily supplied that exceeds the requirements;

(c) Make statements and reports filed available during regular office hours for public inspection and copying upon written and signed request, and make copying facilities available at a charge not to exceed actual cost;

(d) Compile and maintain an index of all reports and statements filed to facilitate public access to such reports and statements;

(e) Review all statements and reports filed in order to ascertain whether any person has failed to file a required statement; and,

(f) Preserve statements and reports filed for a period of five (5) years from the date of receipt.

(2) With respect to those reports required to be filed under C.C.C. 3.04.010 (2), the Board of County Commissioners shall:

(a) Provide forms for reports, statements, notices and other forms required, and furnish the same to persons required to file such statements and reports;

(b) Accept and file any information voluntarily supplied that exceeds the requirements;

(c) Review all statements and reports filed in order to ascertain whether any person has failed to file a required statement; and,

(d) Preserve statements and reports filed for a period of five (5) years from the date of receipt.

C.C.C. 3.01.060. Enforcement and Penalties.

(1) Upon finding reasonable grounds to believe that a violation of this chapter has occurred, the Prosecuting Attorney may bring an action in the County's Superior Court, and in such action may recover the following damages on behalf of the County from each such person in addition to any other damages provided by law:

(a) Civil penalty not more than Five Hundred Dollars (\$500.00),

or an amount not exceeding three (3) times the economic value of anything received or sought in violation of this chapter, whichever is greater;

(b) Any damages sustained by the County which are caused by the conduct constituting the violation; and,

(c) Civil penalty of Ten Dollars (\$10.00) per day for each day that a properly completed statement or report required by C.C.C. 3.01.040 has not been filed within the time required, up to a maximum of Fifty Dollars (\$50.00).

(2) Any sanction imposed under this chapter is in addition to and not in lieu of any other penalty or sanction that may be imposed according to law or equity, including removal or recall from office, employee disciplinary action, or injunctive relief to insure that any violation of this chapter cease and desist and/or that any statement or other information required by this chapter be filed.

C.C.C. 3.01.070. Severability. If any section, sub-section, paragraph, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter; it being hereby expressly declared that this chapter and each section, sub-section, paragraph, sentence, clause, and phrase thereof would have been adopted irrespective of the fact that any one (1) or more other sections, sub-sections, paragraphs, sentences, clauses, or phrases be declared invalid or unconstitutional.

C.C.C. 3.01.080. Effective Date. This chapter shall take effect sixty (60) days after adoption.

ADOPTED THIS 13th day of December, 1977.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Howard V. Doherty, Jr.
Howard V. Doherty, Jr., Chairman

Dick Lotzgesell
Dick Lotzgesell

Ronald N. Richards
Ronald N. Richards

ATTEST:

Alice C. Thorne
Alice C. Thorne, Auditor
and Clerk of the Board