

H.A.
Ord 106

Ordinance 796

An ordinance amending Clallam County Code, Chapter 3.01, Ethics, to bring into compliance with Public Disclosure Commission requirements and state law

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. .040, Financial disclosure, is amended to read as follows:

(1) All candidates for County elective office, within two (2) weeks of becoming a candidate as defined under RCW 42.17.020, as currently enacted or hereafter amended, and 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; shall file with the County Auditor Public Disclosure Commission, a Statement of copy of the Financial Affairs report required ~~to be filed~~ under RCW 42.17.240, as enacted or hereafter amended, and commonly referred to as Form F-1, which contains an original signature of the person filing the report. All elected officials on or before April 15th of each year, shall file with the County Auditor Public Disclosure Commission a copy of the report as required to be filed under RCW 42.17.240, as currently enacted or hereafter amended. ~~These reports shall be public documents filed in the Auditor's office.~~

(2) Within two (2) weeks of becoming a candidate as defined under RCW 42.17.020 and consistent with the form requirements of WAC 390-16, all candidates for County elective office shall file a Candidate Registration Form, commonly referred to as a C-1. The C-1 containing the signature of the person filing the report shall be filed with the Public Disclosure Commission and a copy filed with the County Auditor.

~~(2) It shall be sufficient to report whether amounts disclosed under subsection (1) of this section 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.~~

~~(3) 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.~~

Section 2. .030, Code of ethics is amended 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 \$50 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, nonofficial 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 (7)(c) of this section, that there is no prejudice to, or conflict with, the interest of Clallam County; or

(b) Within one 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 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 (7)(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 (7)(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.

(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) Title 42 RCW entitled, "Public Officers and Agencies" as currently enacted or as hereafter amended contains several chapters that contain legal and/or ethical requirements for public officers and agencies. Those chapters of Title 42 RCW that contain requirements applicable to counties including, but not limited to Chapters 42.20 and 42.23, are hereby adopted by reference. Those chapters of Title 42 RCW that contain requirements applicable specifically to state agencies but not counties including, but not limited to Chapter 42.52, should be referred to by County officers for guidance in addressing legal and ethical issues associated with public service.

(14) Violators of the ~~e~~Code of ~~e~~Ethics shall ~~may~~ be subject to ~~civil penalties under CCC 3.01.060, but may be subject to criminal liability to the extent that their conduct violates one or more provisions of Title 9A RCW 9A.68.010 through 9A.68.050 and RCW 9A.80.010, and to such extent criminal penalties shall be imposed in accordance with State and/or other state or local laws.~~

Section 3. . 050, Administration of reports, is amended to read as follows:

~~With respect to those r~~Reports required to be filed under CCC 3.01.040(1), ~~(2) the County Auditor shall:~~ are available online at www.pdc.wa.gov or by contacting the Public Disclosure Commission. The County Auditor shall assist in providing contact information upon request and shall:

~~— (1) Provide forms for reports, statements, notices and other forms required, and furnish the same to persons required to file such statements and reports;~~

~~(2) Accept and file any required or voluntarily supplied Public Disclosure Forms; information voluntarily supplied that exceeds the requirements;~~

~~(3) 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;~~

~~(4) Compile and maintain an index of all reports and statements filed to facilitate public access to such reports and statements;~~

~~— (5) Review all statements and reports filed in order to ascertain whether any person has failed to file a required statement; and~~

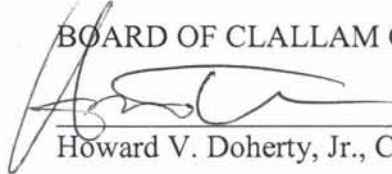
(64) Preserve statements and reports filed for a period of five (5) years from the date of receipt.

(5) Cooperate with any requests for information by the Public Disclosure Commission.

Section 4. .060, Enforcement and penalties, delete entirely.

ADOPTED this 5.2th day of June 2006

BOARD OF CLALLAM COUNTY COMMISSIONERS



Howard V. Doherty, Jr., Chair

Excused Absence

Stephen P. Tharinger



Michael C. Chapman

ATTEST:



Trish Perrott, CMC, Clerk of the Board