

COHENMILSTEIN

Ethics Training Bellevue City Council

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Ethics Officer

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Code of Ethics

- Chapter 3.92 of the Bellevue City Code contains the Code of Ethics applicable to the City Council, as well as City Boards, Commissions and Committees

Code of Ethics

- Purpose:
 - The Bellevue city council has adopted a code of ethics for members of the city council and council-appointed public bodies to promote public confidence in the integrity of local government and its fair operation. This code of ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

Code of Ethics

- Intent
 - The citizens and businesses of Bellevue are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. It is further the intent that city officials be permitted to fulfill their duties to represent the public to the greatest extent possible unless circumstances exist where such engagement is impermissible.

Code of Ethics

- Intent (continued)
 - Nothing in this chapter is intended to reduce, limit, or restrict the pool of available candidates for service on the council or service on council-appointed public bodies, all of which are either part-time or volunteer positions. It is in the public interest to ensure that barriers to citizen public service are not created by the provisions of this chapter.

Code of Ethics

- Intent (continued)
 - In keeping with the city of Bellevue's commitment to excellence, the effective functioning of democratic government therefore requires that:
 - 1. Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
 - 2. Public officials be independent, impartial and fair in their 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.

Code § 3.92.030 - Prohibited Conduct

- Conflicts of Interest
 - Officials shall not participate in quasi-judicial or site-specific land use city decisions, the purchase or condemnation of property, or city decisions involving the awarding of a grant or contract in which any of the following has an interest:
 - 1. The official;
 - 2. A relative;
 - 3. An individual with whom the official resides; or
 - 4. An entity that the official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. RCW [42.23.040](#) shall apply to conflicts or potential conflicts with respect to remote interests in city decisions involving the awarding of a contract.

Prohibited Conduct

- Misuse of Public Position or Resources.
 - Except for infrequent use at little or no cost to the city, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

Prohibited Conduct

- Representation of Third Parties.
 - Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with the body's assigned staff. Further, the members of the city council shall not appear on behalf of the financial interest of third parties before the council or any board, commission or proceeding of the city, or in interaction with staff.

Prohibited Conduct

- Solicitation of Charitable Contributions.
 - No official may make direct personal solicitations for charitable contributions from city employees.

Prohibited Conduct

- Gifts and Favors.
 - Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited or received or given, or to a reasonable person would appear to have been solicited or received or given, with intent to give or obtain special consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law.

Prohibited Conduct

- Gifts and Favors.
 - Officials shall not accept or solicit any gifts, favors or promises of future benefits except as follows:
 - 1. No official may accept gifts, other than those specified in subsection (E)(2) of this section, with an aggregate value in excess of \$50.00 from a single source in a calendar year or a single gift from multiple sources with a value in excess of \$50.00 in accordance with RCW [42.52.150](#)(1); provided, that if the \$50.00 limit in RCW [42.52.150](#)(1) is amended, this section shall be deemed to reflect the amended amount.

Prohibited Conduct

- Gifts and Favors.
 - For purposes of this section, “single source” means any person, corporation, or entity, whether acting directly or through any agent or other intermediary, and “single gift” includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs. The value of gifts given to an official’s family member or guest shall be attributed to the official for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the official, family member or guest.

Prohibited Conduct

- Gifts and Favors.
 - The following items are presumed not to influence the vote, action, or judgment of the official, or be considered as part of a reward for action or inaction, and may be accepted without regard to the \$50 limit.
 - This presumption is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

Prohibited Conduct

- Gifts and Favors – exceptions:
 - a. Unsolicited flowers, plants and floral arrangements;
 - b. Unsolicited advertising or promotional items of nominal value, such as pens and note pads;
 - c. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;
 - d. Unsolicited items received by an official for the purpose of evaluation or review, if the official has no personal beneficial interest in the eventual use or acquisition of the item;
 - e. Informational materials, publications or subscriptions related to the recipient's performance of official duties;

Prohibited Conduct

- Gifts and Favors – exceptions:
 - f. Food and beverages consumed at hosted receptions where attendance is related to the official's duties for the city;
 - g. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental or community organization;
 - h. Unsolicited gifts from dignitaries from another state or a foreign country which are intended to be personal in nature;
 - i. Food and beverages on infrequent occasions in the ordinary course of meals where attendance by the official is related to the performance of official duties; and
 - j. Any gift which would have been offered or given to the official if he or she were not an official.

Prohibited Conduct

- Confidential Information.
 - Officials shall not knowingly disclose or use any confidential information gained by reason of their official position for other than a city purpose nor may the officer use such information for his or her personal benefit, nor may the officer engage in business or professional activity that the officer might reasonably expect would induce him or her by reason of his or her official position to disclose such confidential information.

Prohibited Conduct

- “Confidential Information” means:
 - 1. Specific information, rather than generalized knowledge, that is not available to a person who files a public records request; and
 - 2. Information made confidential by law.

3.92.040 – Ethical Standards

- In addition to the Prohibited Conduct set forth in 3.92.030, there are Ethical Standards set forth in 3.92.040, some of which are mandatory and some aspirational.

3.92.040 – Ethical Standards

- **Mandatory –Compliance with Other Laws**
 - Officials shall comply with federal, state and city laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and city ordinances and policies.

3.92.040 – Ethical Standards

- Permissive
 - Officials are also encouraged to comply with the following standards:
 - Personal Integrity
 - Working for the Common Good
 - Respect for Process
 - Commitment to Transparency
 - Conduct of Public Meetings
 - Decisions Based on merit
 - Ex Parte Communications
 - Attendance
 - Nepotism
 - Advocacy

Ethics Officer

- The position of ethics officer is created in the Code of Ethics. The City Council, by unanimous vote, selects an ethics officer who operates under contract with the City of Bellevue.

Ethics Officer

- The ethics officer will provide for annual review of this code of ethics, review of training materials provided for education regarding the code of ethics, and advisory opinions concerning the code of ethics. The ethics officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary, and shall at all times maintain the impartiality of the office by revealing information provided to the officer only in the context of rendering opinions to the city and its officials and staff as necessary or in response to legal process.

Ethics Officer -Opinions

- When rendering opinions, the ethics officer shall consider the Intent section contained in BCC [3.92.010](#) and in RCW [42.23.010](#).
- Advisory opinions are subject to the attorney-client privilege.

Ethics Officer -Opinions

- All officials subject to this chapter are strongly encouraged to seek advisory opinions from the ethics officer at the earliest possible opportunity whenever an official has reason to believe that his or her circumstances could present a conflict of interest or the appearance of a conflict of interest or any other violation of this chapter.

Ethics Officer –Complaint Procedures

- Any natural person who believes an official has committed a violation of the code may file a complaint with the city clerk. Complaints shall be subject to the following requirements:
 - a. The complaint must be based upon facts within the personal knowledge of the complainant;
 - b. The complaint must be submitted in writing and signed under oath by the complainant;
 - c. The complaint must include a detailed factual description of the alleged violation including the date, time and place of each occurrence and the name of the person or persons who are alleged to have committed a violation. The complaint must also refer to the specific provisions of the code of ethics which are alleged to have been violated;
 - d. The complaint must be accompanied by all available documentation or other evidence known to the complainant to support the allegations of the complaint;
 - e. The complaint must be filed within two years of the date of the occurrence or occurrences alleged to constitute a violation of the code of ethics.

Ethics Officer –Complaint Procedures

- Complaints shall be filed with the city clerk who shall forward the complaint and any accompanying documentation and evidence to the ethics officer and the respondent official within two business days. The ethics officer shall review the complaint for compliance with the requirements of subsection (A)(1) of this section. The ethics officer shall issue an order dismissing a complaint that fails to meet the requirements within 10 working days of the filing of the complaint. The written order shall be transmitted to the complainant, the official that is the subject of the complaint, and the city council.

Ethics Officer –Complaint Procedures

- If the ethics officer finds that the complaint is deficient pursuant to the findings in subsection (A)(1)(b) or (d) of this section, the ethics officer shall issue an order notifying the complainant that unless a corrected complaint is filed within five days of the issuance of such order, the complaint shall be dismissed. The complainant may appeal the dismissal of a complaint under this subsection by filing an action in the King County superior court.

Ethics Officer –Complaint Procedures

- The respondent official shall, within 20 days of the date of mailing or personal service of the complaint by the clerk, file with the clerk any response to the complaint the respondent official wishes to make. A response to a complaint shall be made in writing signed under oath by the respondent. A response may include a detailed statement of facts pertaining to the complaint made on personal knowledge of the respondent and may include any matter constituting a defense to the complaint. A response should be accompanied by all available documentation or other evidence known to the respondent official which the respondent wishes the ethics officer to consider. The respondent official may stipulate to some or all of the facts alleged in the complaint and shall either admit or deny the alleged violation. If the violation is admitted, the respondent may also submit an explanatory statement and may request a particular disposition.

Ethics Officer –Complaint Procedures

- Upon receipt of a response to a complaint, the ethics officer shall review the complaint and response, together with all supporting documentation and evidence submitted by the complainant and the respondent official. Within 10 days of receipt of the response (or, if no timely response is submitted, within 30 days of the date of mailing the complaint to the respondent official by the city clerk), the ethics officer shall issue a decision in writing, including findings of fact, conclusions of law and a determination of whether any violation of the code of ethics has been established. The final written decision shall be signed and dated by the ethics officer. The city clerk shall deliver a copy of the final written decision to the complainant, the respondent official, the city council and to any other person who has submitted a written request therefor.

Ethics Officer –Complaint Procedures

- A complaint for ethical violations filed under this chapter shall be considered a claim filed against an official pursuant to Chapter [3.81](#) BCC.
- Either the complainant or respondent official may, within 30 days of the date of the written decision, appeal to the King County superior court.
- If the final decision of the ethics officer contains a determination that one or more violations of this code of ethics have occurred, the decision shall also contain any recommendations of the ethics officer to the city council for any remedial action or sanction that the council may find appropriate and lawful under the council's rules. If no appeal is filed in superior court, the council in consultation with the city attorney shall, within 45 days of the date of the decision, determine what, if any, of the recommendations of the ethics officers to adopt. Such determination shall be adopted at an open public meeting by a majority vote of those officials who are not respondents to the complaint or complaints.

Questions?

- Contact Information:

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