

City of Spokane Code of Ethics

HANDBOOK FOR CITY EMPLOYEES

All City employees are subject to ethical guidelines. As public servants, all are entrusted to abide by principles of honesty and integrity in carrying out the business of the City and providing service to the public. That said, not all City employees are subject to the City's Code of Ethics. Many City employees are subject to collective bargaining agreements that designate alternative processes for reviewing complaints about unethical conduct. This handbook pertains only to the City's Code of Ethics, which applies to all elected and appointed officials, and to exempt-confidential employees and certain represented employees pursuant to applicable collective bargaining agreements.

The Spokane City Council first adopted the Code of Ethics in January of 2006 through Ordinance No. C-33785. The Code of Ethics was later revised to create an Ethics Commission in 2016 with the adoption of Ordinance No. C-35148 and was again revised in 2024 with changes to the complaint procedures. The 2024 revision also recodified the Code of Ethics into a new chapter 1.04B of the Spokane Municipal Code through the adoption of Ordinance C36532. The 2024 revision was passed by the City Council on July 8, 2024 and became effective on August 16, 2024.

Purpose of the Code of Ethics and Role of the Ethics Commission

The Code of Ethics sets forth the policy of the City of Spokane to demand the highest standard of ethical conduct from all of its employees and City officers, whether elected, appointed or hired. Pursuant to the Code of Ethics, City officials, officers and employees are required to demonstrate honesty, integrity, responsibility and fairness in carrying out their public duties and may never use public resources or their position for personal gain. To ensure compliance with these provisions, the Code of Ethics identifies prohibited conduct and establishes penalties for violations.

The Ethics Commission functions to ensure that this policy, as codified in this Chapter, is enforced and that the standards set forth herein are reinforced through training and other initiatives. When a complaint is filed alleging a violation of the Code of Ethics, the Ethics Commission is the body that conducts the hearing and makes the factual determination of whether a violation has in fact been committed. The Ethics Commission is also authorized to impose penalties.

This Handbook provides a summary of the Code of Ethics and is intended to provide City officials, officers and employees with an introduction to the City's ethics requirements. This Handbook does not replace the Code of Ethics. Additional ethical standards may also apply to specific employees based upon their own professional occupation or license. Additional information regarding the Code of Ethics, the Ethics Commission and its past decisions can be found on the City's website at: <https://my.spokanecity.org/bcc/commissions/ethics-commission/>.

PROHIBITED CONDUCT

The main focus of the Code of Ethics is to identify the prohibited conduct that would constitute an ethics violation. SMC 1.04B.050 sets forth prohibited conduct summarized as follows:

A. Conflicts of Interest – In order to avoid having a conflict of interest or engaging in impropriety, or creating an appearance of conflict of interest or impropriety, no City officers or employees are to have a direct or indirect interest or engage in a business, transaction or professional activity that might be seen as a conflict with the officer or employee's discharge of his or her official duties, the conduct of official city business or as adverse to the interest of the City.

An employee who becomes aware that he or she might have a potential conflict of interest that arises in the course of his or her official duties shall notify in writing his or her supervisor of the potential conflict of interest.

B. Personal Interests in Contracts Prohibited - No City officer or employee shall participate in their official capacity as a City officer or employee in the making of a contract in which he or she has a direct or indirect personal interest or performs some function of the contract requiring the exercise of discretion on behalf of the City.

C. Personal Influence in Contract Selection Prohibited – No City officer or employee shall influence the City's selection of, or its conduct of business with an entity having or proposing to do business with the City if the City officer or employee has a personal interest in or with the entity, unless such interest is a remote interest.

D. Representation of Private Person at City Proceeding Prohibited - No City officer or employee shall appear on behalf of a person, other than himself/herself or a family member, or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action to which the City or a City officer in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

E. Certain Private Employment Prohibited – No City officer or employee shall engage in or accept private employment, or render services for, any private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

F. Personal Interest in Legislation Prohibited - No City officer or employee may directly or indirectly benefit from any legislation or contract to which the City shall be a party except for the lawful compensation or salary of the City officer or employee unless such interest is a remote interest where the facts and extent of such interest is disclosed. This prohibition does not apply to council members participating in the enactment of legislation when his or her interest is remote and has been disclosed and the legislation is applicable to the general public.

- G. Continuing Financial Interest** - Where a City officer, employee, or family member of a City officer or employee has a substantial ongoing financial relationship with a corporation, firm, or person seeking a contract, or proposing to do business with the City, the City officer or employee shall not influence or participate in the City's contract selection of or conduct business with such corporation, firm, or person; nor influence or participate in the City's contract selection of, or conduct business with, a corporation, firm or party competing against a party that a City officer or employee has such a substantial ongoing financial relationship.
- H. Disclosure of Confidential Information** - No City officer or employee shall, except as required or reasonably believed to be required for the performance of his/her duties, disclose confidential information gained by reason of his/her official position or use such information for his/her own personal interest.
- I. Acceptance of Compensation, Gifts, Favors, Rewards or Gratuity** - City employees cannot directly or indirectly solicit any gift or give or receive any gift, whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form, when it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or the gift was intended to serve as a reward for any official action on the employee's part. Public officials and city employees may accept de minimis gifts such as calendars, coffee mugs, flowers, candy, and other similar items that are given as a customary business practice and have no material significance to the recipient. Such gifts from any one source cannot exceed one hundred dollars in value in any twelve-month period. City employees should report any gift to their immediate supervisor.
- J. Fair and Equitable Treatment** – City officers and employees shall not knowingly use their office or position, the employment of any person under their control or direction, or any City-owned property or personal benefit, gain or profit. Nor shall a City officer or employee use the power or authority of their office or position with the City in a manner intended to induce or coerce any other person to provide such City officer or employee or any other person with any compensation, gift, or other thing of value.
- K. False and Frivolous Complaints Prohibited** –No person subject to the Code of Ethics shall knowingly file a false complaint or report of a violation of the Code of Ethics. However, a person who files a complaint with a good faith belief that a violation of the Code of Ethics has occurred shall be protected by the City's Whistleblower Protection policy as set forth in SMC 1.04A.180.
- L. Aiding Others Prohibited** - No City officer or employee may knowingly aid or assist any City officer or employee in the violation of any provision of this Code of Ethics.
- M. Commission of Acts of Moral Turpitude or Dishonesty Prohibited** - No City officer or employee shall commit any act of moral turpitude or dishonesty relating to their duties or position as a City officer or employee or arising from business with the City. Conviction of a felony or a misdemeanor involving moral turpitude or dishonesty, the nature of which demonstrates lack of fitness for the position held, shall be considered conclusive evidence

of a violation of this Code of Ethics. Demonstrated acts of moral turpitude or dishonesty are not limited to felony or misdemeanor criminal convictions.

N. Prohibited Conduct After Leaving City Service – After leaving City employment, the former officer or employee may not disclose or use any privileged confidential or proprietary information gained because of their employment with the City. Within one year of leaving City office or employment, the former officer or employee may not:

- a. participate in matters involving the City if, while in the course of employment with the City, the former City officer or employee was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter;
- b. represent any person as an advocate in any matter in which the former City officer or employee was involved while a City officer or employee; or
- c. participate as or with a bidder, vendor or consultant in any competitive selection process for a City contract in which he or she assisted the City in determining the project, or work to be done, or the process to be used.

O. Failure to Produce Public Records

No City officer or employee shall willfully and without just cause delay or fail to produce any city records in his or her possession or control in response to a public records request filed with the city pursuant to Chapter 42.56 RCW.

There are some exceptions to these provisions, such as obtaining approval from the Ethics Commission when the City desires to contract with the former officer or employee for expert or consulting services or when the officer or employee is acting on behalf of a governmental agency, if the Ethics Commission determines that the service to the agency is not adverse to the City's interest.

Potential Penalties – A stipulation or determination by the Ethics Commission that a violation has occurred shall subject the party found in violation to any of the following penalties, which may be imposed by the Ethics Commission:

1. A cease and desist order as to violations of this Code of Ethics.
2. A recommendation to the city council that an appointed committee or commission member be removed from the board or commission.
3. An order to pay to the City damages sustained by the City that are caused by the conduct constituting the violation.
4. In the case of a violator who receives wages from the City, a civil penalty of up to five thousand dollars per violation or three times the economic value of anything received or sought in violation of this chapter or rules adopted under it, whichever is greater, may be imposed. Alternatively, the violator who is a member of a board or commission may be suspended for a number of days to be decided by the Ethics Commission, in lieu of fine but not in lieu of damages.

5. In the case of an elected official, a written reprimand may be issued by the Ethics Commission if the Commission determines that while the elected official did violate the Ethics Code, there was no intent to commit the violation. The written reprimand shall set for the nature of the violation, the elected official's response and the reasons why a reprimand is appropriate. The written reprimand shall be filed with the City Clerk and placed in the City Council minutes. A written reprimand may not be issued, however, if the elected official stipulates to the decision of the Hearing Examiner, as provided in SMC 01.04B.080(C)(3).
6. An employee of the City who commits a violation of this chapter may be subjected to disciplinary action, up to and including termination from employment; provided that such disciplinary action is consistent with civil service guidelines and any applicable collective bargaining agreement.
7. Costs, including reasonable investigative costs, shall be included as part of the limit under subsection (A)(4) of this section. Costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.
8. As appropriate, the Ethics Commission may refer the disposition of a complaint to the City or County prosecuting attorney's office for appropriate action.
9. Damages under this section may be enforced in the same manner as a judgment in a civil court.

COMPLAINT PROCESS

The complaint process is found beginning in SMC 1.04B.140 and is summarized as follows:

Filing of Complaints.

Any person may file a complaint alleging that a current City officer or employee has engaged in prohibited conduct in violation of the City's Code of Ethics. A complaint must be in writing, on a form approved by the Ethics Commission, and it must describe the allegations with sufficient detail to enable both the Commission and the person who is the subject of the complaint to reasonably understand the nature of the complaint. The complaint must be signed, dated, and filed with the City Clerk's Office, and it must include a statement indicating that, to the best of the person's knowledge, information, and belief formed after reasonable reflection, the information in the complaint is true. Once a complaint has been filed, copies of the complaint shall be forwarded to the City Attorney's Office for initial review.

Preliminary Review of Complaint.

Upon receipt of a complaint, the City Attorney's Office shall conduct a preliminary review to determine whether the allegations, if proven, establish a violation of the City's Code of Ethics. If, upon preliminary review of the complaint, the City Attorney finds that the respondent is not subject to the Code of Ethics, the City Attorney shall within five business days provide the Ethics Commission with written notification of this finding along with a recommendation that the Commission Chair summarily dismiss the complaint pursuant to SMC 01.04B.200 (A). The complainant shall also be provided notification of this finding and recommendation. The

complainant may appeal the summary dismissal of the complaint by filing an appeal with the City Clerk's Office within ten days of the date of the Chair's decision. In the event of an appeal, the Chair shall not participate in the Commission's deliberation or decision. The appeal will be determined by the remaining members of the Commission. A determination by the Commission to affirm the decision of the Chair shall be final with no further appeal rights.

If, upon preliminary review of the complaint, the City Attorney finds that the complaint contains an allegation which, even if true, would not constitute prohibited conduct in violation of the Code of Ethics, the City Attorney shall within five business days provide written notification to Ethics Commission of his or her opinion and recommendation that complaint be dismissed pursuant to SMC 01.04B.200 (B), and shall provide the Commission with a proposed order of dismissal. The complainant shall also be provided notification of this opinion. A decision of the Ethics Commission to dismiss a complaint based upon the recommendation of the City Attorney pursuant to this subsection may be appealed by the complainant to the Hearing Examiner by filing an appeal with the Hearing Examiner's Office within ten days of the date of the Ethics Commission's decision. The only matter before the Hearing Examiner on appeal is whether the complainant has set forth allegations, that if true, would constitute prohibited conduct in violation of the Code of Ethics.

If, upon preliminary review of the complaint, the City Attorney determines that the complaint alleges facts that, if proven, establish an ethics violation, the complaint shall be referred to an independent investigator to commence an investigation for purposes of determining whether there is reasonable cause to believe that a violation of the Code of Ethics has occurred.

Investigation of Complaint.

If an investigation is commenced, the City Attorney shall provide written notification to the complainant and to subject of the complaint, of his or her decision to refer the matter to an independent investigator for formal investigation to determine if a violation has occurred. A copy of the complaint shall be served on the subject of the complaint.

Once an independent investigator has been identified, a copy of the complaint shall be forwarded to the investigator, who shall contact and conduct interviews of the complainant, the subject of the complaint, and of any individuals with knowledge of the facts pertaining to the allegations in the complaint. The investigator shall also seek to obtain and evaluate any additional evidence, such as documentary evidence, in an effort to determine whether there is reasonable cause to believe the subject of the complaint has committed a violation of the City's Code of Ethics.

Once the investigator has conducted interviews and has reviewed all other relevant evidence, he or she shall prepare an investigative report detailing his or her findings. The investigation of a complaint shall be completed, and the investigative report submitted to the Ethics Commission, within 45 calendar days of the referral for investigation. For good cause shown, the investigator appointed to conduct the investigation may request that the Ethics Commission grant an additional 30 days to complete the investigation.

Post-Investigation Procedures.

If the investigator finds that the evidence fails to establish that the subject of the complaint has

committed prohibited conduct, the independent investigator shall prepare an investigative report with a recommendation of that the complaint be dismissed. Whenever an investigator makes a recommendation of dismissal, the investigative report and copies of all documents relating to the investigation shall be forwarded to the Ethics Commission for a final decision on dismissal. Copies of the investigative report and all documents related to the investigation shall be served upon the complainant and the subject of the complaint. Upon receipt of an investigator's investigative report and a recommendation of dismissal, the Ethics Commission may enter an order of dismissal, copies of which shall be served on the complainant and on the subject of the complaint. Such order shall be entered within ten business days.

If, after investigation, the independent investigator determines that there is reasonable cause to believe the subject of the complaint has committed prohibited conduct in violation of the Code of Ethics, he or she shall prepare an investigative report detailing the evidence and stating the basis for his or her determination. The investigative report and copies of all documents relating to the investigation shall be forwarded to the Ethics Commission with a recommendation that a hearing be held. Copies of the investigative report and all documents related to the investigation shall be served upon the complainant and the subject of the complaint.

Response by Subject of Complaint.

If the subject of the complaint accepts the findings of the investigative report, he or she may stipulate to the violation by submitting a letter to the Ethics Commission within ten business days indicating his or her agreement with the findings. In such instance, the matter will proceed to a hearing before the Ethics Commission for adoption of the stipulation and imposition of a penalty. The subject of the complaint may contest the findings of the investigative report by submitting a letter within ten business days to the Ethics Commission indicating his or her disagreement with the findings and requesting that a hearing be held to formally contest the findings. If the subject of the complaint contests the findings detailed within the investigative report or otherwise fails to respond within ten business days to the findings of the investigative report, the matter shall proceed to a contested hearing before the Ethics Commission.

Hearing and Adjudication.

Within 30 calendar days of receiving an investigative report recommending that hearing be held, the Ethics Commission shall conduct a formal hearing to determine whether an ethics violation has occurred as alleged in the complaint. At the hearing, the Ethics Commission may consider the findings contained within the investigative report submitted by the independent investigator and may also consider testimony taken from witnesses and any other evidence presented at the hearing. The Ethics Commission may determine that additional evidence is necessary to establish the factual record, in which case it may issue a prehearing order calling for witness testimony.

All hearings shall be open to the public and recorded. The record of the hearings, as well as all documents submitted in regards to the complaint and the Ethics Commission's investigation, shall be subject to public disclosure under chapter 42.56 RCW. The subject of a complaint may elect to be represented by legal counsel or to have a union representative represent them at the hearing. Prior to the commencement of the hearing, the Commission may consider preliminary matters raised by the parties, including motions brought by either party, such as a motion to

dismiss. The Ethics Commission is not bound by the rules of evidence for Washington courts but may use these rules when determining the relevance of, and weight to be given to, any evidence presented. The final decision of the Ethics Commission shall rely upon evidence they deem to be reliable and trustworthy and which establishes a violation by a preponderance of the evidence.

Deliberation and Decision.

At the conclusion of closing statements, the Commission shall adjourn the proceedings and begin deliberations to determine whether or not a violation of the Code of Ethics has occurred. The Commission shall issue its decision, including written findings of fact and conclusions of law, within ten business days. All such findings and conclusions and the disposition shall be reviewed by the city attorney (or independent legal counsel in the event that a conflict of interest prevents the city attorney from conducting the review) prior to their issuance.

Dismissal of a Complaint

Summary dismissal of a complaint by the Chair of the Ethics Commission after review by the City Attorney, if the respondent is not subject to the Code of Ethics. Summary dismissal of a complaint by the full Ethics Commission may occur if the allegations, even if true, would not constitute prohibited conduct in violation of the Code of Ethics. Dismissal of a complaint by the full Ethics Commission after hearing may be based upon any of the following grounds:

1. The Ethics Commission does not find that the facts establish an ethics violation.
2. The alleged violation is a minor or de minimis violation;
3. The complaint or inquiry is, on its face, frivolous, groundless or brought for purposes of harassment;
4. The matter has become moot because the person who is the subject of the complaint is no longer a City officer or employee;
5. The appointing authority has already taken action as a result of finding a violation and the Commission finds that the action has sufficiently addressed the matter;
6. The respondent previously requested and followed the documented advice regarding compliance with the Ethics Code provided by the legal counsel for the Ethics Commission;
or
7. The respondent was previously the subject of a prior ethics complaint based upon the same set of facts and alleging the same violation(s) of the Code of Ethics and regarding which the Ethics Commission issued a decision.

The Ethics Commission shall issue a written decision setting forth the legal and/or factual basis for the dismissal, which shall be provided to the complainant and the subject of the complaint. The complainant may appeal the Commission's decision to dismiss a complaint to the City's Hearing Examiner within ten days of the date of the Commission's decision.

Appeal

Any person who has been found to have violated this chapter and has been assessed a monetary penalty, subjected to disciplinary action, or removed from office for a violation of this chapter may file an appeal to the City's Hearing Examiner by delivering a written notice of appeal to the City Clerk's Office within ten business days of receiving a decision of the Ethics

Commission finding a violation and imposing a penalty.

Any person who has filed a complaint with the Ethics Commission and has subsequently received a written decision by the Ethics Commission dismissing the complaint pursuant to SMC 01.04B.200.B may file an appeal to the City's Hearing Examiner by delivering a written notice of appeal to the City Clerk's Office within ten business days of receiving a decision of the Ethics Commission regarding a written decision dismissing the complaint.

MORE INFORMATION

The full Code of Ethics can be found at Chapter 1.04B of the Spokane Municipal Code.
<https://my.spokanecity.org/smc/?Chapter=01.04B>