

<p style="text-align: center;">Chapter 1.04A Code of Ethics (replacing Chapter 1.04)</p>	<p style="text-align: center;">Chapter 1.04 Code of Ethics</p>
<p>Sections:</p> <p>1.04A.010 Purpose</p> <p>1.04A.020 Definitions</p> <p>1.04A.030 Prohibited Conduct</p> <p>1.04A.040 Penalties for Noncompliance (formerly 1.04.060)</p> <p>1.04A.050 Recall of Elected Official for Violation of Code of Ethics (formerly 1.04.065)</p> <p>1.04A.060 Where to Seek Initial Review (formerly 1.04.070)</p> <p>1.04A.070 Where to Seek Judicial Review (formerly 1.04.080)</p> <p>1.04A.080 Ethics Commission (formerly 1.04.090)</p> <p>1.04A.090 Duties and Powers New</p> <p>1.04A.100 Ex Parte Communication New</p> <p>1.04A.110 Complaint Process of the Ethics Commission (formerly 1.04.040)</p> <p>1.04A.120 Training New</p> <p>1.04A.130 Restrictions on Ethics Commission Members New</p> <p>1.04A.140 Vacancy and Removal (formerly 1.04.090F)</p> <p>1.04A.150 Limitation Period (formerly 1.04.100)</p> <p>1.04A.160 Applicability (formerly 1.04.110)</p> <p>1.04A.170 Advisory Opinion (formerly 1.04.120)</p> <p>1.04A.180 Severability (formerly 1.04.130)</p>	<p>✓ Section 01.04.010 Purpose</p> <p>✓ Section 01.04.020 Definitions</p> <p>✓ Section 01.04.030 Prohibited Conduct</p> <p>✓ Section 01.04.040 Complaint Process</p> <p>✓ Section 01.04.050 Hearing and Subpoena Authority</p> <p>✓ Section 01.04.060 Penalties for Noncompliance</p> <p>✓ Section 01.04.065 Recall of Elected Official for Violation of Code of Ethics</p> <p>✓ Section 01.04.070 Where to Seek Initial Review</p> <p>✓ Section 01.04.080 Where to Seek Judicial Review</p> <p>✓ Section 01.04.090 Ethics Committee</p> <p>✓ Section 01.04.100 Limitation Period</p> <p>✓ Section 01.04.110 Applicability</p> <p>✓ Section 01.04.120 Advisory Opinions</p> <p>✓ Section 01.04.130 Severability</p>

In as much as possible, this table attempts to show the changes in the proposed ordinance, Chapter 1.04A Code of Ethics.

The proposed ordinance, **Chapter 1.04A Code of Ethics** is in the left column. The current version of Chapter 1.04 is in the right column.

New language is highlighted in yellow.

Eliminated language is ~~crossed-out~~.

Sections or parts of sections that have moved to another numbered section are **highlighted in gray**.

When parts of sections have been incorporated into another titled section in the proposed ordinance, they have been pasted next to the new section and *are in italics*.

**Chapter 1.04A
Code of Ethics**

**Chapter 1.04
Code of Ethics**

1.04A.010 Purpose

- A. It is the policy of the City of Spokane to uphold, promote and demand the highest standards of ethics from all of its employees and City officers, whether elected, appointed or hired. City officers and employees shall maintain the utmost standards of responsibility, trustworthiness, integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their City position, authority or resources for personal gain.
- B. It is the intent of the City Council that this chapter be reasonably construed to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest or any other violation of this Code of Ethics. This Code of Ethics is supplemental to state law, including, but not limited to, chapter 42.20 RCW – Misconduct of Public Officers, chapter 42.23 RCW – Code of Ethics for Municipal Officers – Contract Interests, and chapter 42.36 RCW – Appearance of Fairness Doctrine.
- C. It is the function of the Ethics Commission to pursue the above stated policy of the City of Spokane. The Ethics Commission shall develop training, programs and initiatives in support of this goal.

1.04.010 Purpose

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- B. It is the intent of the city council that this chapter be reasonably construed to accomplish its purpose of protecting the public against decisions that are affected by undue influence, conflicts of interest or any other violation of this code of ethics. This code of ethics is supplemental to state law, including, but not limited to, chapter 42.20 RCW – Misconduct of Public Officers, chapter 42.23 RCW – Code of Ethics for Municipal Officers – Contract Interests, and chapter 42.36 RCW – Appearance of Fairness Doctrine.
- C. It is the function of the ethics committee to pursue the above stated policy of the City of Spokane. The ethics committee shall develop programs and initiatives in support of this goal.

1.04A.020 Definitions

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

- A. "Agency" means any City board, commission, bureau, committee, department, institution, division or tribunal in City government.
- B. "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to or otherwise provide assistance to another person, believing that the action is of help, aid, advice or assistance of the person with intent so to assist such person.
- C. "Beneficial interest" has the meaning ascribed to it under the Washington case law. However, an ownership interest in a mutual fund or similar investment pooling fund in which the owner has no management powers does not constitute a beneficial interest in the entities in which the fund or pool invests.
- D. "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust or any legal entity organized for profit.

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- D. "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust or any legal entity organized for

<p>E. "City" means the City of Spokane, Washington.</p> <p>F. "City action" means any action on the part of an agency, including, but not limited to:</p> <ol style="list-style-type: none"> 1. a decision, determination, finding, ruling or order; and 2. a grant, payment, award, license, contract, transaction, sanction or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling or order. <p>G. "City officer" means every individual elected, appointed, hired or otherwise selected to an office or position with the City, or any subdivision, agency, committee or board thereof, whether such individual is paid or unpaid.</p> <p>H. "Compensation" means anything of economic value, however designated, that is paid, loaned, granted or transferred, or to be paid, loaned, granted or transferred for, or in consideration of, personal services to any person.</p> <p>I. "Confidential information" means:</p> <ol style="list-style-type: none"> 1. Specific information, rather than generalized knowledge, that is not available to the general public on request; or 2. Information made confidential by law including but not limited to taxpayer information, RCW 82.32.330; information regarding organized crime, RCW 43.43.856; criminal history information, Chapter 10.97 RCW; medical records, Chapter 70.02 RCW; and juvenile records, RCW 13.50.010; or 3. Information that is initially disclosed or discussed in executive session, and which is not available to the general public on request; however 4. Confidential information does not include information authorized by the mayor or a majority vote of the council to be disclosed. <p>J. "Contract" or "grant" means an agreement between two or more persons that creates an obligation to do or not to do a particular thing. "Contract" or "grant" includes, but is not limited to, an employment contract, a lease, a license, a purchase agreement or a sales agreement.</p> <p>K. "Ethics Commission" means the commission on ethical conduct for and duly appointed by the City.</p> <p>L. "Employee" means any person holding a regularly compensated position of employment with the City but does not include elected officers and persons who serve without compensation on City boards and commissions.</p>	<p>profit.</p> <p>E. "City" means the City of Spokane, Washington.</p> <p>F. "City action" means any action on the part of an agency, including, but not limited to:</p> <ol style="list-style-type: none"> 1. a decision, determination, finding, ruling or order; and 2. a grant, payment, award, license, contract, transaction, sanction or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling or order. <p>G. "City officer" means every individual elected, appointed, hired or otherwise selected to an office or position with the City, or any subdivision, agency, committee or board thereof, whether such individual is paid or unpaid.</p> <p>H. "Compensation" means anything of economic value, however designated, that is paid, loaned, granted or transferred, or to be paid, loaned, granted or transferred for, or in consideration of, personal services to any person.</p> <p>I. "Confidential information" means:</p> <ol style="list-style-type: none"> 1. specific information, rather than generalized knowledge, that is not available to the general public on request; or 2. information made confidential by law. <p>J. "Contract" or "grant" means an agreement between two or more persons that creates an obligation to do or not to do a particular thing. "Contract" or "grant" includes, but is not limited to, an employment contract, a lease, a license, a purchase agreement or a sales agreement.</p> <p>K. "Ethics committee" means the committee on ethical conduct for and duly appointed by the City.</p> <p>L. "Employee" means any person holding a regularly compensated position of employment with the City but does not include elected officers and persons who serve without compensation on City boards and</p>
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<p>M. "Exempt employee" shall mean those City employees not represented by a recognized labor union and identified by both the City administration and the applicable labor unions as exempt confidential employees.</p> <p>N. "Family member" means:</p> <ol style="list-style-type: none"> 1. a spouse or domestic partner; or 2. any dependent parent, parent-in-law, child or son-in-law or daughter-in-law; or 3. any parent, parent-in-law, child, son-in-law, daughter-in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of the City officer or employee. <p>O. "Gift" means anything of economic value or tangible worth for which no consideration is given. "Gift" does not include:</p> <ol style="list-style-type: none"> 1. items from family members or friends where it is clear that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee; 2. items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties; 3. items exchanged among officials and employees or a social event hosted or sponsored by a City officer or City employee for coworkers; 4. payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging and subsistence expenses incurred the day before through the day after the event; 5. items a City officer or City employee is authorized by law to accept; 6. payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade or charitable association or institution. As used in this subsection, 	<p>commissions.</p> <p>M. "Exempt employee" shall mean those City employees not represented by a recognized labor union and identified by both the City administration and the applicable labor unions as exempt confidential employees.</p> <p>N. "Family member" means:</p> <ol style="list-style-type: none"> 1. a spouse; or 2. any dependent parent, parent-in-law, child or son-in-law or daughter-in-law; or 3. any parent, parent-in-law, child, son-in-law, daughter-in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of the City officer or employee. <p>O. Gift" means anything of economic value for which no consideration is given. "Gift" does not include:</p> <ol style="list-style-type: none"> 1. items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee; 2. items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties; 3. items exchanged among officials and employees or a social event hosted or sponsored by a City officer or City employee for coworkers; 4. payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging and subsistence expenses incurred the day before through the day after the event; 5. items a City officer or City employee is authorized by law to accept; 6. payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit
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<p>"reasonable expenses" are limited to travel, lodging and subsistence expenses incurred the day before through the day after the event;</p> <p>7. items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;</p> <p>8. campaign contributions reported under chapter 42.17 RCW;</p> <p>9. discounts available to an individual as a member of an employee group, occupation or similar broad-based group;</p> <p>10. awards, prizes, scholarships or other items provided in recognition of academic or scientific achievement;</p> <p>11. attendance of a City officer or employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the officer or employee as a City representative is appropriate;</p> <p>12. an award publicly presented in recognition of public service; or</p> <p>13. any item of nominal value which cannot reasonably be presumed to influence the vote, action or judgment of the City officer or employee, or be considered as part of a reward for action or inaction. An item of nominal value shall include incidental items associated with the professional conduct or courtesies of a City officer or employee's duty including the acceptance during the conduct of official business of such items as refreshments, note pads, pens, pins and books.</p> <p>P. "Head of agency" means the chief executive officer of an agency. In the case of an agency headed by a commission, board, committee or other body consisting of more than one natural person, agency head means the person or board authorized to appoint agency employees and regulate their conduct.</p> <p>Q. "Honorarium" means money or thing of value offered to a City officer or City employee for a speech, appearance, article or similar item or activity in connection with the City officer's or City employee's official role.</p>	<p>professional, educational, trade or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging and subsistence expenses incurred the day before through the day after the event;</p> <p>7. items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;</p> <p>8. campaign contributions reported under chapter 42.17 RCW;</p> <p>9. discounts available to an individual as a member of an employee group, occupation or similar broad-based group;</p> <p>10. awards, prizes, scholarships or other items provided in recognition of academic or scientific achievement;</p> <p>11. attendance of a City officer or employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the officer or employee as a City representative is appropriate;</p> <p>12. an award publicly presented in recognition of public service; or</p> <p>13. any item of nominal value which cannot reasonably be presumed to influence the vote, action or judgment of the officer or employee, or be considered as part of a reward for action or inaction. An item of nominal value shall include incidental items associated with the professional conduct or courtesies of an officer or employee's duty including the acceptance during the conduct of official business of such items as refreshments, note pads, pens, pins and books.</p> <p>P. "Head of agency" means the chief executive officer of an agency. In the case of an agency headed by a commission, board, committee or other body consisting of more than one natural person, agency head means the person or board authorized to appoint agency employees and regulate their conduct.</p> <p>Q. "Honorarium" means money or thing of value offered to a City officer or City employee for a speech, appearance, article or similar item or activity in connection with the City officer's or City employee's official role.</p>
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<p>R. "Household member" means any person having a close relationship with and residing in the same household of the City officer or employee, and having agreed to be jointly responsible for basic living expenses.</p> <p>S. "Person" means any individual, partnership, association, firm, institution or corporation, business or other entity, however constituted, organized or designated.</p> <p>T. "Personal interest" means direct or indirect pecuniary or material benefit accruing to a City officer or employee as a result of legislation or a contract or transaction which is or may be the subject of an official act or action by or with the City except for such contracts or transactions which confer similar benefits to all other persons and/or property similarly situated. For the purpose of this chapter, an City officer or employee is deemed to have a personal interest in the affairs of:</p> <ol style="list-style-type: none"> 1. any person who is a City officer or employee's family member or household member, as defined in this chapter; 2. any business entity in which the City officer or employee is an officer, director or employee; 3. any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the City officer or employee; 4. any person or business entity with whom a contractual relationship exists with the City officer or employee; provided, that a contractual obligation of less than five hundred dollars, or a commercially reasonable loan made in the ordinary course of business or a contract for a commercial retail sale shall not be deemed to create an interest in violation of this chapter. <p>U. "Regulatory agency" means any City board, commission, department or officer, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons.</p> <p>V. "Represented employee" shall mean a City employee represented by a recognized labor union.</p> <p>W. "Responsibility" in connection with a transaction involving the City, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove or otherwise direct City action in respect of such transaction.</p>	<p>R. "Household member" means any person having a close relationship with and residing in the same household of the City officer or employee, and having agreed to be jointly responsible for basic living expenses.</p> <p>S. "Person" means any individual, partnership, association, firm, institution or corporation, business or other entity, however constituted, organized or designated.</p> <p>T. "Personal interest" means direct or indirect pecuniary or material benefit accruing to a City officer or employee as a result of legislation or a contract or transaction which is or may be the subject of an official act or action by or with the City except for such contracts or transactions which confer similar benefits to all other persons and/or property similarly situated. For the purpose of this chapter, an officer or employee is deemed to have a personal interest in the affairs of:</p> <ol style="list-style-type: none"> 1. any person who is a City officer or employee's family member or household member, as defined in this chapter; 2. any business entity in which the City officer or employee is an officer, director or employee; 3. any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the officer or employee; 4. any person or business entity with whom a contractual relationship exists with the officer or employee; provided, that a contractual obligation of less than five hundred dollars, or a commercially reasonable loan made in the ordinary course of business or a contract for a commercial retail sale shall not be deemed to create an interest in violation of this chapter. <p>U. "Regulatory agency" means any City board, commission, department or officer, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons.</p> <p>V. "Represented employee" shall mean a City employee represented by a recognized labor union.</p> <p>W. "Responsibility" in connection with a transaction involving the City, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates,</p>
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<p>X. "Staff Director" means the employee appointed by the City Attorney to, in addition to other responsibilities, assist the Ethics Commission in its duties.</p>	<p>effectively to approve, disapprove or otherwise direct City action in respect of such transaction.</p>
<p>1.04A.030 Prohibited Conduct</p> <p>The following shall constitute a violation of this Code of Ethics:</p> <p>A. General Prohibition Against Conflicts of Interest. In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no current City officer or employee shall have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that might be seen as conflicting with the City officer or employee's proper discharge of his or her official duties, the conduct of official City business or as adverse to the interests of the City. Performance of a legally required duty by a City officer or employee shall not be considered a violation of the Code of Ethics.</p> <ol style="list-style-type: none"> 1. Any 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 or appointing authority of the potential conflict. 2. Upon receipt of such a notification, the supervisor or appointing authority shall take action to resolve the potential conflict of interest within a reasonable time, which may include, but is not limited to, designating an alternative employee to perform the duty that is involved in the potential conflict. The supervisor or appointing authority shall document the disposition of the potential conflict in writing in files maintained by the appointing authority. The supervisor or appointing authority may request an advisory opinion from the Ethics Commission before addressing and resolving of the potential conflict. <p>B. Personal Interests in Contracts Prohibited.</p> <p>No City officer or employee shall participate in his or her capacity as a City officer or employee in the making of a contract in which he or she has a personal interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the City officer or employee has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the</p>	<p>1.043.030 Prohibited Conduct</p> <p>The following shall constitute violations of this code of ethics:</p> <p>A. General Prohibition Against Conflicts of Interest. In order to avoid becoming involved or implicated in a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no current City officer or employee shall have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that might be seen as conflicting with the City officer or employee's proper discharge of his official duties, the conduct of official City business or as adverse to the interests of the City. Performance of a legally required duty by a City officer or employee shall not be considered a violation of the code of ethics.</p> <p>B. Personal Interests in Contracts Prohibited.</p> <p>No City officer or employee shall participate in his capacity as a City officer or employee in the making of a contract in which he has a personal interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the City officer or employee has only a remote interest in the contract, and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, and thereafter the governing body authorizes, approves or ratifies the contract in</p>

<p>contract, and thereafter the governing body authorizes, approves or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the City officer(s) having the remote interest as defined below.</p> <p>C. Remote Interest.</p> <p>For purposes of this section, a "remote interest" means:</p> <ol style="list-style-type: none"> 1. that of a non-salaried non-compensated officer of a nonprofit corporation; 2. that of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; 3. that of a landlord or tenant of a contracting party; 4. that of a holder of less than one percent of the shares of a corporation, limited liability company or other entity which is a contracting party. <p>D. Personal Influence in Contract Selection Prohibited.</p> <p>No City officer or employee shall influence the City's selection of, or its conduct of business with, a corporation, person or firm having or proposing to do business with the City if the City officer or employee has a personal interest in or with the corporation, person or firm, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, as defined in the preceding section. Provided, however, that no City officer or employee may receive anything of value from the City as a result of any contract to which the City shall be a party except for the City officer or employee's salary or lawful compensation.</p> <p>E. Representation of Private Person at City Proceeding Prohibited.</p> <p>No City officer or employee shall appear on behalf of a private person, other than himself/herself or a family member or household member, as defined in this chapter, or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or</p>	<p>good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer(s) having the remote interest as defined below.</p> <p>C. Remote Interest.</p> <p>For purposes of this section, a "remote interest" means:</p> <ol style="list-style-type: none"> 1. that of a non-salaried officer of a nonprofit corporation; 2. that of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary; 3. that of a landlord or tenant of a contracting party; 4. that of a holder of less than one percent of the shares of a corporation, limited liability company or other entity which is a contracting party. <p>D. Personal Influence in Contract Selection Prohibited.</p> <p>No City officer or employee shall influence the City's selection of, or its conduct of business with, a corporation, person or firm having or proposing to do business with the City if the City officer or employee has a personal interest in or with the corporation, person or firm, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, as defined in the preceding section. Provided, however, that no City officer or employee may receive anything of value from the City as a result of any contract to which the City shall be a party except for the officer or employee's salary or lawful compensation.</p> <p>E. Representation of Private Person at City Proceeding Prohibited.</p> <p>No City officer or employee shall appear on behalf of a private person, other than himself or a family member or household member, as defined in this chapter, or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City</p>
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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. Representation of a private person pursuant to a legally required duty by a City officer or employee is permitted and shall not be considered a violation of the Code of Ethics.

F. 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.

G. Personal Interest in Legislation Prohibited.

No City officer or employee may benefit either directly or indirectly 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. City council members' participation in the enactment of legislation shall be governed by chapter 42.23 RCW – The Code of Ethics for Municipal Officers and chapter 42.36 RCW – The Appearance of Fairness Doctrine. City council members shall not be prohibited from participating in the adoption of legislation when the council member has only a remote interest in the legislation, which has been disclosed, and the legislation is applicable to the general public and not unique to the council member.

H. 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, such City officer or employee shall not:

1. Influence or participate in the City's contract selection of or conduct business with such corporation, firm, or person; nor
2. 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.
3. For purpose of this section, a substantial ongoing financial relationship is defined as: expanding beyond just a formal contractual relationship. Rather it encompasses any financial interest,

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. Representation of a private person pursuant to a legally required duty by a City officer or employee is permitted and shall not be considered a violation of the code of ethics.

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H. Disclosure of Confidential Information Prohibited. (moved to SCM 1.04A.030(I))

No City officer or employee shall disclose or use any confidential, privileged or proprietary information gained by reason of his official position for a purpose which is for other than a City purpose or beyond the scope of the officer or employee's authority or responsibility; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request.

direct or indirect, where a City officer, employee, or family member of a City officer or employee is involved in a client-service relationship in which:

- a. the City officer, employee, or family member of a City officer or employee, receives a substantial portion of his or her revenue or like compensation through such relationship, whether received through his or her corporation, firm, or as an individual; or
- b. Such client-service relationship is likely to continue to provide considerable potential business or has provided substantial business in the past. This does not include prior financial relationships that are so far removed in time or rare in frequency as to be insignificant.

4. Corporations, firms or persons doing business with the City shall be advised of this provision, and shall certify, as part of any contract with the City, that they are aware of the restrictions in this policy.

I. Disclosure of Confidential Information

1. 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. "Confidential information" is all information, whether transmitted orally or in writing, that the employee has been informed, is aware, or has reason to believe is intended to be used only for city purposes, is not intended for public disclosure, or is otherwise of such a nature that it is not, at the time, a matter of public record or public knowledge.
2. Confidential information includes, but is not limited to, personal information regarding City officials and employees; private financial and other personal information provided by city taxpayers, license holders, contractors, and customers; intelligence and investigative information, including the identity of persons filing complaints; formulas, designs, drawings, and research data obtained or produced by the city and preliminary, non-final assessments, opinions, and recommendations concerning city policies and actions. Any public official

who is uncertain as to whether certain information is confidential should consult the City Attorney. An employee who is uncertain as to whether certain information is confidential should consult their immediate supervisor or department head.

J. **Acceptance of Compensation, Gifts, Favors, Rewards or Gratuity**

City employees shall not, 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, under the following circumstances:

1. It could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or
2. The gift was intended to serve as a reward for any official action on their part. Public officials and city employees may accept de minimis gifts such as, but not limited to, 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, with such gifts from any one source not to exceed one hundred dollars in value in any twelve-month period. City employees should report any gift to their immediate supervisor. This section shall not apply to gifts made to the city. All such gifts shall be given to the mayor for official disposition. This prohibition shall not apply to those items which are excluded from the definition of gift in SMC 1.04A.020.

K. **Fair and Equitable Treatment.**

1. No City officer or employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use position to secure special privileges or exceptions for himself/herself or for the benefit, gain or profits of any other persons.
2. No City officer or employee shall employ or use the employment of any person under the City officer's or employee's official control or direction for the personal benefit, gain or profit of the City officer or employee or another beyond that which is available to every other person.
3. No City officer or employee shall use City-owned vehicles, equipment, materials, money or property for personal or private

~~I. Improper Use of Position Prohibited~~

No City officer or employee shall knowingly use his office or position to secure personal benefit, gain or profit, or use his position to secure special privileges or exceptions for himself or for the benefit, gain or profits of any other persons.

~~J. Improper Use of City Personnel Prohibited.~~

No City officer or employee shall employ or use the employment of any person under the officer's or employee's official control or direction for the personal benefit, gain or profit of the officer or employee or another.

~~K. Improper Use of City Property Prohibited.~~

No City officer or employee shall use City-owned

convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business (not personal use), and for such purposes and under such conditions as can be reasonably expected to be approved by City policies.

4. Except as authorized by law and in the course of his or her official duties, no City officer or employee shall use the power or authority of his or her office or position with the City in a manner intended to induce or coerce any other person to provide such City employee or any other person with any compensation, gift, or other thing of value directly or indirectly.

5. City Officers and employees are encouraged to participate in the political process on their own time and outside of the workplace by working on campaigns for the election of any person to any office or for the promotion of or opposition to any ballot proposition, but shall not use or authorize the use of City facilities of resources for such purposes except as authorized by the provisions of RCW 42.17.13.

L. 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 this Code of Ethics.

M. 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.

N. 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 his or her 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.

O. Prohibited Conduct After Leaving City Service.

1. Disclosure of Privileged, Confidential or Proprietary Information Prohibited. No former City officer or employee shall

vehicles, equipment, materials, money or property for personal or private convenience or profit. Use is restricted to such services as are available to the public generally, for the authorized conduct of official business, and for such purposes and under such conditions as can be reasonably expected to be approved by City policies.

~~L. Acceptance of Compensation, Gifts, Favors, Rewards or Gratuity Prohibited. (Moved to SMC 1.04A.030(J))~~

~~No City officer or employee may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward or gratuity for a matter connected with or related to the officer's or employee's services with the City of Spokane. This prohibition shall not apply to those items which are excluded from the definition of gift in SMC 1.04.020.~~

1. Impermissible Conduct After Leaving City Service. Disclosure of Privileged, Confidential

<p>disclose or use any privileged, confidential or proprietary information gained because of his or her City employment.</p> <p>2. Participation in City Matters Prohibited. No former City officer or employee shall, within a period of one year after leaving City office or employment:</p> <ul style="list-style-type: none"> 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. <p>3. Duty to Inform. Whenever a City officer or employee wishes to contract with a former City officer or employee for expert or consultant services within one year of the latter's leaving City service, advance notice shall be given to and approval received from the Ethics Commission. Said approval shall be in written form and copied to the mayor at the same time that it is given to the individual making the request.</p> <p>4. Exceptions.</p> <ul style="list-style-type: none"> a. The prohibitions of subsections (2)(a) and (2)(b) of this section shall not apply to a former City officer or employee acting on behalf of a governmental agency if the Ethics Commission has determined that the service to the agency is not adverse to the interest of the City. b. Nothing in this chapter shall prohibit an official elected to serve a governmental entity other than the City of Spokane from carrying out their official duties for that government entity. <p>5. Corporations, firms or persons doing business with</p>	<p>or Proprietary Information Prohibited. No former officer or employee shall disclose or use any privileged, confidential or proprietary information gained because of his City employment.</p> <p>2. Participation in City Matters Prohibited. No former officer or employee shall, within a period of one year after leaving City office or employment:</p> <ul style="list-style-type: none"> a. participate in matters involving the City if, while in the course of employment with the City, the former 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 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 assisted the City in determining the project, or work to be done, or the process to be used. <p>3. Duty to Inform. Whenever a City officer or employee wishes to contract with a former City officer or employee for expert or consultant services within one year of the latter's leaving City service, advance notice shall be given to and approval received from the ethics committee. Said approval shall be in written form and copied to the deputy mayor at the same time that it is given to the individual making the request.</p> <p>4. Exceptions.</p> <ul style="list-style-type: none"> a. The prohibitions of subsections (2)(a) and (2)(b) of this section shall not apply to a former officer or employee acting on behalf of a governmental agency if the ethics committee has determined that the service to the agency is not adverse to the interest of the City. b. Nothing in this chapter shall prohibit an official elected to serve a governmental entity other than the City of Spokane from carrying out their official duties for that government entity.
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<p>the City shall be advised of this provision, and shall certify, as part of any contract with the City, that they are aware of the restrictions in this policy. If a firm or person doing business with the City assists an employee in violating the provisions of the Code, the firm or business may be disbarred, excluded from contracting with the City for 5 years.</p>	
<p>1.04A.040 Penalties for Noncompliance</p> <p>A. If the alleged violating party stipulates to the decision of the Ethics Commission, the decision that violation has occurred and acceptance of the consequences specified in the decision becomes final without hearing. However, if stipulation is not acceptable to the party against whom the complaint is filed, the matter will proceed to hearing by the Ethics Commission.</p> <p>B. A stipulation or hearing 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:</p> <ol style="list-style-type: none"> 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. 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 Career Service Guidelines and any applicable collective bargaining agreement. 6. Costs, including reasonable investigative costs, shall be included as part of the limit under subsection (B)(4) of this section. Costs may not exceed the penalty imposed. 	<p>Section 01.04.060 Penalties for Noncompliance (Replaced by 1.04A.040)</p> <p>A. If the alleged violating party stipulates to the decision of the ethics committee, the decision that violation has occurred and acceptance of the consequences specified in the decision becomes final without hearing. However, if stipulation is not acceptable to the party against whom the complaint is filed, the matter will proceed to hearing by the ethics committee.</p> <p>B. A stipulation or hearing determination by the ethics committee 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 committee:</p> <ol style="list-style-type: none"> 1. A cease and desist order as to violations of this code of ethics. 2. A recommendation to the city council that an appointed board 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 of commission may be suspended for a number of days to be decided by the ethics committee, in lieu of fine but not in lieu of damages. 5. Costs, including reasonable investigative costs, shall be included as part of the limit under subsection (B)(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.

<p>The payment owed on the penalty shall be reduced by the amount of the costs paid.</p> <p>7. As appropriate, the Ethics Commission may refer the disposition of a complaint to the City or County prosecuting attorney's office for appropriate action.</p> <p>8. Damages under this section may be enforced in the same manner as a judgment in a civil court.</p>	<p>6. As appropriate, the ethics committee may refer the disposition of a complaint to the prosecuting attorney's office for appropriate action.</p> <p>7. Damages under this section may be enforced in the same manner as a judgment in a civil court.</p>
<p>1.04A.050 Recall of Elected Official for Violation of Code of Ethics</p> <p>A. Pursuant to City Charter Section 8.5, the city council may consider a resolution to place an elected official's name on a recall ballot based upon the Ethics Commission's recommendation to the city council that the elected official be subject to a recall election. The Ethics Commission must determine that:</p> <ol style="list-style-type: none"> 1. an elected official of the City has knowingly committed a violation of the Code of Ethics, 2. the violation constitutes moral turpitude rendering the elected official unfit to remain in office, and 3. there are no mitigating circumstances. <p>B. In considering whether to place an elected official's name on a recall ballot, the city council shall have a resolution submitted to the city clerk's office setting forth the Ethics Commission's determination and recommendation regarding the violation of the Code of Ethics and calling for a public hearing on the matter. The city council shall schedule a hearing at least thirty days from the date the resolution is submitted to the city clerk's office. A copy of the resolution and hearing date shall be personally served upon the elected official.</p> <p>At the time the city council is scheduled to consider the resolution, the chairperson of the Ethics Commission or the Ethics Commission's designee shall appear before the city council to present the Ethics Commission's determination and recommendation. The Ethics Commission shall deliver to the city council all records maintained by the Commission created pursuant to its review and determination of the matter. The elected official who is the subject of the Ethics Commission's shall be given an opportunity to respond to the Ethics Commission's determination and recommendation and to present argument against passage of the resolution by the city council to place the elected officials name on a recall ballot. Both the Ethics Commission's representative and the elected official shall be permitted to respond to questions from the city council.</p> <p>C. The city council, by a vote of a majority of the city council, may pass the resolution to place the elected</p>	<p>Section 01.04.065 Recall of Elected Official for Violation of Code of Ethics (Replaced by SMC 1.04.050)</p> <p>A. Pursuant to City Charter Section 8.5, the city council may consider a resolution to place an elected official's name on a recall ballot based upon the ethics committee's recommendation to the city council that the elected official be subject to a recall election. The ethics committee must determine that:</p> <ol style="list-style-type: none"> 1. an elected official of the City has knowingly committed a violation of the code of ethics, 2. the violation constitutes moral turpitude rendering the elected official unfit to remain in office, and 3. there are no mitigating circumstances. <p>B. In considering whether to place an elected official's name on a recall ballot, the city council shall have a resolution submitted to the city clerk's office setting forth the ethics committee's determination and recommendation regarding the violation of the code of ethics and calling for a public hearing on the matter. The city council shall schedule a hearing at least thirty days from the date the resolution is submitted to the city clerk's office. A copy of the resolution and hearing date shall be personally served upon the elected official.</p> <p>At the time the city council is scheduled to consider the resolution, the chairperson of the ethics committee or the ethics committee's designee shall appear before the city council to present the ethics committee's determination and recommendation. The ethics committee shall deliver to the city council all records maintained by the committee created pursuant to its review and determination of the matter. The elected official who is the subject of the ethics committee's shall be given an opportunity to respond to the ethics committee's determination and recommendation and to present argument against passage of the resolution by the city council to place the elected officials name on a recall ballot. Both the ethics committee's representative and the elected official shall be permitted to respond to questions from the city council.</p> <p>C. The city council, by a vote of a majority plus two of the city council, may pass the resolution to place the elected official's name on a recall election ballot</p>

<p>official's name on a recall election ballot for action by the voters of the City on the next available general or special election established by state law. The city clerk's office shall forward the required resolution to the Spokane County auditor's office pursuant to state law requesting the ballot proposition be placed on the next available general or special election. The city attorney's office shall be responsible for preparing a ballot synopsis for the recall election and any necessary resolutions or other legal documents.</p> <p>D. If approved by a majority of the electors voting in the election, the elected official shall be removed from office effective the date the recall election results are certified by the Spokane County auditor.</p>	<p>for action by the voters of the City on the next available general or special election established by state law. The city clerk's office shall forward the required resolution to the Spokane County auditor's office pursuant to state law requesting the ballot proposition be placed on the next available general or special election. The city attorney's office shall be responsible for preparing a ballot synopsis for the recall election and any necessary resolutions or other legal documents.</p> <p>D. If approved by a majority of the electors voting in the election, the elected official shall be removed from office effective the date the recall election results are certified by the Spokane County auditor.</p>
<p>1.04A.060 Where to Seek Initial Review</p> <p>A. Any person who has been assessed a monetary fine and/or cost bill, or has been disciplined or removed from office, for a violation of this chapter may seek initial review at the Spokane city council by delivering a written notice of appeal to the office of the city council within twenty days of receiving a decision of the Ethics Commission regarding a written notice of the assessed fine and/or cost bill.</p> <p>B. The notice of appeal shall be in writing and shall include the mailing address and, if different, the street address where papers may be served on the appellant. The notice of appeal shall contain, in separate numbered paragraphs, statements of the specific findings of fact, conclusions of law, or aspects of the fine and/or cost bill on which the appellant seeks review, the basis for the appeal, and a brief statement of the relief requested. The appellant shall attach a copy of the Commission's written decision being appealed.</p> <p>C. The city council will forward a copy of the written notice of appeal to the Ethics Commission and the person making the original complaint within ten days of receiving the notice of appeal from the appellant.</p> <p>D. The Ethics Commission shall provide the city council with a copy of the recorded proceedings and all documents offered into evidence at the Ethics Commission hearing within twenty days of receiving a copy of the written notice of appeal from the council.</p> <p>E. The city council may determine its own procedures for hearing each appeal by majority vote, as long as it does not conflict with the procedures in this chapter.</p> <p>F. In considering the amount of any monetary penalty and/or cost bill, the city council may allow additional testimony. The council may also modify the amount of any monetary penalty and or cost bill.</p> <p>G. Any decision to reverse the Ethics Commission's</p>	<p>Section 01.04.070 Where to Seek Initial Review (Replaced by SMC 1.04A.060)</p> <p>A. Any person who has been assessed a monetary fine and/or cost bill for a violation of this chapter may seek initial review at the Spokane city council by delivering a written notice of appeal to the office of the city council within twenty days of receiving a decision of the ethics committee regarding a written notice of the assessed fine and/or cost bill.</p> <p>B. The notice of appeal shall be in writing and shall include the mailing address and, if different, the street address where papers may be served on the appellant. The notice of appeal shall contain, in separate numbered paragraphs, statements of the specific findings of fact, conclusions of law, or aspects of the fine and/or cost bill on which the appellant seeks review, the basis for the appeal, and a brief statement of the relief requested. The appellant shall attach a copy of the committee's written decision being appealed.</p> <p>C. The city council will forward a copy of the written notice of appeal to the ethics committee and the person making the original complaint within ten days of receiving the notice of appeal from the appellant.</p> <p>D. The ethics committee shall provide the city council with a copy of the recorded proceedings and all documents offered into evidence at the ethics committee hearing within twenty days of receiving a copy of the written notice of appeal from the council.</p> <p>E. The city council may determine its own procedures for hearing each appeal by majority vote, as long as it does not conflict with the procedures in this chapter.</p> <p>F. In considering the amount of any monetary penalty and/or cost bill, the city council may allow additional testimony. The council may also modify the amount of any monetary penalty and or cost bill.</p> <p>G. Any decision to reverse the committee's decision finding a violation must be based solely on the</p>

<p>decision finding a violation must be based solely on the administrative record below and after determining that the Commission's decision was arbitrary, capricious or not supported by substantial evidence in the Commission's record.</p> <p>H. The city council may not modify any part of the Commission's decision under an appeal filed to the city council under this section unless there is a majority plus one vote.</p> <p>I. The Commission's decision shall be deemed to have been upheld unless the city council reverses or modifies the Commission's decision within seventy-five days after the notice of appeal is filed.</p>	<p>administrative record below and after determining that the committee's decision was arbitrary, capricious or not supported by substantial evidence in the committee's record.</p> <p>H. The city council may not modify any part of the committee's decision under an appeal filed to the city council under this section unless there is a majority plus one vote.</p> <p>I. The committee's decision shall be deemed to have been upheld unless the city council reverses or modifies the committee's decision within seventy-five days after the notice of appeal is filed.</p>
<p>1.04A.070 Where to Seek Judicial Review</p> <p>A person who receives a penalty for noncompliance from the Ethics Commission or an adverse decision from the city council upon review pursuant to SMC 1.04.070 may appeal the decisions by seeking a writ from the Spokane County superior court pursuant to chapter 7.16 RCW, or other appropriate legal action.</p>	<p>Section 01.04.080 Where to Seek Judicial Review (Replaced by SMC 1.04A.070)</p> <p>A person who receives a penalty for noncompliance from the ethics committee or an adverse decision from the city council upon review pursuant to SMC 1.04.070 may appeal the decisions by seeking a writ from the Spokane County superior court pursuant to chapter 7.16 RCW, or other appropriate legal action.</p>
<p>1.04A.080 Ethics Commission</p> <p>A. The Ethics Commission shall be comprised of seven members who shall be appointed by the mayor and confirmed by the city council. The initial six members shall be appointed for a one-, two- and three-year term and may be reappointed for one additional three-year term. The seventh member who shall be appointed by members of the Ethics Commission shall serve an initial three-year term and may be reappointed for a second three-year term. The Ethics Commission appointees shall include representatives from the following segments of the community:</p> <ol style="list-style-type: none"> 1. A person with a professional or academic background in the legal profession including attorneys, law professors or members of the judiciary. 2. A person from local business with experience in human resources/personnel. 3. A person who possesses familiarity with politics and the political process. <p>B. All reasonable efforts shall be used to locate individuals who satisfy the requirements in subsection (A). In the event that any one of the requirements in subsection (A) cannot reasonably be satisfied, a substitute may be appointed. The substitute shall have a background in a profession which includes a code of ethics as an element of</p>	<p>Section 01.04.090 Ethics Committee (Replaced by SMC 1.04A.080)</p> <p>The ethics committee shall be comprised of seven members who shall be appointed by the mayor and confirmed by the city council. The mayor, however, shall consider for appointment three nominations recommended by the city council and a fourth nomination recommended by the other six members of the commission. The initial six members shall be appointed for a one-, two- and three-year term and may be reappointed for one additional three-year term. The seventh member shall serve an initial three-year term and may be reappointed for a second three-year term. The ethics committee appointees shall include representatives from the following segments of the community:</p> <ol style="list-style-type: none"> 1. A college or university faculty member with expertise in ethics, personnel or human resources. 2. A person with a professional or academic background in the legal profession including attorneys, law professors or members of the judiciary. 3. A person from local business with experience in human resources/personnel. same as 2. <p>B. All reasonable efforts shall be used to locate individuals who satisfy the requirements in subsection (A). In the event that any one of the requirements in subsection (A) cannot reasonably be satisfied, a substitute may be appointed. The substitute shall have a background in a profession which includes a code of ethics as an element of</p>

profession.

- C. The City Attorney shall appoint a Staff Director to the Ethics Commission. The Staff Director shall provide assistance to the Commission as necessary for the Commission to fulfill its obligations and duties.
- D. Commission members shall serve without compensation. **same as 1.04.090 G**

the profession.

- ~~C. A committee member who has a conflict regarding a specific complaint before the ethics committee shall recuse himself from hearing that complaint, but shall remain a member of the committee for future complaints.~~
- ~~D. The ethics committee shall create a manual of its operating policies, procedures and rules consistent with this chapter and subject to the approval of the city council. The ethics committee shall review its manual at least annually for possible modifications. The manual shall be posted on the ethics committee web pages that will be maintained as part of the City's website.~~
- ~~E. During their tenure, members and employees of the ethics committee are subject to the following restrictions:
 - 1. ~~Restrictions on Holding Office.~~
No member or employee of the ethics committee may hold any other City or County office, or be an officer of a political party.
 - 2. ~~Restrictions on Employment.~~
No member or employee of the ethics committee may be a registered lobbyist or campaign consultant, or be employed by or receive gifts or other compensation from a registered lobbyist or campaign consultant. No member of the ethics committee may hold employment with the City or County and no employee of the committee may hold any other employment with the City or County.
 - 3. ~~Restrictions on Political Activities.~~
No member or employee of the ethics committee may participate in any campaign supporting or opposing a candidate for City elective office, a City ballot measure or a City officer running for any elective office. For the purposes of this section, participation in a campaign includes but is not limited to making contributions to or soliciting contributions from any committee within the ethics committee's jurisdiction, publicly endorsing or urging endorsement of a candidate or ballot measure or participating in decisions by organizations to participate in a campaign.~~
- ~~F. In the event a vacancy occurs, the mayor shall appoint a qualified person to complete the remainder of the term.
 - 1. A member of the committee may be removed only for misconduct pursuant to this chapter.
 - 2. Any member of the ethics committee guilty of official misconduct or convicted of a crime involving moral turpitude shall be removed by the city council upon recommendation by the mayor.~~
- G. Committee members shall serve without

	<p>compensation.</p> <p>H. The committee shall develop educational programs which inform agencies, public officials and city employees about City, state and federal ethics laws, and the importance of ethics to the public's confidence in municipal government, and perform the other duties as set forth in the ordinance creating the committee.</p> <p>I. Prior notification of absence from committee meetings constitutes an excused absence.</p> <p>J. Members and employees of the ethics committee are subject to the post-employment restrictions set forth in the City of Spokane ethics ordinance.</p>
<p>1.04A.090 Duties and Powers</p> <p>A. The Ethics Commission shall, with the assistance of the Staff Director, create a manual of its operating policies, procedures, forms, and rules consistent with this chapter and subject to the approval of the city council. The Ethics Commission shall review its manual at least annually for possible modifications. The manual shall be posted and maintained as part of the City's website. (See 1.04.090 D)</p> <p>B. The Ethics Commission may, subpoena witnesses, compel their attendance, administer oaths, take the testimony of a person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the Commission;</p> <p>1. In case of refusal to obey a subpoena issued to a person, the Ethics Commission shall petition the superior court of a county within the jurisdiction of which the investigation, proceeding or hearing under this chapter is carried on or within the jurisdiction of which the person refusing to obey is found or resides or transacts business for an order requiring the person to appear before the Ethics Commission or its member to produce evidence if so ordered, or to give testimony touching the matter under investigation or in question. Failure to obey such order of the court may be punished by the court as contempt.</p> <p>C. All hearings of the Ethics Commission shall be conducted as contested hearings under applicable provisions of the Spokane Municipal Code and the rules and regulations adopted by the Ethics Commission. All hearings shall be open to the public. 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 laws, chapter 42.56 RCW - Public Records Act.</p> <p>D. A Commission member who has a conflict regarding a specific complaint before the Ethics Commission shall recuse himself or herself from hearing that complaint, but shall remain a member of the</p>	<p>(SMC 1.04.090(D)) <i>The ethics committee shall create a manual of its operating policies, procedures and rules consistent with this chapter and subject to the approval of the city council. The ethics committee shall review its manual at least annually for possible modifications. The manual shall be posted on the ethics committee web pages that will be maintained as part of the City's website.</i></p> <p>(SMC 1.04.050(B)) <i>In case of refusal to obey a subpoena issued to a person, the ethics committee shall petition the superior court of a county within the jurisdiction of which the investigation, proceeding or hearing under this chapter is carried on or within the jurisdiction of which the person refusing to obey is found or resides or transacts business for an order requiring the person to appear before the ethics committee or its member to produce evidence if so ordered, or to give testimony touching the matter under investigation or in question. Failure to obey such order of the court may be punished by the court as contempt.</i></p> <p>SMC 1.04.050C <i>All hearings of the ethics committee shall be conducted as contested hearings under applicable provisions of the Spokane Municipal Code and the rules and regulations adopted by the ethics committee. All hearings shall be open to the public. The record of the hearings, as well as all documents submitted in regards to the complaint and the ethics committee's investigation, shall be subject to public disclosure laws.</i></p>

<p>Commission for future complaints.</p> <p>E. The Ethics Commission may, when circumstances make it necessary to do so, retain outside legal counsel and other experts, as needed, after solicitation of recommendations from the City Attorney (unless the need to retain outside counsel is caused by a conflict involving the City Attorney's Office).</p> <p>F. The Ethics Commission may make recommendations to the city council for amendments to this chapter and for such other legislation affecting the subject matter of this chapter as the Ethics Commission may deem necessary or desirable.</p> <p>G. The Ethics Commission shall develop educational programs which inform agencies, public officials and city officers and employees about City, state and federal ethics laws, and the importance of ethics to the public's confidence in municipal government.</p>	<p>SMC 1.04.090(H)</p> <p><i>The committee shall develop educational programs which inform agencies, public officials and city employees about City, state and federal ethics laws, and the importance of ethics to the public's confidence in municipal government, and perform the other duties as set forth in the ordinance creating the committee.</i></p>
<p>1.04A.100 Ex Parte Communications</p> <p>A. After a complaint has been filed and during the pendency of a complaint before the Ethics Commission, no member of the Commission may communicate directly or indirectly with any party or other person about any issue of fact or law regarding the complaint, except that:</p> <ol style="list-style-type: none"> 1. The members of the Commission may obtain legal advice from the City Attorney or, in the event of a conflict, with independent legal counsel and may discuss the complaint with their staff. 2. The members of the Commission may discuss the complaint at a lawfully conducted meeting. Commission deliberations concerning complaints are subject to exemption from the Open Public Meetings Act, as permitted by law. If any person attempts to communicate with a Commission member regarding the pending complaint, the Commission member shall report the substance of the communication to the Commission on the public record at the next regular meeting of the Commission. 3. The Commission shall not take testimony or comments from any person regarding complaint except as presented in an investigative report or in the course of a duly noticed public hearing. 	
<p>1.04A.110 Complaint Process of the Ethics Commission</p> <p>A. A complaint that this Code of Ethics has been violated by a City employee or a City officer shall be filed with the Ethics Commission.</p> <p>B. Any person may file an official written complaint or</p>	<p>Section 01.04.040 Complaint Process (Replaced by 1.04A.110)</p> <p>A. A complaint that this code of ethics has been violated by a City employee or an elected or appointed official will be filed with the ethics committee.</p>

inquiry with the Ethics Commission asking whether a current City officer or employee has failed to comply with this Code of Ethics.

- C. Complaints and inquiries must be in writing on a form approved by the Ethics Commission. The form shall contain a statement that must be signed and which states that, to the best of the person's knowledge, information, and belief formed after reasonable reflection, the information in the complaint or inquiry is true. The complaint must describe the facts that constitute the violation of this Code of Ethics in sufficient detail so that the Commission and the person who is the subject of the complaint or inquiry can reasonably be expected to understand the nature of any offense that is being alleged.
- D. The Commission, upon receipt of the complaint, shall acknowledge receipt of the complaint, forward the complaint simultaneously to the person who is complained against, if known, and the City Attorney, and promptly meet and review the complaint. As soon as practicable after giving due consideration to a complaint the Commission shall either:
1. Dismiss the complaint based on any of the following grounds:
 - a. It has no jurisdiction;
 - b. The alleged violation, if true, would not constitute a violation of this article;
 - c. The alleged violation is a minor or de minimis violation;
 - d. The complaint or inquiry is, on its face, frivolous, groundless or brought for purposes of harassment;
 - e. The matter has become moot because the person who is the subject of the complaint or inquiry is no longer a City officer or employee;
 - f. The appointing authority has already taken action as a result of finding a violation and the Commission believes the action was appropriate; or
 2. Determine that:
 - a. The complaint alleges facts which, if found to be true, would be sufficient to constitute a violation of the Code of Ethics;
 - b. Further information must be presented for the Commission to determine if a violation of the Code of Ethics has occurred.
- E. If the Commission determines the complaint alleges facts which, if found to be true, would be sufficient to

- B. ~~No person shall knowingly file a false complaint or report of violation of this code of ethics.~~
- C. ~~(replaced by 1.04A.110(K))~~ Any individual who is advised of another's violation of this code is responsible to direct the advising party of this code and its procedure for filing complaints.
- D. ~~Complaints against represented employees are exempt from this chapter.~~
- E. ~~(replaced by 1.04A.110(I))~~ The investigation of complaints shall be completed by the ethics committee and written findings and conclusions prepared within sixty days of the date of the complaint, if possible. ~~The ethics committee's decision shall set forth findings and conclusions demonstrating, based upon a preponderance of the evidence, that the officer or employee has violated this code of ethics.~~ A copy of the written investigation findings and conclusions shall be served on any party against whom a complaint is filed within three days of the ethics committee's final decision. It shall be posted on the City's website for the ethics committee no more than twenty-four hours later. Posting on the website will clearly indicate the disposition of the issue in the text of the link and not in the text of the document only.
- F. ~~As appropriate, the ethics committee may retain an individual or agency for assistance, as approved by the city council.~~
- G. ~~Complaints to the ethics committee will be disposed of through an adjudication process on the basis of:~~
1. ~~whether the ethics committee has jurisdiction;~~
 2. ~~whether the complaint, on its face, alleges facts that, if true, would substantiate a violation;~~
 3. ~~a stipulation between the ethics committee and the officer or employee subject to the complaint resolving the complaint, the determination of compliance and the penalty, if any, to be imposed; and~~
 4. ~~further proceedings in a formal hearing before the ethics committee only if the complaint is not resolved earlier in this adjudication process.~~
- H. ~~The ethics committee will dismiss any complaint over which it does not possess jurisdiction. If the ethics committee has jurisdiction, the complaint may be dismissed under the principle of De minimus non curat lex or pursued further.~~

constitute a violation of the Code of Ethics, it may create a stipulation for the City officer or employee subject to the complaint resolving the complaint, the determination of compliance and the penalty, if any to be imposed.

- F. If the complaint is not resolved by stipulation, or earlier in the adjudication process, or additional information is required to establish the factual record necessary for the Commission to determine whether a violation of the Code of Ethics has occurred, the board may convene a hearing at a future date certain. At such a hearing, the Commission may call additional witnesses or consider additional documentary evidence. After final deliberations on additional testimony, statements, or documents presented at the hearing, the Commission shall determine whether or not a violation of the Code of Ethics has occurred.
- G. Any person who is the subject of a complaint may designate a representative if he or she wishes to be represented by someone else, to present evidence, and to cross-examine witnesses. The person who submitted the complaint and the subject of the complaint must be allowed sufficient time to examine and respond to any evidence not presented to them in advance of the hearing.
- H. After the Commission has made its final determination, the Commission shall issue its written findings of fact and conclusions of law, along with its recommended disposition (if applicable). The Commission may, in addition, issue any additional reports, opinions, or recommendations as it deems advisable under the circumstances. All such reports 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. The Commission's conclusions shall be based on the preponderance of the evidence standard.
- I. The investigation of complaints shall be completed by the Ethics Commission and written findings and conclusions prepared within sixty days of the date of the complaint. A copy of the written investigation findings and conclusions shall be served on any party against whom a complaint is filed within three days of the Ethics Commission's final decision. It shall be posted on the City's website for the Ethics Commission no more than twenty-four hours later. Posting on the website will clearly indicate the disposition of the issue in the text of the link and not in the text of the document only.
- J. The City Attorney may require the investigation of complaints and written findings to be completed by the Ethics Commission, in a reasonable amount of time, less than that stated in (I) in circumstances where the matter should be resolved more quickly.
- K. Any individual who is advised of another's violation of this code is responsible to direct the advising party of this code and its procedure for filing complaints. same as 1.04.110K

SMC 1.04.040(E)

The investigation of complaints shall be completed by the ethics committee and written findings and conclusions prepared within sixty days of the date of the complaint, if possible. ~~The ethics committee's decision shall set forth findings and conclusions demonstrating, based upon a preponderance of the evidence, that the officer or employee has violated this code of ethics.~~ A copy of the written investigation findings and conclusions shall be served on any party against whom a complaint is filed within three days of the ethics committee's final decision. It shall be posted on the City's website for the ethics committee no more than twenty-four hours later. Posting on the website will clearly indicate the disposition of the issue in the text of the link and not in the text of the document only.

<p>1.04A.120 Training</p> <p>A. The Ethics Commission, with the assistance of the Staff Director, shall prepare, distribute and periodically update an employee handbook on the Code of Ethics, after obtaining the city attorney's review. In addition to the updates the Commission shall disseminate any change in policy that results from a finding of the Commission if it applies to other city employees.</p> <p>B. Every appointing authority shall give a copy or electronic version of the handbook and any updates to each employee annually and shall provide annual training to employees regarding the Code of Ethics. Each City employee or official shall read and agree in writing to the City of Spokane Code of Ethics.</p> <p>C. Information shall be provided to employees terminating city service regarding the restrictions on former city employees.</p>	<p>NEW</p>
<p>1.04A.130 Restrictions on Ethics Commission Members</p> <p>A. Restrictions on Holding Office</p> <p>No member or employee of the Ethics Commission may hold any other City or County office, or be an officer of a political party.</p> <p>B. Restrictions on Employment</p> <p>No member or employee of the Ethics Commission may be a registered lobbyist or campaign consultant, or be employed by or receive gifts or other compensation from a registered lobbyist or campaign consultant. No member of the Ethics Commission may hold employment with the City or County and no employee of the Commission may hold any other employment with the City or County.</p> <p>C. Restrictions on Political Activities</p> <p>No member or employee of the Ethics Commission may participate in any campaign supporting or opposing a candidate for City elective office, a City ballot measure or a City officer running for any elective office. For the purposes of this section, participation in a campaign includes but is not limited to making contributions to or soliciting contributions from any Commission within the Ethics Commission's jurisdiction, publicly endorsing or urging endorsement of a candidate or ballot measure or participating in decisions by organizations to participate in a campaign.</p> <p>D. Restrictions after Employment</p>	<p>SMC 1.04.090(E)</p> <p>E. During their tenure, members and employees of the ethics committee are subject to the following restrictions:</p> <ol style="list-style-type: none"> 1. Restrictions on Holding Office. No member or employee of the ethics committee may hold any other City or County office, or be an officer of a political party. 2. Restrictions on Employment. No member or employee of the ethics committee may be a registered lobbyist or campaign consultant, or be employed by or receive gifts or other compensation from a registered lobbyist or campaign consultant. No member of the ethics committee may hold employment with the City or County and no employee of the committee may hold any other employment with the City or County. 3. Restrictions on Political Activities. No member or employee of the ethics committee may participate in any campaign supporting or opposing a candidate for City elective office, a City ballot measure or a City officer running for any elective office. For the purposes of this section, participation in a campaign includes but is not limited to making contributions to or soliciting contributions from any committee within the ethics committee's jurisdiction, publicly endorsing or urging endorsement of a candidate or ballot measure or participating in decisions by organizations to participate in a campaign.

<p>Members and employees of the Ethics Commission are subject to the post - employment restrictions set forth in the City of Spokane Code of Ethics.</p>	
<p>1.04A.140 Vacancy and Removal</p> <p>A. In the event a vacancy occurs, the mayor shall appoint a qualified person to complete the remainder of the term.</p> <ol style="list-style-type: none"> 1. A member of the Commission may be removed only for misconduct pursuant to this chapter. 2. Any member of the Ethics Commission guilty of official misconduct or convicted of a crime involving moral turpitude or dishonesty shall be removed by the city council upon recommendation by the mayor. 	<p>SMC 1.04.090(F)</p> <p>A. <i>In the event a vacancy occurs, the mayor shall appoint a qualified person to complete the remainder of the term.</i></p> <ol style="list-style-type: none"> 1. <i>A member of the committee may be removed only for misconduct pursuant to this chapter.</i> 2. <i>Any member of the ethics committee guilty of official misconduct or convicted of a crime involving moral turpitude shall be removed by the city council upon recommendation by the mayor.</i>
<p>1.04A.150 Limitation Period</p> <p>A. Any action taken under this chapter must be commenced within three years from the date of the violation. However, if it is shown that the violation was not discovered because of concealment by the person charged, then the action must be commenced within three years from the date the violation was discovered or reasonably should have been discovered:</p> <ol style="list-style-type: none"> 1. by any person with direct or indirect supervisory responsibilities over the person who allegedly committed the violation; or 2. if no person has direct or indirect supervisory authority over the person who committed the violation, by the appropriate Ethics Commission. 	<p>Section 01.04.100 Limitation Period</p> <p>A. Any action taken under this chapter must be commenced within five years from the date of the violation. However, if it is shown that the violation was not discovered because of concealment by the person charged, then the action must be commenced within two years from the date the violation was discovered or reasonably should have been discovered:</p> <ol style="list-style-type: none"> 1. by any person with direct or indirect supervisory responsibilities over the person who allegedly committed the violation; or 2. if no person has direct or indirect supervisory authority over the person who committed the violation, by the appropriate ethics committee.
<p>1.04A.160 Applicability</p> <p>The Code of Ethics shall be applicable to all elected or appointed officers and exempt confidential employees and shall not be applicable to represented employees unless the City and the respective labor union have entered into a collective bargaining agreement providing that compliance with the Code of Ethics is a condition of employment.</p>	<p>Section 01.04.110 Applicability</p> <p>The code of ethics shall be applicable to all elected or appointed officers and exempt confidential employees and shall not be applicable to represented employees unless the City and the respective labor union have entered into a collective bargaining agreement providing that compliance with the code of ethics is a condition of employment.</p>
<p>1.04A.170 Advisory Opinions</p> <p>A. Upon request of any employee, the mayor or a member of the city council, or any City Officer, the Ethics Commission may also render written advisory opinions concerning the applicability of the Code to hypothetical circumstances and/or situations solely</p>	<p>Section 01.04.120 Advisory Opinions (Replaced by SMC 1.04A.170)</p> <p>Any person subject to the code of ethics may request an advisory opinion from the ethics committee in order to avoid a</p>

<p>related to the persons making the request.</p> <p>B. Upon request of the mayor, or two members of the city council, the board of ethics may also render written advisory opinions concerning the applicability of the code to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.</p>	<p>future conflict or violation of this code.</p>
<p>1.04A.180 Severability</p> <p>If any section, subsection, 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.</p>	<p>Section 01.04.130 Severability</p> <p>If any section, subsection, 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.</p>