

1 Sponsored by: Councilmembers Calvin Goings, Timothy M. Farrell, Shawn Bunney, File No. 160/Regs
2 Roger Bush, Barbara Gelman, Terry Lee, and Dick Muri
3 Requested by: Pierce County Council
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7 **ORDINANCE NO. 2007-118s2**
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11 **An Ordinance of the Pierce County Council Amending Chapter 3.12 of the**
12 **Pierce County Code, "Code of Ethics," to Address Lobbyist**
13 **Registration and Reporting; to Provide for Advisory**
14 **Opinions; to Expand the Applicability of Financial Disclosure**
15 **Requirements; to Revise Certain Definitions, Prohibited**
16 **Practices, Enforcement Procedures and Penalties; and to**
17 **Make Technical Revisions.**
18

19 **Whereas**, the Council supports the constitutional right of the people to petition
20 their government for the redress of grievances and to freely express their opinions on
21 legislation and issues, and hereby reaffirms its obligation to hear the requests and
22 opinions of all people, and to preserve and maintain the integrity and accessibility of the
23 legislative processes; and
24

25 **Whereas**, the Council recognizes that groups of citizens may choose one among
26 them to present their views and, because of the amount and complexity of the proposed
27 legislation, may employ persons knowledgeable in the legislative process to present
28 their views. Such activities are proper methods for expressing the opinions of a group
29 of citizens; and
30

31 **Whereas**, the Council also recognizes that such activities must be carried out
32 openly so that other citizens are aware of the opinions and requests made in this
33 manner. Legislative decisions can more fully reflect the interests of the broadest cross-
34 section of the people only if the opinions expressed by citizens are known and debated,
35 and if the representatives of citizens or groups are identified and their expenditures and
36 activities are regularly disclosed; and
37

38 **Whereas**, the intent of the Council in enacting such legislation is to encourage an
39 open government process and citizen participation in that process. The execution of
40 this legislation must be carried out in a manner that will not discourage the broadest
41 citizen participation or dissuade individuals from representing their own self interest; and



1 Section 3. A copy of Chapter 3.12 PCC shall be provided to every candidate
2 upon filing for office in Pierce County.

3
4 **PASSED** this _____ day of _____, 2007.

5
6 ATTEST:

PIERCE COUNTY COUNCIL
Pierce County, Washington

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8
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10 _____
11 **Denise D. Johnson**
12 Clerk of the Council

Terry Lee
Council Chair

13
14
15 _____

John W. Ladenburg
Pierce County Executive
Approved _____ Vetoed _____, this
_____ day of _____,
2007.

16
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19
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21 Date of Publication of
22 Notice of Public Hearing: _____

23
24 Effective Date of Ordinance: _____
25



Chapter 3.12

CODE OF ETHICS

Sections:

- 3.12.010 Purpose.**
- 3.12.020 Definitions.**
- 3.12.030 Ethical Standards and Prohibited Practices Enumerated.**
- 3.12.035 Advisory Opinions.**
- 3.12.040 Financial Disclosure.**
- 3.12.050 Administration of Reports.**
- 3.12.054 Lobbyist Registration.**
- 3.12.056 Lobbyist Reporting.**
- 3.12.057 Exemptions.**
- 3.12.060 Hearing Officer.**
- 3.12.070 Ethics Commission.**
- 3.12.080 Enforcement Procedures.**
- 3.12.085 Breach of Confidentiality - Civil Infraction.**
- 3.12.090 Civil Penalties – Other Sanctions Preserved.**
- 3.12.100 Criminal Penalties.**
- 3.12.110 Miscellaneous Administrative Provisions.**
- 3.12.120 Limitation on Actions.**
- 3.12.130 Severability.**

3.12.010 Purpose.

- A. The Pierce County Council recognizes the need for integrity in government and recognizes that the people of Pierce County consider governmental service to be a public trust. Accordingly, it is the purpose of this Chapter to establish ethical standards of conduct for all officials and employees of the County, and for all people dealing with Pierce County government. This Chapter is not to be construed so as to impair the ability of County officials and employees to participate in ceremonial, representational, or informational functions in the pursuit of their official duties.
- B. This Chapter shall be liberally construed in favor of protecting the public's interest in full disclosure of conflicts of interest and promoting ethical standards of conduct for County officials, employees, and persons dealing with Pierce County government.
- C. It is the policy of Pierce County to encourage the full participation and expression of interest of all of the people of Pierce County in the legislative process. The provisions of this Ordinance shall be liberally construed to promote full disclosure of lobbying in order to protect the openness and integrity of the legislative process.



1 **3.12.020 Definitions.**

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

- 4 A. "Anything of value" means meals, lodging and travel other than that authorized by
5 Chapter 3.92 PCC, entertainment, any real or personal property of any kind or the
6 voluntary rendition of services of any kind or the promise of future employment or
7 personal benefit whether or not such items are in the form of a gift, loan, political
8 contribution or award, but shall not include the following:
- 9 1. Items from family members or friends where it is clear beyond a reasonable doubt
10 that the gift was not made as part of any design to gain or maintain influence in the
11 agency of which the recipient is an officer or employee;
 - 12 2. Items related to the outside business of the recipient that are customary and not
13 related to the recipient's performance of official duties;
 - 14 3. Items exchanged among officials and employees or a social event hosted or
15 sponsored by a County officer or County employee for coworkers;
 - 16 4. Payments by a governmental or nongovernmental entity of reasonable expenses
17 incurred in connection with a speech, presentation, appearance, or trade mission
18 made in an official capacity. As used in this subsection, "reasonable expenses" are
19 limited to travel, lodging, and subsistence expenses incurred the day before through
20 the day after the event;
 - 21 5. Items a County officer or County employee is authorized by law to accept;
 - 22 6. Payment of enrollment and course fees and reasonable travel expenses attributable to
23 attending seminars and educational programs sponsored by a bona fide governmental
24 or nonprofit professional, educational, trade, or charitable association or institution.
25 As used in this subsection, "reasonable expenses" are limited to travel, lodging, and
26 subsistence expenses incurred the day before through the day after the event;
 - 27 7. Items returned by the recipient to the donor within 30 days of receipt or donated to a
28 charitable organization within 30 days of receipt;
 - 29 8. Campaign contributions reported under Chapter 42.17 RCW;
 - 30 9. Discounts available to an individual as a member of an employee group, occupation,
31 or similar broad-based group;
 - 32 10. Awards, prizes, scholarships, or other items provided in recognition of academic,
33 scientific or other achievement;
 - 34 11. Any symbolic presentation the nature of which is not to financially benefit the
35 recipient; and
 - 36 12. Relatively inexpensive items of personal property such as a box of candy or a
37 bouquet of flowers which are given as a simple act of human kindness,
38 thoughtfulness and appreciation.
- 39 ~~1. Informational material transferred for the purpose of informing the recipient about~~
40 ~~matters pertaining to official County business and the nature of which is not to~~
41 ~~financially benefit the recipient;~~
 - 42 ~~2. Any symbolic presentation the nature of which is not to financially benefit the~~
43 ~~recipient;~~
 - 44 ~~3. Any reasonable hosting, including travel expenses, entertainment, meals or~~
45 ~~refreshments furnished in connection with appearances, ceremonies and occasions~~
46 ~~reasonably relating to official County business;~~
 - 47 ~~4. Any honorarium as defined herein; or~~



1 5. ~~Relatively inexpensive items of personal property such as a box of candy or a~~
2 ~~bouquet of flowers which are given as a simple act of human kindness,~~
3 ~~thoughtfulness and appreciation.~~

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

8 C. "Business with which an individual is associated" means any business in which the
9 person or a member of the person's immediate family:
10 1. Is a director, officer, partner, employee; or
11 2. Knowingly owns, directly or indirectly, an interest (a) that exceeds one-tenth of one
12 percent of the outstanding stock of all categories if the business is incorporated, or
13 (b) that exceeds 1 percent of the net worth of an unincorporated business, or (c) that
14 exceeds 1 percent of all debt obligations of the business, incorporated or
15 unincorporated; or
16 3. Attributes 5 percent or more of the net worth of the individual to ownership of a
17 financial interest in the business.

18 D. "Candidate" means any individual who seeks election to public office. Pursuant to
19 RCW 42.17.020, an individual shall be deemed to seek election when he first:
20 1. Receives contributions or makes expenditures or reserves space or facilities with
21 intent to promote his candidacy for office; or
22 2. Announces publicly or files for office.

23 E. "Compensation" means payment in any form for real or personal property or services of
24 any kind, ~~unless the context requires a narrower meaning~~; PROVIDED, That
25 "compensation" shall not include per diem allowances or payments made by a
26 sponsoring entity to reimburse a public official for expenses incurred while engaged in
27 the official business authorized by the sponsoring entity.

28 F. "Complainant" means any person filing a complaint of a violation of the Code as set
29 forth in Section 3.12.080.

30 G. "Confidential information" means information exempt from public inspection and
31 copying pursuant to RCW 42.17.310, and information required under Sections 3.12.030
32 and 3.12.080.

33 H. "De minimus" means small, slight or trifling.

34 I. "Elected or appointed official" means any person elected at a general or special election
35 to any executive, legislative or judicial County office and any person who is appointed
36 to fill an elective County office. For purposes of this Code, Superior Court Judges are
37 deemed State officials and are thus excluded from this definition.

38 J. "Ethics Commission" or "Commission" means the Commission referred to in the Pierce
39 County Charter, Section 9.50 and established in Section 3.12.070.

40 K. "Executive" means the individual who serves as Chief Executive Officer of Pierce
41 County pursuant to Pierce County Charter Section 3.20.

42 L. "Expenditure" includes a payment, contribution, subscription, distribution, loan,
43 advance, deposit, gift, contract, promise or agreement to make an expenditure. The term
44 "expenditure" also includes a promise to pay, a payment or a transfer of anything of
45 value in exchange for goods, services, property, facilities or anything of value. For the
46 purposes of this Chapter, agreements to make expenditures, contracts and promises to
47 pay may be reported as estimated obligations until actual payment is made.



1 LM. "Governmental body" means any department, office, commission, council, board,
2 administration or other establishment in the administrative, legislative or judicial branch
3 of County government over which County government may lawfully exercise its
4 jurisdiction.

5 MN. "Hearing Officer" means that person designated in Sections 3.12.060 and 3.12.080 as the
6 proper person to receive complaints of violations of this Ethics Code and to make an
7 initial review of such complaints for the purposes and in the manner as set forth herein.

8 NO. "Honorarium" means money or thing of value offered to a County officer or County
9 employee for a speech, appearance, article, or similar item or activity in connection with
10 the County officer's or County employee's official role, but does not include
11 reimbursement of expenses reasonably incurred ~~reimbursement for expenses in~~
12 ~~connection with speeches, lectures, etc., that could not reasonably be construed as given~~
13 ~~to influence the conduct of the official with relation to official matters.~~

14 OP. "Immediate family" means spouse (unless a legal separation exists), dependents, and any
15 other individuals residing in the person's household.

16 Q. "Lobby" and "lobbying" each mean attempting to influence, by communicating with
17 Councilmembers or Council staff of the Pierce County Council to develop, adopt,
18 modify or reject legislation, or attempting to influence, by communicating with the
19 Executive or Executive staff, to approve or veto adopted legislation, or part thereof,
20 presented to him or her.

21 For purposes of this Chapter, the terms "lobby" and "lobbying" do not include any of
22 the following:

- 23 1. The act of communicating with the members of an association or organization by
24 that same association or organization;
- 25 2. Communications or other actions made by a person related to a quasi-judicial
26 proceeding before the Council;
- 27 3. Communications or actions made by a person related to proposed motions to confirm
28 or reject appointments by the Executive;
- 29 4. Communications or actions made by a person related to proposed motions to
30 exercise the Council's power of confirmation or removal;
- 31 5. Communications or other actions related to proposed employment actions
32 concerning legislative branch employees;
- 33 6. Communications or other actions by any County employee acting within the scope
34 of his or her employment with the County; or
- 35 7. Communications or other actions by representatives of labor organizations related to
36 existing or proposed collective bargaining agreement(s) with the County or other
37 legislation which could affect specific existing or proposed collective bargaining
38 agreements.

39 R. "Lobbyist" means any person who lobbies for compensation.

40 S. "Lobbyist's employer" means the person or persons by whom a lobbyist is employed or
41 otherwise compensated for acting as a lobbyist. For purposes of this Chapter, the term
42 "lobbyist's employer" includes, but is not limited to:

- 43 1. Every person who engages or utilizes the services of any other person to lobby, upon
44 an agreement express or implied, for compensation or for other consideration; and
- 45 2. The officers and employees of such person and/or any third party who is engaged,
46 employed, or utilized by such person to lobby.



1 PT. "Person" means: ~~any individual, business, union, committee, club or other entity~~
2 ~~however constituted, organized or designated, including, without limitation, any~~
3 ~~political, educational, religious or charitable association or group.~~

- 4 1. An individual;
- 5 2. A partnership, limited partnership, public or private corporation, or joint venture;
- 6 3. A nonprofit corporation, organization, or association, including but not limited to, a
7 national, state, or local labor union or collective bargaining organization and a
8 national, state, or local trade or professional association;
- 9 4. A federal, state, or local governmental entity or agency, however constituted;
- 10 5. A candidate, committee, political committee, bona fide political party, or executive
11 committee thereof; and
- 12 6. Any other organization or group of persons, however organized.

13 QU. "Pierce County employee" means any individual who ~~receives compensation at an~~
14 ~~annual rate of \$5,000.00 or more from Pierce County~~ holds a position listed in Section
15 3.08.120 PCC or who is responsible for taking or recommending Pierce County official
16 action of a nonministerial nature with regard to:

- 17 1. Contracting or procurement;
- 18 2. Administering or monitoring grants or subsidies;
- 19 3. Planning or zoning;
- 20 4. Inspecting, licensing, regulating or auditing any person;
- 21 5. Any other activity where the official action has an economic impact of greater than a
22 de minimus nature on the interests of any person. ~~"Pierce County employee" shall~~
23 ~~not include individuals who render services at public expense by court appointment.~~

24 RV. "Pierce County personnel" means any employee or elected or appointed official of
25 Pierce County.

26 SW. "Political contribution" means any advance, conveyance, distribution, transfer of funds
27 or anything of value, including personal and professional services for less than full
28 consideration, loan, payment, pledge, forgiveness of indebtedness, forbearance, gift,
29 deposit, subscription or purchase of a ticket to a testimonial or similar fund-raising affair
30 in connection with a political campaign and any agreement or other obligation to make a
31 political contribution.

32 X. "Quasi-County Department" means any entity, organization, association or agency that
33 receives \$100,000 or more from Pierce County in any fiscal year as compensation, in
34 full or in part, for providing direct services to residents of Pierce County. Examples of
35 quasi-county departments are the Tacoma-Pierce County Health Department, Law
36 Enforcement Support Agency (LESA), the Pierce County Alliance and other similar
37 entities as determined by the Ethics Commission. The Ethics Commission shall appoint
38 a task force which shall hold public hearings, develop criteria for identifying quasi-
39 county departments and recommend a list of entities, organizations, associations and
40 agencies that meet that criteria for adoption by the Ethics Commission. Said list may be
41 amended from time to time by the Commission.

42 FY. "Respondent" means any person who is named by a complainant as allegedly violating
43 this Code.
44



1 **3.12.030 Ethical Standards and Prohibited Practices Enumerated.**

- 2 A. No County personnel shall, except for compensation as provided by law, use his or her
3 office or any confidential information received thereby for any private purpose,
4 including, without limitation: commercial purposes, financial gain, or present or future
5 employment. Private purpose includes benefits received by the County personnel,
6 members of his or her immediate family, and/or a business with which the County
7 personnel is associated.
- 8 B. 1. No person shall offer or give anything of value to County personnel, members of
9 their immediate family or business with which they are associated or to any
10 candidate for elected County office, member of his or her immediate family or
11 business with which he is associated based on any agreement or understanding that
12 the vote or official action of any County personnel or any candidate for elected
13 County office would be determined thereby.
- 14 2. No County personnel or candidate for elected County office shall solicit or accept
15 anything of value based on any agreement or understanding that the vote or official
16 action of any County personnel or any candidate for elected County office would be
17 determined thereby.
- 18 C. 1. No County personnel or candidate for elected County office shall solicit or
19 encourage, directly or indirectly, any political contribution from any County
20 personnel, nor knowingly accept any monetary contribution from County personnel
21 in excess of \$100.00 per candidate per calendar year.
- 22 2. Subsection C.1. above shall not apply to contributions by County personnel who are
23 members of the immediate family of the elected official or candidate; provided,
24 further, that each such contribution by County personnel shall be clearly identified
25 by the donor as having been made by County personnel so that the candidate and/or
26 the candidate's political organization can verify that the funds received are not in
27 excess of the \$100.00 per calendar year limitation. This limitation on contributions
28 is not intended to prohibit County personnel from voluntarily participating during
29 off-duty hours in political activities on behalf of a candidate for County office.
- 30 3. No County personnel or candidate for County office shall use the power or authority
31 of his or her office or position and/or the prospect of future office or position in a
32 manner intended to induce or coerce any other person to provide, directly or
33 indirectly, anything of value to said personnel, candidate or any other person, other
34 than that which results naturally from the lawful and proper performance of one's
35 official duties.
- 36 D. No County personnel shall accept anything of value, other than compensation as
37 provided by law, for assisting any person to present a matter to a governmental body, or
38 to any other County personnel.
- 39 E. No County personnel shall accept anything of value, other than compensation provided
40 by law, for rendering the services for which he or she is legally compensated.
- 41 F. No County personnel shall accept honoraria for any action or activity which is within the
42 scope and duty of his or her employment by Pierce County.
- 43 G. No County officer or County employee may receive, accept, take, seek, or solicit,
44 directly or indirectly, anything of value for a matter connected with or related to the
45 officer's or employee's services as such officer or employee unless otherwise provided
46 for by law.



- 1 ~~F~~H. No former County personnel shall, during the period of one year after leaving County
2 office or employment, disclose or use any information gained by reason of his/her
3 County employment to obtain anything of value for himself or for any other person
4 unless the information is a matter of public knowledge or is available to the public on
5 request.
- 6 ~~G~~I. No person and no County personnel shall:
7 1. Use, request, or permit the use of County motor vehicles, equipment, materials, or
8 property, except in the conduct of official business;
9 2. Use, request, or permit the use of County employee services during County time
10 except in the conduct of official business.
- 11 ~~H~~J. No County personnel shall use his or her official influence to affect an illegal
12 revaluation of any property in which he or she, the immediate family or a business with
13 which he or she is associated has an interest, except through a lawful appearance at a
14 regularly constituted public hearing.
- 15 ~~I~~K. No person and no County personnel shall engage in or aid and abet any act of reprisal
16 against any person as a consequence of that person's having made a report of violation to
17 the Hearing Officer. Institution of formal court proceedings shall not be considered an
18 act of reprisal.
- 19 ~~J~~L. No person and no County personnel shall commit or allow any breach of confidentiality
20 as required by this Code of Ethics in connection with any report or investigation of a
21 violation.
- 22 ~~K~~M. No person and no County personnel shall knowingly and intentionally induce or coerce
23 or attempt to induce or coerce anyone to violate any provision of this Code of Ethics.
- 24 ~~L~~N. No person and no County personnel shall knowingly file a false charge or report of
25 violation of this Code of Ethics with the Hearing Officer.
- 26 O. No lobbyist or lobbyist's employer as defined in this Chapter shall offer or give anything
27 of value to County personnel, members of their immediate family or business with
28 which they are associated or to any candidate for elected County office, member of his
29 or her immediate family or business with which he is associated, provided, however, that
30 this prohibition does not apply to political contributions otherwise permitted by law.
- 31 P. No County personnel or candidate for elected County office shall solicit or accept
32 anything of value from a lobbyist or lobbyist's employer as defined in this Chapter,
33 provided, however, that this prohibition does not apply to political contributions
34 otherwise permitted by law.

35
36 **3.12.035 Advisory Opinions.**

- 37 A. Any person subject to or affected by Section 3.12.030 of this Code of Ethics may
38 request a written advisory opinion. The request must be in writing and shall explain all
39 the pertinent facts and circumstances. Advisory opinions are intended to assist the
40 person seeking advice and to guide future conduct.
- 41 B. The Commission retains the sole discretion to determine in which cases an advisory
42 opinion will be issued. Factors the Commission may consider when determining in
43 which cases an advisory opinion will be issued include, but are not limited to whether
44 the issue presented is one of general application, one that has been recently addressed by
45 the Commission, or one that is likely to be the subject of controversy or dispute.
- 46



1 **3.12.040 Financial Disclosure.**

- 2 A. 1. All candidates for County elective office, within two weeks of becoming a candidate
3 as defined under RCW 42.17.020, as enacted or hereafter amended and all persons
4 recommended by a party central committee to the County Council for appointment
5 to a vacant elective County office, within five days of acceptance of such
6 recommendation; shall file with the County Auditor a copy of the completed report
7 required to be filed under RCW 42.17.240, as enacted or hereafter amended, and
8 commonly referred to as Form F-1 or F-1-A, which bears an original signature of the
9 person filing the report. All elected or appointed officials, on or before the date
10 provided by State law, shall file with the County Auditor a copy of the completed
11 report required to be filed under RCW 42.17.240, as enacted or hereafter amended.
12 These reports shall be public documents filed in the Auditor's office.
- 13 2. In addition to the persons enumerated in subsection A.1. above, the County Council
14 may, by ordinance, require other County personnel to file with the County Auditor a
15 copy of the report required to be filed by RCW 42.17.240, as enacted or hereafter
16 amended, and commonly referred to as Form F-1, which bears an original signature
17 of the person filing the report.
- 18 B. It shall be sufficient to report ~~whether~~ amounts disclosed under subsection A. of this
19 Section ~~are~~ **within the ranges permitted by state law, Ch. 42.17 RCW and WAC**
20 **390-24:**
- 21 1. ~~Less than \$1,000;~~
22 2. ~~At least \$1,000, but less than \$5,000;~~
23 3. ~~At least \$5,000, but less than \$10,000;~~
24 4. ~~At least \$ 10,000, but less than \$25,000;~~
25 5. ~~At least \$25,000.~~
- 26 C. ~~All elected or appointed officials shall make a report for each honorarium received while~~
27 ~~in office, including a description of services performed, date of payment, payor's name~~
28 ~~and address, and amount received, and shall file such report with the Auditor during~~
29 ~~January of the next succeeding year after the honorarium is received.~~
- 30 C. **Council Administrators, the District Court Administrator, the Superior Court**
31 **Administrator, the Executive's Chief of Staff, all Executive department directors, and**
32 **appointees to Executive department director positions shall comply with the financial**
33 **disclosure requirements of this Section.**
- 34 D. **Chief Executive Officers, or the equivalent, of quasi-county departments shall make the**
35 **financial disclosures required of County officials in this Section. This subsection shall**
36 **not be implemented until the Ethics Commission has adopted its list of quasi-County**
37 **departments as described in PCC 3.12.020 X.**

38
39 **3.12.050 Administration of Reports.**

40 With respect to those reports required to be filed under Section 3.12.040, the County Auditor
41 shall:

- 42 A. Provide forms for reports, statements, notices and other forms required, and furnish the
43 same to persons required to file such statements and reports;
- 44 B. Accept and file any information voluntarily supplied that exceeds the requirements;
- 45 C. Make statements and reports filed available during regular office hours for public
46 inspection and copying upon written and signed request, and make copying facilities
47 available at a charge not to exceed actual cost;



- D. Compile and maintain an index of all reports and statements filed to facilitate public access to such reports and statements; and
- E. Preserve statements and reports filed for a period consistent with the period provided in RCW 42.17.450, as enacted or hereafter amended.
- F. Post an index of statements and reports filed on the Auditor's website.

3.12.054 Lobbyist Registration.

- A. All lobbyists shall comply with the registration requirements set forth in RCW 42.17.150. All registration statements and notices required therein shall be filed with the Pierce County Auditor.
- B. The registration filing fee shall be \$25.00.
- C. The Auditor shall provide copies of lobbyist registration forms to the Clerk of the Council, Executive, and Prosecuting Attorney on a monthly basis.
- D. The Auditor shall maintain a list of currently registered lobbyists on the Auditor's website.

3.12.056 Lobbyist Reporting.

- A. Any lobbyist registered under PCC 3.12.054 shall file with the Auditor periodic reports of his or her activities signed by the lobbyist. The reports shall be made in the form and manner prescribed by the state Public Disclosure Commission pursuant to RCW 42.17.170.
- B. In addition to the information required by the Public Disclosure Commission in RCW 42.17.170(2), the periodic report shall contain:
 - 1. The subject matter of proposed legislation or other legislative activity or policy adoption and the county agency considering the same, which the lobbyist has been engaged in supporting or opposing during the reporting period.
 - 2. Such other information relevant to lobbying activities as the Ethics Commission shall prescribe. Information supporting such activities as are required to be reported is subject to audit.
- C. An index of all lobbyist reports and statements filed pursuant to this Chapter shall be posted on the Auditor's website.

3.12.058 Exemptions.

The following persons and activities shall be exempt from registration and reporting under PCC 3.12.054 and 3.12.056.

- A. **Citizen Lobbyists.** Persons who lobby without compensation or with compensation or other consideration limited to reimbursement for minor incidental personal expenses, such as mileage, parking, meals, photocopying, telephone, and facsimiles, for acting as a lobbyist shall be considered citizen lobbyists and shall be exempt from registration. The exemption contained in this Section is intended to permit and encourage citizens of the County to lobby any Councilmember or the Executive without incurring any registration or reporting obligation. Any person exempt under this Section may, at his or her option, register and report under this Chapter.



- 1 B. **Technical Experts.** It is understood that some entities or organizations may employ a
 2 specific person or persons as lobbyists. In addition, other employees of certain entities
 3 or organizations, or contracted experts, may have occasion to meet on an irregular basis
 4 with Councilmembers or the Executive or appear before public sessions of the Council
 5 or its committees to provide information or expert testimony. Such other employees or
 6 contracted experts shall not be required to register or report under this Chapter only if:
 7 1. They restrict their activities as defined in this Section to no more than six days or
 8 parts thereof during any quarter. Appearing before public sessions of the Council
 9 and committees of the Council are not counted towards the six days; and
 10 2. They are not registered as a lobbyist with the Washington State Public Disclosure
 11 Commission as a representative of the same client or organization for which they are
 12 an employee or contracted technical expert.
 13 Any person exempt under this Section may, at his or her option, register and report
 14 under this Chapter.
- 15 C. **Governmental Officials, Officers and Employees.** Except for a person or persons
 16 specifically employed or otherwise retained by a governmental agency to lobby, elected
 17 officials, officers and employees of any local, state or federal government agency acting
 18 within the scope of their representation of or employment with such agency are not
 19 required to register or report under this Chapter.
- 20 D. **Media Persons.** News or feature reporting activities and editorial comment by working
 21 members of the press, radio or television and the publication or dissemination thereof by
 22 a newspaper, book publisher, regularly published periodical, radio station, on-line media
 23 person or television station shall be exempt from registration and reporting under this
 24 Chapter. Any person exempt under this Section may, at his or her option, register and
 25 report under this Chapter.

26
 27 **3.12.060 Hearing Officer.**

- 28 A. There is established the position of "Hearing Officer" whose function will be to receive
 29 written complaints of alleged violations of this Ethics Code, and to investigate the
 30 complaints in order to make an initial threshold determination whether probable cause
 31 exists to believe that a violation of this Code has occurred, all as set forth in Section
 32 3.12.080.
- 33 B. The Hearing Officer shall be selected by the Ethics Commission by majority vote for a
 34 one year contract. The Hearing Officer's contract may be renewed by a majority vote of
 35 the Commission. The Hearing Officer shall be a member in good standing with the
 36 Washington State Bar Association, ~~currently licensed to practice law in the State of~~
 37 ~~Washington,~~ shall have been ~~so~~ licensed to practice law in the State of Washington for a
 38 minimum of five years, and shall have prior judicial experience as a member of the
 39 Superior Court or Appellate Court Bench. If an individual with prior judicial experience
 40 is unavailable to serve, this requirement may be waived. Because of its sensitive
 41 position, the Hearing Officer must avoid even the appearance of a conflict of interest.
 42 Therefore, the Hearing Officer shall be bound by the same restrictions as are set forth in
 43 Section 3.12.070 for members of the Ethics Commission.
- 44 C. The Hearing Officer shall be compensated for the time devoted to the performance of his
 45 or her official duties at a rate to be negotiated between the Ethics Commission and the
 46 Hearing Officer, subject to the approval of the Executive. The Hearing Officer shall be



1 reimbursed for reasonable and necessary expenses incurred in the performance of his or
2 her official duties.

- 3 D. Whenever a Hearing Officer selected under this Code is either temporarily or
4 permanently unable to perform the duties of this position, the Commission shall select a
5 temporary replacement or permanent successor in the manner provided for in subsection
6 B. of this Section.
7

8 **3.12.070 Ethics Commission.**

- 9 A. There is established an "Ethics Commission" composed of five members appointed by
10 the County Executive and subject to confirmation by a majority of the Council. These
11 members shall serve without pay.
- 12 B. At least one member of the Commission shall be licensed to practice law in the State of
13 Washington and all members shall be registered voters in the State of Washington.
- 14 C. At least three members of the Commission shall be employed in or retired from the
15 private sector.
- 16 D. The original members shall be appointed within 60 days after adoption of the ordinance
17 codified in this Chapter. Two of the original five members shall serve initial terms of
18 two years and one of the original members shall serve an initial term of one year, as
19 determined by the drawing of lots. Thereafter, members of the Commission shall be
20 appointed to three-year terms. Members shall serve until his or her successor is
21 appointed or for 60 days following the expiration of the term, whichever is sooner.
- 22 E. No member of the Commission, during his or her tenure, shall:
23 1. Hold or campaign for elective office;
24 2. Be an officer of any political party or political committee;
25 3. Make contributions, or permit his or her name to be used in support of, or in
26 opposition to, any candidate for County office;
27 4. Lobby or employ or assist a lobbyist.
- 28 F. No person shall be eligible for appointment to more than two three-year terms, except as
29 provided in subsection ~~F~~**G**. of this Section.
- 30 G. An individual appointed to fill a vacancy occurring other than by the expiration of a
31 term of office shall be appointed for the unexpired term of the member he or she
32 succeeds, and shall be eligible for appointment to two full three-year terms thereafter.
33 Any vacancy occurring on the Commission shall be filled within 60 days in the manner
34 in which that position was originally filled. A vacancy shall not impair the powers of
35 the remaining members to exercise all the powers of the Commission.
- 36 H. The Commission may select a presiding officer in the manner it deems appropriate.
- 37 I. Three members of the Commission shall constitute a quorum and a vote of three
38 members is required for any action or recommendation of the Commission. The
39 Commission shall meet as frequently as it deems necessary, provided that ten days
40 advance written notice is mailed to each Commission member and to any person who
41 has filed a request to be notified of such meetings.
- 42 J. In addition to the duties prescribed by the Code of Ethics, the Commission shall have the
43 following powers:
44 1. Following a determination of probable cause by the Hearing Officer, act as the
45 primary investigative body for violations of the provisions of this Chapter;
46 2. Preserve all files, statements, correspondence and records of proceedings for a
47 period of seven years.



3. To adopt procedures to govern the conduct of the Commission.
 4. To conduct investigations and hold hearings.
 5. To advise the Executive as to budget requirements and make expenditures in accordance with the annual budget.
 6. To request the services of the Prosecuting Attorney.
 7. To consider questions of ethical conduct if in the public interest, and to issue advisory opinions.
 8. To make recommendations to the County Executive and the County Council for amendments to this Chapter and for such other legislation affecting the subject matter of this Chapter as the Commission may deem necessary or desirable.
 9. To provide through coordination with the Human Resources Department, a continuing program of education, assistance, and information regarding ethical conduct to all county officers and employees.
- K. When, in the judgment of the Executive, a member of the Ethics Commission has violated any provision of this Ethics Code or other law or has engaged in any of the activities prohibited in subsection ~~D~~E. of this Section, the Executive may recommend to the County Council that the member be removed. Upon concurrence of a majority of the Council the member shall be removed from the Commission, a vacancy declared and a new member appointed.
- L. Members of the Ethics Commission shall not discuss any hearing or investigation regarding a violation or alleged violation of this Code of Ethics, nor divulge the identity of any complainant or respondent except through the process prescribed by this Code.
- M. All meetings of the Ethics Commission shall comply with the Open Public Meetings Act, Chapter 42.30 RCW.
- N. The County shall provide ~~\$1,500.00~~ 10,000 annually to the Commission, through the annual budget process, to cover the costs of staff assistance.

3.12.080 Enforcement Procedures.

- A. Any person who has personal knowledge of a violation of this Ethics Code may file a complaint of the violation with the Hearing Officer. Complaints shall be submitted on a form prepared by the Ethics Commission and shall be delivered to the Hearing Officer at a location to be determined by the Hearing Officer in a sealed blank envelope. Complaints shall include, but not be limited to, the following:
1. Identity of complainant;
 2. Identity of alleged Ethics Code violator;
 3. Detailed description of activity constituting violation including dates and locations of violations;
 4. Section of Ethics Code believed to be violated, if known;
 5. Identity of other persons with knowledge regarding alleged violation, if known;
 6. A statement by the complainant that he or she will maintain confidentiality regarding the fact that a complaint has been filed with the Ethics Commission, and that he or she understands that failure to maintain such confidentiality may jeopardize the process and result in an invalidation of the complaint. Breach of confidentiality by a complainant regarding the fact that a complaint has been filed constitutes a Class 1 civil infraction as defined by Chapter 1.16 PCC.



- 1 B. If a complainant breaches confidentiality regarding the fact that a complaint has been
2 filed, **the complaint may be dismissed as provided in Section 3.12.090 C. unless** the
3 subject of the complaint ~~may file~~ a request with the Commission to complete the
4 investigation.
- 5 C. Upon receipt of the above-described complaint, the Hearing Officer shall conduct such
6 investigation of the allegations contained therein as he or she deems necessary and
7 appropriate in order to make an initial determination as to whether probable cause exists
8 to believe that a violation of this Ethics Code has occurred.
- 9 D. If the Hearing Officer is satisfied that there is no probable cause to believe that a
10 violation of this Ethics Code has occurred, he or she shall:
- 11 1. So notify the complainant and the subject of the complaint; **in writing. Written**
12 **correspondence shall be deemed received within three days of the postmarked date.**
- 13 2. Prepare written findings and conclusions regarding the complaint stating the factual
14 basis for the findings and the legal basis for the conclusions;
- 15 3. File the findings, conclusions and a notice of no probable cause with the Ethics
16 Commission;
- 17 4. If he or she believes a criminal act of a type not covered by the Ethics Code was
18 committed, submit his or her file to the appropriate law enforcement authorities;
- 19 5. Take no further action other than as specified above and maintain confidentiality
20 regarding his or her investigation.
- 21 E. In the event complainant believes that the Hearing Officer did not fairly and impartially
22 review his or her complaint prior to determining no probable cause, complainant may
23 file, **by mailing to the Ethics Commission,** a request for reconsideration with the Chair
24 of the Commission. A statement that the Hearing Officer did not make a fair and
25 impartial review because of reasons of conflict of interest, bias or prejudice must be
26 attached to the request for reconsideration.
- 27 1. The statement must set forth facts and reasons for the belief that the conflict of
28 interest, bias or prejudice exists.
- 29 2. The statement shall be **filed postmarked** no more than **ten 20 calendar** days after
30 complainant ~~receives~~ **is deemed to receive** notice of the Hearing Officer's original
31 finding of no probable cause.
- 32 3. The Chair shall rule on the adequacy of the statement prior to referring the
33 statement to the Commission. The Commission shall then review the original
34 complaint, the statement, any other written materials which were considered by the
35 Hearing Officer, and the Hearing Officer's findings and conclusions, to determine if
36 probable cause exists. If four Commission members find that probable cause does
37 exist, the Commission shall:
- 38 a. Prepare and file its own written findings and conclusions;
- 39 b. Proceed as set forth in subsection F. of this Section.
- 40 4. Should it appear to the satisfaction of four members of the Commission at any time
41 that any of the statements presented to it pursuant to this Section are presented in bad
42 faith or solely for the purpose of harassing a respondent or prolonging the
43 investigation, the Commission shall order the complainant submitting them to pay to
44 the Commission and the respondent the amount of reasonable expenses which the
45 filing of the statement caused it to incur, including reasonable attorneys fees, and
46 shall declare no violation has occurred.



- 1 F. If the Hearing Officer finds probable cause to believe an Ethics Code violation has
2 occurred, he or she shall:
- 3 1. Prepare written findings and conclusions regarding the complaint stating the factual
4 basis for the findings and the legal basis for the conclusions;
 - 5 2. File the findings and conclusions and a notice of probable cause with the Ethics
6 Commission;
 - 7 3. ~~If he believes a criminal act of a type not covered by the Ethics Code was~~
8 ~~committed,~~ Submit his or her file to the appropriate law enforcement authorities **if**
9 **he or she believes a criminal act of a type not covered by the Ethics Code was**
10 **committed**;
 - 11 4. Take no further action other than as specified above and maintain confidentiality
12 regarding the complaint, the investigation and findings.
- 13 G. Except as set forth in this Section, the Hearing Officer and the Commission shall keep in
14 strict confidentiality the fact that a complaint has been received, the contents of the
15 complaint, the identity of the party making the complaint, the results of the investigation
16 and the Hearing Officer's findings and conclusions.
- 17 H. Upon receipt of the Hearing Officer's findings of probable cause, the Commission may
18 choose between the two courses of action as follows:
- 19 1. Refer the matter to the office of the Pierce County Prosecutor for criminal
20 prosecution; provided, that upon a determination that the proof beyond a reasonable
21 doubt necessary for criminal conviction is not available, the office of the County
22 Prosecutor may refer the matter back to the Commission for proceedings consistent
23 with the civil burden of proof; e.g., a simple preponderance of the evidence; or
 - 24 2. Retain the matter for its own formal investigation with a view toward the ultimate
25 imposition of a civil penalty or penalties in the event it is determined an actual
26 violation has occurred.
- 27 I. Should the Commission decide to retain the matter for its own formal investigation
28 pursuant to subsection G.2. above, the Commission shall notify, in writing, the
29 complainant, and the respondent, of its decision to pursue a formal investigation by way
30 of holding a hearing to determine if a violation has occurred.
- 31 J. Respondents shall be informed as to their rights to have the hearing either open or closed
32 to the public pursuant to the requirements of RCW 42.30.110(1)(f) and (2).
- 33 K. 1. Hearings conducted by the Commission shall be informal with technical rules of
34 evidence not applying to the proceedings except the rules of privilege recognized by
35 law. The respondent may be represented by legal counsel and/or by his or her
36 bargaining representative and may present and cross-examine witnesses and give
37 evidence before the Commission. The Commission may call witnesses on its own
38 motion and compel the production of books, records, papers or other evidence
39 needed. To that end the Ethics Commission shall issue subpoenas and subpoenas
40 duces tecum at the request of the Commission or the person complained against. All
41 testimony shall be under oath administered by a member of the Commission. The
42 Commission may adjourn its hearing from time to time in order to allow for the
43 orderly presentation of evidence.
- 44 2. Upon motion of respondent or upon its own motion, the Commission may
45 temporarily stay or permanently suspend its investigation when, in its informed
46 discretion, the manifest needs of justice and fairness will be better served thereby.



1 3. Commission shall prepare an official record of the hearing, including all testimony
2 which shall be recorded manually or by mechanical device, and exhibits; provided,
3 the Commission shall not be required to transcribe such records unless an individual
4 entitled to knowledge of the contents of the record presents a request accompanied
5 by payment of the cost of transcription.

6 L. Within 30 **calendar** days after the conclusion of the hearing, the Commission shall,
7 based upon a preponderance of the evidence, make and fully record, in its permanent
8 records, findings of fact, conclusions of law, and an order containing the final
9 disposition including where appropriate the civil sanction(s) imposed. A copy of the
10 findings, conclusions and order shall be forwarded by registered mail to the complainant
11 and to the respondent at addresses provided by both persons to the Commission.

12 M. Any person found, by final written order of the Commission, to be in violation of this
13 Code of Ethics may appeal the Commission's decision in the manner and form as
14 provided by State law.

15 N. If no appeal is perfected within the 30 **calendar** days following the date of the
16 Commission's final order, and voluntary compliance with the order does not occur, the
17 County Prosecutor shall petition in Superior Court for enforcement of the Commission's
18 order in a manner patterned after that which is currently provided for enforcement of
19 orders entered by the State Public Disclosure Commission in RCW 42.17.397 (Laws of
20 Washington, 1975-76 2d ex. s.c. 112-13).
21

22 **3.12.085 Breach of Confidentiality - Civil Infraction.**

23 Any complainant who breaches confidentiality regarding the fact that a complaint has been
24 filed with the Ethics Commission shall be subject to a Class 1 civil infraction citation pursuant to
25 Chapter 1.16 PCC.
26

27 **3.12.090 Civil Penalties – Other Sanctions Preserved.**

28 A. Whenever the Commission determines that a violation of any provision of this Code has
29 occurred, it may issue an order to the violator to comply with any one or more of the
30 following requirements:

- 31 1. To cease and desist violation of this Chapter;
- 32 2. To file any reports or other documents or information required by this Chapter;
- 33 3. To pay a civil penalty of not more than \$500.00, or an amount not exceeding three
34 times the economic value of anything received or sought in violation of this Chapter,
35 whichever is greater;
- 36 4. To pay any damages sustained by the County which are caused by the conduct
37 constituting the violation; or
- 38 5. To pay a civil penalty of \$10.00 per day for each day that a properly completed
39 statement or report required by Section 3.12.040 has not been filed within the time
40 required, up to a maximum of \$250.00.

41 B. Violators shall be subject to the penalties as set forth in this Code of Ethics, but may be
42 subject to other liabilities to the extent that their conduct violates other provisions of the
43 law, including without limitation, RCW 9A.68.010 through 9A.68.050 (Bribery and
44 Corrupt Influence) and RCW 9A.80.010 (Abuse of Office), and to such extent criminal
45 penalties shall be imposed in accordance with State law.



- 1 C. In addition to the above sanctions, should the complainant violate the confidentiality
2 provisions of subsection J. of Section 3.12.030, the Ethics Commission shall **may** order
3 dismissal of the complaint unless otherwise requested by the subject of the complaint.
- 4 D. Any sanction imposed under this Chapter is in addition to and not in lieu of any other
5 penalty or sanction that may be imposed according to law or equity, including removal
6 or recall from office, employee disciplinary action, or injunctive relief to ensure that any
7 violation of this Chapter cease and desist and/or that any statement or other information
8 required by this Code of Ethics be filed.
- 9 **E. The violation or failure to comply with Section 3.12.054 or 3.12.056 shall constitute a
10 civil infraction for which a monetary fine of up to \$1,000.00 shall be assessed. Each
11 violation shall be a separate violation and shall be subject to the fine. Any action
12 seeking to establish the fact of a violation and imposition of a monetary fine under this
13 Section shall be commenced by Pierce County.**

14
15 **3.12.100 Criminal Penalties.**

- 16 A. A misdemeanor, as used in this Section, is punishable by imprisonment in the County
17 jail for not more than 90 days, or by a fine of not more than ~~\$250.00~~ **1,000.00**, or by
18 both.
- 19 B. Any person or County personnel who knowingly violates any provision of subsections
20 C.3., **JL**, and/or **LN**. of Section 3.12.030 (Ethical Standards and Prohibited Practices
21 Enumerated) shall be guilty of a misdemeanor.

22
23 **3.12.110 Miscellaneous Administrative Provisions.**

24 It shall be the responsibility of all elected or appointed officials to distribute this Code of
25 Ethics to each employee under his **or her** official authority. Distribution must be made within 90
26 days of the adoption hereof. Each employee receiving a copy shall initial a list indicating receipt
27 of the Code. The Human Resources Department shall be responsible for maintaining the lists as
28 public documents. The responsibility of distributing Ethics Codes shall be continuous, requiring
29 present and future elected officials to distribute true copies to all new employees and to require
30 written indication of receipt of such copies.

31
32 **3.12.120 Limitation on Actions.**

- 33 A. Prosecutions for misdemeanors as set forth in this Code of Ethics must be commenced
34 within one year after the date when the violation occurred.
- 35 B. Any other action brought under the provisions of this Ethics Code must be commenced
36 within two years after the date when the violation occurred. For purposes of this
37 limitation, the filing of a complaint with the Hearing Officer shall be deemed to have
38 "commenced" an action.

39
40 **3.12.130 Severability.**

41 If any provision of this Chapter or its application to any person or circumstance is held
42 invalid, the remainder of the Chapter or the application of the provision to other persons or
43 circumstances shall not be affected.

44

