

APPENDIX A – ETHICS HANDBOOK

City of Ferndale Ethics Policy and Integrity Statement

Public trust is the cornerstone of a healthy city government. City Elected Officials are in a unique position to influence the public's confidence and trust since they are the visible representatives of the City. Elected officials must be committed to a philosophy of ethical behavior and integrity. To this end this Ethics Handbook has been adopted to serve as a guide in assessing behaviors and decisions that may compromise the City's and the public's standards of behavior.

Note: This Handbook is intended to supplement relevant state law regarding ethics including but not limited to RCW 42 Public Officers and Agencies and RCW 35A.12 Mayor-Council Plan of Government.

GENERAL CHARACTER AND STANDARDS OF PERFORMANCE

The preservation of public trust is critical for the preservation of democracy. At the core of ethical behavior are some basic standards that public officials should use to reach a level of conduct that strives to be beyond reproach. Some of the items that define the general character of high ethical behavior include the following:

Honesty and Integrity – The public trust in the City Council and Mayor can be a reality only when public officials are truthful.

Impartiality and Respect – All issues and all citizens shall be handled with fairness, impartiality, and respect. This includes dividing time reasonably among potential speakers on an issue at a public hearing and being accessible, open and direct to other members of the Council and Mayor. The public is entitled to communicate with their public servants and to understand the position of the Council on public issues.

Fair and Equitable Treatment – As public servants, we must perform our duties in a fair and equitable manner. This means that elected officials shall not exceed their legal authority to assist private entities or individuals where this would result in preferential treatment, not permitting oneself to be placed under any kind of personal obligation that could lead to expectations of favors, and not treating anyone less favorably because of their race, color, creed, religion, national origin, age, sex, or political affiliation.

Effort – Elected officials have an obligation to attend meetings and to be prepared. It is expected that officials will review materials, participate in discussions and make informed decisions on the merits of an issue.

Accountability – Elected officials understands that they shall accept responsibility for his or her actions and is accountable and responsible for their own personal code of ethics.

CONFLICT OF INTERESTS

A conflict of interest occurs when an elected official is no longer able to remain impartial or objective between the interest of the City of Ferndale and the interest of oneself. The citizens have a right to expect independence and fairness and expect you to act for their benefit and not favor a few individuals. A situation can sometimes make it appear that a conflict of interest exists but does not meet the technical definition. The appearance of a conflict may be just as damaging to the City's reputation as an actual conflict. All individuals are encouraged to avoid situations that create even the appearance of a conflict of interest. The overall public's interest must be the primary concern.

- If an elected official is in a position to vote on an issue that involves a conflict of interest, they should abstain and remove him or herself from participating in the discussion pertaining to the item and not vote or attempt to influence the vote.
- An elected official shall not discuss and/or vote on an issue that they stand to gain from financially – one for which either they or an immediate family member has an ownership interest.
- An elected official shall not solicit or accept any compensation which might influence the manner in which they perform their official duty.
- If the issue creates an appearance of a conflict or impropriety, the individual should, at a minimum, disclose the nature of the concern to the other members of the body prior to the vote. Failure to do so jeopardizes the public perception of the outcome of the vote.
- An elected official shall not represent his or her personal opinion as that of the City.
- An elected official shall not solicit, negotiate, renegotiate, or approve, directly or indirectly, any contract or agreement representing the interest of the City unless specifically authorized to do so.

GIFTS

Since gifts always have the potential to influence decisions and create perceptions of impropriety, the standard and general practice is to refuse gifts and to not use one's position to influence, request, or accept a gratuity or gift. Gifts include, but are not limited to, monetary compensation, gift cards, meals, travel, entertainment tickets, sporting events, concerts, theaters, and other tangibles or contributions that have a personal value.

Items that may be considered permissible include:

- Food and refreshments of insignificant value on an infrequent occasion within the course of a meeting, conference, or other occasion where you are representing the city's interest.
- Nominal gifts from other city officials or employees on appropriate occasions (birthdays, weddings, etc.).
- Nominal gifts while visiting other places, or hosting official city visitors when it would be a breach of protocol to refuse the gift.

- Gifts to commemorate a public event in which you participated, such as a ground breaking ceremony.
- Winning or receiving a promotional gift from a business, where the opportunity to win/receive the gift is open to the community in general.
- Reasonable expenditures for travel, food, and lodging that are made in return for participation in a panel or speaking engagement, assuming however that the sponsoring organization does not do business with the City.
- Honoraria including payment for making a presentation or authoring an article providing that the speech or article is not related to an individual's official duties with the City of Ferndale.
- Occasional and infrequent minor (less than \$50 in value) items such as meals or tickets to public events.

MANAGEMENT OF CONFIDENTIAL INFORMATION

The City of Ferndale is committed to maintaining an open and accessible government intended to engender trust and confidence from the public. Equally important to garnering public confidence, is protecting confidential information. Elected officials often have access to important confidential information regarding the property, operations, policies or affairs of the City. The disclosure of inside information may benefit the few at the expense of the city and may contribute to the deterioration of public confidence. Specifically elected officials shall not:

- Willfully or knowingly disclose any confidential, privileged, or protected information – whether discussed and disclosed in Executive Session or not – unless authorized or required by law to do so.
- Use any confidential, privileged, or protected information to advance the financial or other private interest of himself or herself or others.
- Accept employment or engage in any business or professional activity which will require the disclosure of confidential, privileged, or protected information.
- Disclose any confidential information, without formal authorization, concerning any city official or employee, or any other person, or any property or governmental affairs of the city.
- Suppress or refuse to provide city reports or other information which is publicly available.

How information is collected and used involves ethics and directly impacts the standards of performance and behavior that the City of Ferndale wishes to achieve. Elected officials who trade information that rightfully is considered confidential, privileged, or protected are ultimately liable if these standards are not upheld.

POLITICAL ACTIVITY

Political engagement is necessary for the health of city government and is encouraged for all of our citizens. To ensure this, elected officials shall not use their political position to advance private interests and shall not use their influence, power, or position to reward or give favors for partisan participation on any campaign or cause. Specific prohibited behavior includes, but is not limited, to the following:

- Elected officials shall not engage in political campaigning at city meetings or within city buildings, however this does not prohibit a candidate from participating in a public forum or debate.
- Using public resources for political campaigning such as circulating petitions during a city meeting or soliciting city employees to support their specific cause.
- Making campaign speeches at Council meetings or touting their, or another's, candidacy, or urging residents to vote for them or another, through words, buttons, signs, or other means during a duly noticed public meeting.

UNDUE INFLUENCE

As leaders within City government, elected officials need to set the standard through their words and actions by demonstrating the qualities needed to ensure that our workplace culture supports personal responsibility, professionalism, collaboration, honesty, fairness, respect, and accountability. Undue influence involves one person taking advantage of a position of power over another person. Elected officials are expected to engage in the highest level of professional behavior when dealing with City employees or others who are supported by the City. No elected official shall knowingly, or with reason to know:

- Use or attempt to use their official position to secure for him/her or for others unwarranted privileges or exemptions which are not available to similarly situated individuals.
- Act in a manner which would cause a reasonable person to conclude that the official can improperly influence or unduly enjoy favor through the performance of their official duties.
- Place pressure on other elected officials and employees that would cause them to deviate from preferred and acceptable public processes or to deviate from accepted ethical behavior.
- Use the prestige of their office for his, her or another's personal gain or preferential treatment.
- Use the public office for private gain, provide preferential treatment, impede government efficiency or economy, make government decisions outside of official channels or adversely affect the confidence of the public in the integrity of the local government.
- An elected official shall not make any policy statements which promise to authorize or to prevent any future action, agreement, or contract when, in fact, the official has no authority to do so.

- An elected official shall not act on behalf of the city when making contracts when, in fact, he or she has no authority to do so.
- An elected official shall not take any action or create the appearance of making a government decision outside of official channels.
- An elected official shall not interfere with the ordinary course of law enforcement within the city, and shall not suggest or request special favors or consideration or disposition of any law enforcement person in the city concerning any law enforcement matter including, but not limited to parking tickets, traffic tickets, or the enforcement of city codes.
- An elected official shall not interfere in the judicial process by involvement in a matter before the court, if the elected official is not themselves named in the legal action.
- An elected official shall not investigate or cause an investigation or inquiry to be completed for legal actions pending against any citizen unless the elected official is directly involved in the matter.

USE OF PUBLIC PROPERTY, FACILITIES, RESOURCES, AND EXPENSES

It is imperative that the City of Ferndale remains fiscally responsible by properly managing resources. Elected officials should not, directly or indirectly, use or allow the use of City property for anything other than official activities. Specifically this includes, but is not limited to, the following:

- **Expense Reports and Travel** – When traveling on City business, elected officials shall conduct themselves professionally as representative of the City of Ferndale. Officials are entitled to be reimbursed for actual and necessary expenses during travel.
- **Equipment and Facilities** – Elected officials shall not use city equipment or city facilities for private purposes, except to the extent that they are available to the public.
- **Voice and Electronic Mail** – Electronic and voice mail are to be used only for official business and are to be used in a respectful and professional manner. Electronic mail may be considered a public record and may be subject to disclosure.
- **Use of Staff** – Elected officials need to be sensitive to the role of the Mayor and Administrator and shall work through them regarding use of city staff. Councilmembers may ask staff members about the status of a matter and may ask for information, but Councilmembers shall not expressly or implicitly give orders or direction to staff, except through their participation on the City Council. They shall not try to privately influence the decisions or recommendations of staff members, but they may share information with staff. Council shall not intervene directly with staff on behalf of a particular constituent or organization but shall participate with the Council in discussing and deciding policy matters for staff to carry out.

REMEDIES FOR VIOLATIONS

The integrity of individual councilmembers and the Mayor reflects, both positively and negatively, on the overall public perception of the ethical behavior of the entire Council. The behavior of an elected official colors the public confidence and therefore the City Council and Mayor have a vested interest in promoting ethical behavior and adherence to established levels of professional public interaction.

To promote these goals and to provide a progressive discipline atmosphere wherein the Council is in a position to affect the behavior of its members and the Mayor, the following remedies for violations of this Ethics Handbook are hereby adopted. It should be noted that, depending on the severity of the ethical lapse, the Council has the authority to choose the appropriate level of discipline without strictly adhering to the progressive steps outlined below.

Step One – Should, by majority vote of the Council, it be determined that an elected official violated one or more sections of this Ethics Handbook, a public Declaration of Admonishment shall be read and entered into the record of a public Council meeting.

Step Two – Should, by majority vote of the Council, it be determined that there have been additional violations of the Ethics Handbook subsequent to the issuance of the Declaration of Admonishment, or if the ethical lapse is determined to be of such magnitude, the Council shall issue, via a formal Resolution, a Public Censure.

Step Three – Should there be a subsequent violation of the Ethics Handbook either following the issuance of either a Declaration of Admonishment and/or the passage of a formal Resolution of Public Censure, or if the violation is deemed to be of such severity, the Council shall, by a majority plus one vote, remove the offending elected official from his/her intergovernmental and liaison assignments and publish notice of such action in the newspaper of record. The Council shall also determine the duration of such removal.

Step Four - Should there be a subsequent violation of the Ethics Handbook either following the issuance of either a Declaration of Admonishment, the passage of a formal Resolution of Public Censure, or the removal of the offending elected official from his/her intergovernmental and liaison assignments, or if the violation is deemed to be of such severity, the Council shall, by a majority plus one vote, remove the offending Councilmember from all Council Committee assignments and publish notice of such action in the newspaper of record. The Council shall also determine the duration of such removal.

Note: The invocation of one of these remedies shall not preclude the application of other or all of the remedies as listed in this section. These remedies shall not be exhaustive in that certain ethical issues might be subject to prosecution or other legal action pursuant to Washington State law. In these instances, the matter may be referred to the County Prosecuting Attorney for review and further legal action.

COMPLAINT PROCESS

Complaints regarding ethics are intended to be an internal Council process and are not intended to supplant other legal means of redress. Actions taken to address ethics complaints shall only be initiated by other City elected officials and shall not be commenced by other parties or on the behalf of other parties by an elected City official.

Any elected official who believes that a violation exists as prohibited in this Handbook may make a complaint which shall be a written formal signed complaint to the City Administrator, who shall cause same to be referred to the City Attorney for review and recommendation.

Such review may include the ability of the accused to meet with the City Attorney to rebut such charges. This City Attorney review and recommendation shall be forwarded to the City Administrator, with a copy to the complainant.

If the review by the City Attorney has shown that there was a violation of the Ethics Handbook, the matter shall be referred to a three-Councilperson Ethics Ad-Hoc Committee who shall review the City Attorney's report and forward a recommendation to the full Council.

The matter shall then be scheduled for the next available Council Meeting, at which time, final action shall be determined. In accordance with State law, the review and discussion of such complaint may, at the request of the accused, be held in Executive Session. Any final action shall be made in open session of the City Council.

The membership on the Ad-Hoc Ethics Committee shall be determined by the Council in public session on a case-by-case basis and shall not include the accuser or others who are listed on the complaint as witnesses. Should it not be possible for three qualifying Councilmembers to serve on the Ad-Hoc Ethics Committee, the report by the City Attorney shall be forwarded directly to the Council for final action.



Ethics Complaint Form

Please type or print legibly and attach additional pages as necessary

Complainant Information

Name of Elected Official: _____

Official Title: _____

Address: _____

Respondent Information

Name of Respondent: _____

Official Title: _____

Address: _____

Allegation(s)

Complaints that allege that an Elected Official engaged in some form of misconduct that is not within the City Attorney's authority to resolve will be forwarded to the appropriate agency for review and possible enforcement.

Description of Facts

Provide a specific description of the facts constituting the violation(s), including relevant dates. Attached additional sheets as necessary

Witnesses

Provide the following information about person(s) you believe may have information that would assist in the evaluation of this complaint.

Name of Witness:

Address:

Information you believe this person can provide to support the allegations stated in this complaint:

Name of Witness:

Address:

Information you believe this person can provide to support the allegations stated in this complaint:

Name of Witness:

Address:

Information you believe this person can provide to support the allegations stated in this complaint:

Documentation

Attached copies of any documentation in your possession that relate to the allegations stated in this complaint. In addition, indicate below whether there are other records, not in your possession, that you believe may assist the City in its evaluation of this complaint.

Additional Information

Provide any additional information that you believe may assist the City in evaluating

this complaint.

Related Complaints

Are there any current or open complaints related to this complaint?

Have you made the same or similar allegations to another agency or court?

If yes, identify the agency or court below and attached a copy of any complaint or other written description of the allegations submitted to that agency or court.

Verification

I certify under the penalty of perjury under the laws of the State of Washington that the above statements are true and correct to the best of my knowledge.

Executed:

(Date)

At:

(City and State)

By:

(Typed or printed name) (Signature)