

**CITY OF WHITE SALMON  
ORDINANCE NO. 2012-09-899**

**AN ORDINANCE OF THE CITY OF WHITE SALMON, WA, AMENDING  
CHAPTER 2 TO CREATE A NEW SECTION 2.36 ESTABLISHING A CODE OF  
ETHICS**

WHEREAS, the City of White Salmon (“City”) acknowledges the need to develop ethical standards for city elected officials and employees, and

WHEREAS, the City wishes to adopt the following ordinance to regulate and manage ethical standards within the City for the efficient operation of city business and adherence to values of honesty, trustworthiness and fairness in City operations.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON DO ORDAIN AS FOLLOWS:** that the following amendments be made to White Salmon Municipal Code Chapter 2, creating a new section 2.36:

**SECTION 1 – CODE OF ETHICS**

**Chapter 2.36  
CODE OF ETHICS**

Sections:

- 2.36.010 Policy.
- 2.36.020 Definitions.
- 2.36.030 Prohibited conduct.
- 2.36.040 Prohibited conduct after leaving city service.
- 2.36.050 Financial disclosure.
- 2.36.060 Penalties.

**2.36.010 Policy.**

- A. High ethical standards for city officials and employees are essential to the conduct of local government. The city council recognizes that a code of ethics for the guidance of city officials and employees is necessary to prevent actual or apparent conflicts of interest in public office, to improve standards of public service and to promote the confidence of the people of the city in their local government.
- B. This chapter shall be liberally construed to effectively accomplish its purpose of protecting the public against violations of this code of ethics.
- C. City officials and employees may correct and cure minor inadvertent violations to this chapter in conformance with the spirit and purpose of the chapter without incurring penalties for noncompliance.

- D. This code of ethics is supplemental to state law, including Chapters 42.23 and 42.36 RCW.

### **2.36.020 Definitions.**

The following words and phrases, as used in this chapter, shall have the following meanings:

- A. “City officer or employee” means every individual elected, appointed, hired, or otherwise selected to an office or position within the city, whether such individual is paid or unpaid.
- B. “City transaction” means any proceeding, application, submission, request for ruling or other determination, contract, claim, case or other particular matter that the city official or employee believes, or has reason to believe, will be the subject of city action or decision making, one in which the city will be a party, or one in which the city has a direct and substantial proprietary interest.
- C. “Contract” means any contract, agreement, sale, lease, purchase, or combination of the foregoing.
- D. “Financial interest” means direct or indirect monetary or material benefit except for those benefits that are conferred on all similarly situated persons or property. For the purposes of this chapter, a city official or employee shall be deemed to have a financial interest in the affairs of:
1. Any individual of the city official’s or employee’s immediate family;
  2. Any person in which the city official or employee, or an individual of the city official’s or employee’s immediate family, is an officer, director or employee;
  3. Any person in which the city official or employee, or an individual of the city official’s or employee’s immediate family, controls or owns, directly or indirectly, in excess of ten percent of the total stock, or legal or beneficial ownership; and
  4. Any person with which the city official or employee, or an individual of the city official’s or employee’s immediate family, has a business or contractual relationship; provided that a commercially reasonable loan made in the ordinary course of business or a contract in a commercial retail sale shall not be deemed to create a financial interest under this chapter.
- E. “Person” means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit. The term does not include governmental units of the state of Washington or the United States unless so specified.
- F. “Immediate family” means husband, wife, domestic partner, children, any family member dependent on the city official or employee and any family member residing in the household of the city official or employee.

### **2.36.030 Prohibited conduct.**

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 should be involved in any activity that might be seen as conflicting with the conduct of official city business or adverse to the interests of the city. Even the appearance of the following prohibited conduct may be sufficient to constitute a violation of this code of ethics. The following shall constitute violations of this code of ethics:

- A. No city officer or employee may make, approve, or supervise a contract in which he or she has a financial interest, except as allowed by the provisions of Chapter 42.23 RCW;
- B. No city officer or employee shall participate in, influence or attempt to influence the city's selection of, or its conduct of business with, a person conducting or proposing to conduct a city transaction, if the city officer or employee has a financial interest, direct or indirect, with the person;
- C. No city officer or employee, except in the course of official duties, shall assist any person in any city transaction where such assistance is, or to a reasonable person would appear to be, enhanced by that officer's or employee's position with the city. A city officer or employee may represent himself or herself in a matter in which he or she has a proprietary interest, if not otherwise prohibited by ordinance;
- D. No city officer or employee may act or participate in any city transaction that he or she knows involves any person who is, or at any time within the preceding twelve-month period has been, a private client of the city official or employee, or the official's or employee's firm, partnership or private employer;
- E. No city officer or employee shall engage in or accept private employment, or render services for, any person when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties;
- F. No city officer or employee, in appearing before the city council, when giving an official opinion before the city council or when participating in the city council as a member, shall have a financial interest in any matter coming before the city council and participate in the council's discussion or give an official opinion to the city council, unless the fact and extent of such interest is disclosed and noted on the record of the council prior to consideration of the legislation by the city council;
- G. No city officer or employee shall disclose or use any confidential, privileged, or proprietary information gained by reason of his or her official position for a purpose which is for other than a city purpose; 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;

- H. No city officer or employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other persons;
- I. No city officer or employee shall use city-owned vehicles, equipment, materials, money, property, or services for personal or private convenience or profit. Use is restricted to such services as are available to the public generally or for the authorized conduct of official business;
- 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; provided that nothing shall prohibit contributions that are solicited or received and reported in accordance with the public disclosure law or other applicable law of the state of Washington.

**2.36.040 Prohibited conduct after leaving city service.**

- A. No former city officer or employee shall disclose or use any privileged, confidential or proprietary information gained because of his or her city office or employment; 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.
- B. During the period of one year after leaving city office or employment:
  - 1. No former city officer or employee shall assist any person in matters involving the city if, while in the course of duty 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.
  - 2. No former city officer or employee shall represent any person as an advocate in any matter in which the former officer or employee was involved while a city officer or employee.
  - 3. No former city officer or employee shall 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.
- C. The prohibitions of subsections (B)(1) and (B)(2) of this section shall not apply to a former city officer or employee acting on behalf of a governmental agency, unless such assistance or representation is adverse to the interest of the city.

**2.36.050 Financial disclosure.**

All persons presently required to file reports under the public disclosure law of the state of Washington shall, upon assuming any city office or position, file with the city clerk a

true and correct copy of all reports required to be filed under state law within thirty days of filing with the appropriate state agency.

**2.36.060 Penalties.**

- A. Any person violating or failing to comply with any of the provisions of this chapter shall be subject to the penalties set forth in Chapter 1.16.010 of this code.
- B. The city, through its authorized agents, may initiate appropriate civil actions against any person who violates or fails to comply with any provision of this chapter.
- C. Any city officer or employee whose conduct is determined by the mayor to be in violation of this chapter may be terminated from employment and/or temporarily suspended with loss of pay up to and including thirty days, provided, that this subsection shall not apply to elected officials.
- D. In addition to the other penalties set forth in this chapter, the city council may discipline any council member whose conduct is determined by the council to have violated the confidentiality of an executive session. Discipline may include, without limitation, exclusion of the council member from future executive sessions or otherwise limiting the confidential information supplied to that council member.

**SECTION 2- SEVERABILITY.** If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this Chapter.

**SECTION 3 - EFFECTIVE DATE.** This ordinance shall become effective following passage and publication as provided by law.

**PASSED** in regular session this 19<sup>th</sup> day of September, 2012.

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David Poucher, Mayor

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Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:

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Kenneth B. Woodrich, City Attorney