### CLEARANCES

<table>
<thead>
<tr>
<th>Originator:</th>
<th>Date Received in Council Office: 9/11/2012: Introduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division Head:</td>
<td>9/25/2012: Fin/Council</td>
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<td>Dept. Head:</td>
<td>8-6-12</td>
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<td>Prosecutor:</td>
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<td>Purchasing/Budget:</td>
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<td>Executive:</td>
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### TITLE OF DOCUMENT:

Ordinance amending WCC 2.104, Code of Ethics

### ATTACHMENTS:

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

This ordinance amends Whatcom County Code 2.104, Code of Ethics, to clarify language and designate one member of the Ethics Commission as an attorney.

### COMMITTEE ACTION:

9/25/2012: Amended and approved. One amendment to section 2.140.020, "no elected county official shall knowingly participate in the decision-making process."

### COUNCIL ACTION:

9/11/2012: Introduced
9/25/2012: Council Amended & Adopted 7-0
Ord. 2012-036

### Related County Contract #:

### Related File Numbers:

### Ordinance or Resolution Number:

0rd. 2012-036

### Please Note:

Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
CODE OF ETHICS – SEPTEMBER 25, 2012

PROPOSED BY: CONSENT
SPONSORED BY: CONSENT
INTRODUCTION DATE: SEPTEMBER 11, 2012

ORDINANCE NO. 2012-036

AMENDING SPECIFIC SECTIONS OF WHATCOM COUNTY CODE CHAPTER 2.104, CODE
OF ETHICS, TO CLARIFY LANGUAGE AND DESIGNATE ONE MEMBER AS AN ATTORNEY

WHEREAS, maintaining the public’s trust and confidence in county government and its
elected officials is a high priority of the Whatcom County Council; and

WHEREAS, in 1997 the County Council adopted Ordinance 1997-045, formally
establishing a code of ethics for Whatcom County elected officials and creating an
ethics commission to review complaints of ethics violations and administer the ethics code; and

WHEREAS, the current members of the Whatcom County Ethics Commission recently
submitted a letter to the County Council outlining suggested code amendments to improve the
complaint review process, clarify language, and designate one commission member as an
attorney; and

WHEREAS, the County Council has reviewed the letter and agrees that the suggested
amendments should be made to the Whatcom County Code.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom
County Code Chapter 2.104 (specifically Sections 2.104.020, 2.104.080, and 2.104.110) is
hereby amended as outlined in "Exhibit A" to this ordinance.

ADOPTED the 24th day of September, 2012.

ATTEST:

Kathy Kershner, Council Chair

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, County Clerk

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Jack Louws, County Executive

Date: 10/1/12
Chapter 2.104
CODE OF ETHICS*

2.104.020 Governing principles.
All Whatcom County elected officials shall hold themselves fully accountable to the highest ethical, professional and legal standards while holding office. No elected county official shall knowingly participate in the decision making process on any issue in which the official has a private interest. In the case of a county councilmember, he or she shall announce his or her intent to abstain from voting prior to the beginning of any discussion or deliberation on the issue. (Ord. 2002-023 Att. A § 2; Ord. 98-057 Att. A § 2; Ord. 97-045 § 2).

2.104.080 Ethics commission – Creation and purpose.
A. Creation. There is hereby created a Whatcom County ethics commission composed of five members appointed by the Whatcom County executive and subject to confirmation by a majority of the county council. One of the five appointed members shall be an active member of the Washington State Bar Association."

2.104.110 Complaint procedures.
A. Any natural person who believes a person subject to the code of ethics has committed a violation of the code may file a complaint with the ethics commission. Complaints shall be subject to the following requirements:

1. The complaint must be based upon facts within the personal knowledge of the complainant;

2. The complaint must be submitted in writing and signed under oath by the complainant;

3. The complaint must include a detailed factual description of the alleged violation including the date, time and place of each occurrence and the name of the person or persons who are alleged to have committed a violation. The complaint must also refer to the specific provisions of the code of ethics which are alleged to have been violated;

4. The complaint must be accompanied by all available documentation or other evidence known to the complainant to support the allegations of the complaint;

5. The complaint must be filed within two years of the date of the occurrence or occurrences alleged to constitute a violation of the code of ethics.

B. Complaints shall be filed with the clerk of the ethics commission who shall forward the complaint and any accompanying documentation and evidence to the chairperson of the ethics commission within two business days. The chairperson, in consultation with all other commission members, shall review the complaint for compliance with the requirements of subsection (A) of this section. Should the chairperson find that:

1. The complaint is untimely; or

2. The complaint has not been signed under oath; or

3. The complaint does not, on its face, state facts which, if proven to be true, constitute a violation of the code of ethics referred to in the complaint; or

4. The complaint fails to refer to a specific provision of the code of ethics which is alleged to have been violated, the chairperson shall, within ten working days of the filing of the
complaint, enter a written order stating the chairperson's findings and, except as hereinafter provided, dismissing the complaint. If the chairperson finds that the complaint is deficient pursuant to findings (2) or (4), the chairperson shall issue an order notifying the complainant that unless a corrected complaint is filed within five days of the issuance of such order, the complaint shall be dismissed. The complainant may appeal the dismissal of a complaint under this subsection by filing an action in the Whatcom County superior court for a writ of certiorari pursuant to Chapter 7.16 RCW within 10 days of the date of issuance of the order dismissing the complaint.