



Information for Members of Advisory Boards and Commissions

1. **Are members of advisory boards subject to the Ethics Code in the same way City employees are? They don't make decisions, but only give advice to decision-makers.**

Answer: The Ethics Code sets high ethical standards for members of advisory boards and commissions, whose advice may have a major impact on City policies.

Members of advisory committees are required to disqualify themselves from participating in official matters in which they have a financial interest, direct or indirect, personally or through an immediate family member. And the Code requires full disclosure if the member engages or has engaged in an activity or transaction that would appear to a reasonable person to impair the member's independence of judgment.

To satisfy the latter requirement, members must fully disclose the facts on the record of the committee meeting; file a copy with the committee staff contact and with the SEEC using a **Disclosure Form**, downloadable in through the Ethics webpage (see below).

<http://www.seattle.gov/ethics/etpub/faqadvisory.htm>

The Code excludes "public corporations and ad hoc advisory committees" from the jurisdiction of the Ethics Code. "Ad hoc advisory committees" are defined as 1) any advisory committee expressly designated by ordinance as "ad hoc"; or 2) any advisory committee created by means other than by federal or state law, or City ordinance, including by resolution, executive order, or other similar action." Members of ad hoc committees should check with their City staff to determine their committees' ethical standards.

2. **How do members of advisory commissions know whether to disqualify themselves from discussions or decisions, or merely disclose their potential interest in a matter before the board?**

Answer: Members must disqualify themselves from discussion and voting if they have a financial interest, even indirectly, in the matter before their committee. If the members' interests are not financial, but if they engage or have engaged in any transaction or activity which would appear to be in conflict with or incompatible with their duties or would appear to impair their judgment, then they must disclose the circumstances publicly to their committee.

Members who are uncertain what to do, are encouraged to contact the Executive Director, Wayne Barnett, for guidance, or take the conservative route of recusal.

3. What penalties might an advisory committee member face?

Answer: The penalties vary depending on what part of the Code the member has violated.

The Commission can issue a fine of up to \$1,000 to members of a voluntary advisory committee who fail to disqualify themselves from matters in which they or a member of their immediate family has a financial interest. In the case of failure to disclose apparent impaired judgment in the performance of advisory committee duties, the Commission may impose a monetary fine of up to \$250.

The Commission may impose a fine of up to \$5,000 if the member violates other prohibitions of the Ethics Code, including improper use of official position for private gain, improper use of City resources, accepting or soliciting items of value, and use or disclosure of privileged information for other than a City purpose.

The Commission may also require reimbursement of damages and costs, and may recommend censure or removal from the committee as well as rescindment or reconsideration of any finding or recommendation that has been substantially influenced by the violation.

For more information

Seattle Municipal Code

<http://www.municode.com>

Code of Ethics (Chapter 4.16.010)

Prohibited Conduct (Chapter 4.16.070)

Action on Violation (Chapter 4.16.100)

Wayne Barnett, Executive Director

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The Seattle Ethics & Elections Commission

The SEEC is a seven-member, independent panel of citizen volunteers. The Commission and its staff are responsible for administering the City of Seattle Ethics, Elections, and Whistleblower Protection Codes and Lobbying Regulations. Three Commissioners are appointed by the Mayor, three by the City Council, and the seventh by the other six. They are confirmed by the City Council and serve overlapping three-year terms.

The Commission is supported by a staff of six employees who provide training, investigate complaints, and issue advisory opinions.

TRAINING AND INFORMATION

Ethics training and brochures are available by request. Information is also available at the Commission website at <http://www.seattle.gov/ethics/etpub/faqadvisory.htm>.

COMMISSION MEETINGS

You are invited to attend any Commission meeting. Meetings are usually the first Wednesday of the month in the Seattle Municipal Tower.

Copies of the meeting agenda, including time and location, are in our office and on our web site under Commission/ Agendas and Minutes. You can also call 206-684-8500 for meeting times and locations.

The Commission encourages City Board and Commission members to call SEEC staff for advice.



This brochure highlights portions of the Seattle Ethics Code, SMC 4.16. The complete law is on the City Clerk's Seattle Municipal Code (SMC) web site, <http://clerk.ci.seattle.wa.us/~public/code1.htm>. Copies are also available in the SEEC office.

ETHICS COMPLAINTS AND CONSEQUENCES

Anyone who feels a City officer or employee has violated the Ethics Code may complain in writing to the Ethics and Elections Commission. Commission staff will investigate whether there is a Code violation.

If it is found that a member of an advisory committee violated the City's Ethics Code, the Commission may fine that person and/or order restitution, depending on the circumstances. The Commission may fine an advisory committee member up to \$1,000 for failure to disqualify him or herself from matters in which the member has a financial interest, or up to \$250 for failure to disclose circumstances of apparent impaired judgment. The Commission may fine an advisory committee member up to \$5,000 per violation of other prohibitions in the Code. The Commission may also recommend that an advisory committee member be censured or dismissed and/or that the City cancel or rescind actions influenced by the violator.



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Highlights

of the

Ethics Code

Seattle Municipal Code (SMC) 4.16

For Members of City Advisory Committees



This pamphlet is intended to help members of City advisory committees to understand the conduct expected of them under the Seattle Ethics Code.

SEATTLE ETHICS AND ELECTIONS COMMISSION

Your advocate for fair, open, and honest government.

Congratulations on your committee appointment!



We appreciate your service to the City of Seattle. This brochure explains the City's Ethics Code and how it relates to your responsibilities as an advisory committee member. This is a general summary of the Ethics Code. If you have a specific issue, have questions, or need additional help, please contact the Executive Director.

THE ETHICS CODE SEATTLE MUNICIPAL CODE ~ SMC 4.16

The Seattle Ethics Code was created to inspire public trust in City government and ensure that City officers and employees are “independent, impartial, and responsible to the people.” The law is administered by an independent commission of citizen volunteers.

The Code sets ethical standards about work activities, business relationships, and the use of City resources that apply to all City employees, elected officials, and members of most City boards and commissions.

This brochure highlights areas of the Code that relate to the activities of individuals serving on City Advisory Committees, Boards, and Commissions. The Ethics Code does not apply to members of “ad hoc” advisory committees, which are not established by law.

A copy of the full Ethics Code is available from the Ethics and Elections Commission or on line at the City Clerk's web site, <http://clerk.ci.seattle.wa.us/~public/code1.htm>.

ETHICS CODE HIGHLIGHTS

FINANCIAL CONFLICTS

You must disqualify yourself from Committee matters* in which you have a **financial interest**, personally or through a member of your immediate family.* SMC 4.16.070 (6)(a)

You cannot act on matters involving **current or former partners or clients**, for twelve months after ending the relationship, except that your department may request a waiver based on compelling City need for you to participate. SMC 4.16.070(1)(b)

You must disclose your interests in City contracts. SMC 4.16.070(5)(b)

APPEARANCE OF CONFLICT

If you engage or have engaged in a transaction or activity that would appear to be in conflict with your official duties or which would appear to **impair your independence of judgment**, you must fully disclose the facts to your committee and to the SEEC in writing prior to engaging in such duties. SMC 4.16.070(6)(b)

USE OF POSITION

You cannot **assist others in City matters*** involving your committee. SMC 4.16.070(2)(c)

Generally, you cannot use your City title when supporting or endorsing a product or service. When acting in this manner, you should not identify yourself by your City position or association. SMC 4.16.070(2)(a)

CITY FACILITIES AND RESOURCES

City resources—including telephones, equipment, office space, stationery, and staff—are to be used for City purposes. These and other City resources should not be used for purposes other than those related to the function, duties, and responsibilities of your committee. SMC 4.16.070(2)(b)

GIFTS OR ITEMS OF VALUE

Generally speaking, you may not solicit or accept anything of value from individuals with an interest in your board's work. SMC 4.16.070(3)



CONFIDENTIAL INFORMATION

You cannot disclose or use any confidential information gained through your official position on the board. SMC 4.16.070(4)

AFTER LEAVING CITY APPOINTMENT

For **one year** after leaving, you may not compete for a contract when you assisted the City in determining the scope of work or selection process. You may also not disclose or use any confidential information gained through your appointment even after leaving your position on the committee. SMC 4.16.075

* Definitions

“Immediate family” means a spouse or domestic partner, child, child of a spouse or domestic partner, sibling, sibling of a domestic partner, brother-in-law, sister-in-law, parent, parent of a spouse or domestic partner, a person for whom the Covered Individual is a legal guardian, or a person claimed as a dependent on the Covered Individual's most recently filed federal income tax return.

“Matter” means an application, submission, request for a ruling or other determination, permit, contract, claim, proceeding, case, decision, rule-making, legislation, or other similar action. Matter includes the preparation, consideration, discussion, or enactment of administrative rules or legislation. **Matter does not include** advice or recommendations regarding broad policies and goals.



**TOP OF THE
CROP!**

**Be ethical and
be your best!**

SEEC




SEATTLE ETHICS &
ELECTIONS COMMISSION

Seattle's Ethics Code is a statement of our shared values: Integrity, Impartiality, Independence, and Transparency. These shared values help us build and maintain an ethical culture in our workplaces and our



business relationships. The foundation of the public's trust in our work, the Code is our written pledge that when we conduct City business, our allegiance is first and foremost to the people of Seattle.



Going Out On a Limb

Conflicts of Interest Put You in a Precarious Position

It doesn't happen every day, or even every year, but sometimes our responsibilities as City employees could have an impact on our lives away from the workplace. In such a situation, ask yourself these questions:

- *Do I have a personal financial interest in a matter I'm supposed to be working on?*
- *Does someone in my immediate family, or someone who lives with me, have a financial interest in this matter?*
- *Does a business or non-profit that I serve as an officer, director, trustee, partner or employee have a financial interest in this matter, or does an organization I'm seeking employment at, or have an arrangement for future employment with?*
- *Does someone who employed me in the last year, or someone who was a client of mine or my firm's in the past year, have a financial interest in this matter?*

If your answer to any of these questions is ever "yes," you must disqualify yourself from working on the matter. One



of the key values that underlines our Ethics Code is that we do our work impartially, without any conflict between our duties to the public and our personal interests. (There's a narrow exception for dealing with your past employers and past clients; get in touch with us if that's your situation, and we'll walk you through what you'll need to know before you participate in any actions that affect them.)

Showing Your Roots

If There's a Question About a Connection, Don't Try To Bury It.

What if you answer “no” to all of the questions about financial interests, but there is still something about your role in a project that might be questionable?

For example, what if you're serving on an interview panel and your sister's boyfriend is a candidate? He's been attending family celebrations and vacations for years; should you really be helping decide whether he gets a job in your department? Wouldn't your boss—or another person being interviewed—hit the roof if she knew about the relationship?

In these kinds of cases, another one of our treasured values—transparency—comes into play. Make a written disclosure to your department head and to the SEEC, putting all the facts on the table. Be open. Put it on the record that you have some connections that could cause someone to question your independence. Have a conversation with your supervisor, and a couple of outcomes are possible. They could decide that it's best for you to not be involved in the project, to keep the integrity of the process from being questioned. Or they could be comfortable with

you participating, subject perhaps to some additional managerial oversight. Either way, what happens is a matter of public record.

If you or your supervisor want to consult with the SEEC about what to do, our office stands ready to assist you in making decisions that promote confidence in government.

Use It, Don't Abuse It

City Resources Are Only To Be Used For City Business

The Ethics Code provides assurances to taxpayers that City resources are being used for City purposes. Does

that mean that you shouldn't make a

dentist appointment from your

work phone, or read a

newspaper online at

your lunch hour? Of

course not. As long

as you're deliver-

ing an honest

day's work to

the taxpayers,



you don't need to be concerned about occasional use of your phone or computer for personal purposes. (However, you should learn and follow your department's policies, which may be more strict than the Ethics Code.)

THESE KINDS OF ACTIVITIES WOULD VIOLATE THE ETHICS CODE:

- *Using your City position to provide yourself or someone else with something that's not available to the public. For example, having a colleague write you a permit that wouldn't be available on the same terms to anyone else in Seattle.*
- *Using City resources to conduct a private business. If you've got a second job, make sure you do it on your own time, so that the City isn't paying you to work for someone else. Make sure you're not using City facilities or equipment to conduct that second job. Even if you're using your own equipment, you shouldn't conduct a private business from your City work site.*
- *Using City resources for campaign purposes. Even if you're using your own equipment, you shouldn't do campaign work from your City work site.*
- *Using confidential information you learn through your City work for a non-City purpose.*

Keeping Your Values Priceless

Don't Let Gifts And Favors Compromise Your Integrity

Accepting favors from people you do City business with calls into question your ability to be impartial in your dealings with them. Are you going to come down hard on a contractor for missing a costly deadline when that contractor has just bought you lunch and let you use one of their Seahawks season tickets? Even if you are sure you won't let that interfere with your judgment, how will the public view the matter? Taking favors calls your integrity into question, reflecting poorly on you and the City.



Before you take anything from someone with whom you've got dealings at the City, it's best to check in with the SEEC. If you're involved in regulatory or contractual dealings with the person offering you lunch or tickets to a ballgame, you're probably going to have to decline. But if it's a small gift that you'll share with your coworkers, or the person offering you lunch isn't someone you've got official dealings with, then it's probably OK. But the rules are complex, so it's best to get advice before accepting gifts or anything of value.

It Doesn't End With “Goodbye”

*Even If You Leave, The Code Still
Applies*

Whether you are retiring, going to a new job, or moving across the country, you still must keep the public trust. The City's Ethics Code provides assurances that City employees won't misuse their time at the City for their private gain or the private gain of others.

RULES TO REMEMBER

- *After you've gone, you can never divulge or use confidential information that you gained through your employment at the City of Seattle.*
- *For the first year after you leave, you cannot communicate with anyone at your old department on behalf of someone involved in a matter with the City.*
- *Also for the first year, you cannot participate in the competitive selection process for a city contract if while you were with the city you helped design the contract, the scope of work, or the process to be used in the selection of the contractor.*
- *Finally, for two years after you leave City employment, you cannot assist anyone on a matter in which you participated while with the City. Any help you could provide would likely qualify as a violation of the Ethics Code. To 'assist' means to act or offer to act in any way that helps, aids, advises, furnishes information or otherwise to provide assistance to another person believing that the assistance will be of use to another person and intending it to be of assistance.*

A Fair Process

And a Thorough Investigation

When the SEEC receives information suggesting that someone has violated the Ethics Code, staff conducts an investigation. The goal of the investigation is to develop a complete and accurate account of what happened.

At the close of that investigation, the Executive Director can either dismiss the case, or conclude that there was a violation and take further action. If the Executive Director determines that further action is required, the person under investigation can enter into a settlement of the charges with the Executive Director, or the SEEC can hold a hearing to determine whether there has been a violation.

At the close of the hearing, the SEEC can conclude that the Executive Director has failed to prove a violation, and dismiss the charges, or conclude that there was a violation, in which case the SEEC will set a penalty. SEEC decisions can be appealed to Superior Court.




ZERO TOLERANCE FOR RETALIATION

The City values its employees who report when they learn of something going on that isn't right. If a City employee retaliates against someone who has reported wrongdoing, or threatens or intimidates someone in an attempt to interfere with their effort to report wrongdoing, or cooperate in an investigation, that employee will violate the Ethics Code and face up to a \$5,000 penalty from the Commission.

WHO WE ARE, WHAT WE DO

The SEEC is an independent City Commission that administers and enforces four codes covering Whistleblower Protection, Ethics, Elections, and Lobbying. The six member SEEC staff investigates allegations of wrongdoing, and provides advice and training to all levels of government. The Commission has the authority to impose fines for violations of the Ethics, Elections, and Lobbying Disclosure Codes.



KNOWLEDGE IS POWER!

The SEEC conducts regular trainings that are advertised through the Personnel Department. We're also happy to come to your office and discuss the Codes we administer with you or your entire team. If you want to know more about the Ethics Code or the Whistleblower Protection Code, give us a call or stop by our office. If you'd like, you can review the Ethics Code yourself at SMC Chapter 4.16, or the Whistleblower Code at 4.20.800 through 4.20.860. You can also visit us at www.seattle.gov/ethics or on the inweb at inweb/ethics.

WHO SHOULD KNOW AND FOLLOW THE CODE?

All City employees, elected officials, members of boards and commissions, and volunteers are subject to the Ethics Code, as are City consultants, contractors and vendors who provide more than 1,000 hours of services to the City in a 12 month period. The Code uses the term "covered individual" when it refers to people subject to the law.



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