

Ethics Statutes for County Officials

Money

Contracts and Money Handling: RCW 42.23.030

- Public officer cannot have a “**beneficial interest in a contract**” IF
- Made “**by, through, or under the supervision**” of that officer OR
- Made “**for the benefit of**” the office
- Also applies to hiring and employment

What is a “Beneficial Interest?”

- “Business transactions, employment matters and other *financial interests*” --
Barry v. Johns, 82 Wn.App. 865, 868, 920 P.2d 222, 223 (1996)

Gifts

Ethics in Public Service, RCW 42.52

- Prohibits acceptance or solicitation of gifts by state officers
- LOADS of exceptions
 - \$50 or less
 - Floral arrangements
 - Meals
 - “Expenses incurred in connection with a speech, presentation, appearance, or trade mission ...”
 - And many more!

Code of Ethics for Municipal Officers, RCW 42.23

- RCW 42.23.070(2): “No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.”
- NO EXCEPTIONS
- Penalty: Pay \$500 to your county. RCW 2.23.050
- Charter Counties: May be STRICTER. Cannot be LESS STRICT. RCW 42.23.060

What to Do with Free Stuff

- Accept on behalf of your office
- Use for office purposes
- Give to the needy

Double Dipping

- If two organizations are offering to pay your expenses, PICK ONE
- If you're working for the county, “compensation” you earn goes to the county

Special Privileges

“Other Forbidden Acts,” RCW 42.23.070

- Using one’s position to “secure special privileges”
 - For oneself or anyone else
- Disclosing or making “beneficial use” of confidential information
- Taking employment that one “might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position”

Nepotism

- State law does not address it, unless it counts as
 - Beneficial interest (spouse)
 - Securing special privileges
- Local codes might address it specifically

Particular Situations that Come Up

- For Idle Curiosity, MRSC – (206) 625-1300
 - USE THE PHONE
- For Real-Life Situations, CALL YOUR LAWYER

Public Disclosure Commission

Shining Light on Money in Politics Since 1972

About the PDC

- Created by citizen initiative in 1972
- Mission: To promote confidence in the political process

What we do

- The PDC regulates
 - Election spending
 - Lobbying
 - Personal financial disclosure



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Public Agency Lobbying

RCW 42.17A.005

"Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency under the state administrative procedure act, chapter 34.05 RCW.

Public Agency Lobbying

Lobbying includes acting with the intent to influence, in a material way, the adoption or rejection of specific proposed or reasonably anticipated bills, resolutions, motions, amendments, nominations and other like matters before the state legislature or governor.

Not permitted:

- Indirect lobbying
- Grassroots lobbying
- Asking stakeholders to lobby
- Spending public funds for gifts or campaign contributions to any elected official, officer, or employee of any agency



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Public Agency Lobbying

- Agencies are allowed to directly lobby but may not engage in indirect lobbying.
- If agency staff members lobby, they usually report this on a quarterly report for the government body (Form L-5).
- A state agency may hire a contract lobbyist. The contract lobbyist files monthly L-2 reports like other professional lobbyists.

Use of Public Facilities and Resources

RCW 42.17A.550

Use of public funds for political purposes

Public funds, whether derived through taxes, fees, penalties, or any other sources, shall not be used to finance political campaigns for state or school district office. A county, city, town, or district that establishes a program to publicly finance local political campaigns may only use funds derived from local sources to fund the program. A local government must submit any proposal for public financing of local political campaigns to voters for their adoption and approval or rejection.

RCW 42.17A.555

Use of public office or agency facilities in campaigns

No elective official nor any employee of his or her office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency.



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Use of Public Facilities and Resources

- PDC Interpretation No. 04-02
- [Guidelines for Local Government Agencies in Election Campaigns | Washington State Public Disclosure Commission \(PDC\)](#)
- Public comment at official meetings