

SNOHOMISH COUNTY COUNCIL  
PUBLIC HEARING PACKET

**ORDINANCE 21-100** RELATED TO THE CODE OF ETHICS; AMENDING  
SNOHOMISH COUNTY CODE 2.50.110

ECAF: 2021-1008

Date/Time: Wednesday, January 12, 2022, at 10:30 a.m.

Staff Person: Nicole Gorle

DPA: George Marsh

**EXHIBIT LIST**

*Click on Exhibit # to view document.*

<b>Exhibit #</b>	<b>Date</b>	<b>Exhibit Description</b>
<a href="#">1</a>	12/09/21	Council Staff Report
<a href="#">2</a>	12/02/21	ECAF
<a href="#">3</a>	12/02/21	Ordinance Introduction Slip

1 SNOHOMISH COUNTY COUNCIL  
2 Snohomish County, Washington

3  
4 ORDINANCE NO. 21-100

5  
6 RELATED TO THE CODE OF ETHICS;  
7 AMENDING SNOHOMISH COUNTY CODE 2.50.110

8  
9 BE IT ORDAINED:

10  
11 Section 1. Snohomish County Code Section 2.50.110, last amended by  
12 Amended Ordinance No. 13-043, on June 19, 2013, is amended to read:

13  
14 **2.50.110 Complaint procedures.**

15  
16 (1) Any natural person who believes a person subject to the code of ethics has  
17 committed a violation of the code may file a complaint with the ethics commission.  
18 Complaints shall be subject to the following requirements:

19  
20 (a) The complaint must be based upon facts within the personal knowledge of  
21 the complainant;

22  
23 (b) The complaint must be submitted in writing and signed under oath by the  
24 complainant;

25  
26 (c) The complaint must include a detailed factual description of the alleged  
27 violation including the date, time and place of each occurrence and the name of  
28 the person or persons who are alleged to have committed a violation (~~The  
29 complaint must also refer to the specific provisions of the code of ethics which  
30 are alleged to have been violated~~);

31  
32 (d) The complaint must be accompanied by all available documentation or other  
33 evidence known to the complainant to support the allegations of the complaint;

34  
35 (e) The complaint must be filed within five years of the date of the occurrence or  
36 occurrences alleged to constitute a violation of the code of ethics(-); and

37  
38 (f) The complaint must refer to the specific provisions of the code of ethics  
39 which are alleged to have been violated.

40  
41 (2) Complaints shall be filed with the clerk of the ethics commission. Except for  
42 complaints alleging a violation by a member of the county council, a candidate for a  
43 county council position, or a councilmember-elect, the clerk shall process the complaint  
44 as provided in the following subsections of this section. The clerk shall immediately

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1 forward complaints alleging a violation by a member of the county council, a candidate  
2 for a county council position or a councilmember-elect to the administrator of the office  
3 of hearings administration who shall designate an employee of that office to serve as ex  
4 officio clerk of the ethics commission for the processing of such complaints as provided  
5 in the following subsections of this section.  
6

7 (3) The clerk shall forward the complaint and any accompanying documentation and  
8 evidence forthwith to the chairperson of the ethics commission. The chairperson shall  
9 review the complaint for compliance with the requirements of subsection (1) of this  
10 section. ~~((Should the chairperson find that))~~ If the chairperson determines that the  
11 complaint is noncompliant with subsection (1) of this section, the chairperson shall,  
12 within five working days of the filing of the complaint, enter a written order stating the  
13 chairperson's findings pursuant to subsection (3)(a) or (3)(b) below.  
14

15 (a) ~~((The complaint is untimely))~~ The chairperson shall dismiss the complaint  
16 should the chairperson find that the complaint:  
17

18 (i) is untimely; or  
19

20 (ii) does not, on its face, state facts which, if proven to be true, constitute a  
21 violation of the code of ethics referred to in the complaint; or  
22

23 (iii) is not based upon facts within the personal knowledge of the complainant.  
24

25 (b) ~~((The complaint has not been filed under oath; or))~~ The chairperson shall find  
26 the complaint deficient if the complaint:  
27

28 (i) has not been signed under oath; or  
29

30 (ii) fails to refer to a specific provision of the code of ethics which is alleged to  
31 have been violated, or  
32

33 (iii) fails to include a detailed factual description of the alleged violation including  
34 the date, time and place of each occurrence and the name of the person or  
35 persons who are alleged to have committed a violation, or  
36

37 (iv) is not accompanied by all available documentation or other evidence known  
38 to the complainant to support the allegations of the complaint.  
39

40 ~~((c) The complaint does not, on its face, state facts which, if proven to be true,~~  
41 ~~constitute a violation of the code of ethics referred to in the complaint; or))~~  
42

43 If the chairperson finds that the complaint is deficient under this subsection (b), the  
44 chairperson's order shall notify the complainant that unless a corrected complaint is

1 filed within five days of the issuance of such order, the complaint shall be  
2 dismissed.

3  
4 ~~((d) The complaint fails to refer to a specific provision of the code of ethics which~~  
5 ~~is alleged to have been violated, the chairperson shall, within five working days of~~  
6 ~~the filing of the complaint, enter a written order stating the chairperson's findings~~  
7 ~~and, except as hereinafter provided, dismissing the complaint. If the chairperson~~  
8 ~~finds that the complaint is deficient pursuant to findings (3)(b) or (d) of this section,~~  
9 ~~the chairperson shall issue an order notifying the complainant that unless a~~  
10 ~~corrected complaint is filed within five days of the issuance of such order, the~~  
11 ~~complaint shall be dismissed.))~~

12 (c) The complainant may appeal the dismissal of a complaint under this  
13 subsection by filing an action in the Snohomish County superior court for a writ of  
14 certiorari pursuant to chapter 7.16 RCW within 10 days of the date of issuance of  
15 the order dismissing the complaint.

16  
17 (4) For complaints which are not dismissed under subsection (3) of this section, the  
18 chairperson shall direct the clerk to serve a complete copy of the complaint and any  
19 accompanying documentation and evidence to the person (hereinafter referred to as the  
20 respondent) alleged to have committed a violation of the code of ethics. The clerk shall  
21 serve a copy of the complaint and accompanying information upon the respondent by  
22 certified mail or by personal service not later than seven working days following the  
23 filing of the complaint.

24  
25 (5) The respondent shall, within 20 days of the date of mailing or personal service of  
26 the complaint by the clerk of the commission, file with the clerk any response to the  
27 complaint the respondent wishes to make. A response to a complaint shall be made in  
28 writing signed under oath by the respondent. A response may include a detailed  
29 statement of facts pertaining to the complaint made on personal knowledge of the  
30 respondent and may include any matter constituting a defense to the complaint. A  
31 response should be accompanied by all available documentation or other evidence  
32 known to the respondent which the respondent wishes the commission to consider. The  
33 respondent may stipulate to some or all of the facts alleged in the complaint and shall  
34 either admit or deny the alleged violation. If the violation is admitted, the respondent  
35 may also submit an explanatory statement and may request a particular disposition.

36  
37 (6) Upon receipt of a response to a complaint, the chairperson shall review the  
38 complaint and response, together with all supporting documentation and evidence  
39 submitted by the complainant and the respondent. Within 10 days of receipt of the  
40 response (or, if no timely response is submitted, within 30 days of the date of mailing  
41 the complaint to the respondent by the clerk of the commission), the chairperson shall  
42 issue a preliminary decision in writing. A preliminary decision shall include one of the  
43 following determinations:  
44

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1 (a) Determine that a hearing is necessary in order to obtain a clear determination  
2 of the facts relevant to the complaint; or

3 (b) Determine that, based upon the complaint and response, the facts relevant to  
4 the complaint are clearly established and no hearing is necessary.  
5

6 (7) When a preliminary decision is issued pursuant to subsection (6)(b) of this section,  
7 it shall contain findings and conclusions and a disposition of the complaint. If the  
8 chairperson concludes a violation of the code of ethics was committed, the preliminary  
9 decision shall include a penalty as provided for in SCC 2.50.160. Copies of the  
10 preliminary decisions shall be served forthwith on all members of the commission by the  
11 clerk. Until it becomes a final decision, a preliminary decision issued pursuant to  
12 subsection (6)(b) of this section shall be confidential and shall not be released to either  
13 the complainant, the respondent, or any other person with the exception of commission  
14 members and commission staff. Commission members may either concur in the  
15 preliminary decision or request a hearing. A hearing on the complaint before the full  
16 commission shall be scheduled by the clerk if a request for hearing is filed with the clerk  
17 by one or more commission members within 10 days of the issuance of the preliminary  
18 decision, PROVIDED: that commission members shall have 15 days from the date of  
19 issuance of the preliminary decision to request a hearing if the chairperson so provides  
20 in the preliminary decision. If a commission member does not file a timely request for  
21 hearing, it shall be conclusively presumed that the commission member concurs in the  
22 preliminary decision.  
23

24 (8) If no timely request for hearing is made by any commission member, a preliminary  
25 decision issued pursuant to subsection (6)(b) of this section shall become a final  
26 decision of the commission and shall be signed and dated by the commission  
27 chairperson within two working days following the expiration of the review period  
28 provided in subsection (7) of this section. The clerk shall immediately notify the  
29 complainant and the respondent of the final decision and shall deliver a copy of the final  
30 decision to each of them and to any other person who has submitted a written request  
31 therefore. Either the complainant or the respondent may, within 30 days of the date of  
32 the final decision, appeal it to the Snohomish County superior court by writ of certiorari  
33 pursuant to chapter 7.16 RCW.  
34

35 (9) When a decision to hold a hearing is issued pursuant to subsection (6)(a) of this  
36 section or when a request for hearing is filed by a commission member pursuant to  
37 subsection (7) of this section, the clerk shall schedule a hearing not more than 30 days  
38 from the date of the preliminary decision and shall mail written notice of the hearing to  
39 the complainant, the respondent, each member of the commission and to any other  
40 person who has submitted a written request therefore. In addition, notice shall be  
41 provided by publication in the official county newspaper not less than five days prior to  
42 the date of the hearing.  
43

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1 (10) All hearings on complaints before the ethics commission shall be de novo and a  
2 preliminary decision issued pursuant to subsection (6)(b) of this section, if any, shall  
3 have no force or effect and shall remain confidential. The parties may appear in person  
4 or through attorneys. Hearings shall be conducted in accordance with the following  
5 provisions:  
6

7 (a) The complainant shall have the burden to prove by a preponderance of  
8 evidence that the violation or violations alleged in the complaint occurred.  
9

10 (b) Not less than two days prior to the hearing date, the complainant and  
11 respondent shall each file with the clerk and serve upon the other party, a list of  
12 witnesses they wish to call at the hearing. Only those witnesses whose names  
13 appear on the witness lists may testify at the hearing. In exceptional circumstances  
14 and for good cause shown, the commission chairperson may, in his or her  
15 discretion, permit additional witnesses to testify.  
16

17 (c) At the commencement of the hearing, the commission chairperson shall ask  
18 the parties to provide an estimate of the time required to present their evidence and  
19 arguments. The chairperson shall then issue an order establishing a reasonable  
20 limit on the time for each party to present his or her case which shall be equal for  
21 each party. The complainant may divide his or her allotted time between an opening  
22 presentation and rebuttal of the respondent's case. Each party may present  
23 opening and closing arguments.  
24

25 (d) All testimony shall be given under oath administered by the clerk of the  
26 commission. Subject to control by the chairperson, each party shall be permitted to  
27 cross-examine the witnesses of the other party.  
28

29 (e) The clerk shall electronically record all proceedings and shall assign exhibit  
30 numbers to, and become the custodian of, all documentary evidence.  
31

32 (f) The chairperson shall have full authority to regulate the conduct of the hearing  
33 and may take any actions reasonably necessary to maintain an orderly proceeding.  
34 The chairperson may continue a hearing to a date and time certain should the  
35 chairperson determine that such continuance is necessary.  
36

37 (11) At the conclusion of a hearing on a complaint, the commission shall deliberate  
38 and enter its oral decision which shall include findings and conclusions in support of the  
39 decision. The chairperson shall direct commission staff to prepare a draft written  
40 decision reflecting the commission's oral decision and shall continue the hearing to a  
41 date and time certain for commission consideration and approval of the written decision.  
42 The final written decision shall be signed and dated by the commission chairperson.  
43 The clerk shall deliver a copy of the final written decision to each party and to any other  
44 person who has submitted a written request therefore.

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1  
2 (12) A final written decision may, within 30 days of the date of the written decision, be  
3 appealed by either the complainant or the respondent to the Snohomish County  
4 superior court by writ of certiorari pursuant to chapter 7.16 RCW.  
5

6  
7 PASSED this \_\_\_\_ day of \_\_\_\_\_, 2021.

8  
9 SNOHOMISH COUNTY COUNCIL  
10 Snohomish County, Washington

11  
12 \_\_\_\_\_  
13 Chairperson

14  
15 ATTEST:

16  
17 \_\_\_\_\_  
18 Clerk of the Council

19  
20 ( ) APPROVED

21  
22 ( ) EMERGENCY

23  
24 ( ) VETOED

25 DATE: \_\_\_\_\_

26  
27 \_\_\_\_\_  
28 County Executive

29  
30 ATTEST:

31  
32 \_\_\_\_\_  
33  
34  
35 Approved as to form only:

36  
37 /s/ George B. Marsh  
38 Deputy Prosecuting Attorney  
39  
40  
41  
42  
43  
44

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**Snohomish County Council**

**SNOHOMISH COUNTY COUNCIL**

**EXHIBIT #** 1

**FILE** ORD 21-100

**Committee:** Conservation, Sustainability, and Recreation

**ECAF:** 2021-1008

**Ordinance:** 21-100

**Analyst:** Nicole Gorle

**Date:** Dec. 9, 2021

**Consideration:**

Amend SCC 2.50.110 to align the complain procedures with what actually takes place.

**Background:**

The Snohomish County Code of Ethics was established in 1991 through Ordinance 91-094. Within the Code of Ethics, an Ethics Commission was established for the purpose of receiving complains of ethics violations and administering the Code of Ethics as established in Chapter 2.50 Snohomish County Code. The commission is comprised of five members appointed by the Executive and confirmed by Council.<sup>1</sup>

While processing an ethics complaint, the current commission chair proposed changes to code in order to better clarify the process an ethics complaint follows.

**Current Proposal:**

The Ordinance would restructure existing complaint procedures outlined in code to reflect the actual order/process that is followed.

No new requirements/processes are added and no existing requirements/processes are removed, this simply reorganizes existing procedures.

**2021 Budget:** n/a

**Future Budget Impact:** n/a

**Handling:** Normal – 1/31/22

**Approved-as-to-form:** Yes

**Risk Management:** n/a

**Executive Recommendation:** n/a

**Attachment:** None

**Amendments:** None

**Request:** Move to GLS on December 15<sup>th</sup> to set time and date for a public hearing on January 12, at 10:30 a.m.

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<sup>1</sup> <https://snohomish.county.codes/SCC/2.50>





# Snohomish County Council

SNOHOMISH COUNTY COUNCIL

Legislation Text

EXHIBIT # 2

FILE ORD 21-100

File #: 2021-1008, Version: 1

## Executive/Council Action Form (ECAF)

**ITEM TITLE:**

Ordinance 21-100, relating to the code of ethics; amending Snohomish County Code 2.50.110

**DEPARTMENT:** Council

**ORIGINATOR:** Heidi Beazizo

**EXECUTIVE RECOMMENDATION:** N/A

**PURPOSE:** Update the language to better clarify the ethics complaint procedure

**BACKGROUND:** While processing an Ethics Complaint, the current commission chair proposed changes to the code to better clarify the process by which the complaint is completed, considered, and then acted on (or dismissed). There are no substantive changes to the way the code is enacted - these are code structure changes only.

**FISCAL IMPLICATIONS:**

EXPEND: FUND, AGY, ORG, ACTY, OBJ, AU	CURRENT YR	2ND YR	1ST 6 YRS
	0	0	0
<b>TOTAL</b>	0	0	0

REVENUE: FUND, AGY, ORG, REV, SOURCE	CURRENT YR	2ND YR	1ST 6 YRS
	0	0	0
<b>TOTAL</b>	0	00	

**DEPARTMENT FISCAL IMPACT NOTES:** No Fiscal Impacts

**CONTRACT INFORMATION:**

ORIGINAL	CONTRACT#	AMOUNT
AMENDMENT	CONTRACT#	AMOUNT

**Contract Period**

ORIGINAL	START	_____	END	_____
AMENDMENT	START	_____	END	_____

**OTHER DEPARTMENTAL REVIEW/COMMENTS:** Click or tap here to enter text.

ECAF NO.:  
ECAF RECEIVED:

**ORDINANCE  
INTRODUCTION SLIP**

**SNOHOMISH COUNTY COUNCIL**

**EXHIBIT # 3**

**FILE ORD 21-100**

TO: Clerk of the Council

TITLE OF PROPOSED ORDINANCE:

~~~~~  
*Japhanie Wright*  
\_\_\_\_\_  
Councilmember Date  
~~~~~

Clerk's Action: Proposed Ordinance No. \_\_\_\_\_

Assigned to: \_\_\_\_\_ Date: \_\_\_\_\_

~~~~~  
**STANDING COMMITTEE RECOMMENDATION FORM**

On \_\_\_\_\_, the Committee considered the item and by \_\_\_\_ Consensus /  
\_\_\_\_ Yeas and \_\_\_\_ Nays, made the following recommendation:

\_\_\_\_ Move to Council to schedule public hearing \_\_\_\_\_

**Public Hearing Date \_\_\_\_\_ at \_\_\_\_\_**

\_\_\_\_ Move to Council as amended to schedule public hearing

\_\_\_\_ Move to Council with no recommendation

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Consent Agenda.**

(Consent agenda may be used for routine items that do not require public hearing and do not need discussion at General Legislative Session)

**This item \_\_\_\_ should/ \_\_\_\_ should not be placed on the Administrative Matters Agenda**

(Administrative Matters agenda may be used for routine action to set time and date for public hearings)

\_\_\_\_\_  
Committee Chair