

CLARK COUNTY STAFF REPORT

DEPARTMENT: Clark County Council

DATE: April 5, 2022

REQUESTED ACTION: County Council adoption of an ordinance relating to a Code of Ethics and establishing the Ethics Review and Oversight Office.

Consent Hearing County Manager

BACKGROUND

In November, 2021, Clark County voters approved an amendment to the Clark County Charter stating the following:

“On or before July 31, 2022, the County Council shall adopt an ordinance establishing a code of ethics, and shall establish penalties for the violation of this code. The ethics code must be adhered to by all departments and entities that receive funding through the County budget, and all officials elected or appointed to administer County government.

On or before July 31, 2022, the County Manager, in conjunction with the County Council and as per Section 3.3B of this charter, shall appoint an autonomous ethics review commission comprised of qualified individuals in the area of ethical conduct in government which will be charged with hearing and ruling on complaints of violations of the code of ethics. An ethics oversight office shall be established by the County Manager to operate an ethics complaint hotline, accept and investigate potential ethics complaints and provide staff support to the ethics review commission. The ethics review commission and oversight office will be administered through the office of the County Manager.”

The ordinance being proposed meets the requirements of this charter amendment.

COUNCIL POLICY IMPLICATIONS

N/A

ADMINISTRATIVE POLICY IMPLICATIONS

None. There is no further change to administrative policy beyond what is contemplated in the Charter amendment.

COMMUNITY OUTREACH

None.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.

	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

LH

Lindsey Hueer
Senior Policy Analyst

Kathleen Otto
County Manager

Primary Staff Contract Name and Extension: Lindsey Hueer, X4157

APPROVED: *Karen Dill Bonbrun*
CLARK COUNTY, WASHINGTON
CLARK COUNTY COUNCIL

DATE: *April 5, 2022*

SR# _____



APPROVED: _____
Kathleen Otto, County Manager

DATE: _____

1 **ORDINANCE NO. 2022-04-03**

2
3 AN ORDINANCE amending a portion of the Clark County Code related to the
4 Code of Ethics and the Ethics Review and Oversight Office.

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6 WHEREAS, the opportunity to serve the public confers a sacred trust on the office holder,
7 and stewardship of the public trust requires upholding the law and acting in ways consistent with
8 the highest standards of ethical conduct; and

9
10 WHEREAS, the County Council promotes the vitality of the democratic process in County
11 government; and

12
13 WHEREAS, the ethical course of action must be adhered to by all departments, entities
14 receiving funding through the county budget, and all officials elected or appointed to administer
15 county government; and

16
17 WHEREAS, the amendments to the Clark County Charter enacted by the voters in the
18 November, 2021 General Election provides for establishment of a code of ethics, penalties for
19 violation of this code of ethics, and creation of an autonomous ethics review commission; and

20
21 WHEREAS, the Council is considering the matter at a duly-advertised public hearing and
22 concludes that adoption will further the public health, safety and welfare; now, therefore,

23
24 BE IT ORDERED, RESOLVED AND DECREED BY THE CLARK COUNTY
25 COUNCIL, STATE OF WASHINGTON, AS FOLLOWS:

26
27 **Section 1.** **New.** A new section is added to the Clark County Code to read:

28
29 **2.07.01 – Code of Ethical Conduct**

30 1. Clark County adheres to the requirements of state law, including, but not limited to,
31 Chapter 42 RCW (<https://app.leg.wa.gov/RCW/default.aspx?cite=42>), RCW 42.23.070
32 (<https://app.leg.wa.gov/RCW/default.aspx?cite=42.23.070>) and Clark County human
33 resources policy 13.1 ([https://clark.wa.gov/sites/default/files/dept/files/human-
34 resources/documents/Clark%20County%20Human%20Resources%20Policy%20Manual.
35 pdf](https://clark.wa.gov/sites/default/files/dept/files/human-resources/documents/Clark%20County%20Human%20Resources%20Policy%20Manual.pdf)). This promotes honesty, openness, and accountability in all public matters involving
36 County government.

37
38 2. Any elected official, appointed committee or advisory board member, or County
39 employee accused with violating Section 1 shall be subject to review by the Clark County
40 Ethics Review Commission.

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42 **2.07.02 – Ethics Review Commission**

43 1. The Clark County Ethics Review Commission (Commission) is comprised of three (3)
44 members appointed by the County Manager and subject to confirmation by a majority of
45 the County Council.

46 a. These members shall serve without pay.

47 b. The members must be qualified individuals in the area of ethical conduct in
48 government.

49 c. The members are responsible for hearing, investigating, and ruling on
50 complaints of violations of the code of ethics in CCC 2.07.01.

1 d. Members of the Commission shall be appointed to alternating 3-year terms. For
2 the initial terms to begin the Ethics Review Commission, the initial term of
3 Commissioner 1 will be a one-year term, the initial term of Commissioner 2 will
4 be a two-year term, and the initial term of Commissioner 3 will be a three-year
5 term.

6 e. During their tenure, no member shall hold elected office or be an officer of any
7 political party.
8

9 2. The Commission shall meet as frequently as it deems necessary. The Commission will
10 conduct a review of the allegations and determine (1) whether the allegations amount to a
11 violation of CCC 2.07.01 (1); and if so (2) whether there is sufficient cause to warrant an
12 investigation, and if so, the Commission will investigate.
13

14 3. If the Commission determines that the violation(s) is/are substantiated, the
15 Commission may take such action as it deems appropriate, including but not limited to,
16 public admonishment, public resolution of censure, or any action as allowed by law. If
17 the Commission finds violation(s) by a county employee, the County Manager may take
18 additional action as allowed or required by county policy and/or an applicable collective
19 bargaining agreement.
20

21 **2.07.03 – Ethics Review and Oversight Office**

22 1. The Clark County Ethics Oversight Office operates an ethics complaint hotline to
23 receive complaints of violations of the Clark County Code of Ethical Conduct, CCC
24 2.07.01. These complaints are then transmitted to the Clark County Ethics Review
25 Commission for their review and potential investigation.
26

27 2. The County Manager will ensure available staff support to the Clark County Ethics
28 Review Commission, and the Clark County Ethics Oversight Office will be under the
29 purview of the County Manager.
30

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32 **Section 3. Effective Date.** This ordinance shall be effective on the 10th day following
33 adoption.
34

35 **Section 4. Instructions to Clerk.** The Clerk of the Council shall:
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- 37 A. Record a copy of this Ordinance with the Clark County Auditor; and
- 38 B. Cause notice of adoption of this Ordinance to be published forthwith, pursuant to
39 Clark County Code 1.02.140.
- 40 C. Provide a copy of this Ordinance to Code Publishing.
41

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43 **Section 5. Roll Call Vote.** The following persons voted in favor of the above ordinance:
44 Temple Lentz; Julie Olson; Karen Dill Bowerman; Gary Medvigy
45

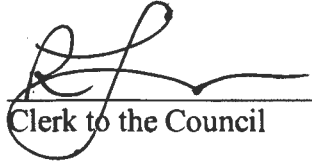
46 The following persons voted in opposition to the above ordinance:
47 _____.

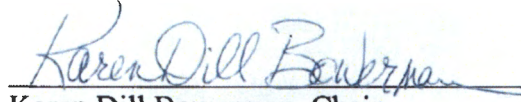
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ADOPTED on this 5th day of April, 2022.

CLARK COUNTY COUNCIL
CLARK COUNTY, WASHINGTON

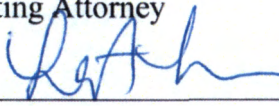
Attest:


Clerk to the Council


Karen Dill Bowerman, Chair

Approved as to Form Only:
ANTHONY GOLIK
Prosecuting Attorney

Temple Lentz, Councilor

By: 
Leslie Lopez,
Deputy Prosecuting Attorney

Julie Olson, Councilor

Gary Medvigy, Councilor

Councilor District 5 (vacant)

