

## Chapter 2.80

### CODE OF ETHICS<sup>1</sup>

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#### **2.80.010 Policy.**

- A. The city of Port Townsend is committed to conducting its business in a fair, open, efficient, and accountable manner. Municipal officers, employees, and advisory board members shall conduct their public and private actions and financial dealings in a manner that shall present no conflict of interest between the public trust and their private interest. Each municipal officer, employee, and advisory board member is assumed and expected to act in accordance with all laws that may apply to his or her position.
- B. Each municipal officer, employee, and advisory board member shall be trained on the requirements of this code as soon as practicable after beginning appointment to or employment with the city. Refresher training shall be provided at least every two years.
- C. This code does not address issues of sexual harassment, discrimination, workplace rules or personnel policies, or other activities prohibited by law or regulated by city policies. (Ord. 3349 § 1 (Exh. A), 2025; Ord. 3177 § 1 (Exh. A), 2017).

#### **2.80.020 Adoption of state law.**

- A. General. Except as provided for in this chapter, the city adopts as its code of ethics Chapter [42.23](#) of the Revised Code of Washington ("RCW"). This chapter shall apply to all municipal officers as defined in RCW [42.23.020](#).

#### B. Gifts.

- 1. Except as amended in this chapter, the city adopts the following RCW sections: 42.52.010(8), (9), and (20), 42.52.140, and 42.52.150, except RCW [42.52.150](#)(2)(g), (2)(h), (2)(i), and (2)(l).
- 2. Where the statutes listed in subsection (B)(1) of this section use the terms "state," "state officer," or "state employee," those terms shall apply to the city or to municipal officers of the city as appropriate.
- 3. Where the statutes listed in subsection (B)(1) of this section refer to other sections in Chapter [42.52](#) RCW, those references shall be to the comparable section in Chapter [42.23](#) RCW. If there is no comparable section in Chapter [42.23](#) RCW, the statutes adopted in subsection (B)(1) of this section shall not apply. (Ord. 3349 § 1 (Exh. A), 2025; Ord. 3177 § 1 (Exh. A), 2017).

#### **2.80.030 Statute of limitations.**

Any complaint related to a violation of this chapter must be filed with the city clerk not later than three years from the alleged date of the violation or one year from discovery of the violation. (Ord. 3349 § 1 (Exh.

A), 2025; Ord. 3177 § 1 (Exh. A), 2017).

#### **2.80.040 Hearing officer.**

A. Ethics Hearing Officer Position Created. There is created and established the position of "ethics hearing officer" ("hearing officer") for the city of Port Townsend. The council shall appoint a hearing officer and may appoint one or more alternate hearing officers. The first alternate hearing officer shall serve as the hearing officer if the hearing officer is unavailable or unable to serve, and the second alternate shall serve if the hearing officer and first alternate are unavailable or unable to serve.

B. Qualification. A hearing officer must be an active member of the Washington State Bar Association, have at least seven years of experience as a lawyer, have no record of public discipline, and have experience as an adjudicator or as an advocate in contested adjudicative hearings.

C. Powers. The hearing officer, when assigned by council or the city manager, has the authority to receive and review submitted evidence and determine its sufficiency and to conduct hearings related to violations of this chapter. The hearing officer will not conduct its own independent investigations and will make decisions based off evidence submitted by the parties. (Ord. 3349 § 1 (Exh. A), 2025; Ord. 3177 § 1 (Exh. A), 2017).

#### **2.80.050 Processing of complaints.**

A. Written Complaint – Completeness. A complaint that this code of ethics has been violated shall be filed with the city clerk. The subject of the complaint shall be sent a copy of the complaint by the city clerk. All 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 and signed under oath by the complainant utilizing a form to be provided by the city;
3. The complaint must include a detailed factual description of the alleged violation(s), including the date, time and place of each occurrence and the name of the person or persons who are alleged to have committed the violation(s). 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 including but not limited to audio and video evidence or other evidence known to the complainant to support the allegations of the complaint. The hearing officer does not conduct its own investigations; and
5. The complaint must set forth the complainant's standing. A complainant must demonstrate that they hold a current city business license, are currently employed within the city, have done business with the city, or a current or past resident, or property owner within the city.

B. No person shall knowingly file a false complaint, or a false report of a violation of this code of ethics.

C. Any complaint that this code of ethics has been violated shall be reviewed by the city clerk or designee for a determination of completeness. A complaint shall be deemed complete only if it includes all information required under subsection A of this section and is signed and dated by the complainant. The initial determination shall be documented in writing within 15 business days of the city's receipt of the complaint, unless a longer time is deemed warranted by the city clerk based on circumstances. The city clerk's, or city clerk's designee's, initial determination regarding completeness is final. If a complaint is incomplete, the city clerk or designee shall reject the complaint in writing including rationale for the

rejection. The complainant may resubmit the complaint with the missing information. If after reviewing the complaint the city clerk or designee determines the complaint is complete, the city clerk will follow the procedures described in subsection D or E of this section.

D. Elected Officials – City Manager. Complaints against elected officials and the city manager shall be automatically assigned to a hearing officer if such complaint is determined to be complete as described above. The hearing officer shall dismiss a complaint if, assuming all facts alleged are true, there is no violation of this chapter or that any violation was minor. The hearing officer will submit a report to the city council, with a copy to the complainant and the person against whom the complaint was filed.

E. Employees – Advisory Board Members. Complaints regarding city employees and officials, and members of advisory bodies, shall be brought to the employee's supervisor, manager, or to the city manager. The supervisor, or appropriate individual as determined by the city manager, shall investigate the complaint and provide a report to the city manager. The city manager may determine that such complaint should be forwarded to the hearing officer.

F. Hearings shall generally be conducted in accordance with the city's then-current adopted version of the hearing examiner's rules of procedure. (Ord. 3349 § 1 (Exh. A), 2025; Ord. 3177 § 1 (Exh. A), 2017).

## **2.80.060 Penalties.**

A. Any elected official found to have violated any provision of this code may be subject to one or more penalties, subject to approval of a majority of the council. Discussion of a potential penalty may be discussed in executive session pursuant to RCW [42.30.110](#)(1)(f); however, upon the request of such officer, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge. A penalty may include, but is not limited to, the following:

1. A cease and desist order as to violations of this chapter.
2. An order to disclose any reports or other documents or information requested.
3. Admonition. An admonition shall be a verbal statement approved by the city council and made to the elected official by the mayor, or if the complaint is against the mayor, then by the deputy mayor or designee. An admonition under this section is not subject to further review or appeal except as may be otherwise provided by law.
4. Censure. A censure shall be administered to the elected official by a resolution of censure by the city council. A censure under this section is not subject to further review or appeal, except as may be otherwise provided by law.
5. Civil Penalties. The city council may assess a civil penalty of up to \$1,000. Any monetary penalty assessed civilly shall be placed in the city's general fund. If the city council orders an official to pay a civil penalty, the official may seek a writ of review from the superior court, pursuant to Chapter [7.16](#) RCW, within 30 days of the city council's order.
6. Any other penalty that is deemed just and equitable.

B. The city manager may be disciplined as provided for in state law, the city's personnel policy manual, or the manager's employment contract.

C. Employees may be disciplined as provided for in state law, the city's personnel policy manual, or the applicable collective bargaining agreement.

D. Members of advisory boards may be disciplined as provided for in state law or the council's rules of procedure. (Ord. 3349 § 1 (Exh. A), 2025; Ord. 3177 § 1 (Exh. A), 2017).

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<sup>1</sup>Prior legislation: Ords. 2786, 2801 and 2830.

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