

RESOLUTION NO. 3295

A RESOLUTION of the Port Commission of the Port of Seattle revising the Port's Code of Ethics for Commissioners, repealing all prior resolutions dealing with the same subject

WHEREAS, high moral and ethical standards among public officials are essential to good government, and

WHEREAS, Washington law provides limited guidance to Port District Commissioners regarding conflicts of interest, and certain other matters of ethics, and

WHEREAS, a code of ethics for Port Commissioners promotes and strengthens the faith and confidence of people of King County in their elected Port Commissioners, and assists the Commissioners in the performance of their public duties, and

WHEREAS, the Port Commission of the Port of Seattle previously established a Code of Ethics for Commissioners through adoption of Resolution No. 3066, as amended, and Resolution No 3093; and

WHEREAS, the Washington Legislature has revised RCW 42.23.070 affecting acceptance and reporting of gifts received by Port officials in this State, but did not include a definition of "gifts"; and

WHEREAS, RCW 42.17.020(22) and RCW 42.52.010 each contain a definition of "gift" applicable to elected officials in this state; and

WHEREAS, the Commission now desires to conform provisions of the existing Port of Seattle Code of Ethics for Port Commissioners which concern acceptance and reporting of gifts to those contained in state law,

NOW, THEREFORE, BE IT RESOLVED by the Port Commission of the Port of Seattle that

PORT OF SEATTLE CODE OF ETHICS FOR PORT COMMISSIONERS

PREAMBLE This Code of Ethics is reconfirmed and reestablished for the Port of Seattle, a public agency operating in the private business sector the drafters have attempted to identify and resolve common ethics, while recognizing the dual nature of the Port. The Code is intended to provide guidance in the event of conflicts between a Commissioner's personal or professional interests and the interests of the Port It is not to be interpreted as comprehensive in scope addressing every perceived conflict or issue; rather, it should be viewed as a framework which Commissioners and the public can apply to particular circumstances. Commissioners are elected officials entrusted with public confidence.

It is assumed and expected that a Commissioner will act in accordance with applicable law and with integrity, and will strive to avoid any appearance of impropriety in the conduct of his/her office. Ultimately, ethics for Port Commissioners are a matter of personal honesty, common sense and good judgment. Neither this, nor any other code, can be an adequate substitute for those attributes.

Section 1 Definitions Throughout this Code of Ethics, the following definitions shall apply

- A **Family** Spouse, parent, child, sibling, aunt, uncle, niece, nephew, cousin, grandchild, grandparent or any parent-in-law, son- or daughter-in-law, or brother- or sister-in-law
- B **Financial Interest** A creditor, debtor or ownership interest (including without limitation, ownership evidenced by stock purchase) in an amount or value in excess of \$1500.00, or any employee, consultant or partnership arrangement, except a remote interest; provided that an owner of an interest in a mutual or other pooled investment fund or in any employee or retirement benefit plan (including without limitation, pension plans, profit sharing plans and deferred compensation plans) shall not be deemed to have a Financial Interest in any component investment within the fund or plan where the owner of the interest 1) has no right to control or influence the selection of component investments, and 2) has not influenced the selection of component investments; and 3) has not created or used the fund or plan to subvert the intent of this Code. The term financial interest also includes any option to purchase real or personal property and the value of an option shall be the market value of the property which is the subject of the option.
- C **Gift**: Anything of economic value for which no consideration is given. Gift does not include.
1. Items from family members or friends where it is clear beyond a reasonable doubt that the item was not given as part of any design to gain or maintain influence in the Port;
 2. Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;

3. Items exchanged among Commissioners, or among Commissioners and employees, or a social event hosted or sponsored by a Commissioner or Port employee for co-workers,
4. Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in an official capacity. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event,
5. Items a Commissioner is authorized by law to accept, including, but not limited to, items accepted in accordance with RCW 53 36 120-150 (promotional hosting) or RCW 53 08 110 (gifts to Port);
6. Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade or charitable association or institution. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;
7. Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;
8. Campaign contributions reported under chapter 42 17 RCW;
9. Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
10. Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

D Immediate Family: Spouse and dependent children.

E Remote Interest: A remote interest may be deemed to exist where a Commissioner is:

1. A nonsalaried officer of a nonprofit corporation;

- 2.. An employee or agent where the employee's or agent's compensation consists entirely of fixed wages or salary;
3. A landlord or tenant of an entity contracting with the Port; or ,
- 4 A holder of less than one percent of the shares of, or interest in, a business entity contracting with the Port; provided, no interest shall be deemed to be remote where a Commissioner influences or attempts to influence any other Commissioner or Port employee to take any action which financially benefits the Commissioner by or through the interest.

Section 2. Use of Office.

- A A Commissioner shall not knowingly use his or her office for personal or Family gain or profit
- B. A Commissioner shall not use Port-owned property or Port services for personal or Family gain or profit
- C A Commissioner shall not use information acquired in confidence from a Port customer, supplier, lessee or contractor for other than Port purposes.

Section 3. Conflicts of Interest.

- A A Commissioner shall not knowingly engage in activities which are in conflict, or which have the potential to create a conflict, with performance of official duties.
Examples of conflicts, or potential conflicts, or interest include (but are not necessarily limited to) circumstances where the Commissioner:
 - 1 Influences the selection of non-selection of, or the conduct of business between the Port and, any entity when the Commissioner or Family has a Financial Interest in that entity or any of its competitors.
 2. Solicits for himself/herself or for another, a Gift or any other thing of value from the Port or from any person or entity having dealings with the Port; provided that no conflict of interest shall be deemed to exist with respect to solicitations for

campaign contributions required to be reported under Chapter 42.17 RCW or for charitable contributions

3 Accepts any retainer, compensation, Gift or other thing of value which is contingent upon a specific action or non-action by the Port Commission.

4. Accepts a Gift in any manner other than as provided in Section 5 (Acceptance of Gifts) below.

5 Intentionally uses or discloses information not available to the general public and acquired by reason of his/her official position which financially benefits himself/herself, Family, friends or others

B. A Commissioner shall not take part in any Commission action, as that term is defined in Chapter 42 30 RCW, concerning any contract, property, or other matter of any kind, in which the Commissioner or his/her Immediate Family has a Financial Interest, or which otherwise creates a conflict of interest

C. A Commissioner shall disclose the fact and extent of a Remote Interest in the official minutes of the Port Commission prior to taking any action related to the interest and, thereafter, all action taken by the Port Commission related to such interest shall be by a vote sufficient for the purpose without counting the vote of the Commissioner having the Remote Interest.

Section 4. Disclosure of Interests. On or before April 15 each year, or within fourteen (14) days of taking the oath of office, each Port Commissioner shall file with the Board of Ethics a copy of a statement of financial affairs prepared in satisfaction of the requirements of RCW 42.17 240-241, which shall be available for public inspection upon written request.

Section 5. Acceptance of Gifts.

A A Commissioner may accept a Gift of any value on behalf of the Port. Any Gift so accepted shall become the property of the Port and not of the Commissioner. A Commissioner shall report the acceptance of any Gift under this subsection 5 A to the Port's General Counsel within thirty (30) days of receipt.

B A Commissioner may not accept gifts, other than those specified in subsections (C) and (E) of this Section, with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars. For purposes of this section, "single source" means any person, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs, not excluded from the definition of Gift in Section 1, above. The value of Gifts given to a Commissioner's family member or guest shall be attributed to the Commissioner for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the family member or guest.

C. The following items are presumed not to influence a Commissioner's action or non-action on any matter and may be accepted without regard to the fifty dollar limit established by subsection (B) of this Section:

- (a) Unsolicited flowers, plants, and floral arrangements;**
- (b) Unsolicited advertising or promotional items of nominal value, such as pens and note pads,**
- (c) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item;**
- (d) Unsolicited items received by a Commissioner for the purpose of evaluation or review, if the Commissioner has no personal beneficial interest in the eventual use or acquisition of the item by the Port,**
- (e) Informational material, publications, or subscriptions related to the recipient's performance of official duties,**
- (f) Food and beverages consumed at hosted receptions where attendance is related to the Commissioners official duties;**

(g) Admission to, and the costs of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization; and

(h) Unsolicited gifts from dignitaries from another state or a foreign country that are intended to be personal in nature.

D The presumption in subsection (C) of this Section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item

E A Commissioner may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the Commissioner is related to the performance of official duties. Gifts in the form of food and beverage that exceed fifty dollars on a single occasion shall be reported as provided in RCW 42.17.241(1)(I).

F Except as expressly provided otherwise in subsection 3 A 3 above or in this Section 5, a Commissioner may accept any other Gift, provided the filing requirements of RCW 42 17.240-242 are met

Section 6. Former Commissioners A conflict of interest shall be deemed to exist if any Commissioner, within a period of one year after the termination of Commission service, appears before the Commission on behalf of another and for compensation of any kind, in relation to any case, proceeding, application or matter with respect to which such former Commissioner was directly concerned and in which he or she personally participated during the period of Commission service.

Section 7 Board of Ethics. There is created a Board of Ethics for the Port of Seattle. The purpose of this Board of Ethics is to interpret the provisions of this Code of Ethics and to investigate and report to the Port Commission on any alleged violation(s) as provided below.

A The Board of Ethics shall be composed of five members None of the Board Members shall be a Port Commissioner or employee Initially, two members shall be appointed by the Port Commission, two members shall be appointed by the Executive Director from a list of nominees submitted by the Port Commission, and the fifth member, who shall be chairperson, shall be appointed by the Commission from a list of nominees submitted by the other members. The Commission shall initially appoint two members for a one-year term, two members for a two-year term and the Chairperson for a three-year term Thereafter, the term of office for each

Board position shall be three years. Any subsequent vacancy, whether occurring by death, resignation, removal or expiration of term, shall be filled by the Port Commission. After the expiration of the initial chairperson's term, the Board shall elect a chairperson annually. In filling any vacancy or making any appointment to the Board of Ethics, the Commission shall strive to select members with diverse perspectives and areas of expertise appropriate to the review of ethical matters, and who are of good general reputation and character.

B A majority of the Board of Ethics shall constitute a quorum. The Board of Ethics shall meet as frequently as it deems necessary. The Board of Ethics shall adopt procedures consistent with the provisions of this Code governing the conduct of meetings, investigations, hearings and the issuance of opinions.

C Any person, including Port Commissioners, Port employees and members of the public, may submit a written complaint to the Board of Ethics specifying one or more violations of this Code. Every complaint must be signed by the person or persons submitting it, and must state the submitter's correct name, an address at which mail can be delivered to the submitter, and a daytime telephone number. Anyone submitting a complaint shall submit to an interview before the Board of Ethics if the Board so requests, and shall cooperate with the Board in providing all information known to the submitter which forms the basis of the complaint. The filing of a complaint or complaints with the Board of Ethics shall not subject a Port employee to any form of disciplinary action, termination of employment, or discrimination in any future employment with the Port.

D The Board shall review all written complaints received from any source regarding alleged or suspected violations of this Code of Ethics. The Board shall inform the Commission of the contents of any written complaint which in the opinion of a majority of the Board may have merit.

E Whenever requested by a Port commission or the Executive Director, or whenever it deems it in the public interest, the Board of Ethics shall investigate any suspected or

alleged violation of the Code of Ethics The Board may summon witnesses and schedule hearings in connection with any matter under investigation or inquiry.

F The Board shall render a written opinion at the conclusion of an investigation; provided, however, no opinion may be issued unless the person or entity complained against has had an opportunity to present evidence on its behalf at a hearing before the Board. A copy of any written opinion shall be delivered to the Port Commission A copy of any written opinion shall also be presented to any person or entity which was the subject of the investigation and, subject to Port Commission discretion exercised pursuant to subsection 7.H. below, to the person requesting the investigation or submitting the complaint which led to the investigation

G The Board may render written opinions concerning questions of ethics, conflicts of interests, and the applicability of the code of Ethics to hypothetical circumstances or situations whenever it deems it in the public interest to do so or whenever requested to do so by a Commissioner The Board of Ethics shall review all disclosure forms filed with it by Commissioners at least annually The Board of Ethics may propose amendments to this Code to the Port Commission.

H The Port Commission shall release any written opinion prepared by the Board to the public with any omissions the Commission, in its discretion, deems necessary to protect the privacy of Port officials and employees, consistent with Chapter 42 17 RCW and other public disclosure laws

I A member of the Board of Ethics may be removed for just cause by a majority vote of the Port Commission, after written charges have been served on the member and a hearing has been held by the Commission A public hearing shall be held at the request of the Board member.

J Board members shall be reimbursed by the Port for reasonable expenses incurred in the exercise of official Board of Ethics business The Port of Seattle shall provide sufficient investigative and administrative support to enable the Board to reasonably carry out its duties hereunder.

ADOPTED by the Port Commission of the Port of Seattle at a regular meeting thereof,
held this 24th day of November, 1998, and duly authenticated in open session
by the signatures of the Commissioners voting in favor thereof and the seal of the Commission.

Gary Grant
Patricia Dawif
Paige R Miller
M. Jensen

Port Commission

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