

THE BOARD OF FIRE COMMISSIONERS

CONFLICT of INTEREST/ETHICS

Purpose:

To establish policies and procedures to ensure the Board of Commissioners maintains a Code of Ethics as established by state law and the adopted policies and procedures of the Northshore Fire Department.

References:

WFOA Commissioner Handbook
Ch. 42.23 RCW, Code of Ethics for Municipal Officers

Responsibility:

Chapter 42.23 RCW identifies various conflicts of interest for municipal officers. This legislation generally applies to the Board of Commissioners However, in some cases Ch. 42.23 RCW will apply to the Fire Chief and other employees of the District.

Policy:

Prohibited Financial Conflicts

If any member of the Board of Commissioners has a prohibited contractual conflict of interest, the board is prohibited from entering into the contract. Abstention by the conflicted commissioner does not remove the conflict.

1. You may not have an interest, financial or otherwise, direct or indirect, or engage in a business, transaction, or professional activity, or incur an obligation of any nature that is in conflict with the proper discharge of the commissioner's duties.
2. You may not have a beneficial interest, directly or indirectly, in a contract, sale, lease, purchase or grant that may be made by, through or under your supervision in whole or in part. This prevents a paid employee from serving as a commissioner for the same district and, under the Washington community property law, generally prevents the husband or wife of a paid employee (except in the capacity of a District Secretary) from serving as a commissioner of a district.
3. You may not accept, directly or indirectly, any compensation, gratuity or reward from any other person beneficially interested in any such contract, sale, lease, purchase or grant.
4. You may not give, receive, or agree to receive any compensation, gift, reward or gratuity from a source other than the fire district, for a matter connected with or related to your services as a commissioner unless provided for by law.
5. You may not receive, accept, take, seek or solicit, directly or indirectly, anything of economic value as a gift, gratuity or favor from a person if it

could be reasonably expected that the gift, gratuity or favor would influence your vote, action or judgment or be considered as part of a reward for action or inaction.

Allowable Financial Conflicts

If you have one of the following conflicts, the board may approve the contract but you must declare your financial interest and abstain from participating in any discussion and voting. The declared interest must be noted in the official minutes or similar records of the department before the formation of the contract in question. These exceptions do not apply if you attempt to influence other district officers with respect to entering into the contract.

1. You or your spouse may have a financial interest in a contract that does not exceed \$1,500.00 in any calendar month.
2. Employment in an unskilled day labor position for less than \$200.00/month.
3. Your financial interest meets the following definitions of a remote interest:
 - a. Your interest is that of a non-salaried officer of a nonprofit corporation.
 - b. Your interest is an employee or agent of a contracting party, and your compensation consists entirely of fixed wages or salary.
 - c. You are a landlord or tenant of the contracting party.
 - d. Your financial interest consists of ownership of less than 1% shareholder of a contracting corporation or cooperative.

Prohibited Acts

While there is some layover with prohibited financial conflicts, RCW 42.23.070 lists additional prohibited acts that are not necessarily tied to a financial conflict. Under this statute, you may not:

1. Use your position to secure special privileges or exemptions for yourself or others.
2. Accept employment or engage in business or professional activity that you might reasonably expect would require or induce you to disclose confidential information acquired by reason of your official position.
3. Disclose confidential information gained by reason of your position, nor may you otherwise use such information for your personal gain or benefit.

Rule of Necessity – RCW 42.36.090.

In the event that the abstention from voting and participation of an interested commissioner would cause a lack of quorum or would result in a failure to obtain a majority vote as required by law, any such interested commissioner is permitted to fully participate in the proceeding and vote as though there was no conflict of interest. However, the interested commissioner must still publicly disclose the basis for disqualification prior to voting or rendering any other decision on the conflicted matter.

Commissioners should exercise this authorization with caution and apply it in cases where decision-making is necessary for district operations, such as paying financial obligations. As good practice, in addition to disclosing the conflict, the commissioner should disclose why he or she is nevertheless participating in the decision (for example, that a vote is necessary to pay the district's utility bills.)

Commissioner Ethics

There are many ethical rules that govern your conduct as a commissioner that can be found throughout the Revised Code of Washington, case law and common sense. The following list summarizes some of these rules:

1. Recognize that public office involves public trust and service to the public.
2. Understand how your powers, duties and authority are limited by statute.
3. Adhere to your Oath: Faithfully and impartially discharge the duties of the office.
4. Conduct District business in accordance with the Open Public Meeting Act.
5. Limit executive sessions to areas allowed by statute.
6. Recognize that public records belong to the public.
7. Do not disclose confidential information.
8. Protect your employees' and constituents' right of privacy.
9. Do not give away public funds.
10. Do not lend public funds.
11. Verify the appropriateness of all expenditures of public funds.
12. Do not use or take district resources for personal use.
13. Report misappropriations of public funds to the state auditor.
14. Do not use your position to secure special privileges or exemptions.
15. Do not accept payment or other benefits as a condition of voting or taking actions.
16. Do not lie.
17. Do not use coercion, harassment, or threatening behavior to influence your fellow commissioners.
18. Avoid appearances of unfairness.
19. Do not attempt to circumvent or avoid the public bid laws and procedures.
20. Do not remove, alter, mutilate, destroy or conceal protected public records.
21. Practice non-discriminatory conduct as an example to others.
22. Do not use public resources in any political campaign.