CITY OF TACOMA

CODE OF ETHICS

Effective January 1, 1983
Amended October 2, 1990
Amended October 26, 1993
Amended May 3, 1994
Amended January 9, 2001
Amended June 27, 2006
Amended January 22, 2008
Amended August 4, 2008
Amended March 8, 2011

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1.46.010 PURPOSE.

A. The policy of the City of Tacoma is to uphold, promote, and demand the highest standards of ethics from all City officers and employees, whether elected, appointed, or hired. City officers and employees shall maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants, including the appearance of impropriety; and never use their City position or powers for improper personal gain.

B. The purpose for this policy is to protect the public against decisions that are affected by undue influence, conflicts of interest, or any other violation of this Code of Ethics.

C. Construction. It is the intention of the City Council that this chapter be liberally construed within the confines of chapter 42.23 RCW and Section 6.6 of the Tacoma City Charter to accomplish this purpose. Those construing this chapter should be guided by common sense and practicality. This Code of Ethics is supplemental to state law, chapter 42.23 RCW, as now or hereafter amended.

1.46.020 DEFINITIONS.

The following words and phrases as used in this chapter, unless the context clearly indicates otherwise, shall have the following meanings:

A. "Board of Ethics" ("Board") means the Board authorized to hear and decide complaints of violations of this Code of Ethics by current and former Covered Officials pursuant to Section 1.46.045 TMC and as that section may be hereinafter amended.

B. "Business" means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, consultant, holding company, joint stock company, receivership, trust, or any legal entity organized for profit.

C. "City-elected official" means any person who is elected at a general or special election to any public office of the City of Tacoma and any person appointed to fill a vacancy in any such office.

D. "City officer or employee" means a current or former City-elected official; an appointed member of a City Board, Commission, Committee, task force, or other multi-member body; and any City employee.

E. "Compensation" means payment in any form for real or personal property or services of any kind.

F. "Covered Official" means a current or former City-elected official; the City Manager; the Director of Public Utilities; a member of the Public Utility Board; or an appointed member of a City Board, Commission, Committee, task force, or other multi-member body.

G. "Gift" means a voluntary transfer of real or personal property of any kind or the voluntary rendition of services of any kind without consideration of equal or greater value.

H . "Hearing Examiner" shall mean the duly appointed and qualified Hearing Examiner or Deputy Examiner of the City of Tacoma, or his or her designee, who shall possess qualifications comparable to those required of the Hearing Examiner and Deputy Examiner pursuant to Chapter 1.23 TMC.

I. "Immediate family" shall have the meaning set forth in Section 1.24.130 TMC and as that section may be hereinafter amended.

J. "Person" means any individual or corporation, business, or other entity, however constituted, organized, or designated.

1.46.025. JURISDICTION:

The following four groups of people are bound by the Code of Ethics:

A. Current Covered Officials;

B. Former Covered Officials;

C. Current City officers and employees; and

D. Former City officers and employees who come back as contractors.

E. Jurisdiction over complaints of violations of this code against current and former Covered Officials lies with the Board of Ethics.

F. Jurisdiction over complaints of violation of this code against current and former City officers and employees, other than current or former Covered Officials, lies with the City Manager or Director of Utilities and, in the event of request for formal hearing following disposition by the City Manager or Director of Utilities, with the Hearing Examiner.

1.46.030 PROHIBITED CONDUCT.

The following shall constitute violations of this Code of Ethics:

A. **Beneficial Interests in Contracts Prohibited.** No City officer or employee shall participate in his or her capacity as a City officer or employee in the making of a contract in which he or she has a financial interest, direct or indirect, within the meaning of Section 6.6 of the Charter of the City of Tacoma or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City. Except, that this prohibition shall not apply where the City officer or employee has only a remote interest in the contract and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract and thereafter the City Council authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the officer(s) having the remote interest. For purposes of this section, a “remote interest” means:

1. That of a nonsalaried officer of a nonprofit corporation;
2. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
3. That of a landlord or tenant of a contracting party;
4. That of a holder of less than 1 percent of the shares of a corporation, limited liability company, or other entity which is a contracting party.

B. **Beneficial Influence in Contract Selection Prohibited.** No City officer or employee shall influence the City’s selection of or its conduct of business with a corporation, person, or firm having or proposing to do business with the City if the City officer or employee has a financial interest in or with the corporation, person, or firm, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted in the official minutes or similar records of the City prior to formation of the contract, as defined in the preceding section.

C. **Representation of Private Person at City Proceeding Prohibited.** No City officer or employee shall appear on behalf of a private person, other than himself or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City officer or employee in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

D. **Certain Private Employment Prohibited.** No City officer or employee shall engage in or accept private employment or render services for any private interest when such employment or service is incompatible with the proper

discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

E. **Beneficial Interest in Legislation Prohibited.** No City officer or employee, in appearing before the City Council or when giving an official opinion before the City Council, shall have a financial interest in any legislation coming before the City Council and participate in discussion with or give an official opinion to the City Council, unless such interest is a remote interest and where the fact and extent of such interest is disclosed and noted on the record of the City Council, or similar records of the City, prior to consideration of the legislation by the City Council.

F. **Continuing Financial Interest.** Where a City officer or employee has a substantial ongoing financial relationship with a corporation, firm, or person seeking a contract, or proposing to do business with the City, such City officer or employee shall not:

1. Influence or participate in the City's contract selection of or conduct business with such corporation, firm, or person; nor

2. Influence or participate in the City's contract selection of, or conduct business with, a corporation, firm, or party competing against a party that a City officer or employee has such a substantial ongoing financial relationship. For purpose of this section, a substantial ongoing financial relationship is defined as: expanding beyond just a formal contractual relationship. Rather it encompasses any financial interest, direct or indirect, where a City officer or employee is involved in a client-service relationship in which:

   a. the City officer or employee receives a substantial portion of his or her revenue or like compensation through such relationship, whether received through his or her corporation, firm, or as an individual; or

   b. Such client-service relationship is likely to continue to provide considerable potential business or has provided substantial business in the past. This does not include prior financial relationships that are so far removed in time or rare in frequency as to be insignificant.

G. **Disclosure of Confidential Information Prohibited.** No City officer or employee shall disclose or use any confidential, privileged, or proprietary information gained by reason of his or her official position for a purpose which is for other than a City purpose; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge or which is available to the public on request.

H. **Improper Use of Position Prohibited.** No City officer or employee shall knowingly use his or her office or position to secure personal benefit, gain or profit, or use his or her position to secure special privileges or exceptions for himself, herself, or for the benefit, gain, or profits of any other persons.

I. **Improper Use of City Personnel Prohibited.** No City officer or employee shall employ or use any person under his or her official control or direction for the personal benefit, gain, or profit of the City officer or employee or another.

J. **Improper Use of City Property Prohibited.** No City officer or employee shall use City-owned vehicles, equipment, materials, money, or property for personal or private convenience or profit. Use is restricted to such services as are

available to the public generally, for the authorized conduct of official business, and for such purposes and under such conditions as are approved by administrative order of the City Manager or Director of Public Utilities; provided, that the use of a City vehicle by a City officer or employee participating in a carpooling program established by the City and for a purpose authorized under such program shall not be considered a violation of this section or of any other provision of this chapter.

K. **Acceptance of Compensation, Gifts, Favors, Rewards, or Gratuity Prohibited.** No City officer or employee may, directly or indirectly, give or receive, or agree to give or receive, any compensation, gift, favor, reward, or gratuity for a matter connected with or related to the City officer or employee's services with the City of Tacoma, except this prohibition shall not apply to:

1. Attendance of a City officer or employee at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of City business or where official attendance by the City officer or employee as a City representative is appropriate;
2. An award publicly presented in recognition of public service; or
3. Nominal promotional items including, but not limited to, items such as ball point pens, calendars, wearing apparel, or food items which cannot reasonably be presumed to influence the vote, action, or judgment of the City Official or be considered as part of a reward for action or inaction.

L. **Commission of Acts of Moral Turpitude.** No City officer or employee shall commit any act of moral turpitude or dishonesty relating to his or her duties or position as a City officer or employee or arising from business with the City. Conviction of a felony or a misdemeanor involving moral turpitude, the nature of which demonstrates lack of fitness for the position held, is conclusive evidence of a violation of this Code of Ethics.

M. **Failure to Comply with Section 1.46.080 TMC.** Failure to comply with the requirements of Section 1.46.080 TMC (Financial Disclosure for Covered Officials) is a violation of this Code of Ethics.

N. **Impermissible Conduct After Leaving City Service.**

1. ***Disclosure of Privileged, Confidential, or Proprietary Information Prohibited.*** No former City officer of employee shall disclose or use any privileged, confidential, or proprietary information gained because of his or her City employment or office.
2. ***Participation in City Matters Prohibited.*** No former City officer or employee shall, during the period of one year after leaving City office or employment:
   a. Assist any person in matters involving the City if, while in the course of duty with the City, the former City officer or employee was officially involved in the matter or personally and substantially participated in the matter or acted on the matter.
   b. Represent any person as an advocate in any matter in which the former City officer or employee was involved while a City officer or employee; or

c. Participate as or with a bidder, vendor, or consultant in any competitive selection process for a City contract in which he or she assisted the City in determining the project or work to be done or the process to be used.

3. ***Duty to Inform.*** Whenever a current City officer or employee wishes to contract with a former City officer or employee for expert or consultant services within one year of the latter leaving City service or office, advance notice shall be given to the City Manager for matters concerning City government or to the Director of Public Utilities for matters concerning the Department of Public Utilities about the proposed agreement. The City Manager or Director of Utilities shall evaluate the proposed contract to determine if there is a conflict with this Code of Ethics. If there is a question of this nature, the City Manager or Director of Utilities may submit the matter to the Board of Ethics for an opinion. If the proposed contract is found to present a conflict with this Code, it shall not be allowed.

4. ***Exceptions.*** The prohibitions of subsections 2.a and 2.b of this section shall not apply to a former City officer or employee acting on behalf of a governmental agency, unless such assistance or representation is adverse to the interest of the City.

1.46.040 COMPLAINT PROCESS.

A. A complaint alleging that this Code of Ethics has been violated may be filed with any City officer or employee.

B. A complaint alleging that the Code of Ethics has been violated by a current or former Covered Official shall be referred to the Board of Ethics for disposition pursuant to the procedures set forth in Section 1.46.045 TMC.

C. A complaint alleging that the Code of Ethics has been violated by any City officer or employee (other than a Covered Official) shall be referred to the City Manager or the Director of Public Utilities, as appropriate. The City Manager or the Director of Public Utilities shall promptly designate an individual to conduct an investigation of the complaint.

D. The person designated by the City Manager or the Director of Public Utilities to conduct an investigation of a complaint involving any City officer or employee (other than a Covered Official) shall complete the investigation and prepare written findings, conclusions, and recommended disposition within 60 days of the date the complaint was received by the City, unless an extension is granted in writing by either the City Manager or the Director of Public Utilities. A copy of the investigator's written findings, conclusions, and recommended disposition shall be provided to the City Manager or the Director of Public Utilities, as appropriate.

E. Within five business days of receipt of the investigator's written findings, conclusions, and recommended disposition, the City Manager or the Director of Public Utilities, as appropriate, shall cause to be prepared a written disposition of the complaint. Copies of the recommended disposition and the investigation findings and conclusions shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses. Additional copies of the recommended disposition shall be forwarded to the

investigator, the City Attorney or the City Attorney's designee, and the person(s) responsible for acting on the recommended disposition. The recommended disposition shall not be implemented until the time for requesting a formal hearing, pursuant to subsection F below, has lapsed and no such hearing has been requested. A disposition involving discipline shall not be implemented except upon compliance with the predisciplinary procedures to which the City officer or employee is entitled.

F. The City officer or employee (other than a Covered Official) complained against may, within ten business days following the date of the disposition, finding a violation of this Code of Ethics, request in writing a formal hearing before the Hearing Examiner. In the event a formal hearing is requested, the Hearing Examiner shall conduct the hearing process in a manner consistent with the procedures set forth in Chapter 1.23 TMC and as such chapter may be hereinafter amended.

G. Within 30 days after the conclusion of the hearing, the Hearing Examiner shall, based upon a preponderance of the evidence, prepare findings of fact, conclusions of law, and his or her order or recommendation. Copies of the Hearing Examiner's findings, conclusions, and order or recommendation shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses. Additional copies of the findings, conclusions, and order shall be forwarded to the investigator, the City Attorney or the City Attorney's designee, and the person(s) or body responsible for acting on the Hearing Examiner's order or recommendation.

1.46.045 BOARD OF ETHICS.

A. **Purpose.** The Board of Ethics shall receive, investigate, and make recommendations for disposition of complaints of violations of the Code of Ethics by current and former Covered Officials.

B. **Composition**.

1. The Board of Ethics shall be composed of five regular members who are residents of the City appointed by majority vote of the City Council upon recommendation by the City Council Appointments Committee. Members of the Board shall serve without compensation and shall not, except for their appointment as a member of the Board of Ethics, be a City officer or employee.

2. Board members shall serve staggered terms of three years. The initial terms shall be one year for the first member appointed, two years for the second and third members appointed, and three years for the fourth and fifth members appointed. No person shall serve more than two consecutive full terms as a member of the Board. A member shall hold office until a member's successor is appointed; provided, that the term of the successor shall be deemed to have commenced upon the expiration of the term of the member holding over and shall be considered a full term.

3. Appointments to a vacant position shall be made in the same manner as appointments for a full term.

4. The Board shall select its own Chair and Vice Chair from among its members.

5. The City Manager shall provide such staff support for the Board as the City Council determines to be necessary for the Board to fulfill its duties.

6. The Board's meetings shall be open to the public in accordance with the Open Public Meetings Act.

7. The City Attorney is designated to be the legal advisor for the Board, except that the City Attorney is not authorized to advise the Board in any matter if doing so would create a conflict for the City Attorney under the Rules of Professional Conduct.

C. **Duties and Powers of the Board.**

1. Adopt written rules governing its procedures and providing for the holding of regular and special meetings, which rules shall be subject to the approval of the City Council and a copy of the rules shall be filed with the City Clerk; and

2. Conduct hearings, as needed, to hear and decide specific cases in which a violation of the Code of Ethics by a current or former Covered Official is alleged, whether such cases arise from a complaint or are brought on the Board's own motion; and

3. Subpoena witnesses, compel their attendance, administer oaths, take the testimony of a person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the Board; and

4. No later than March 1 of each year, submit an annual report to the City Council concerning its action in the preceding year. The report shall contain a summary of its decisions and opinions, both open and confidential, and the Board shall make any alterations in the summaries necessary to prevent disclosure of any confidential information pertaining to any individual or to any organization if the disclosure could lead to the disclosure of the identity of a person who is entitled to confidentiality; and

5. When circumstances make it necessary to do so, retain outside legal counsel and other experts, as needed, after solicitation of recommendations from the City Attorney (unless the need to retain outside counsel is caused by a conflict involving the City Attorney's Office); and

6. Serve as legal custodian of the Board's records and accept, file, maintain, and administer, in accordance with all applicable laws, any information related to the purposes of this Code of Ethics; and

7. Make recommendations to the City Manager and to the City Council for amendments to this chapter, the City Charter, and for such other legislation affecting the subject matter of this chapter as the Board of Ethics may deem necessary or desirable.

D. All opinions and recommendations of the Board shall be filed with the City Clerk and are open to public inspection.

E. **The Board may, in addition to its other duties:**

1. Respond, as it deems appropriate, to requests from City officials and employees for opinions regarding prospective conduct. Provided, however, that neither a request for an opinion nor the making of a statement concerning a potential conflict of interest made by a Covered Official in the course of abstaining from voting or making a motion of self-recusal shall create a presumption or inference that such Covered Official has a personal interest in the matter about which the opinion was requested.

2. Render and publish opinions on any matter within the scope of the Board's authority which it may deem appropriate. The Board may initiate opinions on its own motion or upon request; any formal opinion shall be in writing. Rendering any such opinion shall not preclude the Board from considering subsequent complaints on the matter addressed in the opinion.

3. Refer a complaint received by the Board to other legal authority for investigation or criminal prosecution, as may be appropriate. Before any such referral, the Board shall consult with the City Attorney (or other legal advisor, if a conflict prevents the City Attorney from advising the Board). If the Board determines that it may, under the Code of Ethics, have jurisdiction over a complaint that also alleges conduct that could be a violation of another code, statutory, or regulatory provision, the Board may stay its consideration of the complaint pending the outcome of any official investigation or criminal prosecution either on its own motion or at the request of the appropriate legal authority.

F. **Complaint Process of the Board of Ethics.**

1. Any City official knowingly receiving a complaint that the Code of Ethics has been violated by a Covered Official shall promptly forward the complaint to the Board or the Board's designee.

2. The Board, upon receipt of the complaint, shall acknowledge receipt of the complaint, forward the complaint simultaneously to the person who is complained against, if known, and the City Attorney, and promptly meet and review the complaint. As soon as practicable after giving due consideration to a complaint the Board shall either:

   a. dismiss the complaint based on any of the following grounds: (i) the complaint does not allege facts sufficient to constitute a violation of the Code of Ethics; or (ii) the Board has no jurisdiction over the matter; or (iii) the failure of the complainant to cooperate in the Board's review and consideration of the complaint; or

   b. determine that: (i) the complaint alleges facts which, if found to be true, would be sufficient to constitute a violation of the Code of Ethics; or (ii) that further information must be presented for the Board to determine if a violation of the Code of Ethics has occurred.

3. In order to establish the factual record necessary for the Board to determine whether a violation of the Code of Ethics has occurred, the Board can either appoint an investigator to conduct an investigation of the facts or convene a hearing at a future date certain.

a. If the Board appoints an investigator, the investigator shall interview witnesses, as well as procure and examine relevant documents and records. The investigator shall complete the investigation and prepare written findings within 60 days of the date the complaint was received by the Board, unless an extension is granted in writing by the Board. A copy of the investigator's written findings shall be provided to the Board. Within ten business days of receipt of the investigator's written findings, the Board shall convene to review the complaint and the findings of the investigator. After due deliberation on the findings presented by the investigator, the Board may take one of the following actions.

   i. Determine that no violation of the Code of Ethics has occurred.

   ii. Make a preliminary finding that a violation of the Code of Ethics has occurred. If the Board, based on the findings presented by the investigator, finds that a violation of the Code of Ethics has occurred, it shall issue preliminary findings of fact and conclusions of law, and the person complained against shall have ten days following the receipt of the Board's preliminary findings to request a hearing before the Board to present any additional testimony, statements, or documentary evidence, as may be relevant. At such a hearing, the Board may call additional witnesses or consider additional documentary evidence. After final deliberations on the investigator's findings, as well as any additional testimony, statements, or documents presented at the hearing, the Board shall determine whether or not a violation of the Code of Ethics has occurred.

4. A complaint dismissed under subsection F(2) shall be deemed to be dismissed with prejudice. A complaint dismissed by Board under subsections F(2)(a)(i) or (ii) will not be reconsidered if resubmitted by the complainant unless factual allegations not present in the original complaint are presented. A complaint dismissed by the Board under subsection F(2)(a)(iii) cannot be resubmitted.

5. After the Board has made its final determination under subsection F(2)(a) or F(3)(a) or (b), the Board shall issue its written findings of fact and conclusions of law, along with its recommended disposition (if applicable). The Board may, in addition, issue any additional reports, opinions, or recommendations as it deems advisable under the circumstances. All such reports shall be reviewed by the City Attorney (or independent legal counsel in the event that a conflict of interest prevents the City Attorney from conducting the review) prior to their issuance. The Board's conclusions shall be based on the preponderance of the evidence standard.

6. Copies of the written findings of fact, conclusions, and recommended disposition of the Board of Ethics shall be forwarded by certified mail to the complaining party and the party complained against at their last known addresses. Additional copies of the written findings of fact, conclusions, and recommended disposition of the Board of Ethics shall be forwarded to the investigator, the City Attorney (or independent legal counsel), the City Council for matters involving a City-elected official, an

appointed member of the Public Utilities Board or other City board, commission, committee, task force or other multimember body, or the City Manager and the Public Utilities Board, for matters involving the Director of Public Utilities. All other recommendations shall be forwarded, as is appropriate, by the City Attorney.

G. **Limitations on the Board of Ethics' Power.** The Board does not have the authority to reverse or otherwise modify a prior action of a City officer or employee. If the Board finds a prior action of a City officer or employee to have been performed in violation of the Code of Ethics, the Board may advise the appropriate party or parties that the action should be reconsidered. Upon such advice by the Board, the action shall be reconsidered by the appropriate person or public body. If the Board determines an existing City contract to be in violation of the Code of Ethics after such determination and advice from the Board, the City may void or seek termination of the contract if legally permissible.

H. **Ex Parte Communications.** After a complaint has been filed and during the pendency of a complaint before the Board, no member of the Board may communicate directly or indirectly with any party or other person about any issue of fact or law regarding the complaint, except that:

1. The members of the Board may obtain legal advice from the City Attorney or, in the event of a conflict, with independent legal counsel and may discuss the complaint with their staff.

2. The members of the Board may discuss the complaint at a lawfully conducted meeting. Board deliberations concerning complaints are subject to exemption from the Open Public Meetings Act, as permitted by law. If any person attempts to communicate with a Board member regarding the pending complaint, the Board member shall report the substance of the communication to the Board on the public record at the next regular meeting of the Board.

3. The Board shall not take testimony or comments from any person regarding a complaint except as presented in an investigative report or in the course of a duly noticed public hearing.

I. **Statute of Limitations.** No action may be taken on any complaint which is filed later than three years after a violation of the Code of Ethics is alleged to have occurred.

1.46.050 PENALTIES FOR NONCOMPLIANCE.

A. The Board may recommend and the Tacoma Public Utility Board or City Council, as appropriate, may impose upon any Covered Official found, by a preponderance of the evidence, to have violated any provision of this Code of Ethics any of or a combination of the following penalties. The City Manager or Director of Public Utilities may similarly impose upon any City officer or employee (other than Covered Officials) found by a preponderance of evidence to have violated any provision of the Code of Ethics any of or a combination of the following penalties:

1. A cease and desist order as to violations of this Code of Ethics;

2. An order to disclose any reports or other documents or information requested by the City Manager, the Director of Public Utilities, the Hearing Examiner, the Public Utility Board, the City Council, or the Board of Ethics;

3. Discipline, up to and including termination or removal from any position, whether paid or unpaid, excluding elected positions, only after notice and hearing as provided by law. The predisciplinary procedure set forth in the provisions of the Tacoma City Charter and Section 1.24.955 TMC, and as such may be hereinafter amended, shall be followed for permanent employees in the Classified City Service.

4. Exclusion from bidding on City contracts for a period of up to five years; and/or

5. Termination or invalidation of contract(s) entered into in violation of the Code of Ethics, only if such contract(s) provide for termination in the event of a Code of Ethics violation.

B. **Removal–Member of Board, Commission, or Committee.** In addition to any other penalties that may be imposed under this chapter, the City Council may remove any appointed member of a City board, commission, committee, task force, or other multimember body, including the Public Utility Board, if that member is found by the Board of Ethics to have violated the Code of Ethics. The recommendation of the Board of Ethics shall be subject to review by the City Council. The City Council's final decision shall be based on evidence in the record. The provisions of this section shall supplement any other procedures required by the Tacoma City Charter or other applicable state or federal law for removal of such persons.

C. In addition to any other penalties set forth in this chapter, any current or former City-elected official against whom a complaint has been made and whom the City Council determines to be found by a preponderance of the evidence to have violated the Code of Ethics may be subject to any one or more of the following actions by a majority vote of the City Council:

1. ***Admonition***. An admonition shall be a verbal statement approved by the City Council and made to the individual by the Mayor, or his or her designee, or if the complaint is against the Mayor, the Deputy Mayor, or his or her designee.

2. ***Reprimand***. A reprimand shall be administered to the individual by a resolution of reprimand by the City Council. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Deputy Mayor. If the City-elected official objects to the content of such resolution, he or she may file with the Mayor or, if the complaint is against the Mayor, the Deputy Mayor, a request for review stating the reasons for his or her objections and asking for a review of the content of the resolution of reprimand by the City Council. The City Council shall review the resolution of reprimand in light of the City Council's findings and the request for review and may take whatever action, if any, appears appropriate under the circumstances. The action of the City Council shall be final and not subject to further review or appeal except as may be otherwise provided by law.

3. ***Censure***. A resolution of censure shall be a resolution read personally to the individual in public. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Deputy Mayor. The City-elected official shall appear at a City Council meeting at a time and place directed by the City Council to receive the resolution of censure. Notice shall be given at least 20 calendar days before the scheduled appearance, at which time a copy of the proposed resolution of censure shall be provided to the City-elected official. Within seven days of receipt of the notice, if the City-elected official objects to the contents of such resolution, he or she may file with the Mayor or, if the complaint is against the Mayor, the Deputy Mayor, a request stating the reasons for objections and asking for a review of the content of the proposed resolution of censure by the City Council. Such request will stay the administration of the censure. The City Council shall review the proposed censure in light of the City Council's findings and the request for review and may take whatever action, if any, appears appropriate under the circumstances. The action of the City Council shall be final and not subject to further review or appeal except as may be otherwise provided by law. If no such request is received, the resolution of censure shall be administered at the time and place set. It shall be read publicly, and the City-elected official shall not make any statement in support of or in opposition thereto, or in mitigation thereof. A censure shall be administered at the time it is scheduled whether or not the individual appears as required.

4. ***Other penalties***. Budget reduction or restriction, loss of seniority, loss of a committee assignment, or loss of appointment as a representative of the City on any board, commission, committee, task force, or other multi-member bodies which require an appointment or confirmation of an appointment by the City Council.

   If the Covered Official objects to the action taken by the City Council, he or she may file a request with the Mayor or, if the complaint is against the Mayor, the Deputy Mayor, stating the reasons for his or her objections and asking for a review of the action taken. The City Council shall review the action taken in light of the City Council's findings and request for review and may take whatever further action, if any, appears appropriate under the circumstances. The action of the City Council shall be final and not subject to further review or appeal except as may be otherwise provided by law.

1.46.060 WHERE TO SEEK REVIEW.

A. **Cease and Desist Order.** If ordered to cease and desist violating this Code of Ethics, an affected party may seek review by writ of review from the Pierce County Superior Court pursuant to chapter 7.16 RCW or other appropriate legal action.

B. **Public Disclosure.** If ordered to disclose any documents or papers pursuant to this Code of Ethics, an affected party may seek review by writ of review from the Pierce County Superior Court pursuant to chapter 7.16 RCW or other appropriate legal action.

C. **Discipline or Removal.** If a City officer or employee is disciplined or removed from office, then the person disciplined or removed from office may seek whatever remedies exist at law or in equity.

D**. Exclusion from Public Bidding.** If ordered to be excluded from bidding on public contracts and the exclusion actually occurs, the person excluded may seek whatever remedies exist at law or in equity.

E. **Termination of Contract(s).** If termination of contract(s) is ordered, the person whose contract(s) was/were terminated may seek whatever remedies exist at law or in equity.

1.46.070 SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this chapter.

1.46.080 FINANCIAL DISCLOSURE.

All persons presently required to file reports under the public disclosure law of the state of Washington shall, upon assuming City office or position, file with the City Clerk a true and correct copy of the completed report required to be filed under state law.