

LEOFF2 Board Presentation Outline – Agenda Item 5

Role of Board Member in Public Sector

I'm talking today at a policy level regarding your role as board members, your relationship with each other and the board's relationship to agencies and the public.

I'll touch on a number of laws that create a framework for your operation. Your AAG will advise you on a day-to-day basis, but if you keep within the spirit of what I cover today you'll function quite well. Again, I'm speaking from the policy perspective; your AAG will advise you on specific legal questions.

As a board, you represent the ownership interest of the public and the members of the retirement system. Through the initiative, the public delegated to you the responsibility to be the trustees of the LEOFF2 retirement program. It is your job to make sure that the program is operated responsibly to the benefit of both the general taxpaying public and the active and retired members of the plan. As pointed out previously, the public and Legislature has created laws beyond the Initiative that established this Board to guide the work of all agencies, including your own.

Open Public Meetings Act

The public has delegated to you decision-making authority, but has established the Open Public Meetings Act to make

sure that your decisions are made out in the open, where the public can watch and all board members have an equal chance to participate. You'll find over time that there are exceptions to the principle of openness, but the expectation of the public is that ~~you~~ whenever the question arises as to whether a meeting should be open or closed, you should error on the side of keeping the meeting open.

The law requires that you provide board members and the public, including the news media, adequate notice that you are going to meet and what you intend to talk about. For that reason, in setting up this meeting we published an agenda with the topics listed and giving the date, time and location for the meeting. Later in the year, when you establish a regular meeting schedule, you'll need to send that meeting schedule to the Office of the Code Revisor so the Office can publish the schedule in the Washington State Register. You'll publish and distribute an agenda prior to every meeting, and you'll need to publish minutes that document the decisions you made at each meeting. You can form subcommittees, but if the work of the subcommittees is going to lead to decisions, the same rules of notice and record apply.

You need to be careful about not accidentally creating a meeting. People have conversations all the time, and if a quorum of the board drifts into a conversation about board business, you have a meeting whether you intended to or not. So, for example, if a majority of you are attending a conference or other event, and start talking over coffee about a board issue – you've just created a meeting. Or, if

your staff sends you an email with information, and you respond and hit “reply all”, and then someone responds to you and hits “reply all” – you’ve created a meeting. It is tempting to conduct business in smaller groups, in less formal settings, but my advice is that your relationship with each other, and your relationship with the public, will be much stronger if you respect everyone’s interest in openness.

The law doesn’t require that you listen to the public – they can observe without participating – but many boards set aside time either within the agenda items for public comment, or set aside time at the beginning or end of the meeting to allow the public to comment on issues. That’s your decision, according to what works best for you and your stakeholders. In my experience, the most effective boards are the ones that listen carefully to all points of view, and then make the tough decisions and stick by them.

I mentioned that there are provisions in the law that allows you to close the meeting, to conduct what we call executive sessions. Each one of those provisions has been enacted in order to protect the public interest – not to evade the requirement for openness. So, for example, you may need to talk with your AAG about pending litigation, where a public discussion might put you (and therefore the taxpayers and plan members) at a disadvantage in court.

The public cared about this issue of openness so much that it established civil penalties for violating the law. Further,

your actions as a board might be voided if you take those actions in violation of the law.

Administrative Procedures Act

The Open Public Meetings Act sets a general tone of openness, but the Administrative Procedures Act takes one more step and gives you procedures to follow when you're making your most serious or substantive decisions.

The APA contemplates that agencies will adopt interpretative and policy statements that advise the public of its opinions, approaches and likely courses of actions on issues. It also expects that the agencies will convert long-standing or significant statements into formal rules. You, your AAG and your staff will need to look at your responsibilities and decide what, if any, rules will need to be adopted. But the intent is to provide the public an opportunity to participate in the decision-making process.

It takes time to adopt rules, because of the concern that the public has an adequate opportunity to participate.

- Once you decide that you need a rule on a particular subject, you have to publish through the Code Revisor's Office a notice that you're considering engaging in a rule development process. In essence, you're alerting the public that you are going to start talking about a subject. The Legislature's intent was that before you actually draft a proposed rule, you give the public and your immediate stakeholders a chance

to participate in the drafting of the rule to be considered. How you do that, and to what extent you let them participate, is up to you – it's a matter of best practices rather than legal requirements. Regardless of the degree of participation you seek, you have to wait at least 30 days after the Code Revisor publishes the notice before you move to the next step.

- Once you have a draft of a proposed rule, then you issue another notice through the Code Revisor's Office, providing a notice of the date, time and place of the rules hearing and providing a copy of the rule you are considering. At that point the public has the right to provide to you written comment prior to the hearing (and perhaps after if you give the Board additional time to deliberate), and verbal comment at the hearing. To protect the public from surprises, the APA puts limits on how much you can change the rule you adopt from the rule you proposed, without starting the process of public input over again.
- Then you file the rule that the Board adopts.
- The public can challenge the rule in front of a legislative committee set up to hear challenges, and can ask the Governor to intervene – all within a certain number of days.
- The public can also formally request you consider a adopting a rule – and while you don't have to adopt the rule as requested, you do have to at least formally consider the question and issue a decision.

Again, this is a sketch of the overall process. My intent is not to make you experts on the procedure, but to make the

point that there is a formal, time-consuming process for adopting the most important and most long-standing policies of the Board. All of the process is intended to guarantee the public a voice in decision-making.

Public Disclosure Act

The public expects to be able to obtain copies of your decisions and the documents that lead up to your decisions – and any other documents regarding your activities or transactions. As with the Open Meetings Act, there are exceptions to the rule, but generally, you should operate under the assumption that everything you put down on a piece of paper – or on your computer disk or send through emails – is a public record that can be viewed by any member of the public. In your notebook, we gave you the RCW citations for the entire act – the part you need to pay most attention to is the portion regarding public records. Frankly, this is something your staff will handle. What you need to know is what I just indicated – that the public has access to most, if not all, of what you produce in the way of documents. Keep in mind that the records the public has access to are not just what the agency keeps in its offices – its also what you keep as board members in your board file at home, or on your computer related to your work as a board member.

Ethics in Public Service Act

In 1994, the Legislature enacted the Ethics In Public Service Act. The purpose of the law is to make sure that

public officials and employees meet the highest standards of ethical behavior. In your notebook is a copy of the law, and takes 26 pages to set the standard. But I can summarize the law very quickly. Don't use your power and influence as a board member in a way that personally benefits you, your family, your friends or your business associates. Further, don't do anything that would even create the appearance that you are seeking personal benefit.

The law and the regulations and policies of the Executive Ethics Board will spell out for you ways you can narrow my statement down to a set of practical rules of conduct, but if you start from my opening statement and walk towards the edge from there, you are much more likely to avoid violating the law. The law provides the Executive Ethics Board and the Attorney General the authority to investigate complaints and take actions against you if the complaints are valid; and while the AG will defend you in civil cases when you act in good faith in your capacity as board members and pay any judgments, the AG will not represent you when you face ethics charges. Be careful, for both your sake and the Board's sake.

Having said that, the Legislature recognizes that some of you have a personal stake in the pension program. Or a professional stake, because you represent employers that contribute to the program. But that is a legislatively recognized and sanctioned interest that you don't need to be concerned about.

From a practical standpoint, the law means that you can't use the supplies and equipment of the board for your own use. You can't use them for political campaigns. You can't use your influence to get contracts or favorable treatment from state agencies or private contractors. You can't steer contracts towards people you know.

Board Operating Policies

In my experience, boards develop their own personality or culture, their own unique way of doing business, within the constraints of the law. Sometimes that personality or culture is documented in a set of bylaws, or operating policies. Sometimes the board avoids confronting the way it does business, and operates through "unwritten rules". My strong advice to you is to spend some time over the next few months thinking and talking about how you want to operate, and getting those thoughts down on paper. You need to set expectations for yourself, your staff, and the agencies you work with. Having those expectations written down and distributed will go a long way to preventing misunderstandings, mistakes and conflict.

I also recommend you and your staff think systematically about the kinds of pension policy issues you need to address, and establish a coherent policy book that is easily accessed by board members, staff and the public. Having a yearlong agenda of policy development will help you be more efficient and effective in your operation. Putting your policies and approaches out in open view will help orient



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Ethics in Public Service Act

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In 1994, the Washington State Legislature enacted the Ethics in Public Service Act (Chapter 42.52 RCW) which strengthened and clarified the ethical standards applying to all state officers and employees. RCW 42.52.370 directs the Commission to enforce Chapter 42.52 RCW and rules adopted under it with respect to state officers and employees of the judicial branch of state government. The substantive provisions of Chapter 42.52 RCW became effective on January 1, 1995. Training and informational materials for judicial branch employees were provided through the Executive Ethics Board.

Under the Ethics in Public Service Act, the Commission considers complaints alleging ethics violations by state employees and officers of the judicial branch. The Commission developed procedural rules under Chapter 292-09 WAC and substantive rules under Chapter 292-11 WAC to implement the provisions of Chapter 42.52 RCW. Complaints concerning judges will be considered exclusively under the state Constitution and Commission on Judicial Conduct Rules of Procedure (CJCRP).

[Click here](#) for more info on the Commission's jurisdiction over state employees of the judicial branch.

Also, refer to the Executive Ethics Board website for more info on the [Ethics in Public Service Act](#) (Chapter 42.52 RCW).

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Laws and Rules

CHAPTER 42.52 RCW

ETHICS IN PUBLIC SERVICE

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RCW 42.52.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agency" means any state board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch of state government. "Agency" includes all elective offices, the state legislature, those institutions of higher education created and supported by the state government, and those courts that are parts of state government.

(2) "Head of agency" means the chief executive officer of an agency. In the case of an agency headed by a commission, board, committee, or other body consisting of more than one natural person, agency head means the person or board authorized to appoint agency employees and regulate their conduct.

(3) "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise, furnish information to, or otherwise provide assistance to another person, believing that the action is of help, aid, advice, or assistance to the person and with intent so to assist such person.

(4) "Beneficial interest" has the meaning ascribed to it under the Washington case law. However, an ownership interest in a mutual fund or similar investment pooling fund in which the owner has no management powers does not constitute a beneficial interest in the entities in which the fund or pool invests.

(5) "Compensation" means anything of economic value, however designated, that is paid, loaned, granted, or transferred, or to be paid, loaned, granted, or transferred for, or in consideration of, personal services to any person.

(6) "Confidential information" means (a) specific information, rather than generalized knowledge, that is not available to the general public on request or (b) information made confidential by law.

(7) "Contract" or "grant" means an agreement between two or more persons that creates an obligation to do or not to do a particular thing. "Contract" or "grant" includes, but is not limited to, an employment contract, a lease, a license, a purchase agreement, or a sales agreement.

(8) "Ethics boards" means the commission on judicial conduct, the legislative ethics board, and the executive ethics board.

(9) "Family" has the same meaning as "immediate family" in RCW 42.17.020.

(10) "Gift" means anything of economic value for which no consideration is given. "Gift" does not include:

- (a) Items from family members or friends where it is clear beyond a reasonable doubt that the gift was not made as part of any design to gain or maintain influence in the agency of which the recipient is an officer or employee;
- (b) Items related to the outside business of the recipient that are customary and not related to the recipient's performance of official duties;
- (c) Items exchanged among officials and employees or a social event hosted or sponsored by a state officer or state employee for coworkers;
- (d) 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;
- (e) Items a state officer or state employee is authorized by law to accept;
- (f) 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;
- (g) Items returned by the recipient to the donor within thirty days of receipt or donated to a charitable organization within thirty days of receipt;
- (h) Campaign contributions reported under chapter 42.17 RCW;
- (i) Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group; and
- (j) Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement.

(11) "Honorarium" means money or thing of value offered to a state officer or state employee for a speech, appearance, article, or similar item or activity in connection with the state officer's or state employee's official role.

(12) "Official duty" means those duties within the specific scope of employment of the state officer or state employee as defined by the officer's or employee's agency or by statute or the state Constitution.

(13) "Participate" means to participate in state action or a proceeding personally and substantially as a state officer or state employee, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise but

does not include preparation, consideration, or enactment of legislation or the performance of legislative duties.

(14) "Person" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

(15) "Regulatory agency" means any state board, commission, department, or officer, except those in the legislative or judicial branches, authorized by law to conduct adjudicative proceedings, issue permits or licenses, or to control or affect interests of identified persons.

(16) "Responsibility" in connection with a transaction involving the state, means the direct administrative or operating authority, whether intermediate or final, and either exercisable alone or through subordinates, effectively to approve, disapprove, or otherwise direct state action in respect of such transaction.

(17) "State action" means any action on the part of an agency, including, but not limited to:

(a) A decision, determination, finding, ruling, or order; and

(b) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(18) "State officer" means every person holding a position of public trust in or under an executive, legislative, or judicial office of the state. "State officer" includes judges of the superior court, judges of the court of appeals, justices of the supreme court, members of the legislature together with the secretary of the senate and the chief clerk of the house of representatives, holders of elective offices in the executive branch of state government, chief executive officers of state agencies, members of boards, commissions, or committees with authority over one or more state agencies or institutions, and employees of the state who are engaged in supervisory, policy-making, or policy-enforcing work. For the purposes of this chapter, "state officer" also includes any person exercising or undertaking to exercise the powers or functions of a state officer.

(19) "State employee" means an individual who is employed by an agency in any branch of state government. For purposes of this chapter, employees of the superior courts are not state officers or state employees.

(20) "Thing of economic value," in addition to its ordinary meaning, includes:

(a) A loan, property interest, interest in a contract or other chose in action, and employment or another arrangement involving a right to compensation;

(b) An option, irrespective of the conditions to the exercise of the option; and

(c) A promise or undertaking for the present or future delivery or procurement.

(21)(a) "Transaction involving the state" means a proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other similar matter that the state officer, state employee, or former state officer or state employee in question believes, or has reason to believe:

- (i) Is, or will be, the subject of state action; or
- (ii) Is one to which the state is or will be a party; or
- (iii) Is one in which the state has a direct and substantial proprietary interest.

(b) "Transaction involving the state" does not include the following: Preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by an officer or employee; or a claim, case, lawsuit, or similar matter if the officer or employee did not participate in the underlying transaction involving the state that is the basis for the claim, case, or lawsuit. [1998 c 7 § 1; 1996 c 213 § 1; 1994 c 154 § 101.]



RCW 42.52.020 Activities incompatible with public duties. No state officer or state employee may have an interest, financial or otherwise, direct or indirect, or engage in a business or transaction or professional activity, or incur an obligation of any nature, that is in conflict with the proper discharge of the state officer's or state employee's official duties. [1996 c 213 § 2; 1994 c 154 § 102.]

RCW 42.52.030 Financial interests in transactions. (1) No state officer or state employee, except as provided in subsections (2) and (3) of this section, may be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract, sale, lease, purchase, or grant.

(2) No officer or employee of an institution of higher education or of the Spokane intercollegiate research and technology institute, except as provided in subsection (3) of this section, may be beneficially interested, directly or indirectly, in a contract or grant that may be made by, through, or is under the supervision of the officer or employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in the contract or grant, unless the institution of higher education or the Spokane intercollegiate research and technology institute has in effect a written administrative process to identify and manage, reduce, or eliminate conflicting interests with respect to such transactions as adopted pursuant to the national science investigator financial disclosure (GPM 510) 1995 and the public health service regulations, 42 C.F.R. Part 50 and 45 C.F.R. Subtitle A as each of those regulations existed on June 6, 1996, and the state employee or state officer has complied with such policy.

(3) No state officer or state employee may participate in a transaction involving the state in his or her official capacity with a person of which the officer or employee is an officer, agent, employee, or member, or in which the officer or employee owns a

beneficial interest, except that an officer or employee of an institution of higher education or the Spokane intercollegiate research and technology institute may serve as an officer, agent, employee, or member, or on the board of directors, board of trustees, advisory board, or committee or review panel for any nonprofit institute, foundation, or fundraising entity; and may serve as a member of an advisory board, committee, or review panel for a governmental or other nonprofit entity. [1996 c 213 § 3; 1994 c 154 § 103.]



RCW 42.52.040 Assisting in transactions. (1) Except in the course of official duties or incident to official duties, no state officer or state employee may assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state:

(a) In which the state officer or state employee has at any time participated; or

(b) If the transaction involving the state is or has been under the official responsibility of the state officer or state employee within a period of two years preceding such assistance.

(2) No state officer or state employee may share in compensation received by another for assistance that the officer or employee is prohibited from providing under subsection (1) or (3) of this section.

(3) A business entity of which a state officer or state employee is a partner, managing officer, or employee shall not assist another person in a transaction involving the state if the state officer or state employee is prohibited from doing so by subsection (1) of this section.

(4) This chapter does not prevent a state officer or state employee from assisting, in a transaction involving the state:

(a) The state officer's or state employee's parent, spouse, or child, or a child thereof for whom the officer or employee is serving as guardian, executor, administrator, trustee, or other personal fiduciary, if the state officer or state employee did not participate in the transaction; or

(b) Another state employee involved in disciplinary or other personnel administration proceedings. [1994 c 154 § 104.]



RCW 42.52.050 Confidential information--Improperly concealed records. (1) No state officer or state employee may accept employment or engage in any business or professional activity that the officer or employee might reasonably expect would require or induce him or her to make an unauthorized disclosure of confidential information acquired by the official or employee by reason of the official's or employee's official position.

(2) No state officer or state employee may make a disclosure of confidential information gained by reason of the officer's or employee's official position or

otherwise use the information for his or her personal gain or benefit or the gain or benefit of another, unless the disclosure has been authorized by statute or by the terms of a contract involving (a) the state officer's or state employee's agency and (b) the person or persons who have authority to waive the confidentiality of the information.

(3) No state officer or state employee may disclose confidential information to any person not entitled or authorized to receive the information.

(4) No state officer or state employee may intentionally conceal a record if the officer or employee knew the record was required to be released under chapter 42.17 RCW, was under a personal obligation to release the record, and failed to do so. This subsection does not apply where the decision to withhold the record was made in good faith. [1996 c 213 § 4; 1994 c 154 § 105.]



RCW 42.52.060 Testimony of state officers and state employees. This chapter does not prevent a state officer or state employee from giving testimony under oath or from making statements required to be made under penalty of perjury or contempt. [1994 c 154 § 106.]

RCW 42.52.070 Special privileges. Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons. [1994 c 154 § 107.]

RCW 42.52.080 Employment after public service. (1) No former state officer or state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from an employer if:

(a) The officer or employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration;

(b) Such a contract or contracts have a total value of more than ten thousand dollars; and

(c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This subsection shall not be construed to prohibit a state officer or state employee from accepting employment with a state employee organization.

(2) No person who has served as a state officer or state employee may, within a period of two years following the termination of state employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former state officer or state employee participated.

(3) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the officer or employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, to influence the officer or employee or as compensation or reward for the performance or nonperformance of a duty by the officer or employee during the course of state employment.

(4) No former state officer or state employee may accept an offer of employment or receive compensation from an employer if the circumstances would lead a reasonable person to believe the offer has been made, or compensation given, for the purpose of influencing the performance or nonperformance of duties by the officer or employee during the course of state employment.

(5) No former state officer or state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state officer or state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state officers or state employees in the course of employee organization business.

(6) As used in this section, "employer" means a person as defined in RCW 42.52.010 or any other entity or business that the person owns or in which the person has a controlling interest. [1994 c 154 § 108.]



RCW 42.52.090 Limited assistance by former state officers and employees. This chapter shall not be construed to prevent a former state officer or state employee from rendering assistance to others if the assistance is provided without compensation in any form and is limited to one or more of the following:

(1) Providing the names, addresses, and telephone numbers of state agencies or state employees;

(2) Providing free transportation to another for the purpose of conducting business with a state agency;

(3) Assisting a natural person or nonprofit corporation in obtaining or completing application forms or other forms required by a state agency for the conduct of a state business; or

(4) Providing assistance to the poor and infirm. [1994 c 154 § 109.]



RCW 42.52.100 Conditions on appearance before state agencies or doing business with the state—Hearing--Judicial review. (1) The head of an agency, upon finding that any former state officer or state employee of such agency or any other person has violated any provision of this chapter or rules adopted under it, may, in addition to any other powers the head of such agency may have, bar or impose reasonable conditions upon:

- (a) The appearance before such agency of such former state officer or state employee or other person; and
 - (b) The conduct of, or negotiation or competition for, business with such agency by such former state officer or state employee or other person, such period of time as may reasonably be necessary or appropriate to effectuate the purposes of this chapter.
- (2) Findings of violations referred to in subsection (1)(b) of this section shall be made on record after notice and hearing, conducted in accordance with the Washington Administrative Procedure Act, chapter 34.05 RCW. Such findings and orders are subject to judicial review.
- (3) This section does not apply to the legislative or judicial branches of government. [1994 c 154 § 110; 1969 ex.s. c 234 § 27. Formerly RCW 42.18.270.]



RCW 42.52.110 Compensation for official duties or nonperformance. No state officer or state employee may, directly or indirectly, ask for or give or receive or agree to receive any compensation, gift, reward, or gratuity from a source for performing or omitting or deferring the performance of any official duty, unless otherwise authorized by law except: (1) The state of Washington; or (2) in the case of officers or employees of institutions of higher education or of the Spokane intercollegiate research and technology institute, a governmental entity, an agency or instrumentality of a governmental entity, or a nonprofit corporation organized for the benefit and support of the state employee's agency or other state agencies pursuant to an agreement with the state employee's agency. [1996 c 213 § 5; 1994 c 154 § 111.]



RCW 42.52.120 Compensation for outside activities. (1) No state officer or state employee may receive any thing of economic value under any contract or grant outside of his or her official duties. The prohibition in this subsection does not apply where the state officer or state employee has complied with RCW 42.52.030(2) or each of the following conditions are met:

- (a) The contract or grant is bona fide and actually performed;
- (b) The performance or administration of the contract or grant is not within the course of the officer's or employee's official duties, or is not under the officer's or employee's official supervision;
- (c) The performance of the contract or grant is not prohibited by RCW 42.52.040 or by applicable laws or rules governing outside employment for the officer or employee;
- (d) The contract or grant is neither performed for nor compensated by any person from whom such officer or employee would be prohibited by RCW 42.52.150(4) from receiving a gift;
- (e) The contract or grant is not one expressly created or authorized by the officer or employee in his or her official capacity;

(f) The contract or grant would not require unauthorized disclosure of confidential information.

(2) In addition to satisfying the requirements of subsection (1) of this section, a state officer or state employee may have a beneficial interest in a grant or contract or a series of substantially identical contracts or grants with a state agency only if:

(a) The contract or grant is awarded or issued as a result of an open and competitive bidding process in which more than one bid or grant application was received; or

(b) The contract or grant is awarded or issued as a result of an open and competitive bidding or selection process in which the officer's or employee's bid or proposal was the only bid or proposal received and the officer or employee has been advised by the appropriate ethics board, before execution of the contract or grant, that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties; or

(c) The process for awarding the contract or issuing the grant is not open and competitive, but the officer or employee has been advised by the appropriate ethics board that the contract or grant would not be in conflict with the proper discharge of the officer's or employee's official duties.

(3) A state officer or state employee awarded a contract or issued a grant in compliance with subsection (2) of this section shall file the contract or grant with the appropriate ethics board within thirty days after the date of execution; however, if proprietary formulae, designs, drawings, or research are included in the contract or grant, the proprietary formulae, designs, drawings, or research may be deleted from the contract or grant filed with the appropriate ethics board.

(4) This section does not prevent a state officer or state employee from receiving compensation contributed from the treasury of the United States, another state, county, or municipality if the compensation is received pursuant to arrangements entered into between such state, county, municipality, or the United States and the officer's or employee's agency. This section does not prohibit a state officer or state employee from serving or performing any duties under an employment contract with a governmental entity.

(5) As used in this section, "officer" and "employee" do not include officers and employees who, in accordance with the terms of their employment or appointment, are serving without compensation from the state of Washington or are receiving from the state only reimbursement of expenses incurred or a predetermined allowance for such expenses. [1997 c 318 § 1; 1996 c 213 § 6; 1994 c 154 § 112.]



RCW 42.52.130 Honoraria. (1) No state officer or state employee may receive honoraria unless specifically authorized by the agency where they serve as state officer or state employee.

(2) An agency may not permit honoraria under the following circumstances:

(a) The person offering the honorarium is seeking or is reasonably expected to seek contractual relations with or a grant from the employer of the state officer or state employee, and the officer or employee is in a position to participate in the terms or the award of the contract or grant;

(b) The person offering the honorarium is regulated by the employer of the state officer or state employee and the officer or employee is in a position to participate in the regulation; or

(c) The person offering the honorarium (i) is seeking or opposing or is reasonably likely to seek or oppose enactment of legislation or adoption of administrative rules or actions, or policy changes by the state officer's or state employee's agency; and (ii) the officer or employee may participate in the enactment or adoption. [1994 c 154 § 113.]



RCW 42.52.140 Gifts. No state officer or state employee may receive, accept, take, seek, or solicit, directly or indirectly, any thing 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 the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction. [1994 c 154 § 114.]



RCW 42.52.150 Limitations on gifts. (1) No state officer or state employee may accept gifts, other than those specified in subsections (2) and (5) 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, as defined in RCW 42.52.010, 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 under RCW 42.52.010. The value of gifts given to an officer's or employee's family member or guest shall be attributed to the official or employee 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.

(2) Except as provided in subsection (4) of this section, the following items are presumed not to influence under RCW 42.52.140, and may be accepted without regard to the limit established by subsection (1) 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 state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in

the eventual use or acquisition of the item by the officer's or employee's agency;

(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 state officer's or state employee's official duties;

(g) Admission to, and the cost 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.

(3) The presumption in subsection (2) of this section is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the item.

(4) Notwithstanding subsections (2) and (5) of this section, a state officer or state employee of a regulatory agency or of an agency that seeks to acquire goods or services who participates in those regulatory or contractual matters may receive, accept, take, or seek, directly or indirectly, only the following items from a person regulated by the agency or from a person who seeks to provide goods or services to the agency:

(a) Unsolicited advertising or promotional items of nominal value, such as pens and note pads;

(b) Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

(c) Unsolicited items received by a state officer or state employee for the purpose of evaluation or review, if the officer or employee has no personal beneficial interest in the eventual use or acquisition of the item by the officer's or employee's agency;

(d) Informational material, publications, or subscriptions related to the recipient's performance of official duties;

(e) Food and beverages consumed at hosted receptions where attendance is related to the state officer's or state employee's official duties;

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

(g) Those items excluded from the definition of gift in RCW 42.52.010 except:

(i) 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;

(ii) Payments for seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade, or charitable association or institution; and

(iii) Flowers, plants, and floral arrangements.

(5) A state officer or state employee may accept gifts in the form of food and beverage on infrequent occasions in the ordinary course of meals where attendance by the officer or employee 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 chapter 42.17 RCW. [1998 c 7 § 2; 1994 c 154 § 115.]



RCW 42.52.160 Use of persons, money, or property for private gain. (1) No state officer or state employee may employ or use any person, money, or property under the officer's or employee's official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee, or another.

(2) This section does not prohibit the use of public resources to benefit others as part of a state officer's or state employee's official duties.

(3) The appropriate ethics boards may adopt rules providing exceptions to this section for occasional use of the state officer or state employee, of de minimis cost and value, if the activity does not result in interference with the proper performance of public duties. [1996 c 213 § 7; 1994 c 154 § 116; 1987 c 426 § 3. Formerly RCW 42.18.217.]

RCW 42.52.170 Giving, paying, loaning, etc., any thing of economic value to state employee. No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of RCW 42.52.040, 42.52.110, 42.52.120, 42.52.140, or 42.52.150. [1994 c 154 § 117; 1987 c 426 § 5; 1969 ex.s. c 234 § 23. Formerly RCW 42.18.230.]



RCW 42.52.180 Use of public resources for political campaigns. (1) No state officer or state employee may use or authorize the use of facilities of an agency, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition. Knowing acquiescence by a person with authority to direct, control, or influence the actions of the state officer or state employee using public resources in violation of this section constitutes a violation of this section. Facilities of an agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of state employees of the agency during working hours, vehicles, office space, publications of the agency, and clientele lists of persons served by the agency.

(2) This section shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body

to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition as long as (i) required notice of the meeting includes the title and number of the ballot proposition, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry. For the purposes of this subsection, it is not a violation of this section for an elected official to respond to an inquiry regarding a ballot proposition, to make incidental remarks concerning a ballot proposition in an official communication, or otherwise comment on a ballot proposition without an actual, measurable expenditure of public funds. The ethics boards shall adopt by rule a definition of measurable expenditure;

(c) Activities that are part of the normal and regular conduct of the office or agency; and

(d) De minimis use of public facilities by state-wide elected officials and legislators incidental to the preparation or delivery of permissible communications, including written and verbal communications initiated by them of their views on ballot propositions that foreseeably may affect a matter that falls within their constitutional or statutory responsibilities.

(3) As to state officers and employees, this section operates to the exclusion of RCW 42.17.130. [1995 c 397 § 30; 1994 c 154 § 118.]



NOTES:

Effective date—Captions—Severability--1995 c 397: See RCW 42.17.960 through 42.17.962.

RCW 42.52.185 Restrictions on mailings by legislators. (1) During the twelve-month period beginning on December 1st of the year before a general election for a state legislator's election to office and continuing through November 30th immediately after the general election, the legislator may not mail, either by regular mail or electronic mail, to a constituent at public expense a letter, newsletter, brochure, or other piece of literature, except as follows:

(a) The legislator may mail two mailings of newsletters to constituents. All newsletters within each mailing of newsletters must be identical as to their content but not as to the constituent name or address. One such mailing may be mailed no later than thirty days after the start of a regular legislative session, except that a legislator appointed during a regular legislative session to fill a vacant seat may have up to thirty days from the date of appointment to send out the first mailing. The other mailing may be mailed no later than sixty days after the end of a regular legislative session.

(b) The legislator may mail an individual letter to (i) an individual constituent who has contacted the legislator regarding the subject matter of the letter during the legislator's current term of office; (ii) an individual constituent who holds a governmental office

with jurisdiction over the subject matter of the letter; or (iii) an individual constituent who has received an award or honor of extraordinary distinction of a type that is sufficiently infrequent to be noteworthy to a reasonable person, including, but not limited to: (A) An international or national award such as the Nobel prize or the Pulitzer prize; (B) a state award such as Washington scholar; (C) an Eagle Scout award; and (D) a Medal of Honor.

(2) For purposes of subsection (1) of this section, "legislator" means a legislator who is a "candidate," as defined by RCW 42.17.020, for any public office.

(3) A violation of this section constitutes use of the facilities of a public office for the purpose of assisting a campaign under RCW 42.52.180.

(4) The house of representatives and senate shall specifically limit expenditures per member for the total cost of mailings. Those costs include, but are not limited to, production costs, printing costs, and postage costs. The limits imposed under this subsection apply only to the total expenditures on mailings per member and not to any categorical cost within the total.

(5) For purposes of this section, persons residing outside the legislative district represented by the legislator are not considered to be constituents, but students, military personnel, or others temporarily employed outside of the district who normally reside in the district are considered to be constituents. [1997 c 320 § 1; 1995 c 397 § 5; 1993 c 2 § 25 (Initiative Measure No. 134, approved November 3, 1992). Formerly RCW 42.17.132.]



RCW 42.52.190 Investments. (1) Except for permissible investments as defined in this section, no state officer or state employee of any agency responsible for the investment of funds, who acts in a decision-making, advisory, or policy-influencing capacity with respect to investments, may have a direct or indirect interest in any property, security, equity, or debt instrument of a person, without prior written approval of the agency.

(2) Agencies responsible for the investment of funds shall adopt policies governing approval of investments and establishing criteria to be considered in the approval process. Criteria shall include the relationship between the proposed investment and investments held or under consideration by the state, the size and timing of the proposed investment, access by the state officer or state employee to nonpublic information relative to the proposed investment, and the availability of the investment in the public market. Agencies responsible for the investment of funds also shall adopt policies consistent with this chapter governing use by their officers and employees of financial information acquired by virtue of their state positions. A violation of such policies adopted to implement this subsection shall constitute a violation of this chapter.

(3) As used in this section, "permissible investments" means any mutual fund, deposit account, certificate of deposit, or money market fund maintained with a bank, broker, or other financial institution, a security publicly traded in an organized market if the interest in the security at acquisition is ten thousand dollars or less, or an interest in

real estate, except if the real estate interest is in or with a party in whom the agency holds an investment. [1994 c 154 § 119.]



RCW 42.52.200 Agency rules. (1) Each agency may adopt rules consistent with law, for use within the agency to protect against violations of this chapter.

(2) Each agency proposing to adopt rules under this section shall forward the rules to the appropriate ethics board before they may take effect. The board may submit comments to the agency regarding the proposed rules. [1994 c 154 § 120.]

RCW 42.52.310 Legislative ethics board. (1) The legislative ethics board is created, composed of nine members, selected as follows:

(a) Two senators, one from each of the two largest caucuses, appointed by the president of the senate;

(b) Two members of the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives;

(c) Five citizen members:

(i) One citizen member chosen by the governor from a list of three individuals submitted by each of the four legislative caucuses; and

(ii) One citizen member selected by three of the four other citizen members of the legislative ethics board.

(2) Except for initial members and members completing partial terms, nonlegislative members shall serve a single five-year term.

(3) No more than three of the public members may be identified with the same political party.

(4) Terms of initial nonlegislative board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed for a five-year term.

(5) A vacancy on the board shall be filled in the same manner as the original appointment.

(6) Legislative members shall serve two-year terms, from January 31st of an odd-numbered year until January 31st of the next odd-numbered year.

(7) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.

(8) The citizen members shall annually select a chair from among themselves. [1994 c

154 § 201.]



RCW 42.52.320 Authority of legislative ethics board. (1) The legislative ethics board shall enforce this chapter and rules adopted under it with respect to members and employees of the legislature.

(2) The legislative ethics board shall:

(a) Develop educational materials and training with regard to legislative ethics for legislators and legislative employees;

(b) Issue advisory opinions;

(c) Adopt rules or policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of RCW 42.52.180 and where otherwise authorized under chapter 154, Laws of 1994;

(d) Investigate, hear, and determine complaints by any person or on its own motion;

(e) Impose sanctions including reprimands and monetary penalties;

(f) Recommend suspension or removal to the appropriate legislative entity, or recommend prosecution to the appropriate authority; and

(g) Establish criteria regarding the levels of civil penalties appropriate for different types of violations of this chapter and rules adopted under it.

(3) The board may:

(a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;

(b) Administer oaths and affirmations;

(c) Examine witnesses; and

(d) Receive evidence.

(4) Subject to RCW 42.52.540, the board has jurisdiction over any alleged violation that occurred before January 1, 1995, and that was within the jurisdiction of any of the boards established under *chapter 44.60 RCW. The board's jurisdiction with respect to any such alleged violation shall be based on the statutes and rules in effect at [the] time of the violation. [1994 c 154 § 202.]



NOTES:

***Reviser's note:** Chapter 44.60 RCW was repealed by 1994 c 154 § 304, effective January 1, 1995.

RCW 42.52.330 Interpretation. By constitutional design, the legislature consists of citizen-legislators who bring to bear on the legislative process their individual experience and expertise. The provisions of this chapter shall be interpreted in light of this constitutional principle. [1994 c 154 § 203.]

RCW 42.52.340 Transfer of jurisdiction. On January 1, 1995, any complaints or other matters under investigation or consideration by the boards of legislative ethics in the house of representatives and the senate operating pursuant to *chapter 44.60 RCW shall be transferred to the legislative ethics board created by RCW 42.52.310. All files, including but not limited to minutes of meetings, investigative files, records of proceedings, exhibits, and expense records, shall be transferred to the legislative ethics board created in RCW 42.52.310 pursuant to their direction and the legislative ethics board created in RCW 42.52.310 shall assume full jurisdiction over all pending complaints, investigations, and proceedings. [1994 c 154 § 204.]



NOTES:

***Reviser's note:** Chapter 44.60 RCW was repealed by 1994 c 154 § 304, effective January 1, 1995.

RCW 42.52.350 Executive ethics board. (1) The executive ethics board is created, composed of five members, appointed by the governor as follows:

(a) One member shall be a classified service employee as defined in chapter 41.06 RCW;

(b) One member shall be a state officer or state employee in an exempt position;

(c) One member shall be a citizen selected from a list of three names submitted by the attorney general;

(d) One member shall be a citizen selected from a list of three names submitted by the state auditor; and

(e) One member shall be a citizen selected at large by the governor.

(2) Except for initial members and members completing partial terms, members shall serve a single five-year term.

(3) No more than three members may be identified with the same political party.

(4) Terms of initial board members shall be staggered as follows: One member shall be appointed to a one-year term; one member shall be appointed to a two-year term; one member shall be appointed to a three-year term; one member shall be appointed to a four-year term; and one member shall be appointed to a five-year term.

- (5) A vacancy on the board shall be filled in the same manner as the original appointment.
- (6) Each member shall serve for the term of his or her appointment and until his or her successor is appointed.
- (7) The members shall annually select a chair from among themselves.
- (8) Staff shall be provided by the office of the attorney general. [1994 c 154 § 205.]

RCW 42.52.360 Authority of executive ethics board. (1) The executive ethics board shall enforce this chapter and rules adopted under it with respect to state-wide elected officers and all other officers and employees in the executive branch, boards and commissions, and institutions of higher education.

(2) The executive ethics board shall:

- (a) Develop educational materials and training;
- (b) Adopt rules and policies governing the conduct of business by the board, and adopt rules defining working hours for purposes of RCW 42.52.180 and where otherwise authorized under chapter 154, Laws of 1994;
- (c) Issue advisory opinions;
- (d) Investigate, hear, and determine complaints by any person or on its own motion;
- (e) Impose sanctions including reprimands and monetary penalties;
- (f) Recommend to the appropriate authorities suspension, removal from position, prosecution, or other appropriate remedy; and
- (g) Establish criteria regarding the levels of civil penalties appropriate for violations of this chapter and rules adopted under it.

(3) The board may:

- (a) Issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing;
- (b) Administer oaths and affirmations;
- (c) Examine witnesses; and
- (d) Receive evidence.

(4) The executive ethics board may review and approve agency policies as provided

for in this chapter.

(5) This section does not apply to state officers and state employees of the judicial branch. [1994 c 154 § 206.]



RCW 42.52.370 Authority of commission on judicial conduct. The commission on judicial conduct shall enforce this chapter and rules adopted under it with respect to state officers and employees of the judicial branch and may do so according to procedures prescribed in Article IV, section 31 of the state Constitution. In addition to the sanctions authorized in Article IV, section 31 of the state Constitution, the commission may impose sanctions authorized by this chapter. [1994 c 154 § 207.]



RCW 42.52.380 Political activities of board members. (1) No member of the executive ethics board may (a) hold or campaign for partisan elective office other than the position of precinct committeeperson, or any full-time nonpartisan office; (b) be an officer of any political party or political committee as defined in chapter 42.17 RCW other than the position of precinct committeeperson; (c) permit his or her name to be used, or make contributions, in support of or in opposition to any state candidate or state ballot measure; or (d) lobby or control, direct, or assist a lobbyist except that such member may appear before any committee of the legislature on matters pertaining to this chapter.

(2) No citizen member of the legislative ethics board may (a) hold or campaign for partisan elective office other than the position of precinct committeeperson, or any full-time nonpartisan office; (b) be an officer of any political party or political committee as defined in chapter 42.17 RCW, other than the position of precinct committeeperson; (c) permit his or her name to be used, or make contributions, in support of or in opposition to any legislative candidate, any legislative caucus campaign committee that supports or opposes legislative candidates, or any political action committee that supports or opposes legislative candidates; or (d) engage in lobbying in the legislative branch under circumstances not exempt, under RCW 42.17.160, from lobbyist registration and reporting.

(3) No citizen member of the legislative ethics board may hold or campaign for a seat in the state house of representatives or the state senate within two years of serving on the board if the citizen member opposes an incumbent who has been the respondent in a complaint before the board. [1997 c 11 § 1; 1994 c 154 § 208.]



RCW 42.52.390 Hearing and subpoena authority. Except as otherwise provided by law, the ethics boards may hold hearings, 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 ethics board. The ethics board may make rules as to the issuance of subpoenas by individual members, as to service of complaints, decisions, orders, recommendations, and other process or papers of the ethics board. [1994 c 154 § 209.]



RCW 42.52.400 Enforcement of subpoena authority. In case of refusal to obey a subpoena issued to a person, the superior court of a county within the jurisdiction of which the investigation, proceeding, or hearing under this chapter is carried on or within the jurisdiction of which the person refusing to obey is found or resides or transacts business, upon application by the appropriate ethics board shall have jurisdiction to issue to the person an order requiring the person to appear before the ethics board or its member to produce evidence if so ordered, or to give testimony touching the matter under investigation or in question. Failure to obey such order of the court may be punished by the court as contempt. [1994 c 154 § 210.]



RCW 42.52.410 Filing complaint. (1) A person may, personally or by his or her attorney, make, sign, and file with the appropriate ethics board a complaint on a form provided by the appropriate ethics board. The complaint shall state the name of the person alleged to have violated this chapter or rules adopted under it and the particulars thereof, and contain such other information as may be required by the appropriate ethics board.

(2) If it has reason to believe that any person has been engaged or is engaging in a violation of this chapter or rules adopted under it, an ethics board may issue a complaint. [1994 c 154 § 211.]



RCW 42.52.420 Investigation. After the filing of any complaint, except as provided in RCW 42.52.450, the staff of the appropriate ethics board shall investigate the complaint. The investigation shall be limited to the alleged facts contained in the complaint. The results of the investigation shall be reduced to writing and a determination shall be made that there is or that there is not reasonable cause to believe that a violation of this chapter or rules adopted under it has been or is being committed. A copy of the written determination shall be provided to the complainant and to the person named in such complaint. [1994 c 154 § 212.]



RCW 42.52.430 Public hearing--Findings. (1) If the ethics board determines there is reasonable cause under RCW 42.52.420 that a violation of this chapter or rules adopted under it occurred, a public hearing on the merits of the complaint shall be held.

(2) The ethics board shall designate the location of the hearing. The case in support of the complaint shall be presented at the hearing by staff of the ethics board.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine witnesses.

(4) Testimony taken at the hearing shall be under oath and recorded.

(5) If, based upon a preponderance of the evidence, the ethics board finds that the respondent has violated this chapter or rules adopted under it, the board shall file an order stating findings of fact and enforcement action as authorized under this chapter.

(6) If, upon all the evidence, the ethics board finds that the respondent has not engaged in an alleged violation of this chapter or rules adopted under it, the ethics board shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(7) If the board makes a determination that there is not reasonable cause to believe that a violation has been or is being committed or has made a finding under subsection (6) of this section, the attorney general shall represent the officer or employee in any action subsequently commenced based on the alleged facts in the complaint. [1994 c 154 § 213.]



RCW 42.52.440 Review of order. Except as otherwise provided by law, reconsideration or judicial review of an ethics board's order that a violation of this chapter or rules adopted under it has occurred shall be governed by the provisions of chapter 34.05 RCW applicable to review of adjudicative proceedings. [1994 c 154 § 214.]

RCW 42.52.450 Complaint against legislator or state-wide elected official. (1) If a complaint alleges a violation of RCW 42.52.180 by a legislator or state-wide elected official other than the attorney general, the attorney general shall conduct the investigation under RCW 42.52.420 and recommend action to the appropriate ethics board.

(2) If a complaint alleges a violation of RCW 42.52.180 by the attorney general, the state auditor shall conduct the investigation under RCW 42.52.420 and recommend action to the appropriate ethics board. [1994 c 154 § 215.]



RCW 42.52.460 Citizen actions. Any person who has notified the appropriate ethics board and the attorney general in writing that there is reason to believe that RCW 42.52.180 is being or has been violated may, in the name of the state, bring a citizen action for any of the actions authorized under this chapter. A citizen action may be brought only if the appropriate ethics board or the attorney general have failed to commence an action under this chapter within forty-five days after notice from the person, the person has thereafter notified the appropriate ethics board and the attorney general that the person will commence a citizen's action within ten days upon their failure to commence an action, and the appropriate ethics board and the attorney general have in fact failed to bring an action within ten days of receipt of the second notice.

If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but the person shall be entitled to be reimbursed by the state of Washington for costs and attorneys' fees incurred. If a citizen's action that the court finds was brought without reasonable cause is dismissed, the court may order the person commencing the action to pay all costs of trial and reasonable attorneys' fees incurred by the defendant.

Upon commencement of a citizen action under this section, at the request of a state officer or state employee who is a defendant, the office of the attorney general shall

represent the defendant if the attorney general finds that the defendant's conduct complied with this chapter and was within the scope of employment. [1994 c 154 § 216.]



RCW 42.52.470 Referral for enforcement. As appropriate, an ethics board may refer a complaint:

(1) To an agency for initial investigation and proposed resolution which shall be referred back to the appropriate ethics board for action; or

(2) To the attorney general's office or prosecutor for appropriate action. [1994 c 154 § 217.]

RCW 42.52.480 Action by boards. (1) Except as otherwise provided by law, an ethics board may order payment of the following amounts if it finds a violation of this chapter or rules adopted under it after a hearing under RCW 42.52.370 or other applicable law:

(a) Any damages sustained by the state that are caused by the conduct constituting the violation;

(b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or rules adopted under it, whichever is greater; and

(c) Costs, including reasonable investigative costs, which shall be included as part of the limit under (b) of this subsection. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.

(2) Damages under this section may be enforced in the same manner as a judgment in a civil case. [1994 c 154 § 218.]



RCW 42.52.490 Action by attorney general. (1) Upon a written determination by the attorney general that the action of an ethics board was clearly erroneous or if requested by an ethics board, the attorney general may bring a civil action in the superior court of the county in which the violation is alleged to have occurred against a state officer, state employee, former state officer, former state employee, or other person who has violated or knowingly assisted another person in violating any of the provisions of this chapter or the rules adopted under it. In such action the attorney general may recover the following amounts on behalf of the state of Washington:

(a) Any damages sustained by the state that are caused by the conduct constituting the violation;

(b) From each such person, a civil penalty of up to five thousand dollars per violation or three times the economic value of any thing received or sought in violation of this chapter or the rules adopted under it, whichever is greater; and

(c) Costs, including reasonable investigative costs, which shall be included as part of the limit under (b) of this subsection. The costs may not exceed the penalty imposed. The payment owed on the penalty shall be reduced by the amount of the costs paid.

(2) In any civil action brought by the attorney general upon the basis that the attorney general has determined that the board's action was clearly erroneous, the court shall not proceed with the action unless the attorney general has first shown, and the court has found, that the action of the board was clearly erroneous. [1994 c 154 § 219.]



RCW 42.52.500 Optional hearings by administrative law judge. If an ethics board finds that there is reasonable cause to believe that a violation has occurred, the board shall consider the possibility of the alleged violator having to pay a total amount of penalty and costs of more than five hundred dollars. Based on such consideration, the board may give the person who is the subject of the complaint the option to have an administrative law judge conduct the hearing and rule on procedural and evidentiary matters. The board may also, on its own initiative, provide for retaining an administrative law judge. An ethics board may not require total payment of more than five hundred dollars in penalty and costs in any case where an administrative law judge is not used and the board did not give such option to the person who is the subject of the complaint. [1994 c 154 § 220.]



RCW 42.52.510 Rescission of state action. (1) The attorney general may, on request of the governor or the appropriate agency, and in addition to other available rights of rescission, bring an action in the superior court of Thurston county to cancel or rescind state action taken by a state officer or state employee, without liability to the state of Washington, contractual or otherwise, if the governor or ethics board has reason to believe that: (a) A violation of this chapter or rules adopted under it has substantially influenced the state action, and (b) the interest of the state requires the cancellation or rescission. The governor may suspend state action pending the determination of the merits of the controversy under this section. The court may permit persons affected by the governor's actions to post an adequate bond pending such resolution to ensure compliance by the defendant with the final judgment, decree, or other order of the court.

(2) This section does not limit other available remedies. [1994 c 154 § 221.]

RCW 42.52.520 Disciplinary action. (1) A violation of this chapter or rules adopted under it is grounds for disciplinary action.



(2) The procedures for any such action shall correspond to those applicable for disciplinary action for employee misconduct generally; for those state officers and state employees not specifically exempted in chapter 41.06 RCW, the rules set forth in chapter 41.06 RCW shall apply. Any action against the state officer or state employee shall be subject to judicial review to the extent provided by law for disciplinary action for misconduct of state officers and state employees of the same category and grade. [1994 c 154 § 222; 1969 ex.s. c 234 § 26. Formerly RCW 42.18.260.]

RCW 42.52.530 Additional investigative authority. In addition to other authority under this chapter, the attorney general may investigate persons not under the jurisdiction of an ethics board whom the attorney general has reason to believe were involved in transactions in violation of this chapter or rules adopted under it. [1994 c 154 § 223.]



RCW 42.52.540 Limitations period. Any action taken under this chapter must be commenced within five years from the date of the violation. However, if it is shown that the violation was not discovered because of concealment by the person charged, then the action must be commenced within two years from the date the violation was discovered or reasonably should have been discovered: (1) By any person with direct or indirect supervisory responsibilities over the person who allegedly committed the violation; or (2) if no person has direct or indirect supervisory authority over the person who committed the violation, by the appropriate ethics board. [1994 c 154 § 224.]

RCW 42.52.550 Compensation of ethics boards. The citizen members of the legislative ethics board and the members of the executive ethics board shall be compensated as provided in RCW 43.03.250 and reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislator members of the legislative ethics board shall be reimbursed as provided in RCW 44.04.120. [1994 c 154 § 227.]



RCW 42.52.900 Legislative declaration. Government derives its powers from the people. Ethics in government are the foundation on which the structure of government rests. State officials and employees of government hold a public trust that obligates them, in a special way, to honesty and integrity in fulfilling the responsibilities to which they are elected and appointed. Paramount in that trust is the principle that public office, whether elected or appointed, may not be used for personal gain or private advantage.

The citizens of the state expect all state officials and employees to perform their public responsibilities in accordance with the highest ethical and moral standards and to conduct the business of the state only in a manner that advances the public's interest. State officials and employees are subject to the sanctions of law and scrutiny of the media; ultimately, however, they are accountable to the people and must consider this public accountability as a particular obligation of the public service. Only when affairs of government are conducted, at all levels, with openness as provided by law and an unswerving commitment to the public good does government work as it should.

The obligations of government rest equally on the state's citizenry. The effectiveness of government depends, fundamentally, on the confidence citizens can have in the judgments and decisions of their elected representatives. Citizens, therefore, should honor and respect the principles and the spirit of representative democracy, recognizing that both elected and appointed officials, together with state employees, seek to carry out their public duties with professional skill and dedication to the public interest. Such service merits public recognition and support.

All who have the privilege of working for the people of Washington state can have but

one aim: To give the highest public service to its citizens. [1994 c 154 § 1.]



RCW 42.52.901 Liberal construction. This chapter shall be construed liberally to effectuate its purposes and policy and to supplement existing laws as may relate to the same subject. [1994 c 154 § 301.]

RCW 42.52.902 Parts and captions not law--1994 c 154. Parts and captions used in this act do not constitute any part of the law. [1994 c 154 § 302.]

RCW 42.52.903 Serving on board, committee, or commission not prevented. Nothing in this chapter shall be interpreted to prevent a member of a board, committee, advisory commission, or other body required or permitted by statute to be appointed from any identifiable group or interest, from serving on such body in accordance with the intent of the legislature in establishing such body. [1969 ex.s. c 234 § 33. Formerly RCW 42.18.330.]

RCW 42.52.904 Effective date--1994 c 154. Sections 101 through 121, 203, 204, 207 through 224, and 301 through 317 of this act shall take effect January 1, 1995. [1994 c 154 § 319.]

NOTES:

Reviser's note: For codification of 1994 c 154, see Codification Tables, Volume 0.

RCW 42.52.905 Severability--1994 c 154. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1994 c 154 § 320.]



EXECUTIVE ETHICS BOARD

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**Chapter 42.17 RCW
DISCLOSURE -- CAMPAIGN FINANCES -- LOBBYING -- RECORDS**

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THE ROLE OF A BOARD MEMBER AND RESOURCES AVAILABLE

CITIZEN PARTICIPATION THROUGH BOARDS AND COMMISSIONS

The citizens of Washington State have enjoyed a long tradition of participation in state government. Through representation on boards and commissions, Washington residents are offered an important avenue to help create effective and equitable laws and policies. Citizen involvement contributes not only to the success of their government, but to their overall quality of life as well.

Citizen participation works at all levels of state government and covers a broad range of issues, such as education, the environment, growth management, health care, social services, economic development, and transportation. Some boards appointed by the Governor shape policy for major state agencies and departments, others prepare regulations governing specific program areas, and some serve solely in an advisory capacity.

In selecting members, the Governor strives to bring a mix of geographic, gender, and ethnic diversity. This helps ensure that decisions reached and services rendered more adequately reflect the wants and needs of all populations being served.

Washington's system of boards and commissions is fundamental to encouraging the use of citizen talent and interest in affairs of the state, keeping government innovative and responsive, and improving the overall performance of state agencies and institutions.

TYPES OF BOARDS AND COMMISSIONS

Boards and commissions are created by state laws and rules, executive orders, federal laws and regulations, and agency head directives.

Each board is unique in its purpose, mission, and role. It is especially important that members be familiar with their board's governing statutes or other authorizing directives so they understand the framework within which the board must operate. Copies of your board's governing statutes or authority may be obtained from your staff employees. There are three main types of boards:

- **Advisory Boards.** These may be created by the Governor, Legislature, individual agencies, or existing boards. The members serve as advisors on policy matters to the appointing authority responsible for administering policy. Advisory boards may study existing policy and make recommendations for changes or implementation. Advisory boards do not have authority to enforce policy or create rules, but their analysis and recommendations can play an important role in furthering the effective operation of state government.

- **Policy-Making Boards.** These boards generally receive their authority by statute. Policies are created through careful analysis and interpretation of legislative intent, as set forth in statute. Policy-making boards often serve as governing boards within an agency. The boards may be responsible for directing the agency, approving budgets, creating and implementing agency policy, or appointing the agency director. Members of these boards have final decision-making authority.

- **Regulatory Boards.** These boards may have some of the responsibilities of the advisory and policy boards, depending on the statute or order creating them. Usually, these boards are created by the Legislature, and perform rule-making or quasi-judicial functions. In fulfilling these functions, the board may operate as a legislative body or as a review and appeals body. As an appeals body, regulatory boards hear individual cases and rule on them; board decisions, however, are subject to judicial appeal.
Regulatory boards often have the responsibility to determine the competence of members of a professional or occupational group. The board may examine and license members of occupations to practice in Washington State, and take disciplinary or corrective actions, such as revoking or suspending licenses.

THE ADVISORY ROLE

Members of advisory bodies provide an important link between the public and agencies, the Legislature, and the Governor. The information that members provide about community needs and opinions can have a profound effect on state policies and lead to improved service. Advisory board members play a very special role in creating recommendations on important societal and governmental issues.

If you are appointed as a member of an advisory board, you will be expected to:

- Interpret community opinions, attitudes, and needs to agencies, the Legislature, and the Governor.
- Study programs and services, and analyze problems and needs.
- Offer new proposals and recommend changes in programs, policies, and standards.
- Provide the public with information and interpretation of department and state policies, programs, and budgets.

Advisory boards support and counsel departmental and gubernatorial staff. They make important recommendations about policy. Most advisory boards, however, do not create or administer policy, programs, or services, unless this power is granted to them by their governing statute.

When presenting recommendations to any agency, the Legislature, or the Governor, it is essential that board members keep the following in mind:

- All recommendations should be in written form.
- All ideas should be expressed in clear and concise language.
- Proposed solutions should be viable and cost-effective.

- Recommendations should identify the reasons for the changes suggested.
- The advice should reflect a consensus or a majority of the board members.

ABOUT POLICY-MAKING

As a board member, it is your responsibility to be knowledgeable about board policies and changes. It is important that you understand the fundamental meaning and characteristics of policy.

Policy is a written statement. It is intended to be a guiding principle defining an organization's intent and direction. Policy should be set forth in broad terms so that it may remain applicable and usable for a long period of time. It should not be so detailed that it dictates how, when, or where things must be done.

Policy may be amended, rewritten or abolished. Policy should be reviewed periodically to ensure that it remains appropriate. Policy should be stated clearly, timely and concisely.

Board interpretative policy statements should be made available to the public in compliance with the Administrative Procedure Act, RCW 34.05.230. This requirement is most applicable to regulatory boards.

RULE-MAKING

Boards may engage in rule-making *only* if the Legislature has specifically delegated that authority in the board's enabling statute. Rules are generally created to provide interpretative support for the statute.

Most boards are granted authority to establish the rules and regulations necessary to implement their own statutory powers; however, a board may not pass rules which go beyond the scope of its statute.

A rule is any agency order, directive, or regulation of general applicability, as defined in RCW 34.05.010 (15). It may set forth standards and expectations in general terms or may deal specifically with day-to-day objectives. A rule, rather than a policy, is adopted when the subject matter affects the public or another agency of government, or when the statute directs that a rule be adopted. Once adopted, a rule has the force of law, and all people or entities to whom the rule applies must adhere to it. Failure to adhere to rule may subject a person to a penalty or administrative sanction.

LEGAL GUIDELINES.

Because rules often affect the public, they must be adopted in compliance with the Administrative Procedure Act (chapter 34.05 RCW). In developing rules, the board should keep the following guidelines in mind:

- The board must have statutory authority to adopt the rules and may adopt only those rules supported by statute.
- The board may not adopt a rule which conflicts with law or the constitution.
- The board must comply with Administrative Procedure Act regarding rule-

making procedures.

- The board's legal counsel from the Attorney General's Office should approve all proposed rules.
- The board must give notice to the public regarding the intent to adopt the proposed rule, and hold a public hearing.
- Rules must reflect a consensus or a majority of members of the board.
- The board must take into account the economic impact of the proposed rule on consumers, business, industries, occupations, and others who may be affected.

BEING AN EFFECTIVE BOARD MEMBER

Washington boards and commissions vary in size and complexity. Because board members are in a critical position to shape and influence board decisions and actions, it is important that each member keeps informed and up-to-date on issues, legislative activity, and statutes affecting their board.

ATTENDANCE.

A board member may forfeit his or her position on the board as a result of poor attendance. Regular attendance is essential so that decisions may more truly represent the opinions of the board as a whole. In addition, regular attendance enables board members to keep abreast of board concerns and helps ensure that issues are examined from a variety of perspectives. The bylaws of your board should define attendance requirements.

PREPARATION.

Adequate preparation is another requisite for effective membership on the board. Your board's staff members will provide reports, proposals, and other information to help you make informed decisions. Do not hesitate to request any additional information you need in order to make thoughtful and appropriate decisions.

Effective board members:

- Attend all board meetings.
- Are well prepared for meetings.
- Recognize that serving the public interest is the top priority.
- Recognize that the board must operate in an open and public manner.
- Are knowledgeable about the legislative process and issues affecting the board.
- Examine all available evidence before making a judgment.
- Communicate well, and actively participate in group discussions.
- Are aware that authority to act is granted to the board as a whole, not to individual members.
- Possess a willingness to work with the group in making decisions.
- Recognize that compromise may be necessary in order to reach group consensus.
- Do not let personal feelings toward other board members or staff interfere with their judgment.

BOARD STAFF MEMBERS

Some boards have dedicated employees to perform daily administrative tasks. There are, however, a number of state boards that work within a state agency or have access to advice from the agency. If a board works within an agency, certain central support services will usually be made available to the board.

STAFF FUNCTIONS.

The primary function of the board staff is to carry out the rules, policies, and programs developed by the board. In addition, the staff members notify board members of pertinent issues and legislative activity. They also arrange meetings, prepare meeting materials, compile background information, and conduct research. Board employees serve as an important link and coordinator with other boards and agencies, the Attorney General, the Legislature, and the public.

Staff employees are a valuable resource for board members. A good staff member can enhance the productivity and effectiveness of a board. Board members should not hesitate to ask staff members for help in carrying out their responsibilities.

OFFICE OF THE ATTORNEY GENERAL

The state Attorney General (360) 753-6200 is the state's chief legal officer, and is elected for a term of four years. The Attorney General is responsible for providing a broad range of legal services to public officials and others.

LEGAL COUNSEL.

The Attorney General serves as legal counsel to the Governor, members of the Legislature, state officials, and boards and commissions. The Attorney General advises and represents state agencies as they fulfill their official duties, issues legal opinions, and defends state officials and employees for actions performed in their official capacities and in good faith.

WHEN TO INVOLVE YOUR ASSIGNED COUNSEL.

Each board and commission is assigned an Assistant Attorney General. That person can provide valuable information and advice regarding statutes and legal issues. A board that follows the advice of its Assistant Attorney General is immune from liability and is far less likely to find itself involved in legal problems. Board members may request the following kinds of information from their Assistant Attorney General:

- Assurance that board decisions and actions fall within statutory authority.
- Questions about conflict of interest.
- Review of proposed regulations and revisions, and the drafting of such documents in legally correct language.
- Evidence in support of complaints, and the cross-examination of witnesses in disciplinary hearings.

- General legal advice about board actions and activities.

LEGAL FEES.

The board should be aware that its budget will be charged for all advice and service rendered by the Office of the Attorney General. Agencies generally have budgeted funds for this purpose.

THE OFFICE OF FINANCIAL MANAGEMENT

The **Office of Financial Management (OFM)** was established to coordinate and integrate the biennial budget proposals of the various state agencies with the long-range, unified planning goals of the state. In addition, OFM advises the Governor and Legislature on matters of planning, management, and policy. It also provides policy direction, and reviews business and management practices of state agencies and institutions. The director of OFM is appointed by, and serves at the pleasure of the Governor.

POLICY SUPPORT.

The Governor's Executive Policy Office (360) 902-0666 is one of five divisions within OFM. This unit works most closely with boards and commissions. It is comprised of executive policy assistants who are assigned to major functions of state government such as education, transportation, social services, general government, the environment and natural resources, and development.

The Governor's Executive Policy Office reviews all "departmental request" legislation proposed by state agencies. The policy assistants track legislation throughout the year and provide detailed analyses. Policy assistants are very knowledgeable in their specialized areas, and are an excellent resource if you require information on issues, legislation, or statutes. They also can direct you to other resource people both within and outside OFM.

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LAWS AFFECTING BOARD ACTIVITIES

RESTRICTIONS AND REQUIREMENTS

As a Governor's appointee, you should be aware of certain restrictions and requirements that may affect you during your tenure as a board member.

- Board members must be familiar with and operate within their boards governing statutes and bylaws, and state and federal laws at all times.
- To ensure accountability, all applicable policies and procedures adopted by the board should be in written form.
- No board member may make unilateral decisions or take action without the consent of the board as a whole.
- At industry or professional gatherings, individual board members must use discretion to avoid the appearance of speaking for the board, unless specifically authorized to do so.
- Board members must keep in mind that their mission is to serve the public, and that it is inappropriate to use board membership to create a personal platform.
- Members are restricted by RCW 42.52.130, 140, 150, and 42.18.230 from accepting or soliciting anything of economic value as a gift, gratuity, or favor if it is given only because the member holds a responsible position with the state.
- Questions about board issues should be directed to the board's administrative or executive officer, who will see that all board members receive full information by the next regular meeting.
- Details of board investigations, personnel files, or business discussed at closed executive sessions should not be disclosed unless they are part of the public record.

OPEN PUBLIC MEETINGS ACT

Notification of Meetings. The Open Public Meetings Act requires that all meetings of the governing body of a public agency, as well as other meetings regarding policies affecting the public, be open to the public. In addition, the public must be notified of such meetings in a timely manner.

Confidential Transactions. Exceptions to the Open Public Meetings Act include confidential subjects such as personnel matters and real-estate transactions, which may be dealt with in "executive sessions."

Public Disclosure. The minutes of all regular meetings must be recorded and made available for public inspection.

The Open Public Meetings Act applies to most all boards and commissions. To determine whether or not the Act applies to your board, you should consult the Assistant Attorney General assigned to your board. Regardless of whether the Act applies, all boards should be in compliance with open meeting requirements.

Accessibility Requirements. To afford members of the public who have disabilities an equal opportunity to participate, meetings subject to the Open Public Meetings Act shall be held in facilities which are wheelchair accessible. Public notices regarding such meetings shall

include a statement that sign language interpreters, materials in Braille, large print or tape, and other necessary auxiliary aids will be provided with advance notice. Notices should include the name and phone number of the individual responsible for coordinating such requests.

The relevant statutes are RCW 42.30.010 and 42.30.900.

REASONABLE ACCOMMODATION OF PERSONS WITH DISABILITIES

In addition to the Open Public Meetings Act, the Americans with Disabilities Act (ADA) sets criteria for accessibility and accommodation. Under the ADA, people who have disabilities have a right to an equal opportunity for effective participation in the activities of boards and commissions, whether as appointed members or as members of the public.

Accessible Locations and Communications. Meetings and other board or commission sponsored activities should be held in wheelchair accessible locations. Qualified sign language interpreters, materials in accessible formats such as Braille, large print and tape, and other forms of auxiliary aids for effective communications should be provided upon request. Reasonable modifications should be made to policies or procedures, including travel reimbursement policies for members of boards and commissions, whenever such a policy or procedure creates a barrier to the full and equal participation of a person who has a disability.

As is true of all entities of Washington State government, boards and commissions are required to carry out five action steps necessary to bring a public entity into compliance with the ADA. These action steps are:

- Designate a responsible employee, or ADA coordinator who will plan and coordinate the entity's overall compliance efforts.
- Provide notice on a regular basis to employees, members, participants, the public at-large, and other interested individuals of the protections against discrimination on the basis of disability provided under the ADA.
- Establish and publish grievance procedures for the prompt and equitable resolution of complaints alleging discrimination on the basis of disability.
- Conduct a self evaluation to identify any policies or practices which do not comply with the requirements of the ADA, and modify those policies and practices to bring them into compliance.
- Develop a transition plan which identifies any physical barriers limiting the accessibility of board or commission programs, services, or activities to people with disabilities, describes the methods and timetables for the elimination of those barriers, and identifies the public official responsible for the implementation of the plan.

A board or commission which is administratively linked to a larger state entity may choose to incorporate its own ADA compliance activities into those of the host agency or institution.

ADMINISTRATIVE PROCEDURE ACT

The Administrative Procedure Act primarily applies to those boards involved in rule making and adjudicative actions. The Act provides that any orders, directives, or agency policies or procedures that have general applicability to the public must be adopted as rules in accordance with chapter 34.05 RCW. You should always consult with your Assistant Attorney General when preparing and adopting rules.

EXECUTIVE BRANCH ETHICS IN PUBLIC SERVICE

Effective January 1, 1995, a new ethics law for public officers, boards and commissions members, and employees went into effect containing similar but more easily understood language than the previous law. The Ethics in Public Service Act places restrictions on the activities of those working with state agencies, boards, commissions, or any other entity of state government.

The Act provides that no state employee may use his or her position for personal services rendered during their term of state employment. State employees are prohibited from using any information acquired while in state service for personal gain.

The Act also prohibits board members from engaging in actions that result in personal gain or benefit close relatives within a two-year period following termination of state service. The Act allows the agency head to dismiss, suspend, or take other appropriate action when provisions of the Act are violated.

All board members should familiarize themselves with the Ethics in Public Service Act, chapter 42.52, RCW. The Assistant Attorney General assigned to the board can offer additional information.

ETHICS AND THE APPEARANCE OF FAIRNESS

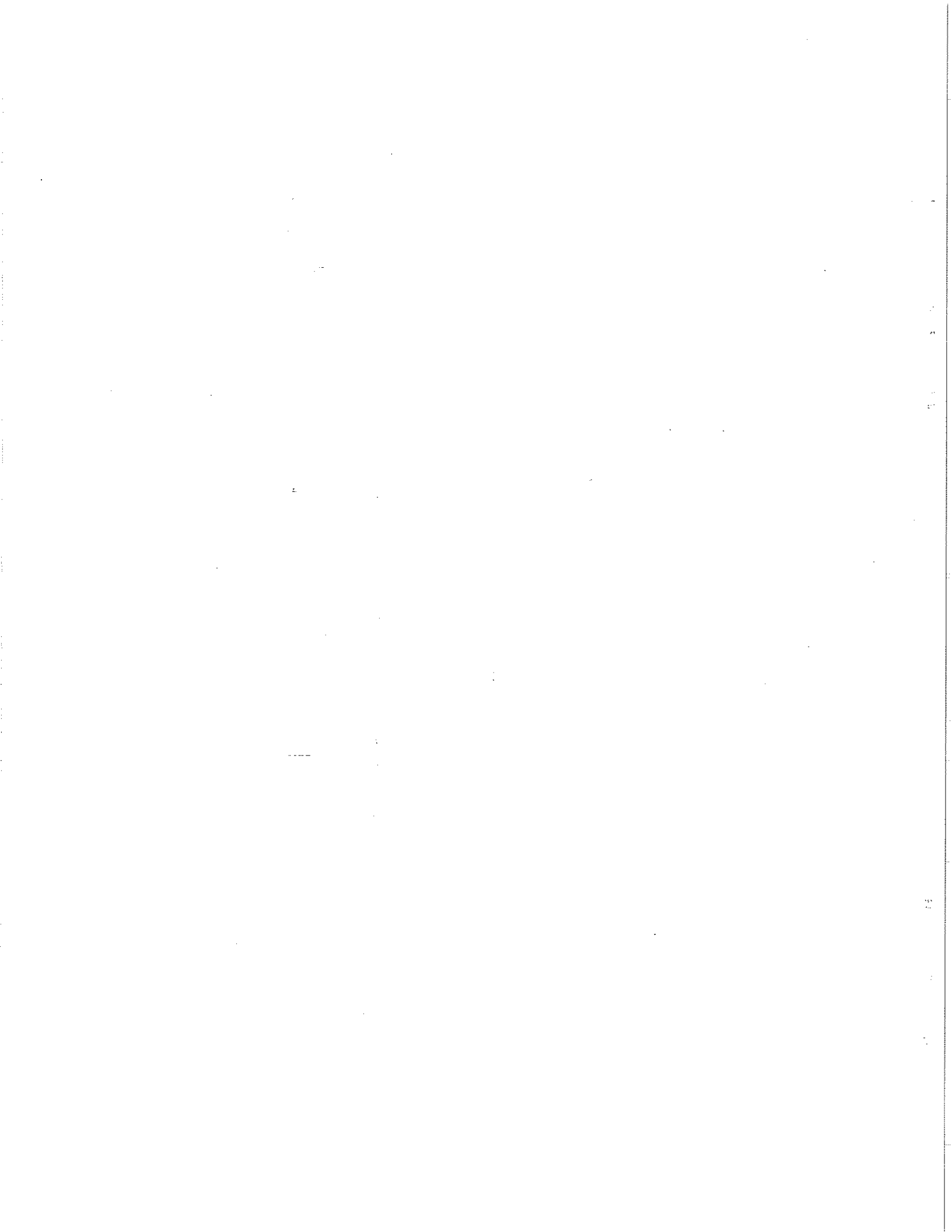
As a board member, you are expected to uphold a high standard of ethics. It is *extremely* important that board members avoid conflicts of interest, or even the *appearance* of conflicts of interest.

Using a public position for private gain is improper and illegal. Similarly, actions benefiting close relatives are prohibited. There are penalties for violations of state ethics statutes. The following are examples of conflicts of interest:

- Directing state contracts to a business in which one has a financial interest.
- Using confidential information for private investments.
- Accepting gifts or favors in exchange for certain regulatory rulings.
- Accepting gifts or favors in exchange for making certain purchases.
- Obtaining personal favors from employees.
- Accepting favors for disclosure of confidential information.
- Engaging in outside employment which assists non-governmental entities in their quests for state business.

Board members can avoid conflict of interest problems by being aware of statutory restrictions, adhering to such restrictions, using good judgment, and being fair and equitable in decision-making. For additional information on provisions of the state ethics law, see the state "Managers' Handbook," available from the Office of Financial Management, (360) 902-0666.

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BOARD TRANSACTIONS

BYLAWS

Every board and commission should have a set of bylaws to direct and clarify its actions, procedures, and organization. Bylaws are the guidelines by which a board functions.

According to *Robert's Rules of Order*, bylaws define the primary characteristics of an organization, prescribe how it should function, and include rules that are so important that they may not be changed without prior notice to members and formal vote and agreement by a majority of members. Ordinarily, bylaws may only be changed by a two-thirds majority.

An organization's bylaws generally include a number of articles, such as the following:

- Name of board
- Mission statement
- Membership
- Officers
- Meetings
- Executive board (if needed)
- Committees, subcommittees
- Parliamentary procedure - often including the name of the manual of parliamentary procedure the board will follow.
- Amendment procedures for making changes in the bylaws.

Bylaws should include expectations as well as guidelines for members. Issues such as attendance, responsibilities, and discipline should be addressed in the bylaws. Board members are expected to adhere to bylaws and all relevant statutes.

QUORUM

If a quorum is not present, any business transaction is null and void.

A quorum is the number of members who must be present in order to conduct official business. The quorum protects against unrepresentative actions by a small number of individuals. The bylaws should specify the number of individuals that constitute a quorum and whether a majority of this quorum may take action. In some cases, the governing statutes will establish what the quorum will be.

At meetings where a quorum is not present, the only actions that may be legally taken are to fix a time for adjournment, adjourn, recess, or take measures to obtain a quorum (such as contacting absent members).

The minimum number of officers who must be present to conduct business include a presiding officer and a secretary or clerk. If these officers are members of the board (as they usually are), they are counted in determining whether there is a quorum.

ORDER OF BUSINESS

After the presiding officer has called the meeting to order, a board generally follows the order of business specified in its bylaws. If a board has not adopted an order of business, the procedure below is generally followed:

- Reading and approving of minutes of previous meeting(s).
- Reports of officers and standing (permanent) committees.
- Reports of special (select or ad hoc) committees.
- Special orders (matters previously assigned a special priority).
- Unfinished business and general orders (matters introduced in previous meetings).
- New business (matters initiated in present meeting).

THE CHAIR AND VOTING

If the chair is a member of the board, he or she may vote just as any other member.

The chair, when not a member, may vote whenever his or her vote will affect the outcome; to break or cause a tie; or to block or cause attainment of a two-thirds majority when such is necessary.

A chair has only one vote; the chair may not vote as a member of the board and also a presiding officer.

Voting by secret ballot is prohibited by the open meetings law.

PUBLIC DISCLOSURE

All state agencies and boards are required to have available for public inspection and copying, public records such as procedural rules and statements of general policy, and other records, written or electronic, pertaining to the board's business. Exemptions to disclosure are very limited and are specifically identified in statute.

For additional information regarding disclosure requirements, and exemptions from disclosure, refer to chapter 42.17 RCW and consult with your Assistant Attorney General.

LOBBYING

There exists a very fine line between advising and lobbying. It is important that board members be aware of this distinction. Board members are in a unique position that allows them to provide information and recommendations on issues. However, a board member becomes a lobbyist when he or she attempts to influence the passage or defeat of any legislation by the Legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate or other legislative enactment or any state agency under the Administrative Procedure Act, chapter 34.05 RCW. Lobbying also includes trying to influence the Governor's actions on legislation that has passed both houses.

Quarterly Reporting. Any public entity that undertakes lobbying must submit quarterly reports consolidating all lobbying expenditures made or incurred by the entity's departments or divisions during the calendar quarter. Lobbying includes *in-person* contacts by agency lobbyists or liaisons with legislators to influence action or inaction on legislation, as well as in-person contacts with legislative staff. Boards must report all gifts, travel,

contributions, and entertainment expenditures for legislators and staffers alike, whether using public or nonpublic dollars.

What, When, and Where. All lobbying done must be accomplished within the established channels of the Legislature, e.g. testifying at hearings, contacting legislators and staff, etc.

According to the Public Disclosure Commission (PDC), lobbying does *not* include any of the following activities for public agencies:

- Agency requests for appropriations to the Office of Financial Management (OFM) or requests by OFM to the Legislature for appropriations other than its own agency budget. Once a budget request is before the Legislature, attempts to influence any portion of it, *does* constitute reportable lobbying.
- Recommendations or reports to the Legislature in response to a legislative request, whether oral or written, expressly requesting or directing a specific study, recommendation, or report on a particular subject.
- Official reports including recommendations submitted annually or biennially by a state agency as required by law.
- Requests, recommendations, or other communications between or within local or state agencies; however, attempts to influence the Governor with respect to signing or vetoing legislation are considered reportable lobbying. Other communications or negotiations with the Governor's Office would not be reportable.
- Telephone conversations or preparation of written correspondence; thus, only in-person contact, including testifying at hearings, are considered lobbying.
- Preparation or adoption of policy positions within an agency or groups of agencies; however, once a position is adopted, further action to advocate it may constitute lobbying.
- Attempts to influence federal or local legislation.

For specific details or additional information regarding lobbying, contact the PDC and your Assistant Attorney General.

Influencing Ballot Measures. RCW 42.17.130 strictly forbids the use of public or agency facilities for the purpose of assisting a campaign for election of any person to any office or for the promotion or opposition to any ballot proposition unless they are activities which are a part of the normal and regular conduct of the office or agency.

TESTIFYING AT HEARINGS

Board members often have an opportunity to testify at legislative, local government, or community committee hearings. When providing testimony on behalf of the board, members should refrain from expressing personal opinions. It is helpful if legislative staff members receive copies of written testimony prior to the hearing.

Effective Testimony. To provide effective testimony, members should keep the following guidelines in mind:

- All testimony should be brief, concise, and honest.
- Avoid reading lengthy written testimony; instead, orally highlight important points in the written report.
- If others are offering similar testimony, try to coordinate information to avoid repetition.
- Avoid being too technical.

- Be prepared to answer questions and comments by committee members. If you are unable to answer a question, offer to provide a written response later and always follow through.
- If you absolutely must give a personal opinion, make sure that the committee understands that you are not speaking for the board, but for yourself.

When Testifying Becomes Lobbying. Providing testimony is not a form of lobbying if it is done on behalf of the board and at the request of the committee.

- Testimony provided by individuals outside of board activities and for personal interest may be considered lobbying; therefore, the individual may have to register with the PDC.
- For specific applicability, contact the PDC or refer to chapter 42.17 RCW.
- Proving testimony may be deemed lobbying if a board member is visibly advocating an issue.
- Any contact with committee members or legislative employees after a hearing regarding testimony may be considered lobbying and consequently must be reported to chapter 42.17 RCW.

THE NEWS MEDIA

The news media has the important function of informing the public about state government operations. In doing so, it provides a valuable communications link with the community. It is important to maintain a cooperative and open relationship with the media without violating privacy and other citizen rights. The following are suggested guidelines for working with the media:

- Designate a spokesperson who will speak for the board as a whole.
- Establish policies for media relations and designate staff people as media contact people.
- Be as open as possible, and keep your focus on the business of the board. Personal opinions, especially those regarding other people, are inappropriate. The news media is not the place to air dissatisfactions or carry on conflicts among board members or agency employees.
- If you do not know the answer to a question or are unsure about an issue, refer the matter to a knowledgeable person in your agency or to the Governor's Office.
- If you believe it is important that the public have specific information, please notify the Governor's communications director, who is responsible for media relations, such as the Governor's news conference, speeches, and public appearances.
- A "wise" board anticipates when an event in the community will stir the interest of the media. It provides materials that are responsive and informative, but which do not violate individual privacy or undermine the dignity and authority of the board.
- Keep in mind that the comments you make in public may also have to be made in a court of law. Do not risk your personal integrity, nor that of another by thoughtless or unwarranted remarks.

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**Chapter 42.30 RCW
OPEN PUBLIC MEETINGS ACT**

SECTIONS

42.30.010 Legislative declaration.

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42.30.900 Short title.

42.30.910 Construction -- 1971 ex.s. c 250.

42.30.920 Severability -- 1971 ex.s. c 250.

NOTES:

Drug reimbursement policy recommendations: RCW 43.20A.365.

RCW 42.30.010**Legislative declaration.**

The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that their actions be taken openly and that their deliberations be conducted openly.

The people of this state do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they

may retain control over the instruments they have created.

[1971 ex.s. c 250 § 1.]

NOTES:

Reviser's note: Throughout this chapter, the phrases "this act" and "this 1971 amendatory act" have been changed to "this chapter." "This act" [1971 ex.s. c 250] consists of this chapter, the amendment to RCW 34.04.025, and the repeal of RCW 42.32.010 and 42.32.020.

RCW 42.30.020

Definitions.

As used in this chapter unless the context indicates otherwise:

(1) "Public agency" means:

(a) Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature;

(b) Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of the state of Washington;

(c) Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies;

(d) Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

(2) "Governing body" means the multimember board, commission, committee, council, or other policy or rule-making body of a public agency, or any committee thereof when the committee acts on behalf of the governing body, conducts hearings, or takes testimony or public comment.

(3) "Action" means the transaction of the official business of a public agency by a governing body including but not limited to receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.

(4) "Meeting" means meetings at which action is taken.

[1985 c 366 § 1; 1983 c 155 § 1; 1982 1st ex.s. c 43 § 10; 1971 ex.s. c 250 § 2.]

NOTES:

Severability -- Savings -- 1982 1st ex.s. c 43: See notes following RCW 43.52.374.

RCW 42.30.030**Meetings declared open and public.**

All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter.

[1971 ex.s. c 250 § 3.]

RCW 42.30.040**Conditions to attendance not to be required.**

A member of the public shall not be required, as a condition to attendance at a meeting of a governing body, to register his name and other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his attendance.

[1971 ex.s. c 250 § 4.]

RCW 42.30.050**Interruptions -- Procedure.**

In the event that any meeting is interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are interrupting the meeting, the members of the governing body conducting the meeting may order the meeting room cleared and continue in session or may adjourn the meeting and reconvene at another location selected by majority vote of the members. In such a session, final disposition may be taken only on matters appearing on the agenda. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the governing body from establishing a procedure for readmitting an individual or individuals not responsible for disturbing the orderly conduct of the meeting.

[1971 ex.s. c 250 § 5.]

RCW 42.30.060**Ordinances, rules, resolutions, regulations, etc., adopted at public meetings -- Notice -- Secret voting prohibited.**

(1) No governing body of a public agency shall adopt any ordinance, resolution, rule, regulation, order, or directive, except in a meeting open to the public and then only at a meeting, the date of which is fixed by law or rule, or at a meeting of which notice has been given according to the provisions of this chapter. Any action taken at meetings failing to comply with the provisions of this subsection shall be null and void.

(2) No governing body of a public agency at any meeting required to be open to the public shall vote by secret ballot. Any vote taken in violation of this subsection shall be null and void, and shall be considered an "action" under this chapter.

[1989 c 42 § 1; 1971 ex.s. c 250 § 6.]

RCW 42.30.070**Times and places for meetings -- Emergencies -- Exception.**

The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If, by reason of fire, flood, earthquake, or other emergency, there is a need for expedited action by a governing body to meet the emergency, the presiding officer of the governing body may provide for a meeting site other than the regular meeting site and the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter.

[1983 c 155 § 2; 1973 c 66 § 1; 1971 ex.s. c 250 § 7.]

RCW 42.30.075

Schedule of regular meetings -- Publication in state register -- Notice of change -- "Regular" meetings defined.

State agencies which hold regular meetings shall file with the code reviser a schedule of the time and place of such meetings on or before January of each year for publication in the Washington state register. Notice of any change from such meeting schedule shall be published in the state register for distribution at least twenty days prior to the rescheduled meeting date.

For the purposes of this section "regular" meetings shall mean recurring meetings held in accordance with a periodic schedule declared by statute or rule.

[1977 ex.s. c 240 § 12.]

NOTES:

Effective date -- Severability -- 1977 ex.s. c 240: See RCW 34.08.905 and 34.08.910.

Public meeting notices in state register: RCW 34.08.020.

RCW 42.30.080

Special meetings.

A special meeting may be called at any time by the presiding officer of the governing body of a public agency or by a majority of the members of the governing body by delivering personally or by mail written notice to each member of the governing body; and to each local newspaper of general circulation and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the governing body. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the governing body a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or

damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

[1971 ex.s. c 250 § 8.]

RCW 42.30.090

Adjournments.

The governing body of a public agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the governing body may declare the meeting adjourned to a stated time and place. He shall cause a written notice of the adjournment to be given in the same manner as provided in RCW 42.30.080 for special meetings, unless such notice is waived as provided for special meetings. Whenever any meeting is adjourned a copy of the order or notice of adjournment shall be conspicuously posted immediately after the time of the adjournment on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

[1971 ex.s. c 250 § 9.]

RCW 42.30.100

Continuances.

Any hearing being held, noticed, or ordered to be held by a governing body at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the governing body in the same manner and to the same extent set forth in RCW 42.30.090 for the adjournment of meetings.

[1971 ex.s. c 250 § 10.]

RCW 42.30.110

Executive sessions.

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

(a) To consider matters affecting national security;

(b) To consider the selection of a site or the acquisition of real estate by lease or purchase when public knowledge regarding such consideration would cause a likelihood of increased price;

(c) To consider the minimum price at which real estate will be offered for sale or lease when public knowledge regarding such consideration would cause a likelihood of decreased price. However, final action selling or leasing public property shall be taken in a meeting open to the public;

(d) To review negotiations on the performance of publicly bid contracts when public knowledge regarding such consideration would cause a likelihood of increased costs;

(e) To consider, in the case of an export trading company, financial and commercial information supplied by private persons to the export trading company;

(f) To receive and evaluate complaints or charges brought against a public officer or employee. However, upon the request of such officer or employee, a public hearing or a meeting open to the public shall be conducted upon such complaint or charge;

(g) To evaluate the qualifications of an applicant for public employment or to review the performance of a public employee. However, subject to RCW 42.30.140(4), discussion by a governing body of salaries, wages, and other conditions of employment to be generally applied within the agency shall occur in a meeting open to the public, and when a governing body elects to take final action hiring, setting the salary of an individual employee or class of employees, or discharging or disciplining an employee, that action shall be taken in a meeting open to the public;

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

(i) To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.

This subsection (1)(i) does not permit a governing body to hold an executive session solely because an attorney representing the agency is present. For purposes of this subsection (1)(i), "potential litigation" means matters protected by RPC 1.6 or RCW 5.60.060(2)(a) concerning:

(A) Litigation that has been specifically threatened to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party;

(B) Litigation that the agency reasonably believes may be commenced by or against the agency, the governing body, or a member acting in an official capacity; or

(C) Litigation or legal risks of a proposed action or current practice that the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency;

(j) To consider, in the case of the state library commission or its advisory bodies, western library network prices, products, equipment, and services, when such discussion would be likely to adversely affect the network's ability to conduct business in a competitive economic climate. However, final action on these matters shall be taken in a meeting open to the public;

(k) To consider, in the case of the state investment board, financial and commercial information when the information relates to the investment of public trust or retirement funds and when public knowledge regarding the discussion would result in loss to such funds or in private loss to the providers of this information.

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive

session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.

[2001 c 216 § 1; 1989 c 238 § 2; 1987 c 389 § 3; 1986 c 276 § 8; 1985 c 366 § 2; 1983 c 155 § 3; 1979 c 42 § 1; 1973 c 66 § 2; 1971 ex.s. c 250 § 11.]

NOTES:

Severability -- Effective date -- 1987 c 389: See notes following RCW 41.06.070.

Severability -- 1986 c 276: See RCW 53.31.901.

RCW 42.30.120

Violations -- Personal liability -- Penalty -- Attorney fees and costs.

(1) Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense.

(2) Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. Pursuant to RCW 4.84.185, any public agency who prevails in any action in the courts for a violation of this chapter may be awarded reasonable expenses and attorney fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause.

[1985 c 69 § 1; 1973 c 66 § 3; 1971 ex.s. c 250 § 12.]

RCW 42.30.130

Violations -- Mandamus or injunction.

Any person may commence an action either by mandamus or injunction for the purpose of stopping violations or preventing threatened violations of this chapter by members of a governing body.

[1971 ex.s. c 250 § 13.]

RCW 42.30.140

Chapter controlling -- Application.

If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation, or profession or to any disciplinary proceedings involving a member of such business, occupation, or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by chapter 34.05 RCW, the Administrative Procedure Act; or

(4)(a) Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or
 (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress.

[1990 c 98 § 1; 1989 c 175 § 94; 1973 c 66 § 4; 1971 ex.s. c 250 § 14.]

NOTES:

Effective date -- 1989 c 175: See note following RCW 34.05.010.

Drug reimbursement policy recommendations: RCW 43.20A.365.

Mediation testimony competency: RCW 5.60.070 and 5.60.072.

RCW 42.30.200

Governing body of recognized student association at college or university -- Chapter applicability to.

The multimember student board which is the governing body of the recognized student association at a given campus of a public institution of higher education is hereby declared to be subject to the provisions of the open public meetings act as contained in this chapter, as now or hereafter amended. For the purposes of this section, "recognized student association" shall mean any body at any of the state's colleges and universities which selects officers through a process approved by the student body and which represents the interests of students. Any such body so selected shall be recognized by and registered with the respective boards of trustees and regents of the state's colleges and universities: PROVIDED, That there be no more than one such association representing undergraduate students, no more than one such association representing graduate students, and no more than one such association representing each group of professional students so recognized and registered at any of the state's colleges or universities.

[1980 c 49 § 1.]

RCW 42.30.210

Assistance by attorney general.

The attorney general's office may provide information, technical assistance, and training on the provisions of this chapter.

[2001 c 216 § 2.]

RCW 42.30.900

Short title.

This chapter may be cited as the "Open Public Meetings Act of 1971".

[1971 ex.s. c 250 § 16.]

RCW 42.30.910

Construction -- 1971 ex.s. c 250.

The purposes of this chapter are hereby declared remedial and shall be liberally construed.

[1971 ex.s. c 250 § 18.]

RCW 42.30.920

Severability -- 1971 ex.s. c 250.

If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1971 ex.s. c 250 § 19.]