

EAST COUNTY FIRE & RESCUE

Policies, Procedures, and Guidelines

**SUBJECT: BOARD OF COMMISSIONERS GOVERNING RULES
ETHICS POLICY**

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BY: _____

Board Chair

POLICY:

The legislative body of the Fire Protection District is the Board of Commissioners authorized and created under Title 52 RCW. The Board of Commissioners has the statutory obligation to manage the affairs of the District and is responsible to establish all District policies.

- 1. Statutory Power and Authority.** The Board of Commissioners possesses the powers and authority as set forth in Title 52 RCW and other applicable provisions of the Revised Code of Washington.
- 2. Organization.** The Board of Commissioners, at its first regular meeting in January of each year, shall elect a chair and a vice-chair. The vice-chair shall perform the duties of the chair in the absence of the chair.
- 3. Participation of Commissioners.** Each Commissioner is an elected representative of the residents of the Fire Protection District. Commissioners are entitled to vote on all matters coming before the Board of Commissioners and to make and second motions regardless of whether the Commissioner is serving as chair. Commissioners shall, however, be governed by the provisions of chapter 42.23 RCW in respect to any matter in which the Commissioner may have a conflict of interest.
- 4. Actions of the Board.** RCW 52.14.010 provides that the Board of Commissioners of the Fire Protection District is the legislative body of the District. Chapter 42.30 RCW, the Open Public Meetings Act, and RCW 52.14.100 provide that actions of the Board of Commissioners may only take place at meetings authorized by statute. Individual Commissioners do not have authority to manage or direct the affairs of the District or bind the District to financial or contractual obligations. Administrative and managerial powers may only be exercised by those persons to whom such powers are delegated by action of the Board. The principal executive and administrative officer of the District is the Chief who has the responsibility for the management of the daily affairs of the District, for the supervision of District personnel and for the establishment of a chain of command to carry out such supervision. Commissioners are encouraged to become familiar with the District operations and to meet the paid and

volunteer personnel of the District. It is a policy of the District, however, that individual Commissioners shall not supervise, direct or discipline District personnel. In the event a Commissioner shall be dissatisfied with the operation or any action of the District or its personnel, the Commissioner shall bring such dissatisfaction to the attention of the Board at a meeting of the Board.

5. **Authority of Chair.** The Chair of the Board shall have the authority specifically granted by statute and such further authority as may be granted from time to time by action of the Board of Commissioners.
6. **Communications with Consultants.** The Chief and the Chair or other designated commissioners have authority to contact District consultants (attorney, accountant, engineers, architects, etc.) on an as needed basis without prior approval by the Board. Individual commissioners, absent delegation from the Board or an emergency situation, do not have authority to directly communicate with District consultants without prior approval of the Board.
7. **Schedule of Meetings.**
 - 7.1. **Regular meetings.** Regular meetings of the Board of Commissioners shall be held each month, pursuant to a schedule established by resolution of the Board. Meetings of the Board will be held at the Fire District Headquarters Station, or at such other place as the Board may direct from time to time. All regular meetings shall be conducted in conformance with the laws of the state of Washington governing meetings.
 - 7.2. **Special meeting.** The chair, or any two or three members of the Board, may call a special meeting at any time. Not less than twenty-four hours before any special meeting, the secretary shall notify each member of the board by written notice of the time, place, and the business to be transacted at the meeting. The notice shall be distributed and posted in accordance with the laws of the state governing such meetings. The presence of a Commissioner at the meeting or the Commissioner's written waiver of notice filed with the secretary shall constitute a waiver of receiving written notice of the meeting. When the meeting is called to address an emergency involving injury or damage, or the likelihood of injury or damage, to persons or property, and the time requirements for notice provided for above would be impractical and increase the likelihood of the injury or damage, the required notice may be dispensed with and the secretary shall notify each member of the Board by the best means possible under the circumstances.
 - 7.3. **Notice of agenda for regular meeting.** Not less than four days before any regular meeting, the secretary shall email or utilize other technology to send each member of the Board a reminder of the regular meeting and a preliminary agenda setting forth the matters which are to be considered at the meeting.
 - 7.4. **Addenda to the agenda at regular or special meetings.** Addenda to the agenda of either a regular or a special meeting may be permitted at the commencement of or during the meeting, except that final action shall not be taken on items added to the agenda of a special meeting unless notice, as required by applicable law, has been given.

- 7.5. **Quorum.** A majority of the entire Board shall be necessary to constitute a quorum at all regular meetings and special meetings.
8. **Excused Absence.** The Board of Commissioners may grant permission for a Commissioner to be absent from a scheduled meeting of the Board.
9. **Access to District Records.** Except as provided below, each Commissioner shall have access to District records during regular business hours of the District; provided, that the review or examination of the records shall not interfere with the normal operation of the District office personnel. Commissioners shall not remove original District records from the District station. Copies will be provided promptly, provided the copying shall not unduly interfere with normal operations of the administrative personnel.
- 9.1. Access to confidential records will not be provided without prior approval of the Board.
- 9.2. District records and information obtained from District records may not be used by Commissioners for non-District business nor disclosed to unauthorized persons.
10. **District Information.** Commissioners may not use District information, particularly confidential information, for individual gain or to promote the interest of any individual, group of individuals or entity. Commissioners have the duty to protect the confidentiality of privileged and private District records and information. The unauthorized disclosure of confidential records or information is a violation of this responsibility. The Board, not an individual Commissioner, has the authority to disclose information or records of the District. This restriction also applies when the District is involved in any type of contract negotiations, disciplinary procedures or other District business transactions.
11. **Personal Liability Protection.** The Commissioners shall be included as named insureds on all applicable District insurance policies. In the event a Commissioner shall be individually named as a defendant in any litigation arising out of the performance by the Commissioner of District business and the District's insurance carrier shall deny coverage and refuse to provide defense to the action, the District shall provide the Commissioner with defense coverage and liability protection subject to the following conditions:
- 11.1. The cause of action must have arisen as a result of the action or non-action of the Commissioner while acting within the scope and authority of the office of Commissioner.
- 11.2. The cause of action must not have arisen as a result of intentional, willful, or criminal conduct of the Commissioner.
12. **Liability Protection Procedure.** The following procedure shall be used to determine if the District shall provide the defense and liability coverage for a Commissioner under the District policy.
- 12.1. The matter shall be referred to the District's attorney for investigation and review.
- 12.2. The District's attorney shall fully investigate the facts and circumstances of the litigation and the actions of the defendant Commissioner.

12.3. The District's attorney shall report to the Board of Commissioners in writing the results of the investigation and research. A copy of the report shall be furnished to each Commissioner under the attorney-client communication privilege.

The Board of Commissioners shall make the final determination based on the report and investigation of the attorney.

13. Ethics:

13.1. Purpose. The District and its Board of Commissioners find that the proper operation of a fire district, as a taxpayer-supported public entity, requires that public officers, and particularly elected officials primarily responsible for the lawful management of the municipal corporation, be ethical, independent, impartial and responsible to the people, as fiduciaries. This policy is limited in scope; it only applies to the elected Board of Commissioners of East County Fire & Rescue.

13.2. Policy. The policy of the District is that this Ethics Policy shall be strictly adhered to, and that it shall be interpreted liberally so as to accomplish its purpose. The goal of the District is to establish and maintain the highest ethical standards for its leaders, so that they may establish an example for all district employees and members to emulate. The expectations of the Board and the District shall be that the prohibitions contained in paragraph 4 will always be honored and that the recommendations contained in paragraph 5 will be aspired to, and achieved whenever feasible.

13.3. Definitions. The following terms or words shall have the following meanings, throughout this ethics policy:

13.3.1. Major Infraction: A major infraction means and includes misfeasance, malfeasance, violation of the oath of office, violation of the Washington State or U.S. Constitution or a state statute or any other offense listed in paragraph 4 that involves honesty or integrity.

13.3.2. Minor Infraction: A minor infraction means any ethics code violation found by an investigative committee, but not deemed to be major.

13.3.3. Misfeasance: Misfeasance is defined by statute, and means any wrongful conduct that affects, interrupts or interferes with the performance of official duties. Additionally, misfeasance means the performance of a duty in an improper manner or with the appearance of impropriety.

13.3.4. Malfeasance: Malfeasance is defined by statute, and means any wrongful conduct that affects, interrupts or interferes with the performance of official duties. Additionally, malfeasance means the commission of an unlawful act.

13.3.5. Violation of oath of office: This term is also defined by statute, and means the neglect or willful failure of an elected public official to perform faithfully the duties imposed by law. Violation of a statute, particularly one that prescribes a

duty for a fire commissioner, would be an example of a violation of the oath of office.

13.4. Prohibited Conduct- A Commissioner Shall Not:

- 13.4.1. 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 commissioner's duties.
- 13.4.2. Be beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the commissioner, in whole or in part, and shall not accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested in any such contract, sale, lease, purchase, or grant, except as set forth below.
- 13.4.3. Use his or her position to secure special privileges or exemptions for himself, herself, or others.
- 13.4.4. Give or receive or agree to receive any compensation, gift, reward, or gratuity from a source other than the fire district, for a matter connected with or related to the commissioner's services unless provided for by law.
- 13.4.5. 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 commissioner, or be considered as part of a reward for action or inaction.
- 13.4.6. Accept employment or engage in business or professional activity that the commissioner might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
- 13.4.7. Neither disclose confidential information gained by reason of the commissioner's position, nor may the commissioner otherwise use such information for his or her personal gain or benefit.
- 13.4.8. Except in the course of official duties or incident to official duties, assist any person, directly or indirectly, in a transaction involving the district, where such commissioner's assistance is, or to a reasonable person would appear to be, enhanced or affected by the commissioner's position.
- 13.4.9. Employ or use any district employee or other person, district funds or money, or district property under the commissioner's official control or direction, or in his or her official custody, for the private benefit or gain of the commissioner, an employee of the district, or another person, except as allowed by law. This section does not prohibit use of public resources to benefit citizens or others when such is part of district functions or official duties, or otherwise allowed by law.

- 13.4.10. Use the facilities, personnel or resources of the district to assist or oppose a campaign for election or for the promotion or opposition to a ballot proposition, except pursuant to one of the recognized exceptions to RCW 42.17.130.
- 13.4.11. Participate, by voting or otherwise, in any issue that comes before the Board of Commissioners, when the commissioner has any direct or indirect personal or financial stake in the outcome of the matter.
- 13.4.12. Campaign for, or accept appointment or election to, any public office that would be incompatible with the office of fire commissioner, if concurrently serving as a fire commissioner.

13.5. Recommended Conduct - At All times a Commissioner Should:

- 13.5.1. Respect and comply with the law.
- 13.5.2. Act at all times in a manner that promotes public confidence in the office of fire commissioner.
- 13.5.3. Participate in establishing, maintaining, and enforcing high standards of conduct and personally observe those standards.
- 13.5.4. Exhibit unquestionable integrity and have an uprightness of character and soundness of moral principle.
- 13.5.5. Show respect for others through temperance, fairness and civility in the execution of their duties and conduct of their personal life.
- 13.5.6. Have the courage to do what is right and stand up for those without power or authority.
- 13.5.7. Have compassion that is inherent to understanding another's problems while controlling and understanding personal feelings.
- 13.5.8. Conduct political campaigns in an honest and forthright manner, without attacking others in a negative way.
- 13.5.9. Lead by example.
- 13.5.10. Never forget that public office requires public trust and confidence.

13.6. Exceptions.

- 13.6.1. A commissioner is allowed by state statute to be financially involved in a contract with the fire district, so long as payment to the commissioner or his/her business does not exceed \$1,500.00 in any calendar month, provided that such commissioner shall not vote on any such contract in which he/she is beneficially

interested. Moreover, such interest shall be disclosed to the governing body and noted in the minutes before formation of the contract.

13.6.2. A commissioner may accept a gift in the form of food or beverage on infrequent occasions in the ordinary course of performance of duties, but no such gift shall exceed a value of fifty dollars (\$50.00).

13.6.3. A commissioner is not deemed to have an interest in a contract, as those terms are used herein, if the commissioner has only a remote interest in the contract, so long as disclosure is made. A remote interest means, for example, the interest of a nonsalaried officer of a nonprofit corporation, the interest of a mere employee of a contracting party, where the compensation of that employee (commissioner) consists entirely of fixed wages or salary, the interest of only a landlord or tenant of the contracting party, or the interest of a less than 1% shareholder of a contracting corporation or cooperative; provided that this exception does not apply to a commissioner who attempts to influence, or does influence other district officers with respect to entering into the contract.

13.7. Complaints. All complaints or requests for investigation of an alleged violation of this policy shall be in writing and signed by the complainant. Complaints shall be brought to the Chief for Board action. If the complaint involves the Chief, that complaint shall be brought to the Board Chair.

16. WFCA Handbook. The Washington Fire Commissioners Association (WFCA) Handbook is included in this policy by reference.