

Downtown Steering Committee

City of Leavenworth
City Hall Council Chambers & Zoom
10:00 AM – 12:00 PM
February 27, 2024

Join Zoom Meeting

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F5TUpvNEE0MVd1dVc3Zz09)

Meeting ID: 986 2461 5776

Passcode: 941364

Dial by your location +1 253 215 8782 US

Members:

Sharon Waters

Zeke Reister

Clint Strand

Joel Martinez

Kevin Rieke

Oliver Brulotte

Troy Campbell

Staff:

Selby* / Sue

Agenda:

1. Approve January 23, 2024 meeting notes
2. Elect Vice Chairperson for Downtown Steering Committee
3. Review Draft Committee Bylaws
4. Discussion regarding virtual meetings
5. Review Draft Request for Qualifications for Front Street Pedestrian Plaza – Second review
6. Other / Future Agenda Items
 - a. Formation of a Business Improvement District

**Chairperson*

Audio recording available upon request for 90 days

Downtown Steering Committee

Meeting Notes
January 23, 2024

ATTENDEES:

Committee Members Present: Sharon Waters, Kevin Rieke, Troy Campbell, Oliver Brulotte, Zeke Reister, Joel Martinez.

Committee Members Absent: Clint Strand.

Staff: Matthew “Selby,” Sue Cragun, Lilith Vespier, Shannon Lemons, Kara Raftery, Maggie Boles, Andi Zontek-Backstrum, Carl Florea, Tom Wachholder.

Public: Travis McMaster, Shawna Villalvazo, Taylor Boyd,

1. Approve November 28, 2023 meeting notes

The November 28, 2023 meeting notes were approved by the Committee.

2. Review Draft Request for Qualifications for Front Street Pedestrian Plaza

Andi reviewed the draft Request for Qualifications (RFQ) with the Committee. She briefly detailed the RFQ process and asked for additional clarification and ideas to be included in the project scope.

- a. The Committee agreed that the project should focus on Front Street from US 2 to 10th Street, as Commercial Street, the east end of Front Street, 8th Street, and 9th Street have had some redevelopment in the past 20 years.
- b. The original Downtown Master Plan strategy was to focus on the outlying areas prior to renovation of Front Street.
- c. The focus of this next project is to update the original plan, due to the closure of Front Street in 2020.
- d. The Committee was in agreement to raising the street to the height of the sidewalks, which may need to continue to Division Street in order to accommodate Oktoberfest.
- e. The Committee agrees to leave the Gazebo in its current location, but would potentially like to incorporate items, such as a box office, storage solutions, site investigation for basement drainage issues, and the ability to play to the street and/or the park.
- f. Discussion of the need for vendor power outlets for festival use and the consideration of adding design elements such as anchors for tents, pedestrian lighting, and wayfinding signage. Troy will provide Andi with a comprehensive list of specifications to be included in the project scope.

- g. Installation of pneumatic bollards, with the suggestion that the design could be coordinated with the construction of a planned water main under Front Street.
- h. There was a discussion of the Royal Lady Plaza. The architect may design based on previous committee discussions.
- i. The Committee discussed outdoor restaurant seating and the location of SUPs. The Committee agrees to leave outdoor seating in the current location and believes that the Liquor Control Board will continue to allow the current setup, which includes a buffer zone between the business and the SUP zone. The Committee would like to consider the possibility of providing power, heating, and lighting to the SUP zones.
- j. The temporary Maipole needs better anchoring and relocated further away from the adjacent businesses.
- k. Potential addition of gateway signage at US 2 and Front Street.
- l. Include the Price Rogers Memorial within the project scope. Infrastructure could be constructed prior to installation of the memorial.
- m. Planters and placemaking features; Architects should look at pedestrian flow in an urban European and Bavarian design.
- n. Adding pavers to the east side of the park and a redesign of the sledding hill for safety concerns.

3. Review Committee Bylaws

Selby reviewed the current Bylaws and the composition of the Committee. He noted the lack of turnover on the Committee and lack of representation from businesses not located on Front Street. They discussed amending the Committee to ensure balanced representation. Concerns were raised about the underrepresentation of business owners on side streets, prompting a discussion on the need for more inclusivity, especially from 8th, 9th, and Commercial Streets. He addressed the possibility of reducing the number of Council members on the Committee and/or adding a few more members to the Committee, potentially freeing up a spot for a non-Front Street business owner. Selby will prepare draft redlined Bylaws for review at the next meeting.

4. Formation of a Business Improvement District

Selby discussed the potential use of Business Improvement District (BID) and Local Improvement District (LID) financing mechanisms for ongoing maintenance and improvements in the commercial area. The importance of equitable participation and transparency was emphasized. The idea of bringing in an expert to educate the Committee on financing mechanisms was suggested. The discussion also highlighted the need for property owner consent for self-assessment and the potential use of BIDs, with property owners having a proportional vote based on the size of the property. Selby will invite an expert to discuss the pros and cons of LID vs. BID at an upcoming meeting.

5. Wayfinding for Side Street Businesses

Some side street business owners are concerned that the Chamber and City aren't lighting and drawing visitors to the side streets. There were also concerns about the city's barricades blocking businesses.

Shawna stated that the signage on the barricades states that the street is closed, which suggests that pedestrian traffic is prohibited from traveling down 8th and 9th Streets. She will share pictures and videos of pedestrian traffic patterns to Kara.

6. Great Northern Railroad Signage

The City received a complaint from a visitor about incorrect signage on the Great Northern Railroad informational sign downtown. The sign had been corrected with decals, but the decals have since been removed. Staff will work with Matt Cade from the Greater Leavenworth Museum and correct the signage.

7. Sledding Hill ideas:

a. Bavarian themed playground, planters, garden, etc.

The Committee reviewed the complaint from a visitor about the muddy hill when there isn't sufficient snow cover. This issue will be addressed in the RFQ and subsequent construction.

8. Other / Future Agenda Items

Troy shared an idea of creating a map, such as what you would find at a mall, and placing those maps in strategic areas around downtown. Will include a QR code, which will ensure that the map is always up to date.

Meeting adjourned at 11:51 AM

Respectfully submitted,
Sue Cragun, Executive Assistant

BYLAWS

CITY OF LEAVENWORTH

DOWNTOWN ~~REVITALIZATION~~ STEERING COMMITTEE

ARTICLE I. MEETINGS

The meetings of the City of Leavenworth Downtown ~~Revitalization~~ Steering Committee shall be held at Leavenworth City Hall, or such other place as the Chairperson shall designate, on the fourth Tuesday of each month at the hour of 10:00 AM. The meeting of the Downtown ~~Revitalization~~ Steering Committee is subject to having an item on the agenda for the particular meeting. All Downtown ~~Revitalization~~ Steering Committee members shall be given notice of each meeting by mail or electronic message within three (3) calendar days prior to the meeting date as established by Committee policy. Regular meetings may be postponed or Special meetings of the Downtown ~~Revitalization~~ Steering Committee may be held upon the call of the Chairperson or a majority of voting members. A quorum of the Downtown ~~Revitalization~~ Steering Committee shall be ~~four~~five (45) members in attendance. All meetings shall be open to the public.

ARTICLE II. NUMBER OF MEMBERS AND APPOINTMENT PROCEDURE

The Downtown ~~Revitalization~~ Steering Committee will be composed of ~~seven~~nine (79) voting committee members appointed to three-year terms. The Committee Membership will be made up with the following representation: ~~with the following;~~

1. Three (3) current City Council members recommended by the Mayor;
2. ~~Four~~Six (46) Leavenworth ~~C~~community members:
 - a. Two (2) current members of the Leavenworth Area Chamber of Commerce with the recommendation by the Chamber of Commerce Board;
 - b. Two (2) members at large having skill sets of benefit to the committee. The skill set or talent may include a background in design or urban planning, experience in event planning or tourism promotion and/or past experience as a member of the Downtown ~~Revitalization~~ Steering Committee;
 - b.c. Two (2) members at large owning property or operating a business in downtown Leavenworth.
3. Mayor's designee of a current City staff member will be a non-voting member of the Committee;
 - a. The Mayor's designee shall be appointed annually.
4. All appointments shall be for a three (3) year term after the initial appointments have been made except for the Mayor's designee. ~~That~~ That appointment shall remain a one-year term.
5. The initial appointments shall be:
 - a. One Councilmember appointed to a one (1) year term.

- b. One Councilmember appointed to a two (2) year term.
 - c. One Councilmember appointed to a three (3) year term.
 - d. One Chamber of Commerce Member and one member at large shall be appointed to a one (1) year term.
 - e. One Chamber of Commerce Member and one member at large shall be appointed to a two (2) year term.
 - e.f. Two members at large shall be appointed to three (3) year terms.
6. Members shall be appointed by the Mayor and those appointments confirmed by the City Council. These appointments shall be made annually prior to January 31st of each year.

ARTICLE III. OFFICERS

The officers of the Steering Committee shall be the Chairperson and the Vice Chairperson. The Chairperson of the Steering Committee shall be the Mayor's designee appointed annually by the Mayor. The Vice Chairperson shall be elected at the first meeting of each year and shall serve a one-year ~~term~~ and term until their successors have been elected by a simple majority of voting members of the Board. Vacancy in the Vice Chair Office shall be filled by special election. The Vice Chairperson shall automatically succeed to the vacant office of the Chairperson. The duties of the officers shall be those usually pertaining to their respective offices.

The Chairperson or, in his/her absence, the Vice Chairperson, shall preside at all meetings of the Steering Committee. In the absence of both the Chairperson and Vice Chairperson, an Acting Chairperson shall be selected by the members present. The Chairperson shall decide on all points of order and procedure with guidance by Robert's Rules of Order, subject to these rules unless otherwise directed by a majority of the Steering Committee members in session at the time.

It is the responsibility of the Chairperson to provide oversight over the following:

1. Call regular meetings;
2. Create agenda;
3. Distribute agenda and draft notes from previous meeting electronically to all committee members no less than three (3) calendar days prior to each scheduled meeting;
4. Preside over meetings; ~~(clarify who presides if Chair is absent)~~
5. Provide reports if needed;
- ~~6. Attend meetings~~
- 7.6. Verify the committee's web postings/Google groups are accurate and up-to-date, if used;
- 8.7. Report upcoming openings on the committee;
- 9.8. Hold elections for the committee officers;
- 10.9. Report membership list and provide updates to the City Council when necessary;

The Recording Secretary shall be the City Administrator or his/her designee, and will serve ex-officio, without vote.

ARTICLE IV. ADVISORS

Technical and professional assistance to the Downtown ~~Revitalization~~ Steering Committee in the pursuit of its duties and responsibilities may be solicited from any department of the City government or party with expertise that the Committee finds qualified. Legal ~~c~~Counsel, when necessary to the deliberations of the Downtown ~~Revitalization~~ Steering Committee, shall be furnished by the office of City Attorney.

ARTICLE V. CONFLICT OF INTEREST

Any Committee member who, in their opinion, has an interest in any matter before the Committee that could prejudice their actions shall so indicate publicly, and at the request of the any committee member or any person in attendance refrain from any discussion on the matter as well as voting thereon. Committee members are subject to Leavenworth Municipal Code 2.24, Code of Ethics.

ARTICLE VI. ATTENDANCE

1. Attendance is expected of all Committee members at all regular and special meetings;
2. In the event a Committee member is absent from 3 or more consecutive regular meetings, the Committee shall so indicate to the Mayor and may recommend the removal of the Committee member;
- ~~3.~~ A Committee member may, for personal reasons or to fulfill a required obligation, request a leave of absence. The request shall be made in writing and submitted to the Steering Committee. The Committee shall forward the result, together with its recommendation, to the Mayor.
3. A leave of absence may be granted by the Mayor, who may temporarily fill the Committee member's position during the term of the leave of absence.

ARTICLE VII. AMENDMENTS

1. The Downtown ~~Revitalization~~ Steering Committee, on ten (10) days written notice to the Committee membership, may, by a majority vote, make, alter, or rescind these bylaws at any regular or special meeting.
2. Committee Bylaws may not contradict the current institutional policies or procedures.

Approved and adopted by the Downtown ~~Revitalization~~ Steering Committee, Leavenworth, Washington, at a meeting of its members on this ~~DD-27th~~ day of ~~Month~~February, 2024.

~~XX~~[Sharon Waters](#), ~~Chairperson~~Voting Member

~~XX~~[Zeke Reister](#), ~~Vice Chairperson~~Voting Member

~~XX~~[Clint Strand](#), Voting Member

~~XX~~[Joel Martinez](#), Voting Member

~~XX~~[Kevin Rieke](#), Voting Member

~~XX~~[Oliver Brulotte](#), Voting Member

~~XX~~[Troy Campbell](#), Voting Member

Matthew "Selby", ~~Mayor Designee~~Chairperson

ATTEST:

Sue Cragun, Recording Secretary
City Administrator's Designee

2024		Term	Representative	Expires
Sharon Waters		1-year	Councilmember	
Zeke Reister		2-year	Councilmember	
Clint Strand		3-year	Councilmember	
Troy Campbell		1-year	Chamber Member	
Joel Martinez		2-year	Community Member	
Kevin Rieke		1-year	Chamber At Large <u>Member</u>	
Oliver Brulotte		2-year	Community At Large <u>Member</u>	
<u>TBD</u>		<u>3-year</u>	<u>Property/business owner</u>	
<u>TBD</u>		<u>3-year</u>	<u>Property/business owner</u>	
Matthew "Selby"	Chair		<u>Mayor's Designee</u>	
Sue Cragun	Secretary		<u>City Administrator's Designee</u>	

Chapter 2.24

CODE OF ETHICS

Sections:

[2.24.010 Policy.](#)

[2.24.020 Definitions.](#)

[2.24.030 Prohibited conduct.](#)

[2.24.040 Financial disclosure statements.](#)

[2.24.050 Ethical standards.](#)

[2.24.060 Ethics officer.](#)

[2.24.070 Advisory opinions.](#)

[2.24.080 Complaints, investigations, hearings and enforcement.](#)

2.24.010 Policy.

A. Purpose. The Leavenworth city council has adopted a code of ethics for members of the city council and the city's boards and commissions to promote public confidence in the integrity of local government and its fair operation. This code of ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

B. Intent. The citizens and businesses of Leavenworth are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the city of Leavenworth's commitment to excellence, the effective functioning of democratic government therefore requires that:

1. Public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;
2. Public officials be independent, impartial and fair in their judgment and actions;
3. Public office be used for the public good, not for personal gain; and
4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility. [Ord. 1678 § 1 (Att. A), 2023.]

2.24.020 Definitions.

A. "Official" means the mayor, member of the city council or a member of council-appointed city boards and commissions and other council-appointed task groups or committees, including youth members.

B. "Relative" means spouse or domestic partner, child, step-child, parent, step-parent, parent-in-law, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, son- or daughter-in-law, brother- or sister-in-law. [Ord. 1678 § 1 (Att. A), 2023.]

2.24.030 Prohibited conduct.

A. Conflicts of Interest. In order to ensure their independence and impartiality on behalf of the common good, officials shall not participate in government decisions in which any of the following has a financial interest: (1) the official, (2) a relative, (3) an individual with whom the official resides, or (4) an entity that the official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. This section shall not apply (1) to decisions regarding taxes or fees, (2) if the financial interest is shared with more than 10 percent of the city's population, or (3) if the financial interest exists solely because of the official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

B. Appearance of Conflict. If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the official's judgment is impaired because of either (1) a personal or business relationship not covered under the foregoing subsection, or (2) a transaction or activity engaged in by the official, the official shall make a public, written disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

C. Misuse of Public Position or Resources. Except for infrequent use at little or no cost to the city, officials shall not use public resources that are not available to the public in general, such as city staff time, equipment, supplies or facilities, for other than a city purpose.

D. Representation of Third Parties. Except in the course of official duties, officials shall not appear on behalf of the financial interests of third parties before the bodies on which the officials serve or in interaction with assigned staff. However, the members of the city council shall not appear on behalf of the financial interest of third parties before the council or any board, commission or proceeding of the city, or in interaction with staff.

E. Solicitations of Charitable Contributions. No official may make direct personal solicitations for charitable contributions from city employees.

F. Gifts and Favors. Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by the city's personnel policy.

G. Confidential Information. Officials shall not disclose or use any confidential information gained by reason of their official position for other than a city purpose. "Confidential information" means (1) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (2) information made confidential by law. [Ord. 1678 § 1 (Att. A), 2023.]

2.24.040 Financial disclosure statements.

All officials, except the mayor and members of the city council, shall file a city of Leavenworth disclosure statement annually. In accordance with Chapter [42.17](#) RCW, the mayor and members of the Leavenworth city council shall disclose investments, interests in real property, sources of income, and creditors through the filing of a Public Disclosure Commission Form F-1, "Personal Financial Affairs Statement." Officials who are members of boards and commissions shall be advised, as part of the application process, that they will be required to file the applicable city of Leavenworth disclosure statement within 10 days of appointment. [Ord. 1678 § 1 (Att. A), 2023.]

2.24.050 Ethical standards.

In addition to LMC [2.24.030](#), which shall be administered by the ethics officer, officials are also encouraged to comply with the following standards:

A. Compliance With Other Laws. Officials shall comply with federal, state and city laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington Constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and city ordinances and policies. See Appendix A. As required by RCW [42.17A.565](#), no official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any city employee. Except under limited circumstances described in RCW [42.17A.555](#), no official may use or authorize the use of the facilities of the city for the purpose of assisting a campaign for the election of any person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

B. Personal Integrity. The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, officials shall not directly or indirectly induce, encourage or aid anyone to violate the code of ethics and it is incumbent upon officials to make a good faith effort to address apparent violations of this code of ethics.

C. Working for the Common Good. Recognizing that stewardship of the public interest must be their primary concern, in accordance with RCW [42.30.010](#), officials will work for the common

good of the people of Leavenworth and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the city council, boards and commissions. Officials need to be mindful that making special requests of staff – even when the response does not benefit the official personally – puts staff in an awkward position. Therefore, city council members shall refrain from directing staff or making special requests.

D. Respect for Process. Officials shall perform their duties in accordance with the processes and rules of order established by the city council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the city council by city staff. Officials shall refrain from contacting city consultants directly.

E. Commitment to Transparency. Transparency, openness, and accountability are fundamental values of the city – and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of city government that are prepared, possessed, used or retained by any official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from city staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the city public records officer (the city clerk), who has responsibility to ensure that the city complies with the record retention schedules established under Chapter [40.14](#) RCW. Officials shall promptly provide any records requested by the public records officer in response to a disclosure request under the Public Records Act, Chapter [42.56](#) RCW. It is the responsibility of the public records officer, together with the city attorney, to decide which records meet the definition of “public record” and whether or not they are exempt from disclosure; officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

F. Conduct of Public Meetings. Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

G. Decisions Based on Merit. Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

H. Ex Parte Communications. In quasi-judicial matters, officials shall publicly disclose substantive information that is relevant to a matter under consideration by the council or boards and commissions, which they may have received from sources outside of the public decision-making process.

I. Attendance. As provided in RCW [35A.12.060](#), a council member shall forfeit his or her office by failing to attend three consecutive regular meetings of the council within a calendar year without being excused by the council. Unless excused, members of boards and commissions are expected to attend all meetings.

J. Nepotism. The city council will not appoint relatives of city council members to boards or commissions or other appointed positions.

K. Advocacy. When acting in an official capacity as a city official representing the city, officials shall represent the official policies or positions of the city council, board or commission to the best of their ability when the city council, board or commission has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the city of Leavenworth, nor will they allow the inference that they do. Officials have the right to endorse candidates for all council seats or other elected offices. It is inappropriate to make or display endorsements during council meetings, board/commission meetings, or other official city meetings. However, this does not preclude officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

L. Policy Role of Officials. Officials shall respect and adhere to the Mayor-Council structure of Leavenworth city government as outlined by Chapter [35A.12](#) RCW. In this structure, the city council determines the policies of the city with the advice, information and analysis provided by the public, boards and commissions, and city staff. Except as provided by state law, officials shall not interfere with the administrative functions of the city or the professional duties of city staff; nor shall they impair the ability of staff to implement council policy decisions.

APPENDIX A

Ch. [9A.72](#) RCW Perjury and interference with official proceedings

RCW [35A.12.060](#) Vacancy for nonattendance

Ch. [35A.12](#) RCW Mayor-Council plan of government

Ch. [40.14](#) RCW Preservation and destruction of public records

RCW [42.17A.555](#) Use of public office or agency facilities in campaigns – Prohibition – Exceptions

RCW [42.17A.565](#) Solicitation of contributions by public officials or employees

Ch. [42.23](#) RCW Code of ethics for municipal officers – Contract interests

Ch. [42.36](#) RCW Appearance of fairness doctrine – Limitations

Ch. [42.56](#) RCW Public Records Act

[Ord. 1678 § 1 (Att. A), 2023.]

2.24.060 Ethics officer.

A. The city council creates the position of ethics officer. The mayor will contract with one or more agencies to fill this position. The ethics officer will provide for annual review of the code of ethics, review of training materials provided for education regarding the code of ethics, and advisory opinions concerning the code of ethics. The ethics officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

B. The ethics officer, in addition to other duties, may recommend changes or additions to this code of ethics to the city council. The ethics officer shall provide input into and review the training materials and program developed for this code of ethics. [Ord. 1678 § 1 (Att. A), 2023.]

2.24.070 Advisory opinions.

A. Upon request of any official, the ethics officer shall render written advisory opinions concerning the applicability of LMC [2.24.030](#) and [2.24.040](#) to hypothetical circumstances and/or situations solely related to the persons making the request. The ethics officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the public disclosure commission, the city public records officer, etc.

B. Upon request of any official, the ethics officer may also render written advisory opinions concerning the applicability of the code of ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

C. The ethics officer will endeavor to respond to requests for advisory opinions within 45 days of submission of the request, or more rapidly if the requester expresses urgency in the request.

D. A person's conduct based in reasonable reliance on an advisory opinion rendered by the ethics officer shall not be found to violate this code of ethics, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the ethics officer issues an advisory opinion that the described conduct would not violate the code of ethics, and the person's conduct is consistent with the advisory opinion. The ethics officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the ethics officer's authority, the remainder of the opinion shall remain intact. [Ord. 1678 § 1 (Att. A), 2023.]

2.24.080 Complaints, investigations, hearings and enforcement.

The ethics officer shall resolve inadvertent and minor violations of the code of ethics informally and may resolve inadvertent or minor violations informally unless the ethics officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the ethics officer may initiate an action in accordance with this section.

A. Complaint Process.

1. Complaint Requirements – Service. Any person may submit a written complaint to the ethics officer alleging one or more violations of this code of ethics by an official. The complaint must set forth specific facts with enough precision and detail for the ethics officer to make a determination of sufficiency. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter [9A.72](#) RCW.

2. Finding of Sufficiency. The ethics officer shall make a determination of sufficiency within 30 days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate LMC [2.24.030](#) or [2.24.040](#). The ethics officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the ethics officer shall investigate the complaint as set forth below.

3. Dismissal. The ethics officer shall dismiss the complaint if the ethics officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

4. Notice. Notice of action by the ethics officer shall be provided as follows:

a. Notice of a finding of insufficiency or dismissal of a complaint by the ethics officer shall be sent to the person who made the complaint and the person complained against within seven days of the decision by the ethics officer. A finding of insufficiency or dismissal of a complaint by the ethics officer is final and binding, and no administrative or other legal appeal is available through the ethics officer.

b. Within seven days of the ethics officer rendering a finding of sufficiency, the city clerk shall send notice to the person who made the complaint and the person complained against, of the ethics officer's determination. If, after investigation, the ethics officer has reason to believe that a material violation of LMC [2.24.030](#) or [2.24.040](#) has occurred, the city clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least 30 days prior to the date set for the hearing. The person complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

5. Stipulations. At any time after a complaint has been filed with the ethics officer, the ethics officer may seek and make recommendations that the city council enter into a

stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the ethics officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the city council for action.

B. Conduct of Hearings.

1. All hearings on complaints found to be sufficient by the ethics officer shall be conducted by the hearing examiner. The hearing shall be informal, meaning that the hearing examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The hearing examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the hearing examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the hearing examiner. The hearing examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The hearing examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided, that the hearing examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

2. Within 30 days after the conclusion of the hearing, the hearing examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the person complained against. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the ethics officer and city council.

C. City Council Action. Final city council action to decide upon stipulations and recommendations from the ethics officer and findings, conclusions, and recommendations from the hearing examiner shall be by majority vote in a public meeting. If the proceeding involves a member of the city council, deliberations by the council may be in executive session. The member of the council against whom the complaint was made will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the council against whom the complaint was made, a public hearing or public meeting before the council will be held on the issue of penalties.

D. Disposition. In the event the hearing examiner finds that the person against whom the complaint was made has violated the code of ethics, then the city council may take any of the following actions by a majority vote of the council. The action of the city council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in subsection (E) of this section.

1. Dismissal. Dismissal of the complaint without penalties.
2. Referral. A complaint may be referred to another agency with jurisdiction over the violation, such as the public disclosure commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.
3. Admonition. An admonition shall be an oral non-public statement made by the mayor, or his/her designee, or if the complaint is against the mayor, the mayor pro tempore, or his/her designee, to the official.
4. Reprimand. A reprimand shall be administered to the official by a resolution of reprimand by the city council. The resolution shall be prepared by the city council and shall be signed by the mayor or, if the complaint is against the mayor, the mayor pro tempore.
5. Censure. A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the city council and shall be signed by the mayor, or if the complaint is against the mayor, the mayor pro tempore. The person shall appear at a city council meeting at a time and place directed by the city council to receive the resolution of censure. Notice shall be given at least 20 calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the official appears as required.
6. Removal – Member of Board or Commission or Other Appointed Task Group or Committee. In the event the individual against whom the complaint was made is currently a member of a city board or commission or other task group or committee, appointed by the city council, the city council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Leavenworth Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.
7. Civil Penalties. The city council may assess a civil penalty of up to \$1,000 or three times the economic value of anything received in violation of this code of ethics or three times the economic value of any loss to the city, whichever is greater. Any monetary penalty assessed civilly shall be placed in the city's general fund.
8. Contract Void. As provided by RCW [42.23.050](#), any contract made in violation of Chapter [42.23](#) RCW, "Code of Ethics for Municipal Officers – Contract Interests," is void.
9. Other Penalties. The city council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the city for any regional or

multijurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the city council.

E. Review of Civil Penalties. If the city council orders an official to pay a civil penalty, the official may seek a writ of review from the superior court pursuant to Chapter [7.16](#) RCW, within 30 days of the city council's order.

F. Protection Against Retaliation. Neither the city nor any official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment, intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the ethics officer.

G. Public Records. Records filed with the ethics officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW [42.56.230\(2\)](#), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the ethics officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The city shall release copies of any written reports resulting from an investigation of a sustained complaint, any hearing examiner orders, and any written censures or reprimands issued by the city council, in response to public records requests consistent with Chapter [42.56](#) RCW and any other applicable public disclosure laws.

H. Liberal Construction – Limitation Period – Effective Date.

1. This code of ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.
2. Any action taken under this code of ethics must be commenced within three years from the date of violation.
3. This code of ethics shall take effect September 1, 2023. [Ord. 1678 § 1 (Att. A), 2023.]