

**RESOLUTION NO. 3583**

**A RESOLUTION** of the Port Commission of the Port of Seattle amending the Port's Code of Ethics for Commissioners and repealing all prior resolutions dealing with the same subject.

**WHEREAS**, high moral and ethical standards among public officials are essential to good government; and

**WHEREAS**, a strong and clear code of ethics for Port Commissioners promotes and strengthens the faith and confidence of people of King County in their elected Port Commissioners, and assists the Commissioners in the performance of their public duties; and

**WHEREAS**, the Port Commission of the Port of Seattle previously established a Code of Ethics for Commissioners through the adoption of Resolution No. 3066 (repealed), Resolution No. 3093 (repealed) and Resolution No. 3295;

**WHEREAS**, the Port Commission believes that the Port of Seattle should hold its Commissioners and employees to the highest moral and ethical standards; and

**WHEREAS**, the Port Commission strongly supports organizational policies and procedures that maintain the public's trust and confidence and ensure fair dealings in all Port transactions.

**NOW, THEREFORE, BE IT RESOLVED** by the Port Commission of the Port of Seattle that:

**Section 1.** The amended and readopted Port of Seattle Code of Ethics for Port Commissioners is attached as Exhibit A to this Resolution.

**Section 2.** The Chief Executive Officer is hereby authorized to publish the Code of Ethics for Port Commissioners as set forth in Exhibit A.

**Section 3.** The Chief Executive Officer is hereby authorized to amend and reissue **EX-3, Ethics Policy for Port Employees** consistent with the applicable provisions of the Code of Ethics for Port Commissioners.

**Section 4.** Resolution No. 3295 is hereby repealed. The acts undertaken pursuant to Resolution No. 3295 creating the Board of Ethics are hereby ratified.

**ADOPTED** by the Port Commission of the Port of Seattle at a regular meeting thereof, held this 11<sup>th</sup> day of September, 2007, and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the seal of the Port Commission.

**JOHN CREIGHTON**

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**LLOYD HARA**

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**PATRICIA DAVIS**

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**BOB EDWARDS**

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Port Commission

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**EXHIBIT A  
TO RESOLUTION NO 3583  
PORT OF SEATTLE  
CODE OF ETHICS  
FOR PORT COMMISSIONERS**

**PREAMBLE.**

This Code of Ethics (“Code”) is reconfirmed and reestablished for the Port of Seattle, (“Port”) a special purpose entity serving and accountable to the residents of King County. The Code is intended to provide guidance in the event of conflicts between a Commissioner’s personal or professional interests and the interests of the Port. It is not to be interpreted as comprehensive in scope addressing every perceived conflict or issue; rather, it should be viewed as a framework which Commissioners and the public can apply to particular circumstances. Commissioners are elected officials entrusted with public confidence.

It is assumed and expected that a Commissioner will act in accordance with applicable law and with integrity, and will strive to avoid any appearance of impropriety in the conduct of his/her office. Ultimately, ethics for Port Commissioners are a matter of personal honesty, common sense and good judgment. Neither this, nor any other code, can be an adequate substitute for those attributes.

**Section 1. Definitions.**

Throughout this Code, the following definitions shall apply.

A. Compensation.

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.

B. Confidential Information.

Specific information, rather than generalized knowledge, that is not available to the general public on request or information made confidential by law.

C. Family.

Spouse, parent, child, sibling, aunt, uncle, niece, nephew, cousin, grandchild, grandparent or any parent-in-law, son- or daughter-in-law, or brother- or sister-in-law.

D. Financial or Beneficial Interest.

A creditor, debtor or ownership interest (including without limitation, ownership evidenced by stock purchase) in an amount or value in excess of \$1500.00, or any employee, consultant or partnership arrangement, except a remote interest; provided that an owner of an interest in a mutual or other pooled investment fund or in any employee or retirement benefit plan (including without limitation, pension plans, profit sharing plans and deferred compensation plans) shall not be deemed to have a Financial or Beneficial Interest in any component investment within the fund or plan where the owner of the interest: (1) has no right to control or influence the selection of component investments; and (2) has not influenced the selection of component investments; and (3) has not created or used the fund or plan to subvert the intent of this Code. The term Financial or Beneficial Interest also includes any option to purchase real or personal

property and the value of an option shall be the market value of the property which is the subject of the option.

E. Gift.

Anything of economic value for which no consideration is given. Items excluded from the definition of Gift are set forth in Section 7. D. Limitations on Gifts are set forth in Section 7 C.

F. Immediate Family.

Spouse and dependent children.

G. Official Duty.

Those duties of a Port Commissioner as defined by the Port or by statute or the State Constitution.

H. Participate.

To participate in an action or a proceeding personally and substantially as a Port Commissioner, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or otherwise.

I. Person.

Any individual, partnership, association, cooperative, corporation or other business entity.

**Section 2. Standard of Conduct.**

A. A Commissioner shall perform his/her official duties consistent with the highest standards of ethical conduct and in accordance with the Port of Seattle By-laws,

in a manner that reflects the fiduciary duty to the Port and the residents of King County that is required and expected of elected officials.

B. A Port Commissioner shall not transact any business of the Port Commission or act on behalf of the Port Commission with respect to any matter that requires Port Commission approval, without first obtaining Port Commission approval pursuant to (i) a public vote of the Port Commission or (ii) other Port Commission direction as provided in a meeting open to the public.

1. Actions by a Port Commissioner that are inconsistent with this Section 2. B. shall constitute a presumptive violation the Code and shall be referred by the Port Commission to the Board for further action consistent with the Code. The presumption of violation under this Section 2. B. is rebuttable and may be overcome during proceedings before the Board.

**Section 3. Use of Office.**

A. A Port Commissioner shall not use his or her position to secure special privileges or exemptions for himself, herself, members of his/her Family or others.

B. A Port Commissioner shall not knowingly use his or her office for personal or Family gain or profit.

C. A Port Commissioner shall not use Port-owned property or Port services for personal or Family gain or profit.

D. A Port Commissioner shall not disclose Confidential Information gained because of the Port Commissioner's position, nor may the Port Commissioner otherwise use such information for personal or Family gain or benefit..



E. A Port Commissioner shall not accept employment or engage in business or professional activities that the Port Commissioner might reasonably expect would require or induce him/her to disclose Confidential Information acquired because of the Port Commissioner's position.

**Section 4. Conflicts of Interest.**

A. Special Consideration Prohibited.

A Port Commissioner shall avoid circumstances in which it appears, or to a reasonable person might appear, that the Port Commissioner is requesting or otherwise seeking special consideration, treatment or advantage.

B. Appearance of Impropriety.

A Port Commissioner shall not request or otherwise seek special consideration, treatment or advantage from others, or knowingly engage in activities which are in conflict, or which have the potential to create a conflict, with the performance of official duties. Examples of conflicts, or potential conflicts, of interest include (but are not limited to) circumstances where the Port Commissioner:

1. Influences the selection of non-selection of or the conduct of business between the Port and any entity when the Port Commissioner or his/her Family has a Financial Interest in that entity or any of its competitors.

2. Solicits for himself/herself or for another, a Gift or any other thing of value from the Port or from any Person having dealings with the Port; provided that no conflict of interest shall be deemed to exist with respect to solicitations for campaign

contributions required to be reported under Chapter 42.17 RCW or for charitable contributions.

3. Accepts any retainer, Compensation, Gift or other thing of value which is contingent upon a specific action or non-action by the Port Commission.

4. Accepts a Gift in any manner other than as provided in Section 7 below.

5. Intentionally uses or discloses information not available to the general public and acquired by reason of his/her official position which financially benefits the Port Commissioner, his/her Family, friends or others.

C. Financial Interest Prohibited.

No Commissioner 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 Commissioner's Official Duties.

D. Improper Compensation.

No Commissioner 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.

**Section 5. Financial or Beneficial Interest.**

A. Contracts Prohibited.

No Port Commissioner or his/her Immediate Family shall (i) have a Financial or Beneficial Interest, direct or indirect, in any contract which may be made by, through or under the supervision of the Port Commission, or which may be made for the benefit of the Port, or (ii) accept, directly or indirectly, any Compensation, gratuity or reward in connection with such contract from any other Person beneficially interested therein.

B. Statutory Exceptions.

As provided in RCW 42.23.030, the prohibition in Section 5. A. shall not apply to:

1. the furnishing of electrical, water or other utility services by the Port, where authorized under statute, at the same rates and on the same terms as are available to the public generally;
2. the designation of public depositories for Port funds;
3. the publication of legal notices required by law to be published by any municipality, upon competitive bidding or at rates not higher than prescribed by law for members of the general public;
4. the letting of any other contract in which the amount received under the contract by the Port Commissioner or the Port Commissioner's business does not exceed one thousand five hundred dollars (\$1,500.00) in any calendar month; and
5. the leasing of Port property to a Port Commissioner or to a contracting party in which a Port Commissioner or his/her Immediate Family has a Financial or Beneficial Interest, if in addition to all other legal requirements, a board of three

disinterested appraisers and the superior court in the county where the property is situated finds that all the terms and conditions of such lease are fair to the Port and are in the public interest. The appraisers must be appointed from members of the American Institute of Real Estate Appraisers by the presiding judge of the superior court.

C. Limitation on Voting.

A Port Commissioner may not vote in the authorization, approval or ratification of a contract in which he/she or his/her Immediate Family has a Financial or Beneficial Interest even though one of the exemptions under Section 5.B. above allowing the awarding of such a contract.

D. Remote Interest.

A Port Commissioner is not interested in a contract, for purposes of Section 5. A. above and RCW 42.23.030, if the Port Commissioner has only a Remote Interest in the contract and the extent of the interest is disclosed to the Port Commission and noted in the official minutes of the Port Commission prior to the formation of the contract, and thereafter the Port Commission authorizes, approves, or ratifies the contract in good faith by a vote of Port Commissioners sufficient for the purpose without counting the vote or votes of the Port Commissioner(s) having the Remote Interest; Provided, that this Section 5. D. is not applicable to any Port Commissioner interested in a contract, even if the Port Commissioner's interest is only Remote, if the Port Commissioner influences or attempts to influence any other Port Commissioner or Port employee to enter into the contract in violation of this Code and state law. For purposes of this Section 5. D., a Port Commissioner has a Remote Interest when the Port Commissioner:

1. is a nonsalaried officer of a nonprofit corporation;
2. is an employee or agent of a contracting party where the Compensation of such employee or agent consists entirely of fixed wages or salary;
3. is a landlord or tenant of an entity contracting with the Port; and
4. is a holder of less than one percent of the shares of, or interest in, a business entity contracting with the Port.

E. Improper Contract Void.

Any contract made in violation of the provisions of this Section 5 is void and the performance thereof, in full or in part, by a contracting party shall not be the basis of any claim against the Port. Any Port Commissioner violating the provisions of this Section 5. is liable to the Port for a penalty in the amount of five hundred dollars (\$500.00), in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the Port Commissioner by law. In addition to all other penalties, civil or criminal, the violation by any Port Commissioner of the provisions of this Section 5. may be grounds for forfeiture of his or her office.

**Section 6. Statement of Financial Affairs.**

On or before April 15 of each year, or within fourteen (14) days of taking the oath of office, each Port Commissioner shall file with the Board a copy of a Statement of Financial Affairs prepared in satisfaction of the requirements of RCW 42.17.240-241, which shall be available for public inspection upon written request.

**Section 7. Acceptance of Gifts.**

**A. Gifts Prohibited.**

A Port Commissioner may not receive, accept, take, seek, or solicit, directly or indirectly, any Gift if it could be reasonably expected that the Gift would influence the vote, action or judgment of the Port Commissioner, or be considered as part of a reward for action or inaction.

**B. Acceptance on Behalf of Port of Seattle.**

Consistent with RCW 53.08.110, a Port Commissioner may accept a Gift of real and personal property of any value for and on behalf of the Port. Any Gift so accepted shall become the property of the Port and not of the Port Commissioner. A Port Commissioner shall report the acceptance of any Gift under this Section 7 B. to the Board within thirty (30) days of receipt.

**C. Limitation on Gifts.**

A Port Commissioner may not accept Gifts, other than those specified in Section 7(E), with an aggregate value in excess of fifty dollars (\$50.00) from a single source in a calendar year or a single Gift from multiple sources with a value in excess of fifty dollars (\$50.00). For purpose of this section, "single source" means any person, 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 in Section 7.D. The value of Gifts given to a Port Commissioner's Family or guest shall be attributed to the Port Commissioner 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 or guest.

D. Items Not Considered Gifts.

The following items are excluded from the definition of Gift and may be accepted by a Port Commissioner or member of his/her Family without constituting a violation of the Code:

1. Items from Family or friends where it is clear beyond a reasonable doubt that the item was not given as part of any design to gain or maintain influence in the Port;
2. Items related to the outside business of the Port Commissioner that are customary and not related to the Port Commissioner's performance of official duties;
3. Items exchanged among Port Commissioners, or among Port Commissioners and Port employees, or a social event hosted or sponsored by a Port Commissioner or Port employee for co-workers;
4. Payments by a governmental or nongovernmental entity of reasonable expenses incurred in connection with a speech, presentation, appearance, or trade mission made in the Port Commissioner's official capacity. As used in this Section 7. D. 4., "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;
5. Items a Port Commissioner is authorized by law to accept, including, but not limited to, items accepted in accordance with RCW 53.36.120-150 (promotional hosting) or RCW 53.08.110 (gifts to Port);

6. 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 Section 7. D. 6., “reasonable expenses” are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event;

7. Items returned by the Port Commissioner to the donor within thirty (30) days of receipt or donated to a charitable organization within thirty (30) days of receipt;

8. Campaign contributions reported under chapter 42.17 RCW;

9. Discounts available to a Port Commissioner as a member of an employee group, occupation, or similar broad-based group;

10. Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement; and

11. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item.

E. Exceptions.

The following Gifts are presumed not to influence a Port Commissioner's action or non-action on any matter and, subject to the provisions of Section 7. F., may be accepted without regard to the fifty dollar (\$50.00) limit established by Section 7. C. above, without constituting a violation of the Code:

1. Unsolicited flowers, plants, and floral arrangements;

2. Unsolicited advertising or promotional items of nominal value, such as pens and note pads;



3. Unsolicited items received by a Port Commissioner for the purpose of evaluation or review, if the Port Commissioner has no Financial or Beneficial Interest in the eventual use or acquisition of the item by the Port;

4. Informational material, publications, or subscriptions related to the recipient's performance of official duties;

5. Food and beverages consumed at hosted receptions where attendance is related to the Port Commissioners official duties, including admission to, and the costs of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization. Provided, that where the Gift exceeds fifty dollars (\$50.00) on a single occasion, it shall be reported as required in RCW 42.17.241(1)(l); and

6. Unsolicited Gifts from dignitaries from another state or a foreign country and intended to be personal in nature.

F. Rebuttable Presumption.

The presumption that acceptance of the Gifts listed in Section 7. E. above does not to influence a Port Commissioner's action or non-action on any matter is rebuttable and may be overcome based on the circumstances surrounding the giving and acceptance of the Gift.

**Section 8. Former Port Commissioners**

Former Port Commissioners ("Former Commissioners") engaging in transactions with the Port shall do so with the standards of ethical conduct and in accordance with this Code.

A. Special Consideration Prohibited.

A Former Commissioner shall not request or otherwise seek special consideration, treatment or advantage from Port staff or Port Commissioners.

B. Appearance of Special Consideration.

A Former Commissioner shall avoid circumstances in which, to a reasonable person might appear, that the Former Commissioner is requesting or otherwise seeking or receiving special consideration, treatment or advantage from Port staff or Port Commissioners.

C. Appearances Before Commission

For one (1) year after termination of Port Commission service, a Former Commissioner may not appear before the Port Commission on behalf of another individual or entity, whether or not for Compensation of any kind, in relation to any case, proceeding, application or matter in which such Former Commissioner participated during his/her period of Port Commission service: *Provided*, that if after public discussion and a finding by the Commission that the public or the Port's interests would be better served, the Commission may waive this provision if so requested by a Former Commissioner.

D. Participation in Contracts with Port of Seattle.

For one (1) year after termination of Port Commission service, a Former Commissioner may not have a direct or indirect Financial or Beneficial Interest in any contract that was made by, authorized or funded by Port Commission action in which the Former Commissioner participated during the period of Port Commission service.

E. Participation in Competitive Selection Process.

For one (1) year after termination of Port Commission service, a Former Commissioner may not participate as a competitor in any competitive selection process for a Port contract in which the Former Commissioner participated in any way while serving on the Port Commission.

F. Disclosure Requirements.

For one (1) year after termination of Port Commission service, a Former Commissioner must disclose his or her past Port Commission service before participating in any Port action. The disclosure shall be made in writing to the Port's Chief Executive Officer.

G. Use of Confidential Information.

For one (1) year after termination of Port Commission service, a Former Commissioner must disclose his or her past Port Commission service before participating in any Port action. The disclosure shall be made in writing to the Port's Chief Executive Officer.

H. Employment.

No Former Commissioner may accept an offer of employment or receive Compensation from an employer if the Former Commissioner 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 Former Commissioner or as Compensation or reward for the performance or nonperformance of a duty by the Former Commissioner during the course of Port Commission service.

I. Appearance of Impropriety in Employment.

No Former Commissioner 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 Former Commissioner during the course of Port Commission service.

J. Employer Defined.

As used in this Section 8, "employer" means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit, or any other entity or business that an individual owns or in which the individual has a controlling interest.

**Section 9. Board of Ethics.**

A. Powers.

The Board of Ethics ("Board") shall have the power to: (i) interpret the provisions of this Code and other applicable state law; (ii) investigate and report to the Port Commission on any alleged violation(s) as provided below; (iii) summon witnesses and schedule hearings in connection with any matter under investigation or inquiry; (iv) impose sanctions, including reprimands and monetary penalties, and (v) recommend suspension or removal.

B. Composition, Terms, Vacancies.

The Board shall be composed of five (5) members ("Board Members"). None of the Board Members shall be a Port Commissioner or employee. The term of office for each Board Member shall be three (3) years. Vacancies on the Board, whether occurring by death, resignation, removal or expiration of term, shall be filled by the Port Commission. The Board shall elect a chairperson annually. In filling any vacancy or making any appointment to the Board, the Port Commission shall strive to select members with diverse perspectives and areas of expertise appropriate to the review of ethical matters, and who are of good general reputation and character.

C. Quorum, Meetings, Procedures.

A majority of the Board shall constitute a quorum. The Board shall meet as frequently as it deems necessary. The Board shall adopt procedures consistent with the provisions of this Code governing the conduct of meetings investigations, hearings and the issuance of opinions and sanctions.

D. Complaints.

Any Person, including Port Commissioners, Port employees and members of the public, may submit a written complaint to the Board specifying one or more violations of this Code. Every complaint must be signed by the Person or Persons submitting it, and must state the submitter's correct name, an address at which mail can be delivered to the submitter, and a daytime telephone number. Anyone submitting a complaint shall submit to an interview before the Board if the Board so requests, and shall cooperate with the Board in providing all information known to the submitter which forms the basis of the

complaint. The filing of a complaint or complaints with the Board shall not subject a Port employee to any form of disciplinary action, termination of employment, or discrimination in any future employment with the Port.

1. The Board shall review all written complaints received from any source regarding alleged or suspected violations of this Code. The Board shall inform the Port Commission of the contents of any written complaint which in the opinion of a majority of the Board may have merit.

E. Investigations.

Whenever requested by the Port Commission or the Chief Executive Officer, or whenever it deems it in the public interest, the Board shall investigate any suspected or alleged violation of the Code.

F. Opinions.

The Board shall render a written opinion at the conclusion of an investigation; provided, however, no opinion may be issued unless the Person complained against has had an opportunity to present evidence on its behalf at a hearing before the Board. A copy of any written opinion shall be delivered to the Port Commission. A copy of any written opinion shall also be presented to any Person or entity which was the subject of the investigation and, subject to Port Commission discretion exercised pursuant to Section 9. J. below, to the Person requesting the investigation or submitting the complaint which led to the investigation.

G. Advisory Opinions.

The Board may render written advisory opinions concerning questions of ethics, conflicts of interests, and the applicability of the Code to hypothetical circumstances or situations whenever it deems it in the public interest to do so or whenever requested to do so by a Port Commissioner or by the Chief Executive Officer.

H. Statement of Financial Affairs.

The Board shall review all Statement of Financial Affairs forms filed with it by Port Commissioners at least annually pursuant to Section 6 of the Code.

I. Amendments.

The Board may propose amendments to this Code to the Port Commission.

J. Disclosure.

The Port Commission shall release any written opinion prepared by the Board to the public with any omissions the Port Commission, in its discretion, deems necessary to protect the privacy of Port officials and employees, consistent with Chapter 42.56 RCW and other public disclosure laws.

K. Removal of Board Member.

A Board Member may be removed for just cause by a majority vote of the Port Commission, after written charges have been served on the Board Member and a hearing has been held by the Port Commission. A public hearing shall be held at the request of the Board Member.

L. Reimbursement.

Board Members shall be reimbursed by the Port for reasonable expenses incurred in the exercise of official Board business. The Port shall provide sufficient investigative and administrative support to enable the Board to reasonably carry out its duties hereunder.