

PORT OF SEATTLE
MEMORANDUM

COMMISSION AGENDA
ACTION ITEM

Item No.	<u>6b</u>
Date of Meeting	<u>May 14, 2013</u>

DATE: May 8, 2013
TO: Tay Yoshitani, Chief Executive Officer
FROM: Mary Gin Kennedy, Director, Commission Services
SUBJECT: Second Reading and Final Passage of Resolution No. 3681, as amended, establishing a revised Code of Ethics for Port Commissioners and repealing all prior resolutions dealing with the same subject.

ACTION REQUESTED:

Request Second Reading and Final Passage of Resolution No. 3681, as amended: A Resolution of the Port Commission of the Port of Seattle establishing a revised Code of Ethics for Port Commissioners and repealing all prior resolutions dealing with the same subject, including Resolution No. 3583.

SYNOPSIS:

This Code of Ethics is part of a comprehensive ethics program at the Port. Port employees are covered by the Workplace Responsibility Program and Code of Conduct. Commissioners are covered by the Code of Ethics for Port Commissioners.

Most of the changes in the revised Code of Ethics (Code) for Port Commissioners pertain to the Ethics Board (Board) (see Section 8). For Second Reading and Final Passage, Section 8, Sub-section B, of the Code has been amended to allow anonymous complaints to be submitted through the Ethics and Compliance Hotline rather than providing that a person who submits a Hotline complaint may request confidentiality. All complaints will be considered by the Ethics Board. Complaints themselves will remain confidential until completion of any investigation and the Board's report to the Commission.

The Commission plans to re-establish the Board by selecting three members in open public session soon after the adoption of this resolution.

The revised Code provides more detail than the Code of Ethics adopted in 2007 about how a written complaint against a Commissioner will be submitted and handled by the Board. All complaints will be initially considered by the Board to determine if the complaint was properly submitted and warrants investigation. If the Board determines there is a basis for investigation and an investigation is conducted, the Board will make factual findings and determine whether the Code was violated. The Board may make recommendations for corrective actions. The Board may also dismiss a complaint before an investigation if it determines there is no

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reasonable basis for the complaint, or, after an investigation, if it determines no violation of the Code has occurred.

As provided in the 2007 Code of Ethics, the Board may report to the Commission in executive session as provided by the Open Public Meetings Act (Chapter 42.30 RCW). The Commission will also release any written recommendations prepared by the Board with any redactions consistent with protecting the privacy of Port officials and employees consistent with the Public Records Act (Chapter 42.56 RCW) and other public disclosure laws.

Board members will receive *per diem* and reimbursement for any pre-approved and reasonable expenses.

OTHER DOCUMENTS ASSOCIATED WITH THIS REQUEST:

- Resolution No. 3681, as amended.
- Attachment to Resolution No. 3681 with text of Ethics Code.

PREVIOUS COMMISSION ACTIONS OR BRIEFINGS:

April 23, 2013 – First Reading of Resolution No. 3681.