

# WASHINGTON CITY/COUNTY MANAGEMENT ASSOCIATION

## *WCCMA Rules for Enforcement of the ICMA's Code of Ethics*

### **Section 1. ICMA Code of Ethics**

The ICMA Code of Ethics (Code) define the principles that serve as the foundation for the local government management profession and set the standard for excellence. Article 8 of the WCCMA Bylaws requires WCCMA members to govern their conduct in accordance with the Code and its associated guidelines. The Board shall have the authority to take disciplinary action up to and including expulsion from the Association, against any member which, in its judgment, may be appropriate to maintain the professional standards of the Association. Disciplinary action for violations of the Code may include public censure in which notice is given to members of WCCMA, the governing body of the member's, employer and media, indicating that the Association strongly disapproves of such conduct.

- A. **Ethics Committee Chair.** The WCCMA President shall appoint an Association member to serve as Ethics Committee Chair. The Chair shall not be the WCCMA President or WCCMA Past-president, since both officers have specific responsibilities in reviewing ethics complaints. The term of office for the Ethics Committee chair is 3 years.
- B. **WCCMA Ethics Committee.** The WCCMA Board, in coordination with the Ethics Committee chair, shall appoint an ad hoc Ethics Committee upon the receipt of an ethics complaint. This ad hoc committee will assist the WCCMA Board of Directors in adjudicating the complaint.

### **Section 2. Complaints Against Washington ICMA Members**

Any complaints against members of WCCMA who are members of the International City/County Management Association (ICMA) shall be forwarded by the WCCMA President to ICMA. Ethics complaints can also be directly submitted to ICMA. The rules of procedure for ICMA will apply to the investigation of reported violations of the Code for all ICMA members.

### **Section 3. Complaints Against WCCMA Members**

WCCMA is responsible for the investigation of ethics complaints against members of WCCMA who are not members of ICMA. The following policy outlines WCCMA's process to enforce provisions of the Code, including investigation and enforcement of any complaints and/or violations of the Code of Ethics. The WCCMA Board of Directors (Board) shall be responsible for making final decisions on matters pertaining to the enforcement of the Code of Ethics. The ad hoc WCCMA Ethics Committee (Committee) shall be responsible for implementing these rules and shall have specific duties as set forth in this policy.

- A. **Timelines.** It is the intention that this policy be carried out carefully but expeditiously to minimize the time during which a member may be subject to possible disciplinary action while also ensuring the fairness of the process.
- B. **Bias and Conflicts of Interest.** No person may participate in the investigation or adjudication of a complaint brought under these Rules if that person's participation would otherwise create, or appear to create bias impacting their ability to act impartially in reviewing the complaint.
- C. **Ethics as a Foundation of Membership.** All active members of WCCMA are subject to the Code and are subject to sanctions for any violations whereof which occur during their membership. As a condition of membership, the WCCMA membership application shall include a provision that requires WCCMA members to acknowledge and adhere to the ICMA Code of Ethics. A member may be subject to sanctions

for a violation, which continues while he or she is a member even though the conduct in question originated prior to admission for membership.

- D. **Former WCCMA Members.** If a complaint is made against a person who was a WCCMA member at the time the alleged violation occurred, but who is not a member of WCCMA at the time the complaint is made, the complaint will be processed under this policy only if the former member agrees in writing. In no event shall consideration be given for an individual's re-admission to membership in WCCMA until an outstanding and unresolved complaint against the individual for conduct while formerly a WCCMA member has been reviewed in accordance with this policy. WCCMA shall retain jurisdiction over an investigation of a respondent who, before the conclusion of the investigation, resigns from WCCMA or otherwise allows his or her membership to lapse.

#### **Section 4. Ethics Complaint Resolution**

- A. Complaints shall be received by the President of WCCMA, or the President-elect, if the President has a conflict of interest relating to the complaint. The form of complaint may be a written complaint or other written information, including media articles or email from any source indicating that a violation of the Code may have occurred. The complaint must be accompanied by documentation that supports the allegation of a violation of the Code. The complainant may remain anonymous to the respondent, the public, and WCCMA membership, other than those directly involved in the investigation and adjudication of the complaint.
- B. Complaint Evaluation Process. The guidelines for addressing complaints received of violations of the Code are as follows:
1. Receipt of the Complaint. The complaint is directed to the WCCMA President. The President will determine whether the subject of the complaint (respondent) is an ICMA member or a WCCMA member.
  2. Complaints Regarding Members.
    - a) If the subject of the complaint is an ICMA member, the complaint will be forwarded to the ICMA Executive Director or designee for review by ICMA by the Committee on Professional Conduct (CPC). When requested by ICMA, the President of WCCMA will appoint a fact-finding team to investigate any ethics complaints of WCCMA members who are also members of ICMA. WCCMA will not conduct a separate investigation of these complaints for those who are members of both organizations. WCCMA will accept sanctions as final for ethics violations made by ICMA. If ICMA issues a sanction of expulsion, permanent bar from future membership, or membership suspension, those same actions will be applied to WCCMA membership. A copy of the ICMA sanctions shall be kept by the Executive Coordinator of WCCMA for WCCMA members as provided by this policy.
    - b) If the subject of a complaint is a WCCMA member who is not an ICMA member, then the President will call a meeting of the President, Past-president, and Ethics Committee Chair to review the complaint. If the complaint demonstrates the member's conduct may have violated the Code and contains the appropriate documentation, then the complaint will proceed to the next step. If additional information is required, the Ethics Committee Chair will request information from the complainant, and once this information is reviewed, the President, Past-President and Ethics Committee Chair will decide that, if the alleged violation occurred, could constitute a violation of the Code of Ethics. If that determination is made, the complainant will be investigated as provided in this policy. If a determination is made that the facts in the complaint do not constitute a violation of the Code, then the President will notify the complainant of this conclusion and the matter will be closed.
  3. Notification to the Respondent.
    - a) The Chair of the Ethics Committee will provide written notification via registered mail marked 'Personal and Confidential' to the respondent that a complaint has been received regarding possible violations of the Code by that respondent. The notification should include:

- The nature of the complaint, including the Code Tenets that may have been violated;
  - A copy of the complaint, if not submitted anonymously, or a summary of the complaint, if the complaint would reveal the confidentiality of the complainant;
  - The documentation submitted as the basis for the complaint;
  - A copy of the Code with guidelines;
  - A copy of the WCCMA Rules of Enforcement of the Code.
- b) The respondent will be provided 30 days to provide a response to the complaints and any questions posed by the Ethics Committee Chair. If there is no response, the complaint will proceed to subsection 6.
4. Respondent's Reply.
- a) If the respondent indicates that the facts as outlined in the complaint are correct, then the complaint will go to subsection 6 for review by the Ethics Committee.
- b) If the respondent contests the facts as provided in the complaint, then the Board, in coordination with the Ethics Committee Chair, will appoint an ad hoc Ethics Committee composed of WCMA members, which may include senior advisors. At least three members of the committee will be designated as the Fact-Finding Team and will investigate and objectively review the facts of the case.
5. Fact-Finding Team Responsibilities.
- a) The Fact-Finding Team will investigate the facts surrounding the allegations in the complaint by offering to interview the member and using the records request process and preparing a summary report for the Ethics Committee. The Fact-Finding Team members are encouraged to use non-governmental email addresses and other private communications to avoid creating public records that could be subject to a public records request and to protect the confidentiality required for this review.
- b) The Fact-Finding Team will request that the WCCMA Executive Coordinator review the ethics files to determine if any previous complaints have been investigated regarding the respondent. If a previous investigation has occurred, the Executive Coordinator will provide a copy of the materials to the Fact-Finding Team] for their review.
- c) The Fact-Finding Team will contact the respondent to offer the opportunity to interview with the Fact-Finding Team and may contact the complainant to clarify issues relating to the complaint. The Fact-Finding Team may collect any additional information or interview other potential witnesses as to the facts surrounding the complaint. The Fact-Finding Team will be aware of maintaining the confidentiality of the complaint and investigation in their efforts to collect necessary information.
- d) The Fact-Finding Team will gather the facts of the case but will not make a recommendation regarding possible sanctions that could be imposed to address any possible violations.
- e) The Fact-Finding Team will forward their report to the Ethics Committee Chair. The Ethics Committee Chair will forward a copy of the confidential report to all members of the Ethics Committee, and also provide the respondent a copy of the report. If the complaint was filed anonymously, all references that would identify the complainant will be redacted from the copy of the report forwarded to the respondent by the Ethics Committee Chair.
- f) The respondent will have 15 days to provide a written response to the Ethics Committee Chair regarding the findings of the Fact-Finding Team. This response, if provided, will be provided to the Ethics Committee members as part of their review.
6. Ethics Committee Review.

- a) The Ethics Committee will meet in executive session to review the information provided by the Fact-Finding Team, the respondent's response, if provided, and the Committee will determine whether any additional information needs to be obtained. If the matter is referred back to the Fact-Finding Team, no determination will be made as to whether a violation of the Code has occurred until a following meeting is scheduled by the Ethics Committee Chair to review any additional requested information on the complaint. The Fact-Finding Team will participate in this meeting.
  - b) If the Ethics Committee determines that the facts of the complaint are sufficiently clear, then the Committee will report to the WCCMA Board of Directors as to whether a violation occurred, and if a violation occurred, recommend an appropriate sanction to the WCCMA Board for consideration. The Ethics Committee Chair will prepare a written report for the WCCMA President who will schedule an executive session of the Board for review of the findings of the Ethics Committee.
7. WCCMA Board of Directors Review of Ethics Committee Report.
- a) The WCCMA Board will meet in executive session with the Ethics Committee Chair and the Fact-Finding Team to review the report from the Ethics Committee. Following the review, discussion, investigation, and recommendation from the Ethics Committee, the Board may:
    - Refer the matter back to the Ethics Committee for further information;
    - Determine that a violation of the Code did not occur to close out the complaint;
    - Determine that a violation of the Code did occur, and determine the appropriate sanctions for the violation.
  - b) If the Board determines that a violation of the Code did not occur, the President will provide notice to the respondent of this finding and notice provided to the complainant indicating that this matter has been closed.
  - c) If the Board determines that a violation occurred, notice will be sent to the respondent by the President of this determination. The letter will include the sanctions imposed to address the Code violations. The respondent will have 15 days in which to request a hearing of the determination of the Board. If no response is provided, then the determination previously issued stands as the final communication to the respondent. A letter will be sent to the complainant indicating the outcome of this action.
  - d) If the respondent requests a hearing, then the hearing will be scheduled with an executive session for the Board, Ethics Committee Chair, and the Fact-Finding Team to meet with the respondent as provided in Section 5 'Ethics Hearings.' Following the hearing, the Board will meet to determine final action on the Ethics complaint. The President will prepare a letter to be sent to the respondent. The President will also prepare a letter to the respondent. If no violation is determined or a private censure is issued, the letter will indicate that the case was considered and resolved, and that no public action was taken. If a public censure or greater is issued, then the letter will specify the action taken by the Board.

## Section 5. Ethics Hearings

- A. **Requested Hearings.** In the event a respondent requests a hearing, the following procedure shall govern conduct pursuant to this policy. The hearing shall be conducted by the Board, which shall be convened by the WCCMA President. The hearing shall be conducted as an executive session. Hearings may be virtual or in-person.
- B. **Hearing Notice.** Within thirty (30) calendar days of receiving a request for a hearing, the President shall notify the respondent by registered or certified mail that a hearing has been scheduled before the Board. The hearing date shall not be earlier than thirty (30) calendar days after the date the notice is postmarked. The notice shall also state that the respondent has a right:
  1. To appear personally at the hearing;

2. To be accompanied and represented at the hearing by an attorney or other representative;
  3. To review all documentary evidence, against him or her, in advance of the hearing (unless the complaint has been requested to be anonymous in which case identifying information will be redacted);
  4. To cross-examine any witness who testifies against him or her at the hearing; and
  5. To submit documentary evidence and to present testimony, including the respondent's, in his or her defense, at the hearing.
  6. The respondent may request witnesses appear at the hearing. The President will determine if the witnesses are germane to determine whether a violation of the Code has occurred.
  7. The meeting may be conducted virtually as determined by the President.
- C. **Rules of Evidence.** The Board shall not be bound by any formal rules of evidence but may accord appropriate weight to the evidence based on its relevance and reliability.
1. The Fact-Finding Team report shall be admissible evidence at the hearing.
  2. The Board may not hear evidence of any alleged ethics violation by the respondent that was not related to the initial investigation.
- D. **Hearing Agenda.** At any hearing conducted under these Rules, the Chair of the Ethics Committee or designee, shall first present evidence in support of the Team's report and the Ethics Committee's recommendation. Upon conclusion of the presentation, the respondent shall have the opportunity to present evidence in his or her defense, and the Chair of the Ethics Committee shall have the right to question or cross-examine any witness testifying at the hearing.
- E. **Decision of the Board.** Within thirty (30) calendar days of the conclusion of the hearing, the Board shall render a decision in the case. The decision shall be in writing, communicated by the WCCMA President, and shall include a statement of the reasons therefore. Only evidence which was put before the Board and the Ethics Committee may be considered as a basis for the decision.

## Section 6. Sanctions for Code Violations

- A. **Violation Sanctions.** The Board may impose sanctions on a WCCMA member who is found to have violated the Code in accordance with these Rules. In determining the kind of sanction to be imposed, the following factors may be considered: the nature of the violation, prior violations by the same individual, the willfulness of the violations, the level of professional or public responsibility of the individual, and any other factors, which bear upon the seriousness of the violation.
- B. **Sanction Types.** The following sanctions may be imposed singularly or in combination at the end of an investigation and/or hearing under these rules:
1. Private Censure. A letter to the respondent and the complainant indicating that the respondent has been found to have violated the Code of Ethics, that the WCCMA disapproves of such conduct, and that, if it is repeated in the future, it may be cause for more serious sanctions.
  2. Public Censure. Written notification to the respondent, the complainant, ICMA, local governing bodies affected by the circumstances, and the news media, indicating that a violation of the Code took place, that the WCCMA strongly disapproves of such conduct, and the nature of the sanction(s) imposed. Notice shall also be published in the WCCMA newsletter.
  3. Expulsion. Written notification to the respondent, the complainant, ICMA, local governing bodies affected by the circumstances, and the news media indicating that the respondent's membership privileges in the WCCMA have been revoked. Notice shall also be published in the WCCMA newsletter.
  4. Membership Bar. If the respondent is no longer a member of WCCMA, written notification to the respondent, the complainant, ICMA, local governing bodies affected by the circumstances, and the news media that the respondent has been barred from re-admission. Notice shall also be published in the WCCMA newsletter.

- C. **Criminal Conduct.** Upon receiving documented evidence that (1) a member has been found guilty of criminal conduct after trial by a judge or a jury, or the Court has accepted a guilty plea from the member, (2) the member's conduct violates the Code of Ethics, and (3) the conduct occurred while the person was a member of the WCCMA, the President may (a) ask the Ethics Committee to commence an investigation in accordance with the Initiation of Procedures section of this policy; or (b) defer consideration until the person has exhausted all legal appeals or the time for legal appeals has expired.

## Section 7. Confidentiality

- A. **Confidentiality.** WCCMA, the Board of Directors, Ethics Committee, Fact-Finding Team, and others involved on behalf of WCCMA with the investigation and hearings shall treat all aspects of complaints, investigations, hearings, and procedures as confidential. All meetings involving the investigation, and determining sanctions, shall be held in confidential executive sessions. The issuance of a private censure will be acknowledged in the WCCMA Board of Director's minutes with a brief summary describing the action that violated the Code's tenets, provided that no names or local governments identifying other details are disclosed. This summary may be published in the WCCMA newsletter or used for ethics training purposes.
- B. **Private Censure.** Private Censure shall be kept confidential with the complainant and respondent being notified of the results as outlined in the Code's guideline on confidentiality.
- C. **Other Actions.** Public censure, expulsion, and membership ban shall be handled in accordance with Section 4 of this policy.
- D. **Association Business.** Investigations of other complaints are associated with membership in WCCMA. Communications relating to an ethics complaint shall be conducted using non-governmental email addresses and other private communications to avoid creating public records that could be subject to a public records request.

## Section 8. Use of Legal Counsel

- A. **Legal Counsel.** The Board is authorized to secure legal counsel to represent the WCCMA and, more specifically, the Ethics Committee and any subcommittees it may establish during an investigation of alleged violations against the Code of Ethics. WCCMA shall provide professional liability coverage to assist and protect WCCMA and the participants in this process.

## Section 9. Ethics Investigation Records

- A. **Records of Investigation.** Upon conclusion of an ethics investigation, all materials will be placed in a sealed envelope or file labeled 'Confidential Ethics Investigation.' Ethics Complaints that are unfounded or result in a private censure should be sealed. The envelope or file will include the name of the respondent only, and will not indicate whether sanctions were imposed by the Board, public censures, membership bars and expulsion should be kept in a file that is subject to review. and will identify a date thirty years from the closure of the investigation or the Board's decision on an ethics matter. The Executive Coordinator will destroy the file after this date.
- B. **Access to Ethic Complaint Files.** Envelopes shall remain sealed unless there is a subsequent ethics complaint being investigated by the Ethics Committee of the member previously investigated. In this event, the Executive Coordinator will provide a copy of the contents of the envelope to the Ethics Committee Chair. Information regarding past ethical violations will be considered when investigating the new complaint. Upon completion of the investigation, the files will be returned to the Executive Coordinator for inclusion in the most recent ethics violation investigation.

## Section 10. ICMA Ethics Decisions

- A. **Retention of Records.** A copy of ethics sanctions imposed on WCCMA members by ICMA will be kept on file by the WCCMA Executive Coordinator in accordance with the provisions described in Section 9 Ethics Investigation Records.
- B. **Public Censures, Membership Bars, and Expulsion.** WCCMA members who receive a public censure or expulsion from ICMA, or non-members who receive a membership bar or expulsion from ICMA, are subject to the same sanctions by WCCMA. The WCCMA Ethics Committee will review the decision made by ICMA without conducting an independent investigation and will recommend sanctions to be imposed by the WCCMA Board of Directors. The Board of Directors will impose appropriate sanctions based on the record compiled by ICMA. The decision of the Board of Directors is final.

*Adopted 06-20-2024.*