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| SUBJECT: | Board of Fire Commissioners | Version: | Original |
| SECTION: | 1 General | Chair: | Harry Miller |
| SUB-SECTION: | 1.4 Board of Fire Commissioners | Fire Chief: | Mark Gregory |
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1 POLICY

- 1.1 Proper operation of the District, as a taxpayer supported public entity, requires that public officers, and particularly elected officials primarily responsible for the lawful management of the municipal corporation, be ethical, independent, impartial, and responsible to the people, as fiduciaries.

2 DEFINITIONS

- 2.1 **Major Infraction:** A major infraction means and includes misfeasance, malfeasance, violation of the oath of office, violation of the Washington State or U.S. Constitution or a state statute or any other offense listed in this policy that involves honesty or integrity.
- 2.2 **Malfeasance:** Malfeasance is defined by statute and means any wrongful conduct that affects, interrupts or interferes with the performance of official duties. Additionally, malfeasance means the commission of an unlawful act.
- 2.3 **Minor Infraction:** A minor infraction means any ethics code violation found by an investigative committee, but not deemed to be major.
- 2.4 **Misfeasance:** Misfeasance is defined by statute and means any wrongful conduct that affects, interrupts or interferes with the performance of official duties. Additionally, misfeasance means the performance of a duty in an improper manner or with the appearance of impropriety.
- 2.5 **Municipal Corporation (Municipality):** All counties, cities, towns, districts, and quasi municipal corporations organized under the laws of the state of Washington.
- 2.6 **Municipal officer:** All elected and appointed officers of a municipality, together with all deputies and assistants of such an officer, and all persons exercising or undertaking to exercise any of the powers or functions of a municipal officer.
- 2.7 **Violation of oath of office:** This term is defined by statute and means the neglect or willful failure of an elected public official to perform faithfully the duties imposed by law. Violation of statute, particularly one that prescribes a duty for a fire commissioner, would be an example of a violation of the oath of office.

3 RESPONSIBILITIES

- 3.1 Except as provided by law, a Commissioner shall not:
 - 3.1.1 Ask or receive, directly or indirectly, any compensation, gratuity, or reward, or promise thereof, for omitting or deferring the performance of any official duty; or for any official service which has not been rendered, except in case of charges for prospective costs or fees demandable in advance in a case allowed by law.
 - 3.1.2 Be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of office.
 - 3.1.3 Accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested therein.
 - 3.1.4 Employ or use any person, money, or property under official control or direction, or in official custody, for the private benefit or gain of themselves or another.
 - 3.1.5 Engage in any other conduct prohibited by law.
- 3.2 Any such action may constitute a gross misdemeanor and any contract, sale, lease or purchase as stated above shall be declared void.
- 3.3 In addition to all other penalties, civil or criminal, the violation by any municipal officer of the provisions of RCW 42.23 Code of Ethics for Municipal Officers may be grounds for forfeiture of his or her office.
- 3.4 At all times a Commissioner should:
 - 1. Respect and comply with the law and should always act in a manner that promotes public confidence in the office of Fire Commissioner.
 - 2. Participate in establishing, maintaining, and enforcing high standards of conduct, and should personally observe those standards.
 - 3. Exhibit unquestionable integrity and have an uprightness of character and soundness of moral principal.
 - 4. Have a National pride, a high regard for the Constitution, and the authority of their office, and should show respect for others through temperance, fairness, and civility in the execution of their duties and conduct of their personal lives.
 - 5. Have the courage to do what is right and if necessary, stand up for those without authority.
 - 6. Understand how their powers, duties, and authority are provided and limited by statute, and adhere to their oath to faithfully and impartially discharge the duties of the office.
 - 7. Recognize that public records belong to the public and not remove, alter, mutilate,

- destroy or conceal protected public records.
8. Protect their employees', volunteers', and constituents' right to privacy.
 9. Neither lend nor give away public funds, verify the appropriateness of all expenditures of public funds, and report misappropriations to the State Auditor.
 10. Recognize that public office involves public trust and service to the public.

4 GUIDELINES

- 4.1 A Commissioner shall not be deemed to be beneficially interested in a contract as described in 3.1.2 above if;
 - 4.1.1 The interest is only remote; and
 - 4.1.2 If the fact and extent of such interest is disclosed to the Board and noted in the official minutes prior to the formation of the contract, and
 - 4.1.3 The Board approves, authorizes or ratifies the contract in good faith by a majority vote of the Board without counting the vote of the Commissioner having the remote interest.
- 4.2 Upon written, signed, requests for investigation of a possible ethic violation(s), the Board of Fire Commissioners by a majority may direct the Chief to appoint an investigative committee.
 - 4.2.1 The Committee shall have two months after appointment to investigate the charges that have been made.
 - 4.2.2 The person being investigated will be given an opportunity to explain/rebut the charges that have been made.
 - 4.2.3 The Committee will then report their findings to the Board. The report will include recommendations for penalties if warranted.
- 4.3 If the investigating Committee has found the charges to be valid, the Board may take one of the following steps:

- 4.3.1 First offense – minor infraction. The Board will notify the accused, by letter, of the findings but no penalty will be assessed.
- 4.3.2 First offense – major infraction (Misfeasance, malfeasance, violation of Washington Constitution, or violation of RCW’s relating to fire Districts). The Board will write a letter of Censure with a copy sent to the State Commissioner’s Association. A copy will be made available to a recall committee if requested.
- 4.3.3 Second or subsequent infractions. The Board will write a letter requesting that the Fire Commissioner refrain from attending Fire Commissioner’s meetings. Again, a letter will be sent to the State Commissioner’s Association requesting similar measures and a copy will be made available to a recall committee upon request.

5 APPLICABILITY

- 5.1 This policy applies to the Board of Fire Commissioners.

6 DISCUSSION

- 6.1 Public confidence in Fire Commissioners is eroded by irresponsible or improper conduct by a Fire Commissioner. A Fire Commissioner must expect to be the subject of public scrutiny. The prohibition against behaving improperly or in an irresponsible manner applies to both the professional and personal conduct of a Fire Commissioner.
- 6.2 The goal of this policy is to establish and maintain the highest ethical standards for its leaders, so that they may establish an example for all District employees and members to emulate.

7 REFERENCES

RCW 4 Civil Procedure

RCW 29A Elections

RCW 42 Public Officers and Agencies

RCW 52 Fire Protection Districts

Washington Fire Commissioners Handbook