

RESOLUTION NO. 17-1196

A RESOLUTION OF THE CITY OF BLACK DIAMOND AUTHORIZING THE FUNDING OF DEFENSE OF COUNCIL MEMBER PATRICIA PEPPER IN RELATION TO JUDICIAL PROCEEDINGS RELATING TO DETERMINATION OF THE SUFFICIENCY OF RECALL CHARGES

WHEREAS, there are currently proceedings pending in relation to the review by the judicial system as to the legal adequacy of allegations set forth in a petition seeking the recall Council Member Patricia Pepper from her office of Council Member of the City Council of the City of Black Diamond; and

WHEREAS, RCW 35.21.203 provides that "(t)he necessary expenses of defending an elective city or town official in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29A.56.140 shall be paid by the city or town if the official requests such defense and approval is granted by the city or town council. The expenses paid by the city or town may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge."; and

WHEREAS, Council Member Pepper has requested the implementation of the provisions of that statute to provide for the payment of such expenses which have been and will be incurred by her in such proceeding; and

WHEREAS, the courts have found that an elected official may vote upon such a request that she or he makes;

NOW THEREFORE, the City Council of the City of Black Diamond does hereby resolve as follows:

SECTION 1. Pursuant to the applicable statutory and case law, the request of Council Member Patricia Pepper for provision of the funding for representation of her in the judicial hearings to determine the sufficiency of the recall charges currently pending, whether for services already provided or hereafter provided, is hereby approved and authorized.

Passed by the City Council of the City of Black Diamond, Washington at a regular meeting thereof this 16th day of November 2017.

City of Black Diamond

DENIED CB

Carol Benson, Mayor

In violation of RCW. 42.23.070 and subject to Approval of City Attorney.

Attest:

Brenda Martinez, City Clerk

Rev. Code Wash. (ARCW) § 42.23.070

Statutes current with effective legislation through the 2017 Third Special Session

Annotated Revised Code of Washington > Title 42 Public Officers and Agencies > Chapter 42.23 Code of Ethics for Municipal Officers — Contract Interests

42.23.070. Prohibited acts.

- (1) No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.
- (2) No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
- (3) No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
- (4) No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

History

1994 c 154 § 121.

Annotations

Notes to Decisions

Basis for wrongful discharge.

Special privileges.

Basis for wrongful discharge.

Subsection (1) and the Spokane County Zoning Code created a valid public policy for the purposes of the clarity element, one of the elements needed to establish a claim for wrongful

Rev. Code Wash. (ARCW) § 42.23.050

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Annotated Revised Code of Washington > Title 42 Public Officers and Agencies > Chapter 42.23 Code of Ethics for Municipal Officers — Contract Interests

42.23.050. Prohibited contracts void — Penalties for violation of chapter.

Any contract made in violation of the provisions of this chapter 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 municipality. Any officer violating the provisions of this chapter is liable to the municipality of which he or she is an officer for a penalty in the amount of five hundred dollars, in addition to such other civil or criminal liability or penalty as may otherwise be imposed upon the officer by law.

In addition to all other penalties, civil or criminal, the violation by any officer of the provisions of this chapter may be grounds for forfeiture of his or her office.

History

1999 c 261 § 4; 1961 c 268 § 6.

Annotations

Notes to Decisions

No violation.

Remedies.

—Civil actions.

—Injunctions.

—Removal from office.

Void contracts.

—Benefit to officials.

—Evidence of illegality.

—Purchase from officials.

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