



LYNNWOOD BOARD OF ETHICS
Board of Ethics

Date: WEDNESDAY, MAY 12, 2021
Time: 6:00 PM

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1. Roll Call
 2. Review of Agenda
 3. Adoption of Minutes
 - A. April 14th Proposed Minutes
[4-14-2021 Board of Ethics Minutes.pdf](#)
 4. Discussion item
 - A. Budget for and scope of work of the Board of Ethics
 - B. Clerk's findings regarding discrimination complaints
[MRSC Discrimination Complaints.pdf](#)
 - C. Recording of Board Meetings
 5. Public Comment
 6. Board Member Comments
 7. Adjourn

BOARD OF ETHICS 3.A

**CITY OF LYNNWOOD
BOARD OF ETHICS**

TITLE: April 14th Proposed Minutes

DEPARTMENT CONTACT: Luke Lonie, Executive Office

DEPARTMENT ATTACHMENTS

Description:

[4-14-2021 Board of Ethics Minutes.pdf](#)



LYNNWOOD
WASHINGTON

Board of Ethics Minutes

April 14, 2021 – 6:00 pm to 8:00 pm

1. Roll Call – Liaison Karen Fitzthum – 6:03 pm
 - a. Richard O’Connor, Ty Tufono-Chaussee, Marcia Hawks present
 - b. Also present – Karen Fitzthum, Luke Lonie
2. Changes to proposed agenda – all Board members
3. Adoption of Minutes – March 10th meeting
 - a. Motion to adopt minutes made by Richard O’Connor, seconded by Marcia Hawks. Vote – 3 aye, 0 nay
4. Election of Officers – 2.94.080 A (5)
 - a. Motion by Richard to go forward with election, second by Marcia
 - b. Discussion ensued – vote on re-holding elections: 3 aye, 0 nay
 - c. Presiding Officer – Board Chair – Richard O’Connor nominates Ty Tufono-Chaussee, seconded by Marcia Hawks. Vote: 3 aye, 0 nay. Motion passes.
 - d. First Vice-Chair – Ty Tufono-Chaussee nominates Richard O’Connor, who seconds. Vote: 3 aye, 0 nay. Motion passes.
 - e. Second Vice-Chair – Richard O’Connor nominates Marcia Hawks, seconded by Ty Tufono-Chaussee. Vote: 3 aye, 0 nay.
5. Meeting - Joint boards and commissions postponed



LYNNWOOD
WASHINGTON

6. Reviewing WA state code samples, discuss if the Lynnwood code should be revised
 - a. Discussion re: retaliation against complainants, confidentiality
 - b. Dedicate time in next agenda for findings re: discrimination complaints
7. Bylaws – Council is reviewing bylaws for all Boards and Commissions.
8. Discuss recording of meetings and posting the record
 - a. Discussion regarding accessibility, but also cybersecurity
9. Public Comments
 - a. Public comment was heard
10. Board Member Comments
11. Set proposed agenda for next meeting
 - a. Budget for, and scope of work of, Board of Ethics
 - b. Clerk’s findings regarding discrimination complaints
12. Adjourn
 - a. Richard O’Connor moves to adjourn, seconded by Marcia Hawks.
Vote: 3 aye, 0 nay. Adjourned at 7:14 pm

BOARD OF ETHICS 4.A

**CITY OF LYNNWOOD
BOARD OF ETHICS**

TITLE: Budget for and scope of work of the Board of Ethics

DEPARTMENT CONTACT: Luke Lonie, Executive Office

DEPARTMENT ATTACHMENTS

Description:

BOARD OF ETHICS 4.B

**CITY OF LYNNWOOD
BOARD OF ETHICS**

TITLE: Clerk's findings regarding discrimination complaints

DEPARTMENT CONTACT: Luke Lonie, Executive Office

DEPARTMENT ATTACHMENTS

Description:

[MRSC Discrimination Complaints.pdf](#)

Luke Lonie

From: Sarah Doar <sdoar@mrsc.org>
Sent: Monday, May 3, 2021 4:49 PM
To: Luke Lonie
Subject: MRSC Inquiry - PRA Exemption for Ethics Complaints

Good afternoon. You asked:

Are there any protections for people who file ethics complaints through our Board of Ethics when it comes to Public Records Requests?

RESPONSE: There may be an exemption that applies to a complainant's identity, but only in very limited situations.

There is an exemption for the identity of state employees that make a good faith complaint to an ethics board, but there is not a similar exemption for local governmental employees. See RCW [42.56.240](#)(11).

The only potential exemption I can think **might** apply in some situations is if the complaint is made by an employee and results in a WLAD or harassment investigation. See RCW [42.56.250](#)(6):

Investigative records compiled by an employing agency in connection with an investigation of a possible unfair practice under chapter 49.60 RCW or of a possible violation of other federal, state, or local laws or an employing agency's internal policies prohibiting discrimination or harassment in employment. Records are exempt in their entirety while the investigation is active and ongoing. After the agency has notified the complaining employee of the outcome of the investigation, the records may be disclosed only if the names of complainants, other accusers, and witnesses are redacted, unless a complainant, other accuser, or witness has consented to the disclosure of his or her name. The employing agency must inform a complainant, other accuser, or witness that his or her name will be redacted from the investigation records unless he or she consents to disclosure.

There is one stretch exemption that might apply if your city has adopted an ethics code that says a violation is a crime. In which case, you might be able to apply RCW [42.56.240](#)(2):

Information revealing the identity of persons who are witnesses to or victims of crime or who file complaints with investigative, law enforcement, or penology agencies, other than the commission, if disclosure would endanger any person's life, physical safety, or property. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern. However, all complaints filed with the commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath;

Applying this exemption to ethics code violations has not yet been tested in court, so there is a high degree of risk associated with trying to assert this exemption in this context.

Your city could consider whether it would accept anonymous complaints, but I am not aware of any city that does so.

Please let me know if we can be of further assistance.

DISCLAIMER: MRSC is a statewide resource that provides general legal, policy, and financial guidance to support local government agencies. This email is not legal advice and does not create an attorney-client relationship. It is not confidential or privileged and is subject to Washington's Public Records Act.

[Sarah M. Doar \(she/her\)](#)

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MRSC Empowering local governments to better serve their communities

BOARD OF ETHICS 4.C

**CITY OF LYNNWOOD
BOARD OF ETHICS**

TITLE: Recording of Board Meetings

DEPARTMENT CONTACT: Luke Lonie, Executive Office

DEPARTMENT ATTACHMENTS

Description:
