

# Elected Officials - *Did you know...?*

By Tanya Crites

Local government agencies operate under three separate branches or departments: legislative, executive and judicial. The separation of powers doctrine allows that each of the three branches exercise certain defined powers, free from unreasonable interference by the other branches. The legislative branch, particularly the elected officials, is given authority, power and restrictions by statutory and case law. Here are a few interesting facts affecting elected officials.

Did you know...

1. ... *there is statutory law from 1972, resulting from 72% vote of the people, that sets the public's expectation of elected officials?*

[RCW 42.17A.001](#) states in part,

- (2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty, and fairness in their dealings.
- (3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interest.

2. ...*the state and municipalities were once under a common law principle that "The king can do no wrong?"*

Now, public officers and employees are generally accountable for their actions under civil and criminal laws ([RCW 4.96.010](#)).

3. ...*under state law, legislative officials are immune from civil liability to third parties for making or failing to make a discretionary decision in the course of their official duties ([RCW 4.24.470](#))?*

4. ...*that the statutory code of ethics for county, city and special purpose districts has four prohibited acts provisions ([RCW 42.23.070](#))?*

- (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.
5. *...there may be stiff penalties if a public officer violates [RCW 42.23](#), the code of ethics?*
- The public officer may be liable to the municipality of which he or she is an officer for a penalty in the amount of five hundred dollars.
  - There are other civil or criminal liability or penalty as may otherwise be imposed upon the officer by law.
  - A civil or criminal violation by any officer of the provisions of the chapter may be grounds for forfeiture of his or her office.
6. *...the appearance of fairness doctrine was first applied in this state in 1969?*
- The appearance of fairness doctrine is applied when boards of county commissioners, city councils, planning commissions, civil service commissions and similar bodies are required to hold hearings that affect individual or property rights. In other words, quasi-judicial proceedings.
  - The hearings must not only be fair, they must also be free from even the appearance of unfairness.
7. *...the restrictions on holding city and town council public meetings within the corporate limits were removed by the state legislature in 1994?*
- However, all final actions on resolutions and ordinances must take place within the corporate limits of the City (Open Public Meetings Act, [RCW 42.30.070](#)).
  - The meeting place should not be selected so as to effectively exclude members of the public ([RCW 42.30.030](#)).

WCIA has a number of resources available to provide guidance to our members who have questions about legislative processes. Another valuable source of information on the duties, liability and immunities of municipal officials is [MRSC.org](#). Feel free to call your WCIA Risk Management Representative with any questions.