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SAM HUNT

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October 26, 2015

The Honorable Bob Ferguson
Attorney General
State of Washington
P.O. Box 40100
Olympia, WA 98504-0100

Dear Attorney General Ferguson:

As Chair of the House committee with jurisdiction over ethics issues, I am writing pursuant to RCW 43.10.030(5) to request guidance from your office on constitutional and statutory provisions relating to incompatibility of office, conflict of interest, appearance of fairness, and disclosure of confidential information.

To provide context for this request, I submit the following scenario:

Jane Doe is an elected member of a school district board of directors and also serves as a member of the local city planning commission. The powers and duties of school boards are set forth in RCW 28A.320.015. The general powers of planning commissions are set forth in RCW 35.63.060. The city defines the duties of its planning commission also to include making recommendations to the city council on a broad range of issues relating to land use, zoning, property redevelopment, and infrastructure. The school board and the city are in communication regarding the use and potential redevelopment of school district property. Pursuant to RCW 42.30.110, the school district board of directors meets in executive session to discuss the use and disposition of school district property.

My questions are as follows:

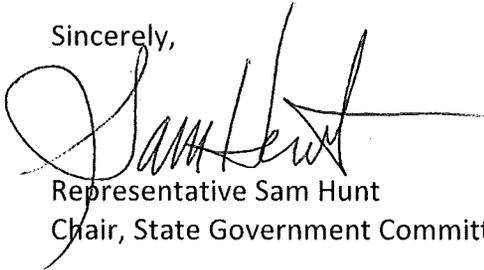
- 1) Are the positions of school board director and planning commission member incompatible under Washington law? How is that determination made and, if the positions are incompatible, what remedies are available to address the incompatibility?
- 2) Is there a conflict of interest between such dual positions under Washington law? How is that determination made, and if a conflict or potential conflict exists, what remedies are available to address it?



- 3) Does holding such dual positions violate the appearance of fairness provisions of RCW 42.36? How is that determination made, and what remedies are available to address it?
- 4) In the scenario presented, what obligations does Washington law impose on the person holding dual positions in regard to confidential information?
- 5) Under what circumstances, if any, may a school board exclude an elected member from executive session because of concerns about incompatibility of office, conflict of interest, appearance of fairness or confidential information?

Please let me know if you have questions or need additional information. I appreciate your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam Hunt", with a long horizontal flourish extending to the right.

Representative Sam Hunt
Chair, State Government Committee