



**BUSINESS OF THE CITY COUNCIL  
CITY OF MERCER ISLAND**

**AB 5639  
December 3, 2019  
Study Session**

**AGENDA BILL INFORMATION**

<b>TITLE:</b>	AB 5639: Code of Ethics Revisions (2 <sup>nd</sup> Reading)	<input checked="" type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Review proposed revisions to the Code of Ethics and provide feedback.	<input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	City Manager
<b>STAFF:</b>	Ali Spietz, Chief of Administration
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Proposed Ordinance No. 19C-20 2. Proposed Resolution No. 1572
<b>CITY COUNCIL PRIORITY:</b>	n/a

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

**SUMMARY**

At the November 19 City Council Meeting, staff presented revisions to the code of ethics for public officials (AB 5628) to clarify the process for responding to a complaint, removing references to State law, and adding guidance on prohibited conduct. Following Council questions and discussion, staff was directed to further revise the proposed amendments.

**REVISIONS**

Ordinance No. 19C-20 (Exhibit) has the originally proposed sections regarding the ethics officer, advisory opinions, complaints, investigations, hearings, and enforcement with minor edits as suggested by Councilmembers. It also has new revisions from the first reading detailed below:

- **Definitions (2.60.020):** Added definition of “relative” and removed “compensation,” “contract,” and “contracting party” as they are no longer needed. Also, the City Manager was removed as a “public official” as the position is an employee of the City and follows the employee code of ethics as well as the International City/County Management Association Code of Ethics.
- **Prohibited Conduct (2.60.030):** This section replaces the originally proposed sections of Acceptance of gifts, Interest in contracts prohibited, Incompatible service – confidential information, and Personal

or private interests. The new language is in addition to the code of ethics set forth in chapter 42.23 RCW, which establishes the minimum standards for officials. It is easier to understand and details:

- Conflicts of Interest
  - Misuse of Public Position or Resources
  - Representation of Third Parties
  - Gifts and Favors
  - Confidential Information
- **Advisory Opinions** (2.60.070): Language has been added to direct public officials to request an informal opinion from the City Attorney, who then may refer the public official to the ethics officer for an advisory opinion.
  - **Complaint Process** [2.60.080(A)]: Language regarding investigations by the ethics officer has been removed.
  - **Disposition** [2.60.080(D)(8)]: Language has been added as a possible City Council action to remove the Mayor or Deputy Mayor appointment if they are found to have violated the code of ethics.
  - **No Recovery of Fees or Costs** [2.60.080(G)]: A new section has been added to confirm that costs associated with a code of ethics complaint/violation are not recoverable from the City.

Revisions to the Code of Ethics Statement are included as Exhibit 2 and reflect the language replacement in 2.60.030 Prohibited Conduct.

#### **COUNCIL REVIEW AND NEXT STEPS**

At the Study Session on Tuesday night staff will review the new language as well as answer questions about the original revisions. Staff will collect additional revisions and prepare the ordinance and resolution for third reading and adoption on December 10.

#### **RECOMMENDATION**

Review proposed revisions to the Code of Ethics and Code of Ethics Statement and provide feedback.