



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5827**  
**April 7, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5827: Revisions to City's Code of Ethics for Officials.	<input checked="" type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Receive progress update on revisions to City's Code of Ethics for Officials.	<input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	City Council
<b>STAFF:</b>	Ali Spietz, Chief of Administration Bio Park, City Attorney
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	n/a
<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

On January 19, 2021, the City Council approved a motion directing the City Manager to prepare an ordinance amending chapter 2.60 MICC – the City's Code of Ethics. The purpose of this discussion is for the City Council to receive a progress update on work being performed to draft a revised Code of Ethics for the City Council's consideration.

### BACKGROUND

In 2018, the City Council adopted for the first time its own Code of Ethics (see [Ordinance No. 18C-15](#)) providing guidance for members of the City Council and the City's boards and commissions ("Officials") in their roles with the City.

In November 2019, the City Council requested amendments to the Code of Ethics, after the filing of complaints earlier that year led to issues with the process for reviewing and investigating complaints and determining disposition of violations. The code revisions included improving the process for responding to a complaint, removing references to State law, and adding guidance on the acceptance of gifts, conflict of interest, representation of third parties, and misuse of public position and resources. As a result, the current Ethics Code was adopted on December 10, 2019 (see [AB 5643](#) | [Ordinance No. 19C-20](#)).

In January 2021, the City Council requested an opportunity to discuss additional revisions to the Code of Ethics, and in response, Matthew Segal and Sarah Washburn of Pacifica Law Group (Pacifica) were hired to assist the City evaluate the current Code of Ethics and recommend revisions to it.

### **EVALUATION OF CURRENT CODE OF ETHICS**

Pacifica has reviewed current and prior versions of the Code of Ethics as well as relevant background information and documents, including examples of recent complaints filed under the Code. In March, Pacifica interviewed each member of the City Council to gain insight into procedural and substantive issues that have arisen in applying the Code of Ethics. Pacifica is also analyzing and comparing (1) relevant state law and persuasive authority addressing several themes raised in the interviews, such as conflicts of interest, appearance of fairness, recusal, and enforceability of particular provisions; and (2) other Washington jurisdictions' approaches to ethics codes both substantively and procedurally as they relate to the issues identified in the background and interviews. The results of that analysis, as well as the Councilmembers' input, will guide the completion of Pacifica's review and its recommendations regarding the Code of Ethics.

### **NEXT STEPS**

Pacifica will give a status update and some initial observations along the lines of the above description at the April 6, 2021 City Council meeting. Moving forward, Pacifica will draft proposed revisions to the Code of Ethics in line with its legal and jurisdictional research and provide those proposed revisions to the City Council for its consideration.

## **RECOMMENDATION**

No action required from the City Council at this time.