

**CITY OF MERCER ISLAND  
ORDINANCE NO. 24C-22**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON  
REPEALING CHAPTER 2.60 MICC – CODE OF ETHICS; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, a local code of ethics for City officials has been adopted and codified in chapter 2.60 of the Mercer Island City Code (MICC) since 2018; and

WHEREAS, the code of ethics in chapter 2.60 MICC was extensively amended in 2019 and in 2021 in an attempt to improve administration and enforcement procedures; and

WHEREAS, the administration and enforcement of the code of ethics has become costly and burdensome on the City; and

WHEREAS, the code of ethics has been used to express mere disagreement with various officials' decisions where no actual ethics violation exists, which undermines the purpose and intent of chapter 2.60 MICC; and

WHEREAS, various state laws sufficiently address ethics and conflict of interest laws for public officers and agencies including, but not limited to:

- Campaign disclosure and contribution (chapter 42.17A RCW), which prohibits, among other things, public officials from using their public office or agency facilities in campaigns;
- Misconduct of public officers (chapter 42.20 RCW), which prohibits, among other things, public officials from knowingly making false or misleading statements and misappropriating agency funds;
- Code of ethics for municipal officers – Contract interests (chapter 42.23 RCW), which prohibits public officials from using their positions to secure special privileges, receiving certain gifts, disclosing confidential information, and entering into contracts where they may receive a financial benefit;
- The doctrine of incompatible offices, which prohibits an individual from simultaneously holding two public offices that are “incompatible” with one another;
- The appearance of fairness doctrine, which requires government decision-makers to conduct quasi-judicial hearings and proceedings in a way that is fair and unbiased in both appearance and fact;
- The common law conflict of interest doctrine, which prevents municipal officers from adjudicating their own cause; and
- Article 11, section 8 and Article 30, section 1 of the Washington State Constitution, which prohibit mid-term or post-election pay increases for municipal officers who fix their own compensation.

WHEREAS, the City Council desires to repeal chapter 2.60 MICC for the time being and rely on state law to govern the conduct and ethics of its officials;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

**Section 1.** **Chapter 2.60 MICC, Code of Ethics, Repealed.** Chapter 2.60 MICC, Code of Ethics, is repealed.

**Section 2.** **Pending Complaints.** No further action shall be taken on any pending ethics complaint, unless it has been determined to be sufficient by the Ethics Officer before this ordinance becomes effective.

**Section 3.** **Severability.** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality does not affect the validity of any other section, sentence, clause or phrase of this ordinance.

**Section 4.** **Effective Date.** This ordinance shall take effect and be in force 5 days after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON AT ITS MEETING ON THE \_\_\_\_ DAY OF \_\_\_\_\_ AND SIGNED IN AUTHENTICATION OF ITS PASSAGE.

CITY OF MERCER ISLAND

\_\_\_\_\_  
Salim Nice, Mayor

Approved as to Form:

ATTEST:

\_\_\_\_\_  
Bio Park, City Attorney

\_\_\_\_\_  
Andrea Larson, City Clerk

Date of Publication: \_\_\_\_\_