



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5802
January 19, 2021
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 5802: Code of Ethics Amendments Discussion	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Direct the City Manager to Prepare Amendments to the Code of Ethics for Officials.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	City Manager
STAFF:	Jessi Bon, City Manager
COUNCIL LIAISON:	n/a
EXHIBITS:	n/a
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

SUMMARY

The City Council is considering further revisions to the [Mercer Island City Code \(MICC\) Section 2.60](#) related to the *Code of Ethics*. The purpose of this discussion is to confirm the scope of the code revisions and to direct the City Manager to prepare a draft ordinance for City Council review and consideration. The City Council also desires action be taken in completing “Code of Ethics” training for all Board and Commission members. Finally, the City Council desires all Board and Commission members to be immediately notified of their right under [MICC Section 2.60.060](#) to seek an informal opinion from the City Attorney concerning the applicability of the *Code of Ethics* to circumstances and/or situations related to them.

BACKGROUND

In 2018, the City Council adopted a 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. The code requires that:

1. Officials comply with the laws and policies affecting the operations of government;
2. Officials be independent, impartial and fair in their judgment and actions;
3. Public office be used for the public good, not for personal gain; and
4. Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

The code also approved a Code of Ethics Statement that Officials agree to sign upon taking office or being appointed. This statement was adopted by Resolution No. 1548 (see [AB 5495](#)) and may be updated by the City Council as needed.

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 any violations of the Code of Ethics. 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. The revisions were adopted on December 10, 2019 (see [AB 5643](#) | [Ordinance No. 19C-20](#)).

In early January 2021, the City Council requested an opportunity to discuss additional revisions to the Code of Ethics.

PROPOSED REVISION TO CODE OF ETHICS

The City Manager is seeking confirmation on the scope prior to commencing work on the revisions. Recommendations thus far include revising [MICC Section 2.60.040](#) related to the *Code of Ethics Statement* to ensure consistency between the signed statement and the entirety of MICC Chapter 2.60.

CODE OF ETHICS TRAINING

The City Council also requests the City Manager complete the Code of Ethics training for all Board and Commission members as soon as possible, but no later than April 2021.

This training was previously scheduled to occur in 2020 but was suspended due to the COVID-19 Pandemic. As such, most Boards and Commissions did not resume meeting until Fall 2020 and the training was not completed.

NOTIFICATION OF AVAILABILITY OF INFORMAL OPINIONS

[MICC Section 2.60.060](#) provides an official with the opportunity to seek an informal opinion from the City Attorney on the applicability of MICC 2.60.030, including Chapter 42.23 RCW, related to hypothetical circumstances. The City Council requests that the City Manager immediately notify the Board and Commission members of the availability of this resource and include this on the agenda for the next meeting of the Board or Commission.

NEXT STEPS

The City Manager will undertake the steps necessary to complete the code revisions and prepare an ordinance for City Council review and consideration no later than March 2021, sooner if possible.

The City Manager will undertake the additional actions as described previously and as approved by motion of the City Council.

RECOMMENDATION

1. Direct the City Manager to prepare an ordinance amending MICC 2.60 to include a revision of MICC 2.60.040 [and _____].
2. Direct the City Manager to provide code of ethics training to all Board and Commissioners as soon as possible, but no later than April 2021.
3. Direct the City Manager to send an email notification within seven days to all Board and Commission members regarding the availability of informal opinions from the City Attorney related to hypothetical circumstances per MICC 2.60.060 and to include this as an item on the next meeting agenda of each board or commission.