

ORDINANCE O-4513

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 3.82 OF THE KIRKLAND MUNICIPAL CODE ENTITLED "EMPLOYEE CODE OF ETHICS," AMENDING SECTION 3.82.020, "DEFINITIONS;" AMENDING SECTION 3.82.030, "CONFLICT OF INTEREST;" AND ADDING A NEW SECTION 3.82.050, "VIOLATION - PENALTY."

1 The City Council of the City of Kirkland do ordain as follows:
2

3 Section 1. Kirkland Municipal Code Section 3.82.020 is
4 amended as follows:
5

6 **3.82.020 Definitions.**

7 Definitions, as used in this chapter, unless additional meaning clearly
8 appears from the content, shall have the meaning subscribed:
9

10 (1) "Employee" means any person holding a regularly
11 compensated position of employment with the city, but does not include
12 members of the city council and persons who serve without
13 compensation on city boards and commissions.

14 (2) "Relative" means spouse or domestic partner, child, step-child,
15 parent, step-parent, parent-in-law, grandparent, grandchild, sibling,
16 aunt, uncle, niece, nephew, son- or daughter-in-law, brother- or sister-
17 in-law.

18 (2) "Interest" means any direct or indirect monetary or material
19 benefit accruing to a city employee as a result of a contract or
20 transaction which is or may be the subject of an official act or action by
21 or with the city, except for such contracts or transactions which confer
22 similar benefits to all other persons and/or to property similarly situated.
23 For the purpose of this chapter an employee shall have an interest in
24 the affairs of:

25 (A) Any person of the employee's family or any person with whom
26 the employee has a close or ongoing business or social relationship;

27 (B) Any business entity in which the city employee is an officer,
28 director or employee;

29 (C) Any business entity in which the stock, or legal or beneficial
30 ownership, in excess of five percent of the total stock, legal or beneficial
31 ownership, is controlled or owned directly or indirectly by the employee;

32 (D) Any person or business entity with whom a contractual
33 relationship exists with the employee, provided that a contractual
34 obligation of less than five hundred dollars, or a commercially
35 reasonable loan made in the ordinary course of business or a contract
36 for a commercial retail sale shall not create an interest in violation of
37 this chapter.
38

39 Section 2. Kirkland Municipal Code Section 3.82.040 is amended
40 as follows:
41

42 **3.82.040 Conflict of interest.**

43 No city employee shall engage in any act which is in conflict with, or
44 creates an appearance of conflict with, the performance of official
45 duties. An employee is deemed to have a conflict of interest if the
46 employee:

47 (1) Receives or has any financial interest in any sale to the city of any
48 service or property when such financial interest was received with prior
49 knowledge that the city intended to purchase such property or obtain
50 such service;

51 (2) Solicits, accepts or seeks anything of economic value as a gift,
52 gratuity, or favor from any person, firm or corporation involved in a
53 contract or transaction which is or may be the subject of official action
54 of the city; provided, that the prohibition against gifts or favors shall not
55 apply to:

56 (A) Attendance of an employee at a hosted meal when it is provided
57 in conjunction with a meeting directly related to the conduct of city
58 business or where official attendance by the employee as a staff
59 representative is appropriate.

60 (B) An award publicly presented in recognition of public service; or

61 (C) Any gift which would have been offered or given to the employee
62 if he or she were not a city employee;

63 (3) Participates in his or her capacity as a city employee in the making
64 of a contract in which he or she has a private ~~pecuniary~~financial interest,
65 direct or indirect, or performs in regard to such a contract some function
66 requiring the exercise of discretion on behalf of the city;

67 (4) Influences the city's selection of, or its conduct of business with,
68 a corporation, person or firm having business with the city if the
69 employee has financial interest in or with the corporation, person or
70 firm;

71 (5) Engages in, accepts private employment from or renders services
72 for private interest when such employment or service is incompatible
73 with the proper discharge of official duties or would tend to impair
74 independence of judgment or action in the performance of official
75 duties;

76 (6) Appears on behalf of a private person, other than his or herself or
77 an immediate family member or except as a witness under subpoena,
78 before any regulatory governmental agency or court of law in an action
79 or proceeding to which the city or a city officer in an official capacity is
80 a party, or accepts a retainer or compensation that is contingent upon
81 a specific action by the city;

82 (7) Discloses or uses, without legal authorization, confidential
83 information concerning the property or affairs of the city to advance a
84 private interest with respect to any contract or transaction which is or
85 may be the subject of official action of the city;

86 (8) Has a financial or personal interest in any legislation coming
87 before the city council, participates in discussion with or gives an official
88 opinion to the city council, unless the employee discloses on the record
89 of the council, the nature and extent of such interest;

90 (9) ~~Holds, directly or indirectly, for purposes of personal financial gain,~~
 91 ~~investment or speculation, any interest in real property situated within~~
 92 ~~the city, if such employee i~~In the course of his or her official duties
 93 performs any function requiring the exercise of discretion and
 94 administrative authority on behalf of the city in regard to the regulation
 95 of land use or development; of real property located within the city limits
 96 in which the employee or a relative has any financial interest provided,
 97 that this prohibition shall not apply to:
 98 (A) ~~Real property devoted to the personal use or residence of the~~
 99 ~~employee or member of the employee's immediate family; or~~
 100 (B) ~~Any other interest in real property held by the employee on the~~
 101 ~~date of enactment of this chapter.~~

102
 103 Section 3. A new section, Kirkland Municipal Code 3.82.050,
 104 is added as follows:

105
 106 **3.82.050 Violation – Penalty.**
 107 Any city employee violating the provisions of this chapter shall be
 108 subject to discipline up to and including termination.

109
 110 Section 4. This ordinance shall be in force and effect five days from and
 111 after its passage by the Kirkland City Council and publication pursuant
 112 to Section 1.08.017, Kirkland Municipal Code in the summary form
 113 attached to the original of this ordinance and by this reference approved
 114 by the City Council.

115
 116 Passed by majority vote of the Kirkland City Council in open
 117 meeting this 15th day of March, 2016.

118
 119 Signed in authentication thereof this 15th day of March, 2016.


 MAYOR

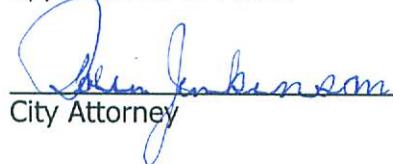
Attest:



 City Clerk

Publication Date: March 21, 2016

Approved as to Form:



 City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4513

AN ORDINANCE OF THE CITY OF KIRKLAND AMENDING CHAPTER 3.82 OF THE KIRKLAND MUNICIPAL CODE ENTITLED "EMPLOYEE CODE OF ETHICS," AMENDING SECTION 3.82.020, "DEFINITIONS;" AMENDING SECTION 3.82.030, "CONFLICT OF INTEREST;" AND ADDING A NEW SECTION 3.82.050, "VIOLATION - PENALTY."

SECTION 1. Amends Kirkland Municipal Code ("KMC") Section 3.82.020 deleting the definition of "Interest" and adding the definition of "Relative."

SECTION 2. Amends KMC Section 3.82.040 relating to conflict of interest.

SECTION 3. Adds a new KMC Section 3.82.050 setting forth the penalty for violating KMC Chapter 3.82.

SECTION 4. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 15th day of March, 2016.

I certify that the foregoing is a summary of Ordinance O-4513 approved by the Kirkland City Council for summary publication.

Cheri Aldred

Acting City Clerk