

ORDINANCE 3892

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO EMPLOYEE WITNESS FEES FOR DEPOSITION AND TRIAL TESTIMONY AND ADDING A NEW SECTION 3.16.075 OF THE KIRKLAND MUNICIPAL CODE.

WHEREAS, City employees are frequently named as witnesses and subpoenaed to testify at depositions or trials in civil actions to which the City is not a party; and

WHEREAS, the testimony or information sought from City employees often consists of expert opinions instead of fact-based testimony; and

WHEREAS, deposition and trial testimony has a detrimental impact on an employee's ability to perform his or her job duties since the preparation and testimony occurs while the employee is on duty; and

WHEREAS, the City should be compensated when its employees are called to testify in civil cases to which the City is not a party on matters calling for expert opinions or knowledge;

NOW, THEREFORE, the City Council of the City of Kirkland do ordain as follows:

Section 1. A new section 3.16.075 of the Kirkland Municipal Code is hereby adopted to read as follows:

3.16.075 Fees for City employee testimony as expert witness.

No City employee shall be compelled to testify at a deposition or trial in a civil action to which the City or the employee are not a party except as provided for in this section. The City employee may testify if the employee was a witness to the facts or occurrences giving rise to the lawsuit. If the City employee is not a witness to the facts or occurrences giving rise to the lawsuit, then the party seeking to compel the City employee's testimony shall pay a fee for the time spent by the City employee preparing for, traveling to, attending and testifying at the deposition or trial. The amount of the fee shall be based on the hourly rate of the City employee's wage, plus all City costs and overhead associated with employing the City employee; provided that the amount of the fee shall be a minimum of \$200.00, which shall be paid to the City prior to any testimony on the part of the City employee. The City shall be reimbursed for any and all mileage for travel by the City employee at the rate of \$0.35 per mile. The City shall also be reimbursed for any reasonable expenses incurred as a result of the City employee's preparation or testimony.

Section 2. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

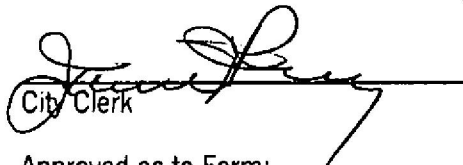
Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 20th day of May, 2003.

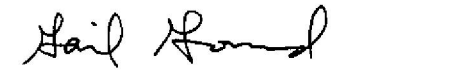
Signed in authentication thereof this 20th day of May, 2003.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney
ord\employee\witness