



## CITY OF KIRKLAND

City Manager's Office

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www.ci.kirkland.wa.us

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### MEMORANDUM

**To:** Kirkland City Council

**From:** Marilynne Beard, Interim City Manager  
Robin S. Jenkinson, City Attorney

**Date:** March 26, 2010

**Subject:** CODE OF ETHICS

#### **RECOMMENDATION:**

City Council identifies areas that it believes important to be addressed in a Code of Ethics or Code of Conduct and considers appointments to a citizen task force.

#### **BACKGROUND DISCUSSION:**

##### Code of Ethics Content

The City Council has started the process of developing a Councilmember Code of Ethics with the establishment of a Council subcommittee and a citizen task force. To provide the citizen task force with the Council members' perspective, the City Council is being asked to identify topics that it would like to see included in the Code of Ethics. The following are examples of topics covered in the ethics codes of other jurisdictions:

- Conflicts of interest
- Acceptance of gifts and favors
- Disclosure of confidential information
- Employment after public service
- Use of public office or property for personal gain
- Limitations on campaign activities
- Representation of private interests
- Council conduct with other public agencies
- Incompatible employment or activity
- Nepotism
- Individual Council members meeting with individuals or outside agencies

To assist the citizen task force, are there any areas above or other areas that the City Council would like to have addressed in a Code of Ethics?

### Code of Conduct Content

While the City Council has largely left it to the citizen task force to determine if a Code of Conduct will be developed, the citizen task force might also be assisted by understanding what areas are of interest to the Council in that regard. The following are examples of topics covered in the codes of conduct of other jurisdictions:

- Serve as a model of leadership and civility to the community
- Demonstrate honesty and integrity
- Practice professionalism and decorum in discussions and debate
- Avoid personal comments that could offend others
- Be punctual and keep comments relevant to topics discussed
- Treat all staff as professionals
- Be respectful of diverse opinions
- Listen attentively

To assist the citizen task force, are there any areas above or other areas that the City Council would like to have addressed in a Code of Conduct?

### Citizen Task Force

At the March 2 Council meeting, the City Council agreed to a recruitment and appointment process for a citizen task force. An announcement was made on the City's website and a press release was issued calling for letters of interest (see attached announcement). City Council members were also asked to solicit letters of interest from individuals they felt would fit the criteria for the task force. Letters of interest were originally due March 25, but the date was extended to March 29. A total of ten letters were received which were forwarded to the Council subcommittee for review. The Council subcommittee met on March 30 to develop a recommendation regarding appointments. The subcommittee recommends the following members for the Ethics Task Force:

Mary-Alyce Burleigh;  
Kathy Gilles;  
Carolyn Hayek;  
Toby Nixon; and  
Sharon Sherrard.

## **KIRKLAND CITY COUNCIL ETHICS COMMITTEE**

### **Letters of Interest due March 25, 2010**

The Kirkland City Council seeks volunteers to assist the Council in developing a code of ethics. Individuals will serve on an ad hoc committee of five to seven members for a period of approximately six months. The role of the committee is to develop a recommended code of ethics that will apply to the City Council and City boards and commissions.

The City Council is interested in appointing individuals who have experience and/or expertise in the fields of law, government, ethics, management or other relevant fields. The City Council will select committee members to achieve a diversity of perspectives and experience. The committee will receive staff support from the City Attorney's Office and the City Manager's Office as well as from outside experts as needed.

Individuals interested in serving should be able to meet up to twice monthly at a time and schedule to be determined based on the committee members' needs and preferences.

#### **IF YOU ARE INTERESTED IN SERVING ON THE ETHICS COMMITTEE, PLEASE PROVIDE A LETTER OF INTEREST THAT INCLUDES THE FOLLOWING INFORMATION:**

1. Name and Contact Information: Include home or business address, email address, telephone number (and alternate if available).
2. Describe why you are interested in serving on the Ethics Committee.
3. Describe any relevant experience, training or expertise that you have relative to the development and/or administration of a code of ethics and your familiarity with public sector organizations or non-profit entities and any other experience, affiliations or expertise relative to this committee's work.
4. Please indicate your availability for meetings and your preference for daytime, evenings and day of the week schedules.

Letters should be **submitted by 4:00 pm Friday, March 25 to:**

Kirkland City Council  
123 5<sup>th</sup> Avenue, Kirkland, Washington, 98033  
or send letters electronically to [KirklandCouncil@ci.kirkland.wa.us](mailto:KirklandCouncil@ci.kirkland.wa.us).  
Questions can be directed to Marilynne Beard, Assistant City Manager,  
[mbeard@ci.kirkland.wa.us](mailto:mbeard@ci.kirkland.wa.us) or (425) 587-3008.

**From:** Carolyn Hayek  
**Posted At:** Friday, March 19, 2010 4:03 PM  
**Posted To:** Kirkland Council  
**Conversation:** Letter of Interest RE Ethics Committee  
**Subject:** Letter of Interest RE Ethics Committee

Dear Council Members:

I am very pleased to know that you are taking steps toward adopting a Code of Ethics for city council members and those who serve on city boards and commissions. I would like to be considered for appointment to the committee that will develop the proposed code.

I have experience dealing with codes of ethics as an attorney and as a judge. I have also been involved with these issues with AAUW, my church, and a summer camp for which I was a board member and president. I recently helped to update the rules of the Kirkland Planning Commission, attempting to address some issues that had been raised by the public and other members.

My personal background is as follows:

Graduate of Mercer Island High School, Carleton College, and the University of Chicago Law School.

Nine years experience as a private practice attorney.

Thirteen years of experience as a full-time district court Judge in Federal Way.

Eight years and 3 months as a member of the Kirkland Planning Commission.

Resident of downtown Kirkland for 13 years.

Served 3 years on the board of Plaza on State Condominium, including two years as board president.

Self-employed part-time as a wedding officiant with an office in the Brooks Building on Market St. I've been at that office location since 2003.

I have served on many boards, committees and commissions over the years, especially for AAUW and church-related activities. I have often been tasked with bylaws responsibilities in these organizations and currently serve as the national Governance Committee Chair for AAUW. In that capacity I review the bylaws of 50 states and supervise the work of local volunteers who implement policy through over a thousand branches across the country. We are having ongoing discussion now about Codes of Conduct for our members and officers and how to deal with violations of adopted rules.

My husband is retired and my two kids are on their own – my son working for Citadel Investments in Chicago and my daughter working on a PhD in Biophysics at UC Berkeley. My time is flexible and I can be available for daytime or evening meetings, although week-ends are often busy with weddings and other commitments.

Carolyn Hayek

**From:** Kathy Gilles  
**Posted At:** Tuesday, March 23, 2010 1:06 PM  
**Posted To:** Kirkland Council  
**Conversation:** Ethics Committee & Code of Ethics  
**Subject:** Ethics Committee & Code of Ethics

I would like to apply to serve on the ad hoc committee you're establishing to develop a code of ethics for the City. I am a long term resident of Kirkland and have worked at Evergreen Hospital for the past 30 years. For the past ten years, I have served as Evergreen's Corporate Compliance and Privacy Officer and was responsible for developing our initial Code of Conduct, as well as a recent revision. As a management employee of a Public Hospital District, I am familiar with the unique requirements and regulations for non-profit and public entities. I am also extremely familiar with policy development and the need to research federal and state requirements to ensure compliance.

In addition to my role as Evergreen's Compliance Officer:

- I sit on Evergreen's Ethics Committee (which primarily deals with medical ethics issues).
- I developed and implemented our current processes for identifying and managing conflicts of interest.
- I was Evergreen's liaison for the State Performance Audit of Public Hospital Districts. This audit was performed over the course of a nearly two year period and examined administrative operations (especially productivity); communication with staff and the community; procurement; and construction practices in the state's three largest public hospital districts (Valley, Evergreen, and Stevens). Much of the audit focused on compliance with regulations, as well as hospital best practices.
- I am a former volunteer with the Kirkland Police Department on the Domestic Abuse Response Team (DART).

If chosen to serve on this committee, my availability is fairly flexible. I am available in the evening and can generally be available for daytime meetings with some advance notice. As Kirkland's largest employer, Evergreen is committed to working closely with the City and I know that my participation on this committee would be supported by my manager.

Thank you for your consideration of my application. Please feel free to contact me if you have any questions or would like additional information.

Kathy

Mary-Alyce Burleigh

Please consider my letter of interest to serve on the Kirkland City Council Ethics Committee. I am interested in serving because over the past 8 years that I served on the Kirkland City Council, it became apparent that in this more complex, contentious world, the city would be well served by writing and adopting a code of ethics that were clear and well understood by all involved in the affairs of the city. A code of ethics would provide the ground rules that would help result in a goal all of us share - civil discourse.

My service on the Kirkland City Council 2002-2009 has given me first-hand experience of the problems created by a lack of a code of ethics. Because of this, I bring a unique perspective and understanding of the issues, and thoughts on what such a code might include. I am known as a person who is collaborative, willing to listen to all sides, and works well in groups situations. Helping to create a code of ethics for our city would be yet another way that I could help enhance the quality of life in our city.

I am available during the day and most evenings except Wednesdays (Sept-May) and 1st and 2nd Tuesdays of the month.

Thank you for considering my letter of interest.

Regards,

Mary-Alyce Burleigh

March 23, 2010

Dear Kirkland City Council,

I would like to apply to serve on the Kirkland City Council Ethics Committee. I believe that it is important for the Council to have a code of ethics, so that our citizens can have confidence that their council is working only in the best interest of their constituents, without undue influence from special interest groups or other relationships, and without any benefit to the council members other than the intrinsic rewards of serving the city. Although I do not have any specific experience relative to the development or administration of a code of ethics, I am a "quick study". In addition, I am an active member of the leadership at Lake Washington United Methodist Church and the current chairperson for the Kirkland Interfaith Network, so I would bring the perspective of the faith community in Kirkland to the table.

I am a retired educator as well, so I will have some time and energy to devote to learning about this issue, and meeting with others who are similarly concerned. I am often available during the day, unless I am volunteering at a school, and many evenings, unless I have a meeting at church. I am unavailable for face-to-face meetings from mid-June through August, as I vacation in Idaho, but I do use email while I am away, and can be easily reached by phone for a conference call if needed. If I am selected for this committee, I will be happy to furnish you with a more complete schedule of my regular commitments which I would need to schedule around.

Thank you for your consideration,

Sharon Sherrard

**From:** Toby Nixon

**Posted At:** Thursday, March 25, 2010 12:58 AM

**Posted To:** Kirkland Council

**Conversation:** Interest in Code of Ethics ad hoc committee -- Toby Nixon

**Subject:** Interest in Code of Ethics ad hoc committee -- Toby Nixon

Dear Mayor McBride and members of the Kirkland City Council:

I am interested in serving on the ad hoc committee that will assist the Council in developing a code of ethics.

I firmly believe that every government employee must adhere to the highest ethical standards, including obeying the law, avoiding even the appearance of conflict of interest or corruption, always giving a full day's work for a day's pay, maintaining the public trust through honesty, transparency and accountability, never discriminating among citizens or dispensing special favors or privileges, refusing to seek or accept any gifts or favors for public service, respecting privacy and confidential information and never misusing information for illicit gain, and exposing any unethical behavior of others. The City of Kirkland should have a comprehensive ethics policy that is a model for municipalities throughout the state and nation, and an unshakeable commitment to it.

I served as ranking member of the State Government Operations and Accountability committee in the Washington State House of Representatives in 2005-2006. This committee had responsibility for oversight of many areas of law, including Washington's Public Disclosure Act (RCW 42.17), Public Records Act (RCW 42.56), Open Public Meetings Act (RCW 42.30), and Ethics in Public Service Act (RCW 42.52), in addition to laws controlling local and state purchasing and contracting. I studied these laws carefully, considered many proposed improvements and amendments, and became very familiar with them during this period of service.

I serve as president of Washington Coalition for Open Government, a statewide non-profit organization dedicated to promotion of government transparency and accountability. During my term as president, WCOG developed an ethics policy for our board of directors. I serve and have served on the boards of directors of more than a dozen other non-profit community and industry organizations and can provide details if needed (many are included in my online biography on [www.tobynixon.com](http://www.tobynixon.com)).

I work as senior standards program manager in the Windows Planning and Partner Engagement Group at Microsoft, where I have been employed over 17 years. I have responsibility for advising managers throughout the Windows organization on strategy related to participation in development of technical standards, and manage the processes by which the Windows group makes standards-related decisions. I have personally been active in the collaborative development of technical standards for over 25 years, including serving as committee chair or as a board member or officer in several national and international standards development organizations. I have extensive experience working with people from around the world with diverse backgrounds and interests to achieve common goals.

The nature of my work at Microsoft does provide schedule flexibility; given enough notice, I can adapt to almost any schedule the code of ethics committee might adopt. I do travel on company business about one week out of every two months. My mornings tend to be fairly busy with conference calls for committees that have members in Europe and Asia. Evenings are mostly available, although I do like to attend as many city council meetings as possible, and I have occasional meetings of various boards and organizations (e.g. 4th Mondays and 4th Thursdays have recurring meetings).

My wife Irene, our five children (ages 17 through 25) and I have lived in the Kingsgate area of Kirkland since 1993.

Thank you very much for your consideration.

Best regards,

Toby Nixon