CITY OF KIRKLAND
Department of Public Works
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800
www.kirklandwa.gov

MEMORANDUM

To: Transportation Commissioners

From: Joel Pfund, Transportation Manager

Date: 10/16/2017

Subject: REQUIRED COMMISSIONER TRAINING

RECOMMENDATION**:**

That the Transportation Commission review and complete the required training for Boards and Commissions prior to the October 25, 2017, Transportation Commission meeting.

BACKGROUND DISCUSSION:

All Boards and Commission members are required to view the State Attorney General's open government and public records training. This training consists of watching the videos available publicly via a weblink as indicated below. Also for your reference, a step-by-step open government training document is attached that contains instructions on how to find the trainings on the Attorney General's website should you have any difficulty with the links below.

Open Public Meetings Act Video – 16 minutes
https://www.youtube.com/watch?v=n3B7_Xm3I8c

Public Records Act Training Video – 22 minutes
https://www.youtube.com/watch?v=38k1XPpT9Po

In addition to this training provided by the Attorney General, the City of Kirkland requires a Code of Ethics training and verification that Board and Commission members have read both the Code of Ethics and Code of Conduct. Both the Code of Ethics and Code of Conduct are attached and the video training link is listed below.

http://kirkland.granicus.com/MediaPlayer.php?view_id=23&clip_id=2656

At the October Transportation Commission meeting, Transportation Commissioners will complete all verification paperwork.

Attachment A Attorney General "How To" Reference
Attachment B City of Kirkland Code of Ethics
Attachment C City of Kirkland Code of Conduct

Attachment A

HOW TO TAKE ONLINE OPEN GOVERNMENT TRAINING THROUGH THE WASHINGTON STATE ATTORNEY GENERAL'S OFFICE WEB PAGE

STEPS

1. Click here to access the "**Washington State Attorney General's Office Open Government Training Web Page**."
2. Scroll down to the "Open Government Training Curriculum."
3. Select the training lesson(s) you need to take. In sum, effective July 1, 2014, within 90 days of appointment/taking office and at intervals of no more than 4 years thereafter:

   - Members of multimember **governing bodies** need to take open public meetings training. (Lesson 3). The members who are **elected** local or statewide officials must also take records training. (Lessons 2 and 4).
   - Other **elected local and elected statewide officials** must take records training. (Lessons 2 and 4).
   - **Records officers** must take records training. (Lessons 2 and 4).
   - Although not required, **other public officials and public employees** can take the trainings as well. For example, incumbents in their office/position as of July 1, 2014 are strongly recommended to take the training in 2014 relevant to their position, as described above.

   See RCW 42.30.205, RCW 42.56.150, and RCW 42.56.152; and Q & A.

4. View the online training lesson(s).
5. When you are done, it is recommended you document the training you received.

More details are below.

► If you need **open meetings training** (see RCW 42.30.205)**:**

Watch the **Open Public Meetings Act** (RCW 42.30) **video*** (16 minutes) **or** review the **PowerPoint**. They are in **Lesson 3**. Lesson 3 is for state and local agencies.

► If you need **records training** (see RCW 42.56.150 and RCW 42.56.152)**:**

Watch the **Public Records Act** (RCW 42.56) **video*** (22 minutes) **or** review the **PowerPoint**. They are in **Lesson 2**. Lesson 2 is for state and local agencies.

+ and

Review the **Records Retention and Management** (RCW 40.14) online tutorial for your position linked in **Lesson 4**. Those tutorials are provided by the State Archives. You can also go directly to those tutorials here:

Local Agencies

- If you are a **local official**, click here to review the online tutorial.
- If you are a **local employee**, click here to review the online tutorial.

State Agencies

- If you are a **state official**, click here to review the online tutorial.
- If you are a **state employee**, click here to review the online tutorial.

► Last step: If you want to **document the training** (recommended)**:**

- You can use the sample certificate under "**Last Step**" at the bottom of the AGO Open Government Training Web Page.
- **Or,** your agency may have other methods to document training.

If you want more information on the topics covered in these lessons, see the "Other Resources" and other materials linked on the Open Government Training Web Page.

** Note: The videos are accessible through YouTube. State employees are also able to view the videos through the Washington State Department of Enterprise Services online Learning Management System.*

ORDINANCE O-4348

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE ESTABLISHMENT OF A NEW CHAPTER 3.14 IN THE KIRKLAND MUNICIPAL CODE, CODE OF ETHICS.

WHEREAS, the citizens and business of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence for integrity; and

WHEREAS, adopting a Code of Ethics for members of the City Council and the City's boards and commissions will promote public confidence in the integrity of local government and fair operation; and

WHEREAS, the Code of Ethics will provide the basis for education and training for City officials both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed;

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

Section 1. The Code of Ethics is established as Chapter 3.14 of the Kirkland Municipal Code as set forth in the attached Exhibit "A."

Section 2. If any section, subsection, sentence, clause, phrase, part or portion of this ordinance is for any reason held to be invalid or unconstitutional by any court of of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 7th day of February, 2012.

Signed in authentication thereof this 7th day of February, 2012.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

EXHIBIT A

Chapter 3.14

CODE OF ETHICS

3.14.010 - POLICY

(a) *Purpose.* The Kirkland City Council has adopted a Code of Ethics for members of the City Council and the City's boards and commissions to promote public confidence in the integrity of local government and its fair operation. This Code of Ethics will provide the basis for education and training for city officials, both elected and appointed, to ensure that the highest standards and best practices with regard to ethics will be followed.

(b) *Intent.* The citizens and businesses of Kirkland are entitled to have fair, ethical and accountable local government that has earned the public's full confidence. In keeping with the City of Kirkland's commitment to excellence, the effective functioning of democratic government therefore requires that:

(1) public officials, both elected and appointed, comply with the laws and policies affecting the operations of government;

(2) public 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.

3.14.020 - DEFINITIONS

(a) **"Official"** means a member of the City Council or a member of Council-appointed City boards and commissions and other Council-appointed task groups or committees, including youth members.

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

3.14.030 - PROHIBITED CONDUCT

(a) *Conflicts of Interest.* In order to ensure their independence and impartiality on behalf of the common good, Officials shall not participate in government decisions in which any of the following has a financial interest: (i) the Official, (ii) a Relative, (iii) an individual with whom the Official resides, or (iv) an entity that the Official serves as an officer, director, trustee, partner or employee. Officials shall abstain from participating in deliberations and decision-making where conflicts exist. This section shall not apply (i) to decisions regarding taxes or fees, (ii) if the financial interest is shared with more than ten percent of the City's population, or (iii) if the financial interest exists solely because of the Official's ownership of less than one percent of the outstanding shares of a publicly traded corporation.

(b) *Appearance of Conflict.* If it could appear to a reasonable person, having knowledge of the relevant circumstances, that the Official's judgment is impaired because of either (1) a personal or business relationship not covered under the foregoing paragraph, or (2) a transaction or activity engaged in by the Official, the Official shall make a public, written

disclosure of the facts giving rise to the appearance of a conflict before participating in the matter.

(c) *Misuse of Public Position or Resources.* Except for infrequent use at little or no cost to the City, Officials shall not use public resources that are not available to the public in general, such as City staff time, equipment, supplies or facilities, for other than a City purpose.

(d) *Representation of Third Parties.* Except in the course of official duties, Officials shall not appear on behalf of the financial interests of third parties before the bodies on which the Officials serve or in interaction with assigned staff. However, the members of the City Council shall not appear on behalf of the financial interest of third parties before the Council or any board, commission or proceeding of the City, or in interaction with staff.

(e) *Solicitations of Charitable Contributions.* No Official may make direct personal solicitations for charitable contributions from City employees.

(f) *Gifts and Favors.* Officials shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, which are not available to the public in general. They may not solicit or receive any thing of monetary value from any person or entity where the thing of monetary value has been solicited, or received or given or, to a reasonable person, would appear to have been solicited, received or given with intent to give or obtain special consideration or influence as to any action by the Official in his or her official capacity; provided, that nothing shall prohibit campaign contributions which are solicited or received and reported in accordance with applicable law. They shall not accept or solicit any gifts, favors or promises of future benefits except as allowed by Kirkland Municipal Code 3.80.140.

(g) *Confidential information.* Officials shall not disclose or use any confidential information gained by reason of their official position for other than a City purpose. "Confidential Information" means (i) specific information, rather than generalized knowledge, that is not available to a person who files a public records request, and (ii) information made confidential by law.

3.14.040 – FINANCIAL DISCLOSURE STATEMENTS

All Officials, except members of the City Council, shall file a City of Kirkland Disclosure Statement annually. In accordance with Chapter 42.17 RCW, members of the Kirkland City Council shall disclose investments, interests in real property, sources of income, and creditors through the filing of a Public Disclosure Commission Form F-1, "Personal Financial Affairs Statement." Members of boards and commissions shall be advised, as part of the application process, that they will be required to file the applicable City of Kirkland Disclosure Statement within ten days of appointment.

3.14.050 – ETHICAL STANDARDS

In addition to Section 3.14.030 of the Code of Ethics, which shall be administered by the Ethics Officer, Officials are also encouraged to comply with the following standards:

(1) *Compliance with other laws.* Officials shall comply with Federal, State and City laws in the performance of their public duties. These laws include, but are not limited to: the United States and Washington constitutions; laws pertaining to conflicts of interest, election campaigns, financial disclosures and open processes of government; and City ordinances and policies. *See* Appendix A. As required by RCW 42.17.750, no Official shall knowingly solicit or encourage, directly or indirectly, any political contribution from any City employee. Except under limited circumstances described in RCW 42.17.130, no Official may use or authorize the use of the facilities of the City for the purpose of assisting a campaign for the election of any

person to any office, or for the promotion of or opposition to any ballot proposition in a manner not available to the general public on the same terms.

(2) *Personal integrity.* The professional and personal conduct of Officials must be above reproach and avoid even the appearance of impropriety. Officials shall refrain from abusive conduct, threats of official action, personal accusations or verbal attacks upon the character or motives of other members of Council, boards and commissions, the staff or public. Officials shall maintain truthfulness and honesty and not compromise themselves for advancement, honor, or personal gain. Additionally, Officials shall not directly or indirectly induce, encourage or aid anyone to violate the Code of Ethics and it is incumbent upon Officials to make a good faith effort to address apparent violations of this Code of Ethics.

(3) *Working for the Common Good.* Recognizing that stewardship of the public interest must be their primary concern, Officials will work for the common good of the people of Kirkland and not for any private or personal interest, and they will ensure fair and equal treatment of all persons, claims and transactions coming before the City Council, boards and commissions. Officials need to be mindful that making special requests of staff – even when the response does not benefit the Official personally, puts staff in an awkward position.

(4) *Respect for Process.* Officials shall perform their duties in accordance with the processes and rules of order established by the City Council and board and commissions governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the City Council by City staff.

(5) *Commitment to Transparency.* Transparency, openness, and accountability are fundamental values of the City – and are also required by the laws of the state of Washington. The public has a right to inspect and copy public records unless exempt by law from disclosure. All materials relating to the conduct of City government that are prepared, possessed, used or retained by any Official, including email and other electronic records, are subject to requirements for retention, protection, and disclosure. Officials may assume that all copies of materials received from City staff have already been archived and do not need to be retained. Officials shall not discard, damage, or destroy the original copy of any public record unless directed by the City Public Records Officer (the City Clerk), who has responsibility to ensure that the City complies with the record retention schedules established under Chapter 40.14 RCW. Officials shall promptly provide any records requested by the Public Records Officer in response to a disclosure request under the Public Records Act, Chapter 42.56 RCW. It is the responsibility for the Public Records Officer, together with the City Attorney, to decide which records meet the definition of "public record" and whether or not they are exempt from disclosure; Officials must not take it upon themselves to decide whether a record meets the definition of a public record, that a record is exempt from disclosure, or to otherwise conceal a record.

(6) *Conduct of Public Meetings.* Officials shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

(7) *Decisions Based on Merit.* Officials shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

(8) *Ex parte Communications.* In quasi-judicial matters, Officials shall publicly disclose substantive information that is relevant to a matter under consideration by the Council or boards and commissions, which they may have received from sources outside of the public decision-making process.

(9) *Attendance.* As provided in RCW 35A.12.060, a Council Member shall forfeit his or her office by failing to attend three consecutive regular meetings of the Council without being excused by the Council. Unless excused, members of boards and commissions are expected to attend all meetings.

(10) *Nepotism.* The City Council will not appoint Relatives of City Council Members to boards or commissions or other appointed positions.

(11) *Advocacy.* When acting in an official capacity as a City Official representing the City, Officials shall represent the official policies or positions of the City Council, board or commission to the best of their ability when the City Council, board or commission has taken a position or given an instruction. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of Kirkland, nor will they allow the inference that they do. Officials have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to make or display endorsements during Council meetings, board/commission meetings, or other official City meetings. However, this does not preclude Officials from participating in ceremonial occasions, community events, or other events sponsored by civic groups.

(12) Policy Role of Officials. Officials shall respect and adhere to the council-manager structure of Kirkland City government as outlined by Chapter 35A.13 RCW. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards and commissions, and City staff. Except as provided by State law, Officials shall not interfere with the administrative functions of the City or the professional duties of City staff; nor shall they impair the ability of staff to implement Council policy decisions.

APPENDIX A

Ch. 9A.72 RCW	Perjury and interference with official proceedings
RCW 35A.12.060	Vacancy for nonattendance
Ch. 35A. 13 RCW	Council-manager plan of government
RCW 35A.13.020	Incompatible offices
Ch. 40.14 RCW	Preservation and destruction of public records
RCW 42.17.130	Use of public office or agency facilities in campaigns – prohibition - exceptions
RCW 42.17.750	Solicitation of contributions by public officials or employees
Ch. 42.23 RCW	Code of ethics for municipal officers – contract interests
Ch. 42.36 RCW	Appearance of fairness doctrine - limitations
Ch. 42.56 RCW	Public records act
KMC 3.80.140	Kirkland code on acceptance of gifts
Ch. 3.12 KMC	Limitations on campaign contribution

3.14.060 – ETHICS OFFICER

(a) The City Council creates the position of Ethics Officer. The City Manager will contract with one or more agencies to fill this position. The Ethics Officer will provide for annual review of the Code of Ethics, review of training materials provided for education regarding the Code of Ethics, and advisory opinions concerning the Code of Ethics. The Ethics Officer shall also be responsible for the prompt and fair enforcement of its provisions when necessary.

(b) The Ethics Officer, in addition to other duties, may recommend changes or additions to this Code of Ethics to the City Council. The Ethics Officer shall provide input into and review the training materials and program developed for this Code of Ethics.

3.14.070 – ADVISORY OPINIONS

(a) Upon request of any Official, the Ethics Officer shall render written advisory opinions concerning the applicability of Sections3.14.030 and 3.14.040 of this Code to hypothetical circumstances and/or situations solely related to the persons making the request. The Ethics Officer will not render opinions on matters that are the purview of other government agencies or officials, e.g., the Public Disclosure Commission, the City Public Records Officer, etc.

(b) Upon request of any Official, the Ethics Officer may also render written advisory opinions concerning the applicability of the Code of Ethics to hypothetical circumstances and/or situations related to a matter of city-wide interest or policy.

(c) The Ethics Officer will endeavor to respond to requests for advisory opinions within forty-five (45) days of submission of the request, or more rapidly if the requester expresses urgency in the request.

(d) A person's conduct based in reasonable reliance on an advisory opinion rendered by the Ethics Officer shall not be found to violate this Code of Ethics, as long as all material facts have been fully, completely, accurately presented in a written request for an advisory opinion, the Ethic's Office issues an advisory opinion that the described conduct would not violate the Code of Ethics, and the person's conduct is consistent with the advisory opinion. The Ethics Officer reserves the right to reconsider the questions and issues raised in an advisory opinion and, where the public interest requires, rescind, modify, or terminate the opinion, but a modified or terminated advisory opinion will not form the basis of a retroactive enforcement action against the original requestor. Advisory opinions will contain severability clauses indicating that should portions of the opinion be found to be unenforceable or not within the Ethics Officer's authority, the remainder of the opinion shall remain intact.

3.14.080 – COMPLAINTS, INVESTIGATIONS, HEARINGS AND ENFORCEMENT

The Ethics Officer shall resolve inadvertent and minor violations of the Code of Ethics informally and may resolve inadvertent or minor violations informally, unless the Ethics Officer determines that doing so would not serve the public interest. When a violation is neither inadvertent nor minor, the Ethics Officer may initiate an action in accordance with this section.

(1) COMPLAINT PROCESS

(A) *Complaint Requirements – Service.* Any person may submit a written complaint to the Ethics Officer alleging one or more violations of this Code of Ethics by an Official. The complaint must set forth specific facts with enough precision and detail for the Ethics Officer to make a determination of sufficiency. It must be signed under penalty of perjury by the person(s) submitting it in a manner consistent with Chapter 9A.72 RCW.

(B) *Finding of Sufficiency.* The Ethics Officer shall make a determination of sufficiency within thirty (30) days of receipt of the written complaint. A complaint shall be sufficient if the allegations, if established, would violate Section3.14.030 or 3.14.040 of this Code. The Ethics Officer's determination is not reviewable. If the finding is one of sufficiency of the complaint, then the Ethics Officer shall investigate the complaint as set forth below.

(C) *Dismissal.* The Ethics Officer shall dismiss the complaint if the Ethics Officer determines that the violation was inadvertent and minor; or a violation occurred, but appropriate actions have been taken to fully address the allegedly unethical conduct.

(D) *Notice.* Notice of action by the Ethics Officer shall be provided as follows:

1. Notice of a finding of insufficiency or dismissal of a complaint by the Ethics Officer shall be sent to the person who made the complaint and the person complained against within seven (7) days of the decision by the Ethics Officer. A finding of insufficiency or dismissal of a

complaint by the Ethics Officer is final and binding, and no administrative or other legal appeal is available through the Ethics Officer.

2. Within seven (7) days of the Ethics Officer rendering a finding of sufficiency, the City Clerk shall send notice to the person who made the complaint and the person complained against, of the Ethics Officer's determination. If, after investigation, the Ethics Officer has reason to believe that a material violation of Section 3.14.030 or 3.14.040 has occurred, the City Clerk shall give notice of the public hearing which will be held to determine if a violation has occurred. Notice shall be provided at least thirty (30) days prior to the date set for the hearing. The person complained against shall have the right to file a written answer to the charge and to appear at the hearing with or without legal counsel, submit testimony, be fully heard, and to examine and cross examine witnesses.

(E) *Stipulations.* At any time after a complaint has been filed with the Ethics Officer, the Ethics Officer may seek and make recommendations that the City Council enter into a stipulation with the person complained against. The recommended stipulation will include the nature of the complaint, relevant facts, the reasons the Ethics Officer thinks a stipulation is appropriate, an admission of the violation by the person complained against, a promise by the person complained against not to repeat the violation, and if appropriate, a recommended remedy or penalty. The recommended stipulation shall be sent to the person who made the complaint and the person complained against and forwarded to the City Council for action.

(2) CONDUCT OF HEARINGS

(A) All hearings on complaints found to be sufficient by the Ethics Officer shall be conducted by the Hearing Examiner. The hearing shall be informal, meaning that the Hearing Examiner shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The Hearing Examiner may call witnesses on his or her own motion and compel the production of books, records, papers, or other evidence as needed. To that end, the Hearing Examiner shall issue subpoenas and subpoenas duces tecum. All testimony shall be under oath administered by the Hearing Examiner. The Hearing Examiner may adjourn the hearing from time to time to allow for the orderly presentation of evidence. The Hearing Examiner shall prepare an official record of the hearing, including all testimony, which shall be recorded by mechanical device, and exhibits; provided that the Hearing Examiner shall not be required to transcribe such records unless presented with a request accompanied by payment of the cost of transcription.

(B) Within thirty (30) days after the conclusion of the hearing, the Hearing Examiner shall, based upon a preponderance of the evidence, make and fully record in his or her permanent records, findings of fact, conclusions of law, and his or her recommended disposition. A copy of the findings, conclusions, and recommended disposition shall be sent to the person who made the complaint and to the person complained. Additional copies of the findings, conclusions, and recommendations shall be forwarded to the Ethics Officer and City Council.

(3) CITY COUNCIL ACTION

Final City Council action to decide upon stipulations and recommendations from the Ethics Officer and findings, conclusions, and recommendations from the Hearing Examiner shall be by majority vote in a public meeting. If the proceeding involves a member of the City Council, deliberations by the Council may be in executive session. The member of the Council against whom the complaint was made, will not participate in any executive session and shall not vote on any matter involving him or herself. However, upon request of the member of the Council against whom the complaint was made, a public hearing or public meeting before the Council will be held on the issue of penalties.

(4) DISPOSITION

In the event the Hearing Examiner finds that the person against whom the complaint was made has violated the Code of Ethics, then the City Council may take any of the following actions by a majority vote of the Council. The action of the City Council shall be final and not subject to further review or appeal except as may be otherwise provided by law or as provided in Subsection 5 below.

(A) *Dismissal.* Dismissal of the complaint without penalties.

(B) *Referral.* A complaint may be referred to another agency with jurisdiction over the violation, such as the Public Disclosure Commission. Final action on the complaint may be stayed pending resolution of the matter by the agency to which it was referred.

(C) *Admonition.* An admonition shall be an oral non-public statement made by the Mayor, or his/her designee, or if the complaint is against the Mayor, the Deputy Mayor or his/her designee to the Official.

(D) *Reprimand.* A reprimand shall be administered to the Official by a resolution of reprimand by the City Council. The resolution shall be prepared by the City Council and shall be signed by the Mayor or, if the complaint is against the Mayor, the Deputy Mayor.

(E) *Censure.* A resolution of censure shall be a resolution read personally to the person in public. The resolution shall be prepared by the City Council and shall be signed by the Mayor or if the complaint is against the Mayor, the Deputy Mayor. The person shall appear at a City Council meeting at a time and place directed by the City Council to receive the resolution of censure. Notice shall be given at least twenty (20) calendar days before the scheduled appearance at which time a copy of the proposed resolution of censure shall be provided to the person. The resolution of censure shall be read publicly, and the person shall not make any statement in support of, or in opposition thereto, or in mitigation thereof. The resolution of censure shall be read at the time it is scheduled whether or not the Official appears as required.

(F) *Removal.* Member of Board or Commission or Other Appointed Task Group or Committee. In the event the individual against whom the complaint was made is currently a member of a City board or commission or other task group or committee, appointed by the City Council, the City Council may, in addition to other possible penalties set forth in this section, and notwithstanding any other provision of the Kirkland Municipal Code, by a majority vote remove the individual from such board or commission effective immediately.

(G) *Civil Penalties.* The City Council may assess a civil penalty of up to One Thousand Dollar ($1,000.00) or three (3) times the economic value of anything received in violation of this Code of Ethics or three times (3) the economic value of any loss to the City, whichever is greater. Any monetary penalty assessed civilly shall be placed in the City's general fund.

(H) *Contract void.* As provided by RCW 42.23.050, any contract made in violation of Chapter 42.23 RCW, "Code of ethics for municipal officers – contract interests," is void.

(I) *Other penalties.* The City Council may impose a restriction, loss of a committee assignment, or loss of appointment as a representative of the City for any regional or multi-jurisdictional body or membership on any board or commission which requires an appointment or confirmation of an appointment by the City Council.

(5) REVIEW OF CIVIL PENALTIES

If the City Council orders an Official to pay a civil penalty, the Official may seek a writ of review from the superior court pursuant to Ch. 7.16 RCW, within thirty (30) days of the City Council's order.

(6) PROTECTION AGAINST RETALIATION

Neither the City nor any Official may take or threaten to take, directly or indirectly, official or personal action, including but not limited to discharge, discipline, personal attack, harassment,

intimidation, or change in job, salary, or responsibilities, against any person because that person files a complaint with the Ethics Officer.

(7) PUBLIC RECORDS

Records filed with the Ethics Officer become public records that may be subject to inspection and copying by members of the public, unless an exemption in law exists. To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.56.230(2), identity information may be redacted when an unsubstantiated complaint is made available in response to a public records request; however, in each case, the justification for the redaction shall be explained fully in writing. A finding by the Ethics Officer determining that a complaint is sufficient shall contain at the beginning the following specific language:

> NOTICE: ANY PORTION OF THIS FINDING DETERMINING SUFFICIENCY OF ANY PORTION OF A COMPLAINT DOES NOT DETERMINE THE TRUTH OR FALSITY OF THE ALLEGATIONS CONTAINED IN THE COMPLAINT FILED WITH THE ETHICS OFFICER. THE ETHICS OFFICER HAS ONLY DETERMINED THAT IF CERTAIN FACTS CONTAINED IN THE COMPLAINT ARE FOUND TO BE TRUE DURING A LATER HEARING TO BE CONDUCTED BY THE HEARING EXAMINER, THEN VIOLATION(S) OF THE CODE OF ETHICS MAY BE FOUND TO HAVE OCCURRED.

The City shall release copies of any written reports resulting from an investigation of a sustained complaint, any Hearing Examiner orders, and any written censures or reprimands issued by the City Council, in response to public records requests consistent with Chapter 42.56 RCW and any other applicable public disclosure laws.

(8) LIBERAL CONSTRUCTION – LIMITATION PERIOD – EFFECTIVE DATE

(A) This Code of Ethics shall be liberally construed to effectuate its purpose and policy and to supplement existing laws that relate to the same subject.

(B) Any action taken under this Code of Ethics must be commenced within three years from the date of violation.

(C) This Code of Ethics shall take effect February 18, 2012.

RESOLUTION R-4889

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KIRKLAND ADOPTING A CODE OF CONDUCT.

WHEREAS, the holding of public office and positions on City Boards and Commissions is a public trust, and

WHEREAS, the Kirkland City Council desires to ensure the public's confidence in its elected and appointed representatives;

NOW, THEREFORE, be it resolved by the City Council of the City of Kirkland as follows:

Section 1. The Code of Conduct attached as Exhibit A is adopted.

Passed by unanimous vote of the Kirkland City Council in open meeting this 6th day of September, 2011.

Signed in authentication thereof this 6th day of September, 2011.

MAYOR

Attest:

City Clerk

CITY OF KIRKLAND
CODE OF CONDUCT FOR CITY COUNCIL AND BOARDS AND COMMISSIONS

The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics and applies to the City Council and all members of City advisory boards and commissions. The Code of Conduct describes how Kirkland officials treat each other and work together for the common good of the community. Conducting the City's business in an atmosphere of respect and civility is the underlying theme in this code. City Officials are responsible for holding themselves and each other accountable for displaying actions and behaviors that consistently model the ideals expressed in the code.

Implicit in the Code of Conduct is recognition of the worth of individual members and an appreciation for their individual talents, perspectives and contributions. The Code will ensure an atmosphere where individual members, staff and the public are free to express their ideas and work to their full potential.

As a City Official of the City of Kirkland, I agree to these principles of conduct:

We consistently demonstrate the principles of professionalism, respect and civility in working for the greater good of Kirkland.

We assure fair and equal treatment of all people.

We conduct ourselves both personally and professionally in a manner that is above reproach.

We refrain from abusive conduct, personal charges or verbal attacks on the character or motives of Council members, commissioners, staff and the public.

We take care to avoid personal comments that could offend others.

We show no tolerance for intimidating behaviors.

We listen courteously and attentively to all public discussions and treat all people the way we wish to be treated.

We serve as a model of leadership and civility to the community.

Our actions inspire public confidence in Kirkland government.

Keeping in mind the common good as the highest purpose, we will focus on holding efficient meetings that achieve constructive solutions for the public benefit.

We work as a team t solve problems and render decisions that are based on the merits and substance of the matter.

We respect differences and views of other people.

We adhere to the principles and laws governing the Council/Manager form of government and treat all staff with respect and cooperation.

We will refrain from interfering with the administrative functions and professional duties of staff.

We will not publicly criticize individual staff but will privately communicate with the City Manager any concerns about a Department or Department Director or staff person.

We will refrain from negotiating or making commitments without the involvement and knowledge of the City Manager.

We will work with staff in a manner that consistently demonstrates mutual respect.

We will not discuss personnel issues, undermine management direction, or give or imply direction to staff.

We will communicate directly with the City Manager, department directors or designated staff contacts when asking for information, assistance or follow up.

We will not knowingly blindside one another in public and will contact staff prior to a meeting with any questions or issues.

We will not attend City staff meetings unless requested by staff.

I acknowledge that I have received and read this Code of Conduct

_____

Name

_____

Date