



CITY OF KIRKLAND

City Attorney's Office
123 Fifth Avenue, Kirkland, WA 98033 425.587.3030
www.kirklandwa.gov

MEMORANDUM

To: Kurt Triplett, City Manager
From: Kevin Raymond, City Attorney
Date: February 23, 2017
Subject: DEFINITION UPDATE OF "IMMEDIATE FAMILY"

RECOMMENDATION:

City Council pass the attached ordinance amending Kirkland Municipal Code ("KMC") Sections 3.11.010, 3.80.030 and 3.92.030 related to the definition of "Immediate Family." By taking action on this legislation through adoption of the consent calendar, the Council is approving this ordinance.

BACKGROUND DISCUSSION:

At the request of the City of Kirkland ("City"), Code Publishing Company conducted a legal review of the KMC, encompassing all City ordinances of a general and permanent nature as well as those providing for fines, penalties or forfeitures for noncompliance. The review also included a consideration of additional suggested KMC amendments from Councilmember Nixon. This proposed ordinance is one of a number of ordinances that will be submitted to Council over the next several months in a variety of subject matter areas.

Code Publishing Company recommended review of KMC definitions of "immediate family" in light of recent United States Supreme Court decisions affirming the right to same-sex marriage. Two KMC sections requiring amendment were identified. KMC Section 3.11.010 was amended to add "domestic partner" to ensure consistency with other KMC provisions. KMC Section 3.80.030 was amended to substitute "spouse" for "wife, husband" to ensure consistency with other KMC provisions.

ORDINANCE O-4560

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DEFINING IMMEDIATE FAMILY.

1 WHEREAS, as part of a legal review of the Kirkland Municipal
2 Code ("KMC") by Code Publishing Company it has been recommended
3 the code provisions defining "immediate family" be reviewed in light of
4 recent rulings from the United States Supreme Court affirming the right
5 of same-sex marriage.
6

7 NOW, THEREFORE, the City Council of the City of Kirkland do
8 ordain as follows:
9

10 Section 1. Kirkland Municipal Code Section 3.11.010 is amended
11 to read as follows:
12

13 **3.11.010 Commission created—Membership—Appointment—**
14 **Compensation—Term.**

15 (a) There is created a salary commission for the city. The
16 commission shall consist of three members, to be appointed by the
17 mayor with the approval of the city council.

18 (b) A member of the commission shall serve for a three-year term
19 without compensation, and shall be a resident of the city. The initial
20 members shall be appointed for staggered terms.

21 (c) No member of the commission shall be appointed to more than
22 two terms.

23 (d) A member of the commission shall not be an officer, official,
24 or employee of the city or an immediate family member of an officer,
25 official, or employee of the city. For purposes of this section, "immediate
26 family member" means the parents, spouse, domestic partner, siblings,
27 children, or dependent relatives of an officer, official, or employee of
28 the city, whether or not living in the household of the officer, official, or
29 employee.
30

31 Section 2. Kirkland Municipal Code Section 3.80.030 is amended
32 to read as follows:
33

34 **3.80.030 Definitions.**

35 The following words and phrases, when used in this chapter, shall
36 have the meanings ascribed to them below:

37 (1) "City" means the city of Kirkland.

38 (2) "Doctor's certificate" means a form provided by the city and
39 signed by a physician stating that the employee has been ill and is now
40 able to return to work.

41 (3) "Employee" means a person occupying a position and who is
42 paid a salary or wage by the city. "Employee" shall not include any
43 person retained by the city under a written personal service or
44 consultant contract or agreement.

45 (4) "Holiday" means the days designated as holidays with pay by
46 this chapter.

47 (5) "Immediate family" means spouse ~~wife, husband~~, son,
48 daughter, mother, father, grandmother, grandfather, mother-in-law,
49 father-in-law, domestic partner, brother, sister and other relatives as
50 designated by approval of the city manager.

51 (6) "Just cause" means cause, supported by evidence, for
52 disciplinary action against an employee.

53 (7) "LEOFF" means the Law Enforcement Officers and Firefighters
54 Retirement System.

55 (8) "Members of employee's household" means persons who
56 reside in the same home who have reciprocal and natural or moral
57 duties to and/or do provide support for one another. The term does not
58 include persons sharing the same general house when the living style is
59 primarily that of a dormitory or commune.

60 (9) "Overtime" consists of any work performed by regular full-time
61 or part-time employees required to be compensated as overtime by the
62 Federal Fair Labor Standards Act.

63 (10) "Probationary employee" means any employee hired for a
64 regular position who has not completed the probationary period.

65 (11) "Regular full-time employee" means any salaried employee,
66 hired for an indefinite period of time, who works forty or more hours
67 per week on a fixed, regular schedule and is compensated and accrues
68 benefits based on full-time employment.

69 (12) "Regular part-time employee" means any salaried employee,
70 hired for an indefinite period of time, who works less than forty hours
71 per week on a fixed regular schedule.

72 (13) "Seasonal employees" means employees hired to work in
73 positions which are cyclic in nature, begin at approximately the same
74 time each year and last for a minimum of three months and a maximum
75 of nine months in any consecutive twelve-month period.

76 (14) "Temporary employee" means an employee hired for a
77 specific purpose or project and for a specific or definite period of time.

78 (15) "Uniformed employees" means employees hired as officers
79 of the city's police and fire departments and who are under the LEOFF
80 retirement system.

81 (16) "Gift" means anything of economic value for which no
82 consideration is given. "Gift" does not include:

83 (a) Items from family members or friends where it is clear beyond
84 a reasonable doubt that the gift was not made as part of any design to
85 gain or maintain influence in the city or with the recipient in connection
86 with city matters;

87 (b) Items related to the outside business of the recipient that are
88 customary and not related to the recipient's performance of official
89 duties;

90 (c) Items exchanged among officials and employees or a social
91 event hosted or sponsored by a city officer or city employee for co-
92 workers;

93 (d) Payments by a governmental or nongovernmental entity of
94 reasonable expenses incurred in connection with a speech,
95 presentation, appearance, or trade mission made in an official capacity.
96 As used in this subsection, "reasonable expenses" are limited to travel,
97 lodging, and subsistence expenses incurred the day before through the
98 day after the event;

99 (e) Items an official or employee is authorized by law to accept;

100 (f) Payment of enrollment and course fees and reasonable travel
101 expenses attributable to attending seminars and educational programs
102 sponsored by a bona fide nonprofit governmental or nonprofit
103 professional, educational, trade, or charitable association or institution.
104 As used in this subsection, "reasonable travel expenses" are limited to
105 travel, lodging, and subsistence expenses incurred the day before
106 through the day after the event;

107 (g) Items returned by the recipient to the donor within thirty days
108 of receipt or donated to a charitable organization within thirty days of
109 receipt;

110 (h) Campaign contributions reported under Chapter 42.17 RCW;

111 (i) Discounts available to an individual as a member of an
112 employee group, occupation, or similar broad-based group;

113 (j) Awards, prizes, scholarships, or other items provided in
114 recognition of academic or scientific achievement.

115 (17) "Officer" means all elected and appointed officers of the city,
116 together with all deputies and assistants of such an officer, and all
117 persons exercising or undertaking to exercise any of the powers or
118 functions of a city officer.

119
120 Section 3. If any provision of this ordinance or its application to
121 any person or circumstance is held invalid, the remainder of the
122 ordinance or the application of the provision to other persons or
123 circumstances is not affected.

124
125 Section 4. This ordinance shall be in force and effect five days
126 from and after its passage by the Kirkland City Council and publication
127 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
128 form attached to the original of this ordinance and by this reference
129 approved by the City Council.

130
131 Passed by majority vote of the Kirkland City Council in open
132 meeting this ____ day of _____, 2017.

133
134 Signed in authentication thereof this ____ day of
135 _____, 2017.

MAYOR

Attest:

City Clerk

Approved as to Form:

City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4560

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DEFINING IMMEDIATE FAMILY.

SECTION 1. Clarifies the definition of "Immediate Family" for the Section.

SECTION 2. Clarifies the definition of "Immediate Family" for the Section.

SECTION 3. Provides a severability clause for the ordinance.

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 _____ day of _____, 2017.

I certify that the foregoing is a summary of Ordinance O-4560 approved by the Kirkland City Council for summary publication.

City Clerk