

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2436

AN ORDINANCE establishing a code of ethics for employees of the City of Bellevue; providing guidance for public employees in the event of potential conflicts of interest; defining offenses and prescribing penalties; and adding a new chapter, 3.90, to the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby added to Title 3 of the Bellevue City Code a new chapter, 3.90, to provide as follows:

Chapter 3.90
CODE OF ETHICS

Sections:

3.90.010	Declaration of Policy
3.90.020	Definitions
3.90.030	Use of Public Property
3.90.040	Conflict of Interest
3.90.050	Political Activities
3.90.060	Penalties

3.90.010. Declaration of Policy.

This chapter is enacted to establish guidelines for ethical standards of conduct which shall govern the performance of City employees in the conduct of public project work and other City business, and to prevent potential conflicts of interest.

3.90.020. Definitions.

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

- A. "Employee" means any person holding a regularly compensated position of employment with the City of Bellevue but does not include members of the City Council and persons who serve without compensation on City boards and commissions.
- B. "Interest" means direct or indirect pecuniary or material benefit accruing to a City employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the City except for such contracts or transactions which confer similar benefits to all other

persons and/or property similarly situated. For the purpose of this chapter, an employee shall be deemed to have an interest in the affairs of:

- (1) Any person of the employee's immediate family as defined by section 3.80.010(8) of this Title;
- (2) Any business entity in which the City employee is an officer, director, or employee;
- (3) Any business entity in which the stock of, or legal or beneficial ownership of, in excess of five percent (5%) of the total stock or total legal and beneficial ownership, is controlled or owned directly or indirectly by the employee;
- (4) Any person or business entity with whom a contractual relationship exists with the employee, provided that a contractual obligation of less than \$500, or a commercially reasonable loan made in the ordinary course of business or a contract for a commercial retail sale shall not be deemed to create an interest in violation of this chapter.

3.90.030. Use of Public Property

No City employee shall request or permit the use of City-owned vehicles, equipment, materials or property for personal convenience or profit. Use is to be restricted to such services as are available to the public generally or for the authorized conduct of official business.

3.90.040. Conflict of Interest

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

- (1) Receives or has any financial interest in any sale to the City of any service or property when such financial interest was received with the prior knowledge that the City intended to purchase such property or obtain such service;
- (2) Solicits, accepts or seeks anything of economic value as a gift, gratuity, or favor from any person, firm or corporation involved in a contract or transaction which is or may be the subject of official action of the City; provided that, said prohibition against gifts or favors shall not apply to:
 - (a) an occasional non-pecuniary gift having a monetary value of \$10.00 or less;

- (b) an award publicly presented in recognition of public service; or
 - (c) any gift which would have been offered or given to the employee if he or she were not a City employee;
- (3) Participates in his or her capacity as a City employee in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or performs in regard to such a contract some function requiring the exercise of discretion on behalf of the City;
 - (4) Influences the City's selection of, or its conduct of business with, a corporation, person or firm having business with the City if the employee has financial interest in or with said corporation, person or firm;
 - (5) Engages in, accepts private employment from or renders services for private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties;
 - (6) Appears on behalf of a private person, other than his or herself or an immediate family member or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action or proceeding to which the City or a City officer in an official capacity is a party, or accepts a retainer or compensation that is contingent upon a specific action by the City;
 - (7) Discloses or uses, without legal authorization, confidential information concerning the property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City;
 - (8) Has a financial or personal interest in any legislation coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.
 - (9) Holds, directly or indirectly, for purposes of personal financial gain, investment or speculation, any interest in real property situated within the City, if such employee in the course of his or her official duties performs any function requiring the exercise of discretion on behalf of the City in regard to the regulation of land use or development; provided that, this prohibition shall not apply to:
 - (a) real property devoted to the personal use or residence of the employee or member of the employee's immediate family; or

- (b) any other interest in real property held by the employee on the date of enactment of this chapter.

3.90.050. Political Activities.

- A. No City employee shall use his official authority or influence for the purpose of interfering with or affecting the result of an election for a position on the Bellevue City Council.
- B. No City employee shall take an active part in the political management or political campaign of a candidate for a position on the Bellevue City Council.
- C. Nothing in this section shall prevent an employee from fully exercising those rights to participate in political activities granted by the provisions of RCW 41.06.250.

3.90.060. Penalties.

- (a) The violation or failure to comply with any of the provisions of this chapter is declared to be a misdemeanor, and upon conviction shall be punishable by a fine not exceeding three hundred fifty dollars, in addition to any other penalties authorized by law.
- (b) The City, through the authorized agents, may initiate appropriate civil action against any person who violates or fails to comply with any provision of this chapter.
- (c) Any employee whose conduct is determined by the City Manager to be in violation of this chapter may be terminated from employment and/or temporarily, suspended with loss of pay up to and including 30 days by the City Manager.
- (d) Any contract or transaction which is the subject of an official act or action of the City in which there is an interest prohibited by this chapter or which involves the violation of a provision of this chapter, shall be voidable at the option of the City.

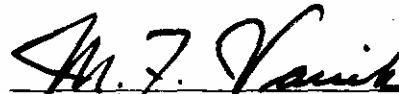
Section 2. This ordinance shall take effect and be in force five

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(5) days after its passage and legal publication.

PASSED by the City Council this 20 day of June, 1977 and signed in authentication of its passage this 20 day of June, 1977.

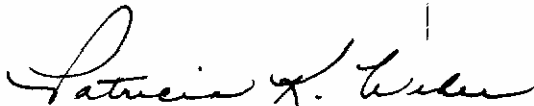
(SEAL)


M. F. Vanik, Mayor

Approved as to form:


Richard Gidley, Asst. City Attorney

Attest:


Patricia K. Weber, City Clerk

Published June 25, 1977