

**CITY COUNCIL AGENDA TOPIC**

Proposed steps for procurement of Ethics Officer legal services to comply with Bellevue City Code Chapter 3.92.

Kathy Gerla, City Attorney, 452-7220  
Soojin Kim, Assistant City Attorney, 452-4613  
*City Attorney's Office*

Charmaine Arredondo, City Clerk, 452-6466  
*City Clerk's Office*

**EXECUTIVE SUMMARY****DIRECTION**

Staff is seeking direction from Council on proposed steps for procuring a contract with a lawyer for the services of an Ethics Officer to perform duties set forth in the Code of Ethics at Bellevue City Code (BCC) Chapter 3.92.

**RECOMMENDATION**

Direct the City Attorney's Office to coordinate the advertisement and selection process for Ethics Officer legal services and bring back qualified candidates for interview and selection by the Council in compliance with BCC Chapter 3.92.

**BACKGROUND/ANALYSIS**

In 2013, the City adopted a Code of Ethics (codified at BCC Chapter 3.92) for members of the City Council and members of Council-appointed city boards, commissions, task groups or committees ("public officials") to promote public confidence in the integrity of local government. The position of Ethics Officer was created in 2013. The Ethics Officer is required by city code to be an attorney admitted to the practice of law and to have sufficient experience and training.

The duties of the Ethics Officer are set forth in BCC Chapter 3.92. Those duties include periodic review of the Code of Ethics and related training materials, and issuance of advisory ethics opinions concerning the applicability of the Code of Ethics to hypothetical situations of city-wide interest or solely related to the persons making the request. Other significant duties include reviewing and issuing decisions on ethics complaints against public officials filed with the City Clerk and providing prompt and fair enforcement of BCC 3.92 when necessary.

The previous contract for Ethics Officer services expired in 2022 and staff are proposing to initiate the process for the Council to interview and select a new Ethics Officer. BCC 3.92.060 requires Ethics Officer contracts to be awarded only after interview and selection by "unanimous vote" of the Council. The scope of work constitutes professional legal services and must include the duties in BCC Chapter 3.92. The advertisement of the contracting opportunity through a request for qualifications (RFQ) is not required by City Code but is expected to widen the potential pool of candidates who may respond. Staff proposes that the City Attorney's Office coordinate the advertisement, review responses for qualifications in conjunction with the City Clerk's Office, and present qualified candidates for interviews

by the Council. Staff would be seeking candidates who are licensed to practice law in the State of Washington who have experience working with governments with respect to ethics issues, and ideally someone who has experience acting in a role similar to the Ethics Officer role established in the City's Ethics Code.

It is expected that for an initial two-year term, a new contract could cost between \$50,000 and \$100,000.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

The procurement of Ethics Officer services implements Council's prior policy direction in BCC Chapter 3.92.

### **Fiscal Impact**

The range of estimated cost of Ethics Officer services for an initial term of two years is \$50,000 to \$100,000. Sufficient funds exist within the adopted general fund budget to cover the cost of Ethics Officer services.

## **OPTIONS**

1. Direct the City Attorney's Office to commence a procurement process for Ethics Officer legal services along the lines recommended to comply with BCC Chapter 3.92.
2. Provide alternative direction.

## **ATTACHMENTS**

N/A

## **AVAILABLE IN COUNCIL LIBRARY**

N/A