

**Chapter 3.90
CODE OF ETHICS**

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3.90.010 Declaration of policy.

This chapter is enacted to establish ~~guidelines for~~ ethical standards ~~of conduct~~ which shall govern the ~~performance~~conduct of city employees in ~~the performance of their city~~ ~~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 context, shall have the meanings subscribed:

- A. "Employee" means any person holding a regularly compensated position of employment with the city 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 is deemed to have an interest in the affairs of:
 - 1. Any person of the employee's immediate family as that term is now or hereafter defined by BCC 3.79.040(V);
 - 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 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 \$500.00, 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 restricted to such services as are available to the public generally, for the authorized conduct of official business, and for such purposes and under such conditions as are directed by administrative order of the city manager; provided, the use of a city vehicle by a city employee participating in a carpooling program established by the city, and for a purpose authorized under such program, shall not be considered a violation of this section or of any other provision of this code of ethics.

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 is deemed to have a conflict of interest if the employee:

A. 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;

B. Solicits, accepts or seeks anything of economic value as a gift, gratuity, or favor, other than officially on behalf of the city, 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 the prohibition against gifts or favors shall not apply to:

1. Attendance of an employee at a hosted meal or event when it is provided in conjunction with a meeting or event directly related to the conduct of city business or where official attendance by the employee as a staff representative is appropriate;

2. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item;

3. Unsolicited flowers, plants, floral arrangements, or food items that are shared with other employees;

24. An award publicly presented in recognition of public service; ~~or~~

35. Any gift which would have been offered or given to the employee if they were not a city employee;

Commented [TT1]: Updated the exceptions to cover common scenarios that have come up in the past, in alignment with RCW

6. Discounts available to an individual as a member of an employee group, occupation, or similar broad-based group;

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

8. Gifts of fifty dollars or less for bona fide, nonrecurring, ceremonial occasions;

No city employee may accept gifts, other than those specified in this subsection, with an aggregate value in excess of \$100.00 from a single source in a calendar year or a single gift from multiple sources with a value in excess of \$100.00 consistent with RCW 42.52.150, as now or hereafter amended. For purposes of this section, "single source" means any person, corporation, or entity, whether acting directly or through any agent or other intermediary, and "single gift" includes any event, item, or group of items used in conjunction with each other or any trip including transportation, lodging, and attendant costs. The value of gifts given to a city employee's family member or guest shall be attributed to the official for the purpose of determining whether the limit has been exceeded, unless an independent business, family, or social relationship exists between the donor and the employee, family member or guest.

C. Participates in their capacity as a city employee in the making of a contract in which they have 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;

D. 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 the corporation, person or firm;

E. 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;

F. Appears on behalf of a private person, other than themselves 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;

G. 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;

H. 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;

I. 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 their 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:

1. Real property devoted to the personal use or residence of the employee or member of the employee's immediate family; or
2. 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 their 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.~~

~~B.C. Nothing in this chapter section shall prevent an employee from fully exercising their constitutional and lawful 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 \$350.00, in addition to any other penalties authorized by law.~~

~~A.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.~~

~~B.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.~~

~~C.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.~~

Commented [TT2]: This section revised for clarity and consistency with protected legal rights.

Commented [TT3]: Removed outdated section.