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5/21/08

**ORDINANCE NO. 3689**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF TITLE 3 ECC, REVENUE AND FINANCE, TO ADD A NEW CHAPTER 3.70 ECC, CONFLICT OF INTEREST, REGARDING CONTRACTS WITH FORMER EMPLOYEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the city has contracted for professional services with firms that have hired former city employees; and

WHEREAS, Chapters 42.20 and 42.23 RCW, which regulates conflict of interest in municipal contracting, does not specifically address dealings with former employees; and

WHEREAS, the City Council finds it to be in the best interest of the city to adopt regulations establishing criteria for contracting with former employees or firms that hire former employees; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. A new Chapter 3.70 ECC, Conflict of Interest., is hereby adopted in Title 3 ECC, Revenue and Finance., to read as follows:

**Chapter 3.70  
CONFLICT OF INTEREST**

3.70.000 Definitions.  
3.70.010 Restrictions on future employment of city employees.  
3.70.020 Disclosure of Privileged, Confidential, or Proprietary Information.

- 3.70.030 Exemption.
- 3.70.040 Penalties.

**3.70.000 Definitions.**

The definition of words used in Chapter 3.70 ECC shall be consistent with the definitions, context and usage of the terms in Chapter 42.23 RCW, and their interpretation by Washington Courts.

**3.70.010 Restrictions on future employment of city employees.**

1. No former city official, officer or employee may, within a period of one year from the date of termination or city employment, accept employment or receive compensation from an employer if:
  - (a) The former city official, officer or employee, during the two years immediately preceding termination of city employment, was engaged in the negotiation or administration of one or more contracts on behalf of the city with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration; and
  - (b) Such a contract or contracts have a total value of more than ten thousand dollars; and
  - (c) The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts. This session shall not be construed to prohibit a city elected or appointed official or a city employee from accepting employment with a city employee organization.
2. No former city official, officer or employee may, within a period of one year following the termination of city employment, have a direct or indirect beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former city official, officer or employee participated.

3. No former city official, officer or employee may, within a period of one year following the termination of city employment, represent any person before any city board, body, agency, department, committee, examiner, adjustor, or commission regarding a specific project the former official or employee worked on, and was in a position to make discretionary decisions or recommendations, during his/her term of service or employment unless:

(a) The former city official, officer or employee receives no compensation for representing that person; or

(b) The specific project was a legislative issue; or

(c) The matter involved in the representation by the former city official, officer or employee directly affects properties owned by the former city official, officer or employee.

4. Any elected or appointed official having the power to perform an official act or action shall, for a period of one year after the termination of his or her employment or term of service, refrain from lobbying the city department, agency, elected body, commission, or board on which they last served unless:

(a) The former city elected or appointed official is receiving no compensation for such lobbying; or

(b) The matter being lobbied directly affects properties owned by the former elected or appointed official.

**3.70.020 Disclosure of Privileged, Confidential, or Proprietary Information.**

No former city official, officer or employee shall disclose or use any privileged, confidential, or proprietary information gained because of his or her service or employment with the city.

**3.70.030 Exemption.**

1. The prohibitions of ECC 3.10.010 notwithstanding, the city may contract with a former city official, officer or employee for expert or consultant services within one year of the latter's leaving city service upon determination and approval by resolution from the City Council that:

(a) It is important for the city to obtain the services in the contract, and time is of the essence;

(b) The former city official, officer or employee is best qualified to perform the services, and contracting with another would result in undue burden on the city; and

(c) The interests of the city, including but not limited to legal, financial and operations, will not be undermined as a result thereof.

2. The prohibitions of ECC 3.10.010 shall not apply to a former official, officer or employee acting on behalf of a governmental agency, if the City Council determines that the service to the agency is not adverse to the interest of the city.
3. Nothing in this ordinance shall prohibit an official elected to serve a governmental entity other than the City of Edmonds from carrying out his or her official duties for that government entity.

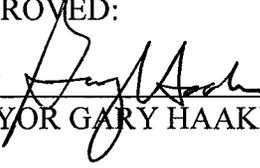
**3.70.040 Penalties.**

Any person violating any provision of ECC 3.70.010 and ECC 3.70.020 shall be guilty of a gross misdemeanor and subject to punishment in accordance with ECC 5.50.020.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Effective Date. This ordinance is subject to referendum, and shall take effect thirty (30) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

  
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MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:

*Sandra S. Chase*  
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY *W. Scott Snyder*  
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	06/13/2008
PASSED BY THE CITY COUNCIL:	06/17/2008
PUBLISHED:	06/22/2008
EFFECTIVE DATE:	07/22/2008
ORDINANCE NO. <u>3689</u>	

**SUMMARY OF ORDINANCE NO. 3689**

of the City of Edmonds, Washington

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On the 17th day of June, 2008, the City Council of the City of Edmonds, passed Ordinance No.3689. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF TITLE 3 ECC, REVENUE AND FINANCE, TO ADD A NEW CHAPTER 3.70 ECC, CONFLICT OF INTEREST, REGARDING CONTRACTS WITH FORMER EMPLOYEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 18th day of June, 2008.

  
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CITY CLERK, SANDRA S. CHASE