

CITY OF SUMNER PERSONNEL POLICY	
Subject: Code of Ethics - Conflict of Interest	Number: Pol - 9 Section 9.1, 9.2
Group: Administration	Page: 1 of 6
Effective Date: June 1999 Revised 3/2008	Approved:

1.0 PURPOSE:

To establish a code of ethics for all City officials and employees to provide consistent guidelines in the event of conflicts and to prevent conflicts of interest.

2.0 POLICY:

It is the policy of the City of Sumner that the conduct and financial dealings of public officials and employees shall present no actual or apparent conflict of interest between the public trust and private interest. The City shall uphold, promote and demand the highest standards of ethics from its officials and employees for personal integrity, truthfulness, honesty and fairness in carrying out their public duties.

This code of ethics is necessary in order to eliminate conflicts and conflicts of interest in public office, improve standards of public service and promote and strengthen the faith and confidence of the citizens of the City of Sumner in their government.

3.0 REFERENCE:

RCW 42.23

4.0 DEFINITIONS:

4.1 *‘Accomplice’* means a person with knowledge that an action will promote or facilitate the commission of a crime or violation of an ordinance and/or policy and procedure.

4.2 *‘Compensation’* means anything of economic value, however designated, which is paid, granted or transferred, or is to be paid, granted, or transferred for, or in consideration of, personal services to any person.

4.3 *‘Doing business with the City’* or *‘transactions with the City’* means to participate in any proceedings, applications, submissions, request for rulings, or other determinations,

contracts, claims, case or other such particular matters which the City employee in question believes or has reason to believe:

4.3.1 is or will be, the subject of City action;

4.3.2 is one to which the City is or will be a party;

4.3.3 is one in which the City has a direct and substantial proprietary interest.

4.4 ‘*Employee*’ means all regular full and part-time, full and part-time temporary, seasonal, summer, student, represented, unrepresented and auxiliary employees are considered officers and employees of the City for purposes of this code of ethics.

4.5 ‘*Gift*’ means anything of economic value, not including campaign contributions, informational materials exclusively for official or office use, memorials, trophies, and plaques of no commercial value, gifts of \$50.00 or less for bona fide, non-recurring, ceremonial occasions or any gifts which are not used and which within thirty days after receipt are returned to the donor, or donated to a charitable organization without seeking a tax deduction.

4.6 ‘*Immediate family*’ means a spouse, son, daughter, mother, father, brother, sister, mother-in-law, father-in-law, step-son, step-daughter, step-mother, step-father, step-brother, step-sister, grandparents or any relative residing in the employee’s immediate household.

4.7 ‘*Officials*’ means any City elected officials and members of City boards, commissions or committees.

4.8 ‘*Participate*’ means, in connection with a transaction involving the City, to be involved in a City action personally and substantially as a City employee either directly, or through others approval, disapproval, decision, recommendations, the rendering of advise, investigation or otherwise.

4.9 ‘*Person*’ means any individual, partnership, association, corporation, firm, institution, or other entity, whether or not operated for profit.

4.10 ‘*Thing of value*’ means anything of tangible worth which is not compensation or a gift.

5.0 PROCEDURES:

5.1 Just and equitable treatment

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

5.1.2 Obligations to citizens. No City employee shall grant any special consideration, treatment or advantage beyond that which is available to

every other citizen.

5.1.3 Except as authorized by law and in the courts of his or her official duties, no City employee shall use the power or authority of her or her office or position with the City in a manner intended to induce or coerce any other person to provide such City employer any other person with any compensation, gift, or other thing of value directly or indirectly.

5.1.4 No City employee may ask for or receive, directly or indirectly, any compensation, gift or thing of value, or promise thereof, for performing or for omitting or deferring the performance of any official duty, action by the City other than the compensation, costs or fees provided by law.

5.2 Conflict of interest

5.2.1 No City employee shall engage in any act which is in conflict with the performance of official duties. A City employee shall be deemed to have a conflict of interest if the employee directly or indirectly:

- A. Receives or has any financial interest in any purchase, sale or lease to or by the City of any service or property when such financial interest was received or obtained with the prior knowledge that the City intended to purchase, sell, or lease such property or service;
- B. Is beneficially interested, directly or indirectly, in any contract, sale, lease, option or purchase that may be made by, through, or under the supervision of the employee, in whole or in part, or accepts, directly or indirectly, any compensation, gift or things of value from any other person beneficially interested therein;
- C. Accepts or seeks for others, directly or indirectly, any employment, travel expense, service, information, compensation, gift or thing of value on more favorable terms than those granted to other City employees or the public generally, from any person, doing business or seeking to do business with the City for which the employee has responsibility or with regard to which he or she may participate, provided that this subsection shall not apply to the receipt by elected officials, or by employees who are supervised directly by an elected official, of meals, refreshments or transportation within the boundaries of the City when given in connection with meetings with constituents or meetings which are informational or ceremonial in nature;
- D. Accepts, directly or indirectly, any gift, favor, loan retainer, entertainment, travel expense, compensation or other thing of values from any person doing business or seeking to do business with the

City. A conflict shall be deemed to exist where a reasonable and prudent person would believe that the gift, compensation, thing of value, or more favorable terms, was given for the purpose of obtaining special consideration or to influence City action;

- E. Participates in, influences or attempts to influence, directly or indirectly, the selection of, or the conduct of business or a transaction with a person doing or seeking to do business with the City employee has a financial interest in or with said person;
- F. Discusses or accepts an offer of future employment with any person doing or seeking to do business with the City if either:
 - 1. The employee knows or has reason to believe that the offer of employment was or is intended in whole or in part, directly or indirectly, as compensation or reward for the performance or nonperformance of a duty by the employee during the course of City employment or to influence City action pertaining to the business or
 - 2. The employee has responsibility for a matter upon which the person is doing or seeking to do business with the City unless the employee has disclosed in writing to his or her appointing authority that the employee intends to discuss future employment with a specific person and the appointing authority has designated, in a memorandum filed with the City Administrator and a copy of which is maintained by the appointing authority, a method of providing for an alternative decision maker with regard to matters involving such person for which the employee otherwise would have responsibility;
- G. Within one year of entering City employment awards a City contract or participates in a City action benefiting a person that formerly employed him or her, provided, that participation other than contract award may be authorized in a memorandum by the appointing authority following written disclosure by the affected employee and that such authorization shall be maintained by the appointing authority;
- H. Is an employee, agent, officer, partner, director or consultant of any person doing or seeking to do business with the City, unless such relationship has been disclosed;
- I. Engages in or accepts compensation, employment or renders services for any person or a governmental entity other than the City when such employment or service is incompatible with the proper

discharge of official duties or would impair independence of judgment or action in the performance of official duties. In addition, all employees are encouraged to notify their Department Director of either new or continued employment or acceptance of any compensation or anything of value for service performed outside City of Sumner government.

If such employment or service is deemed by the Department Director to pose a conflict of interest, the employee immediately shall divest such. Failure to do so shall be grounds for dismissal.

- J. Enters into a business relationship outside City government with any other employee for whom he or she has a supervisory responsibility;
- K. Enters into a business relationship outside City government with any person with regard to a matter for which the employee has responsibility as a City employee;
- L. Appears on behalf of a person before any regulatory governmental agency, or represents a person in any action or proceeding against the interest of the City in any litigation to which the City is a party, unless the employee has a personal interest in the litigation and this personal interest has been disclosed to the regulatory governmental agency or adjudicating individual or body. A City councilmember may appear before regularity governmental agencies on behalf of constituents in the course of his or her duties as a representative of the electorate or in the performance of public or civic obligations; however, no official or employee shall accept a retainer or compensation or any gift or thing of value that is contingent upon a specific action by a City agency;
- M. Directly or indirectly possesses a substantial or controlling interest in any person which does or seeks to do business with the City; without disclosing such interest as provided by this procedure. A substantial interest is an interest that exceeds one-tenth of one percent of the outstanding securities of the person,; or, if the interest is in an unincorporated business concern, exceeds one percent of the net worth of such concern; or the financial interest of a person exceeds five percent of the net worth of the employee and his or her immediate family;
- N. As a City Councilmember has a financial or other private interest in any legislation or other matter coming before the Council, and fails to disclose such an interest on the records of the City Council. This provision shall not apply if the other councilmember disqualifies himself or herself from voting by stating the nature and extent of

such interest. Any other employee who has a financial or other private interest and who participates in an action or proposed action of the City Council and fails to disclose on the records of the City Council the nature and extent of such interest shall be deemed in violation of this procedure.

- O. Discloses or uses for the personal benefit of the employee or his or her immediate family any information acquired in the course of official duties which is not available as a matter of public knowledge or public record.

5.3 Duty to notify the supervisor

Any employee who becomes aware that he or she may have a potential conflict of interest which arises in the course of his or her official duties shall notify in writing his or her supervisor or appointing authority of such potential conflict.

Upon receipt of such notification the supervisor or appointing authority shall notify Human Resources Department who shall take action to resolve the potential conflict of interest, including but not limited to designating within a reasonable time an alternative employee to perform the duty which is involved in the potential conflict.

5.4 This policy is not intended to address all prohibited behaviors that may constitute conflicts of interest for employees. For those situations not addressed in this ethics procedure, employees should consider the following:

- 5.5.1 Don't take advantage of your job or position for personal gain.
- 5.5.2 If it feels unethical, it probably is! For example, if you get a gift and you like it, you had better send it back. Even if you don't like it still send it back.
- 5.5.3 Do what's in the public interest.
- 5.5.4 Does the action you are about to take withstand the test of "reportability"? That is, would it be okay if it was printed in the newspaper?
- 5.5.5 Be aware of other "value communities". That is, how others would think and feel about your action.

6.0 APPROVAL AUTHORITY:

- 6.1 Mayor and / or City Administrator.

**ORDINANCE NO. 2256
CITY OF SUMNER, WASHINGTON**

**AN ORDINANCE AMENDING ORDINANCE NO. 1990, ADOPTED OCTOBER 1, 2001
BY REVISING CHAPTER 9, SECTION 9.1, GENERAL CODE OF CONDUCT AND
SECTION 9.2, OUTSIDE EMPLOYMENT AND CONFLICT OF INTEREST, OF THE
SUMNER PERSONNEL POLICIES, CHAPTER 9.**

WHEREAS, the City Council finds the need to assist employees and elected officials, member of board, commissions and committees, by providing clear and comprehensive policies and procedures for their conduct and responsibilities, and;

WHEREAS, there is a need to revise, clarify and update the City Code of Ethics Policy.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. Amendments. That the Personnel Policies, Chapter 9, entitled, “Employee Responsibilities and Conduct” as outlined in Ordinance 1990, adopted October 1, 2001, is hereby amended by revising Chapter 9, Section 9.1 and 9.2 to read as follows:

9.1 and 9.2 Code of Ethics – Conflict of Interest

Section 2. Policy Adopted. That Personnel Policy, Code of Ethics – Conflict of Interest, attached hereto as Exhibit “A” is hereby adopted by reference.

Section 3. Severability. If any section of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall be affected.

Section 4. Effective Date. This ordinance shall become effective five (5) days from and after its passage, approval, and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 5th day of May, 2008.

David Enslow, Mayor

ATTEST:

APPROVED AS TO FORM:

Terri Berry, CMC, City Clerk

Brett C. Vinson, City Attorney

First Reading: 05/05/08
Dated Adopted: 05/05/08
Date of Publication: 05/13/08
Effective Date: 05/18/08