

end: "In the event that a Board member is unable to abide by the Code of Conduct policies, the Board, with a super majority vote, can recommend removal of the board member to the ~~County Executive~~ Mayor, for action by the City Council."

With regard to the Bellevue Code:

- Retain numbers 1, 2, 3, 4, 5, 6 and 10 (eliminating 7, 8, 9 and 11).

With regard to the Kirkland Code of Conduct:

- It was agreed to also retain the first two paragraphs with the following change: remove the first sentence that states "The Code of Conduct is supplemental to the Kirkland Municipal Code and the Code of Ethics."

B. Consideration of Council Comments Regarding Code of Ethics.

Councilmember Bloom recalled comments previously received from Councilmembers related to disclosure of financial information. Councilmembers did not want board and commission members to have to disclose financial information.

Councilmember Bloom also recalled that Councilmember Johnson did not want the policy to go "backwards." Councilmember Peterson stated that he would not want an Ethics Policy to affect previous Councilmembers who did not have an opportunity to vote on it. He would not want it to be retroactive.

Councilmember Bloom referred to the Bellevue Code of Ethics under 1.E. where it states the complaint must be filed within two years of the date of the occurrence or occurrences alleged to constitute a violation of the Code of Ethics. Councilmember Peterson stated he reads this to mean moving forward; not retroactive. It was agreed by Councilmembers to ask the City Attorney to look at this.

Councilmembers next discussed the complaint procedure. It was noted that Bellevue has an Ethics Officer and Kirkland uses a Hearing Examiner. Councilmember Peterson commented that he likes the idea of having an Ethics Officer, noting the Hearing Examiner deals mostly with land use issues. Councilmember Bloom commented that given the issues related to staff availability and Hearing Examiner availability, she believes the Code should be modeled after Bellevue (versus Kirkland). Councilmember Peterson agreed.

Councilmembers agreed to use the Bellevue Code of Ethics (eliminate Section B that begins on page 5 – except for number 9. Number 9 deals with "Nepotism" and the committee would like this included in the Code of Ethics.)

C. Discussion regarding Council attendance via speaker phone.

Councilmember Peterson stated that in reviewing the sample procedures included in the packet, he thought the procedures from Spokane was the simplest and gives some latitude to the Council President and the council member who would be calling in. The other procedures seemed to be more detailed and included limiting the participation by phone to only one item.

Councilmember Bloom expressed concern with limiting participation to one item noting that the Councilmember who is calling in needs to be able to hear such things as "Audience Comments" that may include comments that would be important to hear for the topic of interest. Councilmember Peterson agreed that the meeting should be attended as a whole, but pointed out in reality it may not be possible.

Councilmember Peterson suggested under "Code of Conduct" to add "attendance for entire meetings; expected to show up on time and be available for the entire meeting."

Councilmember Bloom commented that she prefers the Bothell policy. Councilmember Peterson agreed except recommended removing the limit to one agenda item.

It was the recommendation of the Councilmembers to adopt the Bothell policy with the major change of not limiting to one agenda item and change the language that refers to City Manager form of government.

Councilmember Bloom noted that the Bothell policy refers to "rare occasion." She suggested this be defined and would like it to be limited as much as possible. She suggested putting a cap on how many times it can happen.

Councilmembers recommended converting the Bothell policy to an Edmonds policy; consider what "rare occasion" means to see if it would be desired to limit how many times someone can call in; if there is a public hearing associated, being able to listen to the entire public hearing is mandatory.

D. Public Comments

Ken Reidy, Edmonds, commented that he believes it is important that City Council members hear public comment before a vote is taken.

He wanted to thank the committee for looking at the Code of Ethics and Code of Conduct issues. As a citizen, he believes these issues need to be looked at more broadly than only boards, commissions and council. He believes it should apply to staff, Mayor and City Attorney. He has a hard time seeing how the Mayor can enforce a Code of Conduct because of his relationship with the staff.

Mr. Reidy provided examples of why a Code of Conduct and Code of Ethics is important. He referred to an email from the City Attorney replying to an email from Jeannie McConnell telling her that there is no rush to respond to Mr. Reidy's request in the email.

He read an email that was sent by Mayor Haakenson to Michael Plunkett dated October 29, 2009. The email was sent from a private email account by Gary Haakenson. A summary of the email includes: The email states that the Hearing Examiner was set to hear the Reidy/Thuesen case on November 4. The email references an executive session that was scheduled related to the case and also states a full discussion agenda item was scheduled by DJ to talk about the Reidy/Thuesen issue. The email includes the statements "If he persists and puts it on the agenda, you may want to rally three other votes to remove it from the agenda on Tuesday night if you think its wise. Just trying to keep you in the loop as to what he is doing. Why he is doing it is beyond me but if he's working with Reidy....it must be to get at you somehow."

Mr. Reidy explained that for months, he went through the process to get reconsideration of his issue. He showed up at the City Council Meeting thinking reconsideration of his issue would be on the agenda and, after coming out of executive session, the reconsideration was off the agenda. He was asking for reconsideration of the law.

Mr. Reidy applauds the committee for addressing Code of Ethics and Code of Conduct. He noted this situation has affected his life immensely.

There were no other public comments.

Councilmember Bloom reopened the discussion related to Councilmember attendance via speaker phone. She referred to the Port Townsend policy and pointed out that no teleconference is allowed for a public hearing or quasi judicial proceeding. She would like to consider not allowing teleconferencing when a public hearing is involved.

Councilmember Bloom referred to the need to clearly define what is “unusual” or “extraordinary circumstances,” and suggested looking at the Port Townsend policy in conjunction with the Bothell policy.

Councilmember Peterson pointed out the balance is “do we want more participation, or less participation?” Is hearing a council member’s opinion and allowing them to meet their sworn duty more important? Does it out weigh their not being there? He would rather have another elected official’s participation.

Councilmember Bloom asked about the possibility of combining parts of 1 and 2 in the Port Townsend policy, and consider the possibility of teleconference participation only with the vote of the Council as a whole. Councilmember Peterson agreed.

Councilmembers agreed with using the examples of extraordinary circumstance as indicated in the Port Townsend policy, H.4., and take out “etc.”

Councilmembers agreed to consider the idea of the Council as a whole voting whether or not a Councilmember can participate in a vote related to a public hearing.

The meeting adjourned at 8:25 p.m.