



SEATTLE CITY COUNCIL

Legislative Summary

CB 119254

Record No.: CB 119254

Type: Ordinance (Ord)

Status: Passed

Version: 3

Ord. no: Ord 125589

In Control: City Clerk

File Created: 05/11/2018

Final Action: 06/01/2018

Title: AN ORDINANCE relating to the Ethics Code; amending Sections 4.16.030 and 4.16.070 of the Seattle Municipal Code; requiring elected officials to disclose financial interests in legislative matters prior to participating in those matters; and creating a limited exception to the requirement that elected officials disqualify themselves from participating in such matters.

Notes:

Date
Filed with City Clerk: 6/1/2018

Mayor's Signature: 6/1/2018

Sponsors: Bagshaw

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: jodee.schwinn@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	05/11/2018	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	05/11/2018	sent for review	Governance, Equity, and Technology Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Governance, Equity, and Technology Committee						
	Notes:						
1	City Council	05/14/2018	referred	Governance, Equity, and Technology Committee			

1 Governance, Equity, and Technology Committee 05/15/2018 pass as amended 05/21/2018 Pass

Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).
In Favor: 2 Chair Harrell, Alternate Bagshaw
Opposed: 0

2 City Council 05/21/2018 passed as amended Pass

Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

Notes: ACTION 1:

By unanimous consent, Council Rule III.A.7, relating to amendments presented to the City Council, was suspended to allow the consideration of the amendment to Council Bill 119254.

ACTION 2:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 119254, Section 2., Seattle Municipal Code section 4.16.070.A.4, by adding a new last sentence, entitled, "The Rule will consider if the elected official is elected by a district or citywide."

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119254 as amended.

In Favor: 8 Councilmember Bagshaw, Councilmember González, Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember Mosqueda, Councilmember Sawant
Opposed: 1 Councilmember O'Brien

3 City Clerk 05/23/2018 submitted for Mayor's signature Mayor

3 Mayor 06/01/2018 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:

3 Mayor 06/01/2018 returned City Clerk
Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

3 City Clerk 06/01/2018 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 125589

COUNCIL BILL 119254

AN ORDINANCE relating to the Ethics Code; amending Sections 4.16.030 and 4.16.070 of the Seattle Municipal Code; requiring elected officials to disclose financial interests in legislative matters prior to participating in those matters; and creating a limited exception to the requirement that elected officials disqualify themselves from participating in such matters.

WHEREAS, in 2013 the City enacted a charter amendment to elect seven members of the City Council by district; and

WHEREAS, disqualifying a Councilmember from participating in a matter because of a conflict of interest may have the effect of denying residents of that Councilmember's district an equal voice in the City's lawmaking process; and

WHEREAS, the Ethics and Elections Commission recommended the adoption of a robust disclosure requirement for all elected officials in tandem with the elimination of the requirement that elected officials disqualify themselves from participating in legislative matters in which they have a financial interest; and

WHEREAS, this limited exception does not permit elected officials to participate in quasi-judicial proceedings in which they have a financial interest, or to participate in executive functions in which they have a financial interest; NOW, THEREFORE,

1 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

2 Section 1. Section 4.16.030 of the Seattle Municipal Code, last amended by Ordinance
3 123264, is amended as follows:

4 **4.16.030 Definitions ((-))**

5 As used in this chapter, the following terms shall have the meanings indicated: ((-))

6 * * *

7 “Immediate family,” except for the purposes of ~~((section))~~ Section 4.16.080, means a
8 spouse or domestic partner, child, child of a spouse or domestic partner, sibling, sibling of a
9 spouse or domestic partner, brother-in-law, sister-in-law, parent, parent of a spouse or domestic
10 partner, a person for whom the Covered Individual is a legal guardian, or a person claimed as a
11 dependent on the Covered Individual’s most recently filed federal income tax return.

12 “Legislative matter” means any enacted or introduced council bill, ordinance, resolution,
13 clerk file, ballot measure, or charter amendment. A legislative matter may include a possible
14 future council bill, ordinance, resolution, clerk file, ballot measure, or charter amendment, if the
15 possible future matter has been discussed on the public record at an open public meeting of the
16 City Council or one of its committees.

17 * * *

1 Section 2. Subsection 4.16.070.A of the Seattle Municipal Code, which section was last
2 amended by Ordinance 124362, is amended as follows:

3 **4.16.070 Prohibited conduct**

4 A covered individual may not engage in any of the following acts:

5 A. Disqualification from acting on City business

6 1. Participate in a matter in which any of the following has a financial
7 interest, except as permitted by Section 4.16.071:

- 8 a. ~~((the))~~ The covered individual;
- 9 b. ~~((an))~~ An immediate family member of the covered individual;
- 10 c. ~~((an))~~ An individual residing with the covered individual;
- 11 d. ~~((a))~~ A person the covered individual serves as an officer, director,
12 trustee, partner, or employee;
- 13 e. ~~((a))~~ A person with ~~((which))~~ whom the covered individual is
14 seeking or has an arrangement concerning future employment.

15 2. Participate in a matter in which a person ~~((that))~~ who employed the
16 covered individual in the preceding 12 months, or retained the covered individual or ~~((his or
17 her))~~ the covered individual's firm or partnership in the preceding 12 months, has a financial
18 interest; provided, however, that the Executive Director shall waive this ~~((section))~~ subsection
19 4.16.070.A.2 when:

- 20 a. ~~((the))~~ The covered individual's appointing authority or the
21 authority's designee makes a written determination that there is a compelling City need for the
22 covered individual to participate in a matter involving a prior employer or client, and submits

1 that determination with a written plan showing how the authority will safeguard the City's
2 interests, and

3 b. ~~((the))~~ The Executive Director determines that the authority's plan
4 is satisfactory.

5 3. Perform any official duties when it could appear to a reasonable person,
6 having knowledge of the relevant circumstances, that the covered individual's judgment is
7 impaired because of either ~~((1))~~ (a) a personal or business relationship not covered under
8 subsection 4.16.070.A.1 or 4.16.070.A.2, ~~((above,))~~ or ~~((2))~~ (b) a transaction or activity
9 engaged in by the covered individual. It is an affirmative defense to a violation of this subsection
10 4.16.070.A.3 if the covered individual, before performing the official act, discloses the
11 relationship, transaction, or activity in writing to the Executive Director and the covered
12 individual's appointing authority, and the appointing authority or the authority's designee either
13 approves or does not within one week of the disclosure disqualify the covered individual from
14 acting. For an elected official to receive the same protection, the official must file a disclosure
15 with the Executive Director and the City Clerk. If a covered individual is charged with a
16 violation of this subsection 4.16.070.A.3, and asserts as an affirmative defense that a disclosure
17 was made, the burden of proof is on the covered individual to show that a proper disclosure was
18 made and that the covered individual was not notified that ~~((he or she))~~ the covered individual
19 was disqualified from acting.

20 4. Subsections 4.16.070.A.1 and 4.16.070.A.2 do not apply if the prohibited
21 financial interest is shared with a substantial segment of the ~~((City's population))~~ public, as
22 defined by rule by the Ethics and Elections Commission. The Rule will consider if the elected
23 official is elected by a district or citywide.

1 5. Application to City elected officials and legislative matters. Subsections
2 4.16.070.A.1 and 4.16.070.A.2 do not apply to an elected official's participation in legislative
3 matters if:

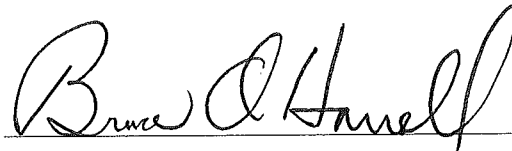
4 a. The legislative matter establishes or adjusts assessments, taxes,
5 fees, or rates for water, utility, or other broadly provided public services or facilities that are
6 applied equally, proportionally, or by the same percentage to the elected official's interest and
7 other businesses, properties, or individuals subject to the assessment, tax, fee, or rate and a
8 disclosure is made in accordance with subsection 4.16.070.A.6, or

9 6. Before participating in a matter covered by subsection 4.16.070.A.5, the
10 elected official must publicly disclose any financial interest. An elected official must post a
11 written disclosure on the official's webpage and file a copy with the Executive Director and the
12 City Clerk. A Councilmember shall additionally make such a disclosure on the public record at
13 an open public meeting of the Council or one of its committees at which the legislative matter is
14 discussed. The Councilmember shall also, before participating in that legislative matter at any
15 subsequent Council or committee meeting, repeat the oral disclosure on the public record of that
16 meeting.

17 a. If a Councilmember is charged with a violation of subsection
18 4.16.070.A.1 or 4.16.070.A.2, and asserts as an affirmative defense that a disclosure under this
19 subsection 4.16.070.A.6 was made, the burden of proof is on the Councilmember to show that a
20 proper disclosure was made.

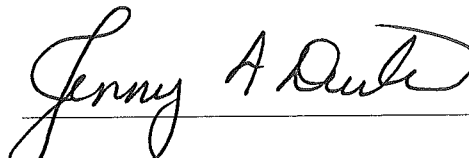
1 Section 3. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 21st day of May, 2018,
5 and signed by me in open session in authentication of its passage this 21st day of
6 May, 2018.

7 

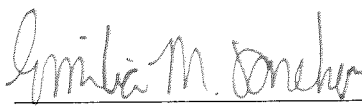
8 President _____ of the City Council

9 Approved by me this 1st day of June, 2018.

10 

11 Jenny A. Durkan, Mayor

12 Filed by me this 1st day of June, 2018.

13 

14 for Monica Martinez Simmons, City Clerk

15 (Seal)