

## Amendment 1 to CB 120978

**Author:** Councilmember Moore

Requiring elected officials to disclose a conflict of interest to the Executive Director and City Clerk for legislative matters.

**Effect:** This amendment affects two portions of SMC 4.16.070.A.5

First, The current code of ethics requires elected officials to disclose to the Executive Director of the SEEC and the City Clerk instances in which there is a perception of judgment impairment in order to receive an affirmative defense to an alleged violation of the ethics code. CB 120978 as currently presented has removed the requirement to file a written disclosure to both the Executive Director and City Clerk unless particular disclosure rules for legislative matters apply, leaving only a requirement to notify the Executive Director.

This amendment would reinstate the rule that for non-legislative matters, elected officials must file a written disclosure with both the Executive Director of the SEEC and the City Clerk.

Second, the amendment requires a second disclosure of a financial interest or conflict of interest at full Council if the Councilmember has disclosed their interest at a committee meeting. This provides greater public notice of the interest of Councilmembers that make public policy. It also allows Councilmembers that sit on a particular committee and those who do not to hear of their colleague's financial interest or conflict of interest.

1. Amend Section 2 of CB 120978 as follows:

Section 2. Section 4.16.070 of the Seattle Municipal Code, last amended by Ordinance 125589, is amended as follows:

### **4.16.070 Prohibited conduct**

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

...

3. Perform any official duties when ~~((it could appear))~~ to a reasonable person, having knowledge of the relevant circumstances, ~~((that))~~ the covered individual ~~((is judgment is~~

~~impaired))~~ has a conflict of interest because of either (a) a personal or business relationship not covered under subsection 4.16.070.A.1 or 4.16.070.A.2, or (b) a transaction or activity engaged in by the covered individual. It is an affirmative defense to a violation of this subsection 4.16.070.A.3 if the covered individual, before performing the official act, discloses the relationship, transaction, or activity in writing to the Executive Director and the covered individual's appointing authority, and the appointing authority or the authority's designee either approves or does not within one week of the disclosure disqualify the covered individual from acting. ~~((For an elected official to receive the same protection, the official must file a disclosure with the Executive Director and the City Clerk.))~~ In non-legislative matters, elected officials must file a disclosure with the Executive Director and the City Clerk to receive the same protection. If a covered individual is charged with a violation of this subsection 4.16.070.A.3, and asserts as an affirmative defense that a disclosure was made, the burden of proof is on the covered individual to show that a proper disclosure was made and that the covered individual was not notified that the covered individual was disqualified from acting.

2. Amend Section 2 of CB 120978 as follows:

Section 2. Section 4.16.070 of the Seattle Municipal Code, last amended by Ordinance 125589, is amended as follows:

**4.16.070 Prohibited conduct**

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

...

5. Application to City elected officials and legislative matters. Subsections

4.16.070.A.1 ~~((and))~~, 4.16.070.A.2, and 4.16.070.A.3 do not apply to an elected official's participation in legislative matters if the elected official publicly discloses any financial interest or conflict of interest prior to participating in a legislative matter. ~~((a. The legislative matter establishes or adjusts assessments, taxes, fees, or rates for water, utility, or other broadly provided public services or facilities that are applied equally, proportionally, or by the same percentage to the elected official's interest and other businesses, properties, or individuals subject to the assessment, tax, fee, or rate and a disclosure is made in accordance with subsection 4.16.070.A.6, or 6. Before participating in a matter covered by subsection 4.16.070.A.5, the elected official must publicly disclose any financial interest or conflict of interest.))~~ An elected official must post a written disclosure on the official's City webpage and file a copy with the Executive Director and the City Clerk. A Councilmember shall additionally make such a disclosure on the public record at an open public meeting of the Council or one of its committees at which the legislative matter is discussed. If a Councilmember has made a disclosure during a committee meeting at which the matter is discussed, that Councilmember must renew the disclosure at a full Council meeting in which the legislative matter is discussed. ~~((The Councilmember shall also, before participating in that legislative matter at any subsequent Council or committee meeting, repeat the oral disclosure on the public record of that meeting. a.))~~ If ~~((a Councilmember))~~ an elected official is charged with a violation of subsection 4.16.070.A.1 or 4.16.070.A.2 or 4.16.070.A.3 and asserts as an affirmative defense that a disclosure under this subsection ~~((4.16.070.A.6))~~ 4.16.070.A.5 was made, the burden of

Lauren Henry  
Governance, Accountability, and Economic Development Committee  
May 22, 2025  
D1

proof is on the ((~~Councilmember~~)) elected official to show that a proper disclosure was made.