

## **SUMMARY and FISCAL NOTE**

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Legislative	Ben Noble	TBD

### **1. BILL SUMMARY**

#### **Legislation Title:**

AN ORDINANCE relating to the Code of Ethics; defining “elected official”; requiring elected officials to disclose any financial interest or conflict of interest prior to participating in legislative matters; and amending Sections 4.16.030 and 4.16.070 of the Seattle Municipal Code.

#### **Summary and Background of the Legislation:**

This legislation's specific goal is to ensure that more Councilmembers can participate in critical policy decisions. With the City having moved to a structure that includes seven Councilmembers elected on a district basis, the existing recusal requirements could mean that residents of some districts will only have their voices heard through the two city-wide Councilmembers on potentially significant policy issues.

This legislation would ensure fuller representation by providing additional opportunity for Councilmembers to participate in legislative matters in which they have a financial interest or other conflict of interest. In particular, the legislation would allow Councilmembers to participate in policy development in such circumstances, if the Councilmember first discloses such interests in an open public meeting, posts a written disclosure on the official’s city webpage, and files a written disclosure with the Executive Director of the Seattle Ethics and Elections Commission (SEEC) and City Clerk.

The recusal requirements for other elected officials and City employees would remain essentially unchanged. In particular, direct financial conflicts will still require recusal for other elected officials and City employees. The affirmative defense now available to other City employees and elected officials for more general conflicts of interest is maintained. City employees and other elected officials can participate in matters where such conflicts exist if they disclose these conflicts to the Director of the Ethics Commission and their appointing authority (if applicable), and neither objects to that participation. That said, the proposed legislation does amend the terminology for such conflicts from an instance where the covered individual’s ‘judgment is impaired’ to circumstances where a ‘conflict of interest’ exists.

In addition, the legislation also modifies the types of relationships that could preclude the participation of covered individuals from certain official acts, or at least require some type of disclosure. Currently, participation can be precluded if an “individual residing with the covered individual” has a financial interest. That limitation now applies to those residing together as landlord and tenant. This legislation would eliminate the landlord-tenant relationship as one that could inherently require recusal.

## 2. CAPITAL IMPROVEMENT PROGRAM

**Does this legislation create, fund, or amend a CIP Project?**

☐ Yes ☒ No

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill.

Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

Project Name:	Master Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2029:

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

**Does this legislation have financial impacts to the City?**

☐ Yes ☒ No

If there are no projected changes to expenditures, revenues, or positions, please delete the table below.

Expenditure Change (\$); General Fund	2024	2025 est.	2026 est.	2027 est.	2028 est.
Expenditure Change (\$); Other Funds	2024	2025 est.	2026 est.	2027 est.	2028 est.

Revenue Change (\$); General Fund	2024	2025 est.	2026 est.	2027 est.	2028 est.
Revenue Change (\$); Other Funds	2024	2025 est.	2026 est.	2027 est.	2028 est.

Number of Positions	2024	2025 est.	2026 est.	2027 est.	2028 est.
Total FTE Change	2024	2025 est.	2026 est.	2027 est.	2028 est.

If there are no changes to expenditures, revenues, or positions, please delete Sections 3.a, 3.b, and 3.c and answer the questions in Section 4.

### 3.a. Appropriations

☐ This legislation adds, changes, or deletes appropriations.

Fund Name and Number	Dept	Budget Control Level Name/Number*	2024 Appropriation Change	2025 Estimated Appropriation Change
TOTAL				

\*See budget book to obtain the appropriate Budget Control Level for your department.

**Appropriations Notes:**

### 3.b. Revenues/Reimbursements

☐ This legislation adds, changes, or deletes revenues or reimbursements.

#### Anticipated Revenue/Reimbursement Resulting from This Legislation:

Fund Name and Number	Dept	Revenue Source	2024 Revenue	2025 Estimated Revenue
TOTAL				

#### Revenue/Reimbursement Notes:

### 3.c. Positions

☐ This legislation adds, changes, or deletes positions.

#### Total Regular Positions Created, Modified, or Abrogated through This Legislation, Including FTE Impact:

Position # for Existing Positions	Position Title & Department*	Fund Name & Number	Program & BCL	PT/FT	2024 Positions	2024 FTE	Does it sunset? (If yes, explain below in Position Notes)
TOTAL							

\* List each position separately.

#### Position Notes:

### 3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

No.

**If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.**

Not Applicable.

**Please describe any financial costs or other impacts of *not* implementing the legislation.**

#### **4. OTHER IMPLICATIONS**

- a. Please describe how this legislation may affect any departments besides the originating department.**

The Ethics and Elections Commission enforces the City's ethics code. However, the changes in this legislation will not affect the scope of those responsibilities.

- b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**  
No.

- c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.** The specific goal of this legislation is to ensure that more Councilmembers can participate in critical policy decisions, including those members who represent districts that include vulnerable and/or historically disadvantaged communities.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**
- ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**
- iii. What is the Language Access Plan for any communications to the public?**

- d. Climate Change Implications**  
Not Applicable.

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

- ii. **Resiliency:** Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.
- e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?

## 5. CHECKLIST

Please click the appropriate box if any of these questions apply to this legislation.

- ☒ Is a public hearing required? No
- ☒ Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required? No
- ☒ If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies? No
- ☒ Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization? No
- If yes, please review requirements in Resolution 31203 for applicability and complete and attach “Additional risk analysis and fiscal analysis for non-utility partner projects” form.

## 6. ATTACHMENTS

List Summary Attachments (if any):