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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to the City of Seattle Code of Ethics; amending SMC 4.16.030 to define the term ‘elected official’; amending SMC 4.16.070 to authorize elected officials to disclose and participate in a legislative matter if any implicated financial interest is no greater or less than that of other members of the same profession, occupation, class or group affected by the legislative matter.

..body

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, in 2018 the Seattle City Council last amended the Code of Ethics to address disqualification requirements for the legislative process and created a limited exception to allow Councilmembers with a conflict of interest to participate in some legislative matters after disclosure of the financial interest; and

WHEREAS, after six years of implementation of the limited exception, the Executive Director of the Seattle Ethics and Elections Commission has addressed the current interplay between the Code of Ethics and legislative process; and

WHEREAS, the Executive Director of the Seattle Ethics and Elections Commission relayed two findings in support of an amendment to the Code of Ethics to allow elected officials to participate in legislative matters after disclosure of a financial interest: (1) the public

1 nature of the legislative process; and (2) the ability of voters to act upon the voting record
2 of their elected officials; and

3 WHEREAS, this bill does not permit elected officials to participate in quasi-judicial proceedings
4 in which they have a financial interest or participate in an executive function in which
5 they have a financial interest; NOW, THEREFORE,

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

7 Section 1. Section 4.16.030, which was last amended by Ordinance 125589, is amended
8 as follows:

9 **4.16.030 - Definitions**

10 As used in this chapter, the following terms shall have the meanings indicated.

11 "Ad hoc advisory committee" means: 1) any advisory committee expressly designated by
12 ordinance as "ad hoc"; or 2) any advisory committee created by means other than by federal or
13 state law, City Charter, or City ordinance, including by resolution, executive order, or other
14 similar action.

15 "Administrator" means the Executive Director of the Seattle Ethics and Elections
16 Commission.

17 "Advisory committee" means a committee, board, commission or other similar City
18 entity that does not have the authority to enact, administer, interpret, or execute City laws, but
19 does provide advice or recommendations to a City entity that does have such authority.

20 "Appointing authority" means a person authorized by ordinance or Charter to employ
21 others on behalf of the City, usually the head of a department. With reference to a City contractor
22 it is the person who is authorized to award the contract.

1 "Assist" means to act, or offer or agree to act, in such a way as to help, aid, advise,
2 furnish information to, or otherwise provide assistance to another person, believing that the
3 action is of help, aid, advice, or assistance to the person and with intent so to assist such person.

4 "Board of Ethics" or "Board" or "Commission" means the Seattle Ethics and Elections
5 Commission established by Section 3.70.010.

6 "City agency" means every department, office, board, commission, or committee of the
7 City, or any subdivision thereof, but excludes public corporations and ad hoc advisory
8 committees.

9 "City contractor" means an individual who spends more than 1,000 hours in any twelve-
10 month period providing services to a City agency under a contract, other than a contract of
11 employment.

12 "City employee" means every individual appointed to a position of employment in any
13 City agency.

14 "City officer" means every individual elected or appointed to an office in any City
15 agency, whether such individual is paid or unpaid.

16 "Communicate," for the purposes of SMC 4.16.075, means to communicate in any form,
17 including, without limitation, personally, through another person, by letter, by electronic mail, or
18 by telephone.

19 "Confidential Information" means (i) specific information, rather than generalized
20 knowledge, that is not available to a person who files a public records request, and (ii)
21 information made confidential by law.

22 "Covered Individual" means any City officer, City employee, City contractor or City
23 volunteer. Covered Individual also includes every individual who was a City officer, City

1 employee, City contractor or City volunteer at the time of the act or omission that is alleged to
2 have violated this chapter, even if he or she no longer has that status.

3 "City volunteer" means someone who volunteers services to the City.

4 "Elected official" means any person elected at a general or special election to the office of
5 Mayor, member of the City Council (Councilmember), or City Attorney of the City and any
6 person appointed to fill a vacancy in any such office.

7 "Employee member of an advisory committee" means a paid City officer or employee
8 who serves on an advisory committee by virtue of their paid position with the City.

9 "Executive Director" means the Executive Director of the Seattle Ethics and Elections
10 Commission.

11 "Immediate family," except for the purposes of Section 4.16.080, means a spouse or
12 domestic partner, child, child of a spouse or domestic partner, sibling, sibling of a spouse or
13 domestic partner, brother-in-law, sister-in-law, parent, parent of a spouse or domestic partner, a
14 person for whom the Covered Individual is a legal guardian, or a person claimed as a dependent
15 on the Covered Individual's most recently filed federal income tax return.

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

21 "Matter" means an application, submission, request for a ruling or other determination,
22 permit, contract, claim, proceeding, case, decision, rulemaking, legislation, or other similar
23 action. Matter includes the preparation, consideration, discussion, or enactment of administrative

1 rules or legislation. Matter does not include advice or recommendations regarding broad policies
2 and goals.

3 "Participate" means to consider, investigate, advise, recommend, approve, disapprove,
4 decide, or take other similar action.

5 "Person" means an individual, association, corporation, or other legal entity.

6 "Proceeding" means a matter that involves a named party or parties in which a City
7 agency administers, interprets, or executes City laws. Proceeding does not include the
8 preparation, consideration, discussion, or enactment of administrative rules or legislation.

9 Section 2. Section 4.16.070, which was last amended by Ordinance 125589, is amended
10 as follows:

11 **4.16.070 – Prohibited conduct**

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

13 A. Disqualification from acting on City business.

14 1. Participate in a matter or perform an official duty in which any of the following
15 has a financial interest, except as permitted by subsection A.4 or Section
16 4.16.071;

17 a. The covered individual;

18 b. An immediate family member of the covered individual;

19 c. ~~An individual residing with the covered individual;~~ An individual in a
20 dating relationship with the covered individual;

21 d. A person the covered individual serves with as an officer, director,
22 trustee, or partner, ~~or employee~~;

1 e. A person with whom the covered individual is seeking or has an
2 arrangement concerning future employment;

3 f. An individual residing with the covered individual except as landlord-
4 tenant.

5 2. Participate in a matter in which a person who employed the covered individual
6 in the preceding 12 months or retained the covered individual or the covered
7 individual's firm or partnership in the preceding 12 months, has a financial
8 interest; provided, however, that the Executive Director shall waive this
9 subsection 4.16.070.A.2 when:

10 ***

11 3. Perform any official duties when ~~it could appear~~ to a reasonable person, having
12 knowledge of the relevant circumstances, ~~that the covered individual's judgment~~
13 ~~is impaired~~ has an appearance of conflict of interest because of either (a) a
14 personal or business relationship not covered under subsection 4.16.070.A.1 or
15 4.16.070.A.2, or (b) a transaction or activity engaged in by the covered individual.
16 It is an affirmative defense to a violation of this subsection 4.16.070.A.3 if the
17 covered individual, before performing the official act, discloses the relationship,
18 transaction, or activity in writing to the Executive Director and the covered
19 individual's appointing authority, and the appointing authority or the authority's
20 designee either approves or does not within one week of the disclosure disqualify
21 the covered individual from acting. ~~For an elected official to receive the same~~
22 ~~protection, the official~~ An elected official must file a disclosure with the
23 Executive Director and the City Clerk of any conflict under this section. If a

1 ~~covered individual~~ an elected official is charged with a violation of this subsection
2 4.16.070.A.3 and asserts as an affirmative defense that a disclosure was made, the
3 burden of proof is on the covered individual to show that a proper disclosure was
4 made ~~and that the covered individual was not notified that the covered individual~~
5 ~~was disqualified from acting.~~

6 4. Exceptions.

7 a. Generally applicable. Subsections 4.16.070.A.1 and 4.1.070.A.2 do not
8 apply if the prohibited financial interest is shared with a substantial segment of
9 the public, as defined by rule by the Ethics and Election Commission. With
10 respect to a council member, the The Rule will consider if the elected official is
11 elected by a district or citywide.

12 5. ~~Application to City elected officials and legislative matters.~~

13 b. Subsection 4.16.070.A.1 and 4.16.070.A.2 does not apply to a council
14 member's an elected official's participation in a legislative matters, if: if the
15 prohibited financial interest is no greater or less than that of other members of the
16 same profession, occupation, class, or group affected by the legislative matter.

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

1 ~~6. c.~~ Before participating in a matter ~~covered by~~ under subsection
2 ~~4.16.070.A.5~~ 4.16.070.A.4.b, the council member ~~elected official~~ must publicly
3 disclose ~~any~~ the prohibited financial interest. ~~An elected official must post a~~
4 ~~written disclosure on the official's webpage and file a copy with the Executive~~
5 ~~Director and the City Clerk.~~ A Councilmember shall additionally make such a
6 disclosure on the public record at an open public meeting of the Council or one of
7 its committees at which the legislative matter is discussed. ~~The Councilmember~~
8 ~~shall also, before participating in that legislative matter at any subsequent Council~~
9 ~~or committee meeting, repeat the oral disclosure on the public record of that~~
10 ~~meeting.~~

11 ~~a.~~ If a Councilmember is charged with a violation of subsection
12 ~~4.16.070.A.1 or 4.16.070.A.2, and asserts as an affirmative defense that a~~
13 ~~disclosure under this subsection 4.16.070.A.6 was made, the burden of proof is on~~
14 ~~the Councilmember to show that a proper disclosure was made.~~

15 d. Subsection 4.16.070. A.3 does not apply to a council member's
16 participation in a legislative matter if before participation on such matter or upon
17 subsequent discovery of an appearance of conflict of interest, the council member
18 publicly discloses such appearance of conflict. The council member shall make
19 such a disclosure on the public record at an open public meeting of the Council or
20 one of its committees at which the legislative matter is discussed.

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22 ***

1 Section 3. This ordinance shall take effect as provided by Seattle Municipal Code
2 Sections 1.04.020 and 1.04.070.

3 Passed by the City Council the _____ day of _____, 2025,
4 and signed by me in open session in authentication of its passage this _____ day of
5 _____, 2025.

6 _____
7 President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2025.

8 _____
9 Bruce A. Harrell, Mayor

10 Filed by me this _____ day of _____, 2025.

11 _____
12 Scheereen Dedman, City Clerk

13 (Seal)