

**CITY OF SEATTLE**  
**ORDINANCE \_\_\_\_\_**  
**COUNCIL BILL \_\_\_\_\_**

..title

AN ORDINANCE related to the Seattle Ethics Code; amending Seattle Municipal Code section 4.16.070, requiring disclosure of City councilmembers' financial interest in matters under consideration by the City Council, and eliminating the requirement that City Councilmembers disqualify themselves from participating in such matters.

..body

WHEREAS, in 2014 the City voted to elect seven members of the City Council by District; and

WHEREAS, disqualifying a Councilmember from voting because of a conflict of interest will

now 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 unanimously recommended the adoption of a robust disclosure requirement in tandem with the elimination of the requirement that City Councilmembers disqualify themselves from participating in matters in which they have a financial interest; NOW, THEREFORE,

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

Section 1. Subsection 4.16.070.A, which section was last amended by Ordinance 124362, is amended as follows:

**4.16.070 - Prohibited conduct**

A covered individual may not:

A. Disqualification from acting on City business

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

a. the covered individual;

b. an immediate family member of the covered individual;

- 1 c. an individual residing with the covered individual;  
2 d. a person the covered individual serves as an officer,  
3 director, trustee, partner or employee;  
4 e. a person with which the covered individual is seeking or  
5 has an arrangement concerning future employment.

6 2. Participate in a matter in which a person that employed the covered  
7 individual in the preceding 12 months, or retained the covered individual or his or her firm or  
8 partnership in the preceding 12 months, has a financial interest; provided, however, that the  
9 Executive Director shall waive this section when:

10 a. the covered individual's appointing authority or the  
11 authority's designee makes a written determination that there is a compelling City need for the  
12 covered individual to participate in a matter involving a prior employer or client, and submits  
13 that determination with a written plan showing how the authority will safeguard the City's  
14 interests, and

15 b. the Executive Director determines that the authority's plan  
16 is satisfactory.

17 3. Perform any official duties when it could appear to a reasonable  
18 person, having knowledge of the relevant circumstances, that the covered individual's judgment  
19 is impaired because of either (1) a personal or business relationship not covered under subsection  
20 1 or 2 above, or (2) a transaction or activity engaged in by the covered individual. It is an  
21 affirmative defense to a violation of this subsection 3 if the covered individual, before  
22 performing the official act, discloses the relationship, transaction or activity in writing to the  
23 Executive Director and the covered individual's appointing authority, and the appointing

1 authority or the authority's designee either approves or does not within one week of the  
2 disclosure disqualify the covered individual from acting. For an elected official to receive the  
3 same protection, the official must file a disclosure with the Executive Director and the City  
4 Clerk. If a covered individual is charged with a violation of this subsection, and asserts as an  
5 affirmative defense that a disclosure was made, the burden of proof is on the covered individual  
6 to show that a proper disclosure was made and that the covered individual was not notified that  
7 he or she was disqualified from acting.

8                                   4.       Subsections 4.16.070.A.1 and 4.16.070.A.2 do not apply if (a) the  
9 prohibited financial interest is shared with a substantial segment of the City's population or (b) in  
10 the case of a City Council member, if the matter is a council bill, ordinance, resolution, ballot  
11 measure, or charter amendment and the City Council member discloses the financial interest,  
12 personal or business relationship, transaction, or activity. The disclosure must be made in writing  
13 to the Executive Director and filed with the City Clerk prior to participating in the matter, and  
14 disclosed orally at every Council meeting at which the matter is either discussed or decided.  
15

1           Section 2. 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 \_\_\_\_ day of \_\_\_\_\_, 2015, and  
5 signed by me in open session in authentication of its passage this \_\_\_\_ day of  
6 \_\_\_\_\_, 2015.

7

8

\_\_\_\_\_

9

President \_\_\_\_\_ of the City Council

10

11           Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

12

13

\_\_\_\_\_

14

Edward B. Murray, Mayor

15

16           Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

17

18

\_\_\_\_\_

19

Monica Martinez Simmons, City Clerk

20

21 (Seal)

22