CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE amending the Ethics Code to require City councilmembers to disclose financial interests in legislative matters under consideration by the City Council prior to participating in those matters, creating a limited exception to the requirement that City Councilmembers disqualify themselves from participating in such matters.

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

WHEREAS, this limited exception does not permit Councilmembers to participate in quasijudicial proceedings in which they have a financial interest, or to participate in executive actions in which they have a financial interest; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 4.16.030 "Definitions", which was last amended by Ordinance No. 123264, is amended as follows:

"Legislative matter" means any enacted or introduced council bill, ordinance, resolution, clerk file, ballot measure, or charter amendment, or a possible future

legislative matter if the possible future matter has been discussed on the public record at an open public meeting of the City Council or one of its committees.

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

* * *

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

* * *

4. Subsections 4.16.070.A.1 and 4.16.070.A.2 do not apply if the prohibited financial interest is shared with a substantial segment of the City's population.

5. Application to City Councilmembers and Legislative Matters

Subsections 4.16.070.A.1 and 4.16.070.A.2 apply to councilmembers in the same manner as they apply to other covered individuals, except as follows;

(a) If a councilmember has a financial interest, as described in 4.16.070.A.1.a-e or in 4.16.070.A.2, in a legislative matter, the councilmember may nevertheless

participate in that legislative matter if the Councilmember has, before participating in the matter, publicly disclosed the financial interest.

(b) The Councilmember shall 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, and file a written copy of the disclosure with the Executive Director and the City Clerk. 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.

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

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

Passed by the City Council the ____ day of _____, 2016, and signed by me in open session in authentication of its passage this _____ day of _____, 2016.

_____

President _____ of the City Council

Approved by me this ____ day of _____, 2016.

_____

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2016.

_____

Monica Martinez Simmons, City Clerk

(Seal)