

ORDINANCE _____

AN ORDINANCE relating to contributions to Public Office Funds from City contractors.

WHEREAS, for the purposes of protecting the integrity of government contractual decisions and of improving the public's confidence in government, the City has a compelling interest in prohibiting business entities from making contributions to Public Office Funds; and

WHEREAS, the right of individuals and businesses to make Public Office Fund contributions may be limited or eliminated when such contributions promote the actuality or appearance of public corruption; and

WHEREAS, it is essential that the public have confidence that the selection of City contractors is based on merit and not on the Public Office Fund contributions made by such contractors; and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.16.070 of the Seattle Municipal Code is amended as follows:

SMC 2.04.480 Public office fund -- What constitutes, restrictions on use, limitations on contributions -- Reporting of -- Disposal of remaining funds.

A. The Mayor, each City Council member, and the City Attorney, upon election to office, may each establish an individual account for the deposit of contributions solicited and received for the purpose of defraying non-reimbursed public office related expenses. Such accounts shall be called public office funds.

B. Contributions to public office funds shall not be transferred to a political committee nor used to promote or oppose a candidate or ballot issue.

C. No person shall make a public office fund contribution to a candidate for City office who is not an Elected Official before that candidate is elected to City office or to a person appointed to fill a vacancy in a City elected office who is not an Elected Official before the person is appointed to City office. No candidate for City office who is not an Elected Official shall accept a public office fund

contribution before that candidate is elected to City office and no person appointed to fill a vacancy in a City elected office who is not an Elected Official shall accept a public office fund contribution before the person is appointed to fill the vacancy in the City elected office.

D. Subject to paragraph H below, nNo person shall make a public office fund contribution of more than Two Hundred Fifty Dollars (\$250) to each City Elected Official in any calendar year.

E. Subject to paragraph H below, nNo City Elected Official shall accept or receive a public office fund contribution of more than Two Hundred Fifty Dollars (\$250) from any person in any calendar year, provided that this limitation shall not apply to the Elected Official's contributions of his or her own resources to his or her own office fund.

F. Within two (2) weeks of receiving his or her first public office fund contribution, the Elected Official shall establish a separate account and file a report of organization to the City Clerk as provided in SMC Sections 2.04.160 and 2.04.170. On the tenth (10th) day of each month following a month in which a public office fund contribution was received or an expenditure was made, the Elected Official shall file reports with the City Clerk in compliance with SMC Sections 2.04.180 through 2.04.260, except that the Two Hundred Dollar (\$200) transaction criteria stated in SMC Section 2.04.250 B3 shall not apply. The late filing provisions of SMC Section 2.04.330 shall apply.

G. Any funds which remain in a public office fund after all permissible public office related expenses have been paid may only be disposed of in one (1) or more of the following ways:

1. Returned to contributors in respective amounts not to exceed each contributor's original contribution; or
2. Donated to a charitable organization registered in accordance with Chapter 19.09 RCW; or
3. Transferred to the Seattle Ethics and Elections Commission for deposit into the City general fund.

H. No person who contracts with the City shall make any Public Office Fund contribution to a City Elected Official, nor shall any City Elected Official accept a Public Office Fund contribution from a person who contracts with the City, at any time from either (i) the commencement of negotiations for a contract that will not be competitively bid, or (ii) the announcement of a competitive bidding process for which the person will submit a bid, until either (i) the termination of negotiations for such contract; or (ii) six months have elapsed from the expiration of the person's City contract.

1. For purposes of this section,

a. "Person who contracts with the City" includes any party or prospective party to a contract, as well any other party whose contribution would be attributed to the party under rules promulgated by the Commission.

b. "Contract" means any agreement or contract, including any amendment or modification to an agreement or contract, with the City for (i) the rendition of personal services; (ii) the furnishing of any material, supplies, equipment or services; or (iii) the sale or lease of any land or building.

2. A City Elected Official must obtain from a contributor to a Public Office Fund a signed confirmation on a form approved by the Commission that the contributor is not a Person who contracts with the City. The Elected Official must maintain that signed confirmation for five years.

Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2007, and signed by me in open session in authentication of its passage this ____ day of _____, 2007.

President _____ of the City Council

Approved by me this ____ day of _____, 2007.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2007.

City Clerk

(Seal)

DRAFT