

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

body
WHEREAS, in 2013 the people of Seattle enacted a City 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 Seattle City Council last amended the Code of Ethics in 2018, 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 relayed two findings in support of amending the Code of Ethics to allow elected officials to participate in legislative matters after disclosure of a financial interest: (1) the public nature of the legislative process; and (2) the ability of voters to act upon the voting record of their elected officials; and

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

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.16.030 of the Seattle Municipal Code, last amended by Ordinance 125589, is amended as follows:

4.16.030 Definitions

As used in this (~~chapter, the following terms shall have the meanings indicated.~~) Chapter 4.16:

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

"Elected official" means any person serving as one of the elective officers listed in Article XIX, Section 1 of the City Charter.

* * *

Section 2. Section 4.16.070 of the Seattle Municipal Code, last amended by Ordinance 125589, is amended as follows:

4.16.070 Prohibited conduct

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

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;

c. An individual residing with the covered individual other than as a landlord or tenant;

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

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

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

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

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

3. Perform any official duties when (~~it could appear~~) to a reasonable person, having knowledge of the relevant circumstances, (~~that~~) the covered individual(~~'s judgment is impaired~~) has a conflict of interest because of either (a) a personal or business relationship not covered under subsection 4.16.070.A.1 or

4.16.070.A.2, or (b) a transaction or activity engaged in by the covered individual. It is an affirmative defense to a violation of this subsection 4.16.070.A.3 if the covered individual, before performing the official act, discloses the relationship, transaction, or activity in writing to the Executive Director and the covered individual's appointing authority, and the appointing authority or the authority's designee either approves or does not within one week of the disclosure disqualify the covered individual from acting. ~~((For an elected official to receive the same protection, the official must file a disclosure with the Executive Director and the City Clerk.))~~ If a covered individual is charged with a violation of this subsection 4.16.070.A.3, and asserts as an affirmative defense that a disclosure was made, the burden of proof is on the covered individual to show that a proper disclosure was made and that the covered individual was not notified that the covered individual was disqualified from acting.

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 public, as defined by rule by the Ethics and Elections Commission. The Rule will consider if the elected official is elected by a district or citywide.

5. Application to City elected officials and legislative matters. Subsections 4.16.070.A.1 ~~((and)), 4.16.070.A.2, and 4.16.070.A.3~~ do not apply to an elected official's participation in legislative matters if the elected official publicly discloses any financial interest or conflict of interest prior to participating in a legislative matter. ~~((: a. The legislative matter establishes or adjusts assessments, taxes, fees, or rates for water, utility, or other broadly provided public services or facilities that are applied equally, proportionally, or by the same percentage to the elected official's interest and other businesses, properties, or individuals subject to the assessment, tax, fee, or rate and a disclosure is made in accordance with subsection 4.16.070.A.6, or 6. Before participating in a matter covered by subsection 4.16.070.A.5, the elected official must publicly disclose any financial interest or conflict of interest.))~~ An elected official must post a written disclosure on the official's City webpage and file a copy with the Executive Director and the City Clerk. A Councilmember shall additionally 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. ~~((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. a.))~~ If ~~((a Councilmember))~~ an elected official is charged with a violation of subsection 4.16.070.A.1 or 4.16.070.A.2 or 4.16.070.A.3 and asserts as an affirmative defense that a disclosure under this subsection ~~((4.16.070.A.6))~~ 4.16.070.A.5 was made, the burden of proof is on the ~~((Councilmember))~~ elected official to show that a proper disclosure was made.

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

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

President _____ of the City Council

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

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)