

Ordinance No. 120118

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The City of Seattle
Council Bill/Ordinance

Council Bill No. 113409

Relating to the Seattle Ethics and Elections Commission; modifying the authority of the Commission to take action upon determining that violation of the City's Code of Ethics has occurred and amending Chapter 4.16 of the Seattle Municipal Code in connection therewith.

CF No. _____

10-9-00 Pass

Date Introduced:	OCT 2 - 2000	
Date 1st Referred:	To: (committee)	Legislative Department & Intergovernmental Affairs Committee
Date 1st Referred:	OCT 2 - 2000	
Date Re - Referred:	To: (committee)	referred "contracting provision"
Date Re - Referred:	10/5/00 LDCA - 10 Pt for further reference	
Date Re - Referred:	To: (committee)	come back @ 12/7/00 LDCA
Date of Final Passage:	Full Council Vote:	
10-9-00	8-0	OCT 16 2000
Date Presented to Mayor:	Date Approved:	
10-10-00	OCT 16 2000	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/> P.T. <input checked="" type="checkbox"/>
OCT 16 2000	11/10/00	
Date Vetted by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

Pass As Amended

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Margaret Peeler PAGELER
Councilmember

Committee Action:

10-9-00 Passed 8-0 (Excused: Compton)

Ⓢ

Pass As Amended 4-0 (MP, JD, RM, NL)

adding provision
char. rd. amendment

12/7/00 LOIA mtg.

This file is complete and ready for presentation to Full Council. Committee: _____

(initial/date)

Law Department

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Law Dept. Review

OMP
Review

City Clerk
Review

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ORDINANCE 120118

AN ORDINANCE relating to the Seattle Ethics and Elections Commission; modifying the authority of the Commission to take action upon determining that violation of the City's Code of Ethics has occurred and amending Chapter 4.16 of the Seattle Municipal Code in connection therewith.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.16.100 of the Seattle Municipal Code is amended as follows:

4.16.100 ((Penalty for)) Action on violation((; appeals of fines imposed by Commission.))

~~((A)).~~ The Commission may take one or more of the following actions for ((V))violation of any provision of Chapter 4.16 ((Section 4.16.070 or 4.16.080 of this chapter constitutes an infraction for which a monetary fine, not to exceed Five Hundred Dollars (\$500) may be assessed.;

(1) Recommend prosecution or other remedy to the appropriate authorities;)

(2) Impose a monetary fine of up to five thousand dollars (\$5,000) per violation or three times the economic value of any thing sought or received in violation of Chapter 4.16, whichever is greater;

(3) Require reimbursement for damages of up to \$10,000 sustained by the City that were caused by the violation and were not recovered by the City;

(4) Require costs, including reasonable investigative costs, that do not exceed the amount of any monetary fine;

(5) Recommend to the Mayor and the appropriate agency that they request the City Attorney to bring an action to cancel or rescind the result of action taken by the violator, upon a Commission finding that:

(a) The violation has substantially influenced the City action; and

(b) Interests of the City require cancellation or rescission.

Each act that violates one or more provisions of Chapter 4.16 may constitute a separate violation. Violation may be proven by a preponderance of evidence, and need not be proven beyond a reasonable doubt.



1 Section 2. Subsections 4.16.100(B) and C are renumbered and a new Section is created as follows:

2 **4.16.105 Employee Appeal of Fine**

3 ~~((B.1.))~~ A. Except as provided in subsection ~~((C))~~ E of this section, if the Commission imposes a monetary
4 fine for violation of any provision of this chapter, the City employee on whom the fine is imposed may
5 appeal the fine, on the Commission's record, to the Seattle Municipal Court. The Seattle Municipal Court
6 shall uphold the Commission's decision if it determines the Commission's decision was not for any arbitrary,
7 capricious, or illegal reason, and the decision was supported by substantial evidence in the Commission's
8 record. Otherwise, the Court shall modify, reverse, or remand the matter to the Commission, as the Court
9 deems appropriate.

10 ~~((2.))~~ B. In order to appeal a monetary fine imposed under this chapter by the Seattle Ethics and Elections
11 Commission, the City employee on whom the fine is imposed must file a notice of appeal with the Clerk of
12 the Municipal Court, serve it upon The City of Seattle, and deliver a copy to the Executive Director of the
13 Commission, all within twenty (20) days after the date of the Commission's decision. In order to file the
14 notice of appeal, the City employee must pay to the Clerk of the Municipal Court a filing fee in the amount
15 set by statute or court rule for a civil action filed in the District Courts. The filing fee and the costs of
16 preparing the record of the proceedings of the Commission may be taxed as costs against the nonprevailing
17 party, as the Municipal Court may direct, but each party shall bear its own attorney's fees. The notice of
18 appeal shall be in writing and shall include the mailing address and, if different, the street address where
19 papers may be served on the appellant. The notice of appeal shall contain, in separate numbered paragraphs,
20 statements of the specific findings of fact, conclusions of law, or aspects of the fine on which the appellant
21 seeks review, the basis for the appeal, and a brief statement of the relief requested. The appellant shall attach
22 a copy of the written decision of the Commission being appealed.

23 ~~((3.))~~ C. Within thirty (30) days after the notice of appeal has been properly filed, served, and a copy
24 delivered to the Executive Director, the appellant shall provide the Executive Director with a record of



1 proceedings, which the Executive Director shall, if it complies with this subsection, promptly file with the
2 Municipal Court so as to present the issues raised for review. Upon payment of the costs of copying, the
3 Executive Director shall provide the appellant a copy of the relevant papers and exhibits, which shall be
4 included in the record. The record shall also include a transcript of those portions of the testimony that are
5 designed by the appellant or by the Executive Director, who shall each designate what they believe necessary
6 to resolve disputed issues. The appellant at his or her expense shall submit to the Executive Director for
7 review and approval, if accurate, the transcript of the designated portions of the testimony, prepared by a
8 certified court reporter. The typed transcript, when certified as accurate by the Executive Director, shall
9 constitute the record for review of the portion so transcribed. If all or a designated part of a tape recording is
10 not audible, the Executive Director may prepare and certify a summary of that portion of the testimony in the
11 proceedings based on his or her notes and memory. Where the Executive Director and the appellant agree
12 that the testimony or facts are not in dispute, they may jointly prepare a narrative report of some or all of the
13 evidence or a summary of some or all of the testimony in order to reduce the amount of material transcribed
14 and to make a more compact record.

15 ~~((4-))~~ D. Except where inconsistent with this section, the procedural rules of the Civil Rules for Courts of
16 Limited Jurisdiction (CRLJs), as they may be amended from time to time, shall govern procedure related to
17 the appeal in the Municipal Court, but no new evidence may be submitted to or taken by the Municipal
18 Court.

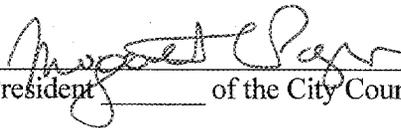
19 ~~((5-))~~ E. The Municipal Court shall appoint a judge pro tempore to hear appeals by employees of the
20 Municipal Court unless both the City employee and the Executive Director agree that a regular Municipal
21 Court judge may hear the case.

22 ~~((6-))~~ F. ~~((Subsection B of this))~~ This section shall not apply to (1) City officials elected by the public, (2)
23 the Deputy Mayor, if any, (3) heads of departments and Executive Department offices, (4) members of
24 boards and commissions, and (5) those City employees who are represented by a labor union that, on the date

1 the charges were filed had not reached written agreement with the City regarding the appeal to Municipal
2 Court of monetary fines imposed by the Commission. Persons for whom an appeal to Seattle Municipal
3 Court is not authorized by this section may seek review of a monetary fine imposed by the Commission in
4 King County Superior Court as provided in state law.

5 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by
6 the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take
7 effect as provided by Municipal Code Section 1.04.020.

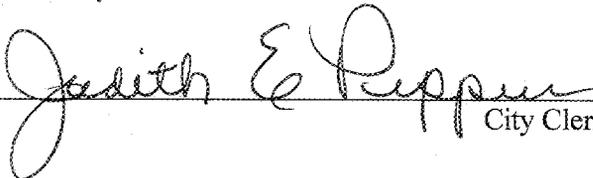
8 Passed by the City Council the 9th day of October, 2000, and signed by me in open session in
9 authentication of its passage this 9th day of October, 2000.

10
11 
President _____ of the City Council

12 Approved by me this 16th day of OCTOBER, 2000.

13
14 
Mayor _____

15
16 Filed by me this 16th day of October, 2000.

17
18 
City Clerk _____

19 (Seal)



ORDINANCE _____

AN ORDINANCE relating to the Seattle Ethics and Elections Commission; modifying the authority of the Commission to take action upon determining that violation of the City's Code of Ethics has occurred and amending Chapter 4.16 of the Seattle Municipal Code in connection therewith.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.16.100 of the Seattle Municipal Code is amended as follows:

4.16.100 ((Penalty for)) Action on violation((; ~~appeals of fines imposed by Commission.~~))

~~((A)). The Commission may take one or more of the following actions for ((V)) violation of any provision of Chapter 4.16 ((Section 4.16.070 or 4.16.080 of this chapter)) constitutes an infraction for which a monetary fine, not to exceed Five Hundred Dollars (\$500) may be assessed.~~

(1) Recommend prosecution or other remedy to the appropriate authorities;

(2) Impose a monetary fine of up to five thousand dollars (\$5,000) per violation or three times the economic value of any thing sought or received in violation of Chapter 4.16, whichever is greater;

(3) Require reimbursement for damages of up to \$10,000 sustained by the City that were caused by the violation and were not recovered by the City;

(4) Require costs, including reasonable investigative costs, that do not exceed the amount of any monetary fine;

(5) Recommend to the Mayor and the appropriate agency that they request the City Attorney to bring an action to cancel or rescind ^{the result of} action taken by the violator, upon a Commission finding that:

(a) The violation has substantially influenced the City action; and

(b) Interests of the City require cancellation or rescission.

Each act that violates one or more provisions of Chapter 4.16 may constitute a separate violation. Violation may be proven by a preponderance of evidence, and need not be proven beyond a reasonable doubt.

*Amend-
ment*



1 Section 2. Subsections 4.16.100(B) and C are renumbered and a new Section is created as follows:

2 **4.16.105 Employee Appeal of Fine**

3 ~~((B-1))~~ A. Except as provided in subsection ~~((E))~~ F of this section, if the Commission imposes a monetary
4 fine for violation of any provision of this chapter, the City employee on whom the fine is imposed may
5 appeal the fine, on the Commission's record, to the Seattle Municipal Court. The Seattle Municipal Court
6 shall uphold the Commission's decision if it determines the Commission's decision was not for any arbitrary,
7 capricious, or illegal reason, and the decision was supported by substantial evidence in the Commission's
8 record. Otherwise, the Court shall modify, reverse, or remand the matter to the Commission, as the Court
9 deems appropriate.

10 ~~((2-))~~ B. In order to appeal a monetary fine imposed under this chapter by the Seattle Ethics and Elections
11 Commission, the City employee on whom the fine is imposed must file a notice of appeal with the Clerk of
12 the Municipal Court, serve it upon The City of Seattle, and deliver a copy to the Executive Director of the
13 Commission, all within twenty (20) days after the date of the Commission's decision. In order to file the
14 notice of appeal, the City employee must pay to the Clerk of the Municipal Court a filing fee in the amount
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17 party, as the Municipal Court may direct, but each party shall bear its own attorney's fees. The notice of
18 appeal shall be in writing and shall include the mailing address and, if different, the street address where
19 papers may be served on the appellant. The notice of appeal shall contain, in separate numbered paragraphs,
20 statements of the specific findings of fact, conclusions of law, or aspects of the fine on which the appellant
21 seeks review, the basis for the appeal, and a brief statement of the relief requested. The appellant shall attach
22 a copy of the written decision of the Commission being appealed.

23 ~~((3-))~~ C. Within thirty (30) days after the notice of appeal has been properly filed, served, and a copy
24 delivered to the Executive Director, the appellant shall provide the Executive Director with a record of



1 proceedings, which the Executive Director shall, if it complies with this subsection, promptly file with the
2 Municipal Court so as to present the issues raised for review. Upon payment of the costs of copying, the
3 Executive Director shall provide the appellant a copy of the relevant papers and exhibits, which shall be
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5 designed by the appellant or by the Executive Director, who shall each designate what they believe necessary
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7 review and approval, if accurate, the transcript of the designated portions of the testimony, prepared by a
8 certified court reporter. The typed transcript, when certified as accurate by the Executive Director, shall
9 constitute the record for review of the portion so transcribed. If all or a designated part of a tape recording is
10 not audible, the Executive Director may prepare and certify a summary of that portion of the testimony in the
11 proceedings based on his or her notes and memory. Where the Executive Director and the appellant agree
12 that the testimony or facts are not in dispute, they may jointly prepare a narrative report of some or all of the
13 evidence or a summary of some or all of the testimony in order to reduce the amount of material transcribed
14 and to make a more compact record.

15 ~~((4.))~~ D. Except where inconsistent with this section, the procedural rules of the Civil Rules for Courts of
16 Limited Jurisdiction (CRLJs), as they may be amended from time to time, shall govern procedure related to
17 the appeal in the Municipal Court, but no new evidence may be submitted to or taken by the Municipal
18 Court.

19 ~~((5.))~~ E. The Municipal Court shall appoint a judge pro tempore to hear appeals by employees of the
20 Municipal Court unless both the City employee and the Executive Director agree that a regular Municipal
21 Court judge may hear the case.

22 ~~((6.))~~ F. ~~((Subsection B of this))~~ This section shall not apply to (1) City officials elected by the public, (2)
23 the Deputy Mayor, if any, (3) heads of departments and Executive Department offices, (4) members of
24 boards and commissions, and (5) those City employees who are represented by a labor union that, on the date



1 the charges were filed had not reached written agreement with the City regarding the appeal to Municipal
2 Court of monetary fines imposed by the Commission. Persons for whom an appeal to Seattle Municipal
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4 King County Superior Court as provided in state law.

5 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by
6 the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take
7 effect as provided by Municipal Code Section 1.04.020.

8 Passed by the City Council the _____ day of _____, 2000, and signed by me in open session in
9 authentication of its passage this _____ day of _____, 2000.

10
11 _____
12 President _____ of the City Council

13 Approved by me this _____ day of _____, 2000.

14 _____
15 Mayor

16 Filed by me this _____ day of _____, 2000.

17 _____
18 City Clerk

19 (Seal)

20
21
22
23
24



STATE OF WASHINGTON - KING COUNTY

123930
City of Seattle, Clerk's Office

—ss.

No. FULL ORD

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:120118 ORDINANCE

was published on
10/26/00

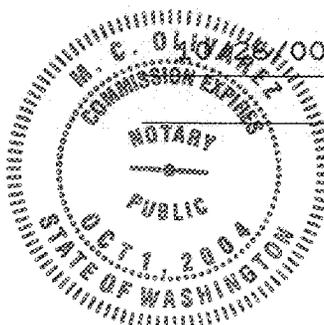
The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

R. Patterson

Subscribed and sworn to before me on

M. C. O'Connell

Notary Public for the State of Washington,
residing in Seattle



City of Seattle

ORDINANCE 120112

AN ORDINANCE relating to the Seattle Ethics and Elections Commission; modifying the authority of the Commission to take action upon determining that violation of the City's Code of Ethics has occurred and amending Chapter 4.16 of the Seattle Municipal Code in connection therewith.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.16.100 of the Seattle Municipal Code is amended as follows:

4.16.100 (PENALTY FOR) ACTION ON VIOLATION (APPEALS OF FINES IMPOSED BY COMMISSION.)

(A) The Commission may take one or more of the following actions for violation of any provision of Chapter 4.16 (Section 4.16.070 or 4.16.080 of this chapter constitutes an infraction for which a monetary fine, not to exceed Five Hundred Dollars (\$500) may be assessed:

(1) Recommend prosecution or other remedy to the appropriate authorities;

(2) Impose a monetary fine of up to five thousand dollars (\$5,000), net violation of three times the economic value of any thing sought or received in violation of Chapter 4.16, whichever is greater;

(3) Require reimbursement for damages of up to \$10,000 sustained by the City that were caused by the violation and were not recovered by the City;

(4) Require costs, including reasonable investigative costs, that do not exceed the amount of any monetary fine;

(5) Recommend to the Mayor and the appropriate agency that they request the City Attorney to bring an action to cancel or rescind the result of action taken by the violator, upon a Commission finding that:

(a) The violation has substantially influenced the City action; and

(b) Interests of the City require cancellation or rescission.

Each act that violates one or more provisions of Chapter 4.16 may constitute a separate violation. Violation may be proven by a preponderance of evidence, and need not be proven beyond a reasonable doubt.

Section 2. Subsections 4.16.100(B) and C are renumbered and a new Section is created as follows:

4.16.105 EMPLOYEE APPEAL OF FINE

(B.1.) A. Except as provided in subsection (C) of this section, if the Commission imposes a monetary fine for violation of any provision of this chapter, the City employee on whom the fine is imposed may appeal the fine, on the Commission's record, to the Seattle Municipal Court. The Seattle Municipal Court shall uphold the Commission's decision if it determines the Commission's decision was not for any arbitrary, capricious, or illegal reason, and the decision was supported by substantial evidence in the Commission's record. Otherwise, the Court shall modify, reverse, or remand the matter to the Commission, as the Court deems appropriate.

(2.) B. In order to appeal a monetary fine imposed under this chapter by the Seattle Ethics and Elections Commission, the City employee on whom the fine is imposed must file a notice of appeal with the Clerk of the Municipal Court, serve it upon the City of Seattle, and deliver a copy to the Executive Director of the Commission, all within twenty (20) days after the date of the Commission's decision. In order to file the notice of appeal, the City employee must pay to the Clerk of the Municipal Court a filing fee in the amount set by statute or court rule for a civil action filed in the District Courts. The filing fee and the costs of preparing the record of the proceedings of the Commission may be taxed as costs against the nonprevailing party, as the Municipal Court may direct, but each party shall bear its own attorney's fees. The notice of appeal shall be in writing and shall include the mailing address and, if different, the street address where papers may be served on the appellant. The notice of appeal shall contain, in separate numbered paragraphs, statements of the specific findings of fact, conclusions of law, or aspects of the fine on which the appel-