

Ordinance No. 123264

IMMEDIATE FAMILY

The City of Seattle – Legislative Department

Council Bill No. 116801

Council Bill/Ordinance sponsored by: *Samy Luna*

AN ORDINANCE related to the Seattle Ethics Code; clarifying the definition of immediate family for purposes of required disclosure statements and amending Seattle Municipal Code Sections 4.16.030 and 4.16.080.

Committee Action:

Date	Recommendation	Vote
<i>3.24.10</i>	<i>APPROVE</i>	<i>3-0 SC, SB, TB</i>

Related Legislation File: _____

Date Introduced and Referred: <i>3.1.10</i>	To: (committee): <i>Built Environment</i>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <i>3-29-10</i>	Date Presented to Mayor: <i>3-30-10</i>
Date Signed by Mayor: <i>4.9.10</i>	Date Returned to City Clerk: <i>4.9.10</i>
Published by Title Only _____	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

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

Full Council Action:

Date	Decision	Vote
<i>3-29-10</i>	<i>Passed As Amended</i>	<i>8-0</i> <i>(Excused: Licata)</i>

Law Department

1 Section 2. Seattle Municipal Code Section 4.16.080, which was last amended by
2 Ordinance 119442, is amended as follows:

3 A. Officers and Employees Subject to RCW 42.17.240. Every officer or employee of the
4 City subject to the reporting requirements of RCW 42.17.240 shall file a duplicate copy of the
5 report required to be filed under SMC Section 2.04.165 with the Ethics and Elections
6 Commission (the Commission) at the same time the original report is required to be filed with
7 the Public Disclosure Commission.
8

9 B. Officers and Employees Not Subject to RCW 42.17.240—Reporting Person—Reporting
10 Requirement.

11 1. The Commission shall adopt by rule a list of the City officers and employees, identified
12 by job title, pocket number, position description, or other means that provide adequate
13 specificity, who shall file a statement of financial interests with the Commission. The list may be
14 amended by rule from time to time, and shall include: (a) every head of a City department and
15 every division manager reporting directly to the head of a City department; (b) every Assistant
16 City Attorney; (c) each Deputy Mayor and each other member of the Mayor's staff with authority
17 to direct the expenditure of City resources; (d) the City Clerk, City Auditor, and every employee
18 in the City Auditor's office who conducts or supervises the conduct of audits; (e) employees
19 identified by department heads as having had decision-making authority over the preceding one
20 (1) year period for (i) the purchase of goods or (ii) the purchase of equipment or (iii) the
21 negotiation of contracts or (iv) the execution of contracts, the purchases or contracts having a
22 total value of Five Thousand Dollars (\$5,000) or more; (f) each employee who supervises,
23 directly or through others, an employee listed pursuant to subsection B1e of this section; and (g)
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1 every member of a City committee, City board, or City commission, that administers, interprets
2 or executes City ordinances, whether a member is paid or unpaid. Each head of a City
3 department shall identify the employees within that department fitting the categories in this
4 subsection in accordance with procedures adopted by the Commission.

5 2. Each person listed or described on the then-current list of the Commission adopted under
6 this section and each person taking on the duties or assuming the position of such a person (a
7 reporting person) shall file a statement of financial interests within two (2) weeks of employment
8 or appointment; and in addition, after January 1st and before April 15th of each year. The
9 statement shall be for the preceding calendar year.
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11 3. Each statement of financial interests filed under this section shall provide complete
12 information with respect to the reporting person and each member of the immediate family of the
13 reporting person.
14

15 For the purposes of this section 4.16.080, "immediate family" means:

- 16 a. a spouse or domestic partner, or
17 b. a parent, parent of a spouse or domestic partner, child, child of spouse or domestic
18 partner, sibling, uncle, aunt, cousin, niece or nephew, if that person either resides
19 with or is a dependent on the Covered Individual's most recently filed federal income
20 tax return.
21

22 4. Each statement of financial interests filed under this section shall be sworn as to its truth
23 and accuracy.

24 C. Officers and Employees Not Subject to RCW 42.17.240—Contents of the Statement of
25 Financial Interests Required by Section 4.16.080 B.
26



1
2 1. Every head or listed division manager of a City department, every Assistant City
3 Attorney, the employees designated in subsection B1c of this section in the Office of the Mayor
4 and the employees designated in subsections B1d, e, and f of this section shall file with the
5 Commission the information required in subsections C3a-d of this section.

6
7 2. Every member of a City committee, City board, or City commission, that administers,
8 interprets or executes City laws, whether a member is paid or unpaid, shall file with the
9 Commission the information required in subsections C3a-c of this section. In addition, every
10 member of the Landmarks Preservation Board and every member of a special review district
11 shall file with the Commission the information required in subsections C3a-d of this section.

12
13 3. The financial interests statement shall contain the following information:

14 a. The name and address of each person engaged in any transaction or activity with the City,
15 excluding the purchase of utilities, from whom the reporting person, or a member of the
16 reporting person's immediate family, has received compensation in any form of a total value of
17 Two Thousand Five Hundred Dollars (\$2,500) or more, excluding campaign contributions
18 reported in accordance with applicable law, and the name of each City agency involved in the
19 transaction or activity, if known;

20
21 b. The name and address of each person engaging in any transaction or activity with the
22 City, excluding the purchase of utilities, in which the reporting person or a member of the
23 reporting person's immediate family held a direct financial interest with a value of One Thousand
24 Five Hundred Dollars (\$1,500) or more; provided that policies of insurance and amounts on
25 deposit in accounts with banks, savings and loan associations or credit unions shall not constitute
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1 a direct financial interest within the meaning of this section, and the name of each involved City
2 agency, if known;

3 c. If a reporting person or a member of his or her immediate family holds a position in an
4 entity engaged in any transaction with the City, the name of the person holding office and the
5 title of office, directorship, or trusteeship held. The reporting person shall include the name and
6 address of the entity and, if known, the name of each City agency with which the entity was
7 involved. The reporting person may exclude an entity whose only transactions with the City
8 consist of the purchase of utilities.
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10 d. A list, including either addresses or legal descriptions of all real property in the City in
11 which the reporting person or a member of the reporting person's immediate family held a direct
12 financial interest; and if the facilities and properties of a City agency which employs the
13 reporting person extend beyond the City limits, the list shall include all real property located
14 within the county or counties within which such City agency has property or facilities, except
15 that a member of a special review district need only report as to property within the district. No
16 property shall be identified on the statement as being the home or personal residence of the
17 reporting person.
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19 D. Officers and Employees Not Subject to RCW 42.17.240—Suspension or Modification of
20 Reporting Requirements. After hearing, the Commission may by order suspend or modify a
21 reporting requirement in a particular case if it finds that literal application of the requirement
22 would cause a manifestly unreasonable hardship and that such suspension or modification will
23 not frustrate the purposes of this chapter.
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1 Section 3. This ordinance shall take effect and be in force 30 days from and after its
2 approval by the Mayor, but if not approved and returned by the Mayor within 10 days after
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

4 Passed by the City Council the 29th day of March, 2009¹⁰, and
5 signed by me in open session in authentication of its passage this

6 29th day of March, 2009¹⁰.

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9 
10 President _____ of the City Council

11 Approved by me this 9th day of April, 2009 2010

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15 ~~Gregory J. Nickels, Mayor~~
Michael McGinn, Mayor

16 Filed by me this 9th day of April, 2009 10

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City Clerk

20 (Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Ethics and Elections	Wayne Barnett/4-8577	N/A

Legislation Title:

AN ORDINANCE related to the Seattle Ethics Code; clarifying the definition of immediate family for purposes of required disclosure statements and amending Seattle Municipal Code Sections 4.16.030 and 4.16.080.

• **Summary of the Legislation:**

Amends sections of the SMC in order to impose a narrower definition for “immediate family” for the purposes of the City’s financial disclosure program.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

In June of 2009, the Council adopted a set of amendments (Ordinance 123010) proposed by the Ethics and Elections Commission related to the City’s ethics code. Included in those amendments were changes that broadened the definition of “immediate family” for City employees. The intent was to expand the definition in order to prevent conflicts of interest.

Subsequent to adoption of the new definition, the Commission has found that the expanded definition would require certain employees subject to the City’s financial disclosure program to disclose information about the property owned by their parents, siblings and adult children as well as other financial information for these individuals. This is an unintended consequence of the ordinance adopted last June and the proposed legislation would re-impose a narrower definition for the purposes of the financial disclosure program.

- *Please check one of the following:*

X **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*





City of Seattle

Ethics and Elections Commission

January 11, 2010

BY E-MAIL

Councilmember Sally J. Clark
Built Environment Committee
City Hall
Seattle, WA 98104

Re: Proposed amendment to definition of Immediate Family for purposes of financial disclosure

Dear Councilmember Clark:

At the SEEC's January 6, 2010 meeting the commissioners unanimously recommended adoption of the attached amendment to the Ethics Code section requiring financial disclosure statements from many City employees.

As you will recall, prior to last summer the Ethics Code's definition of "immediate family" was drafted so narrowly that an employee could hire their children, siblings, and parents, so long as those family members did not live with the employee. Unfortunately, the sensible decision to expand that definition for purposes of preventing conflicts of interest had an unintended consequence; requiring employees to publicly disclose property owned by their parents, siblings and adult children, as well as other financial activities for such individuals.

The attached bill will reinstate a narrower definition of immediate family for purposes of the City's financial disclosure program, tracking the approach to this issue taken by the state. Since the City's financial disclosure program gets under way soon, I urge the City Council to act quickly to pass this legislation to avoid any confusion over the legal requirements.

Very truly yours,

Wayne Barnett
Executive Director

Attachment

cc: Councilmember Tim Burgess, Vice-Chair, Built Environment Committee
Councilmember Sally Bagshaw, Member, Built Environment Committee
Council President Richard Conlin
Carl Marquardt, Legal Counsel to the Mayor
Seattle Ethics and Elections Commission

700 Fifth Avenue, Suite 4010, PO Box 94729, Seattle, WA 98124-4729

Tel: (206) 684-8500, Fax: (206) 684-8590, E-Mail: ethicsandelections@seattle.gov, Web: <http://www.seattle.gov/ethics>
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



1 Section 2. Seattle Municipal Code Section 2.16.080, which was last amended by
2 Ordinance 123010, is amended as follows:

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16 City Attorney; (c) each Deputy Mayor and each other member of the Mayor's staff with authority
17 to direct the expenditure of City resources; (d) the City Clerk, City Auditor, and every employee
18 in the City Auditor's office who conducts or supervises the conduct of audits; (e) employees
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4 Passed by the City Council the ____ day of _____, 2009, and
5 signed by me in open session in authentication of its passage this
6 ____ day of _____, 2009.

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9 _____
10 President _____ of the City Council

11 Approved by me this ____ day of _____, 2009.

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13 _____
14 Gregory J. Nickels, Mayor

15
16 Filed by me this ____ day of _____, 2009.

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18 _____
19 City Clerk

20 (Seal)



STATE OF WASHINGTON – KING COUNTY

--SS.

253532
CITY OF SEATTLE, CLERKS OFFICE

No.

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.

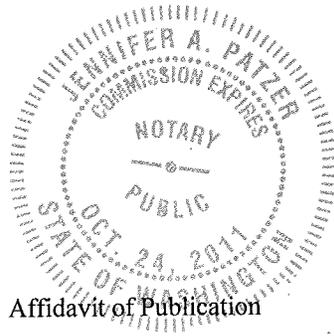
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123264 ORDINANCE

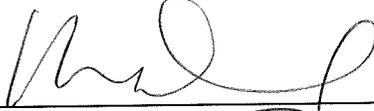
was published on

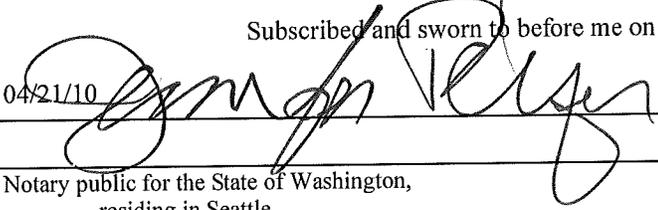
04/21/10

The amount of the fee charged for the foregoing publication is the sum of \$ 286.65, which amount has been paid in full.



Affidavit of Publication



Subscribed and sworn to before me on
04/21/10 

Notary public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 123264

AN ORDINANCE related to the Seattle Ethics Code; clarifying the definition of immediate family for purposes of required disclosure statements and amending Seattle Municipal Code Sections 4.16.030 and 4.16.080.

WHEREAS, Ordinance 123010 expanded the meaning of immediate family for purposes of certain conflicts of interest, and

WHEREAS, the Council wishes to clarify the definition of immediate family for purposes of required disclosure statements under Seattle Municipal Code Section 4.16.080, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 4.16.030, which was last amended by Ordinance 123010, is amended as follows:

Definitions.

As used in this chapter, the following terms shall have the meanings indicated.

"Immediate family," except for the purposes of section 4.16.080, means a spouse or domestic partner, child, child of a spouse or domestic partner, sibling, sibling of a domestic partner, brother-in-law, sister-in-law, parent, parent of a spouse or domestic partner, a person for whom the Covered Individual is a legal guardian, or a person claimed as a dependent on the Covered Individual's most recently filed federal income tax return.

Section 2. Seattle Municipal Code Section 4.16.080, which was last amended by Ordinance 119442, is amended as follows:

A. Officers and Employees Subject to RCW 42.17.240. Every officer or employee of the City subject to the reporting requirements of RCW 42.17.240 shall file a duplicate copy of the report required to be filed under SMC Section 2.04.165 with the Ethics and Elections Commission (the Commission) at the same time the original report is required to be filed with the Public Disclosure Commission.

B. Officers and Employees Not Subject to RCW 42.17.240—Reporting Person—Reporting Requirement.

1. The Commission shall adopt by rule a list of the City officers and employees, identified by job title, pocket number, position description, or other means that provide adequate specificity, who shall file a statement of financial interests with the Commission. The list may be amended by rule from time to time, and shall include: (a) every head of a City department and every division manager reporting directly to the head of a City department; (b) every Assistant City Attorney; (c) each Deputy Mayor and each other member

of the Mayor's staff with authority to direct the expenditure of City resources; (d) the City Clerk, City Auditor, and every employee in the City Auditor's office who conducts or supervises the conduct of audits; (e) employees identified by department heads as having had decision-making authority over the preceding one (1) year period for (i) the purchase of goods or (ii) the purchase of equipment or (iii) the negotiation of contracts or (iv) the execution of contracts, the purchases or contracts having a total value of Five Thousand Dollars (\$5,000) or more; (f) each employee who supervises, directly or through others, an employee listed pursuant to subsection B1e of this section; and (g) every member of a City committee, City board, or City commission, that administers, interprets or executes City ordinances, whether a member is paid or unpaid. Each head of a City department shall identify the employees within that department fitting the categories in this subsection in accordance with procedures adopted by the Commission.

of Washington, King County

2. Each person listed or described on the then-current list of the Commission adopted under this section and each person taking on the duties or assuming the position of such a person (a reporting person) shall file a statement of financial interests within two (2) weeks of employment or appointment; and in addition, after January 1st and before April 15th of each year. The statement shall be for the preceding calendar year.

3. Each statement of financial interests filed under this section shall provide complete information with respect to the reporting person and each member of the immediate family of the reporting person.

For the purposes of this section 4.16.080, "immediate family" means: a spouse or domestic partner, or a parent, parent of a spouse or domestic partner, child, child of spouse or domestic partner, sibling, uncle, aunt, cousin, niece or nephew, if that person either resides with or is a dependent on the Covered Individual's most recently filed federal income tax return.

4. Each statement of financial interests filed under this section shall be sworn as to its truth and accuracy.

C. Officers and Employees Not Subject to RCW 42.17.240—Contents of the Statement of Financial Interests Required by Section 4.16.080 B.

1. Every head or listed division manager of a City department, every Assistant City Attorney, the employees designated in subsection B1c of this section in the Office of the Mayor and the employees designated in subsections B1d, e, and f of this section shall file with the Commission the information required in subsections C3a-d of this section.

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c. If a reporting person or a member of his or her immediate family holds a position in an entity engaged in any transaction with the City, the name of the person holding office and the title of office, directorship, or trusteeship held. The reporting person shall include the name and address of the entity and, if known, the name of each City agency with which the entity was involved. The reporting person may exclude an entity whose only transactions with the City consist of the purchase of utilities.

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Passed by the City Council the 29th day of March, 2010, and signed by me in open session in authentication of its passage this 29th day of March, 2010.

Richard Conlin

President of the City Council

Approved by me this 9th day of April, 2010.

Michael McGinn, Mayor

Filed by me this 9th day of April, 2010.

Publication ordered by the City Clerk
Date of publication in the Seattle Daily Journal of Commerce, April 21, 2010.

4/21(253532)