

ORDINANCE NO. 2337

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, RELATING TO PUBLIC DISCLOSURE STATEMENTS OF ELECTIVE OFFICIALS AND CANDIDATES, AND AMENDING, SECTIONS 2.76.020 AND 2.76.030 OF THE REDMOND MUNICIPAL CODE

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WHEREAS, the Redmond Municipal Code Chapter 2.76 outlines the local filing requirements for disclosure statements, and;

WHEREAS, all elected officials and candidates must provide copies of disclosure statements with the City Clerk, and;

WHEREAS, the Redmond Municipal Code needs to be updated to take advantage of technology that allows elected officials and candidates to remit electronic filings to the Public Disclosure Commission, now therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Section 2.76.020 and 2.76.030 are hereby amended to read as follows:

2.76.020 Local filing requirements for disclosure statements. All elected officials and candidates for elective office of the city of Redmond shall file with or notify the City Clerk of electronic filings of their public disclosure statements, which they are required to file with the Public Disclosure Commission pursuant to the provisions of RCW 42.17. All elected officials shall also be required to file with or notify the City clerk of electronic filings of all campaign expenditure disclosure statements that are now required to be filed with the Public Disclosure Commission pursuant to the provisions of RCW Chapter 42.17. Not less than one copy of the public disclosure statements shall be kept on file in the office of the City Clerk for use and examination by the public during regular business hours.

The times and dates upon which said information shall be filed shall be those applicable for the filing of the same or similar information before the Public Disclosure Commission except that the initial statement shall be filed within thirty days from the effective date of the ordinance codified in this chapter.

Section 2.76.030 State statutes adopted by reference. The following statutes of the State of Washington are adopted by reference pursuant to the authority

contained in RCW 35A.12.140:

RCW 42.17.390	Civil remedies and sanctions, except subdivision (2) thereof.
RCW 42.17.400	Enforcement
RCW 42.17.410	Limitation of actions
RCW 42.17.420	Date of mailing deemed date of receipt
RCW 42.17.430	Certification of reports
RCW 42.17.440	Statements and reports public records
RCW 42.17.450	Duty to preserve statements and reports
RCW 42.17.910	Severability
RCW 42.17.920	Construction

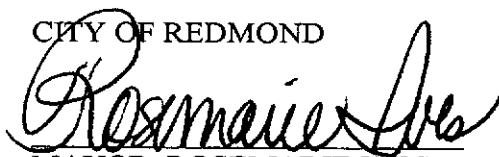
Provided that wherever the words “this chapter” or “this act” are used in the foregoing statutes, the same shall be construed to mean this chapter.

Not less than one copy of the above statutes shall be kept on file in the office of the City Clerk for use and examination by the public.

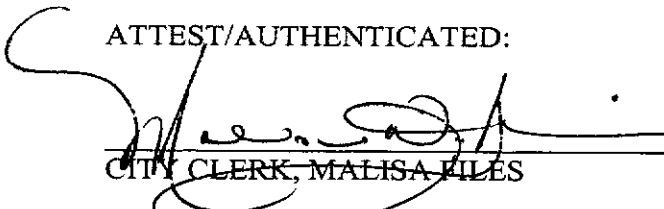
Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

CITY OF REDMOND

  
MAYOR, ROSEMARIE IVES

ATTEST/AUTHENTICATED:

  
CITY CLERK, MALISA FILES

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: 

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
SIGNED BY THE MAYOR:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO.: 2337

April 25, 2007  
May 1, 2007  
May 2, 2007  
May 7, 2007  
May 12, 2007

**RCW 35A.12.140****Adoption of codes by reference.**

Ordinances may by reference adopt Washington state statutes and state, county, or city codes, regulations, or ordinances or any standard code of technical regulations, or portions thereof, including, for illustrative purposes but not limited to, fire codes and codes or ordinances relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health and sanitation, the slaughtering, processing, and selling of meats and meat products for human consumption, the production, pasteurizing, and sale of milk and milk products, or other subjects, together with amendments thereof or additions thereto, on the subject of the ordinance. Such Washington state statutes or codes or other codes or compilations so adopted need not be published in a newspaper as provided in RCW 35A.12.160, but the adopting ordinance shall be so published and a copy of any such adopted statute, ordinance, or code, or portion thereof, with amendments or additions, if any, in the form in which it was adopted, shall be filed in the office of the city clerk for use and examination by the public. While any such statute, code, or compilation is under consideration by the council prior to adoption, not less than one copy thereof shall be filed in the office of the city clerk for examination by the public.

[1995 c 71 § 1; 1982 c 226 § 2; 1967 ex.s. c 119 § 35A.12.140.]

**Notes:**

**Effective date -- 1982 c 226:** See note following RCW 35.21.180.

## **RCW 42.17.390**

### **Civil remedies and sanctions.**

One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(1) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(2) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his or her registration may be revoked or suspended and he or she may be enjoined from receiving compensation or making expenditures for lobbying; PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

(3) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation. However, a person or entity who violates RCW 42.17.640 may be subject to a civil penalty of ten thousand dollars or three times the amount of the contribution illegally made or accepted, whichever is greater.

(4) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

(5) Any person who fails to report a contribution or expenditure as required by this chapter may be subject to a civil penalty equivalent to the amount not reported as required.

(6) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein.

[2006 c 315 § 2; 1993 c 2 § 28 (Initiative Measure No. 134, approved November 3, 1992); 1973 c 1 § 39 (Initiative Measure No. 276, approved November 7, 1972).]

#### **Notes:**

**Intent – 2006 c 315:** "It is the intent of the legislature to increase the authority of the public disclosure commission to more effectively foster compliance with our state's public disclosure and fair campaign practices act. It is the intent of the legislature to make the agency's penalty authority for violations of this chapter more consistent with other agencies that enforce state ethics laws and more commensurate with the level of political spending in the state of Washington." [2006 c 315 § 1.]

**Severability -- 2006 c 315:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2006 c 315 § 4.]

## **RCW 42.17.400 Enforcement.**

(1) The attorney general and the prosecuting authorities of political subdivisions of this state may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17.390.

(2) The attorney general and the prosecuting authorities of political subdivisions of this state may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, paper and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general or the prosecuting authority of any political subdivision of this state requires the attendance of any person to obtain such information or the production of the accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this chapter, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, shall be effective statewide, and, upon application of the attorney general or said prosecuting authority, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and such action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) Any person who has notified the attorney general and the prosecuting attorney in the county in which the violation occurred in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter. This citizen action may be brought only if the attorney general and the prosecuting attorney have failed to commence an action hereunder within forty-five days after such notice and such person has thereafter further notified the attorney general and prosecuting attorney that said person will commence a citizen's action within ten days upon their failure so to do, and the attorney general and the prosecuting attorney have in fact failed to bring such action within ten days of receipt of said second notice. If the person who brings the citizen's action prevails, the judgment awarded shall escheat to the state, but he shall be entitled to be reimbursed by the state of Washington for costs and attorney's fees he has incurred: PROVIDED, That in the case of a citizen's action which is dismissed and which the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorney's fees incurred by the defendant.

(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or trebled damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he shall be awarded all costs of trial, and may be awarded a reasonable attorney's fee to be fixed by the court to be paid by the state of Washington.

[1975 1st ex.s. c 294 § 27; 1973 c 1 § 40 (Initiative Measure No. 276, approved November 7, 1972).]

**RCW 42.17.410**  
**Limitation on actions.**

Any action brought under the provisions of this chapter must be commenced within five years after the date when the violation occurred.

[1982 c 147 § 18; 1973 c 1 § 41 (Initiative Measure No. 276, approved November 7, 1972).]

**RCW 42.17.420**

**Date of mailing deemed date of receipt — Exceptions — Electronic filings.**

(1) Except as provided in subsection (2) of this section, when any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. The provisions of this section do not apply to reports required to be delivered under RCW 42.17.105 and 42.17.175.

(2) When a report is filed electronically with the commission, it is deemed to have been received on the file transfer date. The commission shall notify the filer of receipt of the electronically filed report. Such notification may be sent by mail, facsimile, or electronic mail. If the notification of receipt of the electronically filed report is not received by the filer, the filer may offer his or her own proof of sending the report, and such proof shall be treated as if it were a receipt sent by the commission. Electronic filing may be used for purposes of filing the special reports required to be delivered under RCW 42.17.105 and 42.17.175.

[1999 c 401 § 10; 1995 c 397 § 18; 1983 c 176 § 2; 1973 c 1 § 42 (Initiative Measure No. 276, approved November 7, 1972).]



**RCW 42.17.430**

**Certification of reports.**

Every report and statement required to be filed under this chapter shall identify the person preparing it, and shall be certified as complete and correct, both by the person preparing it and by the person on whose behalf it is filed.

[1973 c 1 § 43 (Initiative Measure No. 276, approved November 7, 1972).]

**RCW 42.17.440**

**Statements and reports public records.**

All statements and reports filed under this chapter shall be public records of the agency where they are filed, and shall be available for public inspection and copying during normal business hours at the expense of the person requesting copies, provided that the charge for such copies shall not exceed actual cost to the agency.

[1973 c 1 § 44 (Initiative Measure No. 276, approved November 7, 1972).]

**RCW 42.17.450**

**Duty to preserve statements and reports.**

Persons with whom statements or reports or copies of statements or reports are required to be filed under this chapter shall preserve them for not less than six years. The commission, however, shall preserve such statements or reports for not less than ten years.

[1973 c 1 § 45 (Initiative Measure No. 276, approved November 7, 1972).]

**RCW 42.17.910**  
**Severability — 1973 c 1.**

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

[1973 c 1 § 46 (Initiative Measure No. 276, approved November 7, 1972).]

**RCW 42.17.920**  
**Construction — 1973 c 1.**

The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

[1973 c 1 § 47 (Initiative Measure No. 276, approved November 7, 1972).]