

# SEATTLE CITY NOTICES

ORDINANCE 123361

AN ORDINANCE relating to certain functions of the executive branch of City government; creating a City Budget Office, creating a Department of Finance and Administrative Services; establishing the duties of the new office and department; abolishing the Department of Finance, Fleets and Facilities Department, and Department of Executive Administration and reassigning certain functions currently performed by those departments; reassigning certain functions from the Department of Neighborhoods; assigning certain functions to the Office of Intergovernmental Relations; assigning certain functions to the Office of Economic Development; transferring and making changes to certain positions, some of which are exempt; designating positions as exempt from civil service; making provisions for transition; amending the 2010 Adopted Budget; changing the names, departmental associations, and purpose statements of various Budget Control Levels; amending Ordinances 117190, 117375, 117524, 117921, 119145, 119158, 122232, 122857, 123013, 123177, 123252, and Attachment A to Ordinance 122991; repealing obsolete provisions in the Seattle Municipal Code; adding Chapters 3.39, 3.126, 3.127, and 5.34; repealing Chapters 3.04, 3.18, 3.38, 4.68, 20.49, and Sections 3.104.020, 3.106.010, 3.108.010, 4.20.150, 4.20.375, 5.04.040, 10.24.030, 10.38.050, 20.20.030, 21.60.410, 21.60.420, and 21.60.430; adding, amending, updating, and/or clarifying sections in Chapters 3.02, 3.06, 3.14, 3.28, 3.30, 3.33, 3.35, 3.40, 3.58, 3.70, 3.73, 3.76, 3.90, 3.116, 3.121, 3.124, 4.04, 4.08, 4.13, 4.14, 4.20, 4.24, 4.28, 4.36, 4.40, 4.44, 4.70, 4.72, 4.96, 4.100, 5.04, 5.06, 5.08, 5.09, 5.10, 5.12, 5.14, 5.16, 5.20, 5.22, 5.24, 5.30, 5.33, 5.40, 5.45, 5.55, 5.56, 5.64, 5.78, 5.80, 6.02, 6.10, 6.14, 6.20, 6.36, 6.38, 6.42, 6.48, 6.102, 6.202, 6.222, 6.270, 6.295, 6.310, 6.315, 7.04, 7.08, 7.20, 7.25, 7.26, 9.25, 9.26, 10.02, 10.08, 10.11, 10.46, 11.16, 11.23, 11.30, 11.50, 11.60, 12A.08, 12A.62, 15.04, 15.38, 15.42, 15.52, 15.62, 16.08, 18.12, 18.28, 20.04, 20.08, 20.12, 20.20, 20.38, 20.40, 20.42, 20.45, 20.48, 20.50, 20.60, 20.70, 20.76, 20.80, 20.84, 21.04, 21.16, 21.24, 21.28, 21.36, 21.40, 21.60, 21.68, 21.72, 21.76, 22.208, 22.220, 22.900D, 22.904, 23.22, 23.44, 25.05, and 25.28 of the Seattle Municipal Code; and ratifying and confirming certain prior acts all by a 2/3<sup>rd</sup> vote of the City Council.

WHEREAS, the Mayor has proposed a reorganization of City government that places Citywide financial management functions, fleet services, facilities services, internal services, constituent services and certain other administrative functions within a new Department of Finance and Administrative Services; and

WHEREAS, as part of this reorganization, the Mayor has also proposed the creation of a City Budget Office to conduct long-term financial planning and manage the City's expenditures by developing and monitoring an annual budget to support core City services and the Mayor's and Council's priorities; and

WHEREAS, in creating the new Department of Finance and Administrative Services (FAS), functions from the former Fleets and Facilities Department, former Department of Executive Administration, the Customer Service Bureau of the Department of Neighborhoods, and the economic forecasting and debt management function from the former Department of Finance are being transferred into FAS; and

WHEREAS, in creating the new City Budget Office (CBO), the City's budgeting and long-term financial planning functions are being transferred into CBO; and

WHEREAS, the proposed reorganization calls for the abolishment of the former Department of Finance, Department of Executive Administration, and Fleets and Facilities Department; and

WHEREAS, when revising the Seattle Municipal Code (SMC) to reflect the proposed reorganization, certain other obsolete references were updated in order to reflect current practice; and

WHEREAS, the City Council supports the proposed reorganization and updating the SMC;  
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

## ESTABLISHMENT OF NEW DEPARTMENT AND TRANSFER OF FUNCTIONS

Section 1. A new City Budget Office is created in the Executive Department to develop, defend, and monitor the City of Seattle's annual budget, to carry out budget-related functions,

- F. Provide technical assistance, training, and support to City departments in performing financial functions; and
- G. Perform such other activities as may be assigned by ordinance from time to time.

Section 9. A new Section 3.14.110 is added to the Seattle Municipal Code as follows:

### 3.14.110 City Budget Director -- Appointment -- Removal.

The City Budget Director shall be appointed, by the Mayor, subject to confirmation by a majority vote of the City Council, and shall be subject to reappointment and reconfirmation every four years. The City Budget Director may be removed by the Mayor upon filing a statement of his or her reasons for the removal with the City Council.

Section 10. Section 3.14.420 of the Seattle Municipal Code as last amended by

Ordinance 108098 is amended as follows:

### 3.14.420 Director -- Duties.

Under the direction of the Mayor, and in consultation with the City Council, the duties of the Director of the Office of Intergovernmental Relations shall be as follows:

- A. To provide support to the Mayor and City Council in their interactions with regional, state, federal and international officials and entities.
- B. To facilitate the process of developing the City's State and Federal legislative priorities by working with the Mayor and City Council to identify joint priorities and helping to resolve differences.
- C. To represent and support the interests of the City, as determined by the Mayor and the City Council, in interactions with Congress, federal agencies, national organizations, and appointed and elected national officials, and to influence lawfully the decisions and actions of such individuals, Congress and agencies in support of City activities and policies;
- ~~(B)~~D. To represent and support the interests of the City, as determined by the Mayor and the City Council, and its policies in relationship with the State Legislature, Governor's Office, agencies and state boards and commissions, and to develop and represent the City's annual State Legislative Program;
- ~~(C)~~E. To coordinate and provide staff support in the representation of the City and its interests and policies in interactions with special and multipurpose regional agencies and general purpose local government, and to influence the decisions and actions of these agencies in accordance with City policy;
- ~~(D)~~E. To represent and support the interests of the City in interactions with foreign consular officials, international organizations, international delegations and dignitaries, and to manage Seattle's Sister City and other international programs.

G. To appoint, remove, supervise, and control all officers and employees of the Office of Intergovernmental Relations in accordance with civil service laws and rules;

~~(E)~~H. To manage the preparation of the proposed annual budget of the Office of Intergovernmental Relations, authorize necessary expenditures, and supervise the maintenance of adequate accounting systems and procedures;

- all supplies, material, equipment and services required by City agencies;
3. the disposition of property, equipment, supplies, and material other than art works that are surplus to the City's needs;
4. municipal property management and real estate services;
5. fleet services;
6. and, capital facilities and improvements planning, construction, operation, and maintenance for general government use.

D. The Department shall administer and enforce laws and City ordinances relating to animal control.

E. Within the Department there is established a Finance Division, which shall be the Department of Finance for the purposes of Article VIII Section 1 of the City Charter. The Finance Division shall perform such duties of the Department of Finance and Administrative Services as described in Section 3.39.035, plus those assigned at the discretion of the Director of Finance and Administrative Services.

F. All references to "Department of Executive Administration," "Department of Finance," "Fleets and Facilities Department," "Department of Administrative Services," "Department of Licenses and Consumer Affairs," "Board of Public Works," "Director of Executive Administration," "Director of Fleets and Facilities," "Purchasing Agent" or "Director of Licenses and Consumer Affairs," in the Municipal Code shall be deemed to be a reference to "Department of Finance and Administrative Services" or "Director of Finance and Administrative Services or his/her designee" as may be applicable, except where the historical reference to "Purchasing Agent," "Department of Administrative Services," "Department of Licenses and Consumer Affairs," "Director of Licenses and Consumer Affairs," "Director of Executive Administration," "Director of Fleets and Facilities," or "Board of Public Works" is called for by context.

Section 13. A new Section 3.39.020 is added to the Seattle Municipal Code as follows:  
**3.39.020 Director of Finance and Administrative Services - functions and powers.**  
The Director of Finance and Administrative Services' functions and powers include but are not limited to the following:

A. Subject to the City's personnel ordinances and rules, appoint, assign, supervise and control all officers and employees in the Department;

B. Manage the preparation of the proposed budget for the Department, authorize appropriate expenditures and carry out the adopted budget, develop and manage the Department's programs, and undertake authorized activities;

C. Promulgate rules and regulations in accordance with Chapter 3.02 as deemed necessary to carry out the functions of the Department;

D. Maintain the City's financial accounts and records, issuing financial statements on behalf of the City, establish accounting policies and procedures for City departments, and

the administrative and oversight functions set forth in this ordinance, and exercise general supervision over the financial affairs of the City as set forth in the City Charter or as assigned in this or another ordinance.

Section 3. All rules, regulations, notices, and proceedings in effect on the effective date of this ordinance with respect to activities carried out by the Department of Finance, Fleets and Facilities Department, Department of Executive Administration, and the Customer Service Bureau unit in the Department of Neighborhoods shall continue in effect, unless and until they expire of their own terms or are superseded. If and to the extent responsibility for the activity at issue has been transferred to the Department of Finance and Administrative Services by this or another ordinance, any power or responsibility under such rules, regulations, notices and proceedings that was formerly performed by the Director of Finance shall be performed by the Director of Finance and Administrative Services or his or her designee.

Section 4. Chapter 3.04 of the Seattle Municipal Code is repealed and the Department of Executive Administration is abolished.

Section 5. Chapter 3.18 of the Seattle Municipal Code is repealed and the Fleets and Facilities Department is abolished.

Section 6. Chapter 3.38 of the Seattle Municipal Code is repealed and the Department of Finance is abolished.

Section 7. Chapter 3.14 of the Seattle Municipal Code is amended as follows:

**Subchapter I (Office of Cable Communications) City Budget Office**

Section 8. A new Section 3.14.100 is added to the Seattle Municipal Code and the City Budget Office is created in the Executive Department as follows:

**3.14.100 City Budget Office created -- Functions, powers, and authority.**

There is established a City Budget Office in the Executive Department to direct City budgeting functions and oversee its fiscal policy and financial planning activities unless law or ordinance vests such power elsewhere.

The head of the City Budget Office shall be the City Budget Director. The City Budget Director's functions and powers include the following:

- A. Subject to the City's personnel ordinances and rules, appoint, assign, supervise and control all officers and employees in the Office;
- B. Manage the preparation of the proposed budget for the Office, authorize appropriate expenditures, monitor, and carry out the adopted budget, develop and manage programs, and undertake authorized activities;
- C. Be the Budget Director as referenced in Chapter 35.32A RCW and prepare the Mayor's proposed budgets for submission to the City Council, giving guidance as appropriate to other City departments, offices, boards, and commissions in the preparation of their proposed budgets;
- D. Provide strategic financial analysis, including analysis that relates to the use of revenues, debt, long term financial planning, and special trends and events;
- E. Be the Mayor's agent with regard to the acceptance of Council Bills that have been passed by the City Council and are presented for mayoral action;

response to these federal actions;

((G))J. To ensure that the City's elected officials and departments are supported and staffed on all policy issues arising in the regional agencies such as King County Government, ((Metro)) Puget Sound Council of Governments, ((Puget Sound Health Systems Agency, Puget Sound Air Pollution Control Agency)) Economic Development District and any other regional governmental agencies as needed;

((H))K. To ensure that the City's elected officials and departments are made aware of major state funding programs, regulatory and legislative actions and assist them in participating in these state activities.

L. To ensure that the City's elected officials and departments are supported and staffed on all policy issues and activities arising from the City's international programs, relationships and activities.

M. To provide monitoring of public corporations established pursuant to Seattle Municipal Code Chapter 3.110, in consultation with the Director of Finance.

N. For the duration of regular and special sessions of the Washington State Legislature, provide written and in-person updates to the Mayor and City Council, at regular intervals.

Section 11. A new Chapter 3.39 is added to the Seattle Municipal Code and the Department of Finance and Administrative Services is created as follows:

**Chapter 3.39 Department of Finance and Administrative Services**

Section 12. A new Section 3.39.010 is added to the Seattle Municipal Code as follows:  
**3.39.010 Department established -- Purpose.**

There is established a Department of Finance and Administrative Services.

A. The Department shall exercise general supervision over the financial affairs of the City, including but not limited to the following:

1. direct City borrowing activities;
2. provide policy direction concerning investments;
3. administer licensing for regulation and/or revenue unless law or ordinance vests such power elsewhere; and
4. provide revenue forecasts for those sources that are directly dependent on local economic conditions, including but not limited to sales tax, business and occupation tax, property tax, real estate excise tax and utility taxes;
5. provide economic and policy analysis on matters related to these same revenue sources;
6. provide assessments of local economic conditions and more general economic analyses, as appropriate and/or as requested;
7. provide general oversight of the City's Retirement Boards;
8. manage and maintain the City's accounting and financial systems.

B. The Department shall administer and enforce laws and ordinances relating to weights, measures, and consumer protection.

C. The Department shall be responsible for administering the following internal services for the City including but not limited to:

1. the City's public works contracting processes, and execution of contracts for public works projects;
2. the contractor processes, and execution and management contracts for

E. Provide managerial oversight to the Finance Director in the exercise of duties authorized under SMC 3.39.035, and as assigned by ordinance;

F. Keep the City Treasury, receive and disburse all money belonging to the City, unless otherwise expressly provided by state law or City ordinance; collect funds due to the City when the function has not been assigned to another City department; and prepare and disburse the payroll after receiving proper certification from departments;

G. Certify City officers or employees as cashiers for receiving and depositing funds due to the City, establish criteria for their certification and internal controls for cash management, suspend or withdraw their certification, and pursue remedies available at law in the event of loss;

H. Select qualified public depositories for the deposit of City moneys as contemplated by RCW Chapter 39.58;

I. Invest funds in excess of the City's current needs, forecasting cash balances and needs, deposit and manage cash, and administer trust accounts that are not assigned to any other department;

J. Arrange for withholding and payment of applicable federal and state taxes;

K. Provide technical assistance, training, and support to City departments in performing financial functions;

L. Issue, deny, suspend, and revoke licenses for regulatory or revenue purposes according to law;

M. In the administration of public works contracting processes, require that all public works activities and contracts for public works projects are developed and carried out in a manner consistent with applicable state law and City ordinances. In case of an emergency requiring the immediate or expedited execution of public works contracts, the Director or his or her designee is authorized to declare the existence of an emergency situation, waive competitive bidding requirements, and award public works contracts as necessary to address the emergency. For purposes of this subsection, emergency situations are those that would impair the continued conduct of essential City functions, programs, services, or activities; create an undue hardship for residents, visitors, businesses, City departments, or other government agencies; result in a financial or property loss; or threaten public health or safety.

N. Consistent with this title and as otherwise authorized by ordinance, administer the City's purchasing and contracting processes, including solicitation of offers and proposals, and administration and enforcement of agreements made; execute public works contracts for the City, purchasing of supplies, materials, equipment and maintenance services, expert and consultant services, and disposition of property, equipment, supplies, and material, other than art works, that are surplus to the City's needs;

O. At his or her discretion or as otherwise authorized by ordinance, delegate any or all of the powers granted in subsections 3.39.020.M and 3.39.020.N to other departments, including but not limited to the authority to execute or administer classes of or individual portions of

SECTION B

contracts;

P. Provide risk management and insurance services and process claims against the City pursuant to Chapter 5.24;

Q. Manage the City's real estate portfolio, excluding those properties for which the City Charter, ordinance or state law requires management by another department. Management includes planning and development, acquisition, disposal, analysis, development of policy and procedure, and general administration, including space allocation and operations;

R. Establish a system of prices, rates and allocations, and charge City departments and other users for services furnished by the Department and the use of City facilities, Department services, vehicles, and equipment; and establish a system of rates to be charged to City departments for the value of providing City-wide directory assistance services, which the Department of Information Technology will bill to departments;

S. Manage the City's fleet and provide services to other public fleets, in accordance with City policy, including policies that address the environmental and financial impacts of the fleet;

T. Provide a single point of contact to receive and resolve constituent concerns, questions, and complaints; oversee Citywide compliance in responding to public record requests; provide directory assistance for the City; provide information about City government to the public; present constituent concerns to City departments, and strengthen and ensure coordinated departmental responses; and

U. Perform such other activities as may be assigned by ordinance from time to time.

Section 14. A new Section 3.39.021 is added to the Seattle Municipal Code as follows:

**3.39.021 Director of Finance and Administrative Services-- Appointment and removal.**

The Director of Finance and Administrative Services shall be appointed by the Mayor subject to confirmation by majority vote of the City Council, and shall be subject to reappointment and reconfirmation every four years. The Director may be removed by the Mayor at any time upon filing a statement of reason therefor with the City Council.

Section 15. A new Section 3.39.022 is added to the Seattle Municipal Code as follows:

**3.39.022 Director -- Definition.**

Throughout this Chapter 3.39, whenever the word "Director" is used without further description, it shall refer to the Director of Finance and Administrative Services or his or her designee.

Section 16. Three new Sections 3.39.030, 3.39.033 and 3.39.035 are added to the Seattle Municipal Code as follows:

**3.39.030 Director of Finance -- Appointment and removal.**

The Director of Finance manages the Finance Division housed within the Department of Finance and Administrative Services, and is the Director of Finance and Administrative Services.

assessment of the system's financial integrity.

- 2. Police Relief and Pension Fund – general oversight,
- 3. Firemen's Relief and Pension Fund – general oversight, and,
- 4. The City of Seattle Voluntary Deferred Compensation Plan and Trust

Committee. Duties shall include:

- a. Oversee plan administration, and,
- b. Assess fund selection options.

E. Debt administration, in coordination with the City Budget Office, including:

- 1. Develop and maintain general policies for City debt,
- 2. Assess proposals for use of debt; ensure proposals consistent to debt policies,
- 3. Issue debt,
- 4. Ensure compliance to federal, state, City, and bond restrictions for use of bond proceeds, and,
- 5. Ensure debt service is paid from appropriate funds.

F. Manage City borrowing and investor relations, apply for bond ratings, execute and issue all appropriate documents including contracts and other documents for and on behalf of the City in connection with the issuance of bonds and other debt instruments as authorized by ordinance or resolution, retain financial and other necessary consultants, keep all necessary registers of creditors, and arrange for repayment of debts;

G. Report not less than quarterly to the Council's Finance & Budget Committee, or its successor committee, the performance of all major tax and fee revenue streams; the status of the City cash pool, including cash totals, performance of investments made from the pool, and the status of any and all interfund loans; and the status of City debts, debt service, debt capacity, and debt guarantees.

H. Financial oversight for specified City financial commitments, including:

- 1. Support the Director of the Office of Intergovernmental Relations by providing financial oversight of and monitoring the City's fiscal responsibilities related to public corporations established pursuant to Seattle Municipal Code Chapter 3.110, including City Public Development Authorities, Preservation and Development Authorities and the Museum Development Authority,
- 2. Develop processes to monitor and report on City's use of federal stimulus funds, and,
- 3. Assess City's liabilities for compliance to the Americans with Disabilities Act.

I. Report not less than quarterly to the Council's Finance & Budget Committee, or its successor committee, the status of any audits conducted by the Washington State Auditor's Office and act as a liaison to facilitate communication among City departments, the Washington State Auditor's Office and the Seattle City Council.

At his or her discretion, and with the approval of the Director of Finance and Administrative Services, the Director of Finance may delegate any of the duties authorized in this chapter to any other qualified city employee.

made in its annual budget; and to reserve at the end of each budget year from unexpended and unencumbered balances of appropriations made for other City departments an amount sufficient to cover payments to claimants (RCW 63.29.135).

**BUDGET**

Section 22. The Department of Finance and Administrative Services shall have control of, and responsibility for, the 2010 budget appropriations of the Department of Executive Administration, including all funds carried forward from that department from 2009 to 2010.

Section 23. The Department of Finance and Administrative Services shall have control of, and responsibility for, the 2010 budget appropriations of the Fleets and Facilities Department, including all funds carried forward from that department from 2009 to 2010.

Section 24. Attachment A to Ordinance 123177 is amended to reflect changes to department names, Budget Control Levels, and purpose statements to conform to the reorganization of City government authorized in this ordinance, as reflected in the attached Exhibit 1.

Section 25. The Department of Finance and Administrative Services and the Department of Neighborhoods shall charge expenses associated with costs and staffing of the Office of Constituent Services Budget Control Level (formerly known as the Customer Service Bureau Budget Control Level in the Department of Neighborhood's 2010 Adopted Budget) as shown in Exhibit 1 attached hereto.

Section 26. The Department of Finance and Administrative Services and the Executive Department's City Budget Office shall charge expenses associated with costs and staffing to the Financial Planning and Oversight Budget Control Level (formerly known as the Finance Budget Control Level in the Department of Finance's 2010 Adopted Budget) as shown in Exhibit 1 attached hereto.

**POSITIONS**

Section 27. All positions in the former Department of Executive Administration and the former Fleets and the Facilities Department and their incumbents, if any, are assigned to the Department of Finance and Administrative Services. Position No. 00017090, formerly at the Department of Executive Administration, is modified as shown:

Position Number	Title	Position Newly Exempt from Civil Service?	Current Status	Proposed Status
00017090	Strategic Advisor 3, Exempt	No	Part Time	Full Time

a majority of the City Council, and shall be subject to reappointment and reconfirmation every four years. The Finance Director may be removed by the Mayor by filing a statement of his or her reasons for the removal with the City Council.

**3.39.033 Joint Appointment of the Director of Finance and Administrative Services and the Director of Finance.**

The positions of Director of Finance and Director of Finance and Administrative Services are not incompatible offices and may be held by the same person. Should the Mayor choose to appoint the same person to concurrently fill the Director of Finance and the Director of Finance and Administrative Services positions, the Mayor shall make a single appointment to the two positions. If a concurrent appointment is confirmed by the City Council, both offices shall report to the Mayor.

**3.39.035 Director of Finance – Functions and powers.**

The Director of Finance's functions and powers include but are not limited to the following:

- A. Provide economic forecasting, in coordination with the City Budget Office, including:
  - 1. Monitor forecasts for the national and state economies, and,
  - 2. Develop forecasts for the region's and City's economies.
- B. Provide revenue forecasting and analysis, in coordination with the City Budget Office, including:
  - 1. Develop and compile forecasts for revenues for the General Subfund, Real Estate Excise Tax, Bridging the Gap program, and other special levy supported funds,
  - 2. Monitor revenue collections relative to forecasts, and,
  - 3. Assess and develop revenue policy options in response to emerging trends, changes in state policies, and requests by City officials (including the City Budget Office).
- C. Manage City tax administration:
  - 1. Create and administer rules and procedures for City-levied taxes,
  - 2. Ensure processing tax information is efficient,
  - 3. Maintain existing and develop new strategies for ensuring tax compliance, and,
  - 4. Oversee process to adjudicate taxpayer appeals about tax liabilities.
- D. In accordance with City Ordinances, the Seattle Municipal Code, and applicable state or federal laws, provide general oversight of City retirement boards including:
  - 1. The Seattle City Employees' Retirement System. Duties shall include:
    - a. Provide fund monitoring,
    - b. Oversee fund management,
    - c. Assess and deliberate investment policies,
    - d. Assess and deliberate contribution policies,
    - e. Assess and deliberate benefit policies, and,
    - f. Support members of the Board of Administration of the Seattle City Employees' Retirement System and the City's elected officials in their

**3.39.040 Statutory duties of treasurer.**

Any reference to City Treasurer or City Comptroller in state law, contract, inter-local agreement or other similar source shall be deemed to refer to the Director of Finance and Administrative Services.

Section 18. A new Section 3.39.050 is added to the Seattle Municipal Code as follows:

**3.39.050 Payment by check, electronic payment, credit card, or warrant.**

The Director of Finance and Administrative Services is authorized to elect to pay claims against, or other obligations of, the City out of solvent funds by check, electronic payment, or credit card. If the applicable fund is not solvent at the time payment is ordered, a warrant shall be issued therefor. The Director shall issue payment in his or her name or under his or her authority.

Section 19. A new Section 3.39.060 is added to the Seattle Municipal Code as follows:

**3.39.060 Authority to draw and pay warrants or make payment by check, electronic payment, or credit card.**

Unless the ordinance indicates otherwise, the making of an appropriation is sufficient authority for the Director of Finance and Administrative Services to draw and pay the necessary warrants and make the necessary transfers upon properly executed vouchers drawn by the appropriate department head or an authorized assistant. If the applicable fund is solvent at the time payment is ordered, the Director may elect to make payment by check, electronic payment, or credit card.

Section 20. A new Section 3.39.070 is added to the Seattle Municipal Code as follows:

**3.39.070 Designation of delegates in City offices and departments.**

A. The Director of Finance and Administrative Services is authorized to designate and appoint the head of a department, office, board, or other administrative unit, and with his or her concurrence subordinate officers therein, as delegates for the express purpose of authenticating and certifying vouchers, payrolls, and other central financial management transactions of the City, and updating vendor file information. Delegates so designated shall assume responsibility for ensuring that all claims that have been incurred by their respective administrative units are just, due and unpaid obligations and that materials were furnished, services were rendered or labor was performed as stated on each such claim, and that the vendor file information has been updated.

B. The Director of Finance and Administrative Services may at his or her discretion withdraw any or all authority delegated.

Section 21. A new Section 3.39.080 is added to the Seattle Municipal Code as follows:

**3.39.080 Unclaimed property.**

The Director of Finance and Administrative Services is designated as the City's representative to the State of Washington, Department of Revenue, for the filing of reports and seeking refunds contemplated by the Uniform Unclaimed Property Act of 1983, RCW Chapter 63.29.290(1) (the "Act"). For such purposes, the Director is authorized to coordinate reporting by all City departments; to transfer moneys from the Light Fund to the General Fund on vouchers drawn by the Superintendent of the City Light Department in accordance with appropriations

Position Number	Title	Position Newly Exempt from Civil Service?
00010891	Strategic Advisor 2, CSPI&P	No
00015087	Executive 3	No
00017015	Investments/ Debt Director	No
00017165	Strategic Advisor 2, Exempt	No
00020498	Strategic Advisor 2, Exempt	No
00022054	Strategic Advisor 2, Exempt	No
00024234	Strategic Advisor 3, Exempt	No

Section 29. The following positions from the former Department of Finance and their incumbents, if any, shall be assigned to the City Budget Office:

Position Number	Title	Position Newly Exempt from Civil Service?
00010424	Executive 2	No
00010441	Strategic Advisor 2, Exempt	No
00010579	Strategic Advisor 2, Exempt	No
00011227	Strategic Advisor 2, CSPI&P	No
00015077	Strategic Advisor 2, Exempt	No
00015082	Strategic Advisor 2, Exempt	No
00015091	Strategic Advisor 2, Exempt	No

Position Number	Title	Position Newly Exempt from Civil Service?
00015629	Strategic Advisor 3, Exempt	No
00016839	Strategic Advisor 2, Exempt	No
00016899	Strategic Advisor 2, Exempt	No
00016933	Executive Assistant	No
00017844	Administrative Staff Analyst	No
00018167	Strategic Advisor 2, Exempt	No
00018170	Strategic Advisor 3, Exempt	No
00020328	Strategic Advisor 2, Exempt	No
00020710	Strategic Advisor 2, Exempt	No
00021399	Strategic Advisor 3, Exempt	No
00022970	Strategic Advisor 2, Exempt	No
00023662	Strategic Advisor 3, Exempt	No
00024228	Strategic Advisor 2, Exempt	No
00024271	Strategic Advisor 2, Exempt	No
00025516	Executive 4	No
00025855	Administrative Specialist III	No
00025935	Strategic Advisor 2, Exempt	No
00026825	Strategic Advisor 2, Exempt	No
10000254	Municipal Government Intern	No
10002063	Strategic Advisor 2, Exempt	No
10002910	Strategic Advisor 3, Exempt	No

Position Number	Title	Position Newly Exempt from Civil Service?
10003676	Strategic Advisor 2, Exempt	No
10003677	Strategic Advisor 2, Exempt	No
10003752	Strategic Advisor 2, Exempt	No

Section 30. The following positions from the Department of Neighborhoods and their incumbents, if any, shall be assigned to the Department of Finance and Administrative Services:

Position Number	Title	Position Newly Exempt from Civil Service?
00010571	Complaint Investigator	No
00010572	Complaint Investigator	No
00011208	Admin Spec II - BU	No
00011203	Admin Spec I - BU	No
00018160	Executive 1	No
00018162	Admin Staff Analyst	No
00026314	Complaint Investigator	No

MISCELLANEOUS CHANGES TO THE SEATTLE MUNICIPAL CODE

Section 31. Subsection 3.02.090.A of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

3.02.090 Hearings in contested cases.

A. In any contested case all parties shall be afforded an opportunity for hearing after not less than ~~((twenty))~~20((3)) days' notice in writing; provided that a hearing may be set on shorter notice where substantial injury to a party would otherwise result; provided further, that unless otherwise provided by ordinance or rule, no hearing shall be required in any case except upon the demand of a party. Notice of hearing shall be accompanied by a filing fee as established by ordinance, which the Hearing Examiner shall ensure is received by the Director of Finance and Administrative Services ~~((Executive Administration))~~.

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Section 32. Section 3.06.055 of the Seattle Municipal Code, last amended by Ordinance 121276, is amended as follows:

3.06.055 Restricted set-asides.

A. The Director of ~~((Executive Administration))~~ Finance and Administrative Services shall create within the Department of Planning and Development Fund a set-aside account funded from regulatory fees and other money allotted thereto, for the accumulation of set-asides for the following municipal purposes:

1. Staffing Stability -- to allow the Department of Planning and Development to retain trained staff during cyclical economic downturns so that the experience and abilities of that staff are available to customers when the economy again turns upward.
2. Technology -- to accumulate needed funding to assure that major technology systems of the Department of Planning and Development can be upgraded or replaced when necessary.

G. To serve as the City's representative to boards, commissions, and organizations engaged in economic development activities and play a leadership role in the creation and execution of the economic development priorities for the City and the region;

H. ~~((To serve as the City's representative to the Seattle Small Business Lenders Association))~~To execute programs that promote business growth and job creation, especially as it relates to small and disadvantaged businesses, including but not limited to accessing financing and navigating government services and regulatory processes;

I. In connection with any project or program now or hereafter coming within the responsibility of the Office of Economic Development but previously vested by ordinance in another City department, to exercise all authority vested in the director of such other department with respect to such project or program, unless otherwise provided by ordinance;

J. To administer all ordinances pertaining to the Office of Economic Development;

K. To exercise such other and further powers and duties as shall be prescribed by ordinance; and

L. To adopt, amend, and rescind administrative rules, as provided in Chapter 3.02 ~~((the City's Administrative Code))~~, in order to implement the Director's powers and authority.

Section 34. Section 3.14.840 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

3.14.840 Deaccessioning and disposition of surplus artworks.

A. When the Seattle Arts Commission determines that an artwork is surplus to the City's collection of artworks, the Commission may deaccession the same and arrange for its disposition through an exchange of the artwork for one ~~((1))~~ or more other artwork(s) of comparable aggregate value for the City's collection, with the City being responsible for the payment or receipt of any monetary difference between the value of the City's artwork and the aggregate value of such exchanged artwork(s); through a sale by an art gallery or dealer; through a public auction or process inviting bids or proposals from the public and the acceptance of the best response; through the Director of ~~((Executive Administration))~~ Finance and Administrative Services in the same manner as other surplus property; through an indefinite loan to another governmental entity on condition that the receiving entity will maintain the artwork and provide an accompanying notice of the City's retained ownership; or through re-donation, sale or other arrangement agreed upon with the donor or artist at the time of the City's acquisition of such artwork; and, in the event the artwork has been destroyed or damaged beyond repair at a reasonable cost, or has no or only a negligible value, it may be disposed of as scrap.

B. If an artwork was donated to the City on condition that the artwork be returned or transferred to another person or entity when it is no longer displayed or ceases to be a part of the City's collection, upon the occurrence of circumstances making such condition applicable, the Seattle Arts Commission shall request directions from the donor or the donor's representative(s), as appropriate, and return the artwork to the donor or transfer the artwork consistent with the terms of such condition, if such condition applies, and the directions of the donor or the donor's representative.

the funds in the OCR Public Information and Educational Materials/Projects Account established by Section 3.14.915, as the Director deems appropriate for producing, providing, or disseminating public information and educational or advocacy materials, projects or programs relating to various protected class groups approved by the Office for Civil Rights. All necessary appropriations therefor are hereby made and authorized.

Section 37. Subsection 3.28.010.D of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

3.28.010 Disposition of unclaimed property.

D. If the owner of property sold, at any time within three ~~((3))~~ years after such money is deposited in the pension fund or expense fund, furnishes satisfactory evidence of his ownership of such property to the Police Pension Fund Board or the ~~((City))~~ Director of ~~((Executive Administration))~~ Finance and Administrative Services he/she shall be entitled to receive the amount deposited, plus interest.

Section 38. Section 3.28.180 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

3.28.180 Application -- Fee.

If the Chief of Police determines that the applicant qualifies for a commission, he shall grant the commission upon the applicant's payment of ~~((Forty Dollars))~~\$40((3)) to the ~~((City))~~ Director of Finance and Administrative Services ~~((Executive Administration))~~; provided, that an applicant who is a City of Seattle employee shall not be required to pay the ~~((Forty Dollars))~~\$40((3)). All commissions shall expire on January 15th of each year, but may be renewed before expiration upon approval of the Chief and payment of ~~((Ten Dollars))~~\$10((3)) to the ~~((City))~~ Director of Finance and Administrative Services ~~((Executive Administration))~~; provided, that a City of Seattle employee shall not be required to pay the ~~((Ten Dollars))~~\$10((3)).

Section 39. Section 3.30.110 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

3.30.110 Refund of permit fee.

Whenever any permit is issued by the Public Health Department and a fee paid therefor, and no rights are exercised pursuant thereto and application is made for refund, the Director of Public Health shall certify the facts including the amount of the permit fee and the fund into which the same was paid and his or her approval of the refund, and upon presentation of such certificate to the ~~((City))~~ Director of Finance and Administrative Services ~~((Executive Administration))~~ such officer is authorized to draw and to pay a warrant in the amount of such refund drawn upon the proper fund and the necessary appropriations are hereby made. If applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ~~((Executive Administration))~~ may elect to make payment by check. Provided that no such refund is authorized when the amount of the permit fee is ~~((Four Dollars))~~\$4((3)) or less, and all refunds shall be made in the amount paid for the permit less the sum of ~~((Three Dollars))~~\$3((3)); and

4. Strategic Planning and Implementation -- to allow the Department of Planning and Development to plan ahead for continuous process improvements to better serve its customers, and to implement those plans, including staff training and equipment.

B. 1. Expenditures from the set-aside account shall be made only when expressly authorized by the City Council either by identification in the budget ordinance or other ordinance, or as set out in subsection B2 below with respect to the staffing stability set-aside.

2. The Director of Department of Planning and Development may, within the limits of that department's budgeted expenditure authority, draw on the appropriate subdivision of the staffing stability set-aside for the purpose established in subsection A1 to pay staffing costs associated with a particular regulatory revenue source, but only when doing so is consistent with the most recently adopted financial policies for the department. The Director shall provide ~~(sixty-)~~60(9) days notice in advance to the chair of the City Council's Finance~~(s)~~ and Budget ~~(and Economic Development)~~ Committee, or its successor committee with responsibility for making recommendations on legislative matters relating to budget and financing of each proposed use of the staffing stability set-aside under authority of this subsection B2.

Section 33. Section 3.14.620 of the Seattle Municipal Code, last amended by Ordinance 123090, is amended as follows:

**3.14.620 Director -- Powers and authority.**

Under the direction of the Mayor, and in consultation with the City Council, the duties and powers of the Director of the Office of Economic Development shall be as follows:

A. To appoint, remove, assign, supervise, and control all officers and employees of the Office of Economic Development in accordance with applicable civil service laws and rules;

B. To manage the preparation of the annual budget of the Office of Economic Development ~~(under the guidance of the Director of Finance)~~; authorize appropriate expenditures and carry out the adopted budget; develop and manage programs; and undertake authorized activities;

C. To make, modify, alter, and extend loans under the City's business loan programs consistent with the laws and ordinances relating to each program; to accept, release, subordinate, and foreclose on security interests in real and personal property; and to sign and deliver documents and to take other actions as shall be necessary or appropriate for such purposes;

D. To develop programs and seek additional funding sources for economic development citywide and in low-income and/or ethnic and minority communities, including programs and funding sources which promote, encourage and facilitate (i) business retention and expansion, (ii) job creation and retention, (iii) mixed-use and/or industrial/commercial real estate development and (iv) workforce development;

E. To accept unrestricted donations of funds from identified donors in an amount up to ~~(One Thousand Dollars-)~~\$1,000(9);

F. To enter into and enforce contracts (including agreements for expert and consultant services) subject to applicable purchasing and bidding ordinances; and execute interdepartmental agreements, and, as authorized by ordinance, intergovernmental agreements;

opportunity to buy it back at its fair market value, as determined by appraisal. Alternatively, the Commission may accept the exchange of the artwork for one ~~((1-))~~ or more other artwork(s) that the Commission is willing to include in the City's collection and that has/have an aggregate appraised value equal to the fair market value of the City's artwork.

D. The Office of Arts and Cultural Affairs may implement, in connection with the deaccessioning of any artwork in the City's collection, a written commitment made to the creator or donor of any artwork at the time such artwork is commissioned, purchased, donated, or otherwise procured for the City's collection, to share with such creator or donor a portion of the proceeds of the sale of such artwork upon its deaccessioning and removal from the City's collection if such sale proceeds, after the deduction therefrom of all of the expenses related to such sale, exceed the amount paid by the City for such artwork by at least ~~(Two Hundred Dollars-)~~\$200(9) and the portion of such proceeds that is provided to the creator or donor under such commitment does not exceed ~~(fifteen-)~~15~~(-))~~ percent of such proceeds.

E. No artwork shall be deemed surplus to the City's collection of artworks if the City administrative unit responsible for administration of the fund used to acquire the same requests its retention and the City's legislative authority provides for the continued maintenance of such artwork.

Section 35. Section 3.14.915 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**3.14.915 Grants and donations -- Information and education projects -- Account in trust fund.**

A. The Director of the Office for Civil Rights is authorized from time to time for and on behalf of The City of Seattle to solicit, apply for, accept and expend donations, grants and other funds and in-kind services or materials from individuals, corporations and associations, foundations and nonprofit organizations, other governments, and the public-at-large in order to produce, provide or disseminate public information and educational or advocacy materials, projects, or programs on issues relating to civil rights and equal opportunity, and to provide an acknowledgement in any of its publications to those whose assistance enabled its preparation or distribution.

B. All donations, grants or other funds received shall be deposited into the "OCR Public Information and Educational Materials/Projects" Account, which is hereby created, in the General Donation and Gift Trust Fund. The account shall also be credited with a pro rata share of the earnings of investment of Fund balances, refunds due on expenditures from the account, and other payments that the Director and the Director of ~~((Executive Administration))~~ Finance and Administrative Services determine to be due. Disbursements shall be made in accordance with Section 3.14.918.

Section 36. Section 3.14.918 of the Seattle Municipal Code as last amended by Ordinance 118392 is amended as follows:

**3.14.918 Appropriations and expenditures -- OCR Public Information and Educational Materials Account.**

Effective upon their deposit, the Director of the Office for Civil Rights is authorized to submit vouchers to the ~~((Finance))~~ Director of Finance and Administrative Services for expenditure of

Section 37. Section 3.30.120 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**3.30.120 Duplicate Medicare payments.**

Whenever in the performance of services in connection with the Medicare Program the Public Health Department receives duplicate payments for the performance of such services and application is made for a refund, the Director of Public Health shall certify the facts including the amount of such duplicate payment and the fund into which the same was paid and his or her approval of the refund, and upon presentation of such certificate to the ~~((City))~~ Director of Finance and Administrative Services ~~((Executive Administration))~~ such officer is authorized to draw and to pay a warrant in the amount of such refund drawn upon the proper fund and the necessary appropriations are hereby made. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ~~((Executive Administration))~~ may elect to make payment by check.

Section 41. Section 3.33.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**3.33.060 Court Administrator.**

There shall be a Court Administrator of the Municipal Court appointed by the judges of the Municipal Court, subject to confirmation by a majority of the City Council, and removable by the judges of the Municipal Court subject to like confirmation. Before entering upon the duties of his or her office, the Court Administrator shall take and subscribe an oath the same as required for other officers of the City, and shall execute a penal bond in such sum and with such sureties as the City Council may direct and subject to their approval, conditioned for the faithful performance of his or her duties, and that he or she will pay over to the ~~((City))~~ Director of Finance and Administrative Services ~~((Executive Administration))~~ all moneys belonging to the City which shall come into his or her hands as such Court Administrator. The Court Administrator shall be paid such compensation as the City Council may provide from time to time. The Court Administrator shall act under the supervision and control of the presiding judge of the Municipal Court and shall supervise the functions of the chief clerk and Director of the Traffic Violations Bureau, or successor agency, and perform such other duties as may be assigned to him or her by the presiding judge of the Municipal Court.

Section 42. Section 3.33.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**3.33.090 Director of Traffic Violations/Director of Information and Revenue.**

There shall be a Director of the Traffic Violations Bureau/Director of Information and Revenue. The Director shall be appointed by the judges of the Municipal Court subject to civil service laws and rules. The Director shall act under the supervision of the Traffic Violations Bureau. Before entering upon the duties of his or her office, the Director shall take and subscribe an oath the same as required for other officers of the City and shall execute a penal bond in such sum and with such sureties as the City's legislative authority may direct and, subject to their approval, conditioned for the faithful performance of his or her duties, and that he or she will faithfully account to and pay over to the ~~((City))~~ Director of ~~((Executive Administration))~~ Finance and Administrative Services all moneys belonging to the City which shall come into his or her hands

as such Director. The Director shall be paid such compensation as may be provided in the salary schedule.

Section 43. Subsection Section 3.33.160A of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**3.33.160 Clerks of the court.**

A. There shall be a Chief Clerk of the Municipal Court appointed by the judges of the Municipal Court subject to such civil service laws and rules. Before he or she enters upon the duties of his or her office the chief clerk shall take and subscribe an oath the same as required for other officers of the City, and shall execute a penal bond in such sum and with such sureties as legislative authority of the City may direct and, subject to their approval, conditioned that he or she will faithfully account to and pay over to the ((City)) Director of ((Executive Administration)) Finance and Administrative Services all moneys coming into his or her hands as the clerk, and that he or she will faithfully perform the duties of the office to the best of his or her knowledge and ability.

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Section 44. Section 3.33.170 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**3.33.170 Powers and duties of chief clerk.**

The chief clerk, under the supervision and direction of the Court Administrator of the Municipal Court, shall have the custody and care of the books, papers and records of the Court; he or she shall be present or ensure that a deputy is present during the session of the Court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgements. He or she shall keep the records of the Court, and shall issue all process under his or her hand and the seal of the Court, and shall do and perform all things and have the same powers pertaining to his or her office as the clerks of the Superior Courts have in their office. He or she shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the City Treasury all moneys received for the City during the day previous, with a detailed account of the same, and taking the ((City)) Director of ((Executive Administration)) Finance and Administrative Services((e)) receipt therefor.

Section 45. Subsection 3.35.030.C of the Seattle Municipal Code as last amended by Ordinance 120773 is amended as follows:

**3.35.030 Director -- Functions.**

The Director of the Department of Neighborhoods shall manage the department and shall:

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C. ((Receive complaints and requests for service from citizens and communities and work with City departments in resolving them; provide the directory assistance function for the City; provide information about City government to the public; e)) Conduct outreach programs to elicit citizen participation; present neighborhood concerns to City departments and strengthen departmental responses to neighborhood problems; assure coordinated departmental responses to

## SECTION B

**3.58.090 Fees and charges for Design Commission review.**

A. The Commission is authorized to charge the following fees to applicants for review of capital improvement projects other than City departments' capital improvement projects:

1. When review is by the entire Commission, ~~((Seven Hundred Dollars))~~ \$700((3)) per hour;
2. When review is by a committee or subcommittee of the Commission, ~~((One Hundred Dollars))~~ \$100((3)) per Commission member participating in the review per hour.

B. The Commission in its discretion, with the concurrence of the City Budget Director, may waive its fee under subsection A of this section, in whole or in part, in the following circumstances:

1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could cause abandonment for the following types of projects: artworks, projects funded by grants and donations, neighborhood self-help projects undertaken by volunteers and nonprofit organizations, and for small capital improvements.

2. For Low-income and Special Needs Housing Projects Subject to Design Commission Review. The Commission may require a deposit of its fee before reviewing a project or giving its advice.

C. The Commission shall charge fees for its review of City departments' capital improvement projects as set forth in subsections A through D of Section 22.900D.170.

Section 49. Subsection 3.70.100.H of the Seattle Municipal Code, last amended by Ordinance 122645, is amended as follows:

**3.70.100 Powers and duties.<sup>1</sup>**

The Commission shall have the following powers:

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H. To make expenditures authorized in its annual budget; to retain expert and consultant services; to use the services of the City Attorney as deemed appropriate to carry out its functions; and to call upon the ((City)) Director of ((Executive Administration)) Finance and Administrative Services and Auditor to assist in auditing compliance with campaign contribution limits and eligibility for campaign matching funds; and

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Section 50. Section 3.73.040 of the Seattle Municipal Code, last amended by Ordinance 123131, is amended as follows:

**3.73.040 The Commission - Duties and Functions**

The Department of ((Executive Administration)) Finance and Administrative Services and City Council shall provide written notice to the Seattle-King County taxicab advisory commission, no more than 15 days following any proposed changes to City ordinances or rules that pertain to the setting of taxicab fares, taxicab licensing and other legislation regarding the taxicab industry or its customers. Such copies notice shall be transmitted to the Commission no less than 30 days prior, to a decision by the Director or the City Council, to allow sufficient time for the Commission to review and report to the City of Seattle and King County. In any case where a

Build America Bonds, Recovery Zone Economic Development Bonds, Qualified Energy

Conservation Bonds, Clean Renewal Energy Bonds and all forms of tax credit borrowing;

Obtaining loans from the State Public Works Trust Fund, State Revolving Fund, the United States or other government loan program;

Establishing internal inter-fund or "cashpool" loans;

Obtaining credit support for the City's debt;

Obtaining ratings on the City's debt;

City participation in debt issues in which it incurs a substantial indirect liability, such as guarantees of debt of another borrower, extensions of credit support to another borrower, and power purchase contracts used by the vendor as collateral for a loan to generate the power purchased;

Lease-purchase contracts and equipment leases, which contemplate City payments over ~~((One Million Dollars))~~ \$1,000,000((3)) and are payable in two ~~((2))~~ years or more;

Conditional sales contracts in which the City is the purchaser and payment will be made from appropriations over two ~~((2))~~ or more budget years; and

The issuance of interest-bearing warrants.

In addition, the Committee shall develop and recommend to the City Council a written policy regarding debt creation and management for all debt issued by the City and its utilities and for guarantees or extensions of credit support to another borrower.

B. The Committee is further authorized to request the advice and assistance of the several City departments in the conduct of such duties and upon such request the head of each such department may designate a representative to meet with, advise and assist the Committee in the conduct of such duties.

C. The Committee is further authorized, subject to approval by ordinance, to contract with financial and other consultants to advise it, the Director of Finance and Administrative Services, the ((City)) Director of Finance, the City Budget Director, the City Council and the Mayor on all matters relating to the creation and management of City debt; provided that, the financial consultants shall not in any manner, directly or indirectly, participate in or benefit from any financial transaction upon which they have provided or are providing advice to the City.

D. Unless otherwise provided by ordinance or resolution of the City Council, the City shall not incur debt, obtain credit support for the City's debt or provide any guarantee or extend credit support to another borrower without first having obtained the written advice of the Committee on the matter.

Section 53. Section 3.90.010 of the Seattle Municipal Code, last amended by Ordinance 120794, is amended as follows:

**SMC 3.90.010 Officer's bonds.**

The following officers and employees of the City shall, before entering upon the duties of their respective offices, give approved bonds, the premiums for which shall be paid by the City. The bonds shall contain the conditions required by the City Charter<sup>1</sup> for official bonds, and be in the following amounts:

Mayor \$ 1,000

Section 46. Section 3.35.040 of the Seattle Municipal Code as last amended by Ordinance 120181 is amended as follows:

**3.35.040 Director -- Ancillary powers.**

In order to carry out departmental functions, the Director of the Department of Neighborhoods shall have the power to:

- A. Appoint, remove, assign, supervise and control officers and employees in the department in accordance with applicable civil service ordinances and rules;
- B. Manage the preparation of the annual budget for the department (~~under guidance from the Director of Finance~~), authorize appropriate expenditures and carry out the adopted budget; develop and manage programs; and undertake authorized activities;
- C. Execute and enforce contracts (including agreements for expert and consultant services) subject to applicable purchasing and bidding ordinances; apply for grants and donations for departmental programs; execute interdepartmental agreements and, as authorized by ordinance, intergovernmental agreements; arrange for places for public meetings; and solicit and use volunteer services; and
- D. (~~Establish a system of rates to be charged to City departments for the value of providing City-wide directory assistance services, which the Department of Information Technology will bill to departments, and~~) Promulgate rules and regulations to carry out departmental activities pursuant to (~~the Administrative Code~~) Chapter 3.02.

Section 47. Section 3.40.050 of the Seattle Municipal Code as last amended by Ordinance 118912 is amended as follows:

**3.40.050 Audit reports -- Follow-up required.**

- A. It is City policy to follow up on audit reports by the City Auditor.
- B. Whenever an audit report identifies a tortious or criminal misappropriation of City funds or property, the department head and the City Attorney shall seek recovery of the moneys and/or other relief as allowed by law.
- C. When an audit report discovers a mis-expenditure and/or makes a recommendation for a change in practice or procedures of a City department, the affected department shall respond within (~~thirty~~)30(3) days. If the City Auditor finds the response unsatisfactory, the City Auditor shall refer the matter to the (~~Finance~~)Chair of the City Council Finance and Budget Committee and the City Budget Director for their review and guidance.
- D. When an audit of a City contract or project determines that ineligible costs were paid, the department responsible for the contract shall promptly seek recovery of sums due to the City. The City Auditor may participate in discussions with the contractor toward recovery of moneys due and shall be consulted before a settlement is made. In event of a disagreement between the City Auditor and a department head, the Mayor or, at his discretion, the City Budget Director shall serve as a mediator.

Section 48. Section 3.58.090 of the Seattle Municipal Code as last amended by Ordinance 119274 is amended as follows:

Commission shall issue and deliver an annual report to the City and County Councils and shall provide a summary and analysis of its work in the prior calendar year as well as a report on its anticipated work program for the following year. A copy of the report shall be delivered in print to each respective body by February 15 of each calendar year.

This Seattle-King County Taxicab Advisory Commission shall convene as necessary, but at least quarterly, to perform the duties outlined in Section 3.73.040. Clerical support for the Commission shall be provided by a representative from Seattle's Department of Finance and Administrative Services (~~Executive Administration~~) in cooperation with clerical staff provided by King County. Commission meeting locations shall rotate between Seattle City and King County facilities.

Section 51. Section 3.76.010 of the Seattle Municipal Code as last amended by Ordinance 120181 is amended as follows:

**3.76.010 Committee established -- Membership.**

There is established a Debt Management Policy Advisory Committee ("Committee" in this chapter) for the City composed as follows:

- A. The (~~City~~) Director of Finance (~~who~~) shall be its Chair;
- B. The Chair of the City Council Finance and Budget Committee;
- C. The Superintendent of City Light;
- D. The Director of Seattle Public Utilities; (~~and~~);
- E. (~~One other City official designated annually by the Mayor~~) The City Budget Director; and
- F. The Director of the Central Staff Division of the City Council.

The President of the City Council is authorized to designate an alternate member to serve in the event of the absence or incapacity of the Chair of the Finance and Budget Committee and/or the Director of the Central Staff Division, and the Mayor is authorized to designate alternate members to serve in the event of the absence or incapacity of the other members of the Committee or for such other reason as may be deemed sufficient. The City Attorney or his or her legal representative shall meet with and provide legal advice and assistance to the Committee in the conduct of its duties. Department Directors are authorized to designate an alternate member to act in their stead in the event they are absent, incapacitated, or for such other reasons as may be deemed sufficient.

Section 52. Section 3.76.020 of the Seattle Municipal Code as last amended by Ordinance 116368 is amended as follows:

**3.76.020 Functions designated.**

- A. The Committee shall be advisory to the (~~City~~) Director of Finance, the City Budget Director, the City Council and the Mayor. It is authorized to provide advice in all matters pertaining to the incurrence of debt, including but not limited to:  
The borrowing of money;  
Issuance of bonds, bond anticipation notes, revenue anticipation notes, tax anticipation notes, commercial paper, and obtaining lines of credit;

Treasury Division Director \$150,000

City Attorney \$1,000

Chief of Police \$15,000

The bond for the Director of Finance, the Director of (~~Executive Administration~~) Finance and Administrative Services, and the Treasury Division Director may include a deductible in the amount of (~~Ten Thousand Dollars~~)\$10,000(3).

Section 54. Section 3.90.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**3.90.050 Employees faithful performance blanket position bond.**

A. All officers and employees of the City, including employees of the Seattle Public Library (~~Department~~), shall be covered by a public employees faithful performance blanket position bond or, if it is impracticable to obtain such bond, insurance, including self-insurance, that provides equivalent coverage. Such bond or insurance shall be conditioned to indemnify and save the City harmless from (~~any and all~~) loss sustained by the City from or due to theft, dishonesty or fraudulent conduct of any officer or employee or to failure of any officer or employee to faithfully perform the duties of his or her office or position, and further conditioned that no third person shall have any right of action on the bond or insurance for any acts or conduct or failure to act of the officer or employee.

B. Such performance bonds or insurance shall be in an amount to (~~fully protect~~) indemnify the City for loss which may reasonably be anticipated due to theft, dishonesty or fraudulent conduct of any and all officers or employees or failure to any officers or employees to faithfully perform the duties of his or her office or position during the term of the bond. The Director of (~~Executive Administration~~) Finance and Administrative Services shall set the amount of the bond or insurance, including the amount of any applicable deductibles.

Section 55. Section 3.90.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**3.90.060 Employees blanket bond -- Call for offers to furnish.**

A. The Director of (~~Executive Administration~~) Finance and Administrative Services shall call for offers to furnish a public employees faithful performance blanket position bond, the premium therefor to be paid for by the City and for the officer's bonds contemplated by Section 3.90.060. Such bonds shall contain the conditions prescribed in this chapter and such additional conditions as are usual and as are set forth in the call for offers. The form of such bond shall accompany each bid submitted. Such call shall be published ten (~~four~~)days before the opening of the offer(s), and shall specify the time and place when offers will be opened. Each offer shall be accompanied by a certified check or cash in the sum of (~~Five Hundred Dollars~~)\$500(3) as a good-faith deposit. The Director of (~~Executive Administration~~) Finance and Administrative Services may accept the best offer or reject any and all offers.

B. The term of the public employees faithful performance blanket position bond shall be determined by the Director of (~~Executive Administration~~) Finance and Administrative Services but such term shall not exceed three (~~two~~)years. Upon expiration of each such bond the

Director of ~~(Executive Administration)~~ Finance and Administrative Services shall again call for and accept offers for such a bond.

Section 56. Section 3.104.020 of the Seattle Municipal Code as last amended by Ordinance 16118 is repealed.

Section 57. Section 3.106.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is repealed.

Section 58. Section 3.108.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is repealed.

Section 59. Section 3.116.030 of the Seattle Municipal Code as last amended by Ordinance 119032 is amended as follows:

**3.116.030 Board of Directors -- Quorum -- Meetings.**

A. The Board of Directors (called the "Board") shall govern the affairs of the Corporation. The Board shall be comprised of:

1. The Chairperson of the City Council's Finance and Budget Committee, the Mayor of Seattle and four ~~((4))~~ representatives from the private sector. The Mayor shall recommend the appointments of the Directors from the private sector to the City Council for confirmation. If the Chairperson of the City Council's Finance and Budget Committee declines to serve, the vice chairperson of the Finance and Budget Committee shall serve as Director. The public officials on the Board shall serve for a term coincident with his or her term of office. The Directors from the private sector shall serve for a term of one ~~((1))~~ year. The Chairperson of the Finance Committee shall be permitted to designate another City Councilmember as an alternate. The Mayor shall be permitted to designate the ~~((Finance))~~ City Budget Director or the Director of the Office of Economic Development as an alternate.

2. Vacancies shall be filled in the same manner as that used for original appointments.

B. One-half ~~((1/2))~~ of the Board (three ~~((3))~~ out of six ~~((6))~~ members) shall constitute a quorum for the conduct of meetings; the Board shall take action only pursuant to a majority vote of those members voting when a quorum exists; two ~~((2))~~ members may call a special meeting; and, when a quorum is lacking, a majority of those present may recess or adjourn the meeting as provided in RCW 42.30.090.

C. The Board shall select its own officers and the officers of the Corporation, provide for the conduct of its meetings, and the keeping of its records and the records of the Corporation. RCW Chapter 42.30, the Open Public Meetings Act of 1971, as now existing or hereafter amended, shall apply to meetings of the Board.

Section 60. Section 3.121.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

any donation to a charitable organization. No City employee shall be penalized for failing to participate in a campaign or for failing to make a donation to a charitable organization.

E. The City's annual charitable campaign shall be administered by the Personnel Director who, in consultation with the employee committee, shall determine whether the campaign shall be coordinated and managed by a City employee or an independent nonprofit organization. If the campaign is coordinated and managed by a City employee, the Personnel Director shall evaluate the duties of the position and determine the appropriate job classification and salary level. If the campaign is coordinated and managed by an independent nonprofit organization, the Personnel Director, in consultation with the employee committee, shall establish criteria to assure that such services are provided by an organization with demonstrated expertise, in an efficient and cost-effective manner, with the policy review and approval of the employee committee. The Personnel Director shall assure that interested members of the City Council have an opportunity to review the criteria before any request for proposals is issued to select an independent organization to manage the campaign. The Personnel Director is authorized to hire an employee in the classification and at the salary level determined by the Personnel Department or contract with a nonprofit organization in accord with criteria established in consultation with the employee committee to coordinate and manage the City campaign;

F. The salary and benefits paid to the employee coordinator or the fees paid for contracted services and the printing, duplicating and data processing costs incurred by the Personnel Department in conducting the campaign shall be reimbursed from moneys donated by City employees to charitable organization funds and federations through the campaign.

Section 63. A new Chapter 3.126 of the Seattle Municipal Code is added as follows:

**3.126 VEHICLES**

Section 64. A new Section 3.126.010 of the Seattle Municipal Code is added as follows:

**3.126.010 City vehicle fleet**

The Department of Finance and Administrative Services shall provide centralized fleet services for the City including but not limited to engineering, design, procurement, maintenance, disposition, fueling, and motor pool services for City agencies.

A. Municipal Use. City-owned or leased vehicles shall be used exclusively for the conduct of municipal business, except as provided in subsection D of this section.

B. Private Use Prohibited. Except as provided in subsection D of this section, no City owned or leased motor vehicle shall be used for personal purposes. The transportation of passengers in any such vehicle is prohibited except in the furtherance of municipal business, provided that City employees may ride directly to and from work in an assigned vehicle when the person to whom the vehicle is assigned and the riding employees are registered with the Seattle Department of Transportation as a carpool.

C. Assigned Vehicles. Vehicles may be assigned to employees when the normal operations of a City department extend beyond established work headquarters and/or work hours, and based on the substantiated needs of such department. The Director of Finance and Administrative Services shall have the authority to adopt rules, consistent with this chapter,

agreement(s), in accordance with rules and regulations adopted by the Director of Finance and Administrative Services, that in the event of an accident arising out of an authorized use of the vehicle, the volunteer will be considered an agent of the City and afforded a defense for any action or claim arising from the accident and the City shall pay any proper claims or judgments against the volunteer in connection therewith.

B. Procedures for investigating and processing or defending the claims or actions shall be those set forth by ordinance authorizing the representation and defense of City officers and employees in connection with any claims for damage and/or litigation arising from conduct, acts, or omissions of such officers and employees in the scope and course of employment.

Section 67. A new Section 3.126.040 of the Seattle Municipal Code is added as follows:

**3.126.040 Parking of privately-owned motor vehicles by City Officials.**

A. For purposes of this section, "City Officials" shall mean Seattle City Councilmembers, elected Seattle Municipal Court judges, and the Seattle City Attorney.

B. City Officials who choose to park privately-owned motor vehicles in City-owned parking facilities in which other City officers or employees must pay for the parking of such vehicles, shall pay for such parking consistent with fees charged to other City officers and employees for comparable parking privileges. Neither the City nor any of its departments shall pay for, reimburse, or otherwise subsidize such payments made by City Officials. City Officials also shall be eligible for other types of parking permits, including but not limited to carpool parking permits, on the same terms and pursuant to the same rates as are applicable to other City officers and employees; and may request the issuance of occasional City-paid one-day parking passes, on the same basis as those are available to other City officers and employees, when it is necessary to park privately-owned motor vehicles in such garage or facilities for purposes that are solely related to City business.

Section 68. A new Chapter 3.127 of the Seattle Municipal Code is added as follows:

**3.127 LEASES**

Section 69. A new Section 3.127.010 is added to the Seattle Municipal Code as follows:

**3.127.010 Authority to negotiate and execute leases for City-owned or City-managed property.**

The Director of Finance and Administrative Services is authorized to negotiate and to enter into new leases or subleases and extensions or modifications of existing leases or subleases of any property now or hereafter owned by or leased to the City that is under the management of the Director or is under the management of another department that has requested that the Director lease or sublease such property. The Director is authorized to execute and deliver, for and on behalf of the City, all documents he or she shall deem necessary or appropriate in connection with any lease or sublease authorized in this section. The authority in this section is limited as follows:

A. The Director shall use a standard lease form or forms prepared with the assistance or advice of the City Attorney; and

B. The total term of any new lease together with all extensions of the initial term thereof,

to set, charge and collect a fee from any person making or presenting a check, which is later dishonored, for a payment to the City for the credit of accounts other than its utilities and the Municipal Court. The fee shall cover the cost of handling the dishonored check, including bank charges to the City, costs to the City in making collection, and other City expenses caused by its return without payment.

Section 61. Section 3.121.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**3.121.040 Waiver of fee.**

A. A City department head, responsible for collection, may reduce or waive the handling fee for dishonored checks if:

1. The maker's check is returned on account of an action or omission of the City or an insolvency or default of the bank;
2. The death or incompetency of the maker freezes his or her account;
3. A stop payment order was made which is justifiable;
4. Payment of the fee would cause an individual financial hardship; the maker is bankrupt or participating in a reorganization or adjustment of debts under court supervision; or
5. A waiver would assist in settling a bona fide dispute as to the amount due to the City.

B. A department head, who reduces or waives the handling fee, shall give the Director of ~~(Executive Administration)~~ Finance and Administrative Services notice of the action taken.

C. A department head may not reduce or waive the handling fee with respect to his or her own checks or a check of his or her immediate family, as defined in subsection D of Section 4.16.030.

Section 62. Section 3.124.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**3.124.040 Charitable campaign.**

A. There shall be one ~~((1))~~ annual campaign by federations of charitable organizations and charitable organization funds each year. The campaign shall be conducted as provided in rules adopted pursuant to this chapter.

B. The persons conducting campaigns pursuant to the rules adopted as provided in this chapter may solicit donations from City employees to be made by payroll deductions. The Director of ~~(Executive Administration)~~ Finance and Administrative Services shall make deductions from City employees' salary warrants and pay the moneys so collected to the federations of charitable organizations and charitable organization funds designated by City employees when such deductions and payments are authorized by City employees pursuant to rules adopted in accordance with this chapter.

C. As provided in RCW 41.06.250(1) and 42.17.130, City property, equipment, or City employees' working time may not be used during a campaign for partisan political purposes, to assist in an individual's election to political office or for the promotion of or opposition to any ballot proposition.

D. City employees' participation in charitable campaigns shall be strictly voluntary. No City employee shall be coerced to participate in any campaign presentation or coerced to make

approximately one year, or until a superseding assignment is made, to City officials and employees who, because of the nature of their work, should have overnight vehicles assigned to them. Authorization to garage such vehicles at the individual residences of the employees to whom assigned shall be pursuant to the provisions of this chapter and shall be granted at the discretion of the Director of Finance and Administrative Services. Annually, the Director of Finance and Administrative Services shall submit to the City Clerk and the City Council a list of the officials and employees to whom a vehicle should be assigned for the next succeeding year in accordance with the following criteria:

- i. The relative cost of having an employee provide his or her own transportation (whether in automobile reimbursement or lost productive time) is greater than the cost associated with overnight vehicle use; or
- ii. Employees who, on a continuous basis, have primary supervisory responsibility (first called out) in case of an emergency and whose immediate response is required to save life or property, including employees and officials who have responsibilities of implementing the City's disaster plan; or
- iii. Employees who, on a continuous basis, are on call in case of an emergency and who require special tools and equipment carried in their assigned vehicles in order to perform their emergency duties.

E. Short-Term Overnight Vehicle Assignments. Overnight vehicle assignments for periods not to exceed two 30-day consecutive periods, and authorization to garage such vehicles at the individual residences of the employees to whom assigned, may be made by each employee's appointing authority, or by his or her designee, when the need for such an assignment is consistent with the criteria established by this section.

F. Administration of Motor Pool. The Director of Finance and Administrative Services shall maintain one or more motor pools, for the purpose of providing shared vehicles to meet the short-term transportation needs of City employees conducting City business.

Section 65. A new Section 3.126.020 of the Seattle Municipal Code is added as follows:

**3.126.020 Persons who may use City vehicles.**

No City owned or leased motor vehicles shall be rented or loaned, except to City departments, to duly registered and authorized volunteer workers in the furtherance of approved City programs, to persons providing service to the City under contract and in accordance with the terms of their contract, or to other governmental agencies or associations of cities, towns or governmental agencies, or in conformance with mutual aid agreements. The Director of Finance and Administrative Services is authorized and directed to prepare and adopt rules and regulations to secure adequate consideration for the use of City owned or leased motor vehicles rented or loaned pursuant to this section, and to secure the return of such motor vehicles in proper condition.

Section 66. A new Section 3.126.130 of the Seattle Municipal Code is added as follows:

**3.126.130 Defense for agent of City in event of accident.**

A. Whenever a City owned or leased motor vehicle shall be rented or loaned to or used by a person or persons providing service to the City as an employee or volunteer, the employee or volunteer will be considered an agent of the City and afforded a defense for any action or

authority of the Director to negotiate and to enter into subsequent leases of the same property for periods not to exceed five years; and

C. The consideration to be paid to the City for the leases and lease term extensions shall be in the form of legal tender of the United States of America or services rendered to or for the benefit of the City, or a combination thereof, in such amounts or value as shall be reasonable under the circumstances considering the negotiated terms of the occupancy or use, condition of the premises, and current rental rates for similar property in the vicinity.

Section 70. A new Section 3.127.020 added to the Seattle Municipal Code as follows:

**3.127.020 Authority to execute leases for use by City Departments and agencies.**

A. The Director of Finance and Administrative Services is authorized to negotiate and execute for and on behalf of the City, real property leases for the purpose of acquiring necessary facilities for use by City departments and agencies to carry out authorized functions and programs. The term of any such lease shall not exceed five years. The Director shall use a standard lease form or forms prepared with the assistance or advice of the City Attorney; and

B. The rental payments provided by the terms of any lease agreement authorized in Section 3.127.020 shall not exceed the fair market rental. "Fair market rental" shall be deemed to mean the rental payments which such property would bring on the open rental market; and

C. All leases executed pursuant to the authority of Section 3.127.020 shall conform to the following requirements:

1. Rental payments for office space shall not exceed a rate of \$26 per square foot per year and the total square footage leased in any one calendar year shall not exceed 5,000 square feet for such space in any single building or other facility.
2. Rental payments for improved space other than office space shall not exceed \$10 per square foot per year, and the total square footage leased in any one rental agreement in any one calendar year shall not exceed 9,000 square feet for such space in any single building, structure or other facility.
3. Rental payments for unimproved real estate, or land used for parking or open storage purposes shall not exceed \$6 per square foot per year, and the total square footage leased in any one rental agreement in any one calendar year shall not exceed 18,000 square feet for such space in any single building, structure or other facility.
4. The dollar amounts specified in subsections 1, 2, and 3 of this section shall be adjusted annually beginning February 1, 2011 by the percentage change in the annual Consumer Price Index For All Urban Consumers (CPI-U), All Items, Seattle-Tacoma-Bremerton, WA Metropolitan Area (1982-84 = 100) for the preceding year as published by the U.S. Department of Labor, Bureau of Labor Statistics, or its successor; provided, that if the Consumer Price Index is discontinued or its base is changed, a comparable index shall be substituted.
5. The department or agency that is to occupy the premises to be leased shall have available to it sufficient funds to pay the Department of Finance and Administrative Services for its anticipated billing for the use of such space during the balance of the current budget year.

Section 71. A new Section 3.127.030 is added to the Seattle Municipal Code as follows:

**3.127.030 Rental payments -- Annual adjustment.**

Any rental payment specified in any lease may be adjusted annually by the percentage change in the annual Consumer Price Index For All Urban Consumers (CPI-U), All Items, Seattle-Tacoma-Bremerton, WA Metropolitan Area (1982-84 = 100) for the preceding year as published by the U.S. Department of Labor, Bureau of Labor Statistics, or its successor; provided, that if the Consumer Price Index is discontinued or its base is changed, a comparable index shall be substituted.

Any rent which is so adjusted may exceed the limits imposed by Chapter 3.127 hereof upon rental payments provided in leases entered into by the Director of Finance and Administrative Services pursuant to the authority granted in Chapter 3.127.

Section 72. Section 4.04.045 of the Seattle Municipal Code as last amended by Ordinance 118404 is amended as follows:

**4.04.045 Temporary employment service.**

The Personnel Director is authorized to develop and implement a temporary employment service to provide temporary workers to City employing units upon request therefor and upon payment by the requesting employing unit of the cost of such service. Because an arbitrary limitation on the number of temporary workers to be hired to implement this authorization would impede the operation of such service, all positions to be occupied by such temporary workers are hereby created, and the Personnel Director is authorized, with approval of the City Budget Director or his/her designee, to fill whatever number of positions he/she determines is necessary to operate such service for City employing units. The Personnel Director may delegate authority to department heads to fill temporary worker positions when such delegation would improve the quality of the temporary employment service or would result in cost efficiencies.

Section 73. Section 4.08.150 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.08.150 Salary or wages not paid except to those lawfully appointed.**

The Director of ((Executive Administration)) Finance and Administrative Services shall not approve, or pay any salary or wages to any person for services as an officer or employee in the Police and Fire Departments unless such person is occupying an office or place of employment according to law and is entitled to payment therefor.

Section 74. Section 4.13.010 of the Seattle Municipal Code, last amended by Ordinance 123182, is amended as follows:

**4.13.010 Exemptions from the Civil Service and Public Safety Civil Service Systems.**

In addition to those positions exempted by statute, City Charter, or other ordinance provision (elected officers, officers appointed pursuant to the City Charter, assistant City attorneys, heads of employing units, members of boards and commissions established by the City Charter, members of boards and commissions established by ordinance, positions excluded from the Public Safety Civil Service System pursuant to ((SMC))Section 4.08.060, system-wide exemptions provided for in ((SMC)) Section 4.13.020, and library employees), the positions of City employment listed in the subsections of this section requiring a particularly high degree of professional responsiveness and individual accountability, or requiring a confidential or fiduciary

	Chapter((s)) 4.04 and the rules of City Personnel and the Civil Service Commission regarding examination, selection, discipline, termination and appeals.
	Administrative Staff Assistant (PosNo. 00007594)
<del>((10. Fleets and Facilities))</del>	
<del>((41))10. Hearing Examiner, Office of</del>	All positions in the Office of Hearing Examiner, except clerical positions classified in the Administrative Support and Accounting Support class series
1((2))1. Human Services	
1((3))2. Information Technology, Department of	Executive Assistant, Senior (PosNo. 00026709)
1((4))3. Law	All positions in the Law Department, except clerical positions classified in the Administrative Support and Accounting Support class series
1((5))4. Legislative	All positions in the Legislative Department, except other clerical positions classified in the Administrative Support and Accounting Support class series
1((6))5. Municipal Court	All Municipal Judges, Magistrates, and Court Commissioners
	All positions in the Probation Counselor class series
	Administrative Specialist II (PosNo. 00023563)
	Administrative Staff Assistant (PosNo. 10002374)
	Research and Evaluation Assistant (PosNo. 00011478)
	Balliff
	Balliff, Chief
	Executive Assistant (PosNo. 00016207)
	Executive Assistant, Senior (PosNo. 00011524)
	Municipal Court Marshal
	Municipal Court Marshal, Senior
1((7))6. Neighborhoods	Administrative Staff Assistant (PosNo. 00022313)
1((8))7. Parks and Recreation	Administrative Staff Assistant (PosNo. 00010227)
1((9))8. Personnel	Administrative Staff Assistant (PosNo. 00025346)
<del>((20))19. Planning and Development, Department of</del>	Special Projects Facilitator (PosNo. 00021848)
	Administrative Staff Assistant (PosNo. 00014435)
<del>((21))20. Police</del>	All positions included in the Public Safety Civil Service are exempt from ((SMC)) Chapter((s)) 4.04 and the rules of City Personnel and the Civil Service Commission regarding examination, selection, discipline, termination and appeals.
	Executive Assistant, Senior (PosNo. 00006333)
	Police Chief, Assistant
	Police Chief, Deputy
2((2))1. Public Safety Civil Service Commission	
2((3))2. Retirement	
2((4))3. Seattle Center	Administrative Staff Assistant (PosNo. 10001213)
2((5))4. Seattle Ethics and Elections Commission	All positions in the office of the Seattle Ethics and Elections Commission

household goods and personal effects which are incurred solely for the purpose of relocating, from departure of such family and goods from place of current residence until the time that family and possessions arrive in the City, unless such expenses have been otherwise reimbursed; provided, that nothing in this section shall prohibit the payment of other types of moving and related expenses as approved by the appointing authority but in no case shall moving expenses in total exceed the maximum as provided for in subsection A of this section.

A. Effective January 1, 1994, the authorized maximum rate for moving expenses as defined herein shall be ((Eleven Thousand Nine Hundred and Eight Dollars-))\$11,908((3)). The authorized maximum rate shall be adjusted each year by the ((annual)) percentage change in the Seattle-Tacoma-Bremerton, WA Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), All Items for the ((twelve-))12((3)) month period ending the previous June 30th, rounded to the nearest dollar. The revised maximum shall take effect January 1st each year.

B. Payment for such reimbursement, when authorized, shall be made from unexpended and unencumbered balances accumulating in the budgets of the employing units which eligible persons head or in which such persons serve, and the Director of ((Executive Administration)) Finance and Administrative Services is authorized to pay the necessary warrants, if the applicable fund is solvent at the time payment is ordered, the Director of ((Executive Administration)) Finance and Administrative Services may elect to make payment by check.

C. The appointing authority shall transact an agreement with an individual for whom travel and moving expenses are extended, which shall stipulate that, should such individual leave the City's employ within ((twelve-))12((3)) months of initial appointment to a position, he or she shall reimburse the employing unit for all such expenses.

D. The appointing authority shall report all moving expense authorizations to the Personnel Director. The Personnel Director shall provide a summary report to the City Council annually demonstrating how department authorization for moving expenses met the administrative guidelines.

Section 78. Section 4.20.040 of the Seattle Municipal Code, last amended by Ordinance 122007, is amended as follows:

**4.20.040 Time periods for automatic salary increases.**

A. An employee shall be granted the first automatic step increase in salary rate upon completion of six ((6-))months of service when hired at the first step of the salary range, and succeeding automatic step increases shall be granted after ((twelve-))12((3)) months of "actual service" from the date of eligibility for the last step increase to the maximum of the range; provided, that officers and employees in the following position classes shall be paid on the basis of the applicable criteria designated for each class, position, or program title:

Accountability Pay for Executives Program. The Personnel Director shall recommend to the City Council the assignment of included positions to and within one ((1-))of four ((4-))market groups. The appointing authority shall have the discretion to pay individual employees a salary within the recommended market group. The appointing authority may petition the Mayor for discretion to place individual employees in a market group other than the recommended placement, and the Mayor is authorized to approve, deny or modify such petitions, within the parameters of the Accountability Pay for Executives Program, codified at Section 4.20.380. Subsequent increases or modifications to the individual's base salary shall be in accordance with the Program.

Public Safety Civil Service Commission regarding examination, selection, discipline, termination, and appeals.

Employment Unit	Titles of Exempt Positions
1. All Employing Units	Administrative Secretary
	Assistant to the Superintendent
	All legal advisors and associate
	legal advisors to employing units
	Executive 1
	Executive 2
	Executive 3
	Executive 4
	IT Professional A, Exempt
	IT Professional B, Exempt
	IT Professional C, Exempt
	Manager 1, Exempt
	Manager 2, Exempt
	Manager 3, Exempt
Office/Maintenance Aide	
Strategic Advisor 1, Exempt	
Strategic Advisor 2, Exempt	
Strategic Advisor 3, Exempt	
2. Arts and Cultural Affairs, Office of	
3. Auditor, Office of the City	All positions in the Office of the City Auditor except clerical positions classified in the Administrative Support class series
4. City Budget Office	Admin Staff Analyst (PosNo.00017844)
((4))5. City Light	City Light Superintendent
	Power Marketer
	Electric Utility Executive 3, Officer
	Electric Utility Executive 3, Director (not Officer level)
	Electric Utility Executive 2
	Electric Utility Executive 1
((5))6. Civil Service Commission	Administrative Staff Assistant (PosNo. 00025687)
((6))7. Executive	Administrative Staff Assistant (OBD) (PosNo. 00024286)
	Administrative Staff Assistant (OIR) (PosNo. 00015325)
	Administrative Staff Assistant (OOH) (PosNo. 00017417)
	All directors of offices in the Executive Department
	All positions in the Office of the Mayor
	Executive Assistant (OCR) (PosNo. 00024628)
	Paralegal (OCR)(PosNo. 00025294)
((7))8. ((Executive Administration)) Department of Finance and Administrative Services	((Claims Adjuster I-DEA Claims Adjuster II-DEA) Claims Adjuster - FAS
	((Claims Manager))
	((Paralegal (PosNo. 00010836))
((8. Finance))	((Paralegal (PosNo. 10003026))
9. Fire	All positions included in the Public Safety Civil Service are exempt from ((SMC))

Executive Assistant, Senior (PosNo. 00008596)
Administrative Specialist II (PosNo. 00007744)

Section 75. Section 4.14.100 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.14.100 Payment for travel expenses.**

When the appointing authority of an employing unit deems it necessary for the successful recruitment of qualified persons for key positions, he or she may, upon the approval of the Director of ((Executive Administration)) Finance and Administrative Services and the filing of a claim therefor, authorize payment of reasonable and necessary expenses incurred by applicants from out of the City for traveling to and from Seattle for the purpose of being interviewed for employment by the City in that unit. All authorized travel expenses are subject to the rules, policies, and procedures established by the Director of ((Executive Administration)) Finance and Administrative Services ((or his/her designee)). Payment of authorized expenses may be made in advance by the employing unit for the applicant(s), or the applicant(s) may be reimbursed for authorized expenses paid out of pocket. Authorized expenses shall include lodging, meals, incidentals, and transportation from such applicant's place of residence to Seattle and return to such place of residence, or mileage in accordance with the mileage reimbursement rate established in ((SMC)) Chapter 4.70; provided that, payment for mileage shall not exceed the round-trip airfare of a common carrier. No payment shall be authorized for expenses deemed disallowable pursuant to rules, policies, and procedures established by the Director of ((Executive Administration)) Finance and Administrative Services ((or his/her designee)).

Section 76. Section 4.14.120 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.14.120 Claims for payment of travel expenses.**

Authorized claims for payment of expenses other than for mileage and incidentals shall be submitted to the Director of ((Executive Administration)) Finance and Administrative Services ((or his/her designee)) by the employing unit in accordance with that Director's rules, policies, and procedures.

Section 77. Section 4.14.150 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.14.150 Moving expenses defined.**

For purposes of implementing this chapter, the phrase "moving expenses" includes expenses incurred for transportation to Seattle to secure housing, as well as food and lodging expenses for a period not to exceed five ((5)) days, incurred while engaged in securing housing. In addition, moving expenses shall include all lodging, food, and transportation expenses of family and

Technology Professional Compensation Program. The Personnel Director shall recommend to the City Council the allocation of included positions to one ((1)) of three ((3)) pay zones. The appointing authority shall have discretion to pay a Manager, Strategic Advisor, or Information Technology Professional a salary within the appropriate zone. Subsequent increases or modifications to an individual's base salary shall be in accordance with the appropriate Program, codified ((at)) in Section 4.20.400, Section 4.20.420, and Section 4.20.430, respectively.

Strategic Advisor -- Legislative, Executive Manager -- Legislative and Strategic Advisor -- Audit. The appointing authority shall have the discretion to pay a Strategic Advisor -- Legislative, Executive Manager -- Legislative, or a Strategic Advisor -- Audit a salary within the pay band established by ordinance for each title. Legislative Assistants. The City Councilmember to whom a Legislative Assistant reports shall have discretion for salary placement and modification, within the parameters of the base salary structure designed for the title.

Power Marketer. The appointing authority shall have the discretion to pay a Power Marketer a salary within the pay zone established for the title. Student Accountant and Planning Intern. The first step of the respective salary range shall be paid to third-year college or university students and the second step shall be paid to those who have completed their third year of such academic training.

Student Engineer. The first step of the salary range shall be paid to students who have actually commenced a course of studies leading to an engineering degree, the second step to students who have completed their first year of such studies, the third step to students who have completed their second year, and the fourth step to students who have completed the third year of such academic training.

Auto Machinist Apprentice, Electrician Constructor Apprentice, Lineman Apprentice. Beginning apprentices shall receive the first step of the salary range assigned to the class to which appointed and shall receive a salary step increase each six ((6)) months unless otherwise recommended in writing by the Joint Advisory Apprenticeship Committee and the Personnel Director and approved by the City Council.

Job Trainee Program. Beginning trainees shall receive the first step of the salary range assigned to the job class to which appointed and shall receive a salary step increase each six ((6)) months unless otherwise recommended by the Personnel Director.

Recreation Personnel. Employees in temporary or intermittent positions titled:  
Recreation Leader  
Recreation Attendant

Life Guard, Beach and Pool

Manager, Beach and Pool

Pianist

shall receive the salary step in the range assigned to the class in which employed as determined by the Superintendent of Parks and Recreation, subject to approval by the City Budget Director.

Seasonal Tour Guides and Forest Guards: Employees filling seasonal positions of Tour Guide or Forest Guard shall receive the first step of the salary range assigned to the class for the first period of employment and shall receive a step increase each additional season employed in such capacity until the maximum salary step is reached.

B. For employees assigned salary steps other than the beginning step of the salary range, subsequent salary increases within the salary range shall be granted after ~~((twelve-))12((9))~~ months of "actual service" from the appointment or increase, then at succeeding ~~((twelve-))12((9))~~ month intervals to the maximum of the salary range established for the class.

Section 79. Section 4.20.110 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

#### 4.20.110 Biweekly pay periods.

Biweekly pay periods for all officers and employees of all departments of the City including the Seattle Public Library are authorized on the following basis:

A. Each biweekly pay period shall end on a Tuesday and except for such advances on earned salary from "Contingent Fund A" as may be specifically authorized by ordinance, warrants or checks shall be delivered to those concerned after ~~((three-))3:00((9))~~ p.m. on the day before the payday, which payday shall be one ~~((+))~~ week from the Friday following said Tuesday; provided, that such payday may be advanced to Thursday if Friday is a legal holiday or to Tuesday or Wednesday if Christmas or New Year's Day falls on a Wednesday or Thursday. When payday is advanced, the Director of ~~((Executive Administration))~~ Finance and Administrative Services is authorized to distribute the warrant or check, on that advanced payday or the day before payday. Furthermore, the Director of ~~((Executive Administration))~~ Finance and Administrative Services is authorized to designate the employees to be paid each week so as to distribute the warrants or checks payable as near equally as possible on the day before each payday.

B. All payrolls shall be subject to ratification, in accordance with Chapter 42.24 RCW, by the City Council, and appropriation by ordinance of such funds as may be required.

Section 80. Section 4.20.130 of the Seattle Municipal Code as last amended by Ordinance 97330 is amended as follows:

#### 4.20.130 Substitution of lower classification position.

The heads of departments, at their discretion and with approval of the City Personnel ((Budget)) Director or his/her designee may, when a position is provided for herein substitute ~~((therefor))~~ a

## SECTION B

event the head of the employing unit to which such worker is assigned, or his or her designee, has certified in writing, to the Director of ~~((Executive Administration))~~ Finance and Administrative Services, that because of emergency circumstances, the worker was required to work overtime on an immediate and continuous basis without the opportunity to plan and take normal meal breaks, then such worker shall be compensated as specified in subsection B hereof, for such additional number of meals as are indicated in such certification.

B. If such worker provides to his/her supervisor, no later than the beginning of such worker's next regular shift, the purchased meal receipt(s), such worker shall be eligible for the reimbursement of the actual cost of the meal(s), but not more than the average cost for such meal(s) as reflected in a national comparative cost index such as the Runzheimer Meal -- Lodging Cost Index; but if such receipt(s) are not provided as specified herein, then such worker shall be eligible only for meal compensation in the sum of ~~((Five Dollars-))\$5((9))~~ per meal for which compensation has been authorized as provided herein.

Section 86. Section 4.20.350 of the Seattle Municipal Code as last amended by Ordinance 97330 is amended as follows:

#### 4.20.350 Request for creation of new position.

When any City department head requests the creation of a new or additional position of more than ~~((sixty-))60((9))~~ days' duration, or a change in allocation of an existing position, he shall address his request for such consideration to the City Budget Director, accompanied by a statement of the duties and the responsibility and qualification requirements of the position. A complete copy of such request and statement shall at the same time be furnished to the City Council and the Personnel Director.

Section 87. Section 4.20.370 of the Seattle Municipal Code, last amended by Ordinance 122587, is amended as follows:

#### 4.20.370 Purchase of fare media.

To encourage commuting by municipal employees in other than single occupancy vehicles, and in accordance with the agreements authorized by Section 1 of Ordinance 116682, as a condition of municipal employment, the City shall pay ~~((Thirty Dollars-))\$30~~ per month, or effective January 1, 2009, up to the dollar value of a "peak" one-zone Puget Pass or equivalent transit ~~((pass))~~ item, per month per employee toward the purchase of transit and or ferry fare media ~~((passes or tickets))~~ by a City officer or employee. The fare media shall be purchased from the Director of ~~((Executive Administration))~~ Finance and Administrative Services for use in commuting to and from work or during working hours, and any incidental personal use thereafter, for so long as an appropriation has been made by ordinance or the City budget to provide for any deficit resulting to the City from such sales. The net price of the fare media to the officer or employee shall be the established rate less the City's payment ~~((of Thirty Dollars-))\$30~~, or effective January 1, 2009, up to the dollar value of a "peak" one-zone Puget Pass, or equivalent transit ~~((pass item))~~ fare media. This transit ~~((pass))~~ subsidy benefit does not apply to employees covered by collective bargaining agreements unless authorized in their collective

the City Budget Director ((Director of Finance)), and a designee of the Mayor. From those positions recommended by the Superintendent, this compensation committee shall from time to time designate positions specific to the electric utility that shall thereafter be included in the Electric Utility Executive Compensation Program because these positions require higher pay opportunities to be competitive in the markets where City Light competes for experienced executives. For each of these designated positions, the compensation committee shall determine, from the list in subsection A, the title and the associated pay zone to which that position shall be assigned. At no time may more than ~~((fifteen-))15((9))~~ positions be included in the Electric Utility Executive Compensation Program. The City Light Department is authorized to use the titles in this program only for the positions in the City Light Department that have been assigned those titles by the compensation committee. Authorization is not transferable to another position and cannot be used in another department.

C. Individual Pay Authorization: The Superintendent shall have the discretion to pay each of the employees appointed to positions in the Electric Utility Executive Compensation Program a salary within the pay zone to which the employee's position was assigned. The Superintendent may petition the Mayor or the Electric Utility Executive compensation committee for authorization to pay an employee whose position is in the Electric Utility Executive Compensation Program a salary that is authorized in an alternate, higher pay zone within this program, and the Mayor and the Electric Utility Executive compensation committee are each authorized to approve, deny or modify each petition he, she, or they receive, within the parameters of the Electric Utility Executive Compensation Program Plan Document. Subsequent increases or other modifications to the salary of an employee who is being paid in an alternate pay zone shall be in accordance with the Program Plan document.

D. Plan Document: The Personnel Director is authorized to develop and publish guidelines and a plan document to support administration of this Electric Utility Executive Compensation Program.

E. Program Maintenance/No Cost of Living Adjustments: The Personnel Director shall review the pay zones at least every two years and recommend to the City Council any pay zone adjustments the Director deems appropriate. The titles and position incumbents assigned to titles in the Electric Utility Executive Compensation Program are not eligible for cost of living adjustments that may be granted to other non-represented positions and employees.

F. Relocation Expenses: Should the reimbursement of relocation costs be necessary to successfully recruit an individual for a position within the Electric Utility Executive Compensation Program, the City Light Department is authorized to pay, from funds accumulating in the budget of the City Light Department, reasonable and documented costs associated therewith in amount equal to two times that authorized from time to time pursuant to ~~((S.M.C.))~~ subsection 4.14.150.A. Should the employee terminate employment before completion of 12 ~~((twelve))~~ months of service, or if the City terminates employment for cause, the relocation expenses shall be reimbursed by the employee as specified in ~~((S.M.C.))~~ subsection 4.14.150.C.

G. Incentive Program: For employees in the Electric Utility Executive Compensation Program, a lump sum payment, in addition to base salary, may be awarded on an annual basis for

position as provided by personnel rules. The heads of departments, at their discretion, may terminate this substitution of the lower level classification ((position)) and reinstate the higher position as originally provided herein; such position also to be filled in accordance with personnel rules.

Section 81. Section 4.20.140 of the Seattle Municipal Code as last amended by Ordinance 120181 is amended as follows:

**4.20.140 Filling positions for limited periods in excess of those established.**

The ((Director of Finance)) City Budget Director may, within the limits of moneys appropriated for "salaries," authorize filling positions for limited periods of no longer than one year, in excess of those established in the current budget and may authorize the use of unencumbered salary funds as a reimbursement for trainee positions budgeted in the Personnel Department.

Section 82. Section 4.20.150 of the Seattle Municipal Code as last amended by Ordinance 97330 is repealed.

Section 83. Section 4.20.160 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.20.160 Personnel Director to check payrolls.**

The Personnel Director is authorized and directed to check all payrolls of City departments as to the right of each employee to draw the rate of pay, appearing opposite his or her name on the payroll, and to report the result of such check to the City Council. Other payroll audit functions shall be performed by the Director of ((Executive Administration)) Finance and Administrative Services. ((except that payments from the contingent fund to employees released between pay days shall be made by the Director of Executive Administration only after certification by the Director of Finance of the amount due.))

Section 84. Section 4.20.290 of the Seattle Municipal Code as last amended by Ordinance 98316 is amended as follows:

**4.20.290 Overtime work -- Payroll records.**

((All)) Overtime hours shall be separately itemized on the payroll ((and a separate list of such employees)), and the amount of such overtime to be paid or credited to compensatory time shall be ((signed)) approved by the head of the department or his or her designee ((and one (1) copy transmitted to the Auditing Committee and one (1) copy to the Budget Director)) prior to the date of issuance of the payroll warrants.

Section 85. Section 4.20.325 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.20.325 Overtime-related meal compensation.**

A. Any full-time City officer or employee who, pursuant to specific directions of the head of the employing unit to which such worker is assigned, or of such head's designee, works for a total of two ((2)) or more consecutive overtime hours beyond either (1) such worker's normal working hours, or (2) a reasonably continuous period of overtime equal to the length of such worker's normal shift, shall be compensated as specified in subsection B, hereof, for one ((1)) meal that such worker purchased reasonably contemporaneously with such overtime. In the

Section 86. Section 4.20.375 of the Seattle Municipal Code as last amended by Ordinance 120974 is repealed.

Section 89. Section 4.20.450 of the Seattle Municipal Code, last amended by Ordinance 122794, is amended as follows:

**4.20.450 Establishing a Compensation Program.**

As recommended by the Personnel Director, there is ((hereby)) established a discretionary pay program to be known as the Investments/Debt Director Compensation Program to be used by the Department of ((Executive Administration and the Department of)) Finance and Administrative Services.

A. Titles and Pay Band: The following titles are hereby created, and the corresponding pay band is established as shown, effective April 12, 2008:

Title Pay Band Investments/Debt Director \$38.31 -- \$76.63 Assistant Investments/Debt Director \$38.31 -- \$76.63

Base pay for any position incumbent of the above titles shall be set by the appointing authority, and may not exceed the pay band maximum.

B. Program Administration: The Personnel Director is authorized to develop and publish guidelines and a plan document to support the Department of ((Executive Administration and the Department of)) Finance and Administrative Services in administration of the Investments/Debt Director Compensation Program. The Personnel Director shall review the pay band at least every two years and, when appropriate, recommend a structure adjustment to the City Council. If the structure adjustment is approved by the City Council, the appointing authority shall determine whether position incumbents shall receive a base salary increase (market adjustment) to reflect any or all of the approved structure adjustment; provided, that no incumbent shall be eligible for the market adjustment if his or her performance in the most recent evaluation cycle failed to be described as "satisfactory" or better.

The positions within the Investments/Debt Director Compensation Program are not eligible for cost of living adjustments, which may be granted to other non-represented positions and employees.

Section 90. Section 4.20.401 of the Seattle Municipal Code, last amended by Ordinance 121992, is amended as follows:

**4.20.401 Electric Utility Executive Compensation Program.**

There is hereby established a discretionary pay program to be known as the Electric Utility Executive Compensation Program to be used exclusively for executive positions working in the electric utility department, Seattle City Light.

A. Base Pay: The Electric Utility Executive pay band is hereby established as overlapping pay zones as follows: Position title Pay Zone (hourly equivalent) Electric Utility Executive 3, Officer \$66.09 -- \$105.36 Electric Utility Executive 3, Director (not Officer level) \$57.66 -- \$92.24 Electric Utility Executive 2 \$44.21 -- \$70.74 Electric Utility Executive 1 \$38.45 -- \$61.52

B. Designation of Positions in Program: Each position included in the Electric Utility Executive Compensation Program shall be exempt from the classified service pursuant to Article XVI, Section 3 of the Charter of the City of Seattle. The Personnel Director shall receive requests for inclusion of positions in the Electric Utility Executive Compensation Program from the City Light Superintendent ("the Superintendent") and forward the recommendations to an Electric Utility Executive compensation committee that is composed of the Personnel Director,

recognition of the accomplishment of goals and work outcomes at the completion of the annual evaluation period. Any lump sum payment made pursuant to this subsection shall be considered a part of regular compensation for purposes of withholding retirement contributions and calculating retirement benefits for affected employees who are members of the Seattle City Employees Retirement System. No awards or payments may be made under this program until City Light has submitted an Incentive Pay Program Plan proposal that includes associated performance measures and has received Council authorization by ordinance for implementation of this Plan.

Section 91. Section 4.24.080 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.24.080 Authority to make rules -- Recordkeeping.**

The Personnel Director is authorized to make the necessary rules and regulations to enforce and administer the provisions of this subchapter, to furnish the necessary forms and to keep the necessary records, provided that the Director of ((Executive Administration)) Finance and Administrative Services shall maintain all records of accumulated sick leave of active officers and employees.

Section 92. Section 4.24.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.24.090 Report on denial of paid sick leave.**

The heads of departments shall report as to the final disposition of all cases when an employee has been included on the payroll for paid sick leave which subsequently is denied and shall make such other reports and keep such records as the Personnel Director and the Director of ((Executive Administration)) Finance and Administrative Services shall require.

Section 93. Section 4.28.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.28.030 Certification to Director of ((Executive Administration)) Finance and Administrative Services.**

Upon certification by the appropriate department head that sick leave was allowed to an officer or employee for the purpose of attendance at a funeral in accordance with this chapter, the Director of ((Executive Administration)) Finance and Administrative Services shall correspondingly reduce such officer's or employee's sick leave balance on the payroll record.

Section 94. Subsection 4.36.110.B of the Seattle Municipal Code as last amended by the Ordinance introduced as Council Bill 116854 is amended as follows:

**4.36.110 Contributions -- City matching funds.**

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B. Member contributions as provided in ((S)) subsection 4.36.110((-)), A shall be deducted by the Director of ((Executive Administration)) Finance and Administrative Services and shall be paid into the retirement fund, provided for in this chapter, and shall be credited by the Board together with regular interest.

Every member shall be deemed to consent and agree to the contribution made and provided for in this section, and shall receipt in full for his or her salary or compensation. Payment less said contributions shall be a full and complete discharge of all claims and demands whatsoever for

the service rendered by such person during the period covered by such payment, except his or her claim to the benefits to which he or she may be entitled under the provisions of this chapter.

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Section 95. Section 4.36.125 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.36.125 Determination of creditable service.**

A. A member in an eligible full-time position, with creditable service for every day, will accrue a creditable year of service for ~~((twelve-))~~12((0)) months' service. No additional credit is given for Leap Year's Day.

B. For a member in a temporary, intermittent or part-time position, eight ~~((8-))~~hours constitutes one ~~((1-))~~day; and a creditable year of service is measured as ~~((two hundred sixty one-))~~261((0)) credited days or ~~((two thousand eighty eight-))~~2,088((0)) hours of compensated service at straight-time pay.

C. When shown on the City's payroll, paid vacation, sick leave, military leave, funeral leave, and, if the employee pays his or her contribution, "time loss" on worker's compensation or time during family and medical leave under Chapter 4.26, are counted. Overtime (whether or not paid), unpaid leave, time not worked during a layoff, strike or disciplinary suspension, and service as a volunteer are not counted. Service on a temporary City assignment to another government or organization may be counted, in the discretion of the Board, if the member or the member's employer pays the employee contribution.

D. Creditable service is calculated by an employee's hours or time worked, as certified by the Director of ~~((Executive Administration))~~ Finance and Administrative Services to the retirement system. When payroll records are available, the Director of ~~((Executive Administration))~~ Finance and Administrative Services shall multiply the hours worked by a temporary, interim, seasonal, or provisional worker and a worker in a part-time position of less than ~~((twenty-))~~20((0)) hours per week over a one ~~((1-))~~year period by a factor of ~~((one and one hundred thirty five thousand-))~~1.135((0)) in reporting creditable service to the retirement system, to account for paid leave which was not received and for premium pay which may be substituted for paid leave. Director of ~~((Executive Administration))~~ Finance and Administrative Services shall reduce the hours or days determined by application of the multiplier by the amount of any paid leave actually provided to the employee and counted in the hours or days worked.

E. No creditable service may accrue for City employment during which the City contributes to another retirement system on the employee's behalf or for a member's City employment after he or she retires on a service retirement and, except for the annual death benefit assessment, no deduction shall be made from his or her pay for retirement purposes.

Section 96. Section 4.36.130 of the Seattle Municipal Code, last amended by Ordinance 121595, is amended as follows:

**4.36.130 Retirement System Board of Administration.**

A. There is created and established a Retirement System Board of Administration which shall, under the provisions of this chapter and the direction of the City Council, administer the

transmission to the retirement system as contemplated by RCW 35.39.070.

H. The Director of ~~((Executive Administration))~~ Finance and Administrative Services shall be the custodian of the retirement fund. All payments from said fund shall be made upon warrant duly issued by the Director of ~~((Executive Administration))~~ Finance and Administrative Services ~~((in the name of the City Director of Finance))~~ or, if the fund is solvent at the time payment is ordered, by check. As custodian, the ~~((City))~~ Director of ~~((Executive Administration))~~ Finance and Administrative Services with the approval of the Board of Administration, may cause securities of the retirement system to be registered in the name of a nominee and authorize the safekeeping of retirement system securities in the physical custody of the Federal Reserve System, a depository trust company, or a bank as contemplated by RCW 35.39.070.

I. Except as herein provided, no member and no employee of the Board shall have any interest, direct or indirect, in making of any investments from the retirement fund, or in the gains or profits accruing therefrom. And no member or employee of the Board, directly or indirectly, for himself or as an agent or partner of others, shall borrow any of its funds or deposits or in any manner use the same except to make such current and necessary payments as are authorized by the Board; nor shall any member or employee of the Board become an endorser or surety or become in any manner an obligor for moneys invested by the Board.

J. No City employee who is elected to the Board shall suffer a monetary loss or other penalty on account of his/her absence from his/her regular position during regular hours while attending meetings of the Board or its sub-committees.

Section 97. Section 4.36.135 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.36.135 Lending retirement system securities.**

The Board of Administration, after consultation with the Investment Advisory Committee and the Director of ~~((Executive Administration))~~ Finance and Administrative Services, is authorized to contract with a bank, which holds securities in its name for the retirement system as contemplated by RCW 35.39.070, for the lending of all or part of these securities to reputable brokers and financial institutions, for a fee, provided that collateral equal to at least ~~((one hundred two-))~~102((0)) percent of the market value of the securities loaned is continuously maintained.

Section 98. Section 4.36.140 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.36.140 Powers and duties of Board.**

The administration of the Retirement and Death Benefit System is vested in the Board of Administration created in Section 4.36.130. The Board shall exercise the powers and duties conferred upon it by said section, and in addition thereto:

A. The Board shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this chapter. At the end of the three ~~((3-))~~year period beginning with the year 1974, and at the end of every three ~~((3-))~~year period

3. Takes other actions indicating that he or she has stopped or suspended for a year providing his or her services to the City; or
4. Is discharged from City employment.

B. Amount of Creditable Service. Creditable service shall be granted only for the hours for which both the worker and the City make contributions to the retirement system at the rate contemplated by Section 4.36.110. To receive creditable service for prior City service, such a worker shall deposit into the retirement system an amount determined by the Board of Administration equal to the sum, or some part thereof, that he or she would have paid had he or she become a member when first eligible and had deductions been made from his or her pay warrants, through the years, for creditable service, together with interest thereon. Interest shall accrue at the Board's assumption rate established for actuarial purposes from the date of the wage or salary payment to the date of deposit and shall be compounded annually.

C. Waiting Period, Service Before 1988. A worker, who began his or her continuous City service on or before December 31, 1987 and has not already received such credit, shall receive creditable service for the first ~~((one thousand forty four-))~~1,044((0)) hours, or portion thereof, of continuous service that he or she worked before January 1, 1988. This is a transitional exception to subsection B of Section 4.36.103.

D. Administration. The Board, in its discretion, may delegate to the Executive Director the calculation of the amount of contribution for such a worker to acquire ("buy in") in prior creditable service and may authorize its Executive Director to use an approximate formula to simplify computations and/or to determine credit for vacation and other paid leave when City records are not available therefor. For example, for hourly workers, who have held the same or similar positions over the duration of the buy-back period, the Board may determine the amount due by:

1. Classifying the worker's creditable hours by the contribution rate in effect at the time the hours were worked;
2. Multiplying the creditable hours in each rate classification by the worker's current hourly wage rate and by the applicable contribution rate; and
3. Adding the total of the products of all such classifications together.

E. Maintenance of Membership. Such a worker who joins the retirement system shall maintain his or her membership in the retirement system for the duration of his or her City service until retirement. A member of the retirement system, who has not retired from the City and who accepts temporary, intermittent, or part-time work, shall continue to make his or her contributions to the retirement system.

F. Deposit Contract. The Board may authorize such a worker to make his or her deposit under an agreement for installment payments under the following terms and conditions:

1. The deposit must be completed within ten ~~((10-))~~years from the date of the member's eligibility to join the retirement system.
2. After deducting any immediate deposits, the balance shall be payable in approximately equal amortized installments unless the Board authorizes otherwise. Installments shall be deducted from the worker's pay whenever practical. By rule the Board may establish a minimum initial deposit and

~~((7))~~members as follows:

1. The Chair of the Finance and Budget Committee of the City Council;
2. The City (~~(Finance))~~ Director of Finance;
3. The City Personnel Director;
4. Two (~~((2))~~)persons who are members of the retirement system and one (~~((4))~~)person who is a retired member, all of whom shall be elected by the members of the retirement system including retired members; provided, that persons who have elected upon termination of their employment to leave all their contributions in the retirement fund pursuant to the provisions of Section 4.36.200 C shall not be eligible to vote for or be elected to such positions; and provided, further, that at the time of such member's election to the Board, no more than one (~~((4))~~)elected member may be employed in any single City department or other employment unit. In the event that a Board member who was elected as a retirement system member retires during his or her term as a Board member, he or she shall remain a Board member until the expiration of his or her term; and
5. One (~~((4))~~)member who shall be appointed by the other six (~~((6))~~)members; provided that such appointed member shall not be a City employee or a retired City employee and shall not have membership in the retirement system.

B. Elected members and the appointed member shall serve for a three (~~((3))~~)year term ending July 1st of the third year of such term, (~~(provided that the initial terms of the elected members expire July 1, 1971, July 1, 1972, and July 1, 1973; and the initial term of the appointed member shall expire July 1, 1973.)~~)

C. Elections for the members of the Board who are elected as provided in this section shall be administered by the Board. Ballots shall be accepted only if received by the Board's designated ballot counter on or before its close of business on the first Monday in June of each calendar year.

D. Any vacancy occurring in an elected position shall be filled by the City Council by appointment to such position of a member eligible to be elected thereto, and provided the member so appointed shall be retired or shall come from the same employing unit as the vacating member. The member so appointed shall serve until such vacancy is filled by the election for the unexpired term of a member eligible to be elected for a full term to such position at the next succeeding first Monday in June, unless the vacancy occurred less than one (~~((4))~~)year before the expiration of the term of such elected member, in which case the member so appointed shall serve for the remainder of the unexpired term. Any vacancy occurring in the appointed member position, shall be filled by appointment by the City Council for the unexpired term.

E. The Chair of the Finance and Budget Committee of the City Council shall be ex officio chair, the Personnel Director ex officio Secretary, and the Director of (~~(Executive Administration))~~ Finance ex officio Treasurer of the Board.

F. The investment of all or any part of the retirement fund shall be in accordance with RCW 35.39.060.

G. Subject to such provisions as may be prescribed by law for the deposit of municipal funds in banks, cash belonging to the retirement fund may be deposited in any licensed national bank or banks in this state, or in any bank, banks or corporations authorized or licensed to do a banking business and organized under the laws of this state, and a clearing account may be maintained with a depository which holds securities as a nominee for funds received pending

fund, and upon the basis of such investigation and valuation and subject to the approval of the City Council, shall:

1. Make any necessary changes in the rate of interest;
2. Adopt for the retirement system such mortality, service, and other tables as shall be necessary;
3. Revise or change the rate of contribution by the City on the basis of such mortality, service and other tables as may be necessary;
4. Establish an investment advisory committee as contemplated by RCW 35.39.080 through 35.39.090. A copy of the investment policy contemplated by RCW 35.39.060 and the recommendation and report of the investment advisory committee required by RCW 35.39.090 shall be filed with the (~~(Director of Finance, the))~~ Director of (~~(Executive Administration))~~ Finance and Administrative Services, and the City Clerk.

B. The Board shall promptly transmit to the City Council a report covering the actuarial investigation and actuarial valuation provided for in subsection A of this section.

C. In addition to other records and accounts, the Board shall keep such detailed records and accounts as shall be necessary to show the financial condition of the retirement fund at all times.

D. The Board shall annually transmit to the City Council a report showing the financial condition of the fund established by this chapter.

E. Nothing in this section shall be construed to limit the right of the Board, subject to approval of the City Council, to make changes in rates of interest whenever the Board deems it necessary or advisable, or to secure actuarial reports more often than every three (~~((3))~~)years.

F. Whenever the Board deems it necessary or advisable, it may recommend that the City Council change the rates of contributions of members on the basis of mortality, service, and other tables adopted by the Board pursuant to subsection A of this section.

G. The Board may adopt rules deemed appropriate to carry out this chapter, and may delegate to the Executive Director the adoption of policies, procedures, and/or guidelines, which are consistent with its rules and with the ordinance codified herein.

Section 99. Section 4.36.195 of the Seattle Municipal Code, last amended by Ordinance 121365, is amended as follows:

**4.36.195 Buy-in of creditable service by temporary, interim, intermittent, provisional and part-time workers.**

These terms and conditions apply to workers acquiring ("buying in") creditable service under Section 4.36.103 for earlier work in temporary, interim, intermittent and provisional positions or part-time positions of less than (~~(twenty-6))~~20(~~(3))~~) hours per week during the course of the year.

A. Eligible Services. Only hours in continuous City service as shown on City payrolls can be counted subject to the multiplier in Section 4.36.125. A break in the continuity of City service excludes hours before the break. Such a break in on-call, seasonal or intermittent service occurs if a worker:

1. Removes his or her name from a roster or listing for work assignments;
2. In seasonal employment, declines the opportunity to work for a season; or, in other employment, fails to work at least (~~(one hundred-6))~~100(~~(3))~~) hours in any (~~((twelve-6))~~)12(~~(9))~~) month period;

3. A member may accelerate and prepay all or part of his or her deposits at any time before he or she dies, retires, or discontinues City service, whichever may be sooner. In the event of extenuating circumstances that preclude an earlier payment, the Executive Director may allow a member up to ten (~~((40))~~)days after his or her retirement or discontinuance of City service to make a lump sum payment of the balance.

4. If a member dies, retires, or discontinues city service before completion of the contract, the member shall receive creditable service on his or her buy-in on a pro rata basis.

5. The member is responsible for making any adjustments appropriate under the Internal Revenue Code with respect to individual retirement accounts and privately administered retirement plans.

G. City Matching Money. The City shall match the member's contributions and deposits, including interest, in the same manner as other members. If the worker provided services in two (~~((2))~~) or more departments, at the request of the (~~(City Finance))~~ Director of Finance, the City Budget Director shall apportion the amount of the City contribution among the employing departments. The (~~(City))~~ Director of Finance's (~~(Director's))~~ determination of apportionment shall be final.

H. Members who have otherwise failed to exercise an option to purchase creditable service for prior service previously rendered as a temporary worker, as that term is defined at Subsection 4.04.030 (35(~~((3))~~)), shall be allowed to purchase creditable service for service previously rendered but not credited as a temporary worker, by paying into the retirement fund, at the time of resignation from City service or at retirement, the actuarial present value of the resulting increase in his or her benefit. The terms and conditions of purchase shall be in accordance with the provisions of Subsection 4.36.190B.3(~~((B)(3))~~).

Section 100. Section 4.40.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.40.040 Repayment of benefits to which one is not entitled.**

Anyone receiving a payment from the City pursuant to this chapter to which he or she is not entitled shall promptly repay the same to the Director of (~~(Executive Administration))~~ Finance and Administrative Services.

Section 101. Section 4.44.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.44.010 Deductions from employee's earnings.**

The Director of (~~(Executive Administration))~~ Finance and Administrative Services is authorized and directed to deduct and pay from the earnings of any City employee, in accordance with RCW 41.04.030 and pursuant to written authorization therefor signed by such employee and filed with the Director of (~~(Executive Administration))~~ Finance and Administrative Services in accordance with RCW 41.04.020, such amounts for disability insurance premiums, other than retroactive premiums, to such insurance groups or companies as shall be specifically designated therein; provided, that no deduction or payment shall be made unless:

A. Such insurance group or company shall provide authorization forms without expense to the City, which authorizations shall save the City harmless from any liability in connection

with the making or failure to make any deduction or payment, and shall further specifically recognize that the City does not endorse the insurance group or company to which such payment is made and that such deduction and payment does not constitute sponsorship of the program; and

B. As to insurance groups or companies providing such insurance on an individual basis or on a group basis for groups of less than ~~((twenty-five (25)))~~ individuals, such insurance group or company, for reimbursement to the City of its costs in connection with such deductions and payment, shall pay to the City upon quarterly billings by the Director of ~~((Executive Administration))~~ Finance and Administrative Services, ~~((Ten Cents (¢)))~~ \$ .10 ~~((3))~~ for each payroll deduction for each employee who has authorized as provided herein deduction and payment of disability insurance premiums to such insurance group or company.

Section 102. Section 4.44.070 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.44.070 City's self-insurance program.**

The Personnel Director shall administer the City's self-insurance program for worker's compensation; establish rules and procedures for the administration of benefits; in consultation with the Director of ~~((Executive Administration))~~ Finance and Administrative Services adjust rates of contributions from the respective City departments to reflect their cost experience; contract for consulting services; and, through the Director of ~~((Executive Administration))~~ Finance and Administrative Services, contract for reinsurance and other services and similar items as may be required to administer such program.

Section 103. Chapter 4.68 of the Seattle Municipal Code is repealed.

Section 104. Section 4.70.025 of the Seattle Municipal Code as last amended by Ordinance 116368 is amended as follows:

**4.70.025 Personnel Director to establish reimbursement rate.**

The Personnel Director is authorized and directed to establish annually, after consultation with the ~~((Budget))~~ Director of Finance and Administrative Services, a standard mileage rate at which the City shall reimburse any City officer or employee whose compensation is not otherwise fixed by a collective bargaining agreement, providing and using for City business purposes a non-City-owned automobile (including a van, pickup or panel truck) without following the rule-making procedures of Chapter 3.02 ~~((the Administrative Code))~~. The standard mileage rate shall be set at a level to cover the average cost of providing and using such automobiles, provided that the standard mileage rate shall not exceed the standard business-purposes mileage rate periodically prescribed by the Commissioner of Internal Revenue.

Section 105. Section 4.72.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.72.010 Reimbursement for reasonable and necessary expenses.**

City officers and employees, and when authorized in writing by the department head before

B. The expenses of seminars, workshops, meetings, and similar events organized or contracted for by the City and conducted primarily for the benefit of City officers and employees may be paid for as departmental expenses upon vouchers approved by department heads without separate claims submitted by individual officers or employees, provided funds have been made available therefor in a department's budget or by separate ordinance. In organizing and arranging such events, department heads shall make all reasonable efforts to use available City, state, county, federal or other governmentally owned or controlled facilities. Expenses may include the cost of meals provided to participants in the event who are City officers or employees if it is impractical for participants to make individual arrangements for meals, and if an integral part of the program occurs during the meal. Food and beverage expenses paid out of city funds shall not exceed any per meal maximum established for reimbursement of meal expenses pursuant to ~~((SMC-S))~~ subsection 4.72.010 ~~((-))~~ B6.

Section 107. Section 4.72.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.72.050 Advance cash allowances -- When allowed.**

All officers and employees of the City may receive advance cash allowances covering anticipated, reimbursable expenses to be incurred in the course of conducting City business involving travel outside the City. Such advance allowances shall be made upon the prior request of such officers and employees approved by the ~~((City))~~ Director of ~~((Executive Administration))~~ Finance and Administrative Services where the nature and duration of travel justifies such advance or failure to make such advance would result in economic inconvenience to such officer or employee. Requests for advances shall be made on such form as shall be prescribed by the ~~((City))~~ Director of ~~((Executive Administration))~~ Finance and Administrative Services who shall issue warrants therefor not more than five ~~((5))~~ days prior to commencement of the authorized travel. If the applicable fund is solvent at the time payment is ordered, the Director of ~~((Executive Administration))~~ Finance and Administrative Services may elect to make payment by check ~~((-P))~~ provided, that advances to officers and employees of Seattle City Light and Seattle Public Utilities may be made by the respective heads of such departments from the appropriate revolving funds.

Section 108. Section 4.72.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.72.060 Advance cash allowances -- Accounting or repayment time.**

Repayment of advance cash allowances for travel on City business will be subject to the rules, policies, and procedures established by the ~~((City))~~ Director of ~~((Executive Administration))~~ Finance and Administrative Services ~~((or his/her designee))~~.

Section 109. Section 4.72.070 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.72.070 Allowable and disallowable expenses.**

Allowable and disallowable expenses shall be determined pursuant to the rules, policies, and

Section 112. Section 4.100.020 of the Seattle Municipal Code as last amended by

Ordinance 120861 is amended as follows:

**4.100.020 Plan, policies and administration.**

The ~~Director of Finance and Administrative Services~~ and the Personnel Director shall be responsible for developing plans, policies, and procedures to guide, implement, administer and monitor those salary reduction programs authorized in Section 4.100.010 of this chapter. The Personnel Director shall bill and collect from City departments and offices on a monthly, quarterly or annual basis the FICA and Medicare savings realized from salary reduction agreements entered into between employees and the City for the dependent care and health care savings accounts (i.e., flexible spending accounts) pursuant to the Internal Revenue Code, 26 U.S.C. Sections 125 and 129. FICA and Medicare revenue collected under this authority shall be deposited into the Health Care Subfund to offset the administrative costs of the salary reduction agreements.

Section 113. Section 5.04.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.04.030 Property tax -- Transfer from King County ~~((Comptroller))~~.**

~~((The))~~ King County ~~((Comptroller))~~ is authorized and requested to distribute to the Director of ~~((Executive Administration))~~ Finance and Administrative Services for and on behalf of the City all property taxes and abatement liens collected as frequently as daily; and the Director of ~~((Executive Administration))~~ Finance and Administrative Services is authorized to deliver a receipt therefor whenever funds are delivered to the City. Delivery may be in money or as a transfer of an investment authorized by RCW 36.29.020 and made by ~~((the))~~ King County ~~((Comptroller))~~ for the City.

Section 114. Section 5.04.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is repealed.

Section 115. Section 5.06.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.06.010 Investment authority.**

A. As contemplated by RCW 35.39.032, the Director of ~~((Executive Administration))~~ Finance and Administrative Services, under the supervision of the Mayor ~~((and consistent with policy direction given by the Director of Finance))~~, is authorized on behalf of the City to invest all moneys in the City Treasury which in his or her judgment are in excess of current City needs in:

1. United States bonds;
2. United States certificates of indebtedness;
3. Bonds or warrants of this state;
4. General obligation or utility revenue bonds or warrants of the City or of any other city or town in the state;
5. Bonds or warrants of a local improvement or condemnation award district of

24 Hours and Not Requiring Overnight Lodging. Reimbursement shall be made for actual expenses for:

1. Registration fees for conventions, seminars and similar events;
2. Transportation to destination and return or mileage in accordance with Ordinance 95751, as amended, provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare of a common carrier;
3. Meals, when travel outside the City is not a routine or normal part of an employee's job; provided that, reimbursement shall not exceed the amount established by the Director of ~~((Executive Administration))~~ Finance and Administrative Services ~~((or his/her designee))~~, by rule as hereafter authorized; and
4. Other reasonably necessary expenses incurred related to the conduct of City business including, but not limited to, writing materials, reading materials and telecommunications.

B. Expenses Involving Travel for Periods Requiring Overnight Lodging. Reimbursement shall be made for actual expenses incurred for:

1. Registration fees for conventions, seminars and similar events;
2. Transportation to destination and return or mileage in accordance with Ordinance 95751<sup>1</sup> as amended, provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare for a common carrier;
3. Automobile rental;
4. Other local ground transportation;
5. Lodging; provided that, the reimbursement shall not exceed the amount established by the Director of Finance and Administrative Services ~~((or his/her designee))~~ by rule as hereafter authorized;
6. Meals; provided that, reimbursement shall not exceed the amount established by the Director of Finance and Administrative Services ~~((or his/her designee))~~ by rule as hereafter authorized; and
7. Other reasonably necessary expenses incurred related to the conduct of City business including, but not limited to, writing materials, reading materials and telecommunications.

C. Expenses Within the City Not Involving Travel. Reimbursement shall be made for actual expenses incurred for registration fees for a convention, seminar or similar event. If the sponsor of the event so provides and such registration fee includes as a part of the minimum charge the cost of a meal or meals or if, during the meal or meals, integral parts of the program of such convention, seminar or similar event are conducted, reimbursement shall be made for such meal or meals.

Section 106. Section 4.72.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.72.020 Claims for reimbursement -- Invoices and receipts.**

A. Claims for reimbursement of certain expenses will be permitted in accordance with the rules, policies, and procedures established by the Director of ~~((Executive Administration))~~ Finance and Administrative Services ~~((or his/her designee))~~.

Section 110. Section 4.72.080 of the Seattle Municipal Code as last amended by Ordinance

120794 is amended as follows:

**4.72.080 Rules and regulations for reimbursement.**

The Director of ~~((Executive Administration))~~ Finance and Administrative Services ~~((or his/her designee))~~ is authorized to promulgate rules, policies, and procedures, consistent with this chapter. The rules, policies, and procedures promulgated by the Director of ~~((Executive Administration))~~ Finance and Administrative Services ~~((or his/her designee))~~ shall be made available from his/her office or from other identified locations.

A. Rates of reimbursement for meals and lodging shall be determined by the Director of ~~((Executive Administration))~~ Finance and Administrative Services ~~((or his/her designee))~~ and shall be identified in the rules, policies, and procedures promulgated by the Director of ~~((Executive Administration))~~ Finance and Administrative Services ~~((or his/her designee))~~. Rates of reimbursement for meals and lodging shall be based upon and not exceed the average cost for meals and lodging (single occupancy) reflected in a national comparative cost index, such as the Runzheimer Meal Lodging Cost Index or the Federal Per Diem Index, for the city visited by the officer or employee requesting reimbursement.

B. When the State Legislature is in session, in lieu of reimbursement for meals and lodging in accordance with the rules, policies, and procedures established by the Director of ~~((Executive Administration))~~ Finance and Administrative Services ~~((or his/her designee))~~, claims approved for employees in the Office of Intergovernmental Relations, shall receive an amount equal to the per diem established for the Washington State Legislature pursuant to RCW 44.04.080, as now or hereafter amended or succeeded. No portion of such funds may be used for promotional hosting.

Section 111. Section 4.96.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**4.96.030 Refreshments.**

A. To assist in performance of assigned activities or to show appreciation of time and service donated or of meritorious compensated service, the heads of City employing units may provide light refreshments to volunteers and, as a condition of employment, to compensated City staff, or any of the same, during or immediately after the performance of their duties if (1) funds are appropriated in the City's annual budget for the employing unit for providing refreshments to volunteers and such staff, or (2) the refreshments are donated to the City for such purposes. For this purpose, the head of a city employing unit may authorize an organization that regularly provides or coordinates volunteers, to maintain furniture, machines and/or equipment for dispensing light refreshment to volunteers and to compensated City staff, and, subject to the authorization of the Director of ~~((Executive Administration))~~ Finance and Administrative Services, contract with such an organization for providing volunteers and such staff with light refreshments as authorized in this section.

B. The term, "light refreshments," is illustrated by these examples: coffee, tea, milk, hot chocolate, fruit juices, soft drinks and nonalcoholic beverages; doughnuts, cakes, pies, cookies, fruit, sandwiches, and light snacks; and when donated to the City for an activity or to assist volunteers and further motivate compensated City staff and volunteers, the food and drink supplied by the donor.

acceptances;

7. The public funds investment account known as the local government investment pool in the State Treasury; and
8. Other investments authorized by law.

The Director of ~~((Executive Administration))~~ Finance and Administrative Services is authorized to hold such investments for the credit of the funds for which purchased.

B. The Director of ~~((Executive Administration))~~ Finance and Administrative Services is further authorized to convert any investments within the City Treasury into cash.

Section 116. Section 5.06.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.06.030 Fund Investments -- Interfund loans.**

The Director of ~~((Executive Administration))~~ Finance, after consulting with the Director of Finance and Administrative Services, the City Budget Director, and the Chair of the Finance and Budget Committee of the City Council ~~((and with the Director of Finance))~~, may in his or her discretion:

A. Determine which funds shall be invested on an individual fund basis, and which funds shall participate within one ~~((+))~~ or more common investment portfolio(s);

B. Apportion earnings and losses to those funds participating in a common investment portfolio. ~~((These))~~ Trust and bond funds that are approved solely by the Director of Finance, and other funds approved ~~((listed on Exhibit "A" to ((this)) Ordinance 117641, as that exhibit may be amended from time to time))~~ by the Director of ~~((Executive Administration))~~ Finance after consulting with the Chair of the Finance and Budget Committee of the City Council, ~~((and))~~ with the Director of Finance and Administrative Services, and with the City Budget Director, ((Director of Finance, and trust or bond funds)) shall receive a return in proportion to the amount of money earned by each; and the remainder shall be allocated to the general fund, except that investment earnings attributable to the Capital Projects Account of the Cumulative Reserve Subfund shall be deposited in the Unrestricted Subaccount and South Lake Union Property Proceeds Subaccount within that Capital Projects Account, all as authorized by RCW 35.39.034<sup>11</sup> and Chapter 5.80 ~~(( SMC ))~~;

C. Approve interfund loans for a duration up to ~~((ninety-))~~90((3)) days, and establish a rate of interest thereon when appropriate, provided, any extension or renewal of such a loan shall require approval by ordinance;

D. Establish criteria for identifying when a substantial de facto loan from one ~~((+))~~ fund to another occurs (e.g., an extended delay in making reimbursement without valid cause; a continuous overdrawn status) and, when appropriate, establish an interest charge to be paid to the lending fund;

E. Make loans to individual funds participating in a common investment portfolio by means of carrying funds in a negative cash position for a period of up to ~~((ninety-))~~90((3)) days, or for longer period upon approval by ordinance, to the extent and for as long as (i) such loans can be prudently supported by the common investment portfolio and (ii) the borrowing fund is reasonably expected to be able to repay the loan. The Director of ~~((Executive Administration))~~ Finance, after consulting with the Director of Finance and Administrative Services may also

charge interest at the common investment portfolio's rate of return to the borrowing fund, ~~((and~~  
~~R. With the approval of the Director of Finance sell installment notes to City funds pursuant to~~  
~~Section 20.04.145 in connection with financing local improvement districts.))~~

Section 117. Section 5.06.040 of the Seattle Municipal Code, last amended by Ordinance 121028, is amended as follows:

**5.06.040 Investment policies.**

A. The City's common investment portfolio(s) shall be managed to further this financial objective: to preserve principal while maintaining liquidity to meet the City's needs for cash and maximizing income.

B. Investment decisions should further the City's social policies established by ordinance or policy resolutions of the City Council. A City social policy shall take precedence over furthering the City's financial objective when expressly authorized by the City Council resolution or ordinance, except where otherwise provided by law or trust principles.

C. The Director of ~~((Executive Administration))~~ Finance and Administrative Services shall be guided by investment policies adopted from time to time by ordinance or resolution of the City Council, ~~((and by investment direction that may be given by the (Director of Finance consistent with City Council policies.))~~

Section 118. Section 5.06.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.06.050 Reports.**

The Director of ~~((Executive Administration))~~ Finance and Administrative Services shall file a monthly report with the City Council on the performance of City investments for the preceding month and fiscal year-to-date. Each monthly report shall include a discussion of:

- The current investment market;
- Any material change in the City's investment portfolio and practices;
- The City's investment return as compared to the City's benchmark return, which shall be the rate of return used by the City Council when estimating investment earnings for the purpose of adopting the current year's budget;
- The average maturity of the City's investment portfolio; and
- On a quarterly basis, this report will also include, as an attachment, a list of the contents of the City's investment portfolio.

Section 119. Section 5.08.010 of the Seattle Municipal Code as last amended by Ordinance 100895 is amended as follows:

**5.08.010 City Budget Director's authority.**

The City Budget Director's authority under RCW 35.32A.050 to approve transfers between allowances within the budget of a City department shall be exercised in accordance with regulations as set out in this chapter.

Section 120. Section 5.08.020 of the Seattle Municipal Code, last amended by Ordinance 120981, is amended as follows:

**5.08.020 Transfer between operating budget appropriations.**

## SECTION B

3. The transfer will not result in a cumulative annual net transfer of more than ~~((Five Hundred Thousand Dollars))~~ \$500,000~~((0))~~ of appropriations into the budget for any one budget item.

4. The amount of the appropriation transferred, together with all previous transfers during the same budget year from that budget item, does not exceed ~~((twenty-five))~~ 25~~((0))~~ percent of the pending budgeted allowance for the budget item from which the transfer is made.

5. The new purpose of the appropriation must be a legal use of that fund source, must comply with terms, conditions, and restrictions controlling the expenditure of the appropriation so transferred, and must not infringe any covenants or any obligations, agreements, or ordinances by which the City received the moneys.

6. The ordinance making the appropriation did not state that transfer of the appropriation is prohibited.

B. For purposes of this section:

1. The "pending budgeted allowance" is the sum of the current year's original appropriation appearing beside that budget item in the adopted budget plus unexpended balances carried forward from prior years' appropriations for that budget item; and

2. A "budget item" is a program or project within the Capital Improvement Program for which a distinct dollar appropriation appears in the adopted budget or in an amendment thereto. A budget item is the level at which the budget appropriates money, subject only to transfers consistent with this chapter of the Seattle Municipal Code.

Section 122. Section 5.08.040 of the Seattle Municipal Code as last amended by Ordinance 116368 is amended as follows:

**5.08.040 Requests procedure.**

Requests for transfer between allowances within the budget of any City department shall be made in writing to the City Budget Director on forms provided by him or her, and if the City Budget Director shall approve the same, he or she shall forward a copy of such request with his or her approval in writing thereon to the Chair of the Budget Committee of the City Council and shall notify in like manner the ~~((City))~~ Director of Finance and Administrative Services ~~((Director)).~~

Section 123. Section 5.09.020 of the Seattle Municipal Code, last amended by Ordinance 121424, is amended as follows:

**5.09.020 Definitions.**

As used in this chapter:

A. "Chairperson" means, for each Relevant Committee, the chairperson identified in the then-current resolution establishing the Committee.

B. "City" means the City of Seattle.

C. "Committee" means...

not opinion-gathering, data-gathering, or the providing of opinions or data;

6. Opinion-gathering activity required by ordinance, or by a contract or collective bargaining agreement approved by City ordinance, or otherwise required by law;

7. Input on policy issues requested by a Department manager from other managers within the same Department; and

8. Employee and citizen input, whether received through letters, e-mails, faxes, phone calls, or in-person contacts, concerning evaluations of training programs and routine department administrative matters (for example, placement of office equipment and scheduling of events);

J. "Proviso" means that proviso adopted by the City Council as part of the approved 2004 City Budget at Tab 011, Action ID 1, Option B, Version 3.

K. "Relevant Committee" means the Committee with duties most closely related to a particular Opinion-gathering Activity as determined by the Council President.

L. "Results" means the findings, results, data, analysis, report or other product of an Opinion-gathering Activity, an explanation of how the findings, results, data, analysis, report or other product will be used, and a description of any possible actions to be undertaken as a result of the Opinion-gathering Activity.

Section 124. Section 5.10.050 of the Seattle Municipal Code as last amended by Ordinance 116368 is amended as follows:

**5.10.050 System of registration -- Contents.**

A. The ~~((City Finance))~~ Director of Finance and Administrative Services shall establish a system of registration for City bonds and other obligations, with a maturity more than one ~~((1))~~ year, on which the interest is intended to be exempt from federal income taxation. The system of registration shall provide for any writing relating to a bond or other obligation that is not issued as a physical instrument; for identifying numbers or other designations; for a sufficient supply of certificates for subsequent transfers; for record and payment dates; for varying denominations; for communications to the owners of bonds or other obligations; for accounting, cancelled certificate destruction, registration and release of securing interests; and, for such other incidental matters pertaining to the registration of bonds or other obligations as appropriate to conform with the United States Internal Revenue Code.

B. Different methods or techniques may be used for separate bond issues and for diverse types of obligations. The method or technique used with respect to a particular bond or other obligation shall conform with the authorizing ordinance.

Section 125. Section 5.10.060 of the Seattle Municipal Code as last amended by Ordinance 118678 is amended as follows:

**5.10.060 Fiscal agents -- Designation.**

The City may by ordinance designate a fiscal agent to act as an authenticating trustee, transfer agent, registrar or paying agent for the City with respect to bonds or other obligations to be issued. In the absence of a designation by ordinance, the ~~((City Finance))~~ Director of Finance and Administrative Services may in accordance with RCW 35.32A.050

1. The appropriation was made for the same department to which the City Budget Director allows the appropriation to be transferred. For purposes of this subsection, a board or commission whose budget is not provided within the budget of a City department shall be deemed a department.
2. The amount of the appropriation transferred, together with all previous transfers during the same budget year to that budget item, does not exceed ten ((10)) percent of the original budgeted allowance for the budget item to which the transfer is made.
3. The transfer will not result in a cumulative annual net transfer of more than ((Five Hundred Thousand Dollars)) \$500,000 of appropriations into the budget for any one budget item.
4. The amount of the appropriation transferred, together with all previous transfers during the same budget year from that budget item, does not exceed ((twenty-five)) 25 percent of the original budgeted allowance for the budget item from which the transfer is made.
5. The new purpose of the appropriation must be a legal use of that fund source, must comply with terms, conditions, and restrictions controlling the expenditure of the appropriation so transferred, and must not infringe any covenants or any obligations, agreements, or ordinances by which the City received the moneys.
6. The ordinance making the appropriation did not state that transfer of the appropriation is prohibited.

B. For purposes of this section:

1. All appropriations for purposes not included in the Capital Improvement Program are considered part of the City's operating budget;
2. The "original budgeted allowance" is that amount appearing beside that budget item in the adopted budget; and
3. A "budget item" is the object or purpose shown for a distinct dollar appropriation appearing in the adopted budget or in an amendment thereto. A budget item is the level at which the budget appropriates money, subject only to transfers consistent with this chapter of the Seattle Municipal Code.

Section 121. Section 5.08.025 of the Seattle Municipal Code, last amended by Ordinance 120981, is amended as follows:

**5.08.025 Transfer between capital budget appropriations.**

A. The City Budget Director may approve the transfer of appropriations for purposes included in the Capital Improvement Program to other purposes included in the Capital Improvement Program only if those transfers meet all of the following criteria:

1. The appropriation was made for a budget item that is a project or program in the Capital Improvement Program of the same department to which the City Budget Director allows the appropriation to be transferred.
2. The amount of the appropriation transferred, together with all previous transfers during the same budget year to that budget item, does not exceed ten ((10)) percent of the pending budgeted allowance for the budget item to which the transfer is made.

D. Cost means the total cost of an Opinion-gathering Activity, including but not limited to the costs of consultant contracts, costs (including, if known, costs of employee time) of developing and administering the questions or instrument, and costs (including, if known, costs of employee time) of preparing and reporting the Results, to all Departments, and over every year in the case of a multi-year Opinion-gathering Activity, but excludes:

1. The value of time spent by City employees in preparing and presenting an outline of a Department's Opinion-gathering Activities in accordance with ((S)) subsections 5.09.030, ((A)) (1)-(3);
2. The value of time spent by City employees in obtaining the approvals contemplated in ((S)) subsection 5.09.030, ((B)) (1); and
3. The value of time spent by City employees in reporting Results pursuant to ((S)) subsection 5.09, ((C)) (1).

E. "Council" means the Seattle City Council.

F. "Department" means each of the following departments, offices, or other entities: the Department of ((Executive Administration)) Finance and Administrative Services, ((Department of Finance)), Department of Information Technology, Department of Neighborhoods, Department of Parks and Recreation, Department of Planning and Development, ((Fleets and Facilities Department)), Human Services Department, Law Department, Legislative Department, City Budget Office, Office of Arts and Cultural Affairs, Office of Economic Development, Office of Housing, Office of Intergovernmental Relations, ((Office of Policy and Management)), Office of Sustainability and Environment, Office of the Mayor, Personnel Department, Seattle Center, Seattle City Light, Seattle Fire Department, Office for Civil Rights, Seattle Police Department, Seattle Public Utilities and Seattle Department of Transportation. If the name of any Department is changed, or if a function or functions of any Department are transferred to another entity within City government, then the term "Department" shall also include the renamed Department and the entity taking over the function or functions.

G. "Letter" means that letter dated February 27, 2004, from the President of the City Council to the Director of the Department of Finance, clarifying the interim process for complying with the Proviso.

H. "Members" means, for each Relevant Committee, the members identified in the then-current resolution establishing the Committee.

I. "Opinion-gathering Activities" include, but are not limited to, public and internal/employee polls, surveys, questionnaires, focus groups, telephone calling, automated telephone calling, or other mechanisms the primary purpose of which is to gather opinions or data from at least ((10)) ten persons, and includes all consultant and other contracts related thereto, but excludes:

1. Public hearings that have been advertised in accordance with law;
2. Public forums at which the general public is welcome;
3. Public workshops at which the general public is welcome;
4. Department newsletters for which the general public is able to sign up;
5. Citizen input, whether received through letters, e-mails, faxes, phone calls, or in-person contacts, that (a) has not been solicited by the posing of questions by the City or any agent of the City, or (b) is offered in response to a question posed by the City or any agent of the City that is incidental to a communication, an activity, a discussion, or informational material the primary purpose of which is

assignment or transfer. Any fiscal agent designated by the City may be a fiscal agent of The State of Washington appointed in accordance with RCW Chapter 43.80.

Section 126. Section 5.10.070 of the Seattle Municipal Code as last amended by Ordinance 116368 is amended as follows:

**5.10.070 ((Finance)) Director of Finance and Administrative Services as registrar.**

The ((City Finance)) Director of Finance and Administrative Services may act as a registrar for leases, warrants, installment contracts and other obligations which provide for payment of interest that is intended to be exempt from federal income taxation and which are not usually subject to trading, assignment or transfer.

Section 127. Section 5.10.080 of the Seattle Municipal Code as last amended by Ordinance 118678 is amended as follows:

**5.10.080 Contracts with fiscal agency.**

In accordance with RCW 39.46.030, the ((City)) Director of Finance and Administrative Services ((Director)) is authorized to enter into contracts with one or more fiscal agents of The State of Washington or any other designated fiscal agents of the City in connection with the establishment and maintenance by such fiscal agents of a central depository system for the transfer or pledge of registered bonds or other obligations and for services as authenticating trustee, transfer agent, registrar or paying agent for such bonds and other obligations. Any such contract shall define the rights and duties of the designated fiscal agent and the means of compensation thereof and may adopt by reference relevant terms and conditions of a contract between that fiscal agent and the State Finance Committee of The State of Washington.

Section 128. Section 5.12.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.12.010 Authority of Director of Finance and Administrative Services ((Executive Administration)).**

When not otherwise prescribed pursuant to state law, the bookkeeping and accounting in all departments of the municipal government shall be done in the manner and form prescribed by, and subject to the approval of, the Director of Finance and Administrative Services ((Executive Administration)).

Section 129. Section 5.12.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.12.020 Monthly report.**

Every department of the municipal government keeping financial accounts shall, on or before the tenth day of each and every month, transmit to the Director of Finance and Administrative Services ((Executive Administration)), a statement and report, in form to be prescribed by the Director of Finance and Administrative Services ((Executive Administration)), showing the financial transactions of the department during the previous month.

Section 130. Section 5.12.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.12.030 Approval of report before publication.**

No statement or report of financial transactions in any department or office shall constitute the official report of the City unless such statement or report shall first be submitted to, and approved by, the Director of Finance and Administrative Services.

Section 131. Section 5.12.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.12.040 Petty cash accounts -- Establishment -- Operation and expenditures.**

The Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to establish petty cash accounts within the operating funds of City departments for the payment of miscellaneous items not payable by voucher and warrant. The establishment of petty cash accounts shall be requested in writing by the head of the department in the form and detail prescribed by the Director of Finance and Administrative Services (~~Executive Administration~~). All expenditures from such accounts shall be made from appropriations and for purposes authorized by the department annual budget. The maximum amount of such accounts shall be set by the Director of Finance and Administrative Services (~~Executive Administration~~) in consultation with the City Auditor according to the needs of the petitioning department.

Section 132. Section 5.12.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.12.050 Petty cash accounts -- Administrative rules and regulations.**

The Director of Finance and Administrative Services (~~Executive Administration~~) shall promulgate rules and regulations, consistent with this chapter and Chapter 3.02, (~~the City Administrative Code,~~) establishing standards and procedures for the proper administration of petty cash accounts.

Section 133. Section 5.14.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.14.020 Authority in Director of Finance and Administrative Services (~~Executive Administration~~).**

The Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to promulgate rules in accordance with (~~the Seattle Administrative Code,~~) Chapter 3.02, for establishing procedures for the receipt, handling and deposit by City officers and employees of City moneys into the City Treasury; for the method of documentation on all such transactions; for regular reporting to the Director of Finance and Administrative Services (~~Executive Administration~~); for certifying and decertifying by the Director of Finance and Administrative Services (~~Executive Administration~~) of all City officers and employees who are authorized to receive or handle City moneys in the regular course of their employment or departmental activities; for inspection of departmental cash records, including overages or shortages; for inspection of departmental practices and procedures in handling City moneys; and for contracting with agents to collect City moneys and their collection procedures. The Director of Finance and Administrative Services (~~Executive Administration~~) may enforce these rules

Administration) for cash collection services or, after the Director of Finance and Administrative Services' (~~Executive Administration's~~) Rules take effect, assign the receiving and handling of City moneys only to those persons who are certified by the Director of Finance and Administrative Services (~~Executive Administration~~) for performing those functions;

B. Establish and maintain a system of procedures, documentation and reporting on receipts handling and deposit of City moneys satisfactory to the Director of Finance and Administrative Services (~~Executive Administration~~);

C. Notify the Seattle Police Department, the Director of Finance and Administrative Services (~~Executive Administration~~), and the City Auditor of any loss or theft of City money immediately upon discovery. Written notice shall be given no later than (~~twenty-four (24) (h-)~~) hours after discovery;

D. Allow the Director of Finance and Administrative Services (~~Executive Administration or an authorized deputy~~) to make on-site inspections and observe the processing of City moneys, and to make inspections of departmental collection records.

Section 137. Section 5.14.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.14.060 Liability for loss as between department and Director of Finance and Administrative Services (~~Executive Administration~~).**

A. As between a department and its officers and the Director of Finance and Administrative Services (~~Executive Administration~~), the department has primary responsibility for care and liability for loss of City moneys in its custody until deposited in the City Treasury or entrusted to a cashier certified by the Director of Finance and Administrative Services (~~Executive Administration; and the Director of Executive Administration thereafter.~~) When deposit is made in an after-hours drop box of the City's public depository, or an armored car service making collection for the City, losses are assigned to the Director of Finance and Administrative Services (~~Executive Administration~~) if the Director of Finance and Administrative Services' (~~Executive Administration's~~) instructions for making deposits have been followed, and to the department otherwise.

B. Compliance with the Director of Finance and Administrative Services' (~~Executive Administration's~~) rules and procedures approved by the Director of Finance and Administrative Services (~~Executive Administration~~) establishes a presumption that a City department or office exercised due care in its custody and care of City moneys.

Section 138. Section 5.16.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.16.010 Cancellation of warrants.**

Any warrant which is not delivered to the payee within one (~~(1-)~~) year from the date of issuance shall be cancelled and the amounts for which said warrants are drawn shall be credited to the several funds against which they are drawn. The Director of Finance and Administrative Services (~~Executive Administration~~) shall keep a record of cancelled warrants.

**5.20.010 Issuance of bill for labor or material.**

When any department of the City shall furnish any labor or material to any person, the department shall render a bill for the labor or material as follows:

- A. Bills of each department to be issued in triplicate and to bear consecutive numbers;
- B. The original of the bill to be forwarded to the person receiving the labor or material;
- C. The duplicate of the bill to be forwarded, forthwith to the Director of Finance and Administrative Services (~~Executive Administration~~);
- D. The triplicate of the bill to be retained by the department issuing the same.

Section 143. Section 5.20.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.20.020 Correction of bill by credit voucher.**

The head of the department issuing any of the bills described in Section 5.20.010 is authorized to correct the bills at any time prior to their payment by the issuance of credit vouchers directed to the Director of Finance and Administrative Services (~~Executive Administration~~).

Section 144. Section 5.20.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.20.030 Recordkeeping -- Notification of payment.**

The Director of Finance and Administrative Services (~~Executive Administration~~) is directed to preserve the duplicate bills and render proper accounting therefor and to notify each of the various departments as to the payment of the bills upon request of the department.

Section 145. Section 5.20.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.20.040 Deduction of credit voucher.**

When any credit voucher shall have been issued correcting any of the bills, the Director of Finance and Administrative Services (~~Executive Administration~~) is directed to deduct the amount of the credit voucher from the face of the bill and accept the remaining amount thereof as full payment.

Section 146. Section 5.22.010 of the Seattle Municipal Code, last amended by Ordinance 121364, is amended as follows:

**5.22.010 Authorization for acceptance of credit cards, debit cards, and electronic commerce.**

All City departments are authorized to accept credit cards, debit cards, and electronic commerce for payment of City taxes, licenses, fees, and other services, but only if and to the extent approved by the Director of Finance and Administrative Services (~~Executive Administration or the Director's designee~~) ("Director"). Before approving a City department's policies and procedures for the acceptance of credit cards, debit cards, or electronic commerce payments for City taxes, licenses, fees, or services, the Director shall consider whether sufficient provision has been made for internal financial controls and security. The Director is further authorized to establish City-wide policies and procedures for the acceptance of credit cards, debit cards, and

authorized by the Director of Finance and Administrative Services (Executive Administration)), or deposited at his or her office.

Section 134. Section 5.14.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.14.030 Duties of City personnel.**

Any City officer or employee, who receives moneys belonging to the City in the scope and course of his or her duties, shall:

A. Immediately deliver the same to the Director of Finance and Administrative Services (Executive Administration) or, when so authorized, deposit the moneys with a City depository designated by the Director of Finance and Administrative Services (Executive Administration) to the credit of the City. The delivery or deposit must be made within ~~((twenty-four (24)))~~ 24((3)) hours after receipt unless otherwise authorized by the Director of Finance and Administrative Services (Executive Administration);

B. Comply with rules promulgated by the Director of Finance and Administrative Services (Executive Administration) for handling and processing of City moneys and for documentation and dissemination of records, and with departmental internal procedures established in conformity with the Director of Finance and Administrative Services' (Executive Administration's) rules; and

C. Notify the Seattle Police Department, the Director of Finance and Administrative Services (Executive Administration), and the City Auditor of any loss or theft of City money immediately upon discovery. Written notice shall be given to them no later than ~~((twenty-four (24)))~~ 24((3)) hours after discovery.

Section 135. Section 5.14.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.14.040 Certification of receivers, cashiers and tellers.**

Only persons who are certified by the Director of Finance and Administrative Services (Executive Administration) may receive and handle City moneys on a regular basis in the scope and course of their employment ~~((except that a certification by the Director of Finance is valid until July 1, 2003, unless sooner withdrawn by the Director of Executive Administration))~~. As a condition to certification or maintenance of a certification, the Director of Finance and Administrative Services (Executive Administration) may require that the officer or employee complete a course of instruction or training and/or pass an examination on the secure processing of moneys, the Director of Finance and Administrative Services' (Executive Administration's) rules, procedures and applicable departmental rules, and thereafter take refresher instruction or training at periodic intervals or when the need arises.

Section 136. Section 5.14.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.14.050 Departmental functions.**

The head of any City department or office who anticipates receiving City moneys on a regular basis in the course of its activities shall:

A. Contract with the Director of Finance and Administrative Services (Executive

authorized to establish credit.

As authorized by Section 43.09.2853 RCW, with the advice of the Debt Management Policy Advisory Committee, the Director of Finance and Administrative Services (Executive Administration) is authorized to establish a line of credit for the City with any qualified public depository for cashing City warrants and other financial purposes, to determine the amount of credit extended, to execute written agreements therefor with either a fixed rate of interest adjusted periodically or a fluctuating rate of interest, such rates not greater than ~~((eighteen (18)))~~ 18((3)) percent annually or the maximum rate allowed by law, whichever is less, and to pay interest and other finance or service charges. The total of all lines of credit with all qualified public depositories shall not exceed ~~((Ten Million Dollars (10,000,000)))~~ \$10,000,000((3)).

Section 140. Section 5.16.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.16.040 Lines of credit -- Payment.**

The line or lines of credit established by Director of Finance and Administrative Services (Executive Administration) pursuant to Section 5.16.030 shall be a general obligation of the City. The City hereby pledges its full faith, credit and resources to levy and collect taxes and other revenues sufficient for payment of the principal of, and interest on, the lines of credit extended, and to make prompt payment of the obligation, including interest thereon, as the same are due.

Section 141. Section 5.16.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.16.050 Warrant overdrafts.**

Subject to the following terms and conditions, the Director of Finance and Administrative Services (Executive Administration) is authorized to contract with the bank at which the City maintains its principal account for the bank to postpone presentment of City warrants until the City can provide for their full payment:

A. The amount of the warrants for which presentment is so delayed shall be aggregated as a warrant overdraft account;

B. The aggregate of the warrant overdrafts shall not exceed ~~((Twenty Million Dollars (20,000,000)))~~ \$20,000,000((3));

C. The fee charged by the bank shall not exceed that bank's current prime rate multiplied by 1.5, for the dates for which the credit is outstanding;

D. The Debt Management Policy Advisory Committee shall review the contract with the principal bank and, from time to time, advise the Director of Finance and Administrative Services (Executive Administration) thereon and on the aggregate of warrant overdrafts that may be outstanding;

E. Fees paid for deferment of presentment shall cease and the bank may present outstanding warrants should any other general fund warrant be presented to the Director of Finance and Administrative Services (Executive Administration) for payment and marked as presented but not paid for lack of funds.

Section 142. Section 5.20.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

Ordinance 120794 is amended as follows:

**5.24.005 Claims for damages.**

A. No action shall be commenced against the City in which monetary damages are being claimed until a written Claim for Damages has been presented to and filed with the City Clerk. Such a claim must name the claimant, include the claimant's address, specify the date and location of the claimed loss, describe any alleged act or omission on the part of the City and the basis upon which liability is being asserted against the City, identify any known witnesses, detail the nature and extent of the injury or damage sustained and state the amount being claimed. The claim form must be signed by the claimant or an authorized representative prior to its filing.

B. All claims for damages shall be investigated and evaluated by the Department of Finance and Administrative Services (Department of Executive Administration) with the assistance of the City Attorney. In anticipation of litigation regarding such claims, the Director of Finance and Administrative Services (Executive Administration) may request reports from all interested departments concerning any claim and such reports shall be prepared to assist the City Attorney in defense of the City and shall constitute and be treated as privileged communications.

C. A lawsuit based upon the allegations of a Claim for Damages may not be instituted against the City within ~~((sixty (60)))~~ 60((3)) days of the filing of such claim.

Section 148. Section 5.24.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.24.020 Payment of judgments.**

The City Attorney may authorize payment of any settlement arising out of litigation against the City or any judgment against the City. Prior to authorizing settlement of any litigation for an amount over ~~((Five Hundred Thousand Dollars (500,000)))~~ \$500,000((3)), the City Attorney shall brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110. Prior to authorizing a settlement involving significant financial or policy issues, the City Attorney shall consult with the City Budget Director (Director of Finance), the Director of Finance and Administrative Services (Executive Administration), and the head of the relevant department. Upon a presentation by the City Attorney to the Director of Finance and Administrative Services (Executive Administration) of either a copy of a Release and Order of Dismissal or a copy of a judgment against the City, entered in an appropriate court, and having attached thereto a statement in writing, signed by the City Attorney, to the effect that the right of appeal from such judgment has been expressly waived, or that the time for an appeal has expired, the Director of Finance and Administrative Services (Executive Administration) shall issue a check upon the Judgment/Claims Subfund for the amount of such judgment, and costs if awarded to the claimant by the court.

Section 149. Section 5.24.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.24.030 Payment of claims.**

The Director of Finance and Administrative Services (Executive Administration) may authorize payment of any claim against the City, including claims brought in the small claims department of the district court pursuant to RCW Chapter 12.40. Prior to authorizing settlement of any claim for an amount over ~~((One Hundred Thousand Dollars (100,000)))~~ \$100,000((3)), the Director of Finance and Administrative Services (Executive Administration) and the City Attorney shall

brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110. Prior to authorizing a settlement involving significant legal or policy issues, the Director of Finance and Administrative Services (~~Executive Administration~~) shall consult with the City Budget Director (~~of Finance~~); the City Attorney and the head of the relevant department.

Section 150. Section 5.24.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.24.040 Advance payments -- Grounds for payment**

A. The City Attorney and the Director of Finance and Administrative Services (~~Executive Administration~~) are authorized to make periodic payments to a claimant pending settlement or other disposition of his or her claim equivalent to not more than the claimant's pre-injury net take-home pay if the City Attorney or the Director of Finance and Administrative Services (~~Executive Administration~~) finds the following conditions to exist:

1. The claimant has been physically disabled as a result of an act or omission by the City or its employees and agents and for which the City is legally obligated to respond in damages, which physical disability precludes the claimant from engaging in gainful employment;
2. The claimant's loss of employment results in financial hardship and the claimant is without alternate financial resources to provide for the necessary cost of living;
3. Circumstances exist which preclude the early settlement or other disposition of claimant's claim;
4. The best interest of the City and the claimant will be served by making such interim payments.

B. As a condition to commencing such payments, the City Attorney or the Director of Finance and Administrative Services (~~Executive Administration~~) shall secure from the claimant a written agreement that all payments made pursuant to this section shall be credited to the City against any settlement of the claim which may be arrived at, and shall be credited against any judgment which may be rendered against the City by reason of such claim in any court. The agreement may include such additional terms and conditions as the City Attorney or the Director of Finance and Administrative Services (~~Executive Administration~~) determines are appropriate to serve the best interests of the City.

C. In addition to the payments covering wage losses, the City Attorney or the Director of Finance and Administrative Services (~~Executive Administration~~) may, prior to settlement of the claimant's claim or prior to judgment, pay medical costs and provide necessary transportation and other expenses of treatment which the claimant may be required to pay; provided, that all such payments under this chapter shall cease at such time as the City Attorney or the Director of Finance and Administrative Services (~~Executive Administration~~) shall determine that one ((1)) or more of the circumstances enumerated above have changed or that the total sum paid the claimant approximates the amount the claimant is likely to recover by reason of his or her injury.

Section 151. Section 5.24.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

- c. Incorporating such property as an ingredient or component of a new product or as a chemical used in processing a new product when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new product; or
- d. Consuming the property in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;

2. Any person engaged in any business activity taxable under ((SMC)) subsection 5.45.050((C)),G and ((SMC)) subsection 5.45.050((C)),H;

3. Any person who purchases, acquires, or uses any competitive telephone service as herein defined, other than for resale in the regular course of business;

4. Any person who purchases, acquires, or uses any personal, business, or professional service defined as a retail sale in ((SMC)) Section 5.30.050 other than for resale in the regular course of business;

5. Any person who is an end user of software;

6. Any person engaged in the business of "public road construction," as that term is defined in ((SMC)) Section 5.30.040 in respect to tangible personal property when that person incorporates the tangible personal property as an ingredient or component of a publicly-owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right-of-way of a publicly-owned street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of a publicly-owned mass public transportation terminal or parking facility;

7. Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business;

8. Any person who is an owner, lessee, or has the right of possession, of personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

9. Any person engaged in "government contracting," as that term is defined in ((SMC)) Section 5.30.035. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person; Nothing contained in this or any other subsection of this section shall be construed to modify any other definition of "consumer."

H. "Customer-owner," with respect to a distribution cooperative, means a person a) having an ownership interest in the distribution cooperative, b) who purchases merchandise for sale at retail from the distribution cooperative or its distribution affiliate, and c) who is entitled to distributions made by the distribution cooperative.

I. "Dangerous waste" has the same meaning as given in Section ((SMC)) 21.36.012.

J. "Deficiency" means the amount of tax imposed by law less any tax reported by the taxpayer on a tax return.

signals to a point, or between or among points. It includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunication services or telephone business also includes ancillary services that are associated with or incidental to the provision of telecommunication services including, but not limited to conference bridging, detailed telecommunications billing, directory assistance, vertical service, or voice mail services as defined in RCW 82.04.065.

Telecommunication services or telephone business also includes those activities previously used to define telephone business such as the providing by any person of access to a local telephone network, local telephone network switching service, toll service, cellular or mobile telephone service, coin telephone services, pager service or the providing of telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. The term includes the provision of cooperative or farmer line telephone services or associations operating exchanges. The term also includes the provision of transmission to and from the site of an internet provider via a local telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Telecommunication service or telephone business" does not include the providing of competitive telephone service, data processing, providing of cable television service, or other providing of broadcast services by radio or television stations.

D. "Tour operator business" means a business activity of purchasing various travel components, such as transportation, lodging, meals and other associated services and reselling the same to consumers where the purchaser/reseller is liable itself to pay the vendor of the components purchased and does not make payment solely as an agent for the consumer.

E. "Tuition fee" includes library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution. "Educational institution," as used in this section, means only those institutions created or generally accredited as such by the state and includes educational programs that such educational institution cosponsors with a non-profit organization, as defined by Section 501(c)(3) of the Internal Revenue Code, as hereafter amended, if such educational institution grants college credit for coursework successfully completed through the educational program, or an approved branch campus of a foreign degree-granting institution in compliance with chapter 28B.90 RCW, and in accordance with RCW 82.04.4332 or defined as a degree-granting institution under RCW 28B.85.010(3) and accredited by an accrediting association recognized by the United States secretary of education, and offering to students an educational program of a general academic nature or those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry, and agriculture, but not including specialty schools, business colleges, other trade schools, or similar institutions.

F. "Value proceeding or accruing" means the consideration, whether money, credits, rights, or other property expressed in terms of money, a person is entitled to receive or accrue or which is actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer.

Ordinance 120794 is amended as follows:

**5.24.060. Litigation expenses.** The City Attorney and the Director of Finance and Administrative Services (~~Executive Administration~~) are authorized to make payment to private and/or public agencies, firms, and/or individuals who provide services to the City in support of any litigation and/or claim and/or threatened litigation or claim filed or contemplated against the City or where the City is a plaintiff or potential plaintiff in legal action.

Section 152. Section 5.30.025 of the Seattle Municipal Code, last amended by Ordinance 122842, is amended as follows:

**5.30.025 Definitions, C -- D.**

A. "Cash discount" means a deduction from the invoiced amount allowed by the seller if the invoice is paid within a certain time period or before a specified date.

B. "Cellular telephone service" is a voice or data telephone/telecommunications system based in whole or substantial part on wireless radio communications, whether or not the communications are subject to regulation by the Washington Utilities and Transportation Commission (WUTC). This includes cellular mobile service. Cellular mobile service includes other wireless radio communications services such as specialized mobile radio (SMR), personal communications services (PCS), and any other evolving wireless radio communications technology which accomplishes the same purpose as cellular mobile service.

C. "City" means the City of Seattle.

D. "Commercial or industrial use" means the following uses of products, including by-products, by the extractor or manufacturer thereof:

1. Any use as a consumer; and
2. The manufacturing of articles, substances or commodities.

E. "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which may be provided by persons not subject to regulation as telephone companies under RCW Title 80, and for which a separate charge is made. Competitive telephone service also includes leasing of telephone street directories. Transmission of communication through cellular telephones is classified as "telephone business" rather than "competitive telephone service."

F. "Construction, Demolition and Land Clearing Waste" (or "CDL Waste") has the meaning given in ((SMC)) Section 21.36.012.

G. "Consumer" means the following:

1. Any person who purchases, acquires, owns, holds, or uses any tangible or intangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for a consumer other than for the purpose of:
  - a. Resale as tangible or intangible personal property in the regular course of business;
  - b. Incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers;

J. "Deficiency" means the amount of tax imposed by law less any tax reported by the taxpayer on a tax return.

K. "Delivery" means the transfer of possession of tangible personal property between the seller and the buyer or the buyer's representative. Delivery to an employee of a buyer is considered delivery to the buyer. Transfer of possession of tangible personal property occurs when the buyer or the buyer's representative first takes physical control of the property or exercises dominion and control over the property. Dominion and control means the buyer has the ability to put the property to the buyer's own purposes. It means the buyer or the buyer's representative has made the final decision to accept or reject the property, and the seller has no further right to possession of the property and the buyer has no right to return the property to the seller, other than under a warranty contract. A buyer does not exercise dominion and control over tangible personal property merely by arranging for shipment of the property from the seller to itself. A buyer's representative is a person, other than an employee of the buyer, who is authorized in writing by the buyer to receive tangible personal property and take dominion and control by making the final decision to accept or reject the property. Neither a shipping company nor a seller can serve as a buyer's representative. It is immaterial where the contract of sale is negotiated or where the buyer obtains title to the property. Delivery terms and other provisions of the Uniform Commercial Code (Title 62A RCW) do not determine when or where delivery of tangible personal property occurs for purposes of Seattle's business license tax.

L. "Director" means the Director of Finance and Administrative Services (~~Executive Administration~~) of the City or any officer, agent or employee of the City designated to act on the Director's behalf.

M. "Distribution affiliate" means a partnership, limited liability company or other entity that sells merchandise to the customer-owners of the distribution cooperative and which is owned (( ~~fifty (5)~~ ))50-( ~~(3)~~ )percent or more by the distribution cooperative.

N. "Distribution cooperative" means a person a) that itself sells, or owns (( ~~fifty (5)~~ ))50( ~~(3)~~ ) percent or more of a distribution affiliate that sells, merchandise to its customer-owners for resale at retail, b) in which two-thirds of the aggregate outstanding voting ownership interest is owned by its customer-owners, c) that makes distributions to its customer-owners at least partly on the basis of patronage, and d) that qualifies for federal income tax purposes under the provisions of subchapter T of the Internal Revenue Code of 1986, as amended.

Section 153. Section 5.30.060 of the Seattle Municipal Code, last amended by Ordinance 123063, is amended as follows:

**5.30.060 Definitions, T -- Z.**

A. "Tax year," "taxable year." "Tax year" or "taxable year" means the calendar year.

B. "Taxpayer" means any "person," as herein defined, required by ((SMC)) Chapter 5.55 to have a business license, or liable for any license, tax or fee, or for the collection of any tax or fee, under ((SMC)) Chapters 5.32 (Amusement Devices), 5.35 (Commercial Parking Taxes), (( ~~5.37 (Employee Hours Taxes)~~ )) 5.40 (Admission Taxes), 5.45 (Business License Tax), 5.46 (Square Footage Business Tax), 5.48 (Utility Tax), and 5.52 (Gambling Tax), or who engages in any business or who performs any act for which a tax or fee is imposed under those chapters.

C. "Telecommunications service" or "Telephone business" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or

books of the taxpayer.

G. "Value of products, how determined."

1. The value of products, including by-products, extracted or manufactured, shall be determined by the gross proceeds derived from the sale thereof, whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture or sale of such products or by-products by the seller.
2. Where such products, including by-products, are extracted or manufactured for commercial or industrial use, and where such products, including by-products, are shipped, transported or transferred out of the City, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value or the subject matter of the sale, the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture or sale of such products. In the absence of sales of similar products as a guide to value, such value may be determined upon a cost basis. In such cases, there shall be included every item of cost attributable to the particular article or article extracted or manufactured, including direct and indirect overhead costs. The Director of Finance and Administrative Services may prescribe uniform and equitable rules for the purpose of ascertaining such values.
3. Notwithstanding subsection 2 above, the value of a product manufactured or produced for purposes of serving as a prototype for the development of a new or improved product shall correspond to:
  - a. The retail selling price of such new or improved product when first offered for sale; or
  - b. The value of materials incorporate into the prototype in cases in which the new or improved product is not offered for sale.

H. "Wholesaling" means engaging in the activity of making sales at wholesale, and is reported under the wholesaling classification.

I. "Yardwaste" has the meaning given in Section 21.36.016.

Section 154. Section 5.33.020 of the Seattle Municipal Code, last amended by Ordinance 123157, is amended as follows:

**5.33.020 Small grants; acceptance**

The City Auditor, the Director of Finance and Administrative Services (~~Executive Administration~~), the Director of Planning and Development, the City Attorney, the Superintendent of City Light, the Executive Director of the Employees' Retirement System, the Executive Director of the Ethics and Elections Commission, the Executive Secretary of the Firefighters' Pension System, the Administrative Director of the Legislative Department, the Mayor, the Presiding Judge of the Municipal Court, the Director of Personnel, the Executive Secretary of the Police Relief and Pension System, the Director of Transportation, the Fire Chief, (( ~~the Director of Fleets and Facilities,~~ ) the Director of the Human Services Department, the Chief Technology Officer, the Superintendent of Parks and Recreation, the Chief of Police, the

Director of Seattle Center, the Seattle City Librarian, the Director of Seattle Public Utilities, the Director of the Department of Neighborhoods, the City Budget Director ((Director of Finance)), and the directors of each of the offices other than commissions governed by Chapter 3.14, are authorized to accept small grants from non-City sources for purposes that are consistent with the function and authority conferred upon the agency of each such respective officer; and to execute, deliver, and perform corresponding agreements.

Section 155. Section 5.33.040 of the Seattle Municipal Code, last amended by Ordinance 123157, is amended as follows:

#### 5.33.040 Report

The Director of Finance and Administrative Services shall transmit a written report by December 31st of each year to the Chair of the City Council Finance and Budget Committee, which shall list all grants received under the authority granted in ((SMC)) Section 5.33.020 and include for each grant the name of the grantor, the exact dollar amount of the grant, the receiving department, the fund or funds that the grant dollars were deposited into, and a brief description of the purpose of the grant.

Section 156. Section 5.40.010 of the Seattle Municipal Code, last amended by Ordinance 121797, is amended as follows:

#### 5.40.010 Definitions.

For the purposes of this chapter, the words and terms contained in Chapter 5.30 shall apply throughout this chapter unless expressly provided otherwise herein. The following additional definitions shall apply throughout this chapter:

A. "Admission charge" means the price required or paid for entering a premise or location and includes but is not limited in meaning to:

1. A charge made for season tickets or subscriptions;
2. A cover charge or a charge made for use of seats or tables, reserved or otherwise, and similar accommodations;
3. A charge made for food or refreshments in any place where any free entertainment, recreation or amusement is provided;
4. A charge made for rental or use of equipment or facilities for purposes of recreation or amusement and, where the rental of the equipment or facilities is necessary to the enjoyment of the privilege for which a general admission is charged, the combined charge shall be considered as the admission charge;
5. A charge made for entrance to any theater, dance hall, amphitheater, private club, auditorium, observation tower, stadium, athletic pavilion or field, baseball or athletic park, circus, side show, outdoor amusement park or any similar place; and includes equipment to which persons are admitted for purposes of recreation such as merry-go-rounds, ferris wheels, dodgems, roller coasters, go-carts and other rides whether such rides are restricted to tracks or not;
6. A charge made for automobile parking where the amount of the charge is determined according to the number of passengers in an automobile;

## SECTION B

amounts derived from bona fide:

1. Initiation fees;
2. Dues;
3. Contributions;
4. Donations;
5. Tuition fees;
6. Charges made by a nonprofit trade or professional organization for attending or occupying space at a trade show, convention, or educational seminar sponsored by the nonprofit trade or professional organization, which trade show, convention, or educational seminar is not open to the general public;
7. Charges made for operation of privately operated kindergartens; and
8. Endowment funds.

((This a)) Subsection ((SMC)) 5.45.100, ((-)) B, shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. If dues are in exchange for any significant amount of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues are graduated upon the amount of goods or services rendered, the value of such goods or services shall not be considered as a deduction under this subsection.

C. Artistic and Cultural Organizations -- Income From Business Activities. In computing tax, there may be deducted from the measure of tax those amounts received by artistic or cultural organizations, as defined in ((SMC)) Section 5.30.020, which represent:

1. Income derived from business activities conducted by the organization, provided that this deduction does not apply to retail sales made by artistic and cultural organizations (the rental of space and the casual sales of props and fixtures used in or culture productions will be exempt from tax);
2. Amounts received from the United States or any instrumentality thereof or from the State of Washington or any municipal corporation or subdivision thereof as compensation for, or to support, artistic or cultural exhibitions, performances, or programs provided by an artistic or cultural organization for attendance or viewing by the general public; or
3. Amounts received as tuition charges collected for the privilege of attending artistic or cultural education programs.

D. Artistic or Cultural Organization -- Deduction for Tax Under the Manufacturing Classification -- Value of Articles for Use in Displaying Art Objects or Presenting Artistic or Cultural Exhibitions, Performances, or Programs. In computing tax, there may be deducted from the measure of tax by persons subject to payment of the tax under the manufacturing classification, the value of articles to the extent manufacturing activities are undertaken by an artistic or cultural organization, as defined in ((SMC)) Section 5.30.020, solely for the purpose of manufacturing articles for use by the organization in displaying art objects or presenting artistic or cultural exhibitions, performances, or programs for attendance or viewing by the general public.

from the measure of tax the amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis.

M. Repair, Maintenance, Replacement, etc., of Residential Structures and Commonly Held Property -- Eligible Organizations.

1. In computing tax, there may be deducted from the measure of tax amounts used solely for repair, maintenance, replacement, management, or improvement of the residential structures and commonly held property, but excluding property where fees or charges are made for use by the public who are not guests accompanied by a member, which are derived by:

- a. A cooperative housing association, corporation, or partnership from a person who resides in a structure owned by the cooperative housing association, corporation, or partnership;
- b. An "association of apartment owners", as defined in RCW 64.32.010, as now or hereafter amended, from a person who is an "apartment owner" as defined in RCW 64.32.010; or
- c. An association of owners of residential property from a person who is a member of the association. "Association of owners of residential property" means any organization of all the owners of residential property in a defined area who all hold the same property in common within the area.

2. For the purposes of this subsection "commonly held property" includes areas required for common access such as reception areas, halls, stairways, parking, etc., and may include recreation rooms, swimming pools and small parks or recreation areas; but is not intended to include more grounds than are normally required in a residential area, or to include such extensive areas as required for golf courses, campgrounds, hiking and riding areas, boating areas, etc.

3. To qualify for the deductions under this subsection:

- a. The salary or compensation paid to officers, managers, or employees must be only for actual services rendered and at levels comparable to the salary or compensation of like positions within the county wherein the property is located;
- b. Dues, fees, or assessments in excess of amounts needed for the purposes for which the deduction is allowed must be rebated to the members of the association; and
- c. Assets of the association or organization must be distributable to all members and must not inure to the benefit of any single member or group of members.

N. Sales at Wholesale or Retail of Precious Metal Bullion and Monetized Bullion. In computing tax, there may be deducted from the measure of the tax amounts derived from the sale at wholesale or retail of precious metal bullion and monetized bullion. However, no deduction is allowed of amounts received as commissions upon transactions for the accounts of customers over and above the amount paid to other dealers associated in such transactions; and no deduction or offset is allowed against such commissions on account of salaries or commissions

7. A charge made for entrance to any building, enclosure or area in which there is a swimming pool, skating rink, golf driving range, miniature golf course, short nine, or other golf course, or to gain entrance to such pool, rink or course itself, or for the use of the facilities thereof, or any rental paid by the person paying for such entry for the use of equipment and facilities supplied him and appropriate to the enjoyment of the privilege for which the admission is charged, or the aggregate thereof.

B. "Cabaret" means a room where musical entertainment is permitted in connection with a restaurant business.

C. "College" or "university" means any accredited public or private college, junior college or university, or the recognized student body association thereof insofar as the admission charges received by the college, university, or student body association are budgeted, and applied solely for exhibition, performance, study and/or teaching of the performing arts, visual arts, history or science. It specifically excludes any athletic department or division or activities of the college or university or of the recognized student body association thereof.

D. "Department" means the Department of ~~(Executive Administration)~~ Finance and Administrative Services of The City of Seattle, or its functional successor.

E. "Director" means the Director of Finance and Administrative Services ~~(Executive Administration)~~ of The City of Seattle, or his or her functional successor, and shall include the Director's authorized representatives.

F. "Market Price" means the price at which a seller is ready and willing to sell and a buyer is ready and willing to buy, Market price is a price that is acceptable to both buyer and seller and which might be different from the listed price.

G. "Nonprofit organization" means an organization in which no part of the income can be distributed to its members, director or officers and that holds a current tax exempt status as provided under Sec. 501(c)(3), (4) or (6) of the Internal Revenue Code of 1986, as amended, or is specifically exempted from the requirement to apply for tax exempt status under Sec. 501(c)(3).

Section 157. Section 5.45.100 of the Seattle Municipal Code, last amended by Ordinance 123063, is amended as follows:

#### 5.45.100 Deductions.

In computing the license fee or tax, the following may be deducted from the measure of tax:

A. Membership Fees and Certain Service Fees by Nonprofit Youth Organization. For purposes of this subsection ~~(, (SMC 5.45.100 A))~~, "nonprofit youth organization" means a nonprofit organization engaged in character building of youth which is exempt from property tax under RCW 84.36.030. In computing tax due under this chapter, there may be deducted from the measure of tax all amounts received by a nonprofit youth organization:

1. As membership fees or dues, irrespective of the fact that the payment of the membership fees or dues to the organization may entitle its members, in addition to other rights or privileges, to receive services from the organization or to use the organization's facilities; or
2. From members of the organization for camping and recreational services provided by the organization or for the use of the organization's camping and recreational facilities.

B. Fees, Dues, Charges. In computing tax, there may be deducted from the measure of tax

E. Day Care Activities. In computing tax, nursery schools, preschools, child care providers and privately operated kindergartens may deduct from the measure of tax amounts derived from the care or education, for periods less than ~~((twenty-four (24)))~~ 24(9) hours, of children who are under eight ~~((8))~~ years of age and not enrolled in or above the first grade. Such persons are, however, subject to the tax upon the gross proceeds derived from providing child care to children who are eight ~~((8))~~ years of age or older or enrolled in or above the first grade. Amounts derived from selling, altering or repairing tangible personal property shall not be deductible.

F. Compensation from Public Entities for Health or Social Welfare Services.-- Exception. In computing tax, there may be deducted from the measure of tax amounts received from the United States or any instrumentality thereof or from the State of Washington or any municipal corporation or political subdivision thereof as compensation for, or to support, health or social welfare services rendered by a health or social welfare organization (as defined in RCW 82.04.431) or by a municipal corporation or political subdivision, except deductions are not allowed under this section for amounts that are received under an employee benefit plan. For purposes of this subsection, ~~((SMC 5.45.100 (F)))~~ "employee benefit plan" includes the military benefits program authorized in 10 U.S.C. Sec. 1071 et seq., as amended, or amounts payable pursuant thereto.

G. Interest on Investments or Loans Secured by Mortgages or Deeds of Trust. In computing tax, there may be deducted from the measure of tax by those engaged in banking, loan, security or other financial businesses, amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on non-transient residential properties.

H. Interest on Obligations of the State, its Political Subdivisions, and Municipal Corporations. In computing tax, there may be deducted from the measure of tax by those engaged in banking, loan, security or other financial businesses, amounts derived from interest paid on all obligations of the State of Washington, its political subdivisions, and municipal corporations organized pursuant to the laws thereof.

I. Interest on loans to farmers and ranchers, producers or harvesters of aquatic products, or their cooperatives. In computing tax, there may be deducted from the measure of tax amounts derived as interest on loans to bona fide farmers and ranchers, producers or harvesters of aquatic products, or their cooperatives by a lending institution which is owned exclusively by its borrowers or members and which is engaged solely in the business of making loans and providing finance-related services to bona fide farmers and ranchers, producers or harvesters of aquatic products, their cooperatives, rural residents for housing, or persons engaged in furnishing farm-related or aquatic-related services to these individuals or entities.

J. Receipts From the Sale of Tangible Personal Property Delivered Outside the State. In computing tax, there may be deducted from the measure of tax under retailing or wholesaling amounts derived from the sale of tangible personal property that is delivered by the seller to the buyer or the buyer's representative at a location outside the State of Washington.

K. Cash Discount Taken by Purchaser. In computing tax, there may be deducted from the measure of tax the amount of cash discount actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extracting or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the "value of product" provisions.

L. Credit Losses of Accrual Basis Taxpayers. In computing tax, there may be deducted

paid to salesmen or other employees.

O. Radio and Television Broadcasting -- Advertising Agency Fees -- National, Regional, and Network Advertising -- Interstate Allocations. In computing tax, there may be deducted from the measure of the tax by radio and television broadcasters amounts representing the following:

1. Advertising agencies' fees when such fees or allowances are shown as a discount or price reduction in the billing or that the billing is on a net basis, i.e., less the discount;
2. Actual gross receipts from national network, and regional advertising or a "standard deduction" as provided by RCW 82.04.280; and
3. Local advertising revenue that represents advertising which is intended to reach potential customers of the advertiser who are located outside the State of Washington. The Director of Finance and Administrative Services may issue a rule that provides detailed guidance as to how these deductions are to be calculated.

P. Constitutional Prohibitions. In computing tax, there may be deducted from the measure of the tax amounts derived from business which the City is prohibited from taxing under the Constitution of the State of Washington or the Constitution of the United States.

Q. Distribution Affiliate or Cooperative. In computing tax, there may be deducted from the measure of the tax an amount equal to the actual cost of the merchandise that a distribution cooperative or its distribution affiliate sells to a customer-owner of the distribution cooperative for the customer-owner's resale at retail. Actual cost means the cost actually paid by the distribution cooperative or distribution affiliate after taking into account all cash discounts and other price reductions.

R. In computing tax imposed by ~~((SMC))~~ subsection 5.45.050, ~~((C))~~F, there may be deducted from the measure of the tax gross income from the transport of empty containers picked up in the City if 1) a full container transported from outside the City is exchanged for the empty container at the time of pick-up, and 2) the job is billed to the customer as a round trip charge.

S. Interstate Trucking. The tax imposed on motor carriers under ~~((SMC))~~ subsection 5.45.050, ~~((C))~~F shall not apply to gross income from freight picked up in the City and transported by the taxpayer to a location outside the State of Washington. A motor carrier that does not transport freight across the state boundary is not entitled to a deduction, even though the freight is destined for and is ultimately transported to a location outside Washington.

T. Sales of Water to Water Districts, Municipalities and other Political Subdivisions of the State of Washington for Resale. In computing tax, there may be deducted from the measure of the tax under the wholesaling classification, amounts derived from the sale of water to any water district, municipality or other political subdivision of the State of Washington.

U. Sales of Electricity for Resale. In computing tax, there may be deducted from the measure of the tax amounts derived from the sale of electricity to any purchaser of electricity for resale.

V. Receipts From the Sale of Tangible Personal Property or Retail Services Delivered Outside the City but Within Washington. Effective January 1, 2008, amounts included in the gross receipts reported on the tax return and which are derived from the sale of tangible personal property or retail services delivered to the buyer or the buyer's representative outside the city but within the State of Washington may be deducted from the measure of tax under the retailing or wholesaling classifications. Retail services include those services defined as such pursuant to

Section 158. Section 5.55.030 of the Seattle Municipal Code, last amended by Ordinance 123152, is amended as follows:

**5.55.030 License requirements.**

A. No person, unless specifically exempted, shall engage in any business activity, profession, trade or occupation in the City without having first obtained and being the holder of a valid and subsisting license to do so, to be known as a "business license." The fee for the business license shall be ~~((Ninety Dollars-))\$90((-.00))~~ for persons with worldwide gross income of the business and value of products of more than ~~((Twenty Thousand Dollars-))\$20,000((.00))~~ in the current calendar year that engage in any business activity, profession, trade or occupation in the City prior to July 1st and ~~((Forty five Dollars-))\$45((.00))~~ for persons beginning their activity on or after July 1st. The business license fee for persons with worldwide gross income of the business and value of products of ~~((Twenty Thousand Dollars-))\$20,000((.00))~~ or less in the current calendar year will be ~~((Forty five Dollars-))\$45((.00))~~ if prior to July 1st and ~~((Twenty Two Dollars and Fifty Cents-))\$22.50((.00))~~ for persons beginning their activity on or after July 1st. The fee shall accompany the application for the license.

The business license shall expire at the end of the calendar year for which it is issued. The business license shall be personal and nontransferable except as provided in subsection G, below. Applications for the business license shall be made to the Director of Finance and Administrative Services on forms provided by the Director. Each business license shall be numbered, shall show the name, place and character of the business of the licensee, and such other information as the Director deems necessary, and shall at all times be conspicuously posted in the place of business for which it is issued.

If the licensee changes the place of business, the licensee shall return the business license to the Director and a new license shall be issued for the new place of business free of charge.

B. When business is transacted at two ~~((2-))~~ or more separate places by one ~~((1-))~~ taxpayer, a separate business license for each place at which business is transacted with the public shall be required. A ~~((Ten Dollar-))\$10((.00))~~ license fee shall be imposed and accompany each application for the business license required for each additional business location.

C. No person to whom a business license has been issued pursuant to this chapter shall suffer or allow any other person for whom a separate license is required to operate under or display his or her license; nor shall such other person operate under or display such license.

D. As provided in ~~((SMC))~~ Section 6.20.040, a participant at an event, identified in the list supplied by the promoter or organizer, shall be exempt from the business license fee established by subsection A, above, or the fee for a separate business location established by subsection B, above, on account of business activities at the licensed event for the duration of the event license; provided however, that such participant is not otherwise engaging in business in the City as such term is defined in ~~((SMC))~~ Section 5.30.030, ~~((-))~~B2.

E. Any business license may be renewed by the payment for the ensuing year of the license fee herein prescribed on or before the date of the expiration of such license. Any licensee who fails to make payment on or prior to the expiration date of said business license shall be subject to penalties in the following amounts:

A. Every person liable for any fee or tax imposed by this chapter, ~~((SMC))~~ Chapters 5.32, 5.35, ~~((5.37-))~~ 5.40, 5.45, 5.46, 5.48, and 5.52 shall keep and preserve, for a period of five ~~((5-))~~ years after filing a tax return, such records as may be necessary to determine the amount of any fee or tax for which the person may be liable; which records shall include copies of all federal income tax and state tax returns and reports made by the person. All books, records, papers, invoices, ticket stubs, vendor lists, gambling games and payout information, inventories, stocks of merchandise, and other data, including federal income tax and state tax returns, and reports needed to determine the accuracy of any taxes due, shall be open for inspection or examination at any time by the Director or a duly authorized agent. Every person's business premises shall be open for inspection or examination by the Director or a duly authorized agent.

Section 160. Section 5.55.160 of the Seattle Municipal Code, as last amended by Ordinance 120668 is further amended as follows:

**5.55.160 Judicial Review of the Hearing Examiner's decision.**

A. The taxpayer, any other person beneficially interested, or the Director of Finance and Administrative Services, may obtain judicial review of the decision of the Hearing Examiner by applying for a Writ of Review in the King County Superior Court within ~~((fourteen-))~~14~~((0-))~~ days from the date of the decision in accordance with the procedure set forth in Chapter 7.16 RCW, other applicable law and court rules.

B. The decision of the Hearing Examiner shall be final and conclusive unless review is sought in compliance with this section.

Section 161. Section 5.55.165 of the Seattle Municipal Code, last amended by Ordinance 122564, is amended as follows:

**5.55.165 Director of Finance and Administrative Services to make rules.**

The Director of Finance and Administrative Services shall have the power and it shall be his or her duty, from time to time, to adopt, publish and enforce rules and regulations not inconsistent with this chapter, Chapters 5.30, 5.32, 5.35, ~~((5.37-))~~ 5.40, 5.45, 5.46, 5.48, 5.52 or with law for the purpose of carrying out the provisions of such chapters, and it shall be unlawful to violate or fail to comply with, any such rule or regulation.

Section 162. Section 5.55.260 of the Seattle Municipal Code, last amended by Ordinance 122192, is amended as follows:

**5.55.260 Personal liability of persons in control of admission and commercial taxes.**

In addition to persons liable for tax pursuant to ~~((SMC))~~ Sections 5.35.060 and 5.40.070:

A. Any individual who is responsible for collecting, accounting for or paying over the (1) commercial parking tax imposed by ~~((SMC))~~ Chapter 5.35, or (2) admission tax imposed by ~~((SMC))~~ Chapter 5.40, and who willfully fails to collect, account for or pay over such tax, or willfully attempts to evade or defeat such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to pay the total amount of the tax evaded, not collected, or not accounted for and paid over.

B. An individual is responsible for collecting, accounting for, or paying over the tax if he or she is in control over, or supervision of the receipt of admissions charges or parking fees, the filing of

Services ~~((Executive Administration))~~ at least monthly and, upon receipt, deposited in the Cumulative Reserve ~~Subf((F))~~und for municipal capital improvements, including those listed in RCW 35.43.040.

Section 166. Section 5.64.080 of the Seattle Municipal Code, as last amended by Ordinance 110674, is further amended as follows:

**5.64.080 Refunds of excessive and improper payments.**

If the State Department of Revenue authorizes a refund of an excessive amount or an improper payment of the state real estate excise transaction upon a particular sale, ~~((the))~~King County ~~((Comptroller))~~, upon application of the taxpayer, may make a refund of the City tax paid, and withhold a like amount from the next monthly distribution to the City.

Section 167. Section 5.64.090 of the Seattle Municipal Code, as last amended by Ordinance 110674, is further amended as follows:

**5.64.090 Apportionment.**

When a sale involves a single property bisected by the City's limits, or two ~~((2-))~~ or more real properties, some of which are located within the City and some of which are located outside, ~~((the))~~ King County ~~((Comptroller))~~ may determine the tax amount due to the City according to information supplied upon accompanying affidavits, and, if unable to determine the appropriate value therefrom, ~~((the))~~ King County ~~((Comptroller))~~ may rely upon recommendations of the State Department of Revenue, or the King County Assessor in making a determination of the amount of tax due.

Section 168. Section 5.78.010 of the Seattle Municipal Code as last amended by Ordinance 122564, is amended as follows:

**5.78.010 Account established -- Donations.**

A. There is hereby established a Gift Catalogue account in the General Donations and Gift Trust Fund with subaccounts therein for the purposes set forth in the City's Gift Catalogue, and donations shall be credited to the appropriate subaccounts. The ~~((City))~~ Director of Finance and Administrative Services ~~((Executive Administration))~~ is authorized and directed to accept donations for the purposes set forth in the Gift Catalogue and to give his or her receipt, and the ~~((City))~~ Director of Finance and Administrative Services ~~((Executive Administration))~~ shall keep appropriate accounts and subaccounts therefor.

B. "City's Gift Catalogue," as used in this chapter, means the document attached to Ordinance 112137 and such supplemental catalogues as may be issued by the City, with the approval of the Mayor and the City Council by resolution, from time to time.

Section 169. Section 5.78.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.020 Expenditures -- Seattle Center programs.**

The Director of the Seattle Center is authorized to direct expenditures for the donations made to the Seattle Center programs in the City's Gift Catalogue as designated by the donor; and the ~~((City))~~ Director of Finance and Administrative Services ~~((Executive Administration))~~ is

1. Ten Dollars if not received on or before the last day of the month following the

expiration date.

2. Twenty Dollars if not received on or before the last day of the second month following the expiration date.

3. All business licenses issued subsequent to the initial license period shall be deemed renewal licenses if there has been no discontinuance of the licensee's operations or activities. Nonpayment by the licensee of taxes or business license fees other than those due upon expiration for the renewal of a license, when due during the term of any license shall constitute grounds for revocation of or the refusal to renew said license.

F. Licenses for amusement devices will be in addition to this business license and will be assessed pursuant to Section 5.32.170. It is unlawful for any person to own any amusement device, which is available for use by the public, without having first obtained an amusement device license issued in accordance with the provisions of this chapter and ((SMC))Chapter 5.32. The license shall be attached to the amusement device at all times when in use or play or available for use or play so that it is readily visible. The amusement device license will be prorated semi-annually in the same manner as the business license; however, the amusement device license expires annually on November 30th.

G. A business license or amusement device license cannot be assigned or transferred, except that a license may be transferred:

1. To the surviving or new corporation, whenever the licensed corporation is merged or consolidated pursuant to RCW Chapter 23B.11, as now or hereafter amended;
2. To the surviving partner, or to a new partnership which consists exclusively of the surviving partners, whenever one ((+))partner of a licensed partnership dies;
3. To the surviving spouse, whenever one ((+))spouse of a licensed marital community dies;
4. To any one ((+))or more former partners, whenever a licensed partnership is dissolved and one ((+))or more of the former partners of the licensed partnership continue the operation of the business as an individual proprietorship or partnership without the addition of any new partner, and all of the other former partners consent in writing to the transfer of the license, which written consent shall be filed with the application for such transfer;
5. To one ((+))spouse, whenever a licensed marital community is dissolved and the other spouse consents in writing to the transfer of the license, which written consent shall be filed with the application for such transfer;
6. In case of the death of any licensee before the expiration of his or her license, his or her administrator or executor, duly appointed as such by order of court, may continue to act under said license for the unexpired term thereof upon filing with the City proof of such appointment.

As used in this subsection, ((SMC 5.55.030 G)) the term "partnership" includes joint venture, and the term "partner" includes a co-venturer.

Section 159. Subsection 5.55.060.A of the Seattle Municipal Code, as last amended by Ordinance 122564 amended as follows:

**5.55.060 Records to be preserved -- Examination -- Inspection -- Search warrants --**

Return to question assessment.

returns or the remittance of the tax.

C. For purposes of this section, "willfully" means that the failure was the result of an intentional, conscious and voluntary course of action.

D. An individual shall be liable only for taxes which became due during the period he was required to collect, account for and pay over the tax, plus interest and penalties on the tax.

E. An individual is not liable under this section if the failure to collect, account for or pay over the tax is due to reasons beyond his control, as determined by rules promulgated by the Director of Finance and Administrative Services.

F. The Director shall assess the liability in the same manner as a tax deficiency pursuant to ((SMC)) Section 5.55.095 and shall have the right of review provided by ((SMC))Section 5.55.140. If not appealed within the time provided in ((SMC))Section 5.55.140, the assessment is final and no refund request may be made for the period covered in the assessment.

G. Once established, liability for the tax is joint and several. The Director may collect the total amount of tax, but not more, either from individuals liable under this section or persons liable under ((SMC)) Section 5.40.070 or ((SMC)) Section 5.35.060, or both. This section does not relieve persons of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

Section 163. Section 5.56.110 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.56.110 Collection of tax.**

Section 5 of the State Act requires the lessor to collect the tax from the lessee and remit the same to the Department of Revenue. City departments acting as lessors under terms of the State Act shall, effective January 1, 1976, collect the tax as a surcharge upon contract rent in the amount of ((twelve)) 12-percent ((+2%)) of taxable rent, as defined in Section 2 of the State Act, or according to such different manner as the Department of Revenue may prescribe in accordance with Section 2 of the State Act. Collections of the tax shall be deposited in the appropriate operating funds of those City departments acting as lessors. The amounts shall be paid by the Director of Finance and Administrative Services ((Executive Administration)) to the Department of Revenue upon execution of appropriate vouchers by the affected departments and in accordance with such rules as the Department of Revenue may promulgate.

Section 164. Section 5.56.130 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.56.130 Establishment of subaccounts.**

The Director of Finance and Administrative Services ((Executive Administration)) shall establish such subaccounts in the operating funds of departments required to collect the tax as shall be necessary to permit the separate and appropriate accounting of such tax, and shall inform such departments concerning the identity and coding of such subaccounts.

Section 165. Section 5.64.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.64.030 Deposit and use of tax proceeds.**

((The)) King County ((Comptroller)) may retain one percent ((+1%)) of the proceeds of the taxes collected for the county current expense fund to defray the costs of collection. All remaining proceeds from City taxes collected shall be paid to the Director of Finance and Administrative

authorized to draw to pay warrants against the designated program account or subaccount on vouchers approved by The Seattle Center Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((Executive Administration)) may elect to make payment by check.

Section 170. Section 5.78.030 of the Seattle Municipal Code, last amended by Ordinance 121006, is amended as follows:

**5.78.030 Expenditures -- Office of Arts and Cultural Affairs.**

The Director of the Office of Arts and Cultural Affairs is authorized to direct expenditures for the donations made to the Office of Arts and Cultural Affairs programs (formerly known as Seattle Arts Commission programs) in the City's Gift Catalogue as designated by the donor; and the ((City)) Director of Finance and Administrative Services ((Executive Administration)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by said Commission as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((Executive Administration)) may elect to make payment by check.

Section 171. Section 5.78.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.040 Expenditures -- Seattle Department of Transportation programs.**

The Director of Transportation is authorized to direct expenditures for the donations made to Seattle Department of Transportation programs in the City's Gift Catalogue as designated by the donor; and the ((City)) Director of Finance and Administrative Services ((Executive Administration)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Transportation as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((Executive Administration)) may elect to make payment by check.

Section 172. Section 5.78.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.060 Expenditures -- Office of Housing.**

The Director of Housing is authorized to direct expenditures for the donations made to that Office's programs in the City's Gift Catalogue or for other housing activities as designated by the donor; and the ((City)) Director of Finance and Administrative Services ((Executive Administration)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Housing as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services ((Executive Administration)) may elect to make payment by check.

Section 173. Section 5.78.070 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.070 Expenditures -- Seattle-King County Department of Public Health.**

The Director of Public Health is authorized to direct expenditures for the donations made to the Seattle-King County Department of Public Health programs in the City's Gift Catalogue as designated by the donor; and the ((City)) Director of Finance and Administrative Services ((Executive Administration)) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Public Health as to payee and

purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 174. Section 5.78.080 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.080 Expenditures -- Seattle Public Utilities.**

The Director of Seattle Public Utilities is authorized to direct expenditures for the donations made to the Seattle Public Utilities programs in the City's Gift Catalogue as designated by the donor; and the ((City)) Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Seattle Public Utilities as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 175. Section 5.78.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.090 Expenditures -- Police Department.**

The Chief of Police is authorized to direct expenditures for the donations made to the Police Department programs in the City's Gift Catalogue as designated by the donor; and the ((City)) Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to draw to pay warrants against said program accounts or subaccounts on vouchers approved by the Chief as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 176. Section 5.78.100 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.100 Expenditures -- Fire Department.**

The Chief of the Fire Department is authorized to direct expenditures for the donations made to the Fire Department programs in the City's Gift Catalogue as designated by the donor; and the ((City)) Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Chief as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 177. Section 5.78.120 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.120 Expenditures -- Department of Parks and Recreation.**

The Superintendent of Parks and Recreation is authorized to direct expenditures for the donations made to the Department of Parks and Recreation programs in the City's Gift Catalogue as designated by the donor; and the ((City)) Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Superintendent as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

The City Council is authorized to direct expenditures for the donations to the City Clerk's Office programs in the City's Gift Catalogue as designated by the donor; and the ((City)) Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to draw and to pay warrants against such program accounts or subaccounts on vouchers approved by the City Clerk as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 182. Section 5.78.180 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.180 Expenditures -- Department of Neighborhoods.**

The Director of the Department of Neighborhoods is authorized to direct expenditures from the donations made to that Department's programs that are in the City's Gift Catalogue, as amended from time to time, or for which an account or subaccount for deposit of donations is established by ordinance. Such expenditures shall be consistent with the designation by the donor. The ((City)) Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to draw and to pay warrants against said accounts or subaccounts for such programs, or make appropriate transfers from such accounts or subaccounts, based on vouchers approved by the Director of Neighborhoods as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 183. Section 5.78.190 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.190 Expenditures -- Human Services Department.**

The Director of the Human Services Department is authorized to direct expenditures for the donations made to that Department's programs in the City's Gift Catalogue or for other human services activities as designated by the donor; and the ((City)) Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Human Services Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 184. Section 5.78.200 of the Seattle Municipal Code, last amended by Ordinance 122876, is amended as follows:

**5.78.200 Expenditures -- Seattle Climate Action Now Program.**

The Mayor or the Mayor's designee is authorized to direct expenditures for the donations made to the Seattle Climate Action Now Program as designated by the donor; and the ((City)) Director of Finance and Administrative Services (~~Executive Administration or the Director's designee~~) is authorized to make payments against the Seattle Climate Action Now Subfund of the General Donations and Gift Trust Fund (as authorized by Chapter 3.04 of the Seattle Municipal Code).

It shall be used solely for the purposes and capital projects contemplated by RCW 82.46.035.

C. The Unrestricted Subaccount shall, unless provided otherwise by ordinance, be comprised of revenues from sales of surplus City property net of sale proceeds deposited into the South Lake Union Property Proceeds Subaccount, transfers of General Fund balances, investment earnings attributable to the Capital Projects Account of the Cumulative Reserve Subfund net of investment earnings attributable to the South Lake Union Property Proceeds Subaccount and the Asset Preservation Subaccount -- General Facilities (~~Fleets and Facilities~~) and other unrestricted contributions to the Cumulative Reserve Subfund.

D. The South Lake Union Property Proceeds Subaccount shall, unless provided otherwise by ordinance, be comprised of revenues from sales of certain surplus City property located adjacent to South Lake Union, investment earnings attributable to the Subaccount, and other revenues identified through ordinance.

E. The Asset Preservation Subaccount -- General Facilities (~~Fleets and Facilities~~) shall, unless provided otherwise by ordinance, be comprised of revenues from space rent charges levied by the Department of Finance and Administrative Services (formerly the Fleets and Facilities Department) on occupants of the facilities it manages, operates, or maintains, investment earnings attributable to the Subaccount, and other fund sources approved through the City's annual budget process or by other ordinance. Expenditures from the Asset Preservation Subaccount -- General Facilities (~~Fleets and Facilities~~) shall be limited to projects intended to preserve or extend the useful life and operational capability of capital facilities and shall be appropriated through the annual budget process or by other ordinance, consistent with the Capital Improvement Program of the Department of Finance and Administrative Services (~~Fleets and Facilities Department~~).

F. The Street Vacation Subaccount shall, unless provided otherwise by ordinance, be comprised of one-half of the revenue received by the City as compensation for any street or alle that is vacated. Expenditures shall be dedicated to the acquisition, improvement, and development of public open space or transportation capital projects.

Section 188. Section 6.02.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.030 Definitions.**

For the purpose of this subtitle certain words shall have the meanings specified in this section. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine.

A. "Complainant" means any person who files a complaint in writing with the Department of Finance and Administrative Services (~~Executive Administration~~).

B. "Confidential" means not available for public inspection.

C. "Director" means the Director of Finance and Administrative Services (~~Executive Administration~~) of The City of Seattle and shall include the Director's authorized representatives.

D. "Increased" means the holder of a small business...

the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 178. Section 5.78.130 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.130 Expenditures -- Personnel Director.**

The Personnel Director is authorized to direct expenditures for the donations made to programs of the Personnel Department (~~(or to programs of the former Personnel Division of the Executive Services Department)~~) in the City's Gift Catalogue as designated by the donor; and the City Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Personnel Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 179. Section 5.78.150 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.150 Expenditures -- Director of Finance and Administrative Services (~~Executive Administration~~).**

The ((City)) Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to direct expenditures for the donations to programs of ~~((formerly housed in))~~ the City Budget Office, and to programs of the former Department of Finance, (and to programs of the former Finance Department, and ((to programs of the former)) Department of Licenses and Consumer Affairs in the City's Gift Catalogue as designated by the donor; and to draw and to pay warrants against said program accounts or subaccounts on vouchers. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 180. Section 5.78.160 of the Seattle Municipal Code as last amended by Ordinance 120749 is amended as follows:

**5.78.160 Expenditures -- Department of Planning and Development (~~Design, Construction and Land Use~~).**

The Director of the Department of Planning and Development (~~formerly known as the Department of Design, Construction and Land Use~~), is authorized to direct expenditures for ~~((the))~~ donations made to the Department of Planning and Development or former Department of Design, Construction and Land Use (~~Department~~) programs in the City's Gift Catalogue as designated by the donor; and the ((City)) Director of Finance and Administrative Services (~~Executive Administration~~) is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of the Department of Planning and Development as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of Finance and Administrative Services (~~Executive Administration~~) may elect to make payment by check.

Section 181. Section 5.78.170 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**5.78.170 Expenditures -- City Clerk's Office.**

Section 185. Section 5.78.210 of the Seattle Municipal Code, last amended by Ordinance 123194, is amended as follows:

**5.78.210 Expenditures -- Prostituted Children Rescue Program**

The Mayor or the Mayor's designee is authorized to direct expenditures for the donations made to the Prostituted Children Rescue Program as designated by the donor, and the ((City's)) Director of Finance and Administrative Services (~~Executive Administration~~) or the Director's designee is authorized to make payments against the Prostituted Children Rescue Subfund of the General Donations and Gift Trust Fund (~~(as authorized by Chapter 3.04 of the Seattle Municipal Code)~~) on vouchers approved by the Mayor or the Mayor's designee as to payee and purpose.

Section 186. Section 5.80.020 of the Seattle Municipal Code, last amended by Ordinance 122557, is amended as follows:

**5.80.020 Structure of subfund.**

The Cumulative Reserve Subfund shall be comprised of two ~~((2))~~ accounts: the Capital Projects Account, with its several subaccounts, and the Revenue Stabilization Account.

A. The Capital Projects Account shall be comprised of several subaccounts, including but not limited to the Real Estate Excise Tax I Subaccount; the Real Estate Excise Tax II Subaccount; the South Lake Union Property Proceeds Subaccount; the Asset Preservation Subaccount - General Facilities (~~Fleets and Facilities~~); and the Unrestricted Subaccount. Expenditures from the Capital Projects Account shall require an ordinance adopted by a majority of the members of the City Council.

B. The Revenue Stabilization Account shall be used for revenue stabilization for future City operations. Expenditures from the Revenue Stabilization Account shall require an ordinance passed by two-thirds vote unless state law requires a higher super majority vote of the City Council. The Revenue Stabilization Account shall be funded by (1) transfers by ordinance, and (2) automatic transfer of tax revenues to the extent described in this section. Upon completion of fiscal year accounting, tax revenues collected during the closed fiscal year which are in excess of the latest revised estimate of tax revenues for that closed fiscal year (as published in the current fiscal year adopted budget) shall automatically be deposited to the Revenue Stabilization Account. Such deposit shall occur at that time the City completes its accounting for the fiscal year. At no time shall the balance of the Revenue Stabilization Account exceed ~~((five))~~ ~~5~~ percent of the amount of tax revenues received by the City during the fiscal year prior to the closed fiscal year. For purposes of this paragraph, the phrase "tax revenues" means all tax revenues deposited into the General Subfund, including but not limited to, tax revenue from the regular property tax levy, business and occupation tax, utility business taxes, admissions tax, leasehold excise tax, gambling taxes, and sales and use taxes.

Section 187. Section 5.80.030 of the Seattle Municipal Code, last amended by Ordinance 121661, is amended as follows:

**5.80.030 Capital projects subaccounts.**

A. The Real Estate Excise Tax I Subaccount shall be comprised of the first ~~((one-quarter of one))~~ ~~0.25~~-percent excise tax on real estate sales collected on or after May 1, 1992. It shall be expended only for the purposes and capital projects contemplated by RCW 82.46.010.

B. The Real Estate Excise Tax II Subaccount shall be comprised of the second ~~((one-quarter of one))~~ ~~0.25~~-percent excise tax on real estate sales collected on or after May 1, 1992.

group or organization, whether acting by themselves or by a committee, agent, or attorney-in-fact. F. "Published" means published in a daily newspaper of general circulation published in The City of Seattle.

Section 189. Section 6.02.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.040 Administration and enforcement.**

A. The Director of Finance and Administrative Services (~~Executive Administration~~) shall have general charge of, and supervision over, the administration and enforcement of this subtitle, and he or she shall exercise all the powers and perform all the duties imposed upon him or her by this subtitle, and all other ordinances relating to licenses issued for regulatory and/or revenue purposes unless administration and enforcement of such ordinance is vested in another officer or department by ordinance.

B. The Director in the discharge of such powers and duties is authorized to inspect all relevant reports, books, records and premises of any licensee; provided that the results of any such inspection shall be confidential unless a hearing is requested under the provisions of this subtitle in connection with the license held by such licensee. It shall be his or her duty to furnish monthly to the Chief of Police and Chief of the Fire Department a list of licensees, including the name and address, character of license and date of expiration of the following classification of license holders: billiard and pool tables, public dance halls, cafe dances, cabarets, theaters and other places of amusement, pawnshops, secondhand dealers, junk shops, junk wagons and all for-hire vehicles. It shall be the duty of the Chief of Police concurrently with the Director, to enforce this subtitle.

Section 190. Section 6.02.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.050 Establishment of rules and regulations.**

The Director of Finance and Administrative Services (~~Executive Administration~~) shall establish administrative rules and regulations consistent with this subtitle for the purpose of enforcing and carrying out the provisions thereof. Such rules and regulations shall be established pursuant to the requirements of Chapter 3.02, ~~((the Administrative Code (Ordinance 102228) as now or hereafter amended))~~

Section 191. Section 6.02.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.060 Assistance in enforcement.**

The Boiler Inspector shall assist in the enforcement of the provisions hereof relating to stationary engineers and firemen; the Chief of the Fire Department and members of the Fire Department detailed as Inspectors shall assist in the enforcement of the provisions hereof, particularly with reference to gasoline stations; the Plumbing Inspectors of the Department of Public Health shall assist in the enforcement of the provisions hereof relating to master plumbers and journeyman plumbers and it shall be the duty of all department heads and the inspectors thereof to report in writing to the Director of Finance and Administrative Services (~~Executive Administration~~) and to the Chief of Police and, if a violation of Chapter ~~((6.230))~~ ~~6.420~~ is involved, to the Director of the Department of Planning and Development (~~Construction and Land Use~~) any violations of

this subtitle coming to their attention.

Section 192. Section 6.02.080 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.080 Hearing -- Procedure.**

A. In all cases in which a hearing is requested or otherwise required in accordance with the provisions of this subtitle the Director of Finance and Administrative Services (~~Executive Administration~~) shall set a date for hearing before a Hearing Examiner in the Office of Hearing Examiner which date unless otherwise provided in this subtitle shall not be later than ~~(fifteen)~~ 15 days after receipt of such request. Notice of the date, and summary of the issues involved shall be published and shall be sent by certified mail to the license applicant or licensee and to any complainant.

B. Such hearing shall be open to the public and shall be conducted and a record kept thereof by the Hearing Examiner in accordance with Chapter 3.02 (~~Administrative Code of the City~~).

C. In the conduct of such hearing the Hearing Examiner shall have authority to issue subpoenas for the attendance of witnesses and/or production of documents, hold conferences for the settlement or simplification of issues, administer oaths and affirmations, examine witnesses, receive and rule upon the admissibility of evidence, and take notice of judicially cognizable facts and other general, technical or scientific facts within his specialized knowledge. In ruling upon the admissibility of evidence the Hearing Examiner shall give effect to rules of privilege recognized by law and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence, but may admit and consider any evidence which possesses probative value commonly accepted by reasonably prudent men and women in the conduct of their affairs.

D. Every interested party shall have the right to offer evidence, both directly and in rebuttal, and to cross-examine any witness who shall testify.

Section 193. Section 6.02.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.090 Filing of findings of hearing.**

Within ~~(twenty-)~~ 20 days after any such hearing or any continuation thereof, the Hearing Examiner shall file with the Director of Finance and Administrative Services (~~Executive Administration~~) and with the City Clerk written findings of fact, conclusions and his or her decision. Such decision shall be mailed by certified mail to the license applicant or licensee and to the complainant, if any, and shall be final.

Section 194. Section 6.02.120 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.120 Records to be filed with City Clerk and Director.**

Unless otherwise provided in this subtitle, all decisions, orders, rules, regulations, reports and records required by this subtitle to be made or kept, shall be filed with the City Clerk and a copy

## SECTION B

business, ever been convicted of violating any law or ordinance relating to the sale of intoxicating liquor, gambling, or any law or ordinance relating to public morality and decency, or for violating any law or ordinance involving an intent to defraud? \_\_\_\_\_

10. Has the applicant or anyone owning an interest in the business, or proposed business, ever been convicted of violating any law or ordinance relating to the use, sale or possession of narcotic drugs? \_\_\_\_\_

11. State whether all persons sharing in the profits of the business are citizens of the United States \_\_\_\_\_

12. Give name of each person sharing in the profits of the business who is not a citizen of the United States \_\_\_\_\_

13. Do the premises upon which the business or proposed business is to be conducted, comply with the requirements of the Building Code and those relating to health and sanitation? \_\_\_\_\_

14. (If a Theater) Number of Seats \_\_\_\_\_

15. Remarks \_\_\_\_\_

STATE OF WASHINGTON ) COUNTY OF KING ) ss. CITY OF SEATTLE )

\_\_\_\_\_, being first duly sworn upon oath, deposes and says: I am the above named applicant, and make this affidavit for the purpose of obtaining from the City of Seattle a \_\_\_\_\_ in accordance with the provisions of the License Code. I have personal knowledge of the matter stated in the foregoing application and the statements contained therein are true.

**SUBSCRIBED AND SWORN**

to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Notary Public in and for

the State of Washington,

residing at Seattle

Director of Finance and Administrative Services (~~Executive Administration~~)

By \_\_\_\_\_

B. If the applicant is a partnership, a partner must sign, if a Washington corporation, an officer thereof must sign, and if a foreign corporation authorized to do business in the state, its local manager or resident agent must sign. All applications must be accompanied by a receipt from the Director of Finance and Administrative Services (~~Executive Administration~~) showing payment of the required fee. The Director shall, as to applications for a new license, and may as to applications for a renewal license, request the Chief of Police to investigate the truth of the statements in the application and all other matters which might tend to aid the Director in determining whether to issue the license. The Chief of Police shall report to the Director as to reasons he or she may have for objecting to the issuance of the license. If the Director is satisfied that the statements in the application are true, that the applicant and all persons connected with the business are of good character, that the premises in which the activity sought to be licensed

A. Actions to revoke or refuse to renew any license shall be commenced by the Director of Finance and Administrative Services (~~Executive Administration~~) by issuing a notice pursuant to subsection 6.02.290.E or by any other person by filing in the office of the Director a written complaint setting forth in specific terms the basis therefor. The Director shall mail a copy of such complaint by certified mail to the licensee at his or her last address as shown by the license records of the Director, and shall be accompanied by a notice that such license may be revoked or not renewed.

B. The licensee shall, within ten days after receiving any such complaint, mail by certified mail to the complainant and file with the Director his or her written answer, which shall admit or deny the allegations of such complaint and may set forth such defenses and/or additional matter as the licensee shall deem appropriate.

C. The Director shall conduct an investigation, and if cause exists may revoke or refuse to renew such license; provided, that if the Director finds upon a sufficient showing that the conduct complained of has been corrected and is unlikely to be repeated, he or she may dismiss any such complaint; and provided further, that the complaint shall be dismissed by the Director where the conduct complained of has been corrected under a written agreement between the complainant and licensee approved by the Director.

D. If a complaint has been filed, the Director shall mail to the complainant and to the licensee by certified mail a notice of the action summarizing his or her findings and conclusions. In all cases in which a complaint is dismissed other than upon a written agreement between the complainant and licensee, the complainant may within ten days of the mailing of the notice of the Director's action submit a written request for a hearing together with the appropriate Hearing Examiner filing fee, which the Director shall transmit to the Hearing Examiner.

E. If the Director determines that grounds exist to revoke or refuse to renew a license, the Director shall notify such licensee in writing by certified mail of the revocation or refusal to renew and on what grounds the decision was based. The notice shall include a recital of the licensee's right to an appeal.

F. The licensee may appeal a revocation or refusal to renew by filing a written notice of appeal ("petition") setting forth the grounds therefor with the Office of the Hearing Examiner. The licensee must provide a copy of the petition to the Director and the City Attorney on or before the date the petition is filed with the Hearing Examiner. The Hearing Examiner shall conduct the hearing in accordance with the procedures for hearing contested cases in ~~(the Seattle Administrative Code)~~ Chapter 3.02 of the Seattle Municipal Code. The Hearing Examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing, the Hearing Examiner shall, after issuing appropriate findings of fact and conclusions of law, affirm, modify, or overrule the revocation or refusal to renew and reinstate the license. The Hearing Examiner may impose any terms upon the continuance of the license that he or she may deem advisable.

G. If a hearing has been requested by a licensee in connection with the revocation of or refusal to renew a license, the license shall remain in effect pending the determination made as a result of such hearing.

Section 195. Section 6.02.150 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.150 Change of ownership -- Panoram location businesses.**

The Director of Finance and Administrative Services (~~Executive Administration~~) may recognize a change of ownership of any business licensed for "panoram location" upon the filing by the new or prospective owner of applications in the manner and form prescribed, and payment of the applicable fee required for original applications for such licenses, and may in granting any such application include the condition that such new or prospective owner assume and pay any lawful indebtedness of the transferor or assignor due to the City in connection with such business.

Section 196. Section 6.02.170 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.170 Business at location other than stated in license.**

Unless otherwise specifically provided, no license issued under authority of this subtitle shall require the holder thereof to maintain or conduct the business, trade, occupation, calling, exhibition or entertainment, for which he/she had procured such license at any other place or location than that stated in such license except upon the written consent of the Director of Finance and Administrative Services (~~Executive Administration~~).

Section 197. Section 6.02.190 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.190 License application -- Form for certain businesses.**

A. Application for the granting or renewal of:

1. Cabaret licenses;
2. Detective agency licenses;
3. Massage premises and public bathhouse license;
4. Pawnbroker licenses;
5. Merchants patrol agency licenses; shall be made in the office of the Director on a form prepared by him/her substantially as follows:

"THE CITY OF SEATTLE

Department of Finance and Administrative Services (~~Executive Administration~~)

Application for \_\_\_\_\_ Expiring \_\_\_\_\_ 20 \_\_\_\_\_

1. Name of Applicant \_\_\_\_\_
2. Location of Business \_\_\_\_\_ Telephone No. \_\_\_\_\_
3. Place of Business Known as \_\_\_\_\_
4. Residence Address of applicant \_\_\_\_\_ Telephone Number \_\_\_\_\_
5. State whether Individual, Partnership or Corporation \_\_\_\_\_
6. If Partnership, state the names of all persons sharing in the profits of the business; If a Corporation, give the names of its officers, directors and shareholders, giving title, residence address and phone number of each \_\_\_\_\_
7. How long has the applicant (or if a corporation, its officers) resided in the City of Seattle? \_\_\_\_\_
8. If individual or partnership, state whether applicant is of legal age \_\_\_\_\_
9. Has the applicant or anyone owning an interest in the business, or proposed

of this subtitle and other ordinances relating to such application and to the business for which such license is sought have been met, the Director shall issue the license; otherwise shall deny the same; provided, however, that if the applicant (or if a corporation, any of its officers) has within ten ~~((10))~~ years of the date of application been convicted of any felony, or any misdemeanor involving moral turpitude or intent to defraud, or has within ten ~~((10))~~ years of the date of application been released from a penal institution or from active supervision on parole as a result of any such conviction, no such license shall be issued; provided, further, however, that the Director may waive not to exceed five ~~((5))~~ years of such period upon satisfactory showing by the applicant of rehabilitation.

C. If any license is denied by the Director, the fee paid by the applicant shall thereupon be returned to him/her.

D. As changes in shareholders, directors and officers of a corporation occur, any application for a license made by or on behalf of such corporation under this section shall be amended by the corporation by notice in writing filed with the Director and failure to comply with such requirement shall be cause for revocation of any license issued to such corporation.

Section 198. Section 6.02.200 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.02.200 Police Department relieved of duty to investigate applications.**

The Chief of Police and the Police Department are relieved of the duty to investigate applications for license renewals and all parts of this subtitle (Ordinance 48022) imposing such duty are superseded, provided that this provision shall not preclude the Chief of Police from making such investigation of applicants for license renewal as may be requested by the Director of Finance and Administrative Services (~~Executive Administration~~).

Section 199. Section 6.02.210 of the Seattle Municipal Code, as last amended by Ordinance 117169, is further amended as follows:

**6.02.210 Application procedure -- Grounds for denial of license.**

Application for any City license required by this title, other than those specified in Section 6.02.190 and (~~Seattle Municipal Code~~) Chapter 6.42, shall be made to the Director on a form prepared by him or her and shall be accompanied by a receipt (~~from the Finance Director~~) showing payment of the required fee. If the application is made within six ~~((6))~~ months of the date fixed for expiration, the fee shall be ~~((one-half))~~ 1/2 ~~((3))~~ the annual fee. Except as hereinafter otherwise provided, the Director, upon receipt of proper application and compliance by the applicant with all conditions and requirements of this title and other ordinances relating to such application and to the business or activity for which such license is sought, shall issue the license; provided, that if after investigation the Director finds good reason to believe that the applicant is dishonest or immoral or desires the license applied for in order to engage in dishonest, unlawful or immoral acts or enterprises or that the premises in which the activity sought to be licensed will be conducted does not comply with the requirements of any ordinance relating to fire, buildings, health and sanitation or is in violation of the Zoning Ordinance, he or she shall deny the license.

Section 200. Section 6.02.290 of the Seattle Municipal Code, last amended by Ordinance 123160, is amended as follows:

**6.02.290 Revocation or refusal to renew procedure.**

121932 is amended as follows:

**6.10.005 Definitions.**

The following definitions as well as the definitions contained in Chapters 5.30 and 10.08 of the Seattle Municipal Code shall be fully applicable to this Chapter 6.10 in its entirety, except as expressly stated to the contrary herein.

A. "Alarm site" means the location at which a subscriber's alarm system is installed.

B. "Alarm system" or "alarm device" means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm system monitoring company, or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion. An alarm system or alarm device may consist of one or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic, video, or other form of message. For purposes of this chapter, a system, device, or mechanism primarily protecting a motor vehicle, or one designed to communicate a medical emergency, including but not limited to a panic alarm button or similar device, is not considered to be an alarm system or alarm device.

C. "Alarm system monitoring company," means any individual, partnership, corporation, or other form of association that engages in the business of monitoring property, burglary, or robbery alarm systems and shall include self-monitored alarm businesses, as defined herein. For purposes of this chapter, alarm system monitoring companies include those dealers and installers who contract with a property owner, subscriber, or customer, to perform alarm system monitoring services and then subcontract with another alarm system monitoring company to provide the actual monitoring service.

D. "Department" means the Department of Finance and Administrative Services (~~Executive Administration~~) of the City of Seattle.

E. "False Alarm" means the notification to the Seattle Police Department or Seattle Fire Department concerning the activation of an alarm system or alarm device when:

1. There is no evidence of a crime or other activity that warrants the assistance of the Seattle Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property owner, and no individual who was on or near the premises or who had viewed a video communication from the premises called for the dispatch or confirmed a need for police response; or
2. There is no indication or presence of a fire on the premises, that warrants a call for assistance from or investigation by the Seattle Fire Department, and no individual who was on or near the premises or who had viewed a video communication from the premises called for the dispatch or confirmed a need for fire response; or
3. The dispatch of police or fire personnel was cancelled by the alarm system monitoring company, whether the alarm was cancelled before or after the arrival of police or fire personnel at the alarm site.

F. "Monitoring" means the process by which an alarm system monitoring company receives signals from an alarm system or alarm device.

G. "Self-monitored alarm business" means any person required to obtain a Seattle

business license pursuant to ((SMC)) Section 5.55.030 which elects to internally monitor its own alarm systems or alarm devices and monitors three ((3)) or more alarm systems or business locations located within the City limits.

H. "Subscriber" means a person having or maintaining an alarm system or alarm device where such system is connected to or in communication with an alarm system monitoring company.

Section 202. Section 6.14.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.14.020 License required -- Certain persons prohibited.**

It is unlawful for any person, unless duly licensed so to do pursuant to this chapter, to engage in, or to advertise or hold himself or herself out as being engaged in the private detective business; provided, that no license required by Sections 6.14.030 or 6.14.040 shall be granted to any person who within ten ((10)) years of the date of application for such license has been convicted of any felony, or any misdemeanor involving moral turpitude or intent to defraud, or has within ten ((10)) years of the date of application been released from a penal institution or from active supervision on parole as a result of any such conviction; provided, further, however, that the Director of Finance and Administrative Services ((Executive Administration)) may waive not to exceed five ((5)) years of such period upon satisfactory showing by the applicant of rehabilitation.

Section 203. Section 6.14.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.14.090 Surety bond.**

Every applicant for a detective agency license at the time the application is made shall furnish to the Director of Finance and Administrative Services ((Executive Administration)) for filing with the City Clerk, a surety company bond running to the City, in a penal sum of ((Two Thousand Dollars)) \$2,000((.00)), conditioned that the licensee will faithfully comply with all the requirements of this title, insofar as they relate to the business of detective or detective agency.

Section 204. Section 6.14.100 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.14.100 Private guard license -- Fee.**

It is unlawful to engage in the occupation of private guard to prevent theft or unlawful taking of goods, wares, and merchandise or to purport to engage therein without a private guard license, the fee for which shall be ((Thirty Dollars)) \$30((.00)) per year and which shall expire October 31st of each year. No private guard shall operate except as an employee under a duly licensed detective agency. Application for such license shall be made to the Director of Finance and Administrative Services ((Executive Administration)) on a similar form and shall follow the same procedure as is provided in Section 6.14.060 hereof for a private detective license; provided, anyone holding a valid merchant's patrol agency license or merchant patrolman's license under Section 6.38.020 of this subtitle shall be exempt from such license requirements.

Section 207. Section 6.36.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.36.030 Massage practitioner's license.**

It is unlawful for any person, except as provided in Section 6.36.060, to give a massage or other treatment of the body by rubbing, kneading, or manipulation, whether in a massage premises or public bathhouse, or otherwise, without first obtaining a massage practitioner's license, the fee for which is ((Thirty-five Dollars)) \$35((.00)) per year. The license application shall be made in the true name of the applicant and shall be accompanied by evidence that the applicant holds a valid State Massage Practitioner's License. If the Director of Finance and Administrative Services ((Executive Administration)) finds that the information in the application is true and accurate, that the applicant holds a valid State Massage Practitioner's License, and that the applicant has not been convicted of a crime involving or related to prostitution, lewd conduct, or narcotic drugs within the seven ((7)) years immediately prior to the date of application, the Director shall approve the application and issue the license; otherwise, the Director shall deny the application.

Section 208. Section 6.36.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.36.040 Athletic massage operator's license.**

It is unlawful for any person to be employed or work as an athletic massage operator unless such person is licensed as provided in this section:

A. The fee for an athletic massage operator's license is ((Thirty-five Dollars)) \$35((.00)) per year.

B. Application for an athletic massage operator's license or for any renewal thereof shall be made to the Director of Finance and Administrative Services ((Executive Administration)) on forms furnished by him/her for such purpose. It shall state the true name of the applicant, who shall be not less than ((eighteen)) 18((3)) years of age, and as to an original application shall be accompanied by references as to the moral character and ability of the applicant from four ((4)) reputable citizens of the City.

C. If the Director finds the application to be in proper form and upon investigation such references to be authentic, he/she shall transmit the same to the Chief of Police.

D. The Chief of Police shall investigate the applicant's reputation and record and transmit such application, his/her written report, and all other reports thereon, to the Director of Health, who shall examine the applicant physically to ascertain if the applicant is free from contagious or infectious disease in a communicable stage and otherwise physically fit to give athletic massages, and shall make a written report thereon.

E. If the Director of Health finds that the applicant is physically competent to give athletic massages he/she shall transmit the application, accompanied by all reports thereon, to the Director of Finance and Administrative Services ((Executive Administration)). If from the reports the Director of Finance and Administrative Services ((Executive Administration)) deems the applicant a fit and proper person, he/she shall issue the license; otherwise he/she shall deny

B. Licensees operating premises and devices licensed under this chapter shall hold open for routine regulatory inspections by the City during normal business hours those areas upon the premises which are accessible to the public.

Section 213. Section 6.48.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.48.040 Signs -- Posting of rates.**

A. Except as otherwise provided in subsections B and C of this section, it is unlawful for any person to demand or collect any charge for parking or for keeping or storing any motor vehicle in any public garage or parking lot unless there is erected and maintained at or near each entrance to such public garage or parking lot a permanent sign which is adequate to apprise anyone entering for the purpose of using such garage or parking lot of the following information and conforming to the following standards:

1. The word "park" or "parking" shall be clearly displayed on the sign, and the true or assumed name of the licensee shall be clearly identified at the top or the bottom of the sign, and such signs shall contain no other advertising. Any licensee using a trade or assumed name shall, when applying for a license or renewal thereof, furnish the Director with a certified copy of the filing with the County Clerk showing such trade or assumed name.
2. Signs shall contain numbers and letters indicating the time units and rate or rates for parking which are clearly readable and visible from a distance of ((fifty)) 50((3)) feet; provided, that, if a rate charged for any time period is higher than the rate usually charged for that time period the higher rate shall be designated on a sign in letters and numbers not less than ((one and one-third (1/3))) 1.33 times the size of the largest letter or numeral indicating the rate usually charged, and the sign shall clearly indicate that a special rate is being charged.
3. Signs indicating more than one ((1)) rate and time interval shall contain figures for each rate and time interval; rates shall be listed with the shortest time interval on the top and the all-day rate on the bottom.
4. Signs shall indicate any hours when the public garage or parking lot is not open for public parking and shall specify the night parking rate or weekend parking rate when such rate(s) differ from regularly posted rates.
5. Signs shall indicate specific hours when a night rate is applicable and/or specific days and hours when a weekend rate is applicable.
6. If any rate other than an all-day rate is to be charged, the maximum rate for all-day parking must be posted.
7. All numbers and letters on such signs shall be of a contrasting color to the background thereon.
8. The bottom line of rate information shall be at least ((six)) 6((3)) feet above the sidewalk level; provided that it may be lower if rate information cannot be obstructed at any time.

B. As to indoor parking facilities, such signs shall not be required to be erected and

Section 205. Subsection 6.20.030.A of the Seattle Municipal Code, as last amended by Ordinance 120668, is further amended as follows:

**6.20.030 Application; Coordination; Records.**

A. Application. A promoter or organizer of a trade show shall apply to the Director of Finance and Administrative Services for a trade show license at least one ~~((11))~~ day before the trade show opens. The application shall identify the trade show, its location and dates, and contain or be supplemented by a listing of the name, address, and business telephone number of each participant, and identify any "used goods dealer" as defined in ~~sub((S))~~ section 6.288.010 ~~((-))~~. H. A participant must be listed in order to be eligible for the exclusion in ~~((Sections))~~ 6.20.050 and 5.55.030 ~~((-))~~ D, and identified as a "used goods dealer" for registration under ~~sub((S))~~ section 6.20.050 ~~((-))~~ C.

Section 206. Section 6.36.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.36.020 Massage premises, public bathhouse, and reducing salon licenses.**

It is unlawful to conduct, manage, operate, or work in any massage premises, public bathhouse, or reducing salon unless such establishment is licensed as provided in this section.

A. Original application for such licenses shall be made and original licenses issued in the manner provided in Sections 6.02.190 and 6.02.210 of this subtitle. All applications for renewal shall be filed with the Director on forms furnished by him/her for such purpose and he/she shall refer the same to the Chief of Police who shall within five ~~((5))~~ days furnish a written report to the Director containing the result of his/her investigation and any other matters which might aid the Director of Finance and Administrative Services ~~((Executive Administration))~~ in determining whether or not to issue the license.

B. The fee for a reducing salon or public bathhouse license is ~~((Three Hundred Forty Dollars (-)))~~ \$340 ~~((-00))~~ per year; the fee for a massage premises license is ~~((Ninety Dollars (-)))~~ \$90 ~~((-00))~~ per year.

C. No such license shall be granted for any massage premises, public bathhouse or reducing salon until inspection and report as to the sanitary condition thereof by the Director of Health to the Director of Finance and Administrative Services ~~((Executive Administration))~~. Massage premises, public bathhouses, and reducing salons must be similarly inspected at least once a year when renewal of a license is requested, and must at all times be open to inspections by the City as to sanitary conditions and to enforce compliance with the provisions of this chapter.

D. It is unlawful for the owner, proprietor, manager, or such person in charge of any public bathhouse or reducing salon to employ in such place any person who is not at least ~~((eighteen (-)))~~ 18 ~~((3))~~ years of age and of good moral character.

E. It is unlawful for the owner, proprietor, manager, or such person in charge of any massage premises to employ in such place any person who is not at least ~~((eighteen (-)))~~ 18 ~~((3))~~ years of age.

F. It is unlawful to advertise the giving of massages or public baths by an establishment, massage practitioner or other person not licensed pursuant to this subtitle.

G. A record of all massage treatments showing the date given, the name and address of the recipient, and the name and address of the massage practitioner shall be kept and be open to inspection by the Police Department, ~~((and License))~~ Finance and Administrative Services, and

the license.

**Section 209. Section 6.38.040 of the Seattle Municipal Code as last amended by**

Ordinance 120794 is amended as follows:

**6.38.040 Surety bond.**

Every applicant for a merchants patrol agency license shall at the time of application furnish to the Director of Finance and Administrative Services ~~((Executive Administration))~~ for filing with the City Clerk, a surety company bond running to the City, in a penal sum of ~~((Two Thousand Dollars (-)))~~ \$2,000 ~~((-00))~~ conditioned that the licensee will faithfully comply with all the requirements of this title, insofar as they relate to the business of merchant patrolman or merchants patrol agency.

Section 210. Section 6.42.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.42.010 Panoram location license.**

It is unlawful to display, exhibit, expose or maintain upon any premises, any manually, mechanically, magnetically, electrically, or electronically operated device commonly known as a "panoram" or "peepshow," which exhibits, displays, projects or illuminates photographed, videotaped or magnetically reproduced images, or exposes live entertainment to the viewer while the viewer is in a booth or stall, without a license to do so, to be designated a "panoram location license"; provided that no license is required if all such devices are contained in a single common area and are not separated by partitions, screens, booths or any other physical barrier or obstruction; provided, further, that no license is required if no fee, membership fee, deposit, purchase or other charge is paid for using or viewing the panoram or peepshow or for entering or remaining upon the premises. Each place of business shall have a separate license and the same shall at all times be conspicuously posted and maintained therein. The Director of Finance and Administrative Services ~~((Executive Administration))~~ shall prescribe the form of such license, number the same and shall indicate thereon the number of such devices to be operated thereunder, and the location.

Section 211. Section 6.42.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.42.020 Panoram device license.**

It is unlawful to own and exhibit or display for use, or to place by lease or otherwise for use, exhibit or display with another, any device described in Section 6.42.010 without a license to be designated a "panoram device license" for each device. Panoram device licenses shall be issued for devices at specific locations only and shall not be transferable. The Director of Finance and Administrative Services ~~((Executive Administration))~~ shall prescribe the form of such licenses and number the same. Panoram device licenses shall be securely attached to each such device in a conspicuous place.

Section 212. Section 6.42.050 of the Seattle Municipal Code as last amended by Ordinance 117169 is amended as follows:

**6.42.050 Inspection of panoram premises.**

A. Applicants for any license authorized to be issued under this chapter shall allow the premises and devices sought to be licensed to be inspected in accordance with subsection B of this section by authorized inspectors from the Fire and Police Departments, Seattle-King County

B. As to indoor parking facilities, such signs shall not be required to be erected and maintained at or near each entrance thereof and may alternatively be erected and maintained inside each entrance if:

1. Such signs are clearly readable and visible from a point within the indoor parking facility and from which point a motor vehicle can immediately and conveniently exit;
2. Such signs conform to the standards set forth in paragraphs 1 through 7 of subsection A, and in addition contain a statement indicating the immediate exit to be taken by a driver desiring to leave after reading the sign; and
3. No charge is demanded or collected for any motor vehicle which immediately exits following the reading of such a sign.

C. As to accessory parking facilities, such signs shall not be required to be maintained at or near the entrances thereof and may alternatively be erected and maintained within or immediately adjacent to each area in which motor vehicles are parked, stored or kept if:

1. Each such sign is clearly readable and visible from all points within each such area; and
2. Each such sign conforms to the standards set forth in paragraphs 1 through 8 of subsection A.

D. It is unlawful for any person to demand or collect any charge for the parking, keeping or storing of any motor vehicle in a public garage or parking lot in excess of the rates posted; provided, however, that the provisions of this section pertaining to the posting of parking rates shall not apply to rates which are determined by weekly, monthly, or longer periods of time, or to rates determined by written contract.

E. It is unlawful to demand or collect any charge for the parking, keeping or storing of any motor vehicle in a public garage or parking lot unless there is posted and maintained upon the premises of the public garage or parking lot at or near each place of payment, a public notice approved by the Director of Finance and Administrative Services ~~((Executive Administration))~~. Such notice shall contain the following public convenience information:

1. The name and phone number of the licensee and the street address of the garage or lot;
2. Parking rates posted in the same order as listed on the parking sign;
3. The appropriate locations for making payment;
4. The name, address, and telephone number of the person, firm or agent authorized to impound in place or remove vehicles from the garage or lot; and
5. Any other information pertinent to the operation of the public garage or parking lot as specified by administrative regulations promulgated by the Director of Finance and Administrative Services ~~((Executive Administration))~~.

Section 214. Section 6.48.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.48.050 Immobilization of vehicle for delinquent parking fee.**

A. It is unlawful for anyone to remove or cause to be removed any part from a motor vehicle to immobilize such motor vehicle in order to secure payment for a delinquent parking fee or charge, and it is unlawful to restrict the movement of or immobilize any motor vehicle parked or stored in a public garage or parking lot in any manner except as provided in this section.

B. For enforcement of a storage lien for parking, keeping or storing such motor vehicle, any licensee, or an employee, agent or contractor of such licensee may immobilize such motor

vehicle only by the attachment of such external device or devices, approved by the Director of Finance and Administrative Services (~~Executive Administration~~) for such purpose, as may be necessary to prevent removal of such vehicle and only if:

1. The person so immobilizing the vehicle shall affix conspicuously to the vehicle a written notice stating the name and address of the person or firm who immobilized the vehicle and the address and telephone number of a person authorized and available to release the vehicle; and
2. The person immobilizing the vehicle, or an agent, employee, or contractor authorized to release the vehicle is accessible at all times at the address and telephone number indicated on the notice; or
3. The licensee or an agent, employee, or contractor of such licensee is on the premises authorized and able to release the vehicle within one ~~((+))~~ hour after the vehicle's owner, operator, or person entitled to its possession shall request its release; and
4. The vehicle is released immediately after tender of payment of posted parking charges due and unpaid at the time of the request for release together with the posted impound fee.

Section 215. Section 6.48.080 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.48.080 Revocation, suspension or refusal to issue license.**

In addition to such other grounds as may be provided in this subtitle for refusal to issue, revocation or suspension of the license required by Section 6.28.020, the Director of Finance and Administrative Services (~~Executive Administration~~) may refuse to issue, or may revoke or suspend such license upon a finding that a licensee has by fraud or misrepresentation, violated any provision of this chapter or any other law, ordinance, rule or regulation.

Section 216. Section 6.102.020 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.102.020 License required -- Posting.**

It is unlawful to operate a tattoo shop or establishment without a tattoo shop license. Applications for such license shall be made to the Director of Finance and Administrative Services (~~Executive Administration~~) accompanied by the required fee, and shall be referred to the Chief of Police and the Director of Public Health and shall be returned to the Director within ten ~~((10))~~ days with their report and recommendation. No tattoo shop license shall be issued by the Director except on recommendation of such officers. The tattoo shop license shall at all times be posted in a conspicuous place in the licensed shop.

Section 217. Section 6.102.070 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

## SECTION B

~~((twenty-five (5)25-((+)))~~ percent or more of the stock, assets, or other equity in the corporation;

- d. If a marital community, both spouses;
- e. If a joint venture, any person who is a coventurer;
- f. If a trust, any trustee and, if organized pursuant to RCW Chapter 23.90, as now or hereafter amended, any person who controls or has the right to control ~~((twenty-five (5)25-((+)))~~ percent or more of the certificates of the trust;
- g. If any other entity, however organized, any person who holds a legal or equitable interest in the entity.

11. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

B. Unless the context clearly indicates otherwise, the singular includes the plural, and the plural includes the singular.

Section 220. Section 6.202.460 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.202.460 Liability insurance.**

A. In those instances where the new license code requires that the applicant for the license shall provide insurance as a condition of receiving a license the purpose of the requirement is to insure that members of the public and the City will be compensated for losses caused by personal injury or property damage resulting from the tortious acts of the licensee or its agents or employees.

B. Whenever the issuance of a license is conditioned upon an applicant's obtaining liability insurance, each insurance policy:

1. Shall be issued by a company authorized to do business as an insurer in the state pursuant to the provisions of RCW Title 48 as now or hereafter amended; and
2. Shall contain the following recital:  
"Should any of the above described policies be canceled before the expiration date thereof, the issuing company will mail ~~((twenty (2)20((+)))~~ days' prior written notice to the Director of Finance and Administrative Services (~~Executive Administration~~). The policies shall remain in effect during this ~~((twenty (2)20((+)))~~ day cancellation period."
3. Shall name The City of Seattle as an additional insured;
4. May be approved as to sufficiency and form by the City Attorney at the request of the Director; and
5. Shall be furnished to the Director for filing with the City Clerk.

Section 221. Section 6.222.010 of the Seattle Municipal Code as last amended by

operation of an adult entertainment premises.

F. "Entertainer" means any person who provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment.

G. "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance.

H. "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises.

I. "Natural person" means any individual.

J. "Operator" means any person operating, conducting or maintaining an adult entertainment business.

K. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

L. "Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

M. "Reckless" or "recklessly" means a person knows of and disregards a substantial risk that a wrongful act may occur and his or her disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.

Section 223. Section 6.270.040 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.270.040 Adult entertainment premises license.**

A. It is unlawful for any person to operate or maintain an adult entertainment premises in The City of Seattle unless the owner, operator or lessee thereof has obtained from the Director of Finance and Administrative Services (~~Executive Administration~~) a license to do so, to be designated an "adult entertainment premises license."

B. It is unlawful for any entertainer, employee or manager to knowingly work in or about or to knowingly perform any service or entertainment directly related to the operation of, an unlicensed adult entertainment premises.

Section 224. Section 6.270.050 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.270.050 License for managers and entertainers.**

Commencing December 5, 1988, it shall be unlawful for any person to work as an entertainer or manager at an adult entertainment premises without having first obtained from the Director of Finance and Administrative Services (~~Executive Administration~~) a license to do so, to be designated as an "adult entertainer's license," or an "adult entertainment manager's license," respectively.

any tattooing operation starts, the patron shall be required personally to enter on a record form provided for such shop the date, his or her name, age, serial number if he or she is in the military ((a-serviceman)), and his or her signature. Such records shall at all times be maintained in the tattoo shop and shall be open at all reasonable times to examination by the Chief of Police and Director of Public Health or the Director of Finance and Administrative Services ((Executive Administration)). The tattoo operator shall issue a receipt to each patron containing the name and address of the tattoo shop, and the signature of the operator. When the shop is closed by going out of business or by license revocation all such records shall be turned over to the Director of Public Health.

Section 218. Section 6.102.090 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.102.090 Revocation or suspension of license.**

The Director of Finance and Administrative Services ((Executive Administration)) may revoke or suspend for a specified period any license issued under this chapter for violation of any provision thereof; and shall do so upon recommendation of the Director of Public Health for such reason.

Section 219. Section 6.202.060 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.202.060 Definitions.**

A. Except as specified otherwise in the new license code, the following definitions apply:

1. "Administrative Code" means the Administrative Code of the City (Ordinance 102228)<sup>1</sup> as now or hereafter amended, or its successor ordinance.
2. "Chief of Police" means the Chief of Police of City of Seattle, or his or her designated representative.
3. "City" means The City of Seattle.
4. "Conviction" means any final judgment of guilty in any court, the imposition of a fine, a plea of guilty or nolo contendere, or a finding or verdict of guilty, regardless whether imposition of sentence is deferred or the penalty is suspended. Any conviction which has been expunged pursuant to the Revised Code of Washington, (RCW) 9.92.066, as now or hereafter amended, or RCW 9.95.240, as now or hereafter amended, is not considered a conviction.
5. "Criminal Code" means the Seattle Criminal Code (Ordinance 102843),<sup>2</sup> ((2)) as now or hereafter amended, or its successor ordinance.
6. "Department" means the Director of Finance and Administrative Services ((Executive Administration)) of the City.
7. "Director" means the Director of Finance and Administrative Services ((Executive Administration)) of the City or his/her designated representative.
8. "Hearing Examiner" means the Hearing Examiner of the City or his/her designated representative.
9. "License" means a valid permit required by the new license code in order to engage in a business or occupational activity in the City.
10. "Owner" means:
  - a. If a sole proprietorship, the proprietor;
  - b. If a partnership, a general or limited partner;

For the purposes of this chapter:

A. "Customer" means any prospective tenant contracting with a rental agency for the performance of such agency's services.

B. "Department" means the Department of Finance and Administrative Services ((Executive Administration)) of the City.

C. "Director" means the Director of Finance and Administrative Services ((Executive Administration)) of the City or any authorized representative of the Director.

D. "Housing accommodation" or "accommodations" includes any dwelling or dwelling unit, rooming unit, rooming house, lot or parcel of land which is used, intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one ((1)) or more human beings.

E. "Landlord" means the owner of a housing accommodation or other persons authorized or empowered to rent such housing accommodation to others.

F. "Rental agency" means any individual, partnership, firm, corporation, company, society, association, or other group or organization whether organized for profit or nonprofit, who for compensation from the prospective tenant, collects, offers, and/or distributes information as to housing accommodations, without substantially participating as an intermediary in negotiation of rents, terms, conditions, or other provisions of individual leases or rental agreements or entering into rental agreements on behalf of or representing the prospective tenant.

Section 222. Section 6.270.030 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**6.270.030 Definitions.**

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions are adopted:

A. "Adult entertainment" means any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who:

1. Is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals; or
2. Touches, caresses or fondles the breasts, buttocks, anus, genitals or pubic region of another person, or permits the touching, caressing or fondling of his/her own breasts, buttocks, anus, genitals or pubic region by another person, with the intent to sexually arouse or excite another person.

B. "Adult entertainment premises" means any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member; but does not include that portion of an establishment licensed or required to be licensed as a "panoram" or "peepshow" under the provisions of ((Seattle Municipal Code)) Chapter 6.42.

C. "Department" means the Department of Finance and Administrative Services ((Executive Administration)) of The City of Seattle.

D. "Director" means the Director of Finance and Administrative Services ((Executive Administration)) of The City of Seattle and shall include his or her authorized representatives.

E. "Employee" means any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to, the operation of an adult entertainment premises.

F. "Entertainer" means any person who provides adult entertainment within an adult

Section 225. Section 6.270.070 of the Seattle Municipal Code as last amended by

Ordinance 120794 is amended as follows:

**6.270.070 License applications.**

A. Adult Entertainment Premises License. All applications for an adult entertainment premises license shall be submitted in the name of the person proposing to conduct such adult entertainment on the premises and shall be signed by such person and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the Director of Finance and Administrative Services ((Executive Administration)), and shall require the following information:

1. The name, residence address, home telephone number, date and place of birth, and social security number of the applicant;
2. The business name, address and telephone number of the establishment;
3. The names, residence addresses, residence telephone numbers, social security numbers and dates of births of any partners, corporate officers and directors;
4. Such information as the Director, by rule, may require concerning the identity of corporate shareholders;
5. Addresses of the applicant for the five ((5)) years immediately prior to the date of application;
6. A description of the adult entertainment or similar business history of the applicant; whether such person or entity, in previously operating in this or another city, county or state, has had a business license revoked or suspended, the reason therefor, and the activity or occupation subjected to such action, suspension or revocation;
7. A description of the business, occupation, or employment of the applicant for the three ((3)) years immediately preceding the date of application;
8. Such license shall include the name of at least one ((1)) natural person whose name and mailing address, which shall be an address located within the State of Washington, shall appear on the adult entertainment premises license and who shall receive notices from the Department.
9. A failure to provide information required by this subsection will constitute an incomplete application and will not be processed.

B. Manager's or Entertainer's License. All applications for an adult entertainment manager's license or adult entertainer's license shall be signed by the applicant and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the Director, and shall require the following information:

1. The applicant's name, home address, home telephone number, date and place of birth, social security number, and any stage names or nicknames used in entertaining;
2. The name and address of each business at which the applicant intends to work as a manager or entertainer;
3. The applicant shall present documentation that he or she has attained the age of ((eighteen-))18(( )) years. Any of the following shall be accepted as documentation of age:
  - a. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth,
  - b. A state-issued identification card bearing the applicant's photograph and

- c. An official passport issued by the United States of America,
  - d. An immigration card issued by the United States of America,
  - e. Any other picture identification bearing the applicant's photograph and date of birth issued by a governmental agency, or
  - f. Such other form of identification as the Director deems, by rule, to be acceptable;
4. Failure to provide information required by this subsection will constitute an incomplete application and will not be processed.

Section 226. Section 6.295.040 of the Seattle Municipal Code, last amended by Ordinance 120889 is amended as follows:

**6.295.040 Definitions.**

For purposes of this chapter, the following definitions shall apply:

- A. "All-ages dance" means any public dance at (1) which persons under age ~~((eighteen (18)))~~ years are allowed or permitted to attend or (2) at which each patron is not required to show valid picture identification, showing that patron's date of birth, as a condition of entry.
- B. "All-ages dance venue" means any place or premises where an all-ages dance is conducted or operated, including but not limited to all hallways, bathrooms and other adjoining areas or the premises accessible to the public during the dance.
- C. A "concert" is any event at which live music is played or sung, and at which the primary purpose of the person conducting or operating the event is for patrons to view a musical performance.
- D. A "dance" is any event at which the primary purpose of the person conducting or operating the event is for patrons to dance as that term is commonly defined. However, a "dance" shall not be defined to include an event that is a "concert" as that term is defined by this chapter.
- E. "Department" means the Department of Finance and Administrative Services ~~((Executive Administration))~~ of The City of Seattle.
- F. "Director" means the Director of ~~((the Department of))~~ Finance and Administrative Services ~~((Executive Administration))~~ of The City of Seattle, or his or her designated representative.
- G. "Knowingly" shall have the definition set forth in Seattle Municipal Code Section 12A.04.030.B.
- H. "On-site manager" is the person present at an all-ages dance or all-ages dance venue who is responsible for the direct operation and oversight of the dance or venue and supervision of other employees or workers.
- I. "Person" includes any natural person and, in addition, a company, corporation, partnership, governmental entity non-profit group or unincorporated association.
- J. "Public dance" means any dance that is readily accessible to the public.

Section 227. Section 6.310.110 of the Seattle Municipal Code, last amended by Ordinance 122763 is amended as follows:

RCW;

7. Vehicles used to provide courtesy transportation at no charge to and from parking lots, hotels, and rental offices; and

8. Vehicles licensed under, and used to provide "charter party carrier" and "excursion service carrier" services as defined in, and required by, Chapter 81.70 RCW.

L. "Handicapped person" means any person who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to use mass transportation facilities and services as efficiently as persons who are not so affected. Handicapped persons include ambulatory persons whose capacities are hindered by sensory disabilities such as blindness or deafness, such mental disabilities as mental retardation or emotional illness, and physical disabilities that still permit the person to walk comfortably, or a combination of these disabilities. It also includes a semiambulatory person who requires such special aids to travel as canes, crutches, walkers, respirators, or human assistance, and a nonambulatory person who must use wheelchairs or wheelchair-like equipment to travel.

M. "Knowingly permit" means (1) to know of an action or condition that violates this chapter or any regulation promulgated pursuant to this chapter, and (2) to fail to take reasonable steps to cure the violation and to prevent future violations. There is a rebuttable presumption that a person knows a fact, action or condition of which a reasonable person in the same position would have knowledge.

N. "Lease driver" means a for-hire driver who is an independent contractor/sole proprietor who has leased a taxicab or for-hire vehicle from a taxicab or for-hire vehicle licensee or taxicab association.

O. "Lender" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business and accept deposits in this state under state or federal law and includes a Community Development Financial Institution qualified and approved by the Director to provide loans to licensees under ~~((SMC))~~Section 6.310.380.

P. "Lessor" means a licensee of a taxicab or for-hire vehicle who leases to a lease driver.

Q. "Licensee" means any person or entity licensed under this chapter, including for-hire drivers, taxicab or for-hire vehicle owners, and taxicab associations.

R. "Motor vehicle" means every motorized vehicle by or upon which any person may be transported or carried upon a public street, highway or alley; provided, that vehicles used exclusively upon stationary rail tracks or propelled by use of overhead electric wires are not considered motor vehicles for purposes of this chapter.

S. "Operating in The City of Seattle" means owning, leasing, advertising, driving, occupying and/or otherwise using a taxicab or for-hire vehicle that at any time transports any passenger or item for compensation from a point within the geographical confines of The City of Seattle. The vehicle is considered to be operating during the administering of inspections at the City's inspection facility. The term does not include being in control of a vehicle that is physically inoperable. A taxicab association is "operating in The City of Seattle" if it represents

definitions apply:

- A. "City" means The City of Seattle.
- B. "Conviction" or "convicted" means a final judgment of guilty in any court; the imposition of a fine; a plea of guilty or nolo contendere in any court; or a finding or verdict of guilty, regardless whether imposition of a sentence is deferred or the penalty is suspended. Any conviction which has been expunged pursuant to the Revised Code of Washington (RCW) 9.92.066, as now or hereafter amended, or RCW 9.95.240, as now or hereafter amended, is not considered a conviction.
- C. "Department" means the Department of Finance and Administrative Services ~~((Executive Administration))~~ of The City of Seattle, or any department that succeeds to the Department of Finance and Administrative Services ~~((Executive Administration))~~ duties under this chapter.
- D. "Director" means the ~~((d))~~Director of ~~((the Department of))~~ Finance and Administrative Services ~~((Executive Administration))~~ or any successor department or the ~~((d))~~Director's authorized designee.
- E. "Equine diaper" means a bag or receptacle used to contain fecal droppings and placed in the area of the rear of the horse in such a manner that it will contain all fecal droppings deposited from the horse.
- F. "For-hire" means, for the purposes of this chapter, the operation or use of a horse-drawn carriage for compensation.
- G. "Horse" or "carriage horse" means an animal of the genus/species equus caballus and equus asinus, which includes horses, mules and donkeys.
- H. "Horse-drawn carriage" or "carriage" means a vehicle intended to be drawn by a horse and in which any person may be transported or carried.
- I. "Horse-drawn carriage driver" or "driver" means a person operating or driving a horse-drawn carriage for hire.
- J. "Licensee" means a person who has a license issued pursuant to this chapter, whether or not the license is subsequently suspended or revoked.
- K. "Operate" means to advertise or hold oneself out for business, drive, use, manage, or occupy a horse-drawn carriage that at any time transports any passenger or property for compensation within the city limits of The City of Seattle.
- L. "Person" means a natural person, partnership, corporation or other legal entity.
- M. "Vehicle" for the purposes of this chapter, means a device with at least two wheels, designed and intended to be drawn by a horse, and in or by which any person or property may be transported.
- N. "Veterinarian" means a practicing veterinarian licensed by The State of Washington.

Section 229. Section 7.04.130 of the Seattle Municipal Code, last amended by Ordinance 122845, is amended as follows:

**7.04.130 Director of Finance and Administrative Services ~~((Executive Administration))~~ designated as City Sealer.**

definitions apply:

A. "Affected licensee" means any licensee that may incur some penalty as a result of a violation. For example, if a for-hire driver of a taxicab commits a violation, the for-hire driver, the taxicab owner, and the taxicab association with which that taxicab is associated are all affected licensees.

B. "Affiliated taxicab" means a taxicab licensed to operate within a particular taxicab association.

C. "Approved mechanic" means a mechanic on a list maintained by the Director. The list shall contain the name of each mechanic that has applied to the Director for inclusion and who (1) has met all requirements of the National Institute for Automotive Service Excellence, (2) has been awarded a Certificate in Evidence of Competence satisfactory to the Director, (3) does not own, lease or drive a taxicab or for-hire vehicle, and (4) has no financial interest, including any employment interest, in any taxicab association, taxicab or for-hire vehicle or in any company that owns or leases taxicabs or for-hire vehicles.

D. "Certificate of Safety" means a document from an approved mechanic certifying that a particular vehicle meets all vehicle safety standards set forth in this chapter and in regulations adopted pursuant to this chapter.

E. "Committed a violation" means that a licensee has been issued a Notice of Violation and either has not contested the violation or did contest the violation but lost.

F. "Community Development Financial Institution" means a non-profit loan fund certified by the Community Development Financial Institution Fund of the U.S. Department of the Treasury, that serves economically distressed communities and underserved populations by providing credit, capital and financial services that are normally unavailable from traditional financial institutions.

G. "Contract rate" means the rate specified in a written contract signed by both parties before the dispatch of a taxicab or for-hire vehicle for the services identified in the contract. Contracts for package delivery may be made on an oral basis.

H. "Department" means the Department of Finance and Administrative Services (~~Executive Administration~~) of The City of Seattle, or any department that succeeds to the Department's duties under this chapter.

I. "Director" means the Director of Finance and Administrative Services (~~Executive Administration~~) or the director of any successor department and the Director's authorized designee.

J. "For-hire driver" means any person in physical control of a taxicab or for-hire vehicle, who is required to be licensed under this chapter. The term includes a lease driver, owner/operator, or employee who drives taxicabs or for-hire vehicles.

K. "For-hire vehicle" means any motor vehicle used for the transportation of passengers for compensation, except:

1. Taxicabs as defined in this chapter;
2. School buses operating exclusively under a contract to a school district;
3. Ride-sharing vehicles under Chapter 46.74 RCW;
4. Limousine carriers licensed under Chapter 81.90 RCW;
5. Vehicles used by nonprofit transportation providers solely for elderly or handicapped persons and their attendants under Chapter 81.66 RCW;
6. Vehicles used by auto transportation companies licensed under Chapter 81.68

vehicle has most recently been recorded with the state Department of Motor Vehicles.

U. "Senior Citizen" means any person over the age of ~~(sixty-)~~60(0) with a valid identification confirming that person's age.

V. "Special rate" means discounted rates for senior citizens and handicapped persons.

W. "Taxicab" means every motor vehicle:

1. That is held out to the public as providing transportation to passengers or articles for hire;
2. Where the route traveled or destination is controlled by the customer;
3. That carries signs or indicia of a taxicab, including the words "taxi," "taxicab," or "cab"; and
4. Where the fare is based on an amount recorded and indicated on a taximeter, or by a special contract rate permitted under this chapter. Despite the foregoing, "taxicab" does not include those vehicles listed in ~~((SMC-))~~Section 6.310.110 J2-J8 or for-hire vehicles.

X. "Taxicab association" means a person or organization licensed under this chapter that represents or owns at least ~~((fifteen-))~~15(0) taxicabs licensed by the City that use the same color scheme, trade name, and dispatch services. An individual person may be a taxicab association as long as that individual owns or represents at least ~~((fifteen-))~~15(0) taxicabs and otherwise meets the requirements of this chapter; provided, that for taxicab associations formed in connection with the wheelchair accessible taxicab demonstration project provided for under this chapter, the Director may waive the requirement for such taxicab associations to have ~~((fifteen-))~~15(0) licensed taxicabs and any taxicab association license fee for the duration of the demonstration project.

Y. "Taxicab association representative" means the person or persons that a taxicab association has authorized to:

1. File applications, special contract rates and charges on behalf of the taxicab association and individual owners in the taxicab association; and
2. Receive and accept all correspondence and notices from the City pertaining to the taxicab association, or to the taxicabs, taxicab owners and/or for-hire drivers operating within the taxicab association; and
3. Forward any correspondence, notices and/or legal process received by the association and intended for a taxicab owner and/or taxicab driver operating within the taxicab association.

Z. "Taximeter" means any instrument or device by which the charge for hire of a passenger carrying vehicle is measured or calculated either for the distance traveled by such vehicle or for waiting time, or for both, and upon which such calculated charges shall be indicated by means of figures.

AA. "Wheelchair accessible taxicab" means a taxicab designed or modified to transport passengers in wheelchairs or other mobility devices and conforming to the requirements of the Americans with Disabilities Act (ADA), and inspected and approved by the Director.

Section 228. Section 6.315.020 of the Seattle Municipal Code, last amended by Ordinance 120794 is amended as follows:

#### 6.315.020 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following

clerical personnel, as the City Council may from time to time authorize who shall be appointed by the Director ~~((of Executive Administration))~~ subject to Civil Service laws and regulations.

Section 230. Section 7.04.570 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

#### 7.04.570 Weighmaster license -- Application, issuance and fee.

Any person, firm or corporation possessing a scale that complies with the specifications, tolerances, and other technical requirements for weighing devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44, may make application to the City Sealer ~~((Director of Executive Administration))~~ to be appointed a Licensed City Weighmaster. If the scale is approved by the City Sealer, he or she may in his or her discretion so appoint the applicant and shall issue a City Weighmaster license in accordance with such appointment. The annual fee for such license shall be ~~((Forty Dollars-))~~\$40(00) which shall accompany the application, and all such licenses shall expire at midnight April 30th of each year, but may be renewed from year to year by the City Sealer upon payment of the annual fee. If the original application for a City Weighmaster's license and/or a City Weigher's license is made within six ~~((6-))~~months of the date fixed for expiration of the annual license, the fee shall be ~~((one-half-))~~1/2) the annual fee.

Section 231. Section 7.04.645 of the Seattle Municipal Code, last amended by Ordinance 122845, is amended as follows:

#### 7.04.645 Registration -- Fees.

A. Except as provided in subsection F of this section, no weighing or measuring instrument or device, or electronic price scanning system, may be used for commercial purposes in the city unless its commercial use is registered annually with ~~((The City of Seattle))~~ Department of Finance and Administrative Services (~~Executive Administration~~).

B. The annual registration with ~~((The City of Seattle))~~ Department of Finance and Administrative Services (~~Executive Administration~~) for weighing or measuring instruments or devices is accomplished as part of the State of Washington master license system under RCW Chapter 19.02. Payment of an annual registration fee for a weighing or measuring instrument or device under the State of Washington master license system constitutes the registration required by this section. The annual registration with ~~((The City of Seattle))~~ Department of Finance and Administrative Services (~~Executive Administration~~) for electronic price scanning systems is, accomplished as part of ~~((The City of Seattle))~~ the annual business license requirement under ~~((Seattle Municipal Code))~~ Section 5.55.030. Payment of the registration fee with the annual business license application or renewal constitutes the registration required by this section.

C. The following annual City registration fees must be paid for each weighing or measuring instrument or device used for commercial purposes in The City of Seattle:

#### 1. Weighing devices:

- a. Small scales "zero to ~~((four hundred-))~~400(0) pounds capacity" ....\$10(00)
- b. Intermediate scales "~~((four hundred one-))~~401(0) pounds to ~~((five thousand-))~~5,000(0) pounds capacity" ....\$40(00)
- c. Large scales "over ~~((five thousand-))~~5,000(0) pounds capacity" ....\$75(00)

SECTION B

d. Railroad track scales...\$800((-00))

2. Liquid fuel metering devices:

- a. Motor fuel meters with flows of ~~((twenty-))~~20((0)) gallons or less per minute...\$10((-00))
- b. Motor fuel meters with flows of more than ~~((twenty-))~~20((0)) but not more than ~~((one-hundred-fifty-))~~150((0)) gallons per minute...\$32((-00))
- c. Motor fuel meters with flows over ~~((one-hundred-fifty-))~~150((0)) gallons per minute...\$50((-00))

3. Liquid petroleum gas meters:

- a. With ~~((one-))~~1-~~((-))~~inch diameter or smaller dispensers...\$25((-00))
- b. With greater than ~~((one-))~~1-~~((-))~~inch diameter dispensers...\$50((-00))

4. Fabric meters...\$10((-00))

5. Cordage meters...\$10((-00))

6. Mass flow meters...\$200((-00))

7. Taxi meters...\$25((-00))

D. The following annual City registration fees must be paid for each electronic price scanning system used for commercial purposes in The City of Seattle:

- 1. Electronic price scanning systems with three ~~((3-))~~or fewer electronic pricing devices...\$150((-00))
- 2. Electronic price scanning systems with more than three ~~((3-))~~electronic price scanning devices...\$300((-00))

E. The fees established in subsection C for registering a weighing or measuring instrument or device shall be paid to the State of Washington Department of Licensing concurrently with a master application or with the annual renewal of a master license under RCW Chapter 19.02. The fees established for electronic pricing systems in subsection D shall be paid with The City of Seattle annual business license application or renewal.

F. A weighing or measuring instrument or device, or electronic price scanning system, shall be initially registered with ~~((The City of Seattle))~~ Department of Finance and Administrative Services~~((Executive Administration))~~ as follows: A weighing or measuring device is initially registered through The State of Washington Department of Licensing at the time the owner applies for a master license for a new business or at the first renewal of the license that occurs after the instrument or device is first placed into commercial use. An electronic price scanning system is initially registered through ~~((The City of Seattle))~~ Department of Finance and Administrative Services~~((Executive Administration))~~ when the owner applies for an initial business license or the first renewal of the business license after the instrument or device is first placed into commercial use.

G. The State of Washington Department of Licensing shall remit to The City of Seattle, through The State of Washington Department of Agriculture, all fees collected under this section less reasonable collection expenses.

H. With the exception of Section 7.04.650, no person shall be required to pay more than the fee adopted under this section for any weighing or measuring instrument or device, or electronic price scanning system, in one ~~((1-))~~year.

moorage site lessee; (2) list separately the name and floating home address of each such moorage site lessee; and (3) include a statement of the intention of each moorage site lessee to contest the proposed moorage fee increase. In determining whether at least half of those affected have petitioned only one signature per moorage site will be counted. The petition shall be filed within ~~((fifteen-))~~15((0)) days of receipt of written notification of the moorage fee increase. The person or persons filing a petition for review shall pay a filing fee of ~~((Twenty-five Dollars-))~~ \$25((-00)) per petitioner, with a maximum fee of ~~((Seventy-five Dollars-))~~ \$75((-00)), to the ~~((City))~~ Director of Finance and Administrative Services~~((Executive Administration))~~, which fee shall be refunded if no hearing is required. The Hearing Examiner may consolidate the petitions contesting moorage fee increases at the same moorage.

C. The Hearing Examiner's review shall to the extent possible be based upon written memoranda, sworn statements, and affidavits submitted by the parties. The moorage owner shall, as soon after the filing of the petition as practicable, file with the Hearing Examiner and serve upon the petitioning floating home moorage site lessees or their representative, a memorandum and any necessary affidavits or sworn statements in support of the proposed increase. The floating home moorage site lessees shall submit a responsive memorandum and affidavits within ~~((fifteen-))~~15((0)) days of receipt of the moorage owners' submission. The Hearing Examiner shall review the memoranda, affidavits, and sworn statements and advise the parties in writing of: (1) the legal and factual issues to be resolved; (2) the time and place for the hearing; and (3) the length of time that each party will have to present his or her case. In connection with such review the Hearing Examiner may require any party to the proceedings to provide any information needed to determine whether the demanded moorage fee increase is reasonable. Either party's failure to provide information requested by the Hearing Examiner may, at the Hearing Examiner's discretion, result in a finding or findings against the party refusing to provide the information as regards facts that could be proved or disproved by the requested information.

D. 1. The Hearing Examiner shall find whether that portion of the proposed moorage fee increase which is in excess of that permitted in Section 7.20.090, or an increase in a lesser amount, or no increase in excess of that permitted in Section 7.20.090, is necessary to assure a fair and reasonable return to the moorage owner and shall order such increase as is found necessary to assure a fair and reasonable return. In making the determination, the Hearing Examiner, in addition to any other factors deemed relevant, shall consider the following factors: (a) the purchase or lease price of the moorage and the terms of any transaction relied upon to establish the cost basis for the moorage; (b) increases or decreases since the last moorage fee increase in the expenses of operation and maintenance of the floating home moorage; provided, that such expenses are for services, repairs, property maintenance, or any other expenses which are reasonable and necessary for the continued operation of a floating home moorage; (c) the reasonable costs of capital improvements since the last moorage fee increase to the floating home moorage property which benefit the floating home owners occupying moorage sites at the floating home moorage; (d) increases or decreases since the last moorage fee increase in necessary or desirable services furnished by the floating home moorage owner or operator, where such increased or decreased services affect the person or persons initiating the fee increase.

used to allocate utility services for common areas of the building, along with all other terms and conditions of the billing arrangement. If submetering is used, the notice required under section A.1 shall also include descriptions of the location of the submeter and of the access requirements, if any, required by the landlord for access to tenant units for submeter installation, reading, repair, maintenance, or inspections, including removal of the submeter for testing, consistent with the provisions of RCW 59.18.150 of the RLTA. An additional written notice must also be given at least 30 days prior to the due date of the next rental payment in order to implement a change in billing agents, apportionment methodology, fees, or other terms and conditions of the billing arrangement.

3. Posting of Information.

a. In addition to the written notification required by subsection A.2. above, any landlord employing billing practices shall post in a conspicuous public space in the interior of the building copies of the three most current utility bills for master metered or other unmetered utility services provided to the building as a whole that are included in the bill sent to the tenant, together with a written description of the methodology used to allocate each such utility service and a copy of this chapter.

b. Where such posting is physically impracticable due to the absence of a suitable conspicuous public space, a landlord may satisfy this posting requirement by hand-delivering or mailing to tenants a paper copy of the written notification required by subsection A.2, together with a written description of the methodology used to allocate each such utility service and a copy of this chapter. In lieu of posting the three most current utility bills for master metered or other unmetered utility services provided to the building as a whole that are included in the bill sent to the tenant, the landlord must make such utility bills available upon request within

~~((5))~~five business days and must inform tenants in the written notification required by subsection A.2 of the method by which they may request such utility bills.

c. Landlords shall keep bills for master metered or other unmetered utility services on file in the building for at least two years and shall make such bills available to tenants for inspection and copying upon request. Where it is physically impracticable to keep such bills on file due to the absence of a suitable office or other storage space, a landlord may store the bills in another location and must make such bills available within 5 business days of receiving a request from a tenant.

4. Limitations on Charges. The total of all charges for any utility service included in the bills sent to all units cumulatively shall not exceed the amount of the bill sent by the utility itself for the building as a whole, less any late charges, interest or other penalties owed by the landlord, with the

provided in subsection A is subject to a civil penalty of ~~((Fifty Dollars-\$))\$50((g))~~ per occurrence for each instrument or device, or system, used or permitted to be used.

Section 232. Section 7.04.650 of the Seattle Municipal Code as last amended by Ordinance 120181 is amended as follows:

**7.04.650 Request for service.**

A. "Special inspection service," as used in this Code, shall denote all inspection service made on the owner's request. Special inspection service fees are additional to the fees required under the annual registration. Special inspection service fees are to be paid directly to The City of Seattle Department of Finance and Administrative Services~~((Finance))~~.

B. The fees for special inspection service shall be as follows: ~~\$30((-40))~~ PER HOUR OF INSPECTOR TIME WITH A ONE ~~((+))~~HOUR MINIMUM.

All inspections will result in an invoice to the owner for each hour of inspection per inspector. The invoice shall reflect time spent per inspector, to include preparation and travel time to the site with any time spent past an hour billed to the next quarter hour. EXAMPLE: If two ~~((2))~~ inspectors took one ~~((+))~~hour and ~~((twenty-))20((g))~~ minutes to complete an inspection, the invoice would total ~~((Ninety Dollars-\$90))~~ (two ~~((2))~~inspectors at ~~((6))~~1.5 hours each).

Section 233. Section 7.08.010 of the Seattle Municipal Code as last amended by Ordinance 120794 is amended as follows:

**7.08.010 Purpose of chapter -- Enforcement.**

This entire chapter shall be deemed an exercise of the police power of the state and of the City for the protection of the public economic and social welfare, health, peace and morals, and all its provisions shall be liberally construed for the accomplishment of that purpose. It shall be the duty of the Director of Finance and Administrative Services~~((Executive Administration))~~ concurrently with the Chief of Police to enforce this chapter.

Section 234. Section 7.20.080 of the Seattle Municipal Code, last amended by Ordinance 121468, is amended as follows:

**7.20.080 Moorage fee increases -- Hearing.**

A. A moorage owner seeking a moorage fee increase shall give the floating home owners affected thereby a written notice, at least ~~((thirty-))30((g))~~ days before the increase will go into effect, stating the amount of the increase, financial computations demonstrating the need for the increase, and the effective date of the increase. If the proposed moorage fee increase is to be based, in whole or in part, on a cost basis established by a sale, lease or other transaction concerning the moorage property or facilities, then the notice shall include identification of the parties to the transaction, all material terms of the transaction and an explanation as to whether and how the transaction resulted in a genuine change in control of the property or facilities so as to justify the use of a new cost basis.

B. If at least ~~((one-half-))1/2((g))~~ of the floating home moorage site lessees in a floating home moorage, excluding the moorage owner and those who have an ownership interest in the moorage, who are subject to a moorage fee increase in the same percentage amount (plus or minus ~~((one percentage point-))one percent ((%))~~) believe that the demanded fee increase is unreasonable, they may collectively file a petition for review with the Hearing Examiner. The petition shall be in the form of a sworn statement which shall: (1) be signed by each petitioning

moorage owner or operator to perform ordinary repairs, replacement and maintenance of the floating home moorage property and improvements; (f) comparability with moorage fees charges for other floating home moorage sites in the City; and (g) a reasonable return on leased land.

2. Whenever the sale or lease price of a moorage or the terms of any transaction concerning the moorage are cited as a factor in demonstrating that a rent increase or any part thereof is necessary to assure a fair and reasonable return to the owner, the Examiner will allow sufficient time for discovery as appropriate under applicable Hearing Examiner Rules. The Hearing Examiner may rely on this factor as supporting a rent increase or any part thereof only if the moorage owner demonstrates at hearing that the sale or other transaction relied upon resulted in a genuine change in control of the moorage sufficient to justify a new cost basis for the moorage.

E. No contested moorage fee increase shall take effect until approved by the Hearing Examiner's written decision; provided that the moorage owner or operator may recover retroactively from the date of the notice of the increase, with interest at the prevailing rate for United States Treasury bills on the date of the decision, such increases as are found reasonable by the Hearing Examiner. It shall be unlawful for a moorage owner or operator to demand, charge, or collect any moorage fee in excess of the amount approved by the Hearing Examiner for a period of one ~~((+))~~year from the effective date of any permitted fee increase, unless the moorage owner can show either that extraordinary damage to the moorage occurring after the decision has necessitated cost increases which make it impossible to realize a reasonable return without a fee increase, or that the floating home owner has rented the floating home to another at a profit; provided, that moorage owners may increase fees in the amount of any increases in state lease or City license fees whenever such increases are incurred, and may increase fees for the purpose of recovering the costs of capital improvements authorized by Section 7.20.090, whenever such improvements are required. Any fee increase necessitated by extraordinary damage shall be subject to Hearing Examiner review whenever such review is requested by at least ~~((one-half-))1/2((g))~~ of the floating home moorage site lessees affected, any other provision in this chapter to the contrary notwithstanding.

Section 235. Section 7.25.040 of the Seattle Municipal Code, last amended by Ordinance 122213, is amended as follows:

**7.25.040 Billing requirements -- Submeter testing fee.**

A. Notwithstanding the prohibition against submetering electric service in Section 21.49.100~~((G))~~, a landlord may, itself or through a third party billing agent, bill tenants for master metered or other unmetered utility services, including electric service provided to tenants of multi-unit buildings, provided that the following requirements are met:

1. Notice. Billing practices may be adopted only upon advance written notice to a tenant as part of a new or renewed rental agreement. Tenants must receive such written notice at least 90 days before expiration of their rental agreements, or, in the case of month-to-month tenancies, at least 90 days before any such billing practices may become effective. Notwithstanding the foregoing two sentences, if billing practices are already in place at the time the ordinance codified in this chapter becomes effective, written notice must be given within 30 days of the effective date of the ordinance codified in this chapter.
2. Methodology. The notice required under section A.1 above must include a copy of this chapter and a detailed written disclosure of the methodology used by the billing agent to allocate the charges to each tenant, including the methodology

exceed a cumulative service charge of \$5 per month for all the utilities included in any bill.

b. Late payment charges of no more than \$5 per month plus interest at a rate not to exceed ~~((14%))~~ one percent per month, which late payment charge shall not accrue until at least 30 days after the tenant receives the bill.

c. Insufficient funds check charges for dishonored checks, not to exceed \$31 per dishonored check.

5. Licensing of Third Party Billing Agents. Any third party billing agent must be properly registered and licensed to do business in the State of Washington and City of Seattle and must be in compliance with all applicable Washington state and Seattle laws and regulations, and all applicable Washington and Seattle license identification numbers, if any, must be disclosed upon request.

6. Content of Bills. Each billing statement sent to a tenant by a billing entity must disclose all required information in a clear and conspicuous manner and at minimum must:

- a. Include the name, business address & telephone number of the billing entity;
- b. Identify and show the basis for each separate charge, including service charges and late charges, if any, as a line item, and show the total amount of the bill;
- c. If the building units are submetered, include the current and previous meter readings, the current read date, and the amount consumed (or estimated to have been consumed if Seattle Public Utilities or Seattle City Light has provided the landlord with an estimated bill);
- d. Specify the due date, the date upon which the bill becomes overdue, the amount of any late charges or penalties that may apply, and the date upon which such late charges or penalties may be imposed;
- e. Identify any past due dollar amounts;
- f. Identify a mailing address and telephone number for billing inquiries and disputes, identify the entity responsible for resolving billing inquiries and disputes and its business hours and days of availability, and describe the process used to resolve disputes related to bills as set forth in this chapter; and
- g. Include a statement to the effect that "this bill is from [landlord name] and not from Seattle Public Utilities or Seattle City Light."

7. Protection of Personally Identifiable Information.

- a. A third party billing agent who prior to the effective date of this ordinance has obtained a tenant's personally identifiable information shall take such actions as are necessary to protect such personally identifiable information and to prevent its use or disclosure except as expressly permitted in this chapter.