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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 Finance and Auditor to assist in auditing compliance with campaign contribution limits and eligibility for campaign matching funds; and

I. To make recommendations to the City Council for amendments to Commission-administered ordinances or for new legislation and to comment on the effect of other legislation upon its functions or Commission-administered ordinances.

(Ord. 117242 § 6, 1994; Ord. 116377 § 1, 1992; Ord. 116005 § 1(part), 1991.)

**3.70.110Quorum.**

Four (4) members of the Commission shall constitute a quorum for the conduct of all business and proceedings except that for the conduct of hearings as to alleged violations and promulgation of rules, five (5) members shall constitute a quorum.

(Ord. 116005 § 1(part), 1991.)

**3.70.120Meetings.**

The chairperson or any four (4) members of the Commission may call a special meeting of the Commission.

(Ord. 116005 § 1(part), 1991.)

## Subchapter III Executive Director

**3.70.150Executive Director.**

There shall be an Executive Director, appointed by the Commission, subject to confirmation by the City Council. The position of Executive Director shall be exempt from the classified civil service.

The Commission may remove its Executive Director for cause upon a majority vote of its membership.

(Ord. 116005 § 1(part), 1991.)

**3.70.160Powers and functions of Executive Director.**

Under the supervision of the Commission, the functions of the Executive Director include:

A. Enforcing and implementing Commission-administered ordinances;

B. Subject to confirmation of the Commission, appointing and removing staff; supervising their work; making and enforcing contracts; proposing to the Commission a recommended budget; coordinating with other City agencies; conducting education, assistance and information programs about Commission-administered ordinances;

C. Making investigations, issuing subpoenas for documents and witnesses, filing charges, presenting evidence at hearings, recommending settlements, drafting advisory opinions for Commission approval, and carrying out decisions; and, in event of a delegation or referral of a case from the Commission to the hearing examiner, preparing the record of proceedings for the Commission;

D. Disbursing Commission funds as authorized by its budget and by law; accepting funds due to the City on account of Commission-administered ordinances; and depositing funds received into the City Treasury; and

E. Performing other functions assigned by ordinance or by the Commission.

(Ord. 116377 § 2, 1977; Ord. 116005 § 1(part), 1991.)

**3.70.170Neutrality in political campaigns.**

The Executive Director shall not during his or her term of office, and no member of the staff of the Commission shall:

A. Hold or campaign for elective office;

B. Be an officer of any political party or any political committee;

C. Permit his or her name to be used or make contributions, in support of or in opposition, to any candidate or proposition;

D. Participate in any election campaign;

E. Participate in any committee that provides ratings of candidates for office; or

F. Lobby or assist a lobbyist.

(Ord. 116005 § 1(part), 1991.)

## Subchapter IV Appeals

**3.70.200Appeal of dismissal decision of Executive Director.**

Any person, aggrieved by a dismissal decision of the Executive Director, may appeal the same to the Commission under such rules as the Commission may promulgate.

(Ord. 116377 § 3, 1992: Ord. 116005 § 1(part), 1991.)

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## Subtitle V Committees

## Chapter 3.76
## DEBT MANAGEMENT POLICY ADVISORY COMMITTEE

**Sections:**

**3.76.010Committee established—Membership.**
**3.76.020Functions designated.**
**3.76.030Fees for debt financing actions.**

### 3.76.010Committee established—Membership.

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

A. The City Finance Director, who shall be its Chair;

B. The Chair of the City Council Finance Committee;

C. The Director of the Office of Management and Planning;

D. The Superintendent of City Light;

E. The Director of Seattle Public Utilities; and

F. The Executive Services Director if the Finance Director is not also the Executive Services Director.

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 Committee, 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.

(Ord. 118397 § 10, 1996: Ord. 116368 § 8, 1992: Ord. 116006 § 1, 1991: Ord. 103588 § 1, 1974.)

### 3.76.020Functions designated.

A. The Committee shall be advisory to the City Finance 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;

City participation in debt issues in which it incurs a substantial indirect liability, such as guarantees of debt of another 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 ($1,000,000.00) 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.

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 City Finance 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.

(Ord. 116368 § 51, 1992: Ord. 112960 § 1, 1986; Ord. 103588 § 2, 1974.)

### 3.76.030Fees for debt financing actions.

The Committee is authorized to charge a debt management fee for its various services to each bond issue or other debt financing action in accordance with a schedule and at levels authorized in the Annual Budget. Such fees shall be deposited in the appropriate expenditure account in the General Fund.

(Ord. 110908 § 1, 1982.)

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## Chapter 3.78
## SALARY ADMINISTRATION POLICY COMMITTEE

**Sections:**

**3.78.010Established—Membership.**
**3.78.020Functions designated.**

**3.78.010Established—Membership.**

There is established a Salary Administration Policy Committee for the City composed of six (6) members as follows:

A. The Mayor or his designated representative;

B. The City Budget Director;

C. The City Personnel Director;

D. The President of the City Council;

E. The Chairman of the City Council Finance Committee;

F. The Chairman of the City Council Human Resources and Judiciary Committee.

(Ord. 102308 § 1, 1973.)

**3.78.020Functions designated.**

It shall be the function of the Salary Administration Policy Committee to act in an advisory capacity on all matters pertaining to general policy concerning salaries, wages and supplemental compensation programs for City officers and employees and in furtherance thereof the Salary Administration Policy Committee is authorized to:

A. Consult with and advise the City Council relative to the development and implementation of policy related to the salary, wage and supplemental compensation programs of the City;

B. Review all compensation issues requiring policy decisions as recommended by the City Personnel Office;

C. Formulate and propose guidelines consistent with the City's policy relative to pay practices and procedures.

(Ord. 102308 § 2, 1973.)

## Chapter 3.80
## SEATTLE SCHOOL TRAFFIC SAFETY COMMITTEE

**Sections:**

**3.80.010Membership.**
**3.80.020Term of office.**
**3.80.030Powers and duties.**
**3.80.040Adoption of rules—Selection of Chairperson.**
**3.80.050Annual report.**
**3.80.060Administrative support.**

**3.80.010Membership.**

The City of Seattle School Traffic Safety Committee (called the "Committee" in this chapter) shall consist of nine (9) members who shall serve without compensation. The members shall include the following:

A. One representative from the Seattle Police Department, to be designated by the Chief of Police;

B. One (1) representative from Seattle Transportation, to be designated by the Director of Transportation;

C. Two (2) representatives from Seattle Public School District No. 1, to be designated by the Superintendent of Seattle Public Schools;

D. One (1) representative designated by the Evergreen Safety Council;

E. One (1) representative designated by the Seattle Council of the Parent-Teacher-Student Association;

F. One (1) representative designated by the Automobile Club of Washington;

G. Two (2) members appointed by the Mayor and confirmed by a majority of the City Council, one (1) of whom must be representative of private schools in Seattle.

(Ord. 118409 § 5(part), 1996: Ord. 104344 § 1, 1975.)

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**3.80.020Term of office.**

Committee members shall serve a term determined by the designating authority, with the exception of the two (2) members appointed by the Mayor and confirmed by the City Council, who shall serve three (3) year terms.
(Ord. 104344 § 2, 1975.)

**3.80.030Powers and duties.**

The Committee's powers and duties shall include the following:

A. Advise the Mayor and the City Council and maintain liaison with Seattle Public School District No. 1 and other appropriate agencies with respect to school traffic safety complaints and proposals, including but not limited to such matters as adult crossing guards, crosswalks, pedestrian overpasses, traffic signals and signs, student transportation, school traffic safety patrol, and temporary walkways and traffic safety education;

B. Review and evaluate studies concerning school traffic safety and report to appropriate individuals and agencies;

C. Review and evaluate policies and procedures of agencies involved in school traffic safety;

D. Promote the coordination of individuals and agencies involved in school traffic safety;

E. Develop and recommend school traffic safety programs;

F. Promote public understanding of and participation in school traffic safety programs;

G. Make recommendations for legislation relating to school traffic safety; and

H. Perform such additional traffic safety duties as the Mayor and City Council may direct.
(Ord. 104344 § 3, 1975.)

**3.80.040Adoption of rules—Selection of Chairperson.**

The Committee shall annually elect a Chairperson from among its members and shall adopt rules and regulations necessary to exercise its powers and perform its duties.
(Ord. 104344 § 4, 1975.)

**3.80.050Annual report.**

The Committee shall prepare and submit an annual report to the Mayor and the City Council setting forth the Committee's accomplishments and activities for the preceding year and the Committee's goals, objectives, and programs for the forthcoming year.
(Ord. 104344 § 5, 1975.)

**3.80.060Administrative support.**

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3.90.010 ADMINISTRATION

The Committee shall receive administrative support to exercise its powers and perform its duties as deemed appropriate by the Mayor and the City Council.
(Ord. 104344 § 6, 1975.)

## Subtitle VI General Regulations

## Chapter 3.90
## OFFICIAL BONDS

**Sections:**

**3.90.010Officer's bonds.**
**3.90.020Surety company—Annual rewriting.**
**3.90.040Bond for Chief of Police.**
**3.90.050Employees faithful performance blanket position bond.**
**3.90.060Employees blanket bond—Call for offers to furnish.**
**3.90.070Extra bond coverage.**

Statutory Reference: For Charter provisions on official bonds, see Charter Art. XVII §§ 3 and 4, Art. XIX § 4, and Art. V § 8.

**3.90.010Officer's bonds.**

The following officers 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[1] for official bonds, and be in the following amounts:

| | |
|---|---|
| Mayor | $ 1,000.00 |
| Each City Council member | 1,000.00 |
| City Finance Director | 150,000.00 |
| Treasury Division Director | 150,000.00 |
| City Attorney | 1,000.00 |
| Chief of Police | 15,000.00 |

The bond for the Finance Director and the Treasury Division Director may include a deductible in the amount of Ten Thousand Dollars ($10,000.00).

(Ord. 117169 § 11, 1994: Ord. 116368 § 52, 1992: Ord. 112072 § 1, 1984: Ord. 109120 § 1, 1980: Ord. 102735 § 1, 1973: Ord. 101084 § 1, 1972: Ord. 93603 § 1, 1965.)

1.Editor's Note: The Charter is included at the beginning of this Code.

**3.90.020Surety company—Annual rewriting.**

Each of the bonds mentioned in Section 3.90.010 shall be furnished by a surety company authorized to do business in the state. Elected officers shall be bonded for the full term and the other bonds shall be for a duration of four (4) years subject to sooner termination if the bonded official leaves office.
(Ord. 112072 § 2, 1984: Ord. 93603 § 2, 1965.)

**3.90.040Bond for Chief of Police.**

The bond given by the Chief of Police, as contemplated by Charter Article XVII, Section 4, shall contain a condition that he will indemnify the City for loss of any property and money taken from any person by himself, a subordinate officer or an employee assigned to the Police Department acting in the scope and course of police duties.
(Ord. 112072 § 3, 1984: Ord. 93603 § 3, 1965.)

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

A. All officers and employees of the City, including employees of the Library Department, shall be covered by a public employees faithful performance blanket position bond. Such bond 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 office or position, and further conditioned that no third person shall have any right of action on the bond for any acts or conduct or failure to act of the officer or employee.

B. Such performance bonds shall be in an amount to fully protect 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 office or position during the term of the bond. The Purchasing Agent, in consultation with the Office

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of Management and Planning, shall set the amount of the bond.
(Ord. 117408 § 12, 1994; Ord. 112072 § 4, 1984: Ord. 93603 § 4, 1965: Ord. 101084 § 2, 1972: Ord. 93603 § 5, 1965.)

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

A. The Purchasing Agent 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 3.90.010. 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 (10) 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 ($500.00) as a good-faith deposit. The Purchasing Agent 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 Purchasing Agent but such term shall not exceed three (3) years. Upon expiration of each such bond the Purchasing Agent shall again call for and accept offers for such a bond.
(Ord. 112072 § 5, 1984: Ord. 93603 § 6, 1965.)

**3.90.070Extra bond coverage.**

The head of any department may require bond coverage over and above any bond provided for in this chapter in such sum as he may deem advisable, either on officers and/or employees of his department individually, or by some beneficial blanket type of coverage.
(Ord. 93603 § 7, 1965.)

## Chapter 3.92
## VACANCIES IN CHARTER OFFICES

**Sections:**

**3.92.010Filling of vacant position.**
**3.92.020Temporary appointments.**
**3.92.030Incapacitation of department or office heads.**

**3.92.010Filling of vacant position.**

If any appointive Charter office or the position of department or office head in any department or

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office created by ordinance becomes vacant, to ensure that the department or office functions and the interest of the public is protected pending the filling of such vacancy under Charter Article XIX, Section 6,[1] or applicable ordinance, the highest-ranking unsubordinated officer or employee in such department or office shall perform, in addition to his/her regular duties, the duties of such appointive office unless the Mayor determines, and the President of the City Council and the Chair of the City Council Finance Committee concur, and so indicate their concurrence in writing filed with the City Clerk, that the interests of the City would be better served by the designation of another person of the Mayor's choosing to serve as acting head of such department or office.
(Ord. 113147 § 1, 1986: Ord. 107904 § 1, 1978: Ord. 83897 § 1, 1955.)

1.Editor's Note: The Charter is included at the beginning of this Code.

**3.92.020Temporary appointments.**

Upon creation of new offices or departments of City government and pending permanent appointment and confirmation of a director or other head of such an office or department as may be provided by Charter or ordinance, the Mayor is authorized to appoint a person to act temporarily in such position for a period of sixty (60) days, and thereafter for successive sixty (60) day periods with the approval of the City Council.
(Ord. 107904 § 2, 1978: Ord. 83897 § 1A, 1955.)

**3.92.030Incapacitation of department or office heads.**

Upon the incapacitation of the individual serving in any appointive Charter office or the position of department or office head in any department or office created by ordinance, the highest-ranking unsubordinated officer or employee in such department or office shall, during the period of such incapacitation, perform, in addition to his/her regular duties, the duties of such appointive office so that the department or office concerned shall function and the interest of the public be protected in any such interim.
(Ord. 109919 § 1, 1981.)

## Chapter 3.96
## DEPARTMENT MANUALS

**Sections:**

**3.96.010Purpose.**
**3.96.020Definitions.**
**3.96.030Statements and instructions to be published.**
**3.96.040Duties of the Office of Management and Planning.**
**3.96.050Procedures manual.**

**3.96.010Purpose.**

It is found and declared that there is currently no complete description of department functions and responsibilities, general procedures, departmental procedures, department instructions, or policy statements of the departments of the City municipal government. Each department acts autonomously to carry out its functions and responsibilities without adequate explanation to other departments or to the public. The purpose of this chapter is to require each City department to state its guiding policy and operational procedures so that other departments as well as the public may better understand and cooperate, and to require written instructions to department personnel so as to make clear the duties of City employees. It is the belief of the City Council that these formal statements will develop better managerial procedures and thereby benefit City government.
(Ord. 101810 § 1, 1973.)

**3.96.020Definitions.**

For the purpose of this chapter the term “department” shall mean and include all City departments.
(Ord. 101810 § 2, 1973.)

**3.96.030Statements and instructions to be published.**

Each City department shall publish statements of its procedures, instructions and functions and responsibilities according to the guidelines established by the Office of Management and Planning pursuant to Section 3.96.040.
(Ord. 117408 § 13, 1994: Ord. 101810 § 3, 1973.)

**3.96.040Duties of the Office of Management and Planning.**

A. The Office of Management and Planning shall establish guidelines for the style and content of the statements required in Section 3.96.030.



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These guidelines shall include a time schedule for each department to follow in completing and printing its work. Written guidelines shall be developed on the following basis:

1. Department Procedures. Each department shall define its policies and operating procedures having intradepartmental applicability. Such policies and procedures shall be issued and printed only with the approval of the Office of Management and Planning. The Executive Department shall be required to define the policy statements of the Mayor as they affect the operation of the departments under his control. The Legislative Department shall be required to define the policy of the City Council as it affects all other City departments.

2. General Procedures. When two (2) or more departments work together to accomplish a particular City function, they shall jointly prepare general operating procedures. This mechanism shall be used with the concurrence of all affected departments and with the guidance and final approval of the Office of Management and Planning.

3. Departmental Instructions. Departmental instructions shall be explicit charges to department personnel explaining in detail the job each person is expected to do.

4. Functions and Responsibilities. Each department shall define in broad terms the functions and responsibilities of that department. This definitional statement shall be signed by the department head and approved by the Office of Management and Planning.

B. The Office of Management and Planning shall establish and maintain a distribution list for the dissemination of policy and procedures statements, and the statements of department functions and responsibility and shall report to the City Council monthly on the number of procedures and instructions developed and distributed by each of the departments of the City.

(Ord. 117408 § 14, 1994: Ord. 101810 § 4, 1973.)

**3.96.050Procedures manual.**

A procedures manual shall be maintained in each City department and shall reflect the policy, procedure, function, and responsibility of all City departments. Department instructions shall be maintained in the individual department only and shall not be given general distribution; provided that the Office of Management and Planning shall maintain in its master file of department policies, procedures, functions, and responsibilities a copy of the instructions of each department. The Office of Management and Planning shall periodically review and audit all documents required by this chapter to assure that they are current and applicable.

(Ord. 117408 § 15, 1994: Ord. 101810 § 5, 1973.)

## Chapter 3.98
## BIENNIAL REVIEW OF BOARDS AND COMMISSIONS

**Sections:**

**3.98.010Purpose of review.**
**3.98.020Designation of responsible committee.**

**3.98.010Purpose of review.**

The function and activities of each City advisory board, commission or similar body as shall have been or may hereafter be established by ordinance or resolution shall be reviewed every two (2) years for the purpose of determining whether the purpose for which such board, commission or similar body was established is being fulfilled, and whether a need for such board, commission or similar body still exists.

(Ord. 99003 § 1, 1970.)

**3.98.020Designation of responsible committee.**

The President of the City Council shall cause to be compiled a roster of the boards, commissions and similar bodies described in Section 3.98.010 and shall designate thereon the appropriate City Council Committee to be responsible for such review.

(Ord. 99003 § 2, 1970.)

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## Chapter 3.100
## SOLICITING CONTRIBUTIONS

**Sections:**

**3.100.010Statement to be filed with Council.**

### 3.100.010Statement to be filed with Council.

No head of any City department or division shall make or permit to be made with his knowledge or consent any general solicitation of funds or contributions for any purpose from employees of the City in his department or division, unless there shall have been filed with the City Council, at least ten (10) days prior thereto, a statement in writing of the purpose and proposed methods in detail of making or permitting such solicitation; provided, that nothing therein contained shall be construed as authorizing the receiving or soliciting of assessments, subscriptions or contributions for political purposes in violation of the Personnel Ordinance (107790)[1] or the 1978 City of Seattle Public Safety Civil Service Ordinance (107791),[2] or in violation of RCW 42.17.130.
(Ord. 108128 § 1, 1979: Ord. 67337 § 1, 1937.)

1.Editor's Note: Ord. 107790 is codified in Chapter 4.04 of this Code.
2.Editor's Note: Ord. 107791 is codified in Chapter 4.08 of this Code.

## Chapter 3.102
## OFFICE HOURS

**Sections:**

**3.102.010Designated.**

Statutory Reference: For Charter provisions on office hours, see Charter Art. XXII § 4.

### 3.102.010Designated.

All city offices shall open for transaction of business from eight a.m. (8:00 a.m.) to five p.m. (5:00 p.m.) of each day from Monday through Friday, except on days designated as holidays by RCW 1.16.050 and on Martin Luther King, Jr.'s birthday holiday, on the third Monday of January.
(Ord. 111890 § 1, 1984: Ord. 105912 § 1, 1976: Ord. 92946 § 1, 1964: Ord. 79957 § 1, 1951.)

## Chapter 3.104
## CITY BOOKS AND RECORDS

**Sections:**

**3.104.010Fees for copies.**
**3.104.020Refusal to return—Penalty.**

Statutory Reference: For Charter provisions requiring City books and records to be available for inspection, see Charter Art. XXII § 3.

### 3.104.010Fees for copies.

In accordance with Article XXII, Section 3 of the City Charter,[1] fees to be charged for the furnishing of copies or extracts from the books and records of the City by the officer having custody thereof are established as follows:

| | |
|---|---|
| For the first page of any one document | $0.25 |
| For each succeeding page of such document | 0.10 |
| For certification of any one document | 1.00 |
| For postage for mailing of documents | Applicable postage rates and fees as established by the U.S. Postal Service; |

provided, however, that heads of departments may by rules adopted in accordance with the Administrative Code of the City (Ordinance 102228),[2] establish a schedule of prices for copies of specific documents in the custody of such department heads, which prices shall be sufficient to defray the cost of preparing such copies but shall not exceed the amount necessary to reimburse the City for the costs of reproducing such documents.
(Ord. 113221 § 1, 1986: Ord. 106454 § 1, 1977: Ord. 100591 § 1, 1972.)

1.Editor's Note: The Charter is included at the beginning of this Code.
2.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

### 3.104.020Refusal to return—Penalty.

A. It shall be unlawful for any person to keep or refuse to deliver any books, papers or property of any kind or description belonging to the City after the same, or any portion thereof, shall have been demanded by the Mayor, or the Chairman of any Committee of the City Council, or the Chairman of the Board of Public Works, the Board of Park Commissioners, the Board of Library Commissioners or of any other Board or Commission of the City duly authorized to make such demand,

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or to keep possession thereof after such demand, or to refuse to allow a full inspection after such demand, and all books, records, accounts, statements, abstracts, returns, reports, papers, plats, profiles, maps, charts, plans, specifications, estimates, drawings or other written or printed data made or kept, or required to be made or kept by any City official, or by any person in the employ of the City, or which shall be produced or procured by the labor of any person while in the employ of the City, shall, for the purpose of this section, be deemed and taken to be the property of the City.

B. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding One Hundred Dollars ($100.00) or imprisoned for a term not exceeding thirty (30) days, or be both so fined and imprisoned.

(Ord. 16118 §§ 1 and 2, 1907.)

## Chapter 3.106
## REFUNDING OF CERTAIN FEES

**Sections:**

**3.106.010Blueprint or photography work.**

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**3.106.020Department of Parks and Recreation facilities or programs.**

**3.106.010Blueprint or photography work.**

Whenever the fee paid to the City for any blueprint or photography work shall be erroneous for any reason, and application is made for refund, the Director of Engineering shall certify the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon presentation of such certificate, the Finance Director is authorized to draw to pay a warrant on the General Fund in the amount of such refund and the necessary appropriations are hereby made from any surplus in said Fund.
(Ord. 116368 § 56, 1992: Ord. 89787 § 1, 1960.)

**3.106.020Department of Parks and Recreation facilities or programs.**

Whenever a fee is paid for the use of Department of Parks and Recreation facilities or property or for participation in a Department of Parks and Recreation sponsored class or program, and no use or rights have been exercised pursuant thereto and application is made for refund, the Superintendent of Parks and Recreation may authorize such fee refunded.
(Ord. 105631 § 1, 1976.)

## Chapter 3.108
## LOAN OR RENTAL OF CITY EQUIPMENT

**Sections:**

**3.108.010Permission required.**

**3.108.010Permission required.**

No City equipment shall be rented or loaned without the consent in writing thereto by the Purchasing Agent, and approval of the City Council by resolution, or joint approval by the appropriate City Council committees. The Purchasing Agent is authorized and directed to prepare and adopt rules and regulations to secure adequate consideration for the use of each piece of City equipment rented or loaned pursuant to this section, and to secure the return of such equipment in proper condition.
(Ord. 67585 § 1, 1937.)

## Chapter 3.110
## PUBLIC CORPORATIONS

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**3.110.370Private use of public funds prohibited.**
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Statutory Reference: For provisions regarding administration of federal grants and programs available to cities, see RCW 35.21.725 through 35.21.755.

Severability: In the event a court of competent jurisdiction shall adjudge any clause, sentence or paragraph or section of this chapter to be invalid or unconstitutional, such judgment or decree shall not affect, invalidate or impair the remainder thereof as long as the intent or purpose of such clause, sentence, paragraph or section has not been altered or frustrated thereby; and as long as no recourse is permitted to the assets, credit or services of the City on account of the acts or omissions of the public corporation or of any debts, obligations, or liabilities of such public corporation, the effect of such judgment or decree shall be confined to the clause, sentence, paragraph, section or part of this chapter so adjudged to be invalid or unconstitutional.
(Ord. 103387 § 55, 1974.)

**3.110.010Authorization.**

A. The City authorizes the establishment and chartering of one or more public corporations, commissions and/or authorities (in this chapter called "Public Corporations"), each as an independent legal entity, to: improve governmental efficiency and services and general living conditions within the City; administer and execute federal grants and programs, receive and administer federal funds; perform all manner and type of community services; provide and implement such municipal services and functions as the City Council may direct; and allow a character of community participation in appropriate municipal projects and activities that are, in practical effect, restricted by the organizational structure of City government, all as authorized by RCW 35.21.725 through 35.21.755.

B. Such public corporation shall have the power and authority described in Sections 3.110.040, 3.110.050 and 3.110.060 insofar as authorized by its charter; be limited by the restrictions and provisions set forth in Section 3.110.070; be organized in accordance with the process outlined in Sections 3.110.090, 3.110.100 and 3.110.110 and with the structure, purposes and organization provided for by Sections 3.110.140 through 3.110.350 and its charter; observe the constitutional limitations set forth in Sections 3.110.360 and 3.110.070; incur indebtedness as allowed by Section 3.110.420; and shall be subject to the supervening conditions stated in Sections 3.110.440 through 3.110.460.

C. All liabilities incurred by such public corporation, commission or authority shall be satisfied exclusively from the assets and credit of such public corporation, commission or authority and no creditor or other person shall have any right of action against the city, town or county creating such corporation, commission or authority on account of any debts, obligations or liabilities of such public corporation, commission or authority.
(Ord. 103387 § 1, 1974.)

**3.110.020Definitions.**

As used in this chapter, the term:[1]

A. "Bonds" means any bonds, promissory notes, interim certificates, debentures, certificates of indebtedness or other obligations issued by the public corporation pursuant to its charter and this chapter.

B. "Charter" means the articles of organization of the public corporation irrespective of the name applied thereto and all amendments thereto.[2]

C. "City" means The City of Seattle.

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"City Auditor" means the City Auditor of the City or a person authorized to act on his or her behalf.

D. "City Clerk" means the City Clerk or the City or a person authorized to act on his or her behalf.

E. "City Council" means the legislative body of the City.

F. "Constituency" means the class of persons entitled to participate (whether in a voting or advisory capacity) in the internal processes of the public corporation in accordance with its charter or rules and regulations. It includes but is not limited to such designations as the membership, the electorate, the public, interested citizens, or residents within a district.

G. "Constituent" means a member of the constituency.

H. "Corporate" shall refer or pertain to a public corporation.

I. "Corporate office" means an office or official person of the public corporation, irrespective of designation, but excludes membership positions of the council.

J. "Corporate officer" means an officer or official of the public corporation, irrespective of designation, but excludes members of the council that do not hold a corporate office.

K. "Corporate official" means an officer or official of the public corporation, irrespective of designation, and includes members of the council.

L. "Council" means the group of persons vested with the management of the affairs of the public corporation, irrespective of the name by which such group is designated.[3] It includes but is not limited to such designations as "board of directors," "trustees," "managers," "directorate," "commission" or "council."

M. "Immediate family" means:

1. A spouse;

2. Any dependent parent, parent-in-law, child or son-in-law or daughter-in-law; or

3. Any parent, parent-in-law, child, son-in-law, daughter-in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of a corporate official or employee.

N. "Insolvent" or "insolvency" means an inability of a public corporation to pay debts as they become due in the usual course of its affairs.

O. "Mayor" means the Mayor of The City of Seattle.

P. "Public corporation" shall mean a corporation, commission, or authority organized under this chapter.

Q. "Real property" includes all lands, including improvements and fixtures thereon and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

R. "Resolution" means an action of the council with the quorum required in Section 3.110.330.

S. "Rules and regulations" means the code or codes of rules adopted for the regulation or management of the affairs of the public corporation irrespective of the name or names by which such rules and regulations are designated.

T. "State" (when used as a noun) shall mean the state of Washington.

(Ord. 116368 § 57, 1992; Ord. 109954 § 1, 1981: Ord. 103387 § 2, 1974.)

1.Editor's Note: In the original text of Ord. 103387, the introductory phrase of this section reads, "as used in the ordinance, wherever italicized, the term: . . . means . . . ." In case of any question regarding the use of a defined term as a term of art, refer to the original text of Ord. 103387 in the City Clerk's office.

2.Editor's Note: In this chapter the word "charter," appearing in all lower case letters is used to distinguish the charter of a public corporation from the City Charter.

3.Editor's Note: In this chapter the word "council," appearing in all lower case letters is used to distinguish the council of a public corporation from the City Council.

**3.110.030Corporate life.**

The charter of the public corporation shall establish the character or term of its existence. The charter may provide:

A. The public corporation shall have perpetual existence;

B. The public corporation shall exist for a stated period of years, until a fixed expiration date, or during a set time period; or

C. The public corporation shall cease to exist upon the occurrence of certain events or upon an expiration date measured from such events; or the charter may combine any term or condition set forth in subsection B with that set forth in subsection C. Should the charter fail to set forth the character or term of the public corporation's existence, the existence of the public corporation shall expire five years after the date of issuance of its charter.



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(Ord. 103387 § 3, 1974.)

**3.110.040Powers—Generally.**

Except as otherwise limited by the State Constitution, the City Charter, this chapter, or by the charter of the public corporation, a public corporation shall, have the power to:

A. Own and sell real and personal property;

B. Contract and enter into partnership with individuals, associations and corporations, and the state and the United States;

C. Sue and be sued;

D. Lend and borrow funds;

E. Do anything a natural person may do;

F. Perform all manner and type of community services and activities utilizing federal or private funds;

G. Administer and execute federal grants and programs;

H. Receive and administer federal funds;

I. Provide and implement such municipal services and functions as the City Council and Mayor may by ordinance direct;

J. Transfer, with or without consideration, any funds, real or personal property, property interests, or services received from the federal government, private sources or, if otherwise legal, from a city or county; and

K. Receive and administer private funds, goods or services for any lawful public purpose.
(Ord. 103387 § 4, 1974.)

**3.110.050Powers—Specified.**

Except as otherwise limited by the State Constitution, the City Charter, this chapter, or the public corporation's charter, the powers granted a public corporation by Section 3.110.040 include but are not limited to the power to:

A. Purchase, lease, exchange, mortgage, encumber, improve, use or otherwise transfer or grant security interests in real or personal property or any interests therein; grant or acquire options; and contract regarding the income or receipts from real property;

B. Issue negotiable bonds and notes in conformity with Section 3.110.420 and applicable provisions of the Uniform Commercial Code and state law in such principal amounts, as in the discretion of the public corporation, shall be necessary or appropriate to provide sufficient funds for achieving any corporate purposes or to secure financial assistance, including matching funds from the United States for corporate projects and activities;

C. Contract for lease, and accept transfers, gifts or loans of funds or property from the United States, the state, the City, including property acquired by any such governmental unit through the exercise of its power of eminent domain and from corporations, associations, individuals or any other source and to comply with the terms and conditions thereof;

D. Manage, on behalf of the City, any property acquired by the City through gift, purchase, construction, lease, assignment, default or exercise of the City's power of eminent domain;

E. Recommend to the Mayor and City Council appropriate public improvements and expenditures in areas of the City in which a public corporation by its charter has a particular responsibility;

F. Recommend to the Mayor and City Council any property which if committed or transferred to the public corporation would materially advance the public purpose for which the public corporation was chartered;

G. Initiate, carry out and complete such improvements of benefit to the public as the Mayor and City Council may by ordinance assign;

H. Recommend to the Mayor and City Council such tax, financing and security measures as the public corporation may deem appropriate to maximizing the public interest in any area in which a public corporation, by its charter, has a particular responsibility;

I. Lend its funds, property or credit or services for corporate purposes, or act as a surety or guarantor for corporate purposes;

J. Provide advisory, consultative, training, educational and community services or advice to individuals, associations, corporations, or governmental agencies, with or without charge;

K. Control the use and disposition of corporate property, assets, and credit;

L. Invest and reinvest its funds;

M. Fix and collect charges for services rendered or to be rendered, and establish the consideration for property transferred;

N. Sponsor, lease, manage, construct, own and lease or otherwise participate in housing projects

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where such activity furthers the public purpose for which the public corporation is chartered;

O. Maintain books and records as appropriate for the conduct of its affairs; and

P. Conduct corporate affairs, carry on its operations, and use its property as allowed by law and consistent with this chapter, its charter and its rules and regulations; and to name corporate officials, designate agents and engage employees; prescribe their duties, qualifications and compensation; and secure the services of consultants for professional services, technical assistance or advice;

Q. Identify and recommend to the Mayor and the City Council the acquisition by the City for transfer to or use by the public corporation of property and property rights which are within an urban renewal area or community development project, and which if so acquired, whether through purchase or the exercise of eminent domain, and so transferred or used, would materially advance the public purposes for which the public corporation was chartered.

(Ord. 104311 § 1, 1975: Ord. 103387 § 5, 1974.)

**3.110.060Additional powers.**

Except as otherwise limited by this chapter or by its charter or by law, a public corporation shall have in addition to the powers enumerated in Sections 3.110.040 and 3.110.050 the power and authority:

A. To have a corporate seal and alter the same at pleasure;

B. To cease its activities and operations and surrender its charter through dissolution procedures provided in Section 3.110.480;

C. To exercise and enjoy such additional powers as may be authorized by law; and

D. To have and exercise all powers necessary or convenient to effect the purposes for which the public corporation was organized and to perform authorized corporate functions.

(Ord. 103387 § 6, 1974.)

**3.110.070Limitation of powers.**

A. A public corporation organized under this chapter shall have no power of eminent domain nor any power to levy taxes or special assessments.

B. No public corporation may incur or create any liability that permits recourse by any contracting party or member of the public to or upon any assets, services or credit of the City;

C. No funds, assets, or property of any public corporation shall be used for any partisan political activity or to further the election or defeat of any candidate for public office; nor shall any funds or substantial part of the activities of any public corporation be used for publicity or educational purposes designed to support or defeat legislation pending before the Congress of the United States, or the Legislature of the state or the City Council, provided, however, that members and officials of a public corporation may respond to requests by contacting members of Congress, state legislators or City Council members for information and appear before any such legislative body in connection with funding and other matters directly affecting the public corporation or its ability to carry out the purposes for which it is chartered.

D. No public corporation chartered after March 1, 1984, may exercise any of the powers or engage in any of the functions set forth or necessarily implied in Sections 3.110.040, 3.110.050, 3.110.060, 3.110.130, 3.110.200, 3.110.230, 3.110.240, 3.110.300, 3.110.390, 3.110.420, 3.110.480 or elsewhere in this chapter until either a sufficient number of the initial membership of the council to constitute a quorum is confirmed by the City Council or sixty (60) days have elapsed after the submission of such nominations for confirmation (including all information required by City Council rules for consideration of an appointment) without the City Council taking any action.

(Ord. 111674 § 1984: Ord. 103387 § 7, 1974.)

**3.110.080Purview of affairs.**

A. All funds, assets or credit of the public corporation shall be applied toward or expended upon municipal and community services and projects and activities authorized by its charter. A public corporation organized under this chapter shall not issue shares of stock, pay dividends, make private distribution of assets, make loans to corporate officials, or engage in business for profit.

B. The limitation of subsection A does not preclude the following transactions or activities, and a public corporation, unless restricted by its charter, may:

1. Compensate corporate officials or constituents a reasonable amount for services ren-



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dered, reimburse reasonable expenses actually incurred in performing their duties, and extend to the constituents derivative benefits or projects and activities accorded to the community generally or to members of community by criteria equally applied, and as appropriate in order to avoid unreasonably impeding attainment of widespread citizen participation in carrying out corporate projects and activities;

2. Assist corporate officials of constituents as members of a general class of persons to be assisted by a project or activity of an approved program to the same extent as other members of the class and as long as no special privileges or treatment accrues to such corporate official or constituent by reason of his status or position in the public corporation;

3. Return to corporate officials or constituents fees, dues or service charges originally contributed by them and surplus to the purposes for which collected;

4. Defend any corporate official, or former corporate official (including employees) in any legal or administrative proceeding in which he is made a party by reason of his position or former corporate position, or at the public corporation's option, indemnify such corporate official or former corporate official for expenses actually and necessarily incurred by him in connection with such defense, except as to matters on which he shall be adjudged in such action or proceeding to be liable for an act or omission performed without capacity or power, or willful misconduct in the performance of duty; and

5. Sell assets for a consideration greater than their reasonable market value or acquisition costs, or charge for services more than the expense of providing them, or otherwise secure an increment in a transaction, or carry out any other transaction or activity, as long as such gain is not the public corporation's general object or purpose and is applied to or expended upon municipal and community services and projects and activities as aforesaid.

(Ord. 103387 § 8, 1974.)

**3.110.090Application for charter.**

A. To initiate proceedings to charter a public corporation under this chapter, any person or group of persons shall apply in duplicate to the City Clerk therefor. The application shall set forth:

1. The proposed name of the public corporation;

2. The character or period of its duration;

3. The precise purposes or functions to be performed;

4. The charter requested;

5. The proposed initial rules and regulations;

6. The names and addresses of persons nominated as the initial corporate officials;

7. The funds and other assets necessary to undertake the activities or functions contemplated within the coming year; the anticipated sources of such funds and assets; and any other supporting data the applicants deem appropriate and necessary to evaluate their application; and

8. The name and address of each applicant.

The applicant(s) may amend, correct or supplement the application during review and processing thereof. No applicant shall be an official or employee of the City.

B. One copy of the application shall be filed with the City Clerk as a public record open to public inspection and one copy shall be forwarded to a responsible City official designated by the Mayor. To allow for public inspection and review, at least thirty (30) days shall elapse between filing of an application and issuance of a charter.

(Ord. 116368 § 58, 1992: Ord. 103387 § 9, 1974.)

**3.110.100Review of application.**

The Mayor's designee shall review all applications to determine the following matters, refer to the Mayor his findings, and make recommendations with respect to:

A. Whether chartering the public corporation will help to fulfill the purposes set forth in Section 3.110.010 and Chapter 37, Laws of 1974, First Extraordinary Session;

B. Whether the requested character or duration of the public corporation is reasonably necessary for the activities or functions to be performed;

C. Whether changes, revisions, or modifications should be made in the proposed charter or

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the proposed initial rules and regulations to comply with this chapter, to encourage citizen participation, or to further the best interests of the City, all as a condition to approval of the application or issuance of the charter;

D. Whether the corporate officials nominated are qualified to hold such positions, dedicated to further the best interests of the program and purposes of the public corporation, and as a group have the necessary background and experience to conduct the affairs and operations contemplated by the public corporation;

E. Whether any finding described in the application will be made available; and

F. Whether the charter should issue as requested, or with changes, revision or modification, or upon certain conditions, restrictions or the occurrence of certain events; or whether the application should be denied.

(Ord. 103387 § 10, 1974.)

**3.110.110Issuance of charter.**

A. The Mayor, in his discretion, shall issue a charter:

1. Upon his concurrence in affirmative findings and favorable recommendations by his designee; or

2. Upon acceptance by the applicants of changes, revisions, modifications, conditions, restrictions or contigencies suggested by the Mayor; or

3. Upon satisfactory resolution of differences between the applicant and the Mayor.

B. A charter establishing a public corporation shall be issued in duplicate originals, each signed by the Mayor and bearing the City Seal attested by the City Clerk. One (1) original shall be retained by the City Clerk and filed as a public record; and a duplicate original shall be delivered to the applicant(s). The City Clerk shall give notice of the issuance of the charter to the Secretary of State and furnish a copy of the charter and this chapter upon request therefor.

(Ord. 116368 § 59, 1992: Ord. 103387 § 11, 1974.)

**3.110.120Effect of issuance of charter.**

The public corporation shall commence its existence effective upon filing of its charter as issued and attested, unless a different time be specified therein. Except as against the state or the City in a proceeding to cancel or revoke the charter, or to compel compliance with a representation made in the application, filing of an original charter and delivery of a duplicate original charter shall conclusively indicate that all conditions precedent have been fulfilled and that the public corporation has been established in compliance with the procedures of this chapter.

(Ord. 103387 § 12, 1974.)

**3.110.130Organizational meeting.**

Upon issuance of the charter, the applicant(s) shall call an organizational meeting of the persons nominated as corporate officials in the application as approved within thirty (30) days, giving at least ten (10) days' advance notice to each, unless waived in writing, provided the organizational meeting may be postponed to a more appropriate time when the charter provides for a corporate existence contingent on certain events or occurrences or commencing at a future time. At such meeting, the council shall organize itself, may appoint interim officers and nonvoting members of the council to serve until the selection processes provided in or by charter be complied with, select the temporary place of business, and assist in organizing the constituency.

(Ord. 103387 § 13, 1974.)

**3.110.140Charter contents.**

A. The charter shall set forth the following:

1. The name of the public corporation and its corporate seal;

2. The character or period of duration of the public corporation as provided in Section 3.110.030;

3. This statement in prominent place:

"_____ is organized **(Name of public corporation)** pursuant to Ordinance _____ of The City of Seattle and Chapter 37, Laws of 1974, First Extraordinary Session (43rd Leg. 3rd Extra. Sess.). Chapter 37, Laws of 1974, First Extraordinary Session (43rd Leg. 3rd Extra. Sess.) provides as follows: All liabilities incurred by such public corporation, commission or authority shall be satisfied exclusively from the assets and credit of such public corporation, commission or authority and no creditor or other person shall have any right of action against the city, town or county creating such corporation, commission or authority on account of any debts,

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obligations or liabilities of such public corporation, commission or authority."

4. The purpose and scope of activities of the public corporation;

5. The powers of the public corporation and any limitations thereon as provided in Sections 3.110.040, 3.110.050 and 3.110.060;

6. The structure or fundamental organization of the public corporation;

7. A division of duties within the corporate structure as provided in Section 3.110.190;

8. The powers and duties of the council;

9. The powers and duties of any constituency with advisory or voting rights;

10. The method of amending its rules and regulations or adopting another set; and

11. The method of proposing amendments to its charter to the Mayor.

B. The charter shall set forth the following matters in conformity with Sections 3.110.240 through 3.110.310 and 3.110.330 and 3.110.340, respectively, or, within stated guidelines, authorize the rules and regulations to define any or all of the following matters:

1. The corporate offices and tenure of officers: the number of positions, powers and duties and term of each corporate office; the manner of appointment, selection or election of office holders and the appointing, selecting or electing authority; performance of duties of the office upon illness, death, incapacity or absence of the corporate officer; the filling of vacancies; and any qualifications for the office and conditions upon exercising its powers;

2. The composition of the council: its size and numbers; the term and qualifications for member posiitions; the organization and powers of its positions; the manner of appointment, selection or election and the appointing, selecting or electing authority; council committees and duties; and the filling of vacancies;

3. The composition of the constituency, if any: its character, powers and voting rights; division by classes and the powers of such classes; any referendum to or initiative by the constituency; eligibility of citizens to become a constituency and the method of acquiring such status; participation by persons in limited capacities, such as honorary or advisory positions or status, affiliation, and the rights and powers of persons in such limited capacity; termination of constituent status;

4. The maintenance of corporate records and public access thereto;

5. Regular and special meetings of the council and notice requirements;

6. Regular and special meetings of any constituency necessary to conduct affairs;

8. The method of voting and for representation of persons absent from meetings if allowed;

9. Suspension or removal of corporate officials from an office or position; and conditions which would require such suspension;

10. Any other provision pertaining to the internal affairs of the public corporation as deemed appropriate.

The provisions of the charter insofar as consistent with federal and state law and with this chapter shall control the affairs and operations of the public corporation.

(Ord. 103387 § 14, 1974.)

**3.110.150Limits upon name—Seal.**

The corporate name shall not:

A. End with "incorporated," "company" or "corporation" or any abbreviation thereof or use the term "grange," "bank," "banking," "trust" or "savings" therein, or any combination of words that are restricted from its usage by state law; and

B. Adopt or appear deceptively similar to the name of any corporation, existing or organized under the laws of the state or authorized to transact business or conduct affairs in the state, or a corporate name reserved or registered as permitted by the laws of the state.

The corporate seal shall carry the name of the public corporation.

(Ord. 103387 § 15, 1974.)

**3.110.160Mandatory statement—Reservation.**

The City Council by resolution may amend the statement required by Section 3.110.140 A3 from time to time to reflect any subsequent state legislation amending or supplementing Chapter 37, Laws of 1974, First Extraordinary Session (43rd Leg. 3rd Extra. Sess.), or recodification of such sections, and such amendatory statement shall be attached as an amendment to the charter of the public corporation.

(Ord. 103387 § 16, 1974.)

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**3.110.170Scope of activities—Constraint.**

A. Whenever the laws of the state or of the United States or a City ordinance shall require a license or permit to undertake certain activities or perform an act, the public corporation, prior to undertaking the activity or performing the act, shall comply therewith to the same extent as any other agency, commission or board otherwise established, by the City.

B. If authorized by its charter to do so, a public corporation may undertake projects and activities or perform acts outside the limits of the City only in those areas of another jurisdiction whose governing body by agreement with the City consents thereto.

(Ord. 103387 § 17, 1974.)

**3.110.180Corporate structure—Basic pattern.**

A. Power and responsibility within the corporate structure shall be distributed among the corporate officers, the council and any constituency.

B. The corporate officers shall manage the daily affairs and operations of the public corporation. If the charter so provides, corporate officers may be members of the council or as a commission comprise the council.

C. The council shall oversee the activities of corporate officers, establish and/or implement policy, and participate in corporate activities as prescribed by the charter at least to the extent provided by Section 3.110.200.

D. The charter shall establish a constituency with at least the powers set forth in Section 3.110.210 A through D unless the Mayor expressly determines that a constituency with such powers would not be in the public interest and approves a charter without a constituency, or a charter amendment to abolish or modify it. A charter that does not provide for a constituency or that prescribes a constituency with advisory capacity only shall repose stewardship for management and determination of all corporate affairs in the council.

E. If a constituency be provided, the council or a committee thereof shall report to the constituency at a meeeting held at least quarterly and receive such advice, council or directions as the charter shall designate.

(Ord. 103387 § 18, 1974.)

**3.110.190Officers—Division of duties.**

A. A public corporation shall have two (2) or more corporate officers. The same person shall not occupy both the chief executive office of the corporation and the office responsible for the custody of funds and maintenance of accounts and finances.

B. Unless the charter provides otherwise, the chief executive officer shall be the agent of the public corporation for service of process; the rules and regulations may designate additional corporate officials as agents to receive or initiate process.

(Ord. 103387 § 19, 1974.)

**3.110.200Council concurrence required.**

General or particular authorization or concurrence of the council by resolution shall be necessary for any of the following transactions:

A. Transfer or conveyance of an interest in real estate other than a release of a lien or satisfaction of a mortgage after payment has been received and the execution of a lease for a current term less than one (1) year;

B. The contracting of debts, issuances of notes, debentures, or bonds, and the mortgaging or pledging of corporate assets to secure the same;

C. The donation of money, property of other assets belonging to the public corporation;

D. An action by the public corporation as a surety or guarantor;

E. All transactions in which the consideration exchanged or received by the public corporation exceeds Ten Thousand Dollars ($10,000.00), the performance by the public corporation shall extend over a period of one (1) year from the date of execution of an agreement therefor, or the public corporation assumes duties to the City, the state, or the United States;

F. Any project or activity outside the limits of the City;

G. Adoption of an annual budget;

H. Certification of annual reports and statements to be filed with the City Clerk as true and correct in the opinion of the council and of its members except as noted;

I. Proposed amendments to the charter; and

J. Such other transactions, duties, and responsibilities as the charter shall repose in the council or require council participation by resolution.

(Ord. 116368 § 60, 1992; Ord. 103387 § 20, 1974.)

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**3.110.210Constituency concurrence required.**

If the charter provides for a constituency with power to participate in determination of corporate policy in addition to advising, to vote upon corporate affairs or to elect some or all corporate officials, or to pass on action by referendum or commence action by initiative, then the concurrence of the constituency shall be necessary upon any of the following matters:

A. Proposed amendments to the charter;

B. Proposed amendments to the rules and regulations of the public corporation on matters within the power and responsibility of the constituency;

C. Fixing the compensation of corporate officials and the nature and limit of expenses incurred by corporate officials that may be reimbursed, unless the charter sets the same;

D. The election or selection of an indepedent auditor; and

E. Such other matters as the charter may designate.

(Ord. 103387 § 21, 1974.)

**3.110.220Rules and regulations.**

A. The rules and regulations shall be subordinate to and consistent with the charter; and may be altered, amended or repealed from time to time as the charter shall prescribe, and shall set forth such matters designated in Section 3.110.140 B, as the charter shall authorize. The rules and regulations contained in the application for the charter as approved by the Mayor shall be the initial rules and regulations of the public corporation.

B. Amendments to the rules and regulations shall not take effect until ten (10) days after filing of the same with the City Clerk, unless such amendment(s) shall have been passed by unanimous vote of the council and the constituency (if effected by the amendment), and an earlier effective date be set.

(Ord. 116368 § 61, 1992; Ord. 103387 § 22, 1974.)

**3.110.230Proposing charter amendments.**

A. A public corporation may propose to the Mayor that its charter be amended by resolution of its council passed by a procedure outlined in its charter and in conformity with Section 3.110.330 at a regular or special meeting of which thirty (30) days' advance notice was given; and where concurrence of the constituency be required by the charter or by Section 3.110.210, by approval of the constituency through either written ballots by mail or a vote of constituents at a regular or special meeting at which consideration of the proposed amendment was scheduled and thirty (30) days' advance notice given. Each method shall comply with procedures prescribed by the charter in accordance with Section 3.110.320.

B. Notice of a proposed charter amendment given to members of the council and to constituents shall set forth the proposed amendment and a statement of its purpose and effect.

(Ord. 103387 § 23, 1974.)

**3.110.240Corporate offices and officers.**

A. Corporate officers may be elected or appointed by the council, by the constituency, by a nomination-selection process of both the council and the constituency, by other persons or by any other process or combination of the above as the charter may set forth or as may be provided in the rules and regulations.

B. No term of office shall exceed four (4) years. Unless the charter so provides, indefinite terms conditioning tenure in office upon the continued confidence or pleasure of the council and/or constituency shall not be allowed.

C. The charter or the rules and regulations shall require that any official responsible for accounts and finances shall file a fidelity bond in an amount determined by the public corporation before taking office, and may hold the corporate office only as long as such a bond continues in effect.

(Ord. 103387 § 24, 1974.)

**3.110.260Discrimination prohibited.**

A. Neither council membership nor consituency membership may directly or indirectly be based upon or limited by age, race, color, religion, sex, national origin, marital status, sexual orientation, political ideology, or the physical handicap of a capable person; provided, that council positions on a public corporation emphasizing Indian arts or culture or services and programs oriented toward American Indians may be filled by persons selected by organizations whose funding is substantially derived from public or

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private grants or federal appropriations available only to organizations controlled by American Indians.

B. To assure equality of employment opportunity, the public corporation:

1. Will not discriminate in employment because of age, race, color, creed, religion, sex, national origin, marital status, sexual orientation, or political ideology, or against a physically handicapped person capable of performing the work;

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2. Will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their age, race, color, religion, sex or national origin. This requirement shall apply to but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment activities; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The public corporation shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The public corporation will, in all solicitations or advertisements for employees placed by or on behalf of the public corporation, state that all qualified applicants will receive consideration for employment without regard to age, race, color, religion, sex or national origin;

3. Will establish and maintain an affirmative action program to provide equality of employment opportunity and to overcome the effects of past discrimination comparable to that maintained by the City for employment by City departments and agencies, which shall meet the requirements of Ordinance 101548[1] and be reviewed on a quarterly basis by the City's Office for Civil Rights, or successor agency(s), and secure its approval; provided, that public corporations employing fewer than four (4) persons shall not be required to comply with the reporting requirements of Ordinance 101548, as amended;[1] provided, a public corporation emphasizing Indian arts or culture or services and programs oriented toward American Indians may give preference in employment to American Indians when a grant agreement with the United States of America or an Indian Tribe generating the employment so specifies.

C. In all housing projects and activities and in all housing related relocation activities, the public corporation shall take affirmative action to further the fair housing laws and regulations of the City.

(Ord. 118392 § 18, 1996; Ord. 103387 § 26, 1974.)

1.Editor's Note: Ord. 101548 was repealed by Ord. 109112; Ord. 109112 is codified in Chapter 4.80 of this Code.

**3.110.270Composition of the council.**

A. The council shall have three (3) or more members. No term of a position on the council shall exceed four (4) years. If no duration of term be provided by the charter, the term of a position on the council shall be two (2) years.

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B. All appointments to the council shall be confirmed by the City Council, provided that any person whose name has been submitted to the City Council shall, unless and until his or her name has been rejected by the City Council, have the full powers and responsibilities of a confirmed council member.

C. The charter may but need not establish different terms for various positions on the council; stagger the terms; require special qualifications for certain positions; include corporate officers as ex officio members or observers; select members by districts or from classes of persons or from community agencies; provide for election, selection, or appointment of all or some positions by the constituency, by other members of the council, or by other appointing authorities; and establish advisory or honorary positions without voting powers or with limited voting powers.

D. If the charter provides for council committees, the council by resolution may designate and appoint one (1) or more committees consisting of at least three (3) or more members to represent the council and may designate a committee of its membership to present quarterly reports to the constituency, so long as the number of the council's representatives attending and making the report to the constituency equal or exceed two voting members when the voting membership of the council is five (5) or less, or the nearest integer to thirty percent (30%) of the council's voting membership when the council has six (6) or more voting members.

(Ord. 103387 § 27, 1974.)

**3.110.275Submitting appointments for confirmation.**

To provide a continuous full voting membership on the council of a public corporation:

A. Whenever the Mayor or the council may fill a position on the council with voting powers, an appointment to fill a vacancy caused by expiration of a council member's term of office shall be submitted to the City Council sixty (60) days before the term expires;

B. Whenever the constituency elects, or another appointing authority may fill, a position on the council with voting powers, an appointment to fill a vacancy caused by expiration of a council member's term of office shall be submitted to the City Council promptly after the election or selection occurs; and

C. An appointment to fill a vacancy in a position on the council with voting powers caused by death, resignation, disqualification, or other cause shall be submitted to the City Council for confirmation within two (2) weeks after the vacancy occurs.

(Ord. 111674 § 2, 1984.)

**3.110.280Composition of the constituency.**

A. Insofar as such differences or provisions are related to the projects and activities to be undertaken by the public corporation, the charter may:

1. Divide the constituency into classes by district or residence, by adult or minor, or other objective criteria, and assign differing powers or duties to each class;

2. Confer on certain classes of constituents advisory capacity only, while other classes of constituents may vote on specific matters or have general voting powers; or

3. Provide for limited membership in the constituency or establish dues or a membership fee.

B. The charter may provide for open participation; and the charter may provide for affiliation by persons not eligible or unwilling to assume status as a constituent.

C. Unless the charter provides otherwise, all residents of the City sixteen (16) years of age or older shall be eligible for constituent status upon application; and each constituent shall have the same and equal rights and vote that every other constituent enjoys.

D. Constituency status shall be personal and may not be transferred by purchase or sale or assignment or by payment of any other consideration.

(Ord. 103387 § 28, 1974.)

**3.110.290Access to records.**

A. A public corporation shall keep an official journal containing the minutes of proceedings at all meetings of the council and any meetings of any constituency and the resolutions of the council.

B. Any constituent, including persons in an advisory status, and corporate officials may examine the official journal; and any citizen shall have access to records and information of the public corporation to the same degree as a citizen enjoys to records and information of any agency of the City.



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(Ord. 103387 § 29, 1974.)

**3.110.300Meetings of the council.**

A. The council shall meet at least once per month or at a more frequent interval as provided in or by the charter; special meetings of the council may be called as provided by the charter or in the rules and regulations.

B. The council of a public corporation shall be the governing body of a public agency as defined in RCW 42.30.020 and all meetings of the council shall be held and conducted in accordance with RCW 42.30.010 et seq., and special meetings may be called as therein provided. In addition any member of the council upon five (5) days' notice may call a special meeting of the council to consider matters appropriate to a regular meeting if twenty-five (25) days have elapsed since the previous council meeting and no future council meeting has been scheduled.

C. All meetings shall be open to the public, except the council may hold an executive session to consider matters enumerated in RCW 42.30.110 et seq., and shall enter the cause therefor upon its official journal.

D. Any of the actions identified in Section 3.110.200 A may be authorized by the council without a meeting upon the unanimous written concurrence thereto of all members of the council who are entitled to vote on the matter; and upon entry of such action together with the written concurrence upon the official journal the action shall have the force and effect as if taken at a meeting.
(Ord. 103387 § 30, 1974.)

**3.110.310Meetings of any constituency.**

A. Meetings of the constituency shall be held at least once every calendar quarter or at more frequent intervals as provided in the charter. Special meetings of the constituency may be called by the council or by petition of the constituents as provided by the charter or the rules and regulations.

B. Notice of meeting, stating the place, day and hour, shall be mailed to constituents entitled to be present at least ten (10) days and not more than thirty (30) days before the meeting, provided, that if the constituency be the public-at-large or a class in excess of one hundred (100) persons, notice may be made by publication of notice for three (3) days in a newspaper of general circulation in the area together with posting in a prominent place in the public corporation's offices.

C. Any constituent or corporate official may call a special meeting of the constituency upon the notice aforesaid, with the expense of notice to be borne by the public corporation to consider matters appropriate to a quarterly meeting if ninety (90) days have elapsed after the previous meeting and no meeting of the constituency shall have been scheduled within thirty (30) days.
(Ord. 103387 § 31, 1974.)

**3.110.320Meetings—City participation.**

A. The failure to hold and conduct a regular meeting shall not work a forfeiture of dissolution of the public corporation, but upon notice from the Mayor or City Council, the public corporation shall promptly call and conduct a special meeting to consider matters appropriate to the regular meeting bypassed.

B. The Mayor and the City Council shall be given notice of any meetings of a constituency and entitled to appear in person or by representative.
(Ord. 103387 § 32, 1974.)

**3.110.330Quorum.**

The charter or the rules and regulations pursuant thereto shall establish the quorum necessary for action by the council or constituency. Such quorum shall equal or exceed the following minimums:

A. Any resolution authorizing or approving an action described in Section 3.110.200 A through H, may only be passed by a vote representing both a majority of the council members voting on the issue and one-third (1/3) of the council's voting membership; and

B. Proposed charter amendments shall require an affirmative vote representing two-thirds (2/3) of the council members voting on the issue and a majority of the council's voting membership; and

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where the charter or Section 3.110.210 provide for concurrence of the constituency, such concurrence shall require an affirmative vote representing two-thirds (2/3) of the constituents voting on the issue and at least twenty percent (20%) of any constituency comprising less than one hundred (100) persons.
(Ord. 103387 § 33, 1974.)

**3.110.340Voting—Representation.**

A. The charter or rules and regulations pursuant thereto shall provide for the manner of balloting and any representation of persons absent from meetings. For example, the charter may, but need not provide for or allow: balloting by mail; absentee ballots or written statements received by mail or delivery (before or after a meeting) to supplement balloting at a meeting; or voting as directed in a written proxy taking a position on a particular issue, candidacy, or nomination.

B. No proxy or voting trusts or pooling arrangements shall be allowed delegating to the holder discretion in casting a ballot or to act for a principal on undisclosed or general matters to be raised at a meeting of the council or of the constituency.
(Ord. 103387 § 34, 1974.)

**3.110.350Tenure in office.**

A. A corporate official shall serve for the term designated and until his successor shall have been elected or appointed and qualified.

B. Any corporate official may be removed from any corporate office or position in such manner as the charter or rules and regulations pursuant thereto shall prescribe. Any position or corporate office may be abrogated or extinguished during an existing term. Upon removal from a corporate office or position or upon the abrogation or exteniction thereof, such corporate offical shall have no power of office, but the same shall be without prejudice to any vested contract right to compensation for services rendered or tendered.
(Ord. 103387 § 35, 1974.)

**3.110.360Deposit of public funds.**

All moneys belonging to or collected for the use of the public corporation coming into the hands of any officer thereof, shall immediately be deposited with the treasurer or other legal depositary to the credit of such public corporation for the benefit of the funds to which they belong.
(Ord. 103387 § 36, 1974.)

**3.110.370Private use of public funds prohibited.**

The making of profit out of public money or using the same for any purpose not authorized by law by any officer having the possession or control thereof is prohibited.
(Ord. 103387 § 37, 1974.)

**3.110.380Safeguarding of funds.**

The public corporation shall deposit all funds in a depository acceptable to the Mayor and otherwise safeguard such funds pursuant to such instructions as the Mayor may from time to time issue.
(Ord. 103387 § 38, 1974.)

**3.110.390Establishment and maintenance of office and records.**

The public corporation shall:

A. Maintain a principal office at a location within the limits of the City;

B. File and maintain current with the City Clerk a listing of all corporate officials, their positions and their home addresses, the address of its principal office and of all other offices used by it, and a current set of its rules and regulations;

C. Place the statement set forth in Section 3.110.140 A3 or as amended pursuant to Section 3.110.160 in a prominent location in its principal office and at all other offices where the public may readily see it; and print or stamp said statement on all contracts, bonds, and other documents that may entail any debt or liability by the public corporation; and

D. Establish and maintain such additional records as may be prescribed by the Mayor. Except as otherwise authorized by the Mayor, the public corporation shall retain such records for a period of three (3) years.
(Ord. 116368 § 62, 1992; Ord. 103387 § 39, 1974.)

**3.110.400Reports and information.**

The public corporation shall:

A. File an annual report with the City Clerk containing an audited and certified statement of assets and liabilities and of income and expenditures during the previous year with a summary of projects and activities conducted;



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B. Furnish the Mayor and City Council with such statements, records, reports, data and information, as the Mayor or City Council may request pertaining to matters connected with any projects or activities of the public corporation;

C. Answer fully and within a reasonable time any written inquiries by appropriate City officials in the course of their duties about its finances, organization or activities.

(Ord. 116368 § 63, 1992; Ord. 103387 § 40, 1974.)

**3.110.410Audits and inspections.**

The public corporation shall, at any time during normal business hours and as often as the Mayor, the City Auditor or the State Auditor deem necessary, make available to the Mayor, the City Auditor and the State Auditor for examination all of its financial records, and will permit the Mayor, City Auditor and State Auditor to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all the aforesaid matters.

(Ord. 116368 § 64, 1992: Ord. 103387 § 41, 1974.)

**3.110.420Bonds and notes.**

A. Bonds and notes issued by the public corporation may be secured by the full faith and credit of the public corporation or may be made payable solely out of certain revenues and receipts as may be designated in the proceedings under which the issuance of the bonds and notes are authorized. All bonds or notes shall carry in a prominent place thereof the statement set forth in Section 3.110.140 A3 or as amended pursuant to Section 3.110.160. All bonds and notes or liabilities occurring thereunder shall be satisfied exclusively from the assets or credit of such public corporation, and no creditor or other person shall have any recourse to the assets, credit or services of the City thereby, unless the City Council shall by resolution expressly guarantee such bonds or notes.

B. Bonds and notes of the public corporation may be sold at such price or prices, at public or private sale, in such manner and from time to time as may be determined by the public corporation. Bonds and notes may be made payable at such place or places whether within or without the state, may bear interest at such rate or rates, may be in such form and denominations and of such tenor and maturities, may be in bearer form or in registered form as to principal and interest or as to principal alone, reserve such rights to redeem at such price or prices and after such notice or notices and on such terms and conditions, all as the public corporation may determine and provide in the proceedings under which such bonds and notes shall be issued.

C. The public corporation may at the time of the issuance of such bonds and notes make such convenants with the purchasers and holders of said bonds and notes as it may deem necesary to secure and gurantee the payment of the principal thereof and the interest thereon, including but not limited to covenants to set aside adequate reserves to guarantee payment of principal and interest; to appoint a trustee or trustees to safeguard the expenditure of the proceeds of sale of such bonds and notes and/or take posession and use or operate and manage corporate assets securing the bonds and notes in event of default or insolvency of the public corporation, with such powers as may be contained in any covenants relating to the bonds and notes; and to limit the amount, time and/or conditions under which additional bonds and notes may be issued or debts incurred.

D. The public corporation may pay expenses, premiums and commissions which it may deem necessary in connection with the issuance and sale of its bonds and notes and take such other actions or make such commitments as necessary or convenient in the issuance and servicing of such bonds and notes as are consistent with this chapter although not enumerated in this chapter.

(Ord. 103387 § 42, 1974.)

**3.110.430Charter amendment.**

A. A public corporation proposing an amendment to its charter after approval in accordance with Section 3.110.230 shall file the same in duplicate with the City Clerk. One (1) proposed amendment shall be filed as public record and the other forwarded to the Mayor's designee for review and recommendation thereon with atten-

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tion to the criteria set forth in Section 3.110.100 B and C. The Mayor may approve the proposed amendment upon the recommendation of his or her designee or he or she may disapprove the same. A charter amendment proposed by a public corporation shall take effect and become a part of the charter upon the filing of the Mayor's approval with the City Clerk.

B. When required by law, each public corporation chartered pursuant to this chapter shall propose to the Mayor an amendment to the public corporation's charter that will conform with said law. Constituency approval as provided in Section 3.110.230 shall not be required for any proposed charter amendment required by law.

(Ord. 116368 § 65, 1992; Ord. 103387 § 43, 1974.)

**3.110.440Intervention.**

A. When authorized by resolution of the City Council after a public hearing held with notice to the public corporation the Mayor or City Council as provided in said resolution may intervene, and exercise such control over a public corporation as is necessary and appropriate to correct any deficiency and/or to assure that the purposes of a program undertaken may be reasonably accomplished, including directing affirmative action, when:

1. The council of the public corporation has requested such intervention by resolution;

2. The public corporation has failed to set forth the statement required by Section 3.110.390C and set forth in Section 3.110.140 A3 in written contracts, bonds or other documents;

3. The public corporation has represented to the public or to creditors that recourse may be had to the assets, property or credit of the City on account of acts or omissions of the public corporation, unless such secondary or direct liability be in fact expressly assumed by the City Council;

4. The public corporation has failed to file an annual report as required by Section 3.110.400 A after notice of such omission;

5. A deadlock has occurred in the council, or the membership of the council is insufficient to constitute a quorum for conduct of affairs so that the public corporation is unable to conduct its operations or perform its projects and activities;

6. The council has continously failed to conduct meetings at least monthly; no quarterly or special meetings of the constituency have been held for a year; or the public corporation has neglected or refused to conduct a meeting after notice from the Mayor or City Council to do so pursuant to Section 3.110.320;

7. The council has unreasonably impaired public participation in the conduct of projects and activities or oppressed or hindered any constituency in its exercise of its powers and responsibilities;

8. The assets of the public corporation have been or are committed to be misapplied or wasted, or illegally expended; or

9. The public corporation has committed or is about to commit a material violation of this chapter or its charter.

B. The Mayor or City Council may take such actions as necessary to achieve the object of the intervention stated in the resolution of the City Council and make corrections or revisions ancillary thereto, and shall accomplish the purposes of the intervention as expeditiously as reasonable; corporate officers shall not be displaced nor the conduct of their duties impaired more than necessary to accomplish the purposes of the intervention and the interventin shall cease as soon as the objectives stated in the resolution and corrections ancillary thereto have been accomplished.

(Ord. 103387 § 44, 1974.)

**3.110.450Trusteeship.**

A. The City by resolution of the City Council after a public hearing held with notice to the public corporation may petition the Superior Court to impose a trusteeship over a public corporation organized pursuant to this chapter and to appoint the trustees therefor under any of the following circumstances:

1. The council of the public corporation has requested the same by resolution;

2. The public corporation has filed a statement of dissolution preparatory to termination of its existence;

3. The public corporation becomes insolvent or otherwise unable to carry out its contractual obligations to creditors and other persons;

4. The charter was procured through fraud or misrepresentation of any material matter that has an effect upon the projects or activities to be undertaken;



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5. The public corporation has filed an annual report with the City Clerk that is false or deceptively misleading on a material matter;

6. The public corporation is incompetent or ineligible to carry out the public purposes for which it was chartered;

7. The public corporation has misused, abused, or continuously exceeded the power or authority conferred by this chapter or its charter, or committed repeated violations of this chapter or its charter; or

8. The assets of the public corporation have been or are committed to be misapplied or wasted, or illegally expended, or a material violation of this chapter has been committed or is about to be committed, and the City Council determines that intervention as provided in Section 3.110.440 would not be feasible under the circumstances.

B. The trustees appointed by the Superior Court shall take such actions as necessary during the trusteeship to achieve the object thereof as reasonable. The trustees shall have the power and authority to reorganize the public corporation and amend its charter and/or its rules and regulations; suspend and/or remove corporate officials, and manage the assets and affairs of the public corporation; and exercise any and all corporate powers as necessary or appropriate to fulfill outstanding agreements, to restore the capability of the public corporation to perform the functions and activities for which it was chartered, to reinstate its credit or credibility with its creditors or obligees; and, if so authorized by the Superior Court, to oversee its dissolution.

(Ord. 116368 § 66, 1992; Ord. 103387 § 45, 1974.)

**3.110.460Termination.**

The existence of the public corporation may be terminated by resolution of the City Council at or after a public hearing, held with notice to the public corporation and affording it a reasonable opportunity to be heard and present evidence, under any of the following cricumstances:

A. The council of the public corporation has requested the same by resolution;

B. The public corporation has discontinued its projects and activities for which chartered or remained inactive for a period of six (6) months in succession;

C. A judgment of a court of competent jurisdiction shall have become final, which judgment annuls the existence of the public corporation, or prohibits it from conducting all or the major portion of the activities for which chartered or permits recourse by creditors of the public corporation or other persons to the assets, property or credit of the City on account of any debts, obligations or liabilities of the public corporation;

D. Any one or more of the circumstances for imposition of a trusteeship stated in Section 3.110.450 A3 through A8 inclusive, together with an affirmative finding by the City Council that a trusteeship would not be feasible under the circumstances or could not attain its objective; and that termination is warranted;

E. Repeal of Chapter 37, Laws of 1974, First Extraordinary Session (43rd Leg. 3rd Extra. Sess.), or amendment thereof or supplementary legislation thereto which singularly or cumulatively restricts all or the major portion of the activities for which the public corporation was chartered or permits recourse by creditors of the public corporation or other persons to the assets, property or credit of the City on account of any debts, obligations, or liabilities of such public corporation; or

F. Continuous trusteeship of the public corporation for one (1) year, or the imposition of a trusteeship for whatever cause(s) three (3) times in any one (1) year period.

Subject to any limitations that may be imposed by the judgment of a court of competent jurisdiction, provision shall be made in any termination of the public corporation's existence for causes designated in this section for payment of any obligations, bonds, notes or other contracts of indebtedness from the rights and assets of the public corporation so that such bonds and contracts be not impaired.

(Ord. 103387 § 46, 1974.)

**3.110.470Dissolution—Statement.**

Upon enactment of a resolution by the City Council for dissolution of the public corporation or by the public corporation for its own dissolution other than for purposes of merger or reorganization in a plan approved by the Mayor, the public corporation shall file a dissolution

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statement signed by its chief executive officer setting forth:

A. The name and principal office of the public corporation;

B. The debts, obligations and liabilities of the public corporation, and the property and assets available to satisfy the same; the provisions to be made for satisfaction of outstanding liabilities and performance of executory contracts; and the estimated time for completion of its dissolution;

C. Any pending litigation or contigent liabilities;

D. The council resolution providing for such dissolution and the date(s) and proceedings leading toward its adoption, whenever the dissolution be voluntary; and

E. A list of persons to be notified upon completion of dissolution.

The Mayor shall review the statement filed and oversee the dissolution to protect the public interest and prevent impairment of obligation, or if so authorized by law, authorize or initiate proceedings in the Superior Court for the appointment and supervision of a receiver for such purposes. Upon satisfactory completion of dissolution proceedings, the Mayor shall indicate such dissolution by inscription of "charter cancelled" on the original charter of the public corporation, on file with the City Clerk and, when available, on the duplicate original of the public corporation, and the existence of the public corporation shall cease. The City Clerk shall give notice thereof to the Secretary of State and other persons requested by the public corporation in its dissolution statement.
(Ord. 116368 § 67, 1992: Ord. 103387 § 47, 1974.)

**3.110.480Merger with public corporation.**

An application by a public corporation to merge with or into another public corporation organized under this chapter shall be processed in the same manner as a charter amendment by the public corporation and as an application for charter in accordance with Sections 3.110.090 and 3.110.100; and approval by the Mayor shall authorize the merger. In the event of such a merger, all of the rights, assets and property of the public corporation shall vest in the surviving public corporation or successor public corporation.
(Ord. 103387 § 48, 1974.)

**3.110.490Termination—Disposition of assets.**



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Upon termination of the existence of a public corporation, all of the rights, assets and property of the public corporation shall pass to and be distributed as provided by agreements with donors or other parties at the time of acquisition of the property regarding its disposition. Subject thereto, all of the rights, assets and property of a public corporation shall be tendered to the entity first listed below and, if not applicable or not accepted, to the next listed entity in succession:

A. To the surviving or successor public corporation in event of merger as provided in Section 3.110.480;

B. To the City;

C. to some other local municipal corporation that performs similar activities or functions for which the asssets were acquired or are devoted;

D. To the state for use in or application upon projects and activities or functions for which the assets were acquired or are devoted;

E. To the United States, any of its departments or agencies; a public authority created by the United States; or an organization acting as an authorized agent of the United States;

F. To a corporate fiduciary or other trustee, in trust for or use under the direction of any of the aforesaid entities for the purposes, projects and activities for which the assets were acquired or devoted;

G. To nonprofit organizations performing community service, charitable or educational activities similar to the projects and activities for which the assets were acquired;

provided the City Council may in its discretion by resolution with respect to any particular dissolution:

1. Authorize the Mayor for and on behalf of the City to contract with the public corporation for the disposition of its rights, assets and property, and thereby designate the recipient and the terms and purposes of the transfer of assets and property; and

2. Establish procedures and terms and conditions for transfer and acceptance of the rights, assets and property of the public corporation to any of the aforesaid entities; and

3. Request some or all of the aforesaid eligible entities identified in subsections B through E to submit applications for transfer of such rights, assets and property of the public corporation setting forth the proposed uses thereof, and accept the application and contract with the entity or organization that would make the most appropriate use of such rights, assets and property in performing the projects and activities for which the public corporation was chartered.

All rights, property and assets of the public corporation upon transfer shall be vested in the entity receiving and accepting the same, together with any appurtenant obligations and liabilities.
(Ord. 103387 § 49, 1974.)

**3.110.500Insurance.**

Each public corporation chartered pursuant to this chapter shall maintain in full force and effect public liability insurance in an amount specified by the Mayor sufficient to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to projects and activities of the City, naming the City as an additional insured.
(Ord. 103387 § 50, 1974.)

**3.110.510Unauthorized representation.**

All persons who assume to act for the public corporation without authority to do so shall be jointly and severally liable for the debts and liabilities incurred or arising as a result thereof.
(Ord. 103387 § 51, 1974.)

**3.110.520Ancillary authority.**

The Mayor, City Auditor, and City Clerk are granted all such power and authority as reasonably necessary or convenient to enable them to administer this chapter efficiently and to perform the duties imposed in this chapter.
(Ord. 116368 § 68, 1992: Ord. 103387 § 52, 1974.)

**3.110.530Construction.**

This chapter shall be liberally construed so as to effectuate its purposes and the purposes of Chapter 37, Laws of 1974, 1st Extraordinary Session.
(Ord. 103387 § 53, 1974.)

**3.110.540Waiver.**

When requested by a public corporation in order to secure or carry out federal grants or programs, the City may waive compliance by the public corporation with any particular provision of this chapter, other than Sections 3.110.010, 3.110.140 A3, 3.110.160, 3.110.170, 3.110.360



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through 3.110.380, 3.110.390 C, 3.110.420, 3.110.440 A2, A3 and A8, and 3.110.450, which may be inconsistent with the terms and conditions of the federal grant or program insofar as necessary to enable the public corporation to secure and carry out such grant or program.
(Ord. 103387 § 54, 1974.)

**3.110.550Ratification of existing public corporations.**

A. Any public corporation previously chartered pursuant to Seattle Ordinance 100495[1] shall, to the extent of its charter, have all the powers and privileges prescribed in this chapter. B.

Voluntary acceptance by an existing public corporation of the provisions of this chapter shall be accomplished by the filing of an amended charter, if necessary, complying with the provisions of this chapter[1] and by filing a voluntary acceptance statement with the City Clerk.
(Ord. 116368 § 69, 1992: Ord. 106598 § 1, 1977; Ord. 103387 § 56, 1974.)

1.Editor's Note: Ordinance 100495, regarding public corporations, was repealed by Ordinance 103387.

**3.110.560Prohibited conduct.**

A. No current corporate official or employee shall:

1. Engage in any transaction or activity which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the officer's or employee's independence of judgment or action in the performance of official duties;

2. Use his or her official position for a purpose that is, or would to a reasonable person appear to be, primarily for the private benefit of the officer or employee, rather than primarily for the benefit of the public corporation; or to achieve a private gain or an exception from duty or responsibility for the officer or employee or any other person;

3. Solicit or receive any retainer, gift, loan, entertainment, favor or other thing of monetary value from any person where the retainer, gift, loan, entertainment, favor or other thing of monetary value has been solicited, received or given, or to a reasonable person would appear to have been solicited, received or given, with intent to give or obtain special consideration or influence as to any action by such officer or employee in his or her official capacity; provided that nothing shall prohibit contributions which are solicited or received and reported in accordance with applicable law;

4. Use or permit the use of any person, funds or property under his or her official control, direction, custody, or of any corporate funds or corporate property, for a purpose which is or to a reasonable person would appear to be, for the private benefit of the official or employee or any other person or entity; provided, that nothing shall prevent the private use of corporate property which is available on equal terms to the public generally, or the use of corporate property in accordance with corporate policy for the conduct of official corporate business, if in fact the property is used appropriately;

5. Disclose or use any information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the officer, employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request;

6. Except in the course of official duties, assist any person in any corporate transaction where such corporate official or employee's assistance is, or to a reasonable person would appear to be, enhanced by that official or employee's position with the corporation; provided that this subsection shall not apply to any officer or employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by law;

7. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or noncontractual transaction to which the corporation may be a party, and fail to disclose such interest prior to the formation of the contract, or prior to the time the corporation enters into the transaction; provided, that this paragraph shall not



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apply to any contract awarded through the public bid process in accordance with applicable law;

8. Be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein;

9. Fail to disqualify himself or herself from acting on any transaction which involves the corporation and any person who is, or at any time within the preceding twelve (12) month period, has been a private client of his or hers, or of his or her firm or partnership.

B. A corporate official or employee may perform official duties and participate in corporate affairs or activities when:

1. The proposed action or activities of the public corporation would not affect him or her in a manner different in kind from that of the public of community generally, or when the corporate official is a member of a substantial class of persons included in a service or assistance program and would be not affected in a manner different in kind from other members of the class; or

2. The charter or rules or regulations repose responsibility with the Council for an action that affects all Council members in their official capacity alike; or

3. After disclosure of his or her personal interest, the Council finds, by majority recorded vote following discussion in open meeting during which public comment is permitted, that the official's participation would further the public interest notwithstanding the personal interest disclosed.

C. In all other instances, any corporate official who may have a direct or indirect financial interest in any matter coming before the Council, shall disclose to the council the nature and extent of such interest, and refrain from voting, participating in council deliberations as an official, or attempting to influence any other corporate offical on the matter.

(Ord. 109954 § 2(part), 1981.)

**3.110.570Statements of economic interests.**

A. All compenstated corporate employees holding executive, professional or administrative positions designated by each corporation in its respective rules and regulations and all uncompensated officials and employees shall, within two (2) weeks of being appointed or hired, and thereafter annually by April 15th, file with each corporation a written statement sworn as to its truth and accuracy stating for himself or herself and all members of his or her immediate family for the preceding calendar year:

1. The names and addresses of each person or entity doing business with the corporation with which the official or employee or a member of his or her immediate family has received compensation in any form of a total value of Two Thousand Five Hundred Dollars ($2,500.00) or more, excluding campaign contributions reported in accordance with applicable law;

2. The names and addresses of each entity doing business with the corporation in which the officer or employee or a member of his or her immediate family has a direct financial interest with a value of One Thousand Five Hundred Dollars ($1,500.00) or more; provided that policies of insurance in amounts on deposit in accounts with banks, savings and loan associations or credit unions shall not constitute a direct financial interest within the meaning of this section; or

3. The names and addresses of each entity doing business with the corporation in which the officer or employee or a member of his/her immediate family holds a position as officer, director or trustee, and the title of each position held;

4. A list, including legal or other sufficient description as prescribed by the corporation, of all real property in areas in which the corporation with which he/she is associated functions or adjacent to such areas or properties owned, leased, managed or otherwise controlled by such corporation in which the officer, employee, or member of his/her immediate family holds a direct financial interest or any option to purchase.

B. Following discussion in open meeting during which public comment is permitted, a council may suspend or modify by majority recorded vote any of the reporting requirements hereunder in a particular case if it finds that literal application of said requirements works a manifestly unreasonable hardship and that such suspension or modification will not frustrate the

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purposes of Sections 3.110.560 through 3.110.590; provided, that any such request for suspension or modification must be filed with the Council Chairperson and/or the corporation Executive Director not later than sixty (60) days prior to date on which an annual filing is to be made or promptly upon appointment.

C. Each corporation shall retain the statements and make them available for public inspection upon request for a period of not less than four (4) years following the separation from the corporation of the person filing the statement.

D. Such statements also shall be filed promptly by each corporation with the City Clerk. (Ord. 116368 § 70, 1992; Ord. 109954 § 2(part), 1981.)

**3.110.580Enforcement.**

A. Upon receipt of a complaint alleging violation of this section, each corporation's Chairperson shall establish and designate members of an Ethics Committee to investigate complaints, consider questions of ethical conduct, conflicts of interest and the application of ethical standards set forth in Sections 3.110.560 through 3.110.590.

B. Any person may file a complaint with a corporation Ethics Committee alleging violation of this section. If such complaint is filed by or in regard to the conduct of a member of the Ethics Committee, he or she is disqualified from participating in any proceedings that may arise from the complaint.

C. The complaint shall be in writing and shall be signed by the complainant. The written complaint shall state the nature of the alleged violation(s), the date(s), time and place of each occurrence, the name of the person(s) charged with the violation(s). The complaint shall be filed with the Ethics Committee which shall provide a copy to the person charged with the violation. The complainant shall provide the Committee with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.

D. Within thirty (30) days after receipt of a complaint, the Committee shall conduct an investigation and prepare a report as required by subsection G below; provided, that, if necessary and desirable and in order to avoid prejudice or irreparable harm to the person charged with the violation, the Committee may shorten or lengthen the time period provided for the investigation, as appropriate.

E. The Committee shall obtain from the corporation's legal counsel a written opinion on the application or interpretation of any provision of this section.

F. The Committee may also request an advisory opinion from the Board of Ethics of the City on application or interpretation of any provision of this section. If such advisory opinion is requested, the Board shall provide one in a timely fashion.

G. After completing the investigation, the Committee shall provide a written report to the Council of its findings and recommendations for disposition of the complaint, together with the complaint, opinion of counsel and of the Board of Ethics, if any, and any additional material necessary for Council review of the complaint.

H. The Council shall review the report, provided that any Council member who is the subject of the complaint shall disqualify himself or herself from participating in any proceedings related thereto. The council may determine that there are no reasonable grounds to believe that a violation has occurred and may dismiss the complaint. Such dismissal shall be in writing, setting forth the basis therefor. A copy shall be provided to the complainant and to the person charged with the violation. If the complaint is not dismissed or resolved, subject to Council approval, at a conference between the Committee and the person charged with the violation, the Council shall, within thirty (30) days of receipt of the Committee report, consider the report in open meeting, all subject to Council rules and regulations respecting procedural due process.

I. The Council shall determine, by recorded vote, whether a violation of the provisions of this section has occurred. If not, the complaint shall be dismissed. A written report of Council action setting forth the basis therefor shall be prepared and filed with council records. A copy thereof shall be provided to the complainant and to the person charged with the violation.



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J. If the Council determines that an employee has violated the provisions of this section, the employee shall be subject to such disciplinary action as determined appropriate by the Council. In addition to any other penalty herein or otherwise provided by law, a violation shall be cause for suspension, discharge or any such other disciplinary action as may be deemed necessary and proper.

K. If the Council determines that a Council member has violated the provisions of this section, a copy of its written report shall be forwarded to the Mayor of the City, together with all supporting documentation and the recommendation of the Council, if any. In addition to other penalty herein or otherwise provided by law, a violation shall be cause for suspension, removal from office, or other such disciplinary action as may, by the Mayor be deemed necessary and proper. Either the complainant or the Council member charged with the violation also may petition the Mayor for review of Council action within fifteen (15) days of Council action. Within thirty (30) days of receipt of a Council report or a petition for review thereof, whichever is later, the Mayor shall complete his review of the record and issue a written decision, including what, if any, disciplinary action shall be taken. A copy of the decision shall be provided to the Council, the complainant and the Council member charged with the violation.
(Ord. 109954 § 2(part), 1981.)

**3.110.590Penalty for violation.**

Violation of any provisions of Section 3.110.560 or Section 3.110.570 constitutes an infraction for which a monetary fine, not to exceed Five Hundred Dollars ($500.00), may be assessed by a court of competent jurisdiction. Violation may be proven by a preponderance of evidence and need not be proven beyond a reasonable doubt.
(Ord. 109954 § 2(part), 1981.)

## Chapter 3.114
## PROCUREMENT OF CONSULTANT SERVICES

**Sections:**

**3.114.010Definitions.**
**3.114.020Consultant's statements of interest and qualifications.**
**3.114.030Advertising of need for consultant services.**
**3.114.040Consultant selection criteria.**
**3.114.050Consultant evaluation committee.**
**3.114.060Selection of consultants.**
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**3.114.150Certified consultants' roster.**
**3.114.160Establishment and operation of rosters.**
**3.114.170Environmental Impact Statement (EIS) consultant hiring procedures.**

**3.114.010Definitions.**

The words defined in this section shall have the meanings set forth below whenever they appear in this chapter, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular section or provision:

A. “Consultant” means any person, association, partnership or corporation that by experience, training and education of the principals, officers or employees thereof has established a reputation or ability to perform specialized activities on a discrete, nonrecurring basis over a limited and preestablished term, as an independent contractor, delivering or providing for a monetary or other consideration, advice, recommendations(s), report(s), analysis(es), evaluation(s), audit(s), survey(s), or other products of cognitive processes or expert or professional services including but not limited to services from any



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attorney, architect, accountant, public relations advisor, dentist, physician, surgeon, psychiatrist, psychologist, veterinarian, engineer, surveyor, appraiser, planning consultant, investment counselor, and actuary; provided, that the following shall not be deemed a "consultant":

1. Any provider of services appropriate for a service contract pursuant to Ordinance 102151,[1] as amended; and

2. Any expert witness retained by the Law Department in connection with anticipated or actual litigation, or by the City Council in connection with any hearing on the nomination or appointment of any individual as a municipal officer.

B. "Contract" means and includes all types of agreements between or among the City and one (1) or more consultants, regardless of which such agreements may be called, for the procurement of consultant services, and includes agreements modifying or amending consultant contracts.

C. "Department" means any City department, office, board, commission, council, agency or other administrative or operating part of the City, and any division or part or combination thereof.

D. "Estimated to cost" means the anticipated charges for all activities that a consultant agrees to perform pursuant to contract and the anticipated charges for all additional specialized activities to be performed by the consultant under all renewals, extensions, and amendments of the contract and under subsequent stages of the same project.
(Ord. 108762 § 1, 1979.)

1.Editor's Note: Ordinance 102151 is codified in Subchapter VIII of Chapter 3.18 of this Code.

**3.114.020Consultant's statements of interest and qualifications.**

A. The Executive Services Director shall maintain the reference file heretofore maintained by the Board of Public Works regarding all consultants who have expressed an interest in performing work for or providing services to or on the behalf of the City and any of its departments or Executive Department offices as well as those with which the City contracts for such work or services. Such file shall be maintained on the basis of expressions of interest received and contracts entered into by the City during the preceding twelve (12) months.

B. Any consultant that desires to enter into a contract to perform work for or provide services to or on behalf of the City and any of its departments or Executive Department offices may complete and file annually with the Executive Services Director a statement of areas of interest and qualifications; the Executive Services Director is authorized to prescribe the manner and form of such filing, and establish and charge a fee therefor. At any time during normal business hours of the Executive Services Department, any such consultant may correct or update information previously supplied.

Nothing in this section shall limit the authority of any City department or Executive Department office soliciting proposals from consultants to require additional information to be submitted to it regarding any such consultant's qualifications.

C. Whenever a City department desires consultant services estimated to cost a total of Fifteen Thousand Dollars ($15,000.00) or more, as adjusted pursuant to Section 3.114.140, except as provided in Section 3.114.170, or to establish a certified roster for selection of consultants, the department shall review the consultant reference file maintained pursuant to this section and shall specifically inform every consultant that has expressed an interest in, or has documented qualifications for, performing work or providing services of the type or nature contemplated by such department, of such department's desire or need for such consultant services and the date by which such consultant must request further information from the department in order to be eligible for a contract for such work or placement upon a roster. Upon receipt of a consultant's timely request for further information, said department shall provide to the consultant all information to be made available to consultants pursuant to Section 3.114.030 together with any other information made available to potential consultants in connection with such work or placement on a consultant's roster.

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(Ord. 118397 § 48, 1996: Ord. 116000 § 1, 1991; Ord. 115388 § 1, 1990; Ord. 112334 § 3, 1985; Ord. 108762 § 2, 1979.)

**3.114.030Advertising of need for consultant services.**

A. Any proposed contract for consultant services estimated to cost Fifteen Thousand Dollars ($15,000.00) or more as adjusted pursuant to Section 3.114.140, other than contracts to consultants on a certified roster or contracts to consultants on an EIS roster, shall be advertised in the City's official newspaper for at least two (2) days (which need not be consecutive). Such advertisements shall include in general terms at least a description of the services sought; the name of the concerned department; the name and telephone number of a representative of the department from whom additional information may be obtained; and an indication that the selection of the consultant is subject to applicable laws and ordinances regarding equal employment opportunity; and if established or known, the range of fees the department will consider paying the consultant for the services to be provided, the time within which such services are to be provided, and the anticipated beginning date of the work.

B. Advertisements soliciting consultants for placement on a certified roster or an EIS roster shall be advertised in the same manner and with as much of the information described in subsection A of this section as practical.

(Ord. 115388 § 2, 1990; Ord. 112334 § 4, 1985: Ord. 108762 § 3, 1979.)

**3.114.040Consultant selection criteria.**

A. The Executive Services Director is hereby authorized and directed to adopt rules and regulations regarding the procedures by which City departments or Executive Department offices seek out qualified applicants and contract with consultants for work; provided, that under such rules and regulations, consultants shall be selected on the basis of, among other factors, their competence and qualifications for the type of services to be provided, the cost, price, compensation, or consideration to be paid by the City for such services, and the affirmative action/equal opportunity record of the consultant. Until such time as the Executive Services Director adopts such rules and regulations, all rules and regulations of the Board of Public Works shall remain in full force and effect, notwithstanding the abolition of such board, and all references in such rules and regulations to the "Board of Public Works" shall be treated as references to the Executive Services Director.

B. The selection of every consultant responsible for providing to the City services estimated to cost Twenty Thousand Dollars ($20,000.00) or more, as adjusted pursuant to SMC Section 3.114.140, or for placement on a certified roster under SMC Sections 3.114.150 and 3.114.160, shall be based upon specific written evaluation criteria relevant to the services to be provided. Every request for proposals (RFP) or other material in which consultants are given detailed information about consultant services sought by a department or Executive Department office shall include a detailed description of such evaluation criteria together with the maximum score or weighing to be given to each listed criterion.

(Ord. 118397 § 49, 1996: Ord. 116000 § 2, 1991: Ord. 112334 § 5, 1985; Ord. 108762 § 4, 1979.)

**3.114.050Consultant evaluation committee.**

Whenever a City department or Executive Department office desires consultant services estimated to cost Twenty Thousand Dollars ($20,000.00) or more, as adjusted pursuant to SMC Section 3.114.140, the head of the concerned department or Executive Department office shall appoint and utilize a consultant evaluation committee of not less than three (3) members and representative, where practical, of women and minorities. Each consultant evaluation committee shall review the proposals, applications, questionnaires, and related materials submitted by consultants interested in providing the particular service(s) sought by the concerned department or Executive Department office, and on the basis of the specific written evaluation criteria announced with respect to such consultant selection, report in writing, to the head of the concerned department or Executive Department office its recommendations including, where possible, the ranking of the top five (5) consultants evaluated, or such greater number as deemed appropriate for a certified consultant roster pursuant to SMC Sections 3.114.150 and 3.114.160, and where appropriate, the lack of measurable differences among consultants evaluated, together with such explanation of evaluation processes used as is necessary to fully advise such official of

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the committee's evaluation results. Thereafter, such evaluation report shall be filed with the Executive Services Department by the evaluating department or Executive Department office and made available for public inspection consistent with the provisions of RCW Chapter 42.17.
(Ord. 118397 § 50, 1996: Ord. 116000 § 3, 1991: Ord. 112334 § 6, 1985; Ord. 108762 § 5, 1980.)

**3.114.060Selection of consultants.**

A. In selecting a consultant to provide services estimated to cost Twenty Thousand Dollars ($20,000.00) or more, as adjusted pursuant to SMC Section 3.114.140, or establishing a certified roster, each department or Executive Department office head shall take into consideration the report and recommendations of the consultant evaluation committee appointed in connection with said proposed selection. In the event said department or Executive Department office head determines not to accept and act on the recommendation of the consultant evaluation committee, said official shall file with the Executive Services Director a written justification describing the reasons for such determination. Each such department or Executive Department office head shall make a good-faith effort to rotate the award of consultant service(s) contracts among consultants evaluated as being equally qualified and capable of performing the desired services.

B. No consultant shall be retained to perform accounting or auditing services and to provide management consulting services for the same department or Executive Department office at or about the same time. One (1) year after completion of such services for a department, a consultant who provides either accounting or auditing services shall become eligible to contract for management consulting services, and a consultant who provides management consulting services shall become eligible to contract to provide accounting and/or auditing services.

C. No contract shall be made with any consultant for performance of services on a retainer basis (whether for a term of years, or from year-to-year, or on another successive arrangement) for more than five (5) consecutive years, provided this restriction shall not apply to:

1. Contract for services in connection with a particular project or activity although completion of the assignment may extend for more than five (5) years;

2. A retainer agreement used to establish eligibility for placement on a roster from which consultants are selected from time to time for particular assignments; or

3. An agreement implementing a deferred compensation plan for City employees contemplated by 26 USC § 457.



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(Ord. 118397 § 51, 1996: Ord. 116000 § 4, 1991; Ord. 112334 § 7, 1985; Ord. 110504 § 1(part), 1982: Ord. 108762 § 6, 1980.)

**3.114.070Notification of selection or nonselection.**

Every department or Executive Department office that receives a proposal from a consultant to provide services for which such administrative unit has advertised in accordance with SMC Section 3.114.030, shall notify each such consultant, in writing, as to whether such consultant was selected to provide the desired services, or qualified for placement on a certified roster.
(Ord. 116000 § 5, 1991: Ord. 112334 § 8, 1985; Ord. 108762 § 7, 1980.)

**3.114.080Required form, terms and conditions of agreements with consultants.**

Every contract, retainer, change order, amendment, and any other form of agreement between or among the city and one (1) or more consultants shall be in writing and signed by at least one (1) authorized representative of each contracting party. Each such agreement shall include a specific and detailed description of the scope of work or services to be provided by the consultant(s) and the products of any sort to be delivered to the City; the maximum amount of compensation to be paid and any other consideration to be provided to the parties to the agreement, together with a description of the timing and method(s) of such payment and any retainage to be held; the dates the agreement is effective and is to expire; all equal employment opportunity, women's and minority business enterprise, and affirmative action provisions required by law, ordinance, rule or regulation to be included in such agreement; the authority of the City to audit the consultant's books and records with respect to the services to be provided, costs thereof, and compensation paid therefor; and any appropriate or required funding or other provision. All such agreements providing compensation of a value of Twenty Thousand Dollars ($20,000.00) or more, as adjusted pursuant to SMC Section 3.114.140, shall be subject to the review by the City Attorney, of, among other aspects, form; the specificity of descriptions of work to be performed for and products or results to be delivered to the City; and liability, insurance, indemnification, and bonding clauses.
(Ord. 116000 § 6, 1991: Ord. 108762 § 8, 1980.)

**3.114.090Filing of consultant contracts.**

The City shall be provided at least one (1) complete copy of each consultant contract to which the City is a party, which copy shall have affixed to it an original signature of an authorized representative of each party to the contract, and which copy shall be filed by the contracting department or Executive Department office with the City Clerk or such official's functional successor immediately following execution by all parties. A copy of such contract shall be filed by the concerned department with the Executive Services Director of immediately following execution by all parties.
(Ord. 118397 § 52, 1996: Ord. 116000 § 7, 1991: Ord. 108762 § 9, 1980.)

**3.114.100Consultant's performance review and evaluation reports.**

Each City department or Executive Department office that contracts with any consultant shall prepare, in writing, a summary evaluation report upon expiration or termination of each such contract, which report shall describe the deficiencies noted in any periodic consultant performance evaluations and the action (if any) taken by the consultant in response thereto; indicate whether such responsive actions by the consultant corrected the noted deficiencies to the satisfaction of the concerned department or Executive Department office; any unresolved problems with respect to the consultant's performance; and indicate to the Finance Director whether any final payment or payment of retainage should be made, the amount (if any) of such payment that is approved by the department or Executive Department office, and whether the concerned department or Executive Department office has imposed conditions upon such payment because of such deficiencies that warrant the withholding of all or any portion of the consultant's compensation. Within thirty (30) days after the expiration or termination of every consultant contract, a copy of each such report shall be filed with the Executive Services Director, who shall file the same in such department's consultant reference file.
(Ord. 118397 § 53, 1996: Ord. 116368 § 74, 1992: Ord. 116000 § 8, 1991: Ord. 108762 § 10, 1980.)

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**3.114.110 Requirements inapplicable under certain conditions.**

The provisions of SMC Sections 3.114.020 C, 3.114.030 through 3.114.070, 3.114.150 and 3.114.160 shall be inapplicable in the following circumstances:

A. Whenever such provisions would adversely affect the City's interests either because of an emergency as determined by the head of the department or Executive Department office desiring consultant services or because of a particular aspect of the services to be provided or the need therefor that would be compromised by compliance with such provisions (such as but not limited to the need to perform a confidential or surprise security review or evaluation or an anonymous management audit), in which case, the department or Executive Department office head shall file with the Executive Services Director as soon as practicable, a written explanation of the circumstances of the emergency or justification for the nonapplication of such provisions to said procurement.

B. Whenever it can be established to the satisfaction of the department head or Executive Department office head contracting for consultant services that only one (1) consultant is available with the expertise required to provide the services desired; provided, that each department or Executive Department office securing any consultant under such circumstances shall file a written justification for such action with the Executive Services Director at least twenty-four (24) hours prior to executing any agreement committing the City to pay for such services.

(Ord. 118397 § 54, 1996: Ord. 116000 § 9, 1991: Ord. 112334 § 9, 1985; Ord. 108762 § 11, 1980.)

**3.114.120 Executive Services Department rules applicable to consultant contracts.**

In addition to the requirements imposed by this chapter, the contracting with any consultant for work to be performed or services to be provided shall be subject to rules and regulations adopted by the Executive Services Director not inconsistent with this chapter.

(Ord. 118397 § 55, 1996: Ord. 116000 § 10, 1991: Ord. 108762 § 12, 1980.)

**3.114.130 Audit responsibilities of City Auditor.**

A. The City Auditor is authorized to audit each consultant contract entered into by a City department or Executive Department office to verify, among other things, that the procedures prescribed in this chapter were followed; that the



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compensation or other consideration provided to any consultant has been appropriate, under the circumstances, and that the contracted-for services were provided in a timely manner.

B. The City Auditor shall participate in the selection of all consultants providing auditing and accounting services in accordance with a memorandum of understanding entered into between such official and the Executive Department. The affected City department or Executive Department office may determine the terms and conditions of the agreement, but any such contract shall be subject to review by the City Auditor. All reports or financial statements submitted by such consultants shall be submitted to the City Auditor and the Finance Director as well as the affected department or Executive Department office.

(Ord. 116368 § 75, 1992: Ord. 116000 § 11, 1991: Ord. 110504 § 2, 1982: Ord. 108762 § 13, 1980.)

**3.114.140Escalation of dollar limitations.**

All monetary amounts specified in Sections 3.114.020 through 3.114.060, 3.114.080, 3.114.150 and 3.114.160 shall be annually adjusted hereafter by the Executive Services Director, immediately following publication of the preceding year's annual Consumer Price Index for all urban consumers Seattle-Tacoma metropolitan area, All Items, (1982-84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, to eliminate the effects of inflation or deflation on purchasing power and the authority granted by this chapter, and all such monetary amounts, as adjusted, shall be rounded upwards to the nearest Thousand Dollars ($1,000.00).

(Ord. 118397 § 56, 1996: Ord. 116000 § 12, 1991: Ord. 112334 § 10, 1985; Ord. 108762 § 14, 1980.)

**3.114.145Findings and declaration of policy.**

The City Council finds that:

A. National policy encourages the establishment and growth of small business in order to strengthen free competition, expand economic opportunity and further economic development, improve managerial skills, and encourage individual investment, among other goals; and the United States has established many governmental programs to foster and assist small business.

B. The State of Washington has established an office of small business (RCW 43.31.925), provided programs to assist small business such as the small business innovators opportunity program (RCW Chapter 43.170), authorized participation in federal small business programs (RCW Chapter 31.20), and declared that small businesses are essential to the well-being of Washington's economy, represent a majority of the businesses in the state and provide nearly one-half ( 1 /2) of Washington's jobs, insure essential economic competition, and broaden the industrial base of Washington industries (RCW 43.31.915).

C. Small businesses are very important to the City's economy. Consulting contracts within the limits of Sections 3.114.150 and 3.114.160 provide small businesses a needed opportunity to develop their skills and reputations; the City's experience with its certified rosters during the last two (2) years has shown that services provided by small business on such assignments are equal to those secured from larger enterprises. Awarding such consultant contracts to small business through the roster system provides added indirect benefits to the City and its economy through the stimulation of small business, allowing a greater development of individual skills, generating increased competition in the Seattle area, and providing more employment and economic opportunity.

D. Placing qualified women's and minority business enterprises on such rosters, and awarding them contracts so that they may participate fully as prime contractors in City projects and programs furthers the City's goals and policies declared in Section 20.40.020 of this Code, the Women's and Minority Business Utilization Ordinance.

(Ord. 113797 § 1, 1987.)

**3.114.150Certified consultants' roster.**

Through the competitive process contemplated by SMC Sections 3.114.020 through 3.114.070, the Executive Services Department, in conjunction with participating departments, may establish certified rosters of qualified consultants for the use by any City department or Executive Department office, hereinafter referred to as “participating department,” for skills or services in specialized areas of knowledge or experience including, among other specialties, architectural and engineering services; and without soliciting proposals on such assignments or projects individually, each such participating department may contract with a consultant on the appropriate roster as the City's needs arise for assignments or projects within the described specialty as long as each contract is

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estimated to cost no more than an adjusted amount established pursuant to SMC Section 3.114.140 by using Eighty Thousand Dollars ($80,000.00) as a base amount, as established by Ordinance No. 113797 § 2, 1987.
(Ord. 118397 § 57, 1996: Ord. 117583 § 1, 1995: Ord. 116000 § 13, 1991: Ord. 113797 § 2, 1987: Ord. 112334 § 1(part), 1985.)

**3.114.160Establishment and operation of rosters.**

These terms apply to the establishment, maintenance and use of certified rosters by City departments:

A. Solicitation. A solicitation for consultants for a certified roster shall describe the particular specialty sought, the contract dollar limits, the type of assignments or projects to be made, and the duration of the roster. The terms in a solicitation may be more restrictive than this chapter, and if so, shall control.

B. Consideration.

1. A participating department may contract with the consultants on the roster for assignments or projects within the specialty and for services described in the roster on assignments or projects estimated to cost no more than an adjusted amount established pursuant to SMC Section 3.114.140.

2. In applying for and accepting placement on a certified roster, a consultant shall agree to maintain a readiness to contract with the City to provide the services for particular assignments or projects contemplated by the solicitation, when and if offered; and, if awarded a contract, the consultant shall agree to complete the assignment or project in a timely and professional manner in accordance with the contract's standard and/or special terms and conditions.

C. Opportunities for Small Business. Whenever eight (8) or more such consultants qualify for certification, the roster shall consist only of those consultants who are eligible to be classified as a "small business concern" under the Small Business Act of the United States, 15 USC § 632, and its implementing regulations, 13 CFR Part 121. If seven (7) or fewer such consultants are certifiable, the roster shall be selected without regard to the eligibility of consultants under the small business criteria. A consultant may evidence its qualification as a "small business concern" by showing its acceptance by the Small Business Administration or its certification by the Washington Office of Minority and Women's Business Enterprises, or by signing a notarized affidavit swearing under oath that the consultant is a "small business concern" based on the United States Small Business Administration—Small Business Size Standards according to the Federal Standard Industrial Classification Codes.

D. Standard Contracts.

1. A participating department may require that all consultants placed on a certified roster agree to contract on a standard form of contract having terms and conditions generally controlling the work or services to be performed; if so, the participating department's contracts with a consultant for a particular assignment or project may adopt the standard form and supply the scope of work; the time for performance; the hours of work and consideration to be paid; and other special terms and conditions specific to the particular assignment or project.

2. A standard contract may quote an hourly or piece rate for the consultant, which shall remain a firm offer for a stated period.

E. Duration.

1. A certified roster shall expire at the earliest of the following:

a. Three (3) years after its establishment;

b. A shorter duration stated in the City's solicitation; or

c. Reduction of the number of consultants on the roster to one-third (1/3) of its original membership or one (1) consultant, whichever is greater.



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2. After notice to the consultants on a roster and allowing them a hearing, a roster may be dissolved sooner than its expiration when it is deemed in the best interests of the City for one (1) or more causes stated in the notice.

F. Number. The Executive Services Department in conjunction with participating departments shall determine the number of consultants selected for each roster category. The number shall not exceed fifteen (15) consultants.

G. Deletion From a Roster.

1. After allowing the consultant an opportunity to be heard, if the Executive Services Department in conjunction with participating departments find a consultant falls under any of the following circumstances, the consultant shall be deleted from the City's certified roster program:

a. The consultant requests deletion (the deletion shall take effect ten (10) business days after notice to the Executive Services Department);

b. The consultant is found to be in default in the performance of a City contract or is disqualified from City contracting, or the consultant has failed to file applicable business and occupation tax reports; or

c. The consultant has made a material misrepresentation in its response to a solicitation. (A misrepresentation is material if the consultant's rating in the evaluation scores would probably have been reduced if the facts were fully known.)

2. After allowing the consultant an opportunity to be heard, a participating department may delete a consultant from its certified roster, if:

a. The consultant fails to execute a contract for service within the specialty for an assignment or project when offered to it;

b. The consultant discontinues business within the Puget Sound area of Western Washington;

c. The consultant changes its organization or operations so that its response to the City's solicitation, although correct when made, is no longer descriptive of its current status, and the changes place the department at a disadvantage;

d. The circumstances presented provide good cause under rules established by the Executive Services Director; or

e. The consultant and/or a firm with an affiliation in ownership with the consultant receives contracts from the participating department through a certified roster category which exceeds, in the aggregate, three (3) times the dollar limitation established pursuant to SMC Section 3.114.150 when the consultant was selected for this roster category.

3. Replacements. The Executive Services Department in conjunction with participating departments may replace a consultant deleted from a roster by adding the next highest ranked consultant in the selection process; provided, that a replacement for women's business enterprise or a minority business enterprise, as defined in SMC Section 20.46A.050, shall be the next highest ranked women's business enterprise or minority business enterprise, respectively, except for consultant services governed by RCW 39.80.

H. Executive Services Department Review. The City's solicitation and selection process and a standard contract shall be subject to review by the Executive Services Director for compliance with the Women's and Minority Business Utilization Ordinance, SMC Chapter 20.46A.

I. Disclaimer. Placement on a certified roster makes a consultant eligible for consideration and possible selection as the contractor by a participating department for the providing of services within the specialty for assignments or projects estimated to cost no more than the roster program limitations, all as more fully described or limited in the City's solicitation, and subject to the terms of this chapter and the need of the participating department for the service and the availability of funds. Placement on a roster does not guarantee any consultant any contract for any amount. In addition, the City reserves the power to amend or repeal this chapter and to change or discontinue the roster system at any time.

J. Evaluation Criteria. Consultants shall be evaluated for placement on a roster on the basis, among other factors, of their record of utilization of women and minority-owned business on subcontracts, except for consultant services governed by RCW 39.80.

K. Insurance. A participating department, after consultation with the City's risk manager, shall determine the appropriate contract insurance requirements to reflect its evaluation of the risk of liability and the City's liability exposure. If commercial general liability insurance is required, the City must be named as an additional insured on the consultant's commercial general liability policy.

(Seattle 3-97)



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(Ord. 118397 § 58, 1996: Ord. 118066 § 1, 1996; Ord. 117583 § 2, 1995: Ord. 116000 § 14, 1991; Ord. 113797 § 3, 1987: Ord. 112334 § 1(part), 1985.)

**3.114.170 Environmental Impact Statement (EIS) consultant hiring procedures.**

This section regulates the establishment, maintenance and use of rosters of consultants qualified to produce Environmental Impact Statements (EISs) for the City. A department or Executive Department office may establish rosters of qualified EIS consultants for skills or services in specialized areas of knowledge or experience; and such administrative unit may contract with a consultant on the appropriate roster as the City's need arises for consultants with the described specialty.

A. Solicitation. A solicitation for an EIS consultant roster shall describe terms of the services sought; the name of the department or Executive Department office seeking an EIS consultant, including a contact person's name and telephone number; an indication of applicable laws and ordinances regarding equal opportunity employment; and duration of the roster with conditions for adding or deleting information.

B. Consideration.

1. Except for the circumstances described in SMC Section 3.114.110, a department or Executive Department office which maintains an EIS roster may contract only with the consultants on the roster for the production of an EIS, except that such administrative unit may:

a. Execute change orders to contracts made originally without using the roster, for work or services related to the original contracts;

b. Select consultants through the EIS selection process as defined in this section, for projects which fall generally within a specialty for which there is an EIS roster, but which require a level of expertise that is not available within the firms on the EIS roster or for which no consultant on the EIS roster is available;

c. Disregard an EIS roster in order to carry out an applicable procurement regulation mandated by the grant agreement on a project with federal or state assistance;

d. Execute a change order or contract amendment with the consultant for additional work related to the original contract and not foreseen when the contract was originally executed.

2. In applying for and accepting placement on an EIS roster, a consultant shall agree to maintain a readiness to contract with the City to provide the services contemplated by the solicitation, when and if offered; and, if awarded a contract, the consultant shall agree to complete the assignment in a timely and professional manner in accordance with the contract's standard and/or special terms and conditions.

C. Standard Contracts.

1. A department or Executive Department office may require that all consultants placed on an EIS roster agree to contract on a standard contract which contains terms and conditions generally controlling the work or services to be performed; if so, the department's or Executive Department office's contracts with a consultant for a particular project may adopt the standard form and supply the scope of work; the time for performance; the hours of work and consideration to be paid; and other special terms and conditions specific to the particular assignment or project.

2. A standard contract may quote an hourly or piece rate for the consultant, which shall remain a firm offer for a stated period.

D. Duration. After notice to the consultants on an EIS roster, a roster may be dissolved when it is deemed in the best interests of the City for one (1) or more causes stated in the notice.

E. Deletion from a Roster.

1. A consultant shall be deleted from an EIS roster under any of the following circumstances:

a. The consultant requests deletion. The deletion shall take effect ten (10) business days after notice to the department or Executive Department office;

b. The consultant is found to be in default in the performance of a City contract or is disqualified from City contracting, or the consultant has failed to file applicable business and occupation tax reports; or

c. The consultant has made a material misrepresentation in its response to a solicitation. (A misrepresentation is material if the consultant's rating in the evaluation scores would probably have been reduced if the facts were fully known.)



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2. After allowing the consultant an opportunity to be heard, a department or Executive Department office may delete a consultant from an EIS roster, if:

a. The consultant discontinues business within the Puget Sound area of Western Washington; or

b. The consultant changes its organization or operations so that its response to the department's or Executive Department office's solicitation, although correct when made, is no longer descriptive of its current status, and the changes make the consultant less qualified or otherwise less suitable for EIS contracting work.

F. Disclaimer. Placement on an EIS roster makes a consultant eligible for consideration and possible selection as the contractor of the soliciting department or Executive Department office for the providing of services as described or limited in the department's or Executive Department office's solicitation, and subject to the terms of this section and the need of the department or Executive Department office for the service. Placement on an EIS roster does not guarantee any consultant any contract for any amount.
(Ord. 118392 § 42(part), 1996; Ord. 116000 § 15, 1991: Ord. 115388 § 3, 1990.)

## Chapter 3.116
## INDUSTRIAL DEVELOPMENT CORPORATION

**Sections:**

**3.116.010Corporation created—Charter approved.**
**3.116.020Amendments—Dissolution.**
**3.116.030Board of Directors—Quorum—Meetings.**
**3.116.040Powers of Board.**
**3.116.050Revenue bonds.**
**3.116.060Acceptance of compensation by Directors.**
**3.116.070Indemnity.**
**3.116.080Audit.**
**3.116.090Completion of Exhibit A and Charter.**

### 3.116.010Corporation created—Charter approved.

The City of Seattle Industrial Development Corporation (called the "Corporation") is hereby established under the authority of and to implement Amendment 73 of the Washington Constitution (Article XXXII, Section 1) and RCW Chapter 39.84 (Chapter 300, Laws of 1981), as now existing or hereafter amended. The Charter, an unexecuted copy of which is attached as Exhibit A,[1] is approved, and the Mayor and City Comptroller shall execute and issue a duplicate original as the Charter of The City of Seattle Industrial Development Corporation.
(Ord. 111396 § 1(part), 1983.)

1.Editor's Note: Exhibit A, attached to Ordinance 111396, is on file with the ordinance in the City Clerk's office.

### 3.116.020Amendments—Dissolution.

The City reserves the right, in its discretion, by ordinance, at any time, to alter or change the structure, organizational programs, or activities of the Corporation, including termination or dissolution of the Corporation if contracts made by the public corporation are not impaired. Any net earnings of the Corporation beyond those necessary for the retirement of the indebtedness incurred by it shall inure exclusively to the benefit of The City of Seattle (called "the City"). Upon dissolution of the Corporation, title to all property owned by the Corporation shall vest in the City.
(Ord. 111396 § 1(part), 1983.)

### 3.116.030Board 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:



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1. The Chairperson of the City Council's Finance Committee, the Mayor of Seattle and three (3) 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 Committee declines to serve, the vice chairperson of the Finance 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 Director of the Office of Management and Planning as an alternate.

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

B. A majority of the Board (three (3) out of five (5) members) shall constitute a quorum for the conduct of meetings; the Board shall take action only pursuant to a majority vote of its members; 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.

(Ord. 117408 § 16, 1994; Ord. 111396 § 1(part), 1983.)

**3.116.040Powers of Board.**

The Board shall have the power to adopt, amend, and rescind the bylaws of the Corporation, which control its activities and internal affairs; to establish offices subordinate to those created in the Corporation Charter and to assign duties; to employ staff and consultants; to provide for their compensation and the compensation of members of the Board; to approve and authorize the execution of Corporate transactions; to establish offices and control the property of the Corporation; to establish fees and charges for services; and to exercise those powers ancillary or incidental to governance of the affairs of the Corporation and to carrying out the power conferred by RCW 39.84.080. The Board may delegate administrative, managerial, and ministerial duties to the officers and employees of the Corporation.

(Ord. 111396 § 1(part), 1983.)

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**3.116.050Revenue bonds.**

Revenue bonds issued by the Corporation shall not constitute a debt of the City in any way or pledge any of the faith and credit of the City to pay principal or interest thereon. The revenue bonds shall be payable solely from both the revenues derived as a result of the industrial development facilities funded by the revenue bonds, including, without limitation, amounts received under the terms of any additional security furnished by the user of the industrial development facility in connection with the financing thereof, and money and other property received from private sources. No tax funds or governmental revenue may be used to pay the principal or interest thereon.
(Ord. 111396 § 1(part), 1983.)

**3.116.060Acceptance of compensation by Directors.**

A member of the Board may accept the reimbursement of expenses and a reasonable per diem compensation authorized by resolution of the Board measured by time expended in preparing for meetings, attending meetings, and supervising corporate affairs.
(Ord. 111396 § 1(part), 1983.)

**3.116.070Indemnity.**

The Corporation shall hold the City harmless from any and all claims, lawsuits, judgments and other liabilities that arise against the Corporation, the City, or the Corporation and the City jointly, as a result of the transactions, actions, or omissions of the Corporation, and to appear and defend the proceedings for such purposes at its cost and expense.
(Ord. 111396 § 1(part), 1983.)

**3.116.080Audit.**

The books and records and transactions of the Corporation shall be subject to audit by the State Auditor and the City Auditor at all times.
(Ord. 116368 § 76, 1992: Ord. 111396 § 1(part), 1983.)

**3.116.090Completion of Exhibit A and Charter.**

The City Comptroller is authorized to complete Exhibit A, attached,[1] and the Corporate Charter issued by inserting the series number of the ordinance codified in this chapter in its Articles 3, 4, and 6 and in the appropriate sections of its bylaws.
(Ord. 111396 § 1(part), 1983.)

1.Editor's Note: Exhibit A, attached to Ordinance 111396, is on file with the ordinance in the City Clerk's office.

## Chapter 3.118
## INDUSTRIAL DEVELOPMENT FACILITIES

**Sections:**

**3.118.010Applications for approval.**
**3.118.020Review criteria.**
**3.118.030Approval.**

**3.118.010Applications for approval.**

A. To secure approval for industrial development facilities to be financed with industrial revenue bonds within the City as contemplated by RCW 39.84.060, a public corporation shall submit the following documents to the Mayor:

1. A request describing the industrial development facility and the approval requested;
2. A copy of the resolution of the board of the public corporation, declaring its intention to issue "revenue bonds" as defined in RCW 39.84.020(10);
3. A copy of the materials submitted to the state of Washington Department of Commerce and Economic Development, along with its eligibility application;
4. A copy of the application form for financing submitted to the issuer;
5. A copy of any environmental analysis or environmental impact statement prepared for the proposed facility (if a draft statement is being circulated, a copy of the draft);
6. A covenant to hold the City harmless from any and all claims, lawsuits, judgments or other liabilities that may arise against the public corporation, the City, or the City and the public corporation jointly, as a result of the transactions, actions or omission of the corporation or the granting of the approval requested, and to appear

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and defend proceedings for such purposes at its cost and expense; and

7. A copy of the transcript of a public hearing on the proposed project held by the issuer.

B. The applicant shall submit to the City any additional documents or information as may be requested by the Mayor, the Director of Housing and Human Services, or the President of the City Council to assist in reviewing the application.

(Ord. 115958 § 11, 1991; Ord. 113222 § 1, 1986; Ord. 111395 § 1(part), 1983.)

**3.118.020Review criteria.**

Applications will be reviewed for conformity to City zoning, the City comprehensive plan and land use policies, and the policies contained in Exhibit A, entitled "Guidelines for City Review of Industrial Development Facilities Financed with Industrial Revenue Bonds."

(Ord. 111395 § 1(part), 1983.)

**3.118.030Approval.**

Approval of an industrial development facility to be financed with Industrial Revenue Bonds within the City shall be by resolution of the City Council.

A. The approval shall be for purposes of RCW 39.84.060 only, and shall not constitute approval of construction of the facility for any regulatory purposes, nor commit the City or City officers to issue any permits for the project or restrict its review under state law and City ordinances, including, but not limited to, the State Environmental Policy Act (RCW Chapter 43.21C); the Shoreline Management Act of 1981 (RCW Chapter 90.58); and the State Building Code Act (RCW Chapter 19.27).

B. Industrial revenue bonds to be issued for an approved industrial development facility shall not constitute or become obligations of the City and no tax moneys or other revenues of the City shall be used to pay the principal of or interest or any premiums on the bonds. Neither the faith nor the credit of the City shall ever be pledged to pay the principal of or interest on the bonds.

(Ord. 111395 § 1(part), 1983.)

## Chapter 3.121
## CHARGES FOR DISHONORED CHECKS

**Sections:**

**3.121.010Charges for dishonored checks to City utilities and Municipal Court.**
**3.121.020Charge for dishonored check to other departments.**
**3.121.030Setting fees—Accepting checks.**
**3.121.040Waiver of fee.**
**3.121.050Deposit of fees.**

**3.121.010Charges for dishonored checks to City utilities and Municipal Court.**

The Superintendent City Light and the Director of Seattle Public Utilities are authorized 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 their respective utilities. The Presiding Judges of the Municipal Court are authorized to set, charge and collect a similar fee for payments to the City for the credit of 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.

(Ord. 118396 § 7, 1996: Ord. 114345 § 1(part), 1989.)

**3.121.020Charge for dishonored check to other departments.**

The City Finance Director is authorized 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.

(Ord. 116368 § 78, 1992: Ord. 114345 § 1(part), 1989.)

**3.121.030Setting fees—Accepting checks.**

A. The City official, authorized to set the fee, shall hold hearings and follow procedures of the Administrative Code (SMC Chapter 3.02), as now or hereafter amended, in establishing the fee. The



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fee shall be set at the minimum level, rounded to the next highest dollar, necessary to recover the City's costs of handling dishonored checks.

B. The handling fee shall be in addition to interest, collection costs, and attorneys' fees allowed by RCW 62A.3-515 or other applicable law.

C. A rule may limit the amount and/or number of checks accepted from any person.

D. A City official, who collects payment, may decline to accept a check from any person who has presented a check to the City which was dishonored.

(Ord. 114345 § 1(part), 1989.)

**3.121.040Waiver 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 City Finance Director 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 SMC Section 4.16.030.

(Ord. 116368 § 79, 1992; Ord. 114345 § 1(part), 1989.)

**3.121.050Deposit of fees.**

Fees for handling dishonored checks shall be deposited to the credit of the account or fund which receives credit for the principal of the check.

(Ord. 114345 § 1(part), 1989.)

## Chapter 3.122
## MUNICIPAL ARCHIVES PROGRAM

**Sections:**

**3.122.010Established.**
**3.122.020General purpose.**
**3.122.030Scope of collection.**
**3.122.040Applicability of chapter provisions.**
**3.122.050Potential archival records—City Clerk review.**
**3.122.060Location and recovery of archival records.**
**3.122.070Availability of accessioned archival materials.**
**3.122.080Housing of archival records.**

**3.122.010Established.**

There is hereby established a City of Seattle Municipal Archives Program. This program and all archival facilities connected with it shall be administered by the City Clerk.

(Ord. 111782 § 1, 1984.)

**3.122.020General purpose.**

The purpose of The City of Seattle Municipal archives is to preserve the documented history of The City of Seattle, its municipal government, and of the towns and cities incorporated into the City, for the benefit of posterity, scholarly research, legal research, and public relations, as well as the daily administration of City government.

(Ord. 111782 § 2, 1984.)

**3.122.030Scope of collection.**

Material accepted for permanent retention in the Municipal Archives will be characterized by one (1) or more of the following attributes:

A. Documents the creation (including public planning, policy making, political movements, etc.), development, and organization of The City of Seattle;

B. Documents or provides substantive evidence of the City's activities and consequences of those activities;

C. Is not current (i.e., it has served the administrative purpose for which it was created);

D. Answers technical questions regarding the City's operations;

E. Is potential resource material for scholarly research;



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F. Contains marginal notes of consequence by City officials;

G. Has continuing legal or operational use to the City;

H. Is so old (generally 1900 and earlier) that it has gained archival value through lack of other documentation or because of the social and cultural climate reflected.

(Ord. 111782 § 3, 1984.)

**3.122.040Applicability of chapter provisions.**

The ordinance codified in this chapter shall apply to City departments, offices, boards, and other agencies with records which have been designated "archival," "potentially archival," or "selected files potentially archival" by the State Archivist on the City's records retention schedules; or City departments, offices, boards, or other agencies with records of historical or informational value, or more specifically containing evidence of how the agency came into being, how it developed, its organization, and the scope and history of its activities. These agencies shall notify the City Clerk of the existence of such records so that they may be appraised for potential inclusion in the Municipal Archives once the records have served the administrative purposes for which they were created.

(Ord. 111782 § 4, 1984.)

**3.122.050Potential archival records—City Clerk review.**

The City Clerk shall review all potentially archival records for the purpose of determining their suitability for permanent retention. Records deemed archival shall be arranged, described, and indexed so that they are readily accessible to scholarly researchers, City officials, and the public.

(Ord. 111782 § 5, 1984.)

**3.122.060Location and recovery of archival records.**

The city Clerk shall actively solicit inactive archival records located within City agencies. In addition, efforts may be made to recover those archival records held by non-City agencies which would be more appropriately administered by the Municipal Archives.

(Ord. 111782 § 6, 1984.)

**3.122.070Availability of accessioned archival materials.**

Records and manuscripts accessioned into the Municipal Archives will be available to the originating agency for reference purposes but may not be permanently removed from the Archives.

(Ord. 111782 § 7, 1984.)

**3.122.080Housing of archival records.**

Archival records may be housed in facilities maintained by the City, with the University of Washington Manuscripts Collection, or with the State Archives, as determined by the City Clerk and the State Archivist.

(Ord. 111782 § 8, 1984.)

## Chapter 3.124
## SOLICITATIONS FOR CHARITABLE CONTRIBUTIONS FROM CITY EMPLOYEES

**Sections:**

**3.124.010Purpose.**
**3.124.020Definitions.**
**3.124.030Employee committee.**
**3.124.040Charitable campaign.**
**3.124.050Personnel Director to adopt rules.**

Severability: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such decision shall not affect the validity, applicability, or effectiveness of the remaining portions of this chapter, and to this end the provisions of this chapter are declared to be severable.

(Ord. 114034 § 3, 1988.)

**3.124.010Purpose.**

Currently, a single charitable organization is authorized to conduct a campaign for solicitations from City employees for contributions which are making payroll deduction contributions to other social service organizations through procedures developed by the Comptroller. Charitable organizations currently not permitted to participate in the annual campaign for contributions from City employees desire to be permitted to participate in

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a campaign for such contributions. This chapter is intended to establish a means consistent with RCW 41.04.035, 41.04.036, 49.52.050 and 49.52.060 whereby uniform procedures will be established for the efficient administration of two (2) annual campaigns for charitable contributions from City employees which may be made through payroll deductions. This chapter shall be liberally construed to accomplish this purpose.
(Ord. 114264 § 1, 1988: Ord. 114034 § 1(part), 1988.)

**3.124.020Definitions.**

A. "Campaign" means the solicitation of contributions from City employees by representatives of federations of charitable organizations and of charitable organization funds through oral presentations, printed materials, audio/video media or other similar means which occurs on City property during normal City business hours.

B. "Charitable organization" means an organization to which tax deductible charitable contributions may be made pursuant to Section 170(c) of the Internal Revenue Code and which meets the additional criteria established in rules adopted pursuant to this chapter.

C. "Charitable organization fund" means an organization to which tax deductible charitable contributions may be made pursuant to Section 170(c) of the Internal Revenue Code, which solicits and distributes charitable contributions on behalf of other charitable organizations and which collects Five Hundred Dollars ($500.00) or more in aggregate contributions, or receives contributions from at least one hundred (100) City employees each year.

D. "Federation of charitable organizations" means a group to which tax deductible contributions may be made pursuant to Section 170(c) of the Internal Revenue Code, which consists of five (5) or more charitable organizations organized to solicit and distribute contributions on behalf of its member charitable organizations and which collects Five Hundred Dollars ($500.00) or more in aggregate contributions, or receives contributions from at least one hundred (100) City employees each year.
(Ord. 116368 § 80, 1992; Ord. 115572 § 1, 1991; Ord. 114264 § 2, 1988: Ord. 114034 § 1(part), 1988.)

**3.124.030Employee committee.**

A. A committee of nine (9) City employees shall be appointed to a City Employee Charitable



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Campaign Committee. Four (4) City employees shall be appointed to the Committee by the Mayor and five (5) shall be appointed by the City Council. The term of Committee members shall be three (3) years.

B. The City Employee Charitable Campaign Committee shall include two (2) subcommittees. One (1) subcommittee shall recommend rules consistent with this chapter to the City Personnel Director regarding eligibility standards for participating in City charitable campaigns and shall determine which federations of charitable organizations and charitable organization funds may, consistent with rules adopted, participate in the City's charitable campaigns. The second subcommittee shall recommend rules consistent with this chapter to the City Personnel Director regarding the conduct of City charitable campaigns and shall assist the Personnel Director and his or her designee in managing the campaigns.

C. Members of the Employee Committee shall serve voluntarily without additional salary but shall be reimbursed by their employing departments for travel, lodging and meals in accordance with City laws and regulations. Committee members shall be given release time from regular work hours to serve on the committee. Employee members of the Committee shall be paid no additional compensation for working beyond normal working hours.

(Ord. 116368 § 1, 1992; Ord. 114264 § 3, 1988; Ord. 114034 § 1(part), 1988.)

**3.124.040Charitable 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 Finance Director 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 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.

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(Ord. 116368 § 82, 1992: Ord. 114443 § 1, 1989: Ord. 114264 § 4, 1988; Ord. 114034 § 1(part), 1988.)

**3.124.050Personnel Director to adopt rules.**

The City Personnel Director shall adopt rules pursuant to SMC Chapter 3.02 which shall govern campaigns and shall specify the procedure by which City employees may authorize payroll deductions from City employees' salary warrants to make donations to federations of charitable organizations and to charitable organization funds. (Ord. 116368 § 83, 1992: Ord. 114034 § 1(part), 1988.)

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