

(GENERAL)

COMPTROLLER  
FILE NUMBER 285467

DX

PROPOSED CHARTER AMENDMENTS TO BE PRE-  
SENTED TO THE VOTERS AT THE NOVEMBER 8,  
1977 GENERAL MUNICIPAL ELECTION.

FILED SEPTEMBER 1, 1977

E. L. KIDD  
COMPTROLLER AND CITY CLERK

*R. McGuire*  
DEPUTY

**ACTION OF THE COUNCIL**

REFERRED	TO
REFERRED	TO
REFERRED	TO
REPORTED	DISPOSITION
RE-REFERRED	TO
REPORTED	DISPOSITION

## REPORT OF COMMITTEE

Mr. President:

Your.....

.....Committee

to which was referred the within.....

would respectfully report that we have considered the same and respectfully recommend that.....

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CHAIRMAN

CHAIRMAN

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# Seattle City Council



Sam Smith  
President of the Council  
625-2455

George E. Benson  
Chairman  
Transportation  
Committee  
625-2441

Tim Hill  
Chairman  
Finance Committee  
625-2438

Paul Kraabel  
Chairman  
Planning & Urban  
Development Committee  
625-2447

Phyllis Lamphere  
Chairman  
Intergovernmental  
Relations Committee  
625-2436

Wayne D. Larkin  
Chairman  
Utilities Committee  
625-2443

John R. Miller  
Chairman  
Parks & Public  
Grounds Committee  
625-2451

Randy Revelle  
Chairman  
Public Safety & Justice  
Committee  
625-2445

Jeanette Williams  
Chairman  
Human Resources &  
Operations Committee  
625-2453

August 31, 1977

Honorable John Harris  
Corporation Counsel  
City of Seattle

Dear Mr. Harris:

As a result of its Committee of the Whole meeting August 29, 1977, the City Council requests that you prepare the necessary legislation to place on the ballot of the November 8, 1977 General Municipal Election the proposed amendments to the City Charter, which are highlighted immediately below and drafted in the Attachments to this letter. It is our understanding that the Council must adopt the proposed amendments by resolution no later than September 9th, and, together with the Mayor, enact and transmit an ordinance (with the resolution) to the King County Supervisor of Elections by September 23rd authorizing the placement of the amendments on the ballot. We therefore would appreciate receiving the appropriate legislation as soon as possible.

1. Provide for a revised personnel and civil service system by repeal and substitution of Article XVI, Civil Service Department. (Attachment 1)
2. Change requirements and authority relationships in connection with the Board of Public Works by: amendment to Article III, Departments of Government; repeal and substitution of Article VII, Board of Public Works, with a new Article VII; and amendment to Section 1, Article XI, Department of Parks. (Attachment 2)
3. Provide that the granting of licensing authority be by ordinance instead of Charter by amending Section 1, Article VIII, Department of Finance. (Attachment 3)
4. Change requirements for selection of the chief of police to make it the same as for other city department heads by amending Sections 2-6 of Article VI, Department of Police. (Attachment 4)
5. Change the title of "Corporation Counsel" to "City Attorney."

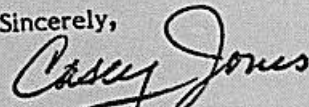
Regarding item 3, the Council wishes to assure itself that simple deletion of the licensing authority language in Section 1 of Article VIII, as shown in Attachment 3, will in fact enable the legislative authority to determine by ordinance who shall issue licenses. Please comment on whether this is so, and if it is not, draft appropriate language to effect the intent.

Honorable John Harris  
August 31, 1977  
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Concerning items 2 and 4 as they relate to the Mayor's authority to remove department heads upon filing the reasons for doing so with the City Council (see Section 1 of the proposed Article VII and Section 2 of the proposed Article VI), the Council intends that such notice be required whether the removal is by firing or forced resignation. Please draft language that would accomplish this intent.

In the event the Council does not formally adopt the proposed Article XVI, Personnel System and Civil Service (Attachment 1), the Council wishes to have ready for adoption an alternative resolution which would: (1) provide that one member each of the civil service commission be appointed by the Mayor, City Council, and Civil Service employees (see draft amending language to Article XVI, Section 1 in Attachment 5); and (2) that the present six-month probationary period for firefighters be changed to twelve months, to make it the same as for all other City employees (see draft amending language to Article XVI, Section 9 in Attachment 6). This will require that two complete, alternative resolutions be prepared and ready for adoption by the Council. In both cases appropriate transitional language should be included providing that initial implementing ordinances shall be enacted within one year from approval of the proposed amendments by the voters, and that until then the existing Articles VII and XVI shall remain in effect.

Sincerely,



CASEY JONES  
Executive Director

Attachments

cc: All Councilmembers  
Mayor's Office  
Office of Management and Budget  
Comptroller's Office

ATTACHMENT 1

That Article XVI of the Charter of The City of Seattle be repealed in favor of a new Article XVI, as follows:

**ARTICLE XVI**

**Personnel System and Civil Service**

**Section 1. PERSONNEL SYSTEM:** A personnel system for the City shall be established by ordinance. The system shall be administered by the Personnel Director, who shall be appointed by the Mayor, such appointment to be effective only upon confirmation of the City Council passed by a majority of all its members.

The ordinance shall establish uniform procedures for recruitment, selection, development, and maintenance of an effective and responsible work force, including, but not limited to, job advertising, training, job classification, examinations, appointments, transfers within the system, career development, salary administration, labor negotiations, safety, employee benefits, grievance procedures, discipline, discharge, layoff and recall, regulation of political activity, and other personnel matters.

**Section 2. NONDISCRIMINATION:** The personnel system shall be administered in such a manner as to assure equal employment opportunity and affirmative action, as shall be determined by ordinance.

**Section 3. CIVIL SERVICE:** All City employees shall be members of the civil service except elected officers, persons holding appointive offices established by this Charter, assistant city attorneys, heads of executive departments and members of boards and commissions created by this Charter or by ordinance. Additional positions may be exempted by ordinance approved by a two-third vote of the Council.

Any person appointed to an exempt position from civil service shall have the right to return to the same or a like position in the civil service upon the termination of the appointment, unless dismissed from the exempt position for cause.

There may be a separate civil service system established by ordinance for firefighters and police officers, in order to substantially accomplish the purposes of pertinent state law.

**Section 4. MERIT PRINCIPLES:** The personnel ordinance shall provide that the civil service shall be administered in accordance with the following merit principles:

- Recruitment, selection, transfer and advancement of employees on the basis of their relative ability, knowledge, and skills, without regard for political beliefs or activity. The recruitment and selection process shall include job advertising and open consideration of qualified applicants for initial appointment;
- Creation of opportunities for entry into the system at all levels;
- Creation of opportunities for entry into and advancement in the system by members of underrepresented groups;
- Limitation of periods of probationary status to one year and examination of all employees within one year of employment;
- Training of employees to assure high quality performance and to encourage advancement;

- Retention of employees on the basis of the adequacy of their performance, correction of inadequate performance, and separation of employees whose inadequate performance is not corrected;
- Assurance of fair treatment of applicants and employees with proper regard for their privacy and constitutional rights as citizens;
- Assurance that employees are protected from coercion or importuning for political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of any election or nomination for office.

**Section 5. CIVIL SERVICE COMMISSION:** There shall be an independent three-member civil service commission to hear appeals involving the administration of the personnel system.

The commission may also submit to the mayor and the council such recommendations concerning the personnel system as it deems appropriate.

The members of the civil service commission shall serve staggered three-year terms. One member shall be selected by the mayor, one by the council, and one member shall be elected by the civil service employees; all members shall be removed only for cause by their selecting authority. The manner of election and removal of the member representing the civil service employees shall be as provided by ordinance.

**Section 6. CIVIL SERVICE APPEALS PROCESS:** The commission shall establish rules for its own operation. The commission shall have the power to administer oaths, issue subpoenas, receive relevant evidence, compel the production of documents, question witnesses at hearings which it conducts, and issue such remedial orders as it deems appropriate. In any appeal involving a disciplinary action, the employee shall have the right to cross-examine witnesses, and to ask for the attendance of witnesses and production of relevant evidence. In all cases the appellant or the official whose action is challenged shall have the right to a public hearing and to be represented by a person of his or her choice.

The commission may delegate to one or more hearing examiners any of its powers, but a decision by a hearing examiner may be appealed to the commission by either party. A record of the proceedings shall be made. Neither the Personnel Director, nor his or her staff, shall serve as hearing examiner or staff for the commission.

Hearings shall be conducted on a timely basis and decisions rendered within ninety days after the hearing is completed. If the commission fails to decide an appeal within ninety days, unless the appellant consents to an extension, the appeal shall be sustained.

No person shall be entitled to appeal to the civil service commission if the subject of the appeal has previously been the subject of binding arbitration under a labor contract.

**Section 7. SUSPENSION OR DISMISSAL:** No member of the civil service may be suspended or dismissed from employment except for justifiable cause. A written statement of the reasons for suspension or dismissal shall be delivered to the employee by the head of the department and filed with the commission. Any employee who is suspended or dismissed shall be entitled to an appeal to the commission except as provided in Section 6.

**Section 8. OUTSIDE EMPLOYMENT BY CITY EMPLOYEES:** City employees may engage in lawful outside employment to the extent permitted by ordinance.

**Section 9. LABOR NEGOTIATIONS:** The right of city employees to bargain collectively, through representatives of their own choosing, shall not be abrogated by the city, but no collectively bargained contract shall become effective without ratification by the council. The council shall not ratify any contract which is inconsistent with this charter.

ATTACHMENT 2

That Section 1 of Article III of the Charter of the City of Seattle be amended to read as follows:

## ARTICLE III

## Departments of Government

Section 1. DEPARTMENTS: ~~The government of the City of Seattle shall be divided into departments as follows:~~

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| <del>1. Legislative</del>           | <del>10. Law</del>                 |
| <del>2. Executive</del>             | <del>11. Judicial</del>            |
| <del>3. Finance</del>               | <del>12. Civil Service</del>       |
| <del>4. Police</del>                | <del>13. Lighting</del>            |
| <del>5. Board of Public Works</del> | <del>14. Water</del>               |
| <del>6. Public Health</del>         | <del>15. Engineering</del>         |
| <del>7. Fire</del>                  | <del>16. Building</del>            |
| <del>8. Parks</del>                 | <del>17. Planning Commission</del> |
| <del>9. Library</del>               | <del>18. Transportation</del>      |

The legislative authority of the city may by ordinance create, consolidate and reorganize ~~from time to time, as the needs of the city may require, additional~~ the departments, divisions and offices of the City for the conduct of municipal functions and exercise of ~~powers not by this Charter expressly vested in a charter office or department, and the head of any such new department shall perform such duties, possess such qualifications and be appointed and subject to removal in such manner as may be prescribed by ordinance.~~ except as such creation, consolidation or reorganization shall be precluded by other provisions of this Charter.

That Article VII of the Charter of The City of Seattle be repealed in favor of a new Article VII, to read as follows:

**ARTICLE VII**

**Board of Public Works**

**Section 1: CREATION; MEMBERSHIP; CHAIRMAN; REMOVAL:** That as of the effective date of an ordinance establishing the same, there shall be a board of public works composed of no less than three members who shall be city department heads. The number and qualifications of members and the length of their terms shall be defined by ordinance, subject to the provisions of this article. Provided, that members serving on the board of public works as of the effective date of this charter amendment shall continue as members until the end of their existing terms of membership. Each member of the board of public works shall be appointed by the mayor and confirmed by a majority of the members of the city council. The chairperson of the board of public works shall be appointed by the mayor from among the members of the board. Members of the board, as such, shall receive no compensation.

Any member of the board of public works may be removed by the mayor upon filing notice of removal for cause with the city council.

**Section 2. PURPOSE OF BOARD:** The purpose of the board of public works shall be to insure that all contracts for public works projects awarded by the City are developed and carried out in a manner consistent with all applicable City ordinances and state and national laws.

**Section 3. MEETINGS AND QUORUM:** The chairman of the board of public works shall from time to time call such meetings as the chairman determines to be necessary. All meetings shall be public. A majority of all the members of the board shall constitute a quorum.

**Section 4. POWERS AND DUTIES OF THE BOARD:** The board of public works shall make such rules and regulations as shall be necessary to ensure:

First, that all public improvements to be made pursuant to a contract by the City shall be awarded to the lowest and best bidder.

Second, that anyone employed pursuant to a contract for a public works contract awarded by the City shall be paid at not less than the prevailing rate of pay for City employees performing like duties.

Such rules and regulations shall apply equally to all contracts awarded by the City for City employees performing like duties.

**Section 5. CITY OFFICIAL NEWSPAPER:** The "City Official Newspaper," which shall publish all official proceedings required by law to be published shall be designated annually by the board of public works after a call for bids from the daily newspapers of general circulation published in the City at least six (6) days per week.

The lowest and best bidder shall be designated the City official newspaper and shall post a surety company bond in an amount to be determined by the board of public works conditioned that full compliance shall be made in carrying out the contract. A bid bond shall be required from each bidder in such amount as the board of public works shall designate.

That Article XI, Section 1 of the Charter of The City of Seattle be amended to read as follows:

**ARTICLE XI**

**Department of Parks**

**Section 1: DEPARTMENT OF PARKS AND RECREATION:** There shall be a department of parks and recreation, the head of which shall be the superintendent of parks and recreation, who shall have responsibility for the management and control of the park and recreation system of the city. Such superintendent shall appoint under civil service laws and rules, supervise and control all officers and employees in the department of parks and recreation, and he shall have such further powers and perform such other duties as may be prescribed by ordinance. The superintendent of parks and recreation shall be appointed by the mayor, subject to confirmation by a majority of the city council, ~~for the term of four years and he~~ may be removed by the mayor subject to like confirmation, ~~and he shall be ex officio a member of the board of public works, and of the city planning commission, but he shall receive no compensation as such member,~~ filing notice of removal for cause with the city council.

ATTACHMENT 3

ARTICLE VIII

Department of Finance

Section 1. **POWERS AND DUTIES OF CITY COMPTROLLER:** There shall be a city comptroller who shall exercise general supervision over the financial affairs of the city. He shall number and keep a record of all demands, showing the date of approval, amount and name of original holder, the number, on which account and out of what fund payable. He shall be required to be constantly acquainted with the exact condition of the treasury. He shall keep a complete set of books by double entry system for the city, in which shall be set forth in plain and businesslike manner every money transaction of the city, so that he can at all times tell the exact condition of the city's finances. ~~He shall issue all licenses in accordance with law on presentation to him of a receipt of payment from the city treasurer.~~ He shall sign all warrants upon the treasurer, and shall perform such other duties as are prescribed by law.

ATTACHMENT 4

That Article VI, Sections 2, 3, 4, 5 and 6 of the Charter of the City of Seattle be amended to read as follows:

ARTICLE VI

Department of Police

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Section 2. CHIEF OF POLICE; QUALIFICATIONS, APPOINTMENT, REMOVAL;  
TO APPOINT SUBORDINATE OFFICERS: The chief of police shall be appointed by  
the mayor, subject to confirmation by a majority vote of all members of the city council.  
~~He shall be selected by the mayor from among the three highest ranking candidates in a~~  
~~competitive examination to be conducted under the direction of the mayor.~~ The mayor  
may remove the chief of police upon filing a statement of his reasons for so doing with  
the city council. A chief of police appointed from the classified civil service may take  
leave of absence from his classified position until completion of his tenure as chief of  
police. All subordinate police officers shall be appointed by the chief of police under  
civil service rules and regulations.

Section 3. COMPETITIVE EXAMINATION. ~~The competitive examinations shall~~  
~~adequately test the qualifications of all candidates for chief of police, and all records~~  
~~of such examinations shall be filed with the city council by the mayor together with his~~  
~~appointment of the chief of police. Such records shall be open to public inspection for~~  
~~at least seven days prior to the city council taking action on said appointment.~~

~~Section 4-~~ 3. **CHIEF TO MANAGE POLICE DEPARTMENT:** The chief of police shall manage the police department, and shall prescribe rules and regulations, consistent with law, for its government and control; provided, that the chief of police shall be responsible to the mayor for the administration of the police department and the enforcement of law.

~~Section 5-4.~~ First. **PROCESS DIRECTED TO CHIEF OF POLICE; CHIEF TO MAINTAIN PEACE, KEEP CITY PRISON:** The chief of police shall be the chief peace officer of the city, and all process issued by the police judge of the city, shall be directed to him for service, and may be served and returned by the chief of police or any police officer. The chief of police shall maintain the peace and quiet of the city. He shall be the keeper of the city prison. He shall have like powers and responsibilities as the sheriff of King County in similar cases, and shall perform such other duties as may be imposed by ordinance.

Second. **POWERS OF POLICEMEN IN MAKING ARRESTS; POLICE RECORDS:** The chief of police or any police officer may make arrests for any crime or violation of the laws of the state or any ordinance of the city, committed within the city. The chief of police shall keep a correct record of all arrests, showing the time and cause of complaint upon which each arrest was made, with a list and description of all property and money taken from each person.

Third. **CHIEF RESPONSIBLE FOR PROPERTY TAKEN:** The chief of police shall be responsible for all property and money taken from any person, and shall be liable therefor on his official bond, and any person may recover for loss of any such property or money in an action brought for that purpose.

Fourth. **DUTIES OF POLICEMEN:** The duties of the subordinate police officers shall be as provided by ordinance or by rules established by the chief, in addition to the duties hereinbefore prescribed.

Fifth. **POLICEMEN NOT TO ENGAGE IN OTHER CALLING, BECOME BAIL OR RECEIVE PAY WHILE ABSENT:** No member of the police force shall engage in any other profession or calling, furnish bail or bond for any person charged with any offense whatever, or recommend to persons charged with crime the employment of any particular attorney. No member of the police force shall be allowed pay for any period during which he may have been absent from duty, except as otherwise provided in this charter.

~~Section 6-~~ **5. POLICEMEN; NO COMPENSATION EXCEPT SALARY:** No member of the police force shall receive any fees or any compensation whatever, directly or indirectly, from the city, county or state, for any services rendered or act done, while a member of such police force, other than salary, except witness fees in the superior court.

ATTACHMENT 5

ARTICLE XVI

Civil Service Department

Section 1. COMMISSIONERS: There shall be a Civil Service Commission of three members. Each year the mayor shall, with the confirmation of a majority of all members of the City Council, appoint the successor of the commissioner whose term expires; provided, that the successors of the commissioner whose term expires first after the adoption of this amendment shall be elected from the classified civil service by the members thereof in accordance with such procedure as shall be established by ordinance, and such membership shall not constitute a violation of Article XIX, Section 10 of this charter. Each term of office shall be three years, starting on January 1st. Appointments and elections to fill vacancies shall be for the unexpired term. Two commissioners shall constitute a quorum. Provided further, that the successors of that commissioner appointed by the mayor whose term expires the first after the adoption of this amendment shall be elected by the city council.

That Article XVI, Section 9 of the Charter of The City of Seattle be amended to read as follows:

**Section 9. APPOINTMENTS; VACANCIES; CERTIFYING ELIGIBLES; PROBATION; INSPECTION OF PAPERS; STRIKING NAMES FROM REGISTER; TEMPORARY APPOINTMENTS:**

The head of the department or office in which the office classified under this article is to be filled shall notify the commission of any vacancy, and the commission shall certify to the appointing officer the names and addresses, together with notation of military, naval or marine service, if any, of such number of candidates, not less than five if there shall be so many eligible, standing first upon the register for the class or grade to which such position belongs as shall be equal to twenty-five percent of the total number of candidates on said register. The appointing officer shall notify the commission separately of each position to be filled, and shall fill such places by appointment from the persons certified to him by the commission therefor, which appointment shall be on probation for a period of twelve months, ~~except for firemen where such period shall be six months.~~ To facilitate the selection of appointees from the persons so certified, the appointing officer may require such persons to come before him, and shall be entitled to inspect such persons' examination papers, and may fill such position by appointment from the persons so certified without regard to their order of certification, subject to the preference herein provided for. The commission may strike off the names of candidates from the register after they have remained thereon for a time to be limited by rule. Before the expiration of the period of probation, the head of the department or office in which a candidate is employed may, by and with the consent of the commission, discharge him upon assigning

in writing his reasons therefor to the commission. If he is not then discharged, his appointment shall be deemed complete. To prevent the stoppage of public business, or to meet extraordinary exigencies, the head of any department may, with the approval of the commission, make temporary appointments to remain in force not exceeding sixty days, and only until regular appointments under the provisions of this article can be made.