





# Seattle City Council



January 23, 1985

Norman B. Rice  
President of the City Council  
625-2452

George E. Benson  
Chair  
Transportation Committee  
625-2447

Johna Spill  
Chair  
Environmental Management  
Committee  
625-2445

Michael East  
Chair  
Energy Committee  
625-2443

Ray Kraton  
Chair  
Urban Redevelopment  
Committee and Public  
Safety Committee  
625-2447

Colleen Spang  
Chair  
Finance Committee  
625-2451

Sam Smith  
Chair  
Housing, Recreation &  
Human Services Committee  
625-2455

Jim Street  
Chair  
Land Use Committee  
625-2438

Jeanette Wilkins  
Chair  
City Operations Committee  
625-2453

Honorable Doug Jewett  
City Attorney  
City of Seattle

Dear Mr. Jewett:

I write to request that your office prepare an amendment to the City Charter Article IX Section 1 pertaining to qualifications for a Director of Public Health.

The amendment should include three changes: 1) Remove the requirement that the director hold the degree of Doctor of Medicine and Master of Public Health consistent with State legislation adopted in 1984, 2) Recognize the existence of a joint City-County department under the administrative authority of the County Executive, and 3) Remove archaic and sexist language.

This amendment would allow the Mayor and County Executive to consider a wider field of qualified candidates when selecting a Public Health Director and would update the Charter to reflect the current organizational framework of the Health Department. Please forward the legislation to my office in time for the earliest possible submission to the voters. Thank you for your attention to this request.

Sincerely,

  
Norman B. Rice  
President  
Seattle City Council

NBR:ec

cc: Honorable Randy Revelle  
Honorable Gary Grant  
Honorable Charles Royer  
Honorable Members, Seattle City Council

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# Seattle City Council



December 10, 1984

- City Manager  
1500 4th Avenue  
Seattle, WA 98101
- City Clerk  
1500 4th Avenue  
Seattle, WA 98101
- City Treasurer  
1500 4th Avenue  
Seattle, WA 98101
- City Auditor  
1500 4th Avenue  
Seattle, WA 98101
- City Attorney  
1500 4th Avenue  
Seattle, WA 98101
- City Engineer  
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Seattle, WA 98101
- City Surveyor  
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- City Planning Director  
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Seattle, WA 98101
- City Information Director  
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- City Public Works Director  
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- City Parks and Recreation Director  
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Seattle, WA 98101
- City Social Services Director  
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- City Health Director  
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- City Housing Director  
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Seattle, WA 98101
- City Economic Development Director  
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Seattle, WA 98101
- City Cultural Affairs Director  
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- City Community Development Director  
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Seattle, WA 98101
- City Fire-Truck Department  
1500 4th Avenue  
Seattle, WA 98101
- City Fire-Rescue Department  
1500 4th Avenue  
Seattle, WA 98101

Honorable Charles Royer  
Mayor  
City of Seattle

Dear Mayor Royer:

We write to inform you of our concern over a proposal you support to seek State Legislation to supersede the City of Seattle Charter. The issue involves the qualifications required for a Director of the Public Health Department.

Your November 8 letter to Council President Rice indicates your belief that the Charter requirements are archaic and unduly restrict your ability to attract a pool of quality candidates.

However, we on the Council are seriously disturbed that you would consider asking the State Legislature to override the City Charter to accomplish your desired end. We as a City have worked hard over the years to encourage the Legislature to allow home rule in as many instances as possible. A request to overrule our charter is inconsistent with the City's legislative policy and with years of work to establish the principle of home rule.

Had you briefed the Council last year, when your office became aware of the Charter provision, you would have discovered our strong preference to amend rather than override the Charter thus avoiding the current conflict.

We would be willing to consider a proposal to place a Charter amendment on the ballot. We strongly suggest, however, that the expediency of State action is not worth the damage caused to our

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December 10, 1984

efforts at securing a greater degree of home rule. We intend to  
oppose any such proposal in the State Legislature.

Sincerely,

SEATTLE CITY COUNCIL

  
Norman B. Rice  
President

  
Jeanette Williams  
Councilmember


  
Sam Satch  
Councilmember


  
George Benson  
Councilmember

  
Paul Kraebel  
Councilmember

  
Jim Street  
Councilmember

  
Virginia Galle  
Councilmember

  
Dolores Sibonga  
Councilmember

  
Michael Hilde  
Councilmember

NAR:ec

cc: Honorable Gary Grant  
Honorable Randy Revella

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not needed for public use, and may in like manner transfer between departments any supplies, materials and equipment. He may inspect or supervise the inspection of all deliveries of supplies, materials and equipment to the departments and other agencies of the city government to determine quantity and quality and conformance with specifications.

Before making any purchase or sale, the purchasing agent shall be required to secure bids under such rules and regulations and subject to such exceptions as the Council may by ordinance prescribe.

All expenditures for supplies, materials or equipment involving more than such amount as may be specified by ordinance shall be made on written contract. All such contracts shall be awarded to the lowest and best bidder, after public advertisement as may be prescribed by ordinance.

The adoption of this amendment shall not change the civil service status of any person who is an officer or employee at the time of the adoption of this amendment.

(As amended November 4, 1969)

## ARTICLE IX

### Public Health Department

**Sec. 1. DIRECTOR: QUALIFICATIONS, DUTIES, ETC.:** There shall be a director of public health, to 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, and he may be removed by the Mayor upon filing a statement of his reasons therefore with the City Council. He shall have been a graduate of a recognized school of medicine at least five years prior to appointment and shall hold the degree of Doctor of Medicine, and shall hold the degree of Master of Public Health and shall have had at least three years practical experience in public health administrative work. He shall not engage in the private practice of medicine during his tenure of office.

The director of public health shall have supervision and control of all matters appertaining to the health and sanitation affairs of the city, including such hospitals and like institutions maintained by the city. He shall be the head of the Public Health Department and see that all laws relating to the health and sanitation of the city are enforced, and shall prescribe rules and regulations, not inconsistent with law, for the government and control of the Department.

He shall appoint and may remove, subject to civil service laws where applicable, all assistants and employees in said Department, and shall have such further powers and duties as may be prescribed by law.

(As amended November 4, 1940)

**Sec. 7. SUSPENSIONS AND REMOVALS; TEMPORARY VACANCIES:** Any elective or appointive officer may be suspended and removed for cause by the Council, as hereinafter provided and the Council shall temporarily fill the vacancy, except as hereinafter provided. Any officer appointed by the Mayor may be removed by him, except as otherwise provided in this Charter, upon filing with the City Council a statement of his reasons therefor.

**Sec. 8. SUSPENSION OF ELECTIVE AND APPOINTIVE OFFICERS; NOTICE; MEETING OF THE COUNCIL; CHARGES; HEARING:** Whenever the Council shall suspend any officer it shall immediately notify the officer of such suspension and the cause thereof. The accused shall be furnished with a copy of the charges, and shall have the right to appear with counsel and make his defense. The City Council shall speedily try each officer on each charge, and for that purpose shall have power to adjourn from time to time until the trial shall be completed, to recess and compel the attendance of witnesses, to hear their testimony, to receive other evidence, and to hear the arguments of counsel.

**SUSPENSION OF COUNCILMEN; CHARGES; TRIAL; REMOVAL:** In case of the suspension of a member of the City Council by that body, the member so suspended shall be tried in the manner as herein provided, except that the charges may be preferred by any elector or member of the City Council. In other cases, the president of the City Council shall preside at such trial, and in his absence or disability the acting president. If two-thirds of all the members of the City Council shall by resolution find the accused guilty, then the suspended officer shall thereby be removed from office.

**Sec. 9. OFFICERS TO HOLD OVER:** Every elective and every appointive officer shall hold office until his successor has qualified, except as otherwise in this Charter provided.

**Sec. 10. RELATING TO THE HOLDING OF OTHER PUBLIC OFFICES BY CITY OFFICERS:** Interest in City contracts, acceptance of passes for free transportation, and eligibility of elected officers to an appointive office during the term for which elected, is hereby repealed.

(As amended November 4, 1937)

## ARTICLE XX

### Charter Amendments

**Sec. 1. PROPOSED BY COUNCIL:** Any amendment or amendments to this Charter may be proposed in the City Council, and if the same be agreed to by a majority of all the members elected, such proposed amendment or amendments shall be entered upon the journal with the yeas and nays of the members voting thereon. Upon the passage of any such amendment or amendments, the same shall be submitted to electors of the city for their ratification at the next general state or municipal election,

which shall be at least sixty days after the adoption of such proposed amendment in the Council; and if at such election any such amendment shall be ratified by a majority of the qualified electors voting thereon, the same shall thereby become a part of this Charter, and within five days after such election shall be by the Mayor by proclamation published in the city official newspaper and proclaimed a part thereof. Provided, That if more than one amendment be submitted at the same general state or municipal election the same shall be submitted at such election in such manner that each proposed amendment may be voted on separately written on separate sheets; and provided further, that after the passage of any proposed amendments through the Council the same shall be published by the City Clerk in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided.

(As amended November 4, 1937)

**Sec. 2. PROPOSED BY VOTERS:** Whenever fifteen per centum of the registered voters of the city voting at the last regular election for the office of Mayor shall file with the City Council a petition for a specified charter amendment, which shall be set forth in full in one petition, it shall be the duty of the City Council to submit said amendment to the voters of the city for their ratification at election at the next general municipal election occurring at least sixty days after the filing of the petition; such amendment shall be submitted in the manner provided hereinafter for the submission of propositions to the voters of the city, provided that when such petition is filed with the City Council it shall be the duty of the City Clerk to examine and verify all signatures thereon from comparison with the registration lists in his office, and to report to the City Council his findings as to the number of valid signatures contained in the petition. The Council shall provide by ordinance a penalty for affixing any such petition any false signatures. If at the general municipal election which such amendment be submitted, a majority of the lawful voters thereon shall by their vote ratify any amendment so submitted, the same shall thereby become a part of the Charter and within five days after such election it shall, by proclamation of the Mayor, which shall be published in the city official newspaper, be so proclaimed, provided: That if more than one amendment be petitioned for and submitted at the same election no amendment is shall be submitted in such manner that the electors may vote for or against each amendment separately, and provided further: That after submission by the City Council, every such amendment shall be published by the City Clerk in two daily newspapers in the city for at least thirty days prior to such election and such other notice shall be given for at least ten days prior to such election as may be required by law for the submission of propositions to the voters of the city for their ratification or rejection.

*Norm Lica*

November 28, 1984

The Honorable Charles Royer  
Mayor  
The City of Seattle

Re: Qualifications for Director  
of Public Health Department

Dear Mayor Royer:

By letter, dated June 27, 1984, you requested our opinion whether or not the Director of the Seattle-King County Health Department must meet the qualifications of Article IX, Section 1, for the City to maintain its membership in the joint department. We respond in the affirmative.

Article IX, Section 1 of the City Charter requires that the Director of the Public Health Department be a Doctor of Medicine, hold the degree of Master of Public Health, have practiced medicine for at least five years prior to his or her appointment, and have at least three years practical experience in public health administrative work. It provides, as follows:

"Sec. 1. DIRECTOR; QUALIFICATIONS, DUTIES, ETC.:  
There shall be a director of public health, to 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, and he may be removed by the Mayor upon filing a statement of his reasons therefor with the City Council. He shall have been a graduate of a recognized school of medicine at least five years prior to appointment and shall hold the degree of Doctor of Medicine, and shall hold the degree of Master of Public Health and shall have had at least three years practical experience in public health administrative work. He shall not engage in the private practice of medicine during his tenure of office.

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The Honorable Charles Royer  
November 26, 1984  
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The director of public health shall have supervision and control of all matters appertaining to the health and sanitation affairs of the city, including such hospitals and like institutions maintained by the city. He shall be the head of the Public Health Department and see that all laws relating to health and sanitation of the city are enforced, and shall prescribe rules and regulations, not inconsistent with law, for the government and control of the Department."

RCW Chapter 70.08 authorizes, but does not require, combined city-county health departments between cities with a population exceeding 100,000 and the surrounding counties.

RCW 70.08.030 provides minimum qualifications for such offices, in part, as follows:

"70.08.030 Qualifications. The director of public health, under this chapter shall meet as a minimum one of the following standards of educational achievement and vocational experience to be qualified for appointment to the office:

(1) Bachelor's degree in business administration, public administration, hospital administration, management, nursing, environmental health, epidemiology, years community-related field.

(2) A graduate degree in any of the fields listed in subsection (1) of this section, or in medicine or osteopathy, plus three years of administrative experience in a community-related field.

\*\*\*

If the director of public health does not meet the qualifications of a health officer or a physician under RCW 70.05.050, the director shall employ a person so qualified to advise the director on medical or public matters." (Emphases added.)

It sets a base level of qualifications, and provides in its final paragraph that, if the director cannot qualify as a "local health officer," the director must employ a physician as an advisor.

The 1984 amendment of RCW 70.08.030 changed the minimum credentials, which are necessary for anyone to hold a position of Director of a combined city-county health

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The Honorable Charles Royer  
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department anywhere in Washington as a matter of state law. The qualifications contained in the City Charter, Article IX, Section 1 are higher or more restrictive than the base criteria in RCW 70.08.030. Anyone who qualifies under the City Charter necessarily qualifies for the position under RCW 70.08.030. RCW 70.08.030 and the City Charter are therefore both consistent and can each be given effect by appointing to the office of Director of Public Health only those people who meet both the requirements of state law and the City Charter.

A city may prescribe qualifications for its officers and employees in addition to those prescribed by a state statute. State ex rel. Griffiths v. Superior Court, 177 Wash. 619, 33 P.2d 94 (1934), ruled that Article XIX §13 of the City Charter could prohibit a City Councilman from holding another elective office; the councilman, Austin Griffith, had argued that a state law requiring elective officers to be citizens of the state and of the United States precluded "superadding" other qualifications. The Court's opinion rejected his argument as follows:

"The only attack made by the relator upon the charter is that it purports to superadd certain qualifications necessary for elective officers to those imposed by the legislature. Assuming, for the sake of argument, that the language of the charter is to be interpreted as, in fact, imposing superadded qualifications, it does not follow that it contravenes the statute. Had the framers of the charter sought to lessen the requirements demanded by statute, a different question would be presented, for then the charter would be in direct conflict with the statute. But that is not the case here. Section 9929 merely provides that no person shall be competent to hold elective office unless he possesses certain qualifications. It does not say that no other requirements shall be prescribed, nor does it say that the political subdivision therein named may not impose restrictions not inconsistent with the statute.

"After all, the statute merely fixes a minimum of qualifications below which its political subdivisions may not go. It does not say that other qualifications may not be required, insofar as they affect only the particular subdivision."

This paragraph was quoted in State ex rel. Isham v. Spokane, 2 Wn.2d 396-399, 98 P.2d 236 (1940).

The Honorable Charles Royer  
November 28, 1964  
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In the Isham case, the Washington Supreme Court ruled that the City of Spokane could set age limits and require mental and medical tests of applicants for the position of police matron. These requirements were considered "superadded qualifications" to those contained in state law. The Supreme Court's opinion states, in part as follows:

"It is well-settled that a city may enact local legislation upon subjects already covered by state legislation as long as its enactments do not conflict with the state legislation, in re Ferguson, Wash. 102, 141 Pac. 322; and the fact that a city charter provision or ordinance enlarges upon the provisions of a statute by requiring more than the statute requires, does not create a conflict unless the statute expressly limits the requirements. 43 C.J. 219; Dellingham v. Cissna, 44 Wash. 397, 37 Pac. 481; Seattle v. Proctor, 123 Wash. 299, 43 P. (2d) 241."

The Supreme Court quoted this paragraph in Lenci v. Seattle, 63 Wn.2d 664, 670-671, 380 P.2d 925 (1964).

The Lenci case sustained a City zoning ordinance requiring fencing of auto wrecking yards. The state licensed motor vehicle wreckers, and among other requirements, required fencing. The City ordinance required that the fence be eight feet high and view-obscuring. The state required that the fence be at least six feet high and allowed it to be wire mesh, barbed wire, or solid. The court found that the City's ordinance was consistent with and complementary to the state's statutes and administrative regulations. Statutes are not construed as taking away from a first class city an existing power unless the language clearly requires it. Nelson v. Seattle, 64 Wn.2d 852, 395 P.2d 82 (1964).

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In conclusion, the words "as a minimum" in RCW 70.08.030 show a legislative intent to set a base level below which a municipality may not descend. The words, "If the director does meet the qualifications . . .," reinforces the bedrock character of the statutory requirements. No language in RCW 70.08.030 disables a municipality from setting higher standards. Requiring that the Director be a physician with a Master of Public Health, with five years of medical practice and three years experience in public health administrative work, as the City Charter does, coincides with and implements the basic statutory purpose in RCW 70.08.030 that the Public Health Department employ "an experienced physician licensed to practice medicine and surgery or osteopathy and surgery in this state" as a local health officer. RCW 70.08.030 therefore does not pre-empt Article IX, Section 1 of the City Charter, which remains in full force and effect.

You make particular note the the new "legislation was specifically designed for the Seattle-King County Public Health Department . . ." It may have been desired to authorize employment of a Health Director with qualifications less than those contained in Charter Article IX § 1. However, the attempt to authorize the same by the recent amendments to RCW 70.08.030 was ineffectual, perhaps resulting from an incomplete knowledge of the City Charter by whomever composed the amendment. Previous attempts to override the City Charter in this regard, prepared by this office, show the method to achieve the end desired. For example, in 1982 when it was desired to combine the Health Department personnel systems of the City and County, we advised that certain provisions of the Charter and other provisions of law presented an obstacle and we advised that RCW 70.08.070 be amended to include language expressly superseding the City Charter: i.e., "Notwithstanding any provisions to the contrary contained in any city or county charter . . ."

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The Honorable Charles Royer  
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We are prepared to assist you in preparing appropriate language in amendatory legislation for the 1985 session of the state legislature to accomplish the desired pre-emption of the City Charter in this regard

Yours very truly,  
DOUGLAS H. JENETT  
City Attorney

By JORGEN G. JADER  
Assistant

JGE:nl

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THE CITY OF SEATTLE

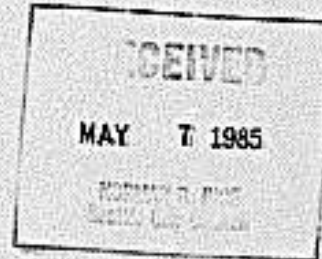
LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 835-2403

DOUGLAS H. JEWETT, CITY ATTORNEY

May 6, 1985



Honorable Norm Rice  
President  
Seattle City Council  
The City of Seattle

Re: Substitute House Bill No. 94  
Superseding City Charter Article IX

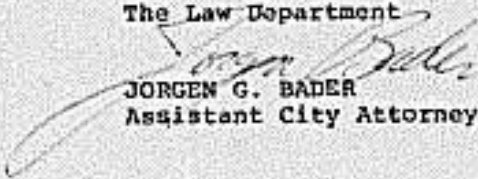
Dear Council President Rice:

Enclosed find a copy of Substitute House Bill No. 94, which in Section 3, explicitly supersedes the requirements of Article IX, Section 1 of the City Charter that the Director of Public Health be a Doctor of Medicine and have experience in medicine.

This bill may render unnecessary the City Council's request that Article IX of the City Charter be amended to remove these qualifications for the position of Director of the Public Health Department.

Yours very truly,

The Law Department

  
JORGEN G. BADER  
Assistant City Attorney

JGB/bb

Enc.

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THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 423-1403

DOUGLAS H. JEWETT, CITY ATTORNEY

TIM HILL  
Seattle City Comptroller  
RECEIVED

JUL 09 1982

FILE	REC'D	CLERK	ASST	CLERK	FILE

July 9, 1982

The Honorable Norm Rice, Chair  
Finance Committee  
The Seattle City Council

Re: Charter Amendments to Establish  
Department and Director of Finance

Dear Councilman Rice:

By letter, dated June 18, 1982, you requested that our office prepare draft legislation for amending Article VIII of the City Charter in two forms. Each draft would establish a Department of Finance with a Director of Finance at its head and an investment committee; each draft would re-assign the record keeping duties of the City Comptroller to a City Clerk in the Legislative Department; and both drafts would abolish the elective offices of City Comptroller and City Treasurer. One draft would provide for an elected City Auditor; the other would provide for an appointed City Auditor in the Legislative Department. Your letter was accompanied by an extract from the charter proposed by the Board of Freeholders in 1975; and your letter directed our attention to its Article 8, Sections 820 through 850.

The drafting of an amendment to the City Charter differs from proposing an article for a new city charter in several respects:

- (1) The drafting of an amendment must work within the structure of the existing City Charter. Those provisions of the proposed freeholder charter that already appear in other sections of the City Charter need not be repeated (e.g. Section 850); other provisions within Article VIII of the existing City Charter, which are not intended to be affected, should be carried over; and companion sections, which are affected, need to be

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The Honorable Norm Rice  
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emended. The style of writing and organization of the existing charter should be followed where practical in order to preserve the continuity of the document.

- (2) Article XX of the City Charter specifies that amendments covering distinct subjects be submitted as separate measures. It provides, in part, as follows:

"[I]f more than one amendment be submitted at the same general election the same shall be submitted at such election in such manner that each proposed amendment may be voted on separately without prejudice to others."

Our Opinion 6186 discusses this requirement more fully. Some of the principles discussed there apply in this instance.

As a result, our response submits not two — but five — resolutions and propositions and a section-by-section commentary explaining the various revisions made.

Your objective determines which resolution or proposition to use:

1. Attachment "A" creates an elective office of City Auditor. It makes no express provision for a City Clerk, and as a result, those functions will be assigned by ordinance. If the City Clerk were placed in the Legislative Department, the City Council as head of the department would make the appointment and have the power of removal.
2. Attachment "B" complements Attachment "A" by providing for a City Clerk in the Legislative Department.
3. Attachment "C" creates an appointive City Auditor in the Legislative Department. It makes no express provision for a city clerk.
4. Attachment "D" makes no express provision for either a City Auditor or the City Clerk. These functions are performed by Attachment "E". If Attachment "E" fails of passage, the City could create these two positions by ordinance.

The Honorable Norm Rice  
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5. Attachment "E" complements Attachment "D". It creates the offices of City Clerk and City Auditor in the Legislative Department.

Attachment "B" is made dependent upon passage of Attachment "A" and Attachment "E" likewise would only take effect if Attachment "D" passes.

The multiple resolutions reflect Article IX and its requirement that different amendments be submitted separately. In Kerby v. Luhrs, 44 Ariz. 208, 36 P.2d 549, 554 (1934), the Arizona Supreme Court provided this test for determining whether a constitutional amendment presents one or more subjects:

"If the different changes contained in the proposed amendment all cover matters necessary to be dealt with in some manner, in order that the Constitution, as amended, shall constitute a consistent and workable whole on the general topic embraced in that art which is amended and if, logically speaking, they should stand or fall as a whole, then there is but one amendment submitted. But, if any one of the propositions, although not directly contradicting the others, does not refer to such matters, or if it is not such that the voter supporting it would reasonably be expected to support the principle of the others, then there are in reality two or more amendments to be submitted, and the proposed amendment falls within the constitutional prohibition. Nor does the rule as stated unduly hamper the adoption of legitimate amendments to the Constitution. Such a document was presumably adopted deliberately, after careful preparation, as a harmonious and complete system of government. Changes suggested thereto should represent the free and mature judgment of the electors, so submitted that they cannot be constrained to adopt measures of which in reality they disapprove in order to secure the enactment of others they earnestly desire."

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The interrelationship of the subject matter of the sections submitted seems to be determinative.

Attachments "A" and "C" regard financial administration as the central theme. Investment and auditing are part of a comprehensive treatment of that subject. Record keeping, while now performed by the City Comptroller, is not a necessary part of financial management and therefore should be treated as a separate measure.

Attachments "B" and "E" address record keeping and assign those functions to officials in the Legislative Department. Attachment "E" includes the City Auditor within the amendment to establish a new City Clerk's office on the basis that both complementary provisions designed to strengthen the Legislative Department. When the City Auditor is elective, this rationale would not apply.

Your letter did not ask for, and none of our attachments make, any amendments to Section 16 of Article VIII, which relates to the Division of Purchases. The Division of Purchases is now part of the Executive Department under the Mayor. The Division expends, rather than collects, City funds, and has no control over cash or responsibility for city accounting. The relation between the reorganization-consolidation of the City Comptroller's Office and the City Treasurer's Office is not so close that a voter supporting it "...would reasonably be expected to support the principle of ... " reorganization/restructuring of City purchasing. Section 16 of the 1946 City Charter had established the Division of Purchases in the Department of Finance; the 1946 Charter in Article III, Section 1 had also classified City government into 19 separate departments. In 1969, Section 16 was amended to strike its reference to the Department of Finance and make the Purchasing Agent directly responsible to the Mayor or such department head as may be designated by ordinance. In 1977, Article III, Section 1 was amended to authorize the City Council by ordinance to establish and delineate City departments that are not established by the Charter, itself. As a result, the presence of Section 16 in Article VIII of the City Charter is more a product of its history than an organizational concept that purchasing is a phase of the City's financial management.

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The Honorable Norm Rice  
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 Page 5

The single subject requirement also precludes submission of a City Charter provision relating to filing of claims as part of the proposition establishing a Department of Finance. The City Charter provides for filing claims for damages in Article IV, Section 23 and 24 relating to the Legislative Department; the proposed freeholder charter had placed it in its Article 11, General Provisions. Amending claim filing practices is a separate subject for consideration by itself.

Our attachments do not vest the Director of Finance with responsibility for investment of funds nor the Investment Committee with the power to prescribe policies and procedures. Instead, the attachments empower the City Council to grant "the Director such investment and other duties as may be prescribed by ordinance" and provide for the Investment Committee to give advice and make reports. RCW 35.39.032 makes the legislative authority of a city responsible for municipal investments and provides for delegation of authority by ordinance. RCW 35.39.032 provides as follows:

"RCW 35.39.032 Approval of legislative authority -- Delegation of authority -- Reports. No investment shall be made without the approval of the legislative authority of the city or town expressed by ordinance: Provided, That except as otherwise provided by law, the legislative authority may by ordinance authorize a city official or a committee composed of several city officials to determine the amount of money available in each fund for investment purposes and make the investments authorized as indicated in RCW 35.39.030 as now or hereafter amended and the provisions of RCW 35.39.034, without the consent of the legislative authority for each investment. The responsible official or committee shall make a monthly report of all investment transactions to the city legislative authority. The legislative authority of a city or town or city official or committee authorized to invest city or town funds may at any time convert any of its investment securities, or any part thereof, into cash." (Emphasis supplied.)

The Honorable Norm Rice  
July 9, 1962  
Page 6

A general law enacted by the legislature is superior to and supersedes inconsistent provisions of a city charter; and any charter provisions, which have the effect of limiting or restricting a legislative grant of power to the legislative authority or other officer of a city, is invalid. Neils v. Seattle, 185 Wash. 269, 276, 53 P.2d 848 (1936).

We stand ready to advise you further and at your request to make such revisions as may be desired.

Yours very truly,

DOUGLAS H. JEWETT  
City Attorney

By

  
JORGEN G. BADER  
Assistant City Attorney

JGB:pl/pm

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ASSISTANT CORPORATION COUNSEL

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THE CITY OF SEATTLE  
LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104  
AREA CODE 206 TELEPHONE 363-2304

JOHN P. HARRIS, CORPORATION COUNSEL

CITY PROSECUTOR  
ROBERT M. ELIAS  
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ROBERT B. JOHNSON  
JOSEPH T. SCHLESIER  
ROSE A. HULLY

CLAIMS MANAGER  
V. L. HOFFER

January 13, 1976

Re: Revising the Charter by  
"Gateway Amendment".

Councilman Phyllis Lamphere  
The City Council  
The City of Seattle

Dear Mrs. Lamphere:

By letter dated November 6, 1975, you asked for an opinion of this office as to:

- "(1) the possibility of the Council revising the charter by gateway amendment (one section at a time). Does one section, in fact, constitute a subject?
- "(2) whether the City Council or the Freeholders can now amend the Charter document in any respect for resubmission to the electorate."

Your letter closed by requesting our guidance as to the most appropriate method to be followed in bringing about such reforms as may be deemed necessary.

- - Amending the City Charter - -

Article XX establishes a procedure for amending the City Charter: It specifies that proposed amendments be submitted to the voters as separate measures as follows:

"[I]f more than one amendment be submitted at the same general election the same shall be submitted at such election in such manner that each proposed amendment may be voted on separately without prejudice to others."

This identical language also appears in Article XXIII, Section 1, of the Washington State Constitution upon the making of constitutional amendments.

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Councilman Phyllis Lamphere  
 January 13, 1976  
 Page 2

As generally interpreted, an amendment means a single proposition. It may have several parts, but all must be germane to the purpose of the amendment. Munch v. Tusa, 140 Neb. 457, 300 N.W. 385 (1941). The primary consideration is the singleness of purpose, and the relationship of details to the general subject, Gottstein v. Lister, 88 Wash. 462 (1915), State ex rel. Hudd v. Timsa, 54 Wisc. 318, 11 N.W. 785 (1882), State ex rel. Fargo v. Wetz, 40 N.D. 299, 168 N.W. 835, 846 (1918). In Karby v. Luhrs, 44 Ariz. 208, 36 P.2d 549, 554 (1934), the Arizona Supreme Court provided the following test for determining whether a constitutional amendment presents one or more subjects:

"If the different changes contained in the proposed amendment all cover matters necessary to be dealt with in some manner, in order that the Constitution, as amended, shall constitute a consistent and workable whole on the general topic embraced in that part which is amended, and if, logically speaking, they should stand or fall as a whole, then there is but one amendment submitted. But, if any one of the propositions, although not directly contradicting the others, does not refer to such matters, or if it is not such that the voter supporting it would reasonably be expected to support the principle of the others, then there are in reality two or more amendments to be submitted, and the proposed amendment falls within the constitutional prohibition. Nor does the rule as stated unduly hamper the adoption of legitimate amendments to the Constitution. Such a document was presumably adopted deliberately, after careful preparation, as a harmonious and complete system of government. Changes suggested thereto should represent the free and mature judgment of the electors, so submitted that they cannot be constrained to adopt measures of which in reality they disapprove, in order to secure the enactment of others they earnestly desire."

This concept is more easily explained by example than by descriptive phrasing.

The leading case in Washington illustrating a unified amendment is State ex rel. Printing Co. v. Riplinger, 30 Wash. 281 (1902). On March 4, 1902, Seattle voters adopted a Charter Amendment revising all seven sections of Article 14 of the City Charter. The amendment provided a new scheme for the control and management of the City Library, including, among other subjects, the establishment of a Library Fund, the powers and duties of the Library Board, the position of City Librarian, and the appointment of library department

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Councilman Phyllis Lamphere  
January 13, 1976  
Page 3

employees. The Supreme Court sustained the Amendment as a single comprehensive whole; because all sections were interdependent and furthered a central theme.

Substitute Senate Joint Resolution No. 9 submitted by the legislature for adoption at the November 4, 1953 general election is an example of an improperly combined measure. SJR No. 9 provided that any increase or decrease in the pay of state and county elected officials would take place immediately and that legislators would be eligible for appointment or election to offices created or for which emoluments were increased during their current elected term. The Attorney General prepared dual titles and advised the Secretary of State to place substitute No. 9 on the ballot as two measures. Both parts were rejected at the general election.

An amendment combining diverse subjects may be declared void. House v. City of Saginaw, 334 Mich. 241, 54 N.W. 2d 314 (1952) (charter amendment attempting to place tax limit on property and on income, and providing for disposition of income tax revenues); Lee v. State, 13 Utah 2d 15, 367 P.2d 861 (1962) (amendment to the Utah Constitution attempting to grant to the legislature special power during a war emergency, to provide for succession in public offices, and to disregard constitutional provisions); Moore v. Shanahan, 207 Kan. 1, 645, 486 P.2d 506 (1971) (attempted amendment of 11 sections of the Kansas constitution relating to Executive Offices and 4 sections pertaining to the state militia).

The term "Gateway Amendment" gained currency during the 41st Regular Session of the Washington State legislature in 1969 with efforts to amend Article XXIII, Section 1, of the Washington State Constitution as amended by Amendment 37. 64 Representatives sponsored House Joint Resolution No. 24, in part as follows:

"Any amendment or amendments to, or revision or revisions of, portions or all of this Constitution as well as the adoption of an entire new Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments, revision or revisions, or adoption shall be entered on their journals, with the ayes and noes thereon, and be submitted at the next general election to the qualified electors of the state for their approval as one or more propositions without limitation as to subject matter, article, or section;

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Councilman Phyllis Lamphere  
January 11, 1976  
Page 4

and if the people approve and ratify any such amendment or amendments, revision or revisions, or adoption by a majority of the electors voting thereon, the same shall be in effect, and proclamation thereof shall be made by the governor ... " [House of Representatives version]

As engrossed, HJR No. 24 deleted the underscored language, and included a proviso that "... an entire constitution shall not be submitted as a single proposition." After HJR No. 24 passed the House, the Senate Committee on Constitution, Elections, and Legislative Processes recommended that HJR No. 24 be amended to read as follows:

"Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor; PROVIDED, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. An amendment which amends an entire article or less than the entire article shall be considered as one amendment and may be submitted to the electorate as a single proposition even though it relates to different sections of the article; and an amendment composed of amendments to sections contained in more than one article may be submitted to the electorate as a single proposition if it embraces one subject only and matters properly connected therewith. The legislature shall also cause notice of the amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: PROVIDED, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election." [Senate version--Emphasis Supplied]

Although the Committee amendment was adopted, the measure itself failed to pass the legislature.

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LAW DEPARTMENT—THE CITY OF SEAS  
Councilman Phyllis Lamphere  
January 13, 1976  
Page 5

Article XI, Section 10, of the Washington State Constitution empowers cities to adopt charters through the Board of Freeholder process. It authorizes amendment by the legislative authority upon approval of the voters as follows:

"Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon." (Emphasis supplied)

but is silent on the question of revision of an existing charter. RCW 35.22.140, authorizing the adoption of a new or revised charter through a board of freeholders provides in part as follows:

"On the petition of a number of registered voters of a city equal to twenty-five percent of the total votes cast at the last preceding city election, the city council of a charter city shall, or without such petition may, cause an election to be held for the purpose of preparing a new charter for the city by altering, revising, adding to or repealing the existing charter including all amendments thereto." (Emphasis supplied)

thus drawing a distinction between "amending" and "revising."

In Kelly v. Laing, 259 Mich. 212, 242 N.W. 891 (1932), the Supreme Court of Michigan defined the distinction as follows:

"'Revision' and 'amendment' have the common characteristics of working changes in the charter, and are sometimes used inexactly, but there is an essential difference between them. Revision implies a re-examination of the whole law and a redraft without obligation to maintain the form, scheme, or structure of the old. As applied to fundamental law, such as a constitution or charter, it suggests a convention to examine the whole subject and to prepare and submit a new instrument, whether the desired changes from the old be few or many. Amendment implies continuance of the general plan and purport of the law, with corrections to better accomplish its purpose. Basically, revision suggests fundamental change, while amendment is a correction of detail."

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Councilman Phyllis Lamphere  
January 13, 1976  
Page 6

The Court there held that the proposals to increase the number of city commissioners from five to nine, and to confer upon the mayor a veto power were amendments; but further held that the proposition to abolish the office of city manager and transfer his functions to other city officers would constitute revision of the city charter. See also Moore v. Oklahoma City, 122 Okla. 234, 254 Pac. 47 (1927); City of Midland v. Arbury, 38 Mich. App. 771, 197 N.W. 2d 134 (1972).

A "Gateway Amendment" to the City Charter in the form of the "House of Representatives version" of HJR No. 24, would purport to authorize a "revision" of the City Charter and would in our opinion be invalid. However, a "Gateway Amendment" in the form of the "Senate version" of HJR No. 24, in our opinion, would qualify as authorizing an amendment, rather than a revision, and would be valid. cf. Coopersmith v. City and County of Denver, 156 Col. 469, 399 P.2d 943 (1965); Vansickle v. Shanahan, 212 Kan. 426, 511 P.2d 223 (1973).

-- Resubmitting the Rejected Charter --

Article XI, Section 10 of the Washington State Constitution provides for the formulation and adoption of a city charter by an elected Board of Freeholders, in part as follows:

"Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city shall cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their own election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting to hereon ratify the same, it shall become the charter of said city ...."

Neither Article XI, Section 10 nor the implementing statutes (RCW Chapter 35.22.190 et. seq.) authorize submission of a proposed charter by the city's legislative authority.

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Councilman Phyllis Lamphere  
January 13, 1976  
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In Fitts v. Gibbs, 40 Wn.2d 479, 244 P.2d 241, 242 (1952) the Washington State Supreme Court in applying Amendment 21 of the State Constitution relating to county Home Rule Charters, stated: "... the 'Freeholders' have a definite term of office, even though it does not end upon a predetermined calendar date. It terminates with the fulfillment of the constitutional mandate to them to 'prepare and propose a charter for such county.'" The powers, duties and office of Seattle's board of freeholders ceased when the proposed charter was prepared and submitted to the city for ratification at an election. State v. Scales, 21 Okla. 681, 97 Pac. 584 (1908). There is no authorization in the state constitution nor in the implementing statutes for thereafter reconvening the board of freeholders. We therefore answer your second question in the negative.

- - The Most Appropriate Method - -

As to the "most appropriate method" to be followed in amending the City Charter, we advise that any of the methods presently provided by statute or by the charter (Article XX, Sections 1 and 2) would be appropriate.

Yours very truly,

JOHN P. HARRIS  
Corporation Counsel

By  
JORGEN G. BADER  
Assistant

JGB:vf

cc: All City Council Members  
Ms. Ann Ormsby  
Municipal League of Seattle and King County  
League of Women Voters

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IN THE SENATE  
**STATE OF WASHINGTON**



CERTIFICATION OF ENROLLED ENACTMENT

SENATE BILL NO. 34

CHAPTER NO.

*Palmer*  
*- Davidson*  
*- By*  
*only to file*

Enrolled in Senate February 28, 1948

Read in Senate March 2, 1948

Enrolled in House March 11, 1948

Read in House March 12, 1948

CLERK OF SENATE

I, Clerk of Senate, do hereby certify that the foregoing is a true and correct copy of the original of the Senate Bill as passed by the Senate and as amended, and that the same is the original of the bill as passed by the House and as amended, and that the same is the original of the bill as passed by the Legislature and as amended.

*Dennis S. Heed*  
 CLERK OF SENATE

SENATE BILL NO. 34

State of Washington      1948 Legislature      1948 Regular Session  
 By Committee on Local Government (originally sponsored by  
 Representatives Mackay, Korman, Gallagher, Scott-Sherman, Wong,  
 Baker, and Fisher)

Read first time 2/26/48 and passed to Committee on Rules.

1      AN ACT relating to local health departments and officers; and  
 2 amending RCW 70.06.010, 70.06.020, 70.06.030, and 70.06.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON

4      Sec. 1. Section 1, chapter 46, Laws of 1948 and RCW 70.06.010  
 5 are each amended to read as follows:

6      Any city with one hundred thousand or more population and the  
 7 county in which it is located, are authorized, as shall be agreed  
 8 upon between the respective governing bodies of such city and said  
 9 county, to establish and operate a combined city and county health  
 10 department, and to appoint the director of public health (as  
 11 hereinafter provided). The combination of such city and county health  
 12 department under this chapter shall be effective whenever the  
 13 governing body of the city with one hundred thousand or more  
 14 population shall pass an ordinance and the board of county  
 15 commissioners of the county in which it is located shall pass an  
 16 ordinance authorizing the operation of a combined health  
 17 department in accordance with the provisions of this chapter  
 18 (subject to general law).

19      Sec. 2. Sections 2, chapter 46, Laws of 1948 and RCW 70.06.020  
 20 are each amended to read as follows:

21      The director of public health is authorized to and shall exercise  
 22 all powers and perform all duties by law vested in the director of  
 23 local health officers; and he shall have the same powers and  
 24 powers and perform all duties by law vested in the director of health of  
 25 each city of one hundred thousand people or more.

26      Sec. 3. Section 3, chapter 46, Laws of 1948 as amended by  
 27 section 3, chapter 28, Laws of 1948 and RCW 70.06.030 are each  
 28 amended to read as follows:

1 Notwithstanding any provisions to the contrary contained in any  
 2 city or county charter, the director of public health, under this  
 3 chapter shall meet as a minimum one of the following standards of  
 4 educational achievement and vocational experience to be qualified for  
 5 appointment to the office:

6 (1) Bachelor's degree in business administration, public  
 7 administration, hospital administration, management, nursing,  
 8 environmental health, epidemiology, public health, or its equivalent  
 9 and five years of experience in administration in a community-related  
 10 field; or

11 (2) A graduate degree in any of the fields listed in subsection  
 12 (1) of this section, or in medicine or osteopathy, plus three years  
 13 of administrative experience in a community-related field.

14 The director shall not engage in the private practice of the  
 15 director's profession during such tenure of office and shall not be  
 16 included in the classified civil service of the said city or the said  
 17 county.


18 If the director of public health does not meet the qualifications  
 19 of a health officer or a physician under RCW 70.05.050, the director  
 20 shall employ a person as qualified to advise the director on medical  
 21 or public health matters.

22 Sec. 4. Section 4, chapter 44, laws of 1949 as amended by  
 23 section 1, chapter 57, laws of 1960 and RCW 70.04.040 are each  
 24 amended to read as follows:

25 ~~((1)) Except as provided in subsection (2) of this section, the~~  
 26 ~~director of public health under this chapter shall be appointed by~~  
 27 ~~the mayor of the city of one hundred thousand population or more,~~  
 28 ~~such appointment to be effective only upon a majority vote~~  
 29 ~~confirmation of each legislative authority of said city and said~~  
 30 ~~county. He shall be paid such salary and allowed such expenses as~~  
 31 ~~shall be determined annually by the legislative authorities of said~~  
 32 ~~city and said county. He shall hold office for an indeterminate~~  
 33 ~~and may be removed at any time by the mayor of said city only for~~  
 34 ~~cause shown and after public hearing on charges reduced to writing, a~~  
 35 ~~copy of such charges having first been filed ten days prior to such~~  
 36 ~~public hearing with the legislative authorities of said city and of~~

1 said county:

2 ~~((1)) Notwithstanding any provisions to the contrary contained in~~  
 3 ~~any city or county charter, where a combined department is~~  
 4 ~~established under this chapter (involving a city with a population~~  
 5 ~~of four hundred thousand or more and a class AA county in which such~~  
 6 ~~city is located), the director of public health under this chapter~~  
 7 ~~shall be appointed by the county executive of the county and the~~  
 8 ~~mayor of the city for a term of four years and until a successor is~~  
 9 ~~appointed and confirmed. The director of public health may be~~  
 10 ~~reappointed by the county executive of the county and the mayor of~~  
 11 ~~the city for additional four year terms. The appointment shall be~~  
 12 ~~effective only upon a majority vote confirmation of the legislative~~  
 13 ~~authority of the county and the legislative authority of the city.~~  
 14 ~~The director may be removed by the county executive of the county,~~  
 15 ~~after consultation with the mayor of the city, upon filing a~~  
 16 ~~statement of reasons therefor with the legislative authorities of the~~  
 17 ~~county and the city.~~

Passed the House February 11, 1981.  
  
 William Allen  
 Speaker of the House

Passed the Senate April 15, 1981.  
  
 John A. Gerberg  
 President of the Senate

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 435-2402

DOUGLASS M. JEWETT, CITY ATTORNEY

April 24, 1985

Honorable Norman Rice  
President, Seattle City Council  
The City of Seattle

Re: Amendment to Article IX of the City Charter

Dear Council President Rice:

Attached find an ordinance providing for the submission to the qualified electors of the City a proposition to amend Article IX of the City Charter at the November 5, 1985 general election, and a resolution and proposition authorizing its amendment. The ballot title contains 23 words, as follows:

"Shall City Charter Article IX § 1 be amended to authorize a combined City-County Health Department and delete medical degree and experience requirements for its director?"

Senate Bill No. 3436, passed by both the Senate and the House of Representatives, will, if enacted, amend RCW 29.27.060 to delete the twenty-word limitation on ballot titles. This ballot title was written in anticipation of its enactment. If signed by the Governor, the bill would take effect in July 1985, well in advance of the November election.

Yours very truly,

The Law Department

  
JORGEN G. BADER  
Assistant City Attorney

JGB:hh

attachment

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ORDINANCE \_\_\_\_\_

AN ORDINANCE providing for the submission to the qualified electors of the City of a proposition to amend Article IX of the City Charter in conjunction with the general municipal election on November 5, 1985.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The King County Director of Records and Elections as ex officio supervisor of elections is hereby requested to submit to the qualified electors of the City at the municipal general election on November 5, 1985 the proposition of the City Council to amend Article IX, Section 1 of the City Charter to authorize the combined City-County Health Department and to delete medical qualifications upon the position of its director as contemplated by Resolution \_\_\_\_\_/Proposition \_\_\_\_\_, as certified by the City Clerk.

The City Clerk is hereby authorized and directed not less than 45 days prior to the November 5, 1985 election, to certify the proposition to the King County Director of Records and Elections in the following form:

THE CITY OF SEATTLE

PROPOSITION NO. \_\_\_\_\_

(REORGANIZATION OF HEALTH DEPARTMENT)

Shall City Charter Article IX § 1 be amended to authorize a combined City-County Health Department and delete medical degree and experience requirements for its director?

Yes \_\_\_\_\_ No \_\_\_\_\_

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(To be used for all Ordinances except Emergency.)

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Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the ..... day of ....., 19 ..,  
and signed by me in open session in authentication of its passage this ..... day of  
....., 19 ..

President ..... of the City Council.  
Approved by me this ..... day of ....., 19 ..

Filed by me this ..... day of ....., 19 ..  
Mayor.

Attest: .....  
City Comptroller and City Clerk.

(SEAL)

Published .....  
By .....  
Deputy Clerk.

JGS:hh  
4/23/85  
I:RES05.1

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RESOLUTION \_\_\_\_\_

PROPOSITION \_\_\_\_\_

A RESOLUTION AND PROPOSITION to amend Article IX of the City Charter to authorize the combined City-County Health Department and delete medical qualifications upon the position of Director; and to provide for an election thereon.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

That Section 1 of Article IX of the Charter of The City of Seattle be amended effective January 1, 1986, as follows:

Section 1. DIRECTOR: COMBINED CITY-COUNTY HEALTH DEPARTMENT ((QUALIFICATIONS, DUTIES, ETC.)): There shall be a director of public health, to 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. ((and he may be removed by the Mayor upon filing a statement of his reasons therefore with the City Council. He shall have been a graduate of a recognized school of medicine at least five years prior to appointment and shall hold the degree of Doctor of Medicine and shall hold the degree of Master of Public Health and shall have had at least three years practical experience in public health administrative work. He shall not engage in the private practice of medicine during his tenure of office.))

The director of public health ((shall have supervision and control of all matters appertaining to the health and sanitation affairs of the city, including such hospitals and like institutions maintained by the city. He)) shall be the head of the Public Health Department or a combined City-County Health Department and see that all laws relating to the health

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1 and sanitation of the City are enforced, and shall prescribe  
2 rules and regulations, not inconsistent with law, for the  
3 government and control of the Department.

4 The director of public health shall appoint and may  
5 remove, subject to civil service laws where applicable, all  
6 assistants and employees in ~~((said))~~ the Department, and  
7 shall have such further powers and duties as may be prescribed  
8 by law or ordinance.

9 BE IT FURTHER RESOLVED:

10 As contemplated by Charter Article XX, Section I providing  
11 for Charter amendments proposed by the City Council, this  
12 resolution shall be submitted to the qualified electors of the  
13 City at the next municipal election to be held on November 5,  
14 1985. The proposition shall be voted upon in the following  
15 manner:

16 There shall be placed upon the ballot a statement of  
17 proposition substantially in the form as follows:

18 "Shall City Charter Article IX § 1 be amended to authorize  
19 a combined City-County Health Department and delete medical  
20 degree and experience requirements for its director?"

21 Yes \_\_\_\_\_ No \_\_\_\_\_ "

22 Every qualified voter at the election desiring to ratify the  
23 resolution shall mark his or her ballot "Yes." Every voter  
24 desiring to reject the resolution shall mark his or her ballot  
25 "No."

26 BE IT FURTHER RESOLVED:

27 Upon approval of this resolution by the City Council and  
28 not less than forty-five (45) days before the date of such

1 election, the City Clerk shall certify to the Director of the  
2 Department of Records and Elections of King County as  
3 Supervisor of Elections this proposition in the form of a  
4 ballot title conforming to the foregoing statement of the  
5 same, and certify therewith a copy of this resolution in full.  
6 BE IT FURTHER RESOLVED:

7 Certification of this resolution and the proposition it  
8 contains to the Director of the Department of Records and  
9 Elections of King County, and any act pursuant to the  
10 authority and prior to the effective date of this resolution  
11 is hereby ratified and confirmed.

12 PASSED the City Council this \_\_\_\_\_ day of \_\_\_\_\_,  
13 1985, and signed by me in open session in authentication of  
14 its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

15 \_\_\_\_\_  
16 President of the City Council

17 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

18 ATTEST:

19 \_\_\_\_\_  
20 City Comptroller and City Clerk

21 By: \_\_\_\_\_  
22 Deputy

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 429-2422

DOUGLAS H. JEWETT, CITY ATTORNEY

April 24, 1985

Honorable Norman Rice  
President, Seattle City Council  
The City of Seattle

Re: Amendment to Article IX of the City Charter

Dear Council President Rice:

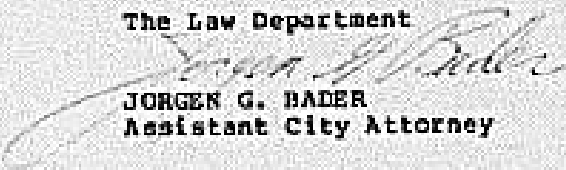
Attached find a resolution providing for the submission to the qualified electors of the City a proposition to amend Article IX of the City Charter at the November 5, 1985 general election, and a resolution and proposition authorizing its amendment. The ballot title contains 23 words, as follows:

"Shall City Charter Article IX § 1 be amended to authorize a combined City-County Health Department and delete medical degree and experience requirements for its director?"

Senate Bill No. 5436, passed by both the Senate and the House of Representatives, will, if enacted, amend RCW 29.27.060 to delete the twenty-word limitation on ballot titles. This ballot title was written in anticipation of its enactment. If signed by the Governor, the bill would take effect in July 1985, well in advance of the November election.

Yours very truly,

The Law Department

  
JORGEN G. BADER  
Assistant City Attorney

JG:hh

attachment

I:letl.1

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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RESOLUTION \_\_\_\_\_

PROPOSITION \_\_\_\_\_

A RESOLUTION AND PROPOSITION to amend Article IX of the City Charter to authorize the combined City-County Health Department and delete medical qualifications upon the position of Director; and to provide for an election thereon.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE:

That Section 1 of Article IX of the Charter of The City of Seattle be amended effective January 1, 1986, as follows:

Section 1. DIRECTOR: COMBINED CITY-COUNTY HEALTH DEPARTMENT ((QUALIFICATIONS, DUTIES, ETC.)): There shall be a director of public health, to 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. ((and he may be removed by the Mayor upon filing a statement of his reasons therefore with the City Council. He shall have been a graduate of a recognized school of medicine at least five years prior to appointment and shall hold the degree of Doctor of Medicine, and shall hold the degree of Master of Public Health and shall have had at least three years practical experience in public health administrative work. He shall not engage in the private practice of medicine during his tenure of office.))

The director of public health ((shall have supervision and control of all matters appertaining to the health and sanitation affairs of the city, including such hospitals and like institutions maintained by the city. He)) shall be the head of the Public Health Department or a combined City-County Health Department and see that all laws relating to the health

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1 and sanitation of the City are enforced, and shall prescribe  
2 rules and regulations, not inconsistent with law, for the  
3 government and control of the Department.

4 The director of public health shall appoint and may  
5 remove, subject to civil service laws where applicable, all  
6 assistants and employees in (~~the~~) the Department, and  
7 shall have such further powers and duties as may be prescribed  
8 by law or ordinance.

8 BE IT FURTHER RESOLVED:

9 As contemplated by Charter Article XX, Section I providing  
10 for Charter amendments proposed by the City Council, this  
11 resolution shall be submitted to the qualified electors of the  
12 City at the next municipal election to be held on November 5,  
13 1985. The proposition shall be voted upon in the following  
14 manner:

15 There shall be placed upon the ballot a statement of  
16 proposition substantially in the form as follows:

17 "Shall City Charter Article IX § 1 be amended to authorize  
18 a combined City-County Health Department and delete medical  
19 degree and experience requirements for its director?

19 Yes \_\_\_\_\_ No \_\_\_\_\_

20 Every qualified voter at the election desiring to ratify the  
21 resolution shall mark his or her ballot "Yes." Every voter  
22 desiring to reject the resolution shall mark his or her ballot  
23 "No."

23 BE IT FURTHER RESOLVED:

24 Upon approval of this resolution by the City Council and  
25 not less than forty-five (45) days before the date of such  
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election, the City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections this proposition in the form of a ballot title conforming to the foregoing statement of the same, and certify therewith a copy of this resolution in full.

BE IT FURTHER RESOLVED:

Certification of this resolution and the proposition it contains to the Director of the Department of Records and Elections of King County, and any act pursuant to the authority and prior to the effective date of this resolution is hereby ratified and confirmed.

PASSED the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 1985, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

\_\_\_\_\_  
President of the City Council

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

ATTEST:

\_\_\_\_\_  
City Comptroller and City Clerk

By: \_\_\_\_\_  
Deputy