

CLERK FILE No. 308099

CW

REPORT OF THE COMMITTEE

C. F. No. 308099

Initiative No. 92, To ensure quality and accountability in publicly- funded services for the elderly and disabled.

Date Filed with Clerk

June 5, 2006

Received by

Patricia Wheaton

City Clerk Staff

**ACTION OF THE COUNCIL**

Referred	To
Referred	To
Referred	To
Reported	Disposition
Re-referred	To
Reported	Disposition

Honorable President:

The

to which was referred this file, respectfully reports that the same was considered, and

*Law Department*

CIV

## REPORT OF THE COMMITTEE

**SPONSORED BY:**

**Honorable President:**

The \_\_\_\_\_ Committee.

to which was referred this file, respectfully reports that the same was considered, and the recommendation is:

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

### Clerk Staff

**Chair**

**Law Department**



City of Seattle  
Legislative Department

CF304099



**Office of the City Clerk**

Judith E. Pippin  
City Clerk

June 5, 2006

**CERTIFIED MAIL AND E-MAIL**

Mr. Adam Glickman  
c/o Campaign for Quality Care  
P. O. Box 3322  
Seattle, WA 98114

RE: PROPOSED INITIATIVE NO. 92

Dear Mr. Glickman:

I have reviewed your proposed petition related to ensuring quality and accountability in publicly-funded services for the elderly and the disabled - proposed Initiative No. 92. The petition, as presented, conforms to general standards set forth for initiative petitions. Once you have inserted "92" after "Measure No.", and inserted the ballot title as shown below, within the parentheses after "entitled:", your petition should be ready to go. Please email me a copy of the final petition with these changes for final approval.

The ballot title for the petition has been prepared to read as follows:

**Seattle Initiative Measure Number 92 concerns publicly-funded home-care and related services for the elderly and disabled.**

**If enacted the measure would require the City to contract for such services only with home-care agencies that have provided licensed home-care services in Washington for at least three years; and have not committed fraud or had instances of neglect, abuse or exploitation leading to client deaths anywhere in the U.S. in the last three years. The City would have to audit existing contracts and terminate those with non-complying agencies. Any Seattle resident could sue to enforce the measure.**

**Should this measure be enacted into law?**

**Yes.....**

**No.....**

600 Fourth Avenue, Floor 3, P.O. Box 94728, Seattle, Washington 98124-4728  
(206) 684-8344, Fax: (206) 386-9025, TDD: (206) 233-0025  
Internet Address: <http://www.seattle.gov/leg/clerk/clerk.htm>  
Accommodations for people with disabilities provided upon request. An EEO employer.  
"Printed on Recycled Paper"

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Page 2

Mr. Alan Glickman

June 5, 2006

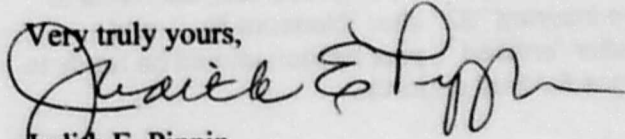
RE: PROPOSED INITIATIVE NO. 92

The initiative process is defined in Article IV Section 1 of the City Charter, Seattle Municipal Code Section 2.08, and Washington State Code (RCW) 29.27.050. If you would like copies of these reference materials, please let me know.

The signed petitions for Initiative 92 must be filed with the City Clerk within 180 days from the date of this letter. Because the 180th day is a Saturday (December 2), if you wish to file your signatures on that date I can arrange to be available at the City Clerk's Office between 2:00 and 4:00 p.m. to accept your filing. Otherwise, your signatures must be filed no later than 5:00 p.m. on Friday, December 1, 2006. If at least 17,968 signatures on petitions for Initiative 92 have been filed on or before that date, they will then be transmitted to King County Elections Department for signature verification. A total of at least 17,968 valid Seattle resident registered voter signatures will be required to validate the initiative before transmittal to the City Council.

Please do not hesitate to contact me if you have questions. You can reach me at 206-684-8361.

Very truly yours,



Judith E. Pippin  
City Clerk

attachment

cc: Mayor Gregory J. Nickels  
City Councilmembers  
Executive Director, Ethics and Elections Commission  
King County Records and Elections  
Janet Rodriguez

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SEATTLE CITY ATTORNEY  
THOMAS A. CARR

FILED  
CITY OF SEATTLE

2006 JUN -5 AM 11:43

CITY CLERK

**MEMORANDUM**

TO: Judith Pippin, City Clerk  
FROM: Ted Inkley, Assistant City Attorney  
SUBJECT: Ballot Title for Initiative Measure No. 92  
DATE: June 5, 2006

***Via e-mail and hand-delivered***

This office has established the following ballot title for Initiative 92. The measure was filed with the Clerk's office on Friday, May 26:

Seattle Initiative Measure Number 92 concerns publicly-funded home-care and related services for the elderly and disabled.

If enacted the measure would require the City to contract for such services only with home-care agencies that have provided licensed home-care services in Washington for at least three years; and have not committed fraud or had instances of neglect, abuse or exploitation leading to client deaths anywhere in the U.S. in the last three years. The City would have to audit existing contracts and terminate those with non-complying agencies. Any Seattle resident could sue to enforce the measure.

Should this measure be enacted into law?

Yes.....

No.....

If you have any questions, please contact me at 615-0788.

cc: Thomas Carr, City Attorney  
Wayne Barnett, Executive Director, Ethics and Elections  
Robert H. Lavitt, Attorney-at-Law

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**Legislative Department  
Office of City Clerk  
Memorandum**

**Date:** May 30, 2006  
**To:** The Honorable Thomas Carr  
City Attorney  
**From:** Judith E. Pippin, City Clerk  
**Subject:** Proposed Initiative Petition - Initiative No. 92

COPY RECEIVED  
06 MAY 30 PM 3:05  
SEATTLE CITY ATTORNEY

I am forwarding with this memo Clerk File No. 308099, containing Initiative No. 92, an ordinance to ensure quality and accountability in publicly-funded services for the elderly and disabled.

The proponent filed this initiative with the Office of the City Clerk on Friday, May 26, 2006 at 1:15 p.m. and it is submitted pursuant to Article IV, Section 1B of the City Charter, and Seattle Municipal Code 2.08. The sponsor of the initiative is Campaign for Quality Care.

The title of the Clerk File (CF) is:

"Initiative No. 92, An ordinance to ensure quality and accountability in publicly-funded services for the elderly and disabled.

The file is transmitted to you for preparation of a ballot title.

attachment (CF 308099)

cc: Mayor Gregory J. Nickels  
City Councilmembers  
Executive Director, Ethics and Elections Commission  
Patricia McInturff, Director, Human Services Department

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FILED  
CITY OF SEATTLE

2006 MAY 26 PM 1:15

CITY CLERK

May 26, 2006

*Via Hand Delivery*

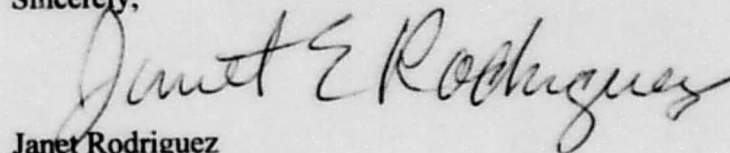
Judith Pippin  
Seattle City Clerk's Office  
600 4th Avenue, Floor 3  
PO Box 94728  
Seattle, Washington 98124-4728

Re: Proposed Initiative To Ensure Quality And Accountability In Publicly-Funded  
Services For The Elderly And Disabled

Dear Ms. Pippin:

Enclosed for your review is a proposed initiative that I seek to have placed on the  
ballot this fall for consideration by the voters of Seattle. Please contact Adam Glickman  
at 206-838-3210 if you have any questions.

Sincerely,



Janet Rodriguez  
8530 Mary Ave NW #A102  
Seattle, WA 98117  
206/706-1635

Enclosure

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FILE  
CITY OF SEATTLE

2004 MAY 26 PM 1:15

CITY CLERK



Protect Seattle's Seniors and Disabled!

# Yes On I-92



Ensuring quality home care standards for Seattle's most vulnerable.

Initiative petition for submission to the Seattle City Council. See the back of this petition for the complete text of the initiative.

**To the City Council of The City of Seattle:**

We, the undersigned registered voters of The City of Seattle, State of Washington, propose and ask for the enactment as an **ordinance** of the measure known as Initiative Measure No. .... entitled: (here set forth the established ballot title of the measure), a full, true and correct copy of which is included herein, and we petition the Council to enact said measure as an **ordinance**; and, if not enacted within forty-five (45) days from

the time of receipt thereof by the City Council, then to be submitted to the qualified electors of The City of Seattle for approval or rejection at the next regular election or at a special election in accordance with Article IV, Section 1 of the City Charter; and each of us for himself or herself says: I have personally signed this petition; I am a registered voter of The City of Seattle, State of Washington, and my residence address is correctly stated.

Must be a Seattle resident. Only registered voters may sign.

	Signature	Printed Name	Street Address	Phone Number	Date
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[www.ProtectSeattleSeniors.com](http://www.ProtectSeattleSeniors.com)

**WARNING:** Ordinance 94299 provides as follows: "Section 1. It is unlawful for any person: 1. To sign or decline to sign any petition for a City initiative, referendum, or Charter amendment, in exchange for any consideration or gratuity or promise thereof; or 2. To give or offer any consideration or gratuity to anyone to induce him or her to sign or not to sign a petition for a City initiative, referendum, or Charter amendment; or 3. To interfere with or attempt to interfere with the right of any voter to sign or not to sign a petition for a City initiative, referendum, or Charter amendment by threat, intimidation or any other corrupt means or practice; or 4. To sign a petition for a City initiative, referendum, or Charter amendment with any other than his or her true name, or to knowingly sign more than one (1) petition for the same initiative, referendum or Charter amendment measure, or to sign any such petition knowing that he or she is not a registered voter of the City of Seattle." The provisions of this ordinance shall be printed as a warning on every petition for a City initiative, referendum, or Charter amendment." Section 2. Any person violating any of the provisions of this ordinance shall upon conviction thereof be punishable by a fine of not more than five Hundred Dollars (\$500) or by imprisonment in the City Jail for a period not to exceed six (6) months, or by both such fine and imprisonment."

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**An Ordinance To Ensure Quality And Accountability  
In Publicly-Funded Services For The Elderly And Disabled**

WHEREAS the City of Seattle contracts with home care agencies to provide publicly-funded home care and related services to vulnerable elderly and disabled adults; and  
 WHEREAS the City of Seattle has a duty to provide elderly and disabled persons with the highest quality care possible; and  
 WHEREAS the City of Seattle has a further duty to protect its most vulnerable and elderly residents from abuse, neglect, and exploitation; and  
 WHEREAS the City of Seattle decreases the likelihood of such abuse by contracting for home care services only with agencies with a demonstrated track record of delivering high quality care; and  
 WHEREAS the City of Seattle exposes its most vulnerable residents to harm and abuse if it contracts with agencies with documented histories of abuse, neglect, and exploitation to provide home care services; and  
 WHEREAS contracting with care agencies with histories of abuse, neglect, or exploitation potentially exposes the City and its taxpayers to liability  
 NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE as follows:

A new provision of the Seattle Municipal Code is added to read as follows:

- Sec. 1. Legislative Findings**
- A. Pursuant to its role as the designated Area Agency on Aging for King County, the City of Seattle has the duty and discretion to select which home care agencies to contract with to provide publicly-funded home care services to elderly and disabled persons.
  - B. The City of Seattle, taxpayers, recipients of home care services and their families have a vested interest in ensuring that agencies providing home care and related services to the elderly and/or disabled deliver the highest quality care possible.
  - C. To eliminate to the greatest extent possible, the risk of abuse, neglect or exploitation to vulnerable, elderly or disabled persons who receive home care and related services, it is the declared policy of the City to contract for home care and related services only with responsible agencies with a demonstrated record of delivering quality care.
- Sec. 2. Contracting with quality and accountable home care agencies.** Pursuant to its authority as the designated Area Agency on Aging for King County, the City of Seattle shall contract only with home care agencies that meet all of the following criteria:
- A. The home care agency has at least three years experience providing licensed home care services in the State of Washington;
  - B. Neither the home care agency nor its related organizations have been found by any court, court monitor, or court-appointed lawyer to have instances of neglect, abuse, or exploitation that led to client deaths anywhere in the United States in the past three years;
  - C. Neither the home care agency nor its related organizations have been found by any court, court monitor, or court-appointed lawyer to have defrauded any state, fraudulently altered documents, or otherwise committed fraud anywhere in the United States in the past three years.
- Sec. 3. Audit.** Within 90 days of the effective date of this ordinance, the City shall conclude an audit of its existing home care agency contracts to ensure compliance with this section. Contracts with agencies not in compliance shall be terminated.
- Sec. 4.** Notwithstanding any of the language contained in sections 1 through 3 of this ordinance, nothing herein shall be interpreted or applied so as to limit or restrict any Washington State legislative or constitutional grant of power to the legislative authority or other officer of the City of Seattle, and the reach of this initiative is expressly circumscribed and limited by any such legislative or constitutional grant of power, nor shall any portion of this initiative be read to require the city to breach any current contractual obligation.
- Sec. 5.** Any resident of the City of Seattle shall, by virtue of his/her status as a taxpayer in the City, have legal standing in King County Superior Court, to bring a cause of action to enforce this ordinance; such resident shall be entitled to injunctive relief requiring the City to terminate any contract with an agency not in compliance with section 2, without the necessity of any bond being posted, so long as the elements necessary to obtain injunctive relief pursuant to RCW 7.40.020 are established to the satisfaction of the Court.
- Sec. 6.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

Please  
place  
39¢ stamp  
here.

Campaign for quality care  
PO Box 3322  
Seattle, WA 98114

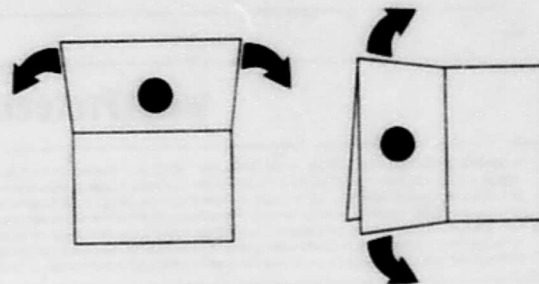
**Every Signature Counts – Return Every Petition Even If  
It Only Has One Name**

**Return your Petition By Mail No Later Than June 30th**

Self Mailer Instructions: **DO NOT CUT THIS PETITION.** Complete the return address and the petition gatherer form. Fold the petition in half from top to bottom and then again from left to right so the mailing panel is on the outside. Tape all sides shut and mail with a first class stamp. Return the entire petition or signatures will be invalid. If you need more petitions or have any questions.

**Contact us at 1-866-810-0775 or  
info@protectseattleseniors.com**

Name: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_



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703 MAY 26 PM 1:15

CITY CLERK

**Protect Seattle's Seniors and Disabled!****Yes On I-92****Ensuring quality home care standards for Seattle's most vulnerable.**

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Must be a Seattle resident. Only registered voters may sign.

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**An Ordinance To Ensure Quality And Accountability  
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Sec. 2. Contracting with quality and accountable home care agencies. Pursuant to its authority as the designated Area Agency on Aging for King County, the City of Seattle shall contract only with home care agencies that meet all of the following criteria:

- A. The home care agency has at least three years experience providing licensed home care services in the State of Washington;
- B. Neither the home care agency nor its related organizations have been found by any court, court monitor, or court-appointed lawyer to have instances of neglect, abuse, or exploitation that led to client deaths anywhere in the United States in the past three years.
- C. Neither the home care agency nor its related organizations have been found by any court, court monitor, or court-appointed lawyer to have defrauded any state, fraudulently altered documents, or otherwise committed fraud anywhere in the United States in the past three years.

Sec. 3. Audit. Within 90 days of the effective date of this ordinance, the City shall conclude an audit of its existing home care agency contracts to ensure compliance with this section. Contracts with agencies not in compliance shall be terminated.

Sec. 4. Notwithstanding any of the language contained in sections 1 through 3 of this ordinance, nothing herein shall be interpreted or applied so as to limit or restrict any Washington State legislative or constitutional grant of power to the legislative authority or other officer of the City of Seattle, and the reach of this initiative is expressly circumscribed and limited by any such legislative or constitutional grant of power, nor shall any portion of this initiative be read to require the city to breach any current contractual obligation.

Sec. 5. Any resident of the City of Seattle shall, by virtue of his/her status as a taxpayer in the City, have legal standing in King County Superior Court, to bring a cause of action to enforce this ordinance; such resident shall be entitled to injunctive relief requiring the City to terminate any contract with an agency not in compliance with section 2, without the necessity of any bond being posted, so long as the elements necessary to obtain injunctive relief pursuant to RCW 7.40.020 are established to the satisfaction of the Court.

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Campaign for quality care  
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info@protectseattleseniors.com**

Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

