

The Charter
of the
City of Seattle

Adopted at the General Election March 12, 1946
as Amended through November 6, 1979

Seattle Municipal Code
as adopted in 1980
For current SMC, contact
the Office of the City Clerk

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CHARTER OF THE CITY OF SEATTLE

ARTICLE I

General Right and Liabilities

Section 1. MUNICIPALITY; NAME, BASIC POWERS: The municipal corporation, now existing and known as The City of Seattle, shall remain and continue a body politic and corporate in name and in fact, by the name "The City of Seattle," and by that name shall have perpetual succession, may sue and defend in all matters and proceedings whatever, have and use a common seal,¹ and alter the same at pleasure, and may purchase, receive, hold and enjoy real and personal property within and without its corporate limits, and may sell, convey, mortgage and dispose of the same for the common benefit, and may receive bequests, devices, gifts and donations of all kinds within and without the city for its own use and benefit, or in trust for charitable or other public purposes, and do all acts necessary to carry out the purposes of such gifts, bequests, devices and donations, with power to manage, sell, lease or otherwise dispose of the same. No gifts of munitions, military supplies, gas or police equipment shall be accepted by The City of Seattle without approval by ordinance.

The public buildings, lands and property, all rights of property and rights of action, all moneys, revenues and income belonging or appertaining to The City of Seattle, are hereby declared to be vested in said city and it shall continue to have, hold and enjoy the same subject to all obligations, debts, liabilities, dues and duties, of the existing municipality.

Suits, actions, and proceedings may be brought in the name of The City of Seattle for the recovery of any property, or for the enforcement of any rights of or contracts with said city, whether made or arising or accruing before or after the adoption of this Charter.

All contracts legally entered into by The City of Seattle, by virtue of any existing law, shall remain valid and be binding to the extent only that they are now valid and binding upon The City of Seattle.

1. Editor's note: The City Seal is codified in Chapter 1.08 of this Code.

Sec. 2. CONTINUATION OF FORMER PROVISIONS: All provisions of this Charter substantially identical with provisions of the Charter superseded hereby, shall be construed as continuations of such former provisions, and not as new enactments.

In all cases of claims for damages against the city, on which part of the time allowed for presenting and filing the same with the City Clerk has elapsed at the time of the adoption of this Charter, the portion of time elapsed shall be counted as part of the time fixed by this Charter for presenting and filing such claims.

ARTICLE II

Territory and Boundary

Section 1. The City of Seattle shall include in its limits the following lands and territory, to-wit: (As of October 1, 1945.)

Territory

A portion of Section 34, Township 26 North, Range 3 East, W.M.

Portions of Sections 32 and 33, Township 26 North, Range 4 East, W.M.

Sections 1, 2, 15, and 24, fractional Sections 3, 9, 10, 11, 12, 13, 14, 16, 22, 23, 25, and 36, together with the Donation Land Claims of Ira W. Utter, H.A. Smith, E.M. Smithers, D.T. Denny, and W.N. Bell, in Township 25 North, Range 3 East, W.M.

Sections 4, 5, 6, 7, 8, 9, and 10, fractional Sections 11, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 32, 33, and 34, portions of Sections 2 and 3, the Donation Land Claims of Thomas Mercer, D.T. Denny, W.N. Bell, J.H. Nagle, A.A. Denny, C.D. Boren, and H.L. Yesler, in Township 25 North, Range 4 East, W.M.

Sections 14, 23, 24, 25, 36, fractional Sections 2, 9, 10, 11, 12, 13, 15, 16, 22, 26, 27, 34, and 35, Township 24 North, Range 3 East, W.M.

Section 31, fractional Sections 3, 4, 5, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 32, 33, 34, and 35, Government Lots 1, 2, and 3, of Section 24; together with the Donation Land Claims of H.L. Yesler,

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D.S. Maynard, John C. Holgate, E. Hanford, J.J. Moss, Eli Maples, L.M. Collins, S. Maples, George Holt, A. Hograve, H. Van Asselt, Francis McNatt, a portion of the Donation Land Claims of John Buckley and T. Crow, in Township 24 North, Range 4 East, W.M.

Boundary

The North Boundary of The City of Seattle shall be as follows:

Beginning at the intersection of the center line of Puget Sound with the north line extended west of Block 24, Ballard Tide Lands; thence along said extended line east to the Meander Line of Puget Sound; thence northerly along said Meander Line to the north line of the south 1,326.00 feet of Government Lot 1 in Section 34, Township 26 North, Range 3 East, W.M.; thence east along said north line to the west line of the right of way of the Great Northern Railway (formerly the Seattle and Montana Railway); thence southerly to the intersection of the easterly line of said right of way with the west line of V Street, as platted in Loyal Heights Addition; thence southerly along the westerly line of V Street and of Golden Avenue, as platted in said addition, to the north line of Township 25 North, Range 3 East, W.M., excepting therefrom the right of way of the said Great Northern Railroad that lies north of the said north line of Township 25 North; thence east along the north line of said township to the center line of Latona Avenue; thence north along the center line of Third Avenue Northeast (Latona Avenue), being the west line of Weaver's 2nd Addition to Green Lake, and the same produced, to the south line of J.W. Denny's 5th Addition; thence east along said south line following East 91st Street to the center line of Fifth Avenue Northeast, being the west line of "A" Street as platted in Maple Leaf Addition to Green Lake Circle; thence along the center lines of certain streets or avenues as platted in the said Maple Leaf Addition to Green Lake Circle as follows: north along the center line of Fifth Avenue Northeast (formerly "A" Street) to the center line of vacated East 96th Street (formerly Jamestown Avenue); thence east along said last named center line to the center line of Eighth Avenue Northeast (formerly "B" Street); thence south along the last named center line to the east and west center line of Block 50, The Maple Leaf Addition to Green

Lake Circle; thence east on the east and west center line of Blocks 50, 51, and 52, of said addition to the center line of 15th Avenue Northeast (formerly "E" Street); thence south along the last named center line to the center line of East 86th Street (formerly Boston Avenue); thence east along the last named center line to the center line of 20th Avenue Northeast (formerly "G" Street); thence south on the last named center line to the north line of Section 4, Township 25 North, Range 4 East, W.M.; thence east along the north line of Sections 4 and 3 of said township and range to the northeast corner of the northwest one-quarter of said Section 3; thence south along the north and south center line of Section 3 (45th Avenue Northeast) to the center of said section; thence east along the east and west center line of Sections 3 and 2 (East 75th Street) of said township and range to the east line of Sand Point Way (formerly County Roads #1283 and #2208); thence south along the east line of said Sand Point Way to the south line of said Section 2; thence east on the said south line and the same produced to the middle line of Lake Washington.

The East Boundary of The City of Seattle shall be as follows:

Beginning at the intersection of the south line extended east of Section 2, Township 25 North, Range 4 East, W.M., with the center line of Lake Washington; thence along the said center line southerly to an intersection with the east and west center line of Section 1, Township 23 North, Range 4 East, W.M., extended east.

The South Boundary of The City of Seattle shall be as follows:

Beginning at the intersection of the center line of Lake Washington with the extended east and west center line of Section 1, Township 23 North, Range 4 East, W.M.; thence west along said center line to an intersection with the easterly line of Kinnear's First Addition to Rainier Beach; thence southeasterly along the easterly line of said addition to the south line thereof; thence west along the said south line to an intersection with the west line of Section 1, Township 23 North, Range 4 East, W.M.; thence south along said west line to the south line of said section; thence west along the south line of

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Section 2, Township 23 North, Range 4 East, W.M., to an intersection with the north and south center line of said Section 2; thence south along the north and south center line of Section 11, Township 23 North, Range 4 East, W.M., to the east and west center line of said Section 11; thence west along the said center line to an intersection with the west line of said section; thence north along said west line and the west line of Section 2, Township 23 North, Range 4 East, W.M., to the east and west center line of Section 3, Township 23 North, Range 4 East, W.M.; thence west along said center line to the west line of said Section 3; thence north along the west line of Section 3, Township 23 North, Range 4 East, W.M., to the east and west center line of Section 33, Township 24 North, Range 4 East, W.M.; thence west along the said center line to the center line of the Abandoned Bed of the Duwamish River; thence northerly and northwesterly along said center line to the intersection of the south line of Section 28, Township 24 North, Range 4 East, W.M.; thence west along said south line and the south line of Section 29, Township 24 North, Range 4 East, W.M., to the east line of River Park Addition; thence south along the east line of River Park Addition to the north line of South Park Addition; thence east along said north line to the northeast corner of South Park Addition; thence south along the east line of said addition to the County Road (also known as Dallas Avenue); thence following the County Road in a southeasterly direction to a point on said road directly east of the southeast corner of South Park Addition; thence west along the south line of said addition and the south line produced to the northeast corner of Excelsior Acre Tracts No. 2; thence south to the southeast corner thereof; thence west along the south line of Excelsior Acre Tracts No. 2 and Excelsior Acre Tracts to the southwest corner of last named tracts; thence north to an intersection with the north line of the south one-half of the south one-half of Section 32, Township 24 North, Range 4 East, W.M.; thence west to the west line of Section 32, Township 24 North, Range 4 East, W.M.; thence south to the south line of said section; thence west on the south line of Township 24 North, Range 4 East, W.M., and continuing west on the south line of Township 24 North, Range 3 East, W.M., and said south line produced to the middle of Puget Sound.

The West Boundary of The City of Seattle shall be as follows:

Beginning at the intersection of the south line produced west of Township 24 North, Range 3 East, W.M., with the center line of Puget Sound; thence along said center line north to the north line produced west of Block 24, Ballard Tide Lands, as platted by the Commissioner of Public Lands of the State of Washington.

ARTICLE III

Departments of Government¹

1. Cross-reference: For provisions regarding the various city departments, see Subtitle II of Title 3 of this Code.

Section 1. DEPARTMENTS: The Legislative Authority of the city may by ordinance create, consolidate and reorganize the departments, divisions and offices of the city for the conduct of municipal functions except as such creation, consolidation or reorganization shall be precluded by other provisions of this Charter. (As amended at November 8, 1977 election.)

Sec. 2. The said departments, with the exception of the Judicial, Library and Transportation Departments, so long as they are constituted in accordance with the provisions of state law, shall be constituted as hereinafter provided, subject only to such changes as are expressly authorized by this Charter.

Sec. 3. HEADS OF DEPARTMENTS; OFFICIAL COMMUNICATIONS: The Mayor shall head the Executive Department; the President of the City Council, the Legislative Department; the Librarian, the Library Department, and the members of the commissions or boards created by this Charter, and the principal unsubordinated officers in departments wherein there is no commission or board shall head their respective departments, but no head of department shall have or exercise any power or authority not provided for elsewhere in this Charter. Official communications between different departments, except as in this Charter otherwise provided, shall be through, or by authority of, the heads of the departments.

ARTICLE IV

Legislative Department

Section 1. A. LEGISLATIVE POWER, WHERE VESTED: The legislative powers of The City of Seattle shall be vested in a Mayor and City Council, who shall have such powers as are provided for by this Charter; but the power to propose for themselves any ordinance dealing with any matter within the realm of local affairs or municipal business, and to enact or reject the same at the polls, independent of the Mayor and the City Council, is also reserved by the people of The City of Seattle, and provision made for the exercise of such reserved power, and there is further reserved by and provision made for the exercise by the people of the power, at their option, to require submission to the vote of the qualified electors and thereby to approve or reject at the polls any ordinance, or any section, item or part of any ordinance dealing with any matter within the realm of local affairs or municipal business, which may have passed the City Council and Mayor, acting in the usual prescribed manner as the ordinary legislative authority.

B. INITIATIVE AND REFERENDUM; HOW EXERCISED; PETITIONS; COMPTROLLER TO VERIFY SIGNATURES; COMPLETION OF PETITION, CONSIDERATION IN COUNCIL: The first power reserved by the people is the initiative.¹ It may be exercised on petition of a number of registered voters equal to not less than ten (10) percent of the total number of votes cast for the office of Mayor at the last preceding municipal election, proposing and asking for the enactment as an ordinance of a bill or measure, the full text of which shall be included in the petition. Prior to circulation for signatures, such petition shall be filed with the City Comptroller in the form prescribed by ordinance, and by such officer assigned a serial number, dated, and approved or rejected as to form, and the petitioner so notified within five (5) days after such filing. Signed petitions shall be filed with the City Comptroller within one hundred eighty (180) days after the date of approval of the form of such petitions. Upon such filing, the City Comptroller shall verify the sufficiency of the signatures to the petition, and transmit it, together with his report thereon to the City Council at a regular meeting not more than twenty (20) days after the filing of such

signed petition, and such transmission shall be the introduction of the initiative bill or measure in the City Council. If the Comptroller shall find any petition to be insufficient in signatures, he shall notify the principal petitioners, and an additional twenty (20) days shall be allowed them in which to complete such petition to the required percentage; provided however, that in no event shall the time for procuring signatures exceed two hundred (200) days from the date of approval of the form of such petitions. Consideration of such initiative petition shall take precedence over all other business before the City Council, except appropriation bills and emergency measures.

C. COUNCIL MAY ENACT OR REJECT BUT NOT MODIFY; COUNCIL MAY PASS SUBSTITUTE: The City Council may enact, or reject, any initiative bill or measure, but shall not amend or modify the same. It may, however, after rejection of any initiative bill or measure, propose and pass a different one dealing with the same subject.

D. WHEN REJECTED MEASURE AND SUBSTITUTE SUBMITTED TO PEOPLE; GENERAL AND SPECIAL ELECTIONS: If the City Council rejects any initiative measure, or shall during thirty (30) days after receipt thereof have failed to take final action thereon, or shall have passed a different measure dealing with the same subject, the said rejected initiative measure and such different measure dealing with the same subject, if any has been passed, shall be taken in charge by the City Comptroller and submitted to the qualified electors for approval or rejection at the next regular election; but the City Council may in its discretion provide for a special election.

E. WHEN A SPECIAL ELECTION REQUIRED: If an initiative petition shall be signed by a number of qualified voters of not less than twenty (20) percent of the total number of votes cast for the office of Mayor at the last preceding municipal election, or shall at any time be strengthened in qualified signatures up to said percentage, then the City Council shall provide for a special election upon said subject, to be held within (60) days from the proof of sufficiency of the percentage of signatures.

F. MEASURES ADOPTED TO BECOME ORDINANCES, WHEN: Any measure thus submitted to the vote of the people, which shall receive in its favor a majority of all the votes cast for and against the same, shall become an

ordinance and after shall be in newspaper publication. Pro contempt included to be paid eliminate expending until after effect; P tion sha Twenty involved.

G. SU INITIAT PROVED ADOPTED rejection different it shall b the initi qualified same, and a majority particular number be adopt rejected.

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ordinance, and be in full force and effect from and after proclamation by the Mayor, which shall be made, and published in the city official newspaper, within five (5) days after the election. Provided that if such adopted ordinance contemplates any expenditure which is not included in the current budget, or which is not to be paid from an existing bond issue or which eliminates or reduces an existing revenue; such expenditure or elimination shall not be lawful until after the next succeeding budget shall take effect; Provided, further, that the above restriction shall not be operative when less than Twenty Thousand (\$20,000.00) Dollars is involved.

G. SUBMISSION OF SUBSTITUTE AND INITIATIVE MEASURES; IF BOTH APPROVED, THAT HAVING HIGHEST VOTE ADOPTED: In case the City Council shall, after rejection of the initiative measure, have passed a different measure, dealing with the same subject, it shall be submitted at the same election with the initiative measure and the vote of the qualified electors also taken for and against the same, and if both such measures be approved by a majority vote, if they be conflicting in any particular, then the one receiving the highest number of affirmative votes shall thereby be adopted, and the other shall be considered rejected.

H. POWER OF SIMPLE REFERENDUM AS TO ORDINANCES; EXCEPTIONS; BY PETITION OR BY COUNCIL: The second power reserved by the people is the simple referendum,¹ and it may be exercised and ordered (except as to ordinances necessary for the immediate preservation of the public peace, health or safety, or providing for the approval of local improvement assessment rolls, or for the issuance of local improvement bonds), as to any ordinance which has passed the City Council and Mayor (acting in their usual prescribed manner as the ordinary legislative authority of the city), either upon a petition signed by a number of registered voters equal to not less than eight (8) percent of the total number of votes cast for the office of Mayor at the last preceding municipal election, or by the City Council itself without petition.

I. EMERGENCY MEASURES, WHAT TO CONTAIN; VOTE REQUIRED TO PASS: When an emergency exists in which it is necessary for the immediate preservation of the public peace, health or safety, that an ordinance shall become effective without delay, such emergency and

necessity, and the facts creating the same, shall be stated in one section of the bill, and it shall not become an ordinance unless on its final passage by the City Council at least three-fourths (¾) of all the members vote in its favor (the vote being taken by yeas and nays, and the names of those voting for and against being entered in the journal), and it shall have been approved by the Mayor, whereupon it shall be of full force and effect.

J. REFERENDUM BY PETITION; EFFECT OF; VERIFICATION OF SIGNATURES: The referendum may be invoked by petition bearing the signatures of the required percentage of qualified voters as to any non-emergency law or ordinance, or any section, item or part of any such law or ordinance, which petition shall be filed with the City Comptroller before the day fixed for the taking effect of the said law or ordinance, which shall in no case be less than thirty (30) days after the final favorable action thereon by the Mayor and City Council, acting in their usual prescribed manner as the ordinary legislative authority of the city, and the filing of such referendum petition as to any such ordinance or section, item or part thereof, shall operate to suspend the taking effect of the same, or any further action thereon, except as herein provided, viz: The City Comptroller shall verify the sufficiency of the signatures to the petition and transmit it, together with his report thereon, to the City Council, at a regular meeting not less than twenty (20) days after the filing of the petition.

Cases: The word "file" as used in this Charter provision means delivery of the petition to the City Comptroller and its receipt by him. *Seattle Voters v. Erlandson*, 9 Wn.App. 409, 512 P.2d 766 (1973).

K. SUBMISSION AT GENERAL OR SPECIAL ELECTION: The City Council shall thereupon provide for submitting the said ordinance or section, item or part thereof, to the vote of the qualified electors for ratification or rejection, either at the next regular municipal election, or at a special election, as the City Council in its discretion may provide.

Cases: Where a grant of power is to the corporate authorities and not to the city as a corporate entity, an ordinance which does no more than fix rates charged by a municipally owned water system is not subject to the referendum provisions of the City Charter, for the effect thereof would be to limit the power conferred by statute. *State ex rel. Haas v. Pomeroy*, 50 Wn.2d 23, 308 P.2d 684 (1957).

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L. NOTICE AND CONDUCT OF ELECTION: Official publication shall be made, notices of election given, and the manner and conduct of election, the preparation of the official ballots, the counting and canvassing of the votes, and the certifying of the returns of the election, shall in the exercise of both the initiative and referendum be as provided by law for the submission of propositions to the voters.

M. IF ORDINANCE APPROVED, WHEN TO TAKE EFFECT: If the ordinance thus submitted to the referendum shall receive in its favor a majority of all the votes cast for and against the same, it shall be in full force and effect from and after the proclamation by the Mayor, which shall be made and published in the city official newspaper, within five (5) days after the election. Provided, however, that if the ordinance itself shall designate a subsequent date for taking effect, the proclamation shall name the said date as the time for taking effect. If the ordinance shall fail to receive the majority vote in its favor, it shall be considered as rejected and shall be of no force or effect.

N. AMENDMENT OR REPEAL OF INITIATED AND REFERRED ORDINANCES: No ordinance so initiated or referred and approved shall be amended or repealed by the City Council within a period of two (2) years following such approval.

(As amended at November 6, 1973 election.)

1. Cross-reference: For further provisions regarding initiative and referendum petitions, see Title 2 of this Code.

Sec. 2. CITY COUNCIL, MEMBERS: The City Council shall consist of nine (9) members, elected from the city at large.

Subdivision A. DATE AND TERMS OF ELECTIONS: A general municipal election shall be held under this Charter on the first Tuesday following the first Monday in March, 1948, and biennially thereafter on each even numbered year, and no such election shall hereafter be held on any odd numbered year. At the general election to be held in March, 1948, there shall be elected six members of the City Council. The four receiving the highest vote shall be elected for a term of four years: the two receiving the next highest vote shall be elected for a term of two years. At each biennial election thereafter, five and four Councilmen respectively shall be elected for four year terms. The three Councilmen elected in 1944 and 1946 under the pre-

vious Charter shall hold over for one year, and the three Councilmen elected thereunder in 1945 shall complete their terms.¹

Subdivision B. ELIGIBILITY: No person shall be eligible for membership in the City Council unless he shall be a citizen of the United States and a qualified elector of the State of Washington and a registered voter of The City of Seattle at the time of filing his declaration of candidacy.

Subdivision C. POWERS - LIMITATIONS - RECALL: All the powers of the City Council shall be exercised subject to initiative and referendum powers of the people as set forth herein. The members of the City Council shall be subject to recall in the manner provided by law.

(As amended at November 4, 1969 election.)

1. Editor's Note: Subdivision A has been superseded by state law. See RCW 29.13.020 and 29.21.017.

Sec. 3. QUORUM: A majority of all members shall constitute a quorum, but a less number may adjourn from day to day, or until the time of the next regular meeting, and may compel the attendance of absent members in such a manner and under such penalties as the Council shall prescribe.

Sec. 4. POWERS AND DUTIES OF COUNCIL: The City Council shall—

First. ELECTION OF PRESIDENT: Biennially, and also whenever a vacancy occurs, choose from its members its President, who shall perform the usual functions of a presiding officer, and who may be removed by the affirmative vote of not less than two-thirds of all the members.

Second. RULES: Establish rules for its proceedings.

Third. JOURNAL; VOTE: Keep a public journal of its proceedings, and take yeas and nays on any question on demand of any two members and enter the same in the journal.

Fourth. PUNISHMENT AND EXPLUSION OF MEMBERS: Have authority to punish its members and others for disorderly or otherwise contemptuous behavior in its presence, and to expel for such behavior in its presence any member by the affirmative vote of not less than two-thirds of its members, specifying in the order of expulsion the cause thereof.

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Fifth. COMMITTEES: Have authority to create and use committees of its members to facilitate its legislative functions; Provided, that no committee of the Council and no members shall have or exercise executive or administrative power, except as otherwise expressly provided in this Charter.

Sixth. ATTENDANCE OF WITNESSES AND PRODUCTION OF PAPERS: Have authority to compel attendance of witnesses as well as production of papers and things pertinent to business before it or any of its committees.

Sec. 5. FINANCE COMMITTEE, POWERS AND DUTIES: The City Council shall have a Finance Committee of not less than three members. Such Committee may investigate the transactions and accounts of all officers having the collection, custody and disbursement of public money, or having the power to approve, allow or audit demands on the treasury; it shall have free access to any records, books and papers in all public offices; and may administer oaths or affirmations, and examine witnesses and compel attendance by subpoena. Said Committee shall keep a record of its proceedings, with the names of the witnesses examined, and a substantial statement of the evidence taken. If from any examination made by said Committee it shall appear that a misdemeanor in office or a defalcation has been committed by any officer, said Committee shall immediately report to the Mayor, who, if he approve such report, shall forthwith suspend such officer, and take the proper steps under this Charter to remove him or to cause his removal. Any police officer shall execute the process and orders of said Committee.

Sec. 6. REGULAR MEETINGS: The Council shall meet each Monday, or if Monday be a legal holiday, then upon the next day, not a legal holiday, and all its sessions shall be public, and it shall not adjourn to any other place than its regular place of meeting.

SPECIAL MEETINGS: The Mayor, the President of the City Council, or any three Councilmen, may call a special meeting of the Council.

Sec. 7. LEGISLATIVE ACTS BY ORDINANCE; SUBJECT MATTER; TITLE; ENACTING CLAUSE; Every legislative act of said

city shall be by ordinance. Every ordinance shall be clearly entitled and shall contain but one subject, which shall be clearly expressed in its title. The enacting clause of every ordinance shall be: "Be it ordained by The City of Seattle as follows:"

Cases: A motion of the City Council passed as a legislative act was an unlawful exercise of legislative authority. *Puget Sound Alumni of Kappa Sigma v. Seattle*, 70 Wn.2d 222, 422 P.2d 799 (1967).

Sec. 8. MAJORITY VOTE TO PASS ORDINANCE; RECORD: No bill shall become an ordinance unless on its final passage at least a majority of all members vote in its favor, and the vote be taken by yeas and nays, and entered in the journal.

FINAL PASSAGE: No ordinance, other than for payment of salaries or current expenses, shall be passed on its final reading at the meeting at which it is introduced.

Sec. 9. ORDINANCES, HOW AMENDED: No ordinance shall be revised, re-enacted, or amended by reference to its title; but the ordinance to be revised or re-enacted or the section thereof amended, shall be re-enacted at length as revised or amended.

Sec. 10. MOTION TO RECONSIDER: When a bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such a motion shall not be acted on before the next meeting of the Council.

BILLS GRANTING FRANCHISE: No bill granting a franchise shall be finally passed within thirty (30) days after its introduction, nor until it has been published in the official newspaper of the city at the expense of the applicant for ten consecutive press days.

Sec. 11. BILLS, HOW SIGNED: Every bill, after it has passed, shall be signed by the President of the Council in open session, in authentication of its passage. In signing, the President shall call attention to the bill and that he is about to sign it, and, if any member so request, the bill shall be read at length for information as to its correctness as enrolled. If any member object that the bill is not the same as when considered and passed, such objection shall be passed upon, and if sustained the President shall

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withhold his signature and the bill shall be corrected and signed before the Council proceeds to any other business.

Section 12. **BILLS TO BE PRESENTED TO MAYOR:** Every bill which shall have passed shall within five days thereafter be presented to the Mayor.

RETURN OF BILLS; VETO: The Mayor shall return such bill to the Council within ten (10) days after receiving it, and if he do not disapprove it, it shall become an ordinance; if he disapprove it, he shall, when he so returns it, specify his objection thereto in writing. The objections of the Mayor shall be entered at large on the journal of the Council, and published in the city official newspaper.

RECONSIDERATION OF VETOED BILLS: The Council shall, not less than five days after such publication, and within thirty days after such bill shall have been so returned, reconsider and vote upon the same, and if the same shall, upon reconsideration, be again passed by the affirmative vote of not less than two-thirds of all the members, the President of the Council shall certify the fact on the bill, and when so certified the bill shall become an ordinance with like effect as if it had not been disapproved by the Mayor; but if the bill so returned shall fail to receive upon the first vote thereon an affirmative vote of two-thirds of all the members it shall be deemed finally lost. The vote on such reconsideration shall be taken by yeas and nays, and the names of the members voting for or against the same shall be entered in the journal thereof.

Section 13. **A. RECORD AND PUBLICATION OF ORDINANCES AND RESOLUTIONS:** All ordinances and resolutions shall be deposited with the City Clerk, who shall record the same. All ordinances of a general, public or permanent nature, and those imposing a fine, penalty or forfeiture, shall be published at least once in the city official newspaper within three days after the same shall have become law; Provided, that the publication of all ordinances granting any franchise or private privilege or approving or vacating any plat shall be at the expense of the applicant therefor.

B. Annually in January of each year at the expense of the city, the City Comptroller shall compile all ordinances enacted in the preceding

year, which are required to be published as set out in the preceding paragraph herein, and he shall also cause copies of same to be printed, indexed and bound in books with substantial covers. There shall be provided a sufficient number of such books for all elected city officials and department heads, and at least one hundred copies shall be made available for general distribution at cost to the general public.

Section 14. **POWERS BY ORDINANCE:** The City Council shall have power by ordinance and not otherwise—

First. **ELECTIONS; APPOINTMENT AND ELECTION OF OFFICERS; OFFICER DEFINED:** To provide for general and special elections, for questions to be voted upon, and to provide for the appointment and election of officers. Any person who, by the provisions of this Charter or any amendment thereto, may be appointed or elected to any office or employment created in pursuance thereof, shall be deemed an officer within the meaning of this section.

Second. **ASSESSMENT, LEVY AND COLLECTION OF TAXES:** To provide for the assessment, levy and collecting taxes on real and personal property for the corporate uses and purposes of the city, and to provide for the payment of the debts and expenses of the corporation.

Third. **CONTROL OF FINANCES AND PROPERTY:** To control the finances and property of the city; Provided, that the City Council shall have no administrative as distinguished from the legislative power.

Fourth. **ACQUISITION AND DISPOSAL OF PROPERTY:** To acquire by purchase or by exercise of the right of eminent domain or otherwise and for the use and in the name of the city, such lands and other property within or without the corporate limits as may be deemed necessary, proper or convenient for any corporate use, and to acquire for the use of the city any property by gift, bequest or devise, and to dispose of all such property as it shall have, as the interests of the city may from time to time require.

Fifth. **BORROWING MONEY AND ISSUING BONDS; FUNDING BONDS:** To borrow money for corporate purposes on the credit of the city

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and to authorize the issue of bonds in the manner prescribed by law, and to authorize the issue of bonds to meet maturing bonds or other indebtedness or for funding the same.

Sixth. ESTABLISH, IMPROVE, CONTROL AND VACATE STREETS AND PUBLIC PLACES; CERTAIN STREETS AND LANDS TO PASS TO OR VEST IN PORT OF SEATTLE: To lay out and improve streets and other public places, and to regulate and control the use thereof, to authorize or prohibit the location of any railroad or public transportation system or the use of electricity, at, in or upon any of said streets or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof; to vacate streets and to extend, establish or widen any street, over or across or along the harbor, shore or tide lands in the city; Provided, that whenever there shall have been adopted by the voters a comprehensive plan of harbor or port improvement, the control of streets and the title to any lands belonging to the city within the limits of such proposed improvement shall be vested in the Port of Seattle, after said Port has commenced the improvement and has so certified to the City Council.

Seventh. CHANGE OF GRADES; DAMAGES: To change the grade of any street or alley within its corporate limits and to provide for the payment of damages.

Eighth. LOCAL IMPROVEMENTS: To provide for making local improvements and to levy and collect special assessments on property benefited.

Ninth. BRIDGES, VIADUCTS AND TUNNELS: To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

Tenth. STONE QUARRIES, ASPHALT PLANTS: To acquire, open and operate stone quarries, either within or without the city limits, and to erect asphalt plants for the preparation, manufacture and sale of all such stone or asphalt products or compositions or other materials for use in street construction or maintenance, and to fix the price at which such materials shall be sold.

Eleventh. PUBLIC UTILITIES: To construct, purchase, condemn or otherwise acquire, maintain and operate works, plants and facilities within or without the city for the following purposes: water supply for domestic and all other uses; production of gas and electricity for light, heat, power and all other uses public and private; public transportation system; telephone service, local and long distance; ferries, docks and terminal facilities; and to control the use thereof, and fix the price of the services and products thereof.

Twelfth. HOSPITALS AND SANITARIUMS: To erect and establish hospitals, sanitariums, sanatoriums and isolation hospitals and to control and regulate the same.

Thirteenth. POLICE POWER: To make all such local, police, sanitary and other regulations as are not in conflict with the laws of the state.

Fourteenth. OFFICERS AND EMPLOYEES: To ordain, establish, modify and abrogate from time to time, as the needs of the city shall require, all proper offices and bureaus, subordinate and auxiliary to the departments and heads thereof constituted by this Charter, and to provide for the conduct and government thereof, and the duties and compensation of officers and employees to fill the same, except as in this Charter otherwise provided.

Fifteenth. AMENDMENT AND REPEAL OF ORDINANCES: To alter, amend or repeal any ordinance or ordinances or parts thereof, except as herein otherwise provided.

Sixteenth. EXECUTION OF VESTED POWERS: To make all rules and regulations necessary or proper to carry into execution all powers vested by this Charter, or by law, in the city or in any department or officer thereof, except as in this Charter otherwise provided.

Seventeenth. HARBOR AND WATERFRONT: To control and regulate the use of the harbor and waterfront.

Eighteenth. CEMETERIES: The establishment or platting of new cemeteries or the extension of existing cemeteries within the limits of The City of Seattle is hereby prohibited.

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Cases: Under this provision authorizing the City Council "by ordinance and not otherwise" to provide for the assessing, levying and collection of taxes, a tax levy cannot be authorized by resolution, and is subject to the veto power of the Mayor. *New Seattle Chamber of Commerce v. Seattle*, 88 Wn.620, 153 P.351 (1915).

Section 15. GENERAL LEGISLATIVE POWERS: The city shall, in addition to the powers enumerated in this Charter, have all other powers now or hereafter granted to or exercised by municipal corporations of like character and degree, and also all powers now or hereafter granted to incorporated towns and cities, by the laws of this state, and may exercise the same by ordinance and not otherwise.

Section 16. FRANCHISES: Every grant of a franchise, right or privilege shall be subject to the right of the City Council, or the people of the city acting for themselves by the initiative and referendum, at any time, subsequent to the grant, to repeal, amend or modify the said grant with due regard to the rights of the grantee and the interest of the public; and to cancel, forfeit and abrogate any such grant if the franchise granted thereby is not operated in full accordance with its provisions, or at all; and at any time during the grant to acquire, by purchase or condemnation, for the use of the city itself, all the property of the grantee within the limits of the public streets, at a fair and just value, which shall not include any valuation of the franchise itself, which shall thereon terminate; and every ordinance making such grant shall contain a reservation of these rights of the City Council, and of the people of the city acting for themselves by the initiative and referendum, to so repeal, amend or modify said ordinance, and to so cancel, forfeit and abrogate the grant, and to so acquire the property of the grantee in the public streets, as herein above set forth. The City Council shall not consider or grant any application for extension of the period of franchise, nor any new franchise covering all or any substantial part of the rights or privileges of any existing franchise, until within three years of the expiration of the existing grant, and then only after submission to and approval by a majority vote of the qualified electors.

MINORITY OF COUNCIL MAY INVOKE REFERENDUM VOTE: Not less than one-third of all the members of the Council may invoke a referendum vote on a franchise ordinance without a petition.

Section 17. WHARF FRANCHISES, HOW GRANTED; CONDITIONS: The City Council shall not grant any franchise for any wharf except in the manner following: In addition to the requirements under the general laws, every ordinance granting franchises must receive the vote of at least two-thirds of all the members, and shall provide that work shall commence within six months and be prosecuted continuously and shall be completed within one year thereafter. Said time shall not be extended for any cause, and unless so completed the franchise shall be forfeited.

Section 18. EXCLUSIVE FRANCHISES PROHIBITED: No exclusive franchise or privilege shall be granted for the use of any street or other place or any part thereof.

Section 19. APPROPRIATIONS FOR CERTAIN PURPOSES PROHIBITED: The City Council shall make no appropriation in aid of any corporation, person or society, unless expressly authorized by this Charter or the laws of the state.

Section 20. TEMPORARY LOANS: The City Council, after the taxes have been levied in any year, shall have power to make temporary loans in anticipation of the collection of such taxes, such loans to be applied to the purposes for which such taxes have been levied and to no other purpose, and such taxes shall be applied to pay such loans.

Section 21. ORDINANCES CREATING DEBT: No debt or obligation of any kind against the city shall be created by the City Council except by ordinance specifying the amount and object of such expenditure.

Section 22. ANNUAL ESTIMATE OF EXPENSES AND REVENUES: On or before the tenth day of July of each year the heads of all departments shall submit to the Finance Committee of the City Council an estimate of the expense of operation for the ensuing year. The City Comptroller shall also submit the amount required to meet the interest, redemption and sinking funds for all outstanding bonded debts, an estimate of the amount of revenue likely to accrue from all sources, other than taxation, and the condition of each fund in the treasury.

The City Council when determining the budget and the tax levy for any year, shall base its revenue estimates primarily on the collection experience of the twelve months ending with the last previous June 30, and shall not estimate revenue from any source in excess of the amount so collected unless it shall be clearly established that such excess amounts will in fact be realized. They shall include estimates of revenue only from sources previously established by law. They shall also include in each year's budget an item equal in amount to the aggregate of all taxes levied for the second fiscal year prior to the budget year, which are delinquent and outstanding on the last preceding September 1st.

Statutory Reference: For provisions regarding budgets for cities over 300,000 population, see RCW Chapter 35.32A.

Section 23. INVALID CLAIMS: Neither the City Council nor any officer, board, department or authority shall allow, make valid or in any manner recognize any demand against the city which was not at the time of its creation a valid claim against the same, nor shall they or any of them ever allow or authorize to be paid any demand which, without such action would be invalid, or which shall then be barred by any statutes of limitation, or for which the city was never liable, and any such action shall be void.

Section 24. CLAIMS FOR DAMAGES: All claims for damages against the city must be presented to the City Council and filed with the Clerk within one hundred twenty days after the time when such claim accrued. All claims for damages must accurately locate and describe the defect that caused the injury, accurately describe the injury, give residence for six months last past of the claimant, contain the items of damages claimed, and be sworn to by the claimant. No action shall be maintained against the city for any claim for damages until the same has been presented to the City Council and sixty days have elapsed after such presentation.

No ordinance shall be passed allowing any such claim or any part thereof, or appropriating money or other property to pay or satisfy the same or any part thereof, until such claim has first been referred to the proper department, nor until such department has made its report to the City Council thereon, pursuant to such reference, provided that, the City Council may by general ordinance provide a different procedure

for the payment of any claim in an amount of not more than \$2500 or such lesser maximum amount as may be prescribed by such ordinance.

Notwithstanding any provision of this Charter inconsistent with this section, particularly Article IV, Sec. 1, H. and J. which are hereby superseded to the extent inconsistent herewith, any ordinance which may be required to allow a claim or appropriate money or other property to pay or satisfy the same or any part thereof shall become effective upon approval by the Mayor. (As amended at November 6, 1973 election.)

Statutory Reference: For provisions regarding claims against cities, see RCW Chapter 35.31.

Section 25. ORDINANCE, PENALTIES: Every ordinance prohibiting or requiring any act or omission shall impose a penalty.

Section 26. ORDINANCES, CONTINUED IN FORCE: All ordinances in force in the city at the date of the adoption of this Charter,¹ and not inconsistent therewith, shall remain in force until repealed or until they expire by limitation.

1. Editor's Note: The Charter was adopted at the March 12, 1946 general election.

ARTICLE V

Executive Department¹

1. Cross-reference: For further provisions regarding the Executive Department, see Chapter 3.14 of this Code.

Section 1. QUALIFICATIONS OF MAYOR: The chief executive officer of the city shall be a Mayor. He shall be a citizen of the United States and a qualified elector of the State of Washington and a registered voter of The City of Seattle at the time of filing his declaration of candidacy. (As amended at November 4, 1969 election.)

Sec. 2. POWER AND DUTIES OF MAYOR: The Mayor shall see that the laws of the city are enforced, and shall direct and control all subordinate officers of the city, except in so far as such enforcement, direction and control is by this Charter reposed in some other officer or board, and shall maintain peace and order in the city. He may, in any emergency, of which he shall be the judge, assume command of the whole or any part of the police force of the city; but before assuming such control he shall issue his proclamation to that effect, and it shall be

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the duty of the Chief of Police to execute orders promulgated by him during such emergency. The Mayor shall perform such other duties and exercise such other authority as may be prescribed by law.

Sec. 3. APPOINTIVE OFFICERS: The appointment or removal of officers requiring confirmation by the City Council shall be effective only upon the affirmative vote of a majority of the membership of the City Council. In the absence of any express provision in this Charter as to the manner of appointing any officer, the Mayor shall appoint such officer subject to such confirmation.

Sec. 4. APPOINTMENT AND CONFIRMATION; COUNCIL TO ELECT IF MAYOR FAILS TO NOMINATE: If the City Council shall refuse to confirm any nomination of the Mayor, then he/she shall within ninety days thereafter nominate another person to fill the office, and he/she may continue to nominate until confirmation. If the Mayor fails to make another such nomination within ninety days, then the City Council shall elect a suitable person to fill the office during the term.
(As amended at November 6, 1979 election.)

Sec. 5. VACANCIES BY REMOVAL: Whenever the Mayor shall remove an appointive officer, the vacancy for the unexpired term shall be filled by appointment in the same manner as if at the beginning of the term, except as otherwise provided in this Charter.

Sec. 6. ANNUAL MESSAGE; SPECIAL MESSAGES: It shall be the duty of the Mayor annually at the third meeting of the City Council in June to communicate by message to the City Council a statement of the conditions and affairs of the city, and to recommend the adoption of such measures as he may deem expedient and proper; and he shall, further, have the right to make special communication to the City Council from time to time as he may deem useful and proper.

Sec. 7. MAYOR TO ENFORCE CONTRACTS; OFFICERS TO REPORT VIOLATIONS: The Mayor shall see that all contracts and agreements made with the city or for its use and benefit are faithfully kept and performed and to this end he shall cause any legal or

equitable proceedings to be instituted and prosecuted. And it is the duty of every officer of the city having knowledge that any contract with the city has been violated by the other contracting party, forthwith to report the fact to the Mayor.

Sec. 8. MAYOR TO APPROVE BONDS; WHERE FILED: The Mayor shall, unless in this Charter otherwise provided, take and approve all official undertakings or bonds required of any officer, employee, or agent of the city as security for the faithful performance of his duty; and he shall also, except as otherwise provided in this Charter, take and approve any such bond or undertaking as may be required of any contractor for the faithful performance of his contract; and when he approves any bond or undertaking he shall immediately file the same with the City Clerk, except the bond of the City Comptroller, which shall be filed with the City Treasurer.

Sec. 9. ABSENCE OR INCAPACITY OF MAYOR: In case of the absence of the Mayor from the city, or if he from any cause be incapacitated from acting, the President, or in case of his disability or absence, the acting president of the City Council shall act as Mayor, and for the time being exercise all his powers.

Sec. 10. REMOVAL OF MAYOR: The Mayor may be removed from office after a hearing, for any willful violation of duty, or for the commission of an offense involving moral turpitude, upon written notice from the City Council at least five days before the hearing. He shall have the right to be present, to the aid of counsel, to offer evidence and to be heard in his own behalf. Upon the affirmative vote of two-thirds of all the members of the City Council, acting as a court of impeachment, the office shall become vacant.

Note: Section 11 of Article V of the Charter of The City of Seattle providing for the appointment and prescribing the duties of the city Personnel Director is repealed as of the effective date of an ordinance establishing a personnel system as required by Article XVI of the Charter as amended.¹
(Adopted by vote of electors, November 8, 1977.)

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1. Editor's Note: Ord. 107790, the Personnel Ordinance, is codified in Chapter 4.04 of this Code. It became effective on January 10, 1979.

Sec. 12. CITY PLANNER: The Legislative Authority may create by ordinance the position of City Planner, to be appointed by the Mayor subject to confirmation by a majority of the City Council; and he may be removed by the Mayor upon filing a statement of his reasons therefor with the City Council. The City Planner shall have an educational background and practical experience commensurate with the responsibility of the position.

The City Planner shall assist the Mayor, City Council, and the Planning Commission as a technical advisor regarding the city's comprehensive plan, zoning, and capital improvements; prepare reports and recommendations relative to annexation review and urban renewal plans and projects; and review public improvement projects proposed for construction by the city and advise of their consistency with the comprehensive plan and he shall have such further powers and perform such other duties as may be prescribed by ordinance. The City Planner shall be directly responsible to the Mayor or such other department head as may be designated by ordinance and may serve as executive secretary of and technical advisor to the Planning Commission. (As amended at November 7, 1967 election.)

ARTICLE VI

Department of Police¹

1. Cross-reference: For further provisions regarding the Police Department, see Chapter 3.28 of this Code.

Section 1. ORGANIZATION OF POLICE DEPARTMENT: The Police Department shall consist of a Chief of Police and as many subordinate officers and employees as may by ordinance be prescribed. There shall be maintained adequate police protection in each district of the city.

Sec. 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.

Sec. 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.

Sec. 4. 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.

Sec. 5. First. PROCESS DIRECTED TO CHIEF OF POLICE; CHIEF TO MAINTAIN PEACE: 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 peace officer. The Chief of Police shall maintain the peace and quiet of the city. 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

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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.

(As amended at November 6, 1973 election.)

Sec. 6. 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.

ARTICLE VII

Board of Public Works

Section 1. CREATION; MEMBERSHIP; CHAIRMAN; REMOVAL: 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.¹ The number and qualifications of members and the length of their terms shall be defined by ordinance, subject to the provisions of this article. 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 for cause by the Mayor upon filing with the City Council a statement of his or her reasons therefor; provided that upon the resignation of any member of the Board of Public Works in response to the Mayor's request, the Mayor shall file with the City Council a statement of his or her reasons for making such request.

(As amended at November 8, 1977 election.)

1. Editor's Note: Ord. 107785, establishing the Board of Public Works, became effective on January 1, 1979. It is codified in Chapter 3.44 of this Code.

Sec. 2. PURPOSE OF BOARD: The purpose of the Board of Public Works shall be to ensure 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 federal laws.

(As amended at November 8, 1977 election.)

Sec. 3. MEETINGS AND QUORUM: The Chairperson of the Board of Public Works shall from time to time call such meetings as the Chairperson determines to be necessary. All meetings shall be public. A majority of all the members of the Board shall constitute a quorum.

(As amended at November 8, 1977 election.)

Sec. 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.

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Such rules and regulations shall apply equally to all contracts awarded by the city for public improvements within the city or upon property belonging to or under the control of the city.
(As amended at November 8, 1977 election.)

Sec. 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.
(As amended at November 8, 1977 election.)

Sec. 6. The ordinance required by Section 1 of this Article shall be enacted by November 8, 1978. The provisions of Article VII in effect prior to the adoption of this amended Article VII shall remain in effect until the ordinance required by Section 1 of this Article takes effect.
(As amended at November 8, 1977 election.)

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 or she 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 or she shall be required to be constantly acquainted with the exact condition of the treasury. He or she shall, on or before the fifth day of each month, or oftener, if required, report to the Mayor and the City Council the condition of each fund in the treasury. He or she 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 or she can at all times

tell the exact condition of the city's finances. He or she shall sign all warrants upon the Treasurer, and shall perform such other duties as are prescribed by law.
(As amended at November 8, 1977 election.)

Sec. 2. AFFIDAVITS AND OATHS: The City Comptroller and his deputies may take affidavits and administer oaths in the transaction of all city business.

Sec. 3. SALARY LIST: He shall keep a payroll record of all persons employed by the city, which record shall be open to public examination.

Sec. 4. COMPTROLLER - CITY CLERK: The City Comptroller shall be City Clerk, and his deputies as Comptroller shall be his deputies as City Clerk.

Sec. 5. DUTIES OF CITY CLERK: As City Clerk, he, or a deputy, shall attend all meetings of the City Council and keep a complete record of the proceedings thereof; and he shall have the custody of the City Seal, the public records, except such as are intrusted by the provisions of this Charter to other officers, the original rolls of ordinances, the original contracts, deeds, and certificates relative to the title of any property of the city, all official, indemnity or security bonds, except his own bond, which shall be deposited with the City Treasurer, and such other records, as are not required to be deposited with any other officer, and he shall attest all public instruments and official acts of the Mayor by his signature and the City Seal, and shall also certify under the Seal of the city all copies of original records as may be required and make such charge as provided by ordinance.

Sec. 6. APPOINTMENT OF DEPUTIES: He may appoint one Chief Deputy, and, under civil service rules, such other deputies and employees as the City Council may authorize. In case of the absence of the City Comptroller from the city, or if for any cause he be incapacitated from acting, the Chief Deputy shall act as City Comptroller.

Sec. 7. CITY TREASURER: There shall be a City Treasurer. He may appoint one Assistant City Treasurer, and, under civil service rules, such other employees and deputies as the City

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Council may authorize. In case of the absence of the City Treasurer from the city, or if for any cause he be incapacitated from acting, the Assistant City Treasurer shall act as City Treasurer.

Sec. 8. DUTIES; MONEYS AND ACCOUNTS: The Treasurer shall receive, keep and pay out all moneys belonging to the city in any capacity, and shall keep a record of receipts and expenditures as may be prescribed by ordinance, and shall perform such other duties as are prescribed by law.

Sec. 9. RECEIPTS, WARRANTS, AND STATEMENTS: The City Treasurer shall pay out moneys only on lawful warrants. He shall each business day render to the City Comptroller a statement of the balance in each fund. He shall make a weekly statement, under oath, to the City Comptroller, showing where the city funds are deposited and the City Comptroller shall forthwith verify the same.

CALLING WARRANTS; PUBLICATION; INTEREST: He shall call outstanding warrants previously presented and not paid whenever there are sufficient funds in the treasury; interest to cease seven days after one publication of the call in the city official newspaper. Warrants shall be paid in order of number and date of issue, and shall be charged to the proper fund.

Sec. 10. CONTINGENT FUND: There shall be established by ordinance a Contingent Fund, into which shall be appropriated from the General Fund moneys to pay employees of the city released between regular pay days. Payments shall be made from said fund on certification by the City Comptroller of amounts due. Said fund shall be reimbursed on the next day following pay day by transfer thereto from the proper funds. Another contingent fund shall be so established for the payment of freight and express charges, telegrams, postage and like incidental expenses of the different departments. Payments shall be made on certification of the Comptroller, said fund to be reimbursed monthly from the proper funds.

Sec. 11. MONEY TO BE PAID TREASURER; DUPLICATE RECEIPTS, FAILURE, PENALTY: Every officer or agent of the city, or other person who shall receive or have in his hands any money payable to the city in any

capacity, shall immediately pay the same to the City Treasurer, and take his receipt therefor in duplicate, one of which receipts shall be delivered to the City Comptroller by the party paying the money. Any such person who shall fail to so pay any moneys received, or to deliver such receipt for more than forty-eight hours, Sundays and holidays excluded, after the money or receipt shall have been received by him, shall be liable to the city for double the amount of money so received, or for which such receipt was given.

Sec. 12. BOOKS, INSPECTION: The Treasurer's books shall be open for public inspection, subject to such reasonable rules and regulations as prescribed by ordinance.

Sec. 13. AUDITING COMMITTEE; EXAMINATION OF CLAIMS: There is hereby created an auditing Committee, which shall consist of the Mayor, President of the City Council, the Chairman of the Finance Committee thereof, and the Comptroller. The Mayor shall be Chairman and the Comptroller, Secretary, but in the absence of either a temporary Chairman or Secretary may be chosen by the Committee. The Committee shall examine all claims and demands against the city, and recommend to the City Council the allowance or disallowance of the same or any part thereof.

Three members of the Committee shall constitute a quorum for the transaction of business.

Sec. 14. CLAIMS; VERIFICATION: All demands and claims against the city required to be verified shall be subscribed and sworn to before the City Comptroller or one of his deputies, or some officer authorized to administer oaths. Each claim or demand must be accompanied by a detailed statement of the items.

Cases: The filing of a claim is a condition precedent to maintaining an action for breach of contract, where the damages do not appear on the face of the contract. *Keesling v. Seattle*, 52 Wn. 2d 247, 324 P.2d 806 (1958).

Sec. 15. GENERAL FUND; SPECIAL FUNDS: There shall be a General Fund into which shall be paid all revenues of the city, except as otherwise provided by law, and from which shall be paid all expenses and liabilities not required to be paid out of some special or other fund. The creation of special funds and the

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transfer of moneys from one fund to another fund shall be by ordinance and not otherwise; provided, that no transfer shall be made from a bond interest and redemption fund.

The transfer of surplus funds from a city owned public utility, or the collection of any tax from such utility, shall not be permissible until ample provision has been made for the servicing of the debts and obligations of the utility, and for necessary betterments and replacements for the current year.

Sec. 16. DIVISION OF PURCHASES; PURCHASING AGENT; APPOINTMENT; PURCHASE OF SUPPLIES, ETC.: That there be established a Division of Purchases, the head of which shall be the city Purchasing Agent appointed under civil service regulations by such department head as may be designated by ordinance.

The Purchasing Agent shall be directly responsible to the Mayor or such department head as may be designated by ordinance and receive such salary and give such bond as may be fixed by ordinance and shall, subject to civil service regulations, appoint, supervise and control all employees in the Division of Purchases. The Purchasing Agent shall have an educational background and practical experience commensurate with the responsibility of the position.

The Purchasing Agent shall make all purchases of supplies, materials and equipment, in the manner provided by ordinance and in accordance with the highest professional purchasing standards, for all departments and agencies of the city government. The Purchasing Agent may in the manner provided by ordinance sell all supplies, materials and equipment 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 at November 4, 1969 election.)

ARTICLE IX

Public Health Department¹

1. Cross-reference: For provisions regarding the Seattle-King County Department of Public Health, see Chapter 3.30 of this Code, and RCW Chapter 70.08.

Section 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.

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.

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ARTICLE X

Fire Department¹

1. Editor's Note: For further provisions regarding the Fire Department, see Chapter 3.16 of this Code.

Section 1. The Fire Department shall consist of the Fire Chief, and as many subordinate officers and employees as may be prescribed by ordinance.

Sec. 2. APPOINTMENT OF FIRE CHIEF: The Fire Chief shall be appointed by the Mayor, such appointment to be effective only upon confirmation of the City Council passed by a majority vote 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 at least ten years service in a fire department in a city of not less than one hundred thousand population. In case the Fire Chief be appointed from the civil service, he shall resume his former position therein upon replacement and the subordinate appointees shall resume their former positions respectively.

Sec. 3. FIRE CHIEF TO MANAGE DEPARTMENT: The Fire Chief shall manage the Fire Department, and shall prescribe rules and regulations, not inconsistent with law, for its government and control. He shall have such further powers and duties as are prescribed by ordinance.

ARTICLE XI

Department of Parks and Recreation¹

1. Cross-reference: For further provisions regarding the Department of Parks and Recreation, see Chapter 3.26 of this Code.

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 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, and may be removed for cause by the Mayor upon filing with the City Council a statement of his or her reasons therefor; provided that upon the resignation of the Superintendent of Parks and Recreation in response to the Mayor's request, the Mayor shall file with the City Council a statement of his or her reasons for making such request.

(As amended at November 8, 1977 election.)

Sec. 2. BOARD OF PARK COMMISSIONERS. There shall be a Board of Park Commissioners, the function of which shall be to act in an advisory capacity to the Mayor, City Council, Department of Parks and Recreation and other city departments in respect to park and recreation matters. The number of members of such Commission, their terms of office and the manner in which they shall be appointed and may be removed, and their duties, shall be as prescribed by ordinance.

(As amended at November 7, 1967 election.)

Sec. 3. There is hereby established in the City Treasury a Park and Recreation Fund for the operation and maintenance of the park and recreation system of the city, in which there shall be placed: such moneys as may be budgeted annually for such operation; gifts, bequests and devises for park and recreation purposes; revenues from park and recreation properties, facilities and areas; ten per cent of the gross receipts of the city from all fines, penalties and licenses; and such other moneys as may be provided by ordinance.

(As amended at November 7, 1967 election.)

Sec. 4. Any provisions of this Charter inconsistent with this article, particularly Article VII Sec. 1, and Article XIV Sec. 1, are hereby superseded to the extent inconsistent.

(As amended at November 7, 1967 election.)

ARTICLE XII

The Library Department

Section 1. LIBRARY FUND: There shall be a Library Fund, which shall consist of—

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ARTICLE XIII

The Law Department

First. GIFTS: Such gifts, bequests and devises as may be given, bequeathed or devised to the City of Seattle or any trustee for the uses or purposes of the "Seattle Public Library."

Second. RENTS: The rents, issues and profits derived from any property which may be held or owned in trust for said library by the city or any other trustee.

Third. Such sums as the City Council may provide.

Sec. 2. TITLE TO PROPERTY: The title to all property belonging to the Seattle Public Library shall be and remain in the name of the city, and shall be held inviolable in trust for the use and benefit of said library; except that all persons desirous of making gifts of money, personal property or real estate for the benefit of the Seattle Public Library shall have the right to vest the title thereto in the Library Board to be held and controlled by the Library Board when accepted, according to the terms of the deed of gift, bequest or devise.

Sec. 3. LIBRARY BOARD; APPOINTMENT; TERMS: There shall be five Library Trustees as contemplated by state law who shall constitute and be known as "The Library Board," and be the governing body of the library. The Mayor, with the consent of the City Council, shall appoint the five Trustees, each of whom shall hold office for five years without compensation. The appointees shall be citizens of recognized fitness for the position.

Sec. 4. LIBRARIAN: The Librarian shall be selected and may be removed by the Board. He shall possess such qualifications as to fitness for the position as the Board may require. He shall, by and with the consent of the Library Board, have the appointment and removal of all subordinate employees of the library.

Sec. 5. MANAGEMENT OF LIBRARY; EXPENDITURES: The Library Board shall manage and control the public library as provided by State Law and shall alone have authority to expend the Library Fund; the Board shall certify expenditures to the City Comptroller, who shall issue warrants therefor payable by the Treasurer out of any money in the Library Fund, not otherwise appropriated.

Statutory Reference: For provisions regarding the library, see RCW 27.12.190 through 27.12.270.

Section 1. OFFICERS; APPOINTMENT; REMOVAL: The Law Department shall consist of a City Attorney who shall appoint the Assistant City Attorneys and City Prosecutors, who may be removed at will.

(As amended at November 8, 1977 election.)

Sec. 2. QUALIFICATIONS: The City Attorney shall be an attorney of the Supreme Court of the State, and have been in the practice of his or her profession in The City of Seattle for at least four years next prior to his or her election.

(As amended at November 8, 1977 election.)

Cases: The requirement that a candidate for the position of City Attorney have practiced law within the city for four years is constitutional. *Kraft v. Harris*, 18 Wn. App. 432 (1977).

Sec. 3. DUTIES OF CITY ATTORNEY: The City Attorney shall have full supervisory control of all the litigation of the city, or in which the city or any of its departments are interested, and shall perform such other duties as are or shall be prescribed by ordinance.

(As amended at November 8, 1977 election.)

Sec. 4. DUTIES OF ASSISTANTS AND CITY PROSECUTORS: The Assistant City Attorneys and the City Prosecutors shall perform such duties as shall be required by the City Attorney.

(As amended at November 8, 1977 election.)

Sec. 5. The City Attorney shall appoint under civil service rules, supervise and control all other officers and employees in the Law Department.

(As amended at November 8, 1977 election.)

Sec. 6. Wherever in this Charter, or in any ordinance, resolution, rule or regulation of the city, the term "Corporation Counsel" appears such term shall be deemed to mean and refer to the City Attorney.

(As amended at November 8, 1977 election.)

ARTICLE XIV

City Planning Commission

Section 1. There shall be a City Planning Commission composed of such number of members, with such qualifications and serving such terms of office as shall be provided by ordinance. Appointment shall be by the Mayor, subject to the confirmation by a majority of the City Council.

(As amended at November 4, 1969 election.)

Sec. 2. The Mayor may remove any member of the City Planning Commission subject to like confirmation. Members shall receive no compensation for service on said Commission as such. Such membership shall not constitute a violation of Article XIX, Sec. 10 of this Charter.¹

(As amended in 1962.)

1. Editor's Note: Art. XIX § 10 has been repealed.

Sec. 3. It shall be the duty of such Commission to make recommendation to the Legislative and other city departments on the city's broad planning goals and policies and on such plans for the development of the city as its present and future needs may require. The Commission shall also advise and make recommendations to the Legislative and other city departments in connection with matters relating to the city's physical development and redevelopment as may be directed by ordinance.

(As amended in 1962.)

Sec. 4. Any provision of this Charter inconsistent with this article, particularly Article XI, Sec. 3 and Article XXIII, Sec. 1 are hereby superseded to the extent inconsistent.

(As amended March 13, 1962.)

ARTICLE XV

Harbor Department

(Article XV of the City Charter which creates a Harbor Department and the office of Port Warden, is repealed and the functions of such department and the duties of such office shall be performed by other city departments and officers as provided by ordinance; and charter

provisions inconsistent herewith are superseded. Adopted by vote of electors, March 13, 1962.)

ARTICLE XVI

Personnel System and Civil Service

Section 1. PERSONNEL SYSTEM: A personnel system for the city shall be established by ordinance.¹ The system shall be administered by the Personnel Director, who shall be appointed by the Mayor, such appointment to be effective only upon confirmation by the City Council passed by a majority of all its members. The Personnel Director may be removed for cause by the Mayor upon filing a statement of his or her reasons therefor with the City Council; provided that upon the resignation of the Personnel Director in response to the Mayor's request, the Mayor shall file with the City Council a statement of his or her reasons for making such request.

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.

(As amended at November 8, 1977 election.)

1. Editor's Note: Ord. 107790, the Personnel Ordinance, is codified in Chapter 4.04 of this Code.

Sec. 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.

(As amended at November 8, 1977 election.)

Sec. 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 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-thirds vote of the City Council.

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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.

(As amended at November 8, 1977 election.)

Sec. 4. MERIT PRINCIPLES: The personnel ordinance¹ 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 coercions 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.

(As amended at November 8, 1977 election.)

1. Editor's Note: The Personnel Ordinance is codified in Chapter 4.04 of this Code.

Sec. 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 City 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 City 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.

(As amended at November 8, 1977 election.)

Sec. 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.

(As amended at November 8, 1977 election.)

Sec. 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

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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.

(As amended at November 8, 1977 election.)

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

(As amended at November 8, 1977 election.)

Sec. 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 City Council. The City Council shall not ratify any contract which is inconsistent with this Charter.

(As amended at November 8, 1977 election.)

Sec. 10. The ordinance required by Section 1 of this Article shall be enacted by November 8, 1978. The provisions of Article XVI in effect prior to the adoption of this amended Article XVI shall remain in effect until the ordinance required by Section 1 of this Article takes effect.

(As amended at November 8, 1977 election.)

Cases: Only the appointing power has authority to discharge a civil service employee, and an attempt by a departmental superintendent (the appointing power) to delegate such authority was illegal and void. *State ex rel. West v. Seattle*, 61 Wn.2d 658, 379 P.2d 925 (1963).

Previous City Charter provision, which established citizenship as a condition of eligibility for civil service examination, was held unconstitutional. *Hsieh v. Civil Service Commission*, 79 Wn.2d 529, 488 P.2d 515 (1971).

Application of citizenship requirements to the civil service position of transit bus operator held unconstitutional as a denial of equal protection of the laws. *Herriott v. Seattle*, 81 Wn.2d 48, 500 P.2d 101 (1972).

Charter provision granting preference in employment to applicants who had been residents of the county for at least one year was held unconstitutional as a denial of equal protection and the right to travel. *Eggert v. Seattle*, 81 Wn.2d 840, 505 P.2d 801 (1973).

The City of Seattle has no authority to extend its civil service provisions to warrant services. *Massie v. Brown*, 84 Wn.2d 490, 527 P.2d 476 (1974).

ARTICLE XVII

Salaries and Bonds

Section 1. SALARIES: No officer or employee of the city shall receive any compensation for his service as such except by salary, which shall be fixed and paid as prescribed by ordinance; Provided, that the annual salaries of the elective officers of the city shall be: Mayor, \$10,000.00; Councilmen, \$4,800.00; Corporation Counsel, \$7,500.00; City Comptroller, \$6,000.00; City Treasurer, \$6,000.00; until changed by ordinance passed by vote of not less than two-thirds of all members of the City Council. The salary of no officer of the city shall be increased or diminished during his term of office.

Sec. 2. ANNUAL VACATIONS: Officers and employees on a five-day-week basis shall receive annual vacations with pay at the rate of at least twelve working days per year, and others shall receive proportionate annual vacations as prescribed by ordinance. Provided, that longer vacation periods may be prescribed by ordinance on a uniform basis.

Sec. 3. OFFICIAL BONDS: All salaried officers of the city other than policemen, detective officers and firemen shall, before they enter upon their official duties, give bonds, conditioned on the faithful performance of such duties, approved by the auditing committee. The amounts of all such bonds shall be fixed by ordinance.

Sec. 4. BOND OF CHIEF OF POLICE: It shall be one condition of the bond of the Chief of Police that he shall pay all such actual damages as may be sustained by any person, arrested without a warrant, or by reason of any false or unlawful imprisonment, by or under the direction of such Chief of Police.

ARTICLE XVIII

Elections¹

1. Cross-reference: For further provisions regarding elections, see Title 2 of this Code, and RCW 29.13.020.

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Section 1. ELECTIONS; GENERAL AND SPECIAL: A general municipal election shall be held biennially on the second Tuesday in March in the even numbered years. At the election to be held in March, 1948, the Mayor, the Corporation Counsel and four members of the City Council shall be elected for terms of four years, and two members for two years; and, at the election in March 1950, the City Comptroller, the City Treasurer and five members of the City Council shall be elected for four-year terms. Special elections shall be held at such times, and for such purposes, as the City Council may, by ordinance, prescribe, subject to law.

Subdivision A. NOMINATIONS: Nominations for municipal elective offices under this Charter shall be made in conformity with the non-partisan method hereinafter prescribed and provided, to-wit:

First. PRIMARY ELECTION: A primary election shall be held on the Tuesday two weeks preceding the day of any general municipal election. Whenever said Tuesday shall fall upon any legal holiday, the primary shall be held on the Monday immediately preceding the same.

Second. BALLOTS: All names of candidates to be voted upon at the primary election shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

Nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything indicating his views or opinions.

All ballots shall be as provided by state law.

Third. NAME OF CANDIDATE TO BE PLACED ON BALLOTS: The name of a candidate shall be printed upon the ballot prepared for the primary election, when a declaration of candidacy shall have been filed in the office of the City Comptroller, as follows:

DECLARATION OF CANDIDACY: Not earlier than sixty (60) days nor later than thirty (30) days before the primary election any eligible

person desiring to become a candidate for nomination for any office, shall file in the office of the City Comptroller a declaration of candidacy, accompanied by a fee equal to one per cent of the annual salary attached to the office for which he desires to become a candidate.

The form of such declaration of candidacy, to be furnished by the City Comptroller, shall be substantially as follows:

State of Washington, County of King, City of Seattle, ss.

I,, being first duly sworn, on oath depose and say: That I reside at No. in The City of Seattle, and am a qualified voter therein; that I hereby declare myself eligible and a candidate for the nomination for the office of at the primary election to be held on the day of, 19.; that in making this declaration I am not becoming a candidate as the nominee of, or because of any promised support from any political party or any committee or convention representing or acting for any such political party. That I possess the qualifications required by law for said office.

I accompany this declaration with the sum of dollars, the fee required by law for becoming such candidate.

Dated this day of, 19.

Subscribed and sworn to before me this day of, 19

City Comptroller.
By, Deputy Clerk.

Fourth. WITHDRAWAL: Any person may, not later than fifteen (15) days before the primary election, withdraw by filing with the City Comptroller a request therefor in writing, and no name so withdrawn shall be printed upon the official ballot. The City Comptroller shall preserve in his office for a period of three years all declarations of candidacy filed under the provisions of this article.

Fifth. CANDIDATE CERTIFIED: The City Comptroller shall, not less than ten (10) days before the primary election, certify a list of candidates for the respective offices whose names are entitled to appear upon the ballot, together with a list of the offices to be filled, and the same shall be published at least three consecutive days before the election in the city official newspaper.

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Sixth. STATE LAW AND CITY CHARTER APPLICABLE: All the provisions of this Charter and of the state law relating to the holding of municipal elections shall apply.

Sec. 2. ELECTION CONTESTS: A certificate of election shall be prima facie evidence of the facts therein stated, but the City Council shall decide all questions as to the qualification and election of its own members, and in all cases of contested election for any office the contest shall be decided by the City Council according, as nearly as may be, to the laws of the state regulating proceedings in cases of contested elections for county officers.

Sec. 3. SUBMITTING QUESTIONS TO VOTERS: Whenever any question is to be submitted to the electors of the city and the method of such submission is not specially provided by this Charter or by general law, the same may be submitted at either a general or special election, and the method of submission shall be substantially as follows: The City Clerk shall prepare a notice containing the proposition in full, and shall cause the same to be posted, and to be published in full in the city official newspaper for thirty days next preceding the day of election, and the ballots at such election shall contain such statement of the proposition as shall be prescribed by ordinance.

Sec. 4. DISCLOSURE OF CAMPAIGN CONTRIBUTIONS: The Council shall by ordinance require public disclosure of campaign contributions to and expenditures by or on behalf of candidates and ballot issues in a timely manner prior to and after elections, provide for regulation of such disclosure, and establish penalties for violations. The ordinance shall restrict the use of any facility of public office in support of any campaign.¹

(As amended at November 2, 1976 election.)

1. Editor's Note: Ord. 106653, regulating election campaign contributions, is codified in Chapter 2.04 of this Code.

Sec. 5. Repealed at November 2, 1976 election.

ARTICLE XIX

Officers; Terms and Vacancies

Section 1. ELECTIVE OFFICERS: The elective officers of The City of Seattle shall be: A Mayor, a City Comptroller, a Corporation Counsel,¹ a City Treasurer, and the members of the City Council.

1. Editor's Note: The term "Corporation Counsel" means "City Attorney." See Art. XIII Sec. 6 of this Charter.

Sec. 2. QUALIFICATIONS OF ELECTIVE AND APPOINTIVE OFFICERS: All elective officers of the city shall be citizens of the United States and qualified electors of the State of Washington and registered voters of The City of Seattle at the time of filing their declaration of candidacy and shall be able to read and write the English language. All officers appointed by the Mayor shall be persons with proven administrative ability, and especially fitted by education, training or experience to perform the duties of such offices, and shall, except when otherwise provided in this Charter, be appointed without regard to political affiliation or residence at the time of appointment.

(As amended at November 4, 1969 election.)

Sec. 3. TERMS OF ELECTIVE OFFICERS: The terms of the Mayor, the City Comptroller, the Corporation Counsel, the City Treasurer and of Councilmen shall be four years.

Sec. 4. OATH OF OFFICE; OFFICIAL BOND: Every Councilman and every other officer of the city and each of his assistants, before entering upon the duties of his office, shall take and subscribe an oath or affirmation that he possesses all the qualifications prescribed for his office, by this Charter; that he will support the Constitution of the United States, and of the State of Washington, and the Charter and ordinances of The City of Seattle; that he will faithfully comply with and abide by all the requirements of Section 10 of this Article, and that he will faithfully demean himself in office. Every officer, when so required by law or ordinance, shall, before entering upon the duties of his office, and within ten days after his election or appointment, give bond to the city in such sum as shall be designated by ordinance or otherwise, conditioned for the faithful performance of his duties, and that he will pay over all moneys belonging to the city, as provided by law. If any person elected or appointed to any office shall

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fail to take or subscribe such oath or affirmation, or to give bond, as herein required, his office shall be deemed vacant.

Sec. 5. VACANCIES; FAILURE TO QUALIFY; ABSENCE WITHOUT LEAVE; DISABILITY: An office becomes vacant on failure to qualify within the time limited by law; upon the death or removal from office or resignation of the incumbent, or his removal from or absence from the city for sixty days without leave of the City Council, or upon an adjudication of insanity; by a conviction of drunkenness, or by any permanent disability, preventing the proper discharge of duty.

Sec. 6. VACANCIES: HOW FILLED:

A. APPOINTIVE OFFICES: If any appointive office shall become vacant, the same shall, except as is otherwise provided in this Charter, be filled in the same manner as if at the beginning of the term, and the person appointed to fill the vacancy shall hold office for the unexpired term.

B. MAYOR AND OTHER ELECTIVE OFFICES: If the office of Mayor shall become vacant, the President of the City Council shall become Mayor; provided, that said President may within five days of such vacancy decline the office of Mayor, in which event the City Council shall select one of its members to be Mayor in the manner provided for filling vacancies in other elective offices. If any other elective office shall become vacant, the City Council shall, within twenty days thereafter, proceed to select by ballot a person to fill such vacancy, who shall possess the qualifications required for election to such office; such selection to be effective only upon the affirmative vote of a majority of all members of the City Council. If any elective office shall not be filled within twenty days after it becomes vacant, the City Council shall meet and ballot at least once each day, excluding Saturdays, Sundays and legal holidays, until such vacancy has been filled.

C. PERSONS FILLING VACANCIES IN ELECTIVE OFFICE; LENGTH OF TERM: A person who thus succeeds to fill a vacancy in an elective office shall hold such office until a successor is elected and qualified. Such successor shall be elected at the next regular municipal

general election or at a special election held in concert with the next state general election, whichever occurs first, and shall hold the office for the remainder of the unexpired term and until a successor is elected and qualified; provided, should a vacancy in an elective office occur after the filings for elective office have closed for the next regular municipal general election or state general election, no successor for the unexpired term shall be elected until the next succeeding regular municipal general election or state general election, whichever occurs first.

Persons elected, succeeding ex officio, or selected to fill vacancies shall qualify within the same time and in the same manner as prescribed for persons elected for full terms.

(As amended at November 4, 1969 election.)

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 such officer on such charge, and for that purpose shall have power to adjourn from time to time until the trial shall be completed, to summon 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 like manner as herein provided, except that the charges may be preferred by any elector or member of the City Council. In either case, the President of the City Council shall preside at such trial, and in his absence or disability the

CHARTER

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.

“That Section 10 of Article XIX of the City Charter of The City of Seattle 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.”

(Adopted by vote of electors, November 6, 1973.)

ARTICLE XX

Charter Amendments

Section 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 without prejudice to others; and provided further, that after the passage of such 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 at November 4, 1969 election.)

Sec. 2. PROPOSED BY VOTERS: Whenever fifteen percent in number of the registered voters of the city voting at the last preceding 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 such petition, it shall be the duty of the City Council to submit said amendment to the voters of the city for their ratification or rejection at the next general municipal election occurring at least sixty days after the filing of such petition; such amendment shall be submitted in the manner provided by law 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 thereto from a 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 such petition. The Council shall provide by ordinance a penalty for affixing to any such petition any false signature. If at the general municipal election at which such amendment is submitted, a majority of the lawful voters voting 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 such amendments 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.

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ARTICLE XXI

Streets Upon Tide Lands and Sea and Lake Shores

Section 1. STREETS OVER TIDE LANDS AND INTO LAKES: All streets, avenues and other public highways heretofore established upon, over or across any tide lands within The City of Seattle, or into the waters of Lake Washington, Lake Union, Green Lake or other lakes, streams or bodies of fresh water within The City of Seattle, either under and by virtue of the Constitution and laws of the State of Washington or under and by virtue of any charter or ordinance of The City of Seattle, or by the dedication of any plat within the city or by any other lawful authority established as public streets or highways, are hereby continued, established and declared to be public streets and highways of The City of Seattle, subject to the same power of the city to control, improve or vacate the same as is or shall be provided for other public streets and highways within the city.

The City Council may by ordinance extend, establish or vacate any street over or across or along the harbor, shore or tide lands in the city.

ARTICLE XXII

Miscellaneous Subjects

Section 1. MONEY IN TREASURY CREDITED TO PROPER FUNDS: All moneys in the City Treasury at the time of adoption of this Charter shall be credited to the several funds to which the same belong.

Sec. 2. PRIVILEGES GRANTED BY ORDINANCE: No privilege shall be granted that suspends or conflicts with any ordinance, except by ordinance.

Sec. 3. BOOKS AND RECORDS; INSPECTION; CERTIFIED COPIES; FEES: All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from said books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, and paying or tendering, for the use of the city, such fees as shall be established by ordinance.

(As amended at November 2, 1971 election.)

Statutory Reference: For provisions regarding disclosure of public records, see RCW 42.17.250 through 42.17.340.

Sec. 4. PUBLIC OFFICES OPEN; WHEN: Except when otherwise provided by law, all public offices shall be kept open for business on such days and for such hours as the City Council shall by ordinance prescribe.¹

1. Editor's Note: Ord. 79957, designating public office hours, is codified in Chapter 3.102 of this Code.

Sec. 5. OFFICES CREATED, PERSONS EMPLOYED AND COMPENSATION FIXED, BY LAW: No office shall be created, nor shall any person be employed in any capacity, nor shall any officer, clerk or employee receive any salary or compensation for any service of any kind, unless the same is specially provided for or authorized by law.

Sec. 6. CERTAIN OFFICERS MAY ADMINISTER OATHS: Every officer authorized by law or ordinance to allow, audit or certify demands upon the treasury, or to make any official investigation, shall have power to administer oaths and affirmations and take and hear testimony concerning any matter or thing relating thereto.

Sec. 7. OFFICERS LIABLE FOR APPROVAL, ALLOWANCE OR PAYMENT OF UNAUTHORIZED CLAIMS: Every officer who shall approve, allow or pay any demand on the Treasury not authorized by law shall be liable to the city individually and on his official bond for the amount paid by the city upon such demand in excess of the amount lawfully due from the city thereon.

Sec. 8. POWER TO APPOINT GIVES POWER TO REMOVE: Unless otherwise provided by law or this Charter, each officer, board or department authorized to appoint any deputy, clerk, assistant or employee, shall have the right to remove any person so appointed.

Sec. 9. APPOINTMENTS IN WRITING; FILING: All appointments of officers and employees to be made under this Charter must be in writing, and authenticated by the board or officer making the same.

Sec. 10. APPOINTIVE OFFICERS TO HOLD UNTIL SUCCESSORS APPOINTED: All appointive officers in office when this Charter takes effect shall continue to hold and exercise their respective offices under and in accordance

CHARTER

with the terms and provisions and obligations of this Charter, until the appointment and qualification of their respective successors.

Sec. 11. TERMS OF OFFICERS IN OFFICE WHEN CHARTER ADOPTED: The elective officers of the city in office when this Charter takes effect, shall continue in office for the remainder of their terms, and until their successors shall have qualified.

Sec. 12. ANNUAL REPORTS OF DEPARTMENT HEADS: The head of every department, except the Mayor and President of the City Council, shall annually, on or before the first day of April, make a report to the Mayor and City Council showing the amount of business transacted in his department, the condition thereof, and containing recommendations as to any legislation by him deemed necessary or advisable to improve the service rendered by his department. Such annual report shall be for the year ending December thirty-first preceding the making thereof.

Sec. 13. RETIREMENT, DISABILITY, PENSION AND DEATH BENEFIT SYSTEM: The Legislative Authority may, by ordinance, establish a retirement and pension system for superannuated officers and employees of the city and of the Seattle Public Library, and may likewise so provide for a system of death benefits and for a disability pension system to cover permanent, partial or temporary disability incurred by such officers and employees, and any such disability pension system so established shall thereupon, to the extent of any conflict, supersede the provision for compensation during disability provided for in this Charter. Any such pension system, and death benefit system, shall be financed jointly by the city and the members; provided, that prior to the establishment of any or all such systems, reports shall be secured from a competent actuary of the cost of the same, which report shall constitute the financial basis of any pension or death benefit system adopted hereunder. City officers or employees who are members of other employees' pension systems pursuant to state law shall not at the same time be eligible to membership hereunder.

Cases: The word "superannuated" as used in this Charter provision means the attainment of a fixed age limit for retirement. *Browning v. Seattle*, 50 Wn.2d 813, 914 P.2d 648 (1957).

ARTICLE XXIII

City Transit Commission

"That as of the effective date of an ordinance providing for the performance of the functions of the Seattle Transit Commission by another city department or departments and officers, Article XXIII of the City Charter which created a Seattle Transit Commission and establishes its powers and authority, be repealed and the functions of such Commission be performed by such other city department or departments and officers as provided by ordinance; and that Charter provisions inconsistent herewith are superseded."

(Adopted by vote of electors, November 3, 1970.)

Seattle Municipal Code
Adopted in 1980
For current SMC, contact
the Office of the City Clerk

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STATE OF WASHINGTON)
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 COUNTY OF KING) ss.
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 CITY OF SEATTLE)

We, the undersigned freeholders of The City of Seattle elected at the general municipal election held in said City on the thirteenth day of March, 1945, under the provisions of the constitution and laws of the State of Washington, to prepare a new charter, by altering, changing, revising, adding to or repealing the existing charter of The City of Seattle, do hereby certify that the foregoing charter has been prepared by us, and is hereby submitted as the charter for said City.

IN WITNESS WHEREOF, we have hereunto set our hands this 28th day of September, A.D. 1945.

- VICTOR ZEDNICK, Chairman
- G. W. ROBERGE, Secretary
- M. O. ANDERSON
- FRED C. BECKER
- CARROLL CARTER
- HOWARD G. COSTIGAN
- HENRY W. CRAMER
- CHAS. W. DOYLE
- C. L. HOWARD
- CHAS. T. OLIVER
- HENRY W. PARROTT
- ALFRED J. WESTBERG
- LYLE F. WILSON
- WALTER L. WYCKOFF

Seattle Municipal Code
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 the Office of the City Clerk