

**Chapter 3.18  
EXECUTIVE SERVICES**

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## 3.18.060 ADMINISTRATION

### Subchapter I. (Reserved)

### Subchapter II Recycling Program

#### 3.18.060 Recycling program.

The Executive Services Director shall manage and maintain the City's program for recycling waste paper products, including office paper, computer paper, tab cards, and other paper products, and for such purpose the Director is hereby authorized to promulgate such rules, in accordance with the Administrative Code (Ordinance 102228),<sup>1</sup> as are necessary to manage and maintain the paper recycling program in an efficient, economic and environmentally sound manner. Revenues from the sale of paper products collected under the recycling program shall be deposited in the Executive Services Fund.

(Amended during 9-98 supplement; Ord. 118397 § 12, 1996: Ord. 109129 § 11, 1980: Ord. 106965 § 1, 1977.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

### Subchapter III Motor Vehicles

#### 3.18.140 City motor vehicle fleet.

A. Municipal Use. City owned or leased motor vehicles shall be used exclusively for the conduct of municipal business, except as provided in subsection D of this section.

B. Assigned Vehicles. Where the normal operations of a City department extend beyond established work headquarters and work hours, and based on the substantiated needs of such department for adequate supervision or job performance, such vehicles may be assigned on the following basis:

1. Assignment of motor vehicles for a period of approximately one (1) year, and until a superceding assignment is made, to City officials and employees who because of the nature of their work should have vehicles assigned to them, and authorization to garage such vehicles at the individual residences of the employees to whom assigned, shall be pursuant to resolution of the City Council.

2. As soon as practicable after the end of each calendar year, the Executive Services Director (called the "Director" in this section) shall sub-

mit to the City Council a list of the officials and employees to whom a vehicle should be assigned for the next succeeding year in accordance with the following criteria:

a. The relative cost of having an employee provide his or her own transportation (whether in automobile reimbursement or lost productive time) is greater than the cost associated with overnight vehicle use; or

b. Employees who, on a continuous basis, have primary supervisory responsibility (first called out) in case of an emergency and whose immediate response is required to save life or property, including employees and officials who have responsibilities of implementing the City's disaster plan; or

c. Employees who, on a continuous basis, are on call in case of an emergency and who require special tools and equipment carried in their assigned vehicles in order to perform their emergency duties.

3. Assignments of motor vehicles for periods not to exceed two (2) thirty (30) day consecutive periods, and authorization to garage such vehicles at the individual residences of the employees to whom assigned, may be made by each employee's appointing authority, or by his or her designee, when the need for such an assignment is consistent with the criteria established by this section.

C. Shared Use of City Vehicles. All City-owned or leased motor vehicles shall be available on a shared basis for the conduct of municipal business to officers and employees who have a valid Washington State driver's license, under such rules and regulations as the Director may prescribe.

D. Private Use Prohibited. Nothing herein shall imply, nor shall any permission be granted to use any City owned or leased motor vehicle for personal purposes, and the transportation of passengers in any such vehicle is prohibited except in the furtherance of municipal business, provided that City employees may ride directly to and from work in an assigned vehicle when the person to whom the vehicle is assigned and the riding employees are registered with Seattle Transportation as a carpool.

E. Administration of Motor Pool. The Director shall maintain a central motor pool, for the purpose of providing shared vehicles to meet the short-term transportation needs of City employees

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who work in the central business district. The Director shall prepare regular quarterly reports on the assignment and use of City vehicles, and such reports shall be reviewed with department representatives in regular quarterly meetings.

(Ord. 118742 § 1, 1997; Ord. 118397 § 13, 1996; Ord. 116681 § 1, 1993; Ord. 111931 §§ 1, 2, 1984; Ord. 104843 § 1, 1975; Ord. 100458 § 1, 1971.)

#### **Subchapter IV Leases of City Property**

##### **3.18.150 Review of Contracting Services Division recommendations for contract awards by the Hearing Examiner.**

A. The Hearing Examiner shall hear and make a recommendation to the Executive Services Department Director with respect to any protest by a bidder in connection with the awarding of a public works or purchase contract including, but not limited to, a determination by the Director of Contracting Services regarding: the immateriality of one (1) or more bidding errors, omissions, or variations; selection of a bidder as the apparently lowest and best bidder; implementation of SMC Chapters 20.44 (City Contracts—Prevention of Discrimination) and 20.46A (Women's and Minority Business Enterprise Utilization); and the rejection or disqualification of any bidder.

B. Bid protests shall be heard in an informal manner. Notwithstanding the provisions of SMC Chapter 3.02, the Hearing Examiner shall not act in an appellate capacity with respect to the hearing of any protest, but shall be limited to making an advisory recommendation to the Executive Services Department Director on the bid protest. Bidders may, but are not required to, have their protests heard by the Hearing Examiner prior to seeking other appropriate relief as may be provided by law.

C. The Hearing Examiner shall adopt appropriate rules for the hearing of bid award protests given the informal nature of such hearings. Bid award protests are not contested cases for the purpose of the Hearing Examiner's review and recommendation and the requirements of SMC Sections 3.02.090 and 3.02.100 for contested cases shall not apply.

(Ord. 118530 § 1, 1997.)

##### **3.18.160 Authority to negotiate and execute leases.**

The Executive Services Director is authorized to negotiate and to enter into new interim leases or subleases and extensions or modifications of existing leases or subleases of any property now or hereafter owned by or leased to the City that is under the management of the Executive Services Director or is under the management of another department that has requested that the Executive Services Director lease or sublease such property. The Executive Services Director is authorized to execute and deliver, for and on behalf of the City, all documents he or she shall deem necessary or appropriate in connection with any lease or sublease authorized in this section. The authority in this section is limited as follows:

A. The Executive Services Director shall use a standard lease form or forms prepared with the assistance or advice of the City Attorney or, contingent upon prior consultation with the City Attorney regarding the differences between the standard and any nonstandard form, such nonstandard form lease; and

B. The total term of any new lease together with all extensions of the initial term thereof, and the total term of any existing lease together with all extensions of the term thereof, shall not exceed five (5) years in duration; provided, however, that this limitation shall not restrict the authority of the Executive Services Director to negotiate and to enter into new leases for the same property with the same tenant upon terms and conditions different from any earlier lease pertaining to such property; and

C. The consideration to be paid to the City for the leases and lease term extensions shall be in the form of legal tender of the United States of America or services rendered to or for the benefit of the City, or a combination thereof, in such amounts or value as shall be reasonable under the circumstances considering the negotiated terms of the occupancy or use, condition of the premises, and current rental rates for similar property in the vicinity.

(Ord. 119091 § 1, 1998; Ord. 118397 § 14, 1996; Ord. 109118 § 2, 1980; Ord. 107634 § 1, 1978.)

### 3.18.160 ADMINISTRATION

1. Editor's Note: Lease agreement forms accompanying Ord. 109118 are on file in the office of the City Clerk.

#### **3.18.180 Reimbursement of Executive Services Fund.**

To provide for the reimbursement of the Executive Services Fund for expenses incurred in the maintenance, repair, and administration of the property leased pursuant to the authority of this subchapter, the City Finance Director is authorized and directed to deduct from the rental payments received from the leasing of such property amounts equal to such expenses of the Executive Services Department, to deposit such amounts in the Executive Services Fund, and to deposit the remainder of such funds (if any) in the fund from which money was expended to acquire said property.

(Amended during 9-98 supplement; Ord. 118397 § 15, 1996; Ord. 116368 § 41, 1992; Ord. 109118 § 3, 1980; Ord. 107634 § 3, 1978.)

### **Subchapter V Real Property Leases for City Functions and Programs**

#### **3.18.200 Authority to execute leases—Standard form.**

A. The Executive Services Director is authorized to negotiate and execute for and on behalf of the City, real property leases for the purpose of acquiring necessary facilities for use by City departments and agencies to carry out authorized functions and programs. The term of any such lease shall not exceed sixty (60) consecutive calendar months.

B. The Executive Services Director shall use a standard lease form or forms prepared with the assistance or advice of the City Attorney, or contingent upon prior consultation with the City Attorney regarding the differences between the standard and any nonstandard form, such nonstandard form lease.

(Ord. 119091 § 2, 1998; Ord. 115429 § 1, 1990; Ord. 109128 § 2, 1980; Ord. 107252 § 1, 1978.)

#### **3.18.220 Rental not to exceed fair market value—Determination.**

The rental payments provided by the terms of any lease agreement authorized in Section 3.18.200 shall not exceed the fair market rental.

“Fair market rental” shall be deemed to mean the rental payments which such property would bring on the open rental market.

(Ord. 110304 § 1, 1981; Ord. 109823 § 1, 1981; Ord. 109128 § 3, 1980; Ord. 108125 § 1, 1979; Ord. 107252 § 2, 1978.)

#### **3.18.240 Rental payments—Maximum amounts.**

All leases executed pursuant to the authority of Section 3.18.200 shall conform to the following requirements:

A. Rental payments for office space shall not exceed a rate of Fifteen Dollars (\$15) per square foot per year and the total square footage leased in any one (1) calendar year shall not exceed five thousand (5,000) square feet for such space in any single building or other facility.

B. Rental payments for improved space other than office space shall not exceed Six Dollars (\$6) per square foot per year, and the total square footage leased in any one (1) rental agreement in any one (1) calendar year shall not exceed nine thousand (9,000) square feet for such space in any single building, structure or other facility.

C. Rental payments for unimproved real estate, or land used for parking or open storage purposes shall not exceed Three Dollars and Fifty Cents (\$3.50) per square foot per year, and the total square footage leased in any one (1) rental agreement in any one (1) calendar year shall not exceed eighteen thousand (18,000) square feet for such space in any single building, structure or other facility.

D. The dollar amounts specified in subsections A, B and C of this section shall be increased annually, by the percentage increase in the Consumer Price Index For All Urban Consumers, Seattle-Tacoma Metropolitan Area (1982-84 = 100) as published by the U.S. Department of Labor, Bureau of Labor Statistics, or its successor; provided, that if the Consumer Price Index is discontinued or its base is changed, a comparable index shall be substituted.

(Ord. 115429 § 2, 1990; Ord. 110304 § 2, 1981; Ord. 108125 § 2, 1979; Ord. 107252 § 3, 1978.)



**3.18.260 Rental payments—Annual adjustment.**

Any rental payment specified in any lease may be made subject to an annual adjustment based upon the expenditure class “Rent, residential” in the Urban Wage Earners and Clerical Workers (1967 = 100) of the Consumer Price Index for the Seattle area as compiled by the Bureau of Labor Statistics, United States Department of Labor, and any rent which is so adjusted may exceed the limits imposed by Section 3.18.240 hereof upon rental payments provided in leases entered into by the Executive Services Director pursuant to the authority granted in Section 3.18.200.

(Ord. 118397 § 16, 1996; Ord. 109823 § 2, 1981; Ord. 109128 § 4, 1980; Ord. 107252 § 4, 1978.)

**3.18.280 Department or agency responsibility.**

No lease shall be executed by the Executive Services Director pursuant to the authority of Section 3.18.200 of this chapter unless the department or agency which is to occupy the premises to be leased shall have available to it funds which it is duly authorized to use to pay the Executive Services Department for its anticipated billing for the use of such space during the balance of the current budget year. Funds paid by the departments and agencies using space leased by the Executive Services Director pursuant to the authority of Section 3.18.200 of this chapter shall be deposited in the Executive Services Fund.

(Amended during 9-98 supplement; Ord. 118397 § 17, 1996; Ord. 109823 § 3, 1981; Ord. 109128 § 5, 1980; Ord. 107252 § 5, 1978.)

**Subchapter VI. (Reserved)****Subchapter VII. (Reserved)****Subchapter VIII Division of Purchases****3.18.800 Purchasing powers.**

Except as otherwise provided in this subchapter, the Executive Services Director shall purchase, sell or transfer, contract for, rent or lease

**Seattle Municipal Code**  
**July, 2000 code update file**  
**Text provided for historic reference only.**

**See ordinances creating and amending  
sections for complete text, graphics,  
and tables and to confirm accuracy of  
this source file.**

**For current SMC, contact  
the Office of the City Clerk**

all supplies, materials, equipment, and services other than expert and consultant services needed by various departments of the City government, referred to in this subchapter as "using" agencies; provided, that the Executive Services Director is authorized to enter into cooperative and/or joint agreements with any state or governmental agency or subdivision thereof, or any other governmental unit or any public benefit nonprofit corporation for the purchase of such supplies, materials, equipment, and services under the purview of this chapter; provided, further, that such public benefit nonprofit corporation is an agency that is receiving local, state, or federal funds either directly or through a public agency; provided, further, that purchases made pursuant to any such agreement shall be separately invoiced to the respective purchasers in accordance with the purchases made by each; and provided, further, that each such purchaser shall be responsible for payment for its own purchases only. Purchases made for the City under a purchasing contract executed by a state, or agency or subdivision thereof, or by another governmental unit or public benefit nonprofit corporation shall be exempt from the competitive bidding and related requirements of Section 3.18.806.

(Ord. 118338 § 9, 1996: Ord. 116007 §§ 10, 27(part), 1991: Ord. 102151 § 2, 1973.)

### **3.18.802 Compliance by City officers and employees—Exceptions.**

No city officer or employee shall have the authority to order or contract for the purchase of any supplies, materials, equipment, or service within the purview of this subchapter except through, or in accordance with rules and regulations prescribed by the Executive Services Director and no order or contract made contrary to the provisions of the subchapter shall be approved by the Executive Services Director or any subordinate thereof or be binding upon the City; provided, that contracts for services in connection with public works and construction, or by consultants pursuant to SMC Chapter 3.114, and all contracts for services in connection with the acquisition of real property and property rights, processing of claims and all litigation of the City or in which the City or any of its departments may be interested, shall be exempt from the requirements of this section.

(Ord. 118397 § 19, 1996: Ord. 117159 § 7, 1994: Ord. 116007 §§ 11, 27(part), 1991: Ord. 112044 § 1, 1984: Ord. 111829 § 1, 1984: Ord. 102151 § 3, 1973.)

**3.18.806 Competitive bidding—Cost over \$30,000.00.**

A. Except in emergencies provided for in this subchapter, all expenditures for supplies, materials, equipment, and services within the purview of this subchapter the estimated cost of which is in excess of Thirty Thousand Dollars (\$30,000.00) per requisition shall be made on written contract entered into upon the basis of competitive bids and are subject to the preferences provided by SMC Section 3.18.910. Notices inviting sealed competitive bids shall be published at least once in the City official newspaper, and at least five (5) calendar days must intervene between the date of the last publication and the final date for submitting the bids; provided, that purchases of patented or proprietary items available from a single source, or purchases or contracts for services within the purview of this subchapter where competitive bidding is deemed impracticable by the Executive Services Director, shall be exempt from the competitive bidding requirements of the section; provided, further, that the purchase of supplies, materials, and equipment to be resold by the using agency may be negotiated for by the Executive Services Director when, in his or her judgment, the lowest and best price can be obtained by such negotiation.

B. All such bids shall be submitted sealed to the Executive Services Director and shall be accompanied by surety in such form and amount as shall be prescribed by the Executive Services Director in the notice inviting bids.

C. The bids shall be opened in public at the time and place stated in the notice inviting bids. No bids will be considered which arrive at the place of bid opening at any time later than the time specified in the notice inviting bids. After examination and tabulation by the Executive Services Director, all bids may be inspected by the competing bidders. The Executive Services Director may reject any or all bids, or part of bids, and shall state in writing and keep a record of the reason or reasons for such rejection, which record shall be open to public inspection. Otherwise the Executive Services Director shall award the contract to the lowest and best bidder, or in the case of multiple awards to the lowest and best bidders. In determining the lowest and best bidder, the Executive Services Director may consider such factors, among others, as quality, delivery terms, and service reputation of the vendor.

D. An Invitation to Bid may specify that life cycle costing will be used either as the exclusive basis for evaluating bids or on an alternative basis. If sufficient life cycle cost information is readily available, the Executive Services Director shall consider the life cycle cost in determining the lowest and best bid in accordance with the Invitation to Bid. "Life cycle cost" means the total cost to the City of the supplies, materials, or equipment procured over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal as far as these costs can be reasonably determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" means the estimated time from the date of acquisition to the date of replacement or disposal, determined in a reasonable manner.

E. When in the judgment of the Executive Services Director, bids require further information and analysis for the purpose of determining the lowest and best bidder, he/she may request that bidders provide pertinent information, and on receipt thereof may negotiate with one (1) or more bidders and award such contract to the lowest and best bidder as determined by such negotiation.

F. When two (2) or more low bids received are for the same total amount or unit price, the Executive Services Director may allow such tied bidders to offer a lower price or may make such purchase in the open market at a price not exceeding such bid price.

G. The Executive Services Director may require, before any contract is executed, that the successful bidder furnish a performance bond in such amount as said official shall find reasonable and necessary, which requirement shall be stated in the notice inviting bids. All surety bonds shall be subject to approval as to form by the City Attorney. If the successful bidder does not enter into a contract and file any required surety within ten (10) days after the award, such bidder shall forfeit the surety which accompanied its bid. A copy of each contract covering a term of three (3) months or more together with any required surety for performance thereof, shall be filed with the City Clerk.

H. As authorized by RCW 39.30.040, for determining the lowest and best bidder, the Executive Services Director shall take into consideration the tax revenues derived by the City from its business and occupation or utility taxes (Seattle



Municipal Code Chapters 5.44 and 5.48) and its sales and use taxes (Seattle Municipal Code Chapter 5.60) from the proposed purchase.

(Ord. 118397 § 20, 1996; Ord. 118338 § 1, 1996; Ord. 117242 § 2, 1994; Ord. 117159 § 8, 1994; Ord. 116270 § 1, 1992; Ord. 116131 §§ 1, 2, 1992; Ord. 116007 §§ 13, 27(part), 1991; Ord. 116004 § 1, 1991; Ord. 113501 § 1, 1987; Ord. 110009 § 1, 1981; Ord. 105150 § 1, 1975; Ord. 104710 § 1, 1975; Ord. 102151 § 5, 1973.)

Cases: In letting a contract pursuant to City's competitive bidding law, Purchasing Agent did not have the right, after the bid opening, to negotiate with an individual bidder to lower the bidder's bid price without giving the same opportunity to all bidders. **Platt Elec. Sup., Inc. v. City of Seattle**, 16 Wn.App. 265, 555 P.2d 421 (1976).

### **3.18.808 Zoo animals and specimens.**

The Executive Services Director shall effect acquisition or disposal by sale, purchase, trade, exchange, or loan, of all zoo animals and other zoo specimens and where competitive bidding is deemed impracticable by the Executive Services Director, such acquisition or disposal shall be exempt from the competitive bidding requirements of this subchapter and the same may be effected by negotiated agreements by the Executive Services Director in cooperation with the Superintendent of Parks and Recreation in accordance with such procedures as may be established by the Executive Services Director.

(Ord. 118397 § 21, 1996; Ord. 116007 §§ 14, 27(part), 1991; Ord. 104710 § 2, 1975; Ord. 102151 § 5A, 1973.)

### **3.18.810 Expenditures under \$30,000.00.**

All expenditures for supplies, materials, equipment, and services within the purview of this subchapter, the estimated cost of which will not exceed Thirty Thousand Dollars (\$30,000.00) per requisition may be made in the open market; provided, that to the extent possible, the Executive Services Director or his or her designated representative shall endeavor to obtain from prospective vendors at least three (3) competitive

bids, and shall award such purchase to the lowest and best bidder, subject to the preferences provided by SMC Section 3.18.910. The Director or his or her designated representative may, in his or her discretion, determine the lowest and best bidder for expenditures under Thirty Thousand Dollars (\$30,000) per requisition by the same criteria as used for larger purchases. When the Invitation to Bid so specifies, and if sufficient life cycle cost information is readily available, the Executive Services Director shall consider the life cycle cost in determining the lowest and best bidder in accordance with the Invitation to Bid.

(Ord. 118397 § 22, 1996; Ord. 118338 § 2, 1996; Ord. 117159 § 9, 1994; Ord. 116270 § 2, 1992; Ord. 116131 § 3, 1992; Ord. 116007 § 15, 1991; Ord. 116004 § 2, 1991; Ord. 110009 § 2, 1981; Ord. 102151 § 6, 1973.)

### **3.18.812 Open market purchases where bidding is impractical.**

The Executive Services Director or his or her designated representative may secure in the open market without bids any supplies, materials, equipment, or services within the purview of this subchapter, the cost of which will not exceed Five Thousand Dollars (\$5,000) per item, when the delay and expense of handling bids on small purchases would not be advantageous to the City. Notwithstanding the provisions of Chapter 3.24, the Executive Services Director may delegate any or all of the powers in this section to other departments at his or her discretion.

(Ord. 118833 § 4, 1997; Ord. 118397 § 23, 1996; Ord. 118338 § 3, 1996; Ord. 116007 §§ 16, 27(part), 1991; Ord. 102151 § 7, 1973.)

### **3.18.814 Emergency purchases.**

In case of an emergency which requires immediate purchase of supplies, materials, equipment, or services within the purview of this subchapter the Executive Services Director or such other City officers or employees authorized by ordinance or rule to act in such event may make such purchases in the open market without advertisement at the best obtainable price regardless of the amount of the expenditure; and in determining the best price, such factors, among others, as quality, delivery terms, and service reputation of the vendor, may be considered; provided, that expenditures amounting to more than Ten Thousand Dollars (\$10,000) per requisition shall be based on written

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contract; and provided, further, that a full explanation of the circumstances of such emergency shall be filed by the using agency with the Executive Services Director.

(Ord. 118397 § 24, 1996; Ord. 116007 §§ 17, 27(part), 1991; Ord. 102151 § 8, 1973.)

#### **3.18.816 Items purchased by published price list.**

In the purchase of supplies, materials, equipment or services needed continuously or repeatedly, including catalog or standard production items, the price of which is determined by published price lists, the Executive Services Director may enter into "open-end," "blanket-order," or "price-agreement" contracts.

(Ord. 118397 § 25, 1996; Ord. 116007 §§ 18, 27(part), 1991; Ord. 102151 § 9, 1973.)

#### **3.18.818 Leasing or rental of equipment.**

The leasing and renting of equipment by the using agencies shall be contracted for by the Executive Services Director, subject, where practicable, to competitive bidding.

(Ord. 118397 § 26, 1996; Ord. 116007 §§ 19, 27(part), 1991; Ord. 102151 § 10, 1973.)

#### **3.18.820 Repair or maintenance of equipment.**

In the repairing or maintenance of City equipment where the City is not equipped or able to perform the work, and when it is impossible to estimate the repairs necessary until such equipment is dismantled, the Executive Services Director may award a contract or contracts to those responsible firms that he or she is convinced can do satisfactory repairing.

(Ord. 118397 § 27, 1996; Ord. 116007 §§ 20, 27(part), 1991; Ord. 102151 § 11, 1973.)

#### **3.18.822 Inspection of deliveries.**

A. The Executive Services Director shall be responsible for the inspection of all deliveries of supplies, materials, equipment, and services within the purview of this subchapter, and the acceptance thereof as to conformance with the specifications set forth in the order or contract.

B. To facilitate such inspection, personnel employed by the using agencies and having assigned responsibility for receiving supplies, materials, equipment, and services may be designated as representatives of the Executive Services Director to make inspections and accept deliveries in

accordance with rules and regulations prescribed by the Executive Services Director.

C. All such supplies, materials, equipment or services shall be receipted for by an authorized Executive Services Department receiving clerk or by such designated representative in the using agency, and a written report of such receipt shall be transmitted to the Executive Services Director. No payment shall be made for any such supplies, materials, equipment, or services unless the same have been receipted and a written report thereof has been made as provided in this section.

D. The return or exchange of any merchandise received by a using agency shall be handled directly through an Executive Services Department receiving clerk or such a designated representative in the using agency, who shall obtain a credit memorandum from the firm which originally supplied the merchandise.

E. Invoices issued against such supplies, materials, equipment, leases, rentals, repairs, or services shall be submitted to the Executive Services Director, who shall approve the same as to price, delivery, or work performed before any voucher for payment shall be issued.

(Ord. 118397 § 29, 1996; Ord. 116007 §§ 21, 27(part), 1991; Ord. 102151 § 12, 1973.)

#### **3.18.824 Reports of supplies on hand—Sale or transfer of surplus.**

All using agencies shall submit to the Executive Services Director, at such times and in such form as he or she shall prescribe, reports showing stocks of supplies, materials and equipment on hand awaiting use. When any stock is surplus or no longer of use to any using agency, the Executive Services Director may transfer it to another or other agencies which have need for it, subject to adjustment between the agencies concerned. The Executive Services Director may sell all supplies, materials, and equipment not needed for public use or that may have become unsuitable for public use; provided, that any such sale shall be based on competitive bids in the same manner required for purchases unless the Executive Services Director shall determine competitive bidding to be impracticable.

(Ord. 118397 § 29, 1996; Ord. 116007 §§ 22, 27(part), 1991; Ord. 102151 § 13, 1973.)

**3.18.826 Testing of samples.**

The Executive Services Director may prescribe chemical and physical tests of samples submitted with bids and samples of deliveries to determine their quality and conformance with the City's specifications. These tests may include tests which evaluate a product's ability to meet recycled content standard product specifications established in SMC Section 3.18.908. In the performance of such tests, the Executive Services Director may use private testing laboratories. The costs of such tests shall be charged to the appropriate budget allowance of the using agency on whose behalf such test is made.

(Ord. 118397 § 30, 1996: Ord. 116270 § 3, 1992: Ord. 116131 § 4, 1992: Ord. 116007 §§ 23, 27(part), 1991: Ord. 102151 § 14, 1973.)

City-owned facilities. Such purchases shall be at the fair market price of such product and services as determined by the City.

**3.18.830 Examination of requisition—Brand and trade names.**

A. It shall be the duty of the Executive Services Director to examine each requisition and specification submitted by any using agency and determine whether the same is clear and may be readily understood by prospective bidders and provides a sound basis for competitive bidding. When, in the judgment of the Executive Services Director, any requisition or specification is vague, ambiguous or unduly restricts competitive bidding, he or she shall return the same to the using agency for clarification or modification.

B. The Executive Services Director shall avoid, to all practicable extent, the use of brand or trade names as criteria for procurement of supplies, materials, equipment and services when, in his or her judgment, such purchases can be accomplished to the greater advantage of the City through use of general specifications.

(Ord. 118397 § 31, 1996: Ord. 116007 §§ 25, 27(part), 1991: Ord. 102151 § 16, 1973.)

**3.18.832 Contracting with sheltered workshops—Exemption.**

Pursuant to and in accordance with RCW 39.23.005 and RCW 39.23.020, and notwithstanding the provisions of SMC Section 3.18.806, the Executive Services Director is hereby authorized to directly negotiate, and without competitive bidding, to contract with qualified sheltered workshops for purchase of products manufactured or provided by sheltered workshops and programs and for the provision of janitorial services for

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(Ord. 118397 § 32, 1996; Ord. 117146 § 1, 1994; Ord. 116007 §§ 26, 27(part), 1991; Ord. 114738 § 1, 1989.)

#### 3.18.840 Escalation of dollar limits.

A. As of January 1, 1997, all monetary amounts specified in Sections 3.18.806 and 3.18.810 shall be annually adjusted hereafter by the Executive Services Director, consistent with the formula described in SMC Section 3.114.140 for adjustment of the consultant selection threshold, so that the thresholds for competitive bidding for purchases and the consultant selection threshold are maintained at the same amount.

B. As of January 1, 1997, the monetary amounts specified in Section 3.18.812 shall be adjusted every five years by the Executive Services Director immediately following publication of the preceding year's annual Consumer Price Index for all urban consumers Seattle-Tacoma metropolitan area, All Items (1982—84 = 100), as determined by the U.S. Department of Labor, Bureau of Labor Statistics, to eliminate the effects of inflation or deflation on purchasing power and the authority granted by this subchapter. Such monetary amount, as adjusted, in Section 3.18.812 shall be rounded upwards to the nearest Thousand Dollars (\$1,000.00).

(Ord. 118397 § 33, 1996; Ord. 118338 § 4, 1996.)

### Subchapter IX Recycled Content Product Procurement Program

#### 3.18.900 Purpose.

The purpose of this program is to:

A. Substantially increase the procurement of reusable products, recycled content products and recyclable products by all departments, providing a model to encourage comparable commitment by Seattle citizens and businesses in their purchasing practices;

B. Target procurement of products made from recycled materials for which there are significant market development needs or that may substantially contribute to the use of locally recycled materials;

C. Provide content standards for recycled content and recyclable products for use in procurement programs by all departments;

D. Provide the Executive Services Director with the necessary authority to adopt preferential

purchasing policies for recycled content and recyclable products, including price preferences and set-asides.

(Ord. 118397 § 34, 1996; Ord. 116270 § 4(part), 1992.)

#### 3.18.902 Definitions.

1. "Building insulation" means a material, primarily designed to resist heat flow, which is installed between the conditioned volume of a building and adjacent unconditioned volumes or the outside. This term includes but is not limited to insulation products such as blanket, board, spray-in-place, and loose-fill insulation that are used as ceiling, floor, foundation, and wall insulation. This term also includes insulation products used to improve the thermal effectiveness of building envelopes, but does not apply to insulation for air-handling units, insulation for acoustic purposes, or cold-storage insulation unless otherwise designated by the Executive Services Director or his or her predecessor.

2. "Cement" means a powder-like manufactured mineral product, often referred to as "Portland cement," used in the manufacture of cement concrete.

3. "Cement concrete" means concrete which contains cement.

4. "Cement with fly ash" means cement or cement concrete containing amounts of fly ash as determined by USEPA product standards.

5. "City solid waste stream" means any solid waste created or generated within City limits whether residential or nonresidential.

6. "Compost" means the biological and manual conversion of yard wastes, food wastes, cleanwood wastes, woody land-clearing debris and manure, whether source-separated or mixed, into a humus-like material.

7. "Content standards" means standards set or adopted by the Executive Services Director specifying the minimum content of recycled materials, whether post-consumer waste or secondary waste, in a product necessary for the product to qualify as a recycled content product. Content standards may also specify that a product be made in whole or in part from recyclable materials, and the maximum level of hazardous substances allowable in a product.

8. "Contractor" means persons or companies contracting with the City for the purchase of any supplies, materials, equipment or service. This



definition does not include contracts for services in connection with:

- a. The acquisition of real property and property rights;
- b. Processing of claims; and
- c. All litigation of the City or in which the City or any of its departments may be interested.

9. "End use" means an intended final use of a product by a consumer which will not result in additional value being added to the product.

10. "Fly ash" means the finely divided mineral residue which results from the combustion of coal, and which is typically collected from boiler stack gases by electrostatic precipitation or mechanical collection devices.

11. "Food waste" means the organic residues generated by the handling, storage, sale, preparation, cooking and serving of foods.

12. "Hazardous substance" means any hazardous substance listed as a hazardous substance pursuant to Section 313 of Title III of the Superfund Amendments and Reauthorization Act, all ozone-depleting compounds as defined by the Montreal Protocol of October 1987, and such other substances adopted by rule by the Executive Services Director or his or her predecessor as presenting a threat to human health or the environment.

13. "Local recycled content product" means such product or products that are derived from recycled materials recovered from City solid waste, provided the material used in the manufacture of such products can be reasonably traced back to its generation within City limits. Such products must contain a minimum of twenty-five percent (25%) recycled materials except in those cases where the U.S. Environmental Protection Agency has adopted procurement guidelines under the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. Section 6901 et seq.). In those cases, the minimum content of recycled material shall not be less than specified in the most current adopted issue of those guidelines.

14. "Lubricating oils" means petroleum based oils for reducing friction in engine parts and other mechanical parts.

15. "Mixed waste paper" means assorted grades of paper that have not been separated into individual grades of paper before being processed for use in the manufacture of new products.

16. "Paper and paper products" means all items manufactured from paper or paperboard.

17. "Post-consumer paper" means:

a. Paper, paperboard and fibrous wastes which have passed through their end use as consumer items; including corrugated boxes, newspapers, magazines, mixed waste paper, tabulating cards, and used cordage from places like retail stores, offices buildings and homes; and

b. All paper, paperboard and fibrous wastes that are collected as mixed municipal solid waste and later separated at a processing facility.

c. This definition does not include those paper materials generated from, and commonly reused within, an original manufacturing process such as mill broke or fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

18. "Post-consumer waste" means solid waste, including yard waste, which has passed through its end use as a consumer item and is suitable as feedstock in product manufacture.

19. "Purchase order" means any contract or order which is duly authorized and awarded or entered into by the Executive Services Director or department for the purchase of tangible goods.

20. "Recyclable product" means a product or package made from a material for which curbside or drop-off collection systems are in place for a majority of City residents and/or businesses, to divert from City solid waste for use as a raw material in the manufacture of another product or the reuse of the same product.

21. "Recycled content product" means a product containing a minimum of twenty-five percent (25%) recycled materials except in those cases where the U.S. Environmental Protection Agency has adopted procurement guidelines under the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 U.S.C. Section 6901 et seq.). In those cases, the minimum content of recycled material shall not be less than specified in the most current adopted issue of those guidelines.

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22. "Recycled materials" means post-consumer waste and/or secondary waste that has been recovered or diverted from solid waste and that can be utilized in place of a raw or virgin material in manufacturing a product.

23. "Rerefined oils" means used lubricating oils from which the physical and chemical contaminants acquired through previous use have been removed through a refining process. Re-refining may include distillation, hydrotreating or treatment employing acid, caustic, solvent, clay or other chemicals, or other physical treatments than those used in reclaiming.

24. "Retread tire" means a worn automobile, truck, or other motor vehicle tire, excluding airplane tires, whose tread has been replaced.

25. "Reusable product" means a product that can be used several times for an intended end use before being discarded, such as a washable food or beverage container or a refillable ballpoint pen.

26. "Secondary paper waste" means paper waste generated after the completion of a paper or paper product making process, such as envelope cuttings, bindery trimmings, printing waste, cutting and other converting waste, bud rolls, mill wrappers, and obsolete inventories, rejected unused fibrous waste generated during the manufacturing process such as fibers recovered from waste or trimmings of paper machine rolls (mill broke), or fibrous byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

27. "Secondary waste" means waste resulting from a part of a manufacturing process that, unless incorporated as a feedstock in product manufacture, must be disposed of as solid or hazardous waste.

28. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, except wastes identified in WAC 173-304-015, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. This includes all public, private, industrial, commercial, mining and agricultural operations. Unrecovered residue from recycling operations shall be considered solid waste.

29. "USEPA product standards" means the product standards of the United States Environmental Protection Agency published in the Code of Federal Regulations, Title 40, Chapters 248 through 253.

30. "Woody land-clearing debris" means tree stumps, trunks, brush, or other vegetation or plant waste generated from the process of clearing land for development.

31. "Yard waste" means vegetative prunings, leaves, grass or branches less than four inches in diameter generated from yards or other landscaped areas.

(Ord. 118397 § 35, 1996; Ord. 116270 § 4(part), 1992.)

**3.18.904 Policies.**

A. All departments shall use, where practicable, reusable products, recycled content products and recyclable products. The term "practicable" shall mean:

1. The recycled content product meets product specifications established by the Executive Services Director;

2. The recycled content product is available from at least one vendor in sufficient quantity to meet City needs.

B. The City shall require, whenever practicable, its vendors, contractors and consultants to use recycled content paper on all documents submitted to the City. In addition, the City shall require, whenever practicable, its vendors, contractors and consultants to use reusable products, recycled-content products and recyclable products.

C. The City shall establish the following goals, at a minimum, for the purchase of recycled content paper products, compost products, and rerefined lubricating oil products:

1. Recycled-content paper products as a percentage of the total dollar amount of paper products purchased on an annual basis:

a. At least forty percent (40%) by 1993,

b. At least fifty percent (50%) by 1994,

c. At least sixty percent (60%) by 1995;

2. Compost products as a percentage of the total dollar amount of soils purchased on an annual basis:

by 1993,  
 1995,  
 1997;

3. Rerefined lubricating oil for use in all City vehicles, including trucks and heavy equipment, and all hydraulic lifts, as a percentage of the total dollar amount of lubricating oils purchased on an annual basis:

a. At least fifty percent (50%) by 1994,  
 b. At least eighty percent (80%) by 1995.

D. The Executive Services Director shall use recycled material content as a factor in determining the lowest and best bid in its procurement of goods and materials.

E. The Executive Services Director shall promote the use of recycled content products and recyclable products to potential vendors to the City by publicizing their availability.

F. The Executive Services Director, through the procedures set forth in SMC Chapter 3.02, is authorized to establish guidelines and/or rules to further the intent of this section and ordinance.

G. All terms, conditions and requirements of this section shall apply equally to the Executive Services Director and any department when it acts to acquire any aspects of public works for the City.

H. These policies are intended to follow guidelines established by the United States Environmental Protection Agency for preferential procurement of recycled content products. (118397 § 36, 1996: Ord. 116726 § 1, 1993: Ord. 116270 § 4(part), 1992.)

### **3.18.906Annual report.**

A. Beginning March 15, 1994, the Executive Services Director shall provide an annual report to the City Council on or before March 15th of each year on the progress of implementation of the Recycled Content Product Program required in Resolution 28556. The Executive Services Director may require periodic reporting by other departments to the Executive Services Department for the purpose of developing this report.

B. The Executive Services Director shall compile records of purchases by departments for inclusion in the annual report. The report shall

include all purchases in excess of One Thousand Dollars (\$1,000.00). At a minimum, the report will include the following components:

1. The percentage of post-consumer and/or secondary waste in any recycled-content products actually purchased;

2. Price information comparing the cost of recycled content products to similar virgin products where applicable;

3. Information identifying the quantity of recycled-content products procured over a fiscal year as well as the percentage of total purchase dollars spent on recycled-content products within a given product category;

4. The availability of recycled content products;

5. The type of performance tests conducted on recycled content products and the nature of test failures, if any;

6. Department experience with the performance of recycled-content products;

7. Recommendations for changes in the Recycled Content Product Procurement Program, including recycled-content standards for additional products;

8. A discussion of potential products or product categories for which recycled content standards might be developed in the future;

9. A comparison of the performance of The City of Seattle's Recycled Content Product Procurement Program with other relevant jurisdictions.

C. Beginning February 1, 1994, each department shall report its actions to comply with the Recycled Content Procurement Program to the Executive Services Director by February 1st of each year.

(Ord. 118397 § 37, 1996: Ord. 116726 § 2, 1993: Ord. 116270 § 4(part), 1992.)

### **3.18.907Reusable products.**

A. City departments shall purchase reusable products including but not limited to office furniture and partitions, removable wall systems, laser printer toner cartridges and retreadable tires. (Ord. 116726 § 3, 1993.)

### **3.18.908Standards for recycled content.**

A. The Executive Services Director shall set or adopt standards that specify the minimum level of recycled materials, whether post-consumer waste



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or secondary waste, necessary to qualify a product as a recycled-content product. The standards shall:

1. Be consistent with the USEPA and Washington State recycled-content standards, unless the Executive Services Director finds that different standards would significantly increase recycled-content product availability or competition. In no case shall these standards be less stringent than USEPA product standards;

2. Place primary emphasis upon the percentage of post-consumer waste content and the recyclability of the product.

B. The recyclability of a material shall be determined by whether or not in-City collection systems are in place to divert the material from City solid waste for use as a raw material in the manufacture of another product or the reuse of the same product. The existence of regional markets and identifiable end uses for a material shall also be taken into consideration when determining the recyclability of a material.

C. The Executive Services Director shall consult with the appropriate departments regarding technical and performance specifications for products in those situations where a department has specific expertise in the use of the product and/or the establishment of the product's performance specifications.

D. By December 1, 1992, as part of the Recycled Content Procurement Plan identified in Resolution 28556, the Executive Services Director or his or her predecessor shall adopt recycled content standards for the following products or product categories:

1. Paper and paper products;
2. Building insulation;
3. Cement with fly ash;
4. Lubricating oils;
5. Latex paint;
6. The following products containing recycled glass: glass-plastic composite (GPC) sewer pipe, terrazzo and ceramic tile;

7. The following products containing recycled plastics: plastic lumber (park benches, picnic tables, piles, caissons, decks, raised walkways, fences and gates, landscape timbers, dimensional lumber and decking materials); traffic products (parking stops, bike racks, speed bumps and wheel chocks); bathroom products (toilet compartments, shower and dressing compartments); carpet and synthetic fiber cushions; and playground equipment.

The Executive Services Director shall adopt specifications for the following products or product categories:

1. Retread tires;
2. Compost; and
3. Glass cullet including utility bedding, backfill, roadbase mix, landfill cover, and wastewater filtrations mediums.

E. The standards and specifications established pursuant to this section shall guide product purchasing by the Executive Services Director and all departments. Under no circumstances shall the standards established pursuant to this section be less stringent than USEPA product standards.

F. Standards established pursuant to this section shall be developed for any additional products for which either Washington State or USEPA recycled-content standards are developed in the future. In addition, the Executive Services Director may, at his or her discretion, adopt content standards for products for which standards have not been established by Washington State or the USEPA.

G. Existing procurement policies and specifications shall be revised to include recycled content products or recyclable products unless a recycled content product or recyclable product does not meet an established performance standard of a department. In such situations, a department must provide the Executive Services Director with satisfactory evidence that, for technical reasons, and for a particular end use, a product containing such materials will not meet reasonable performance standards. Upon submission of evidence satisfactory to the Executive Services Director, a department will be granted a waiver by the Executive Services Director. Such waiver shall not be granted for more than two (2) years without reissuance of a waiver within guidelines established by the Executive Services Director.

(Ord. 118397 § 38, 1996; Ord. 116726 § 4, 1993; Ord. 116270 § 4(part), 1992.)

**3.18.910 Price preference.**

A. The Executive Services Director shall adopt rules for applying a price preference toward the purchase of recycled-content products identified in SMC Section 3.18.908 D. The rules shall be applicable to purchases by the Executive



Services Director and all departments for those products identified in SMC Section 3.18.908 D as well as for other products for which content standards are developed according to SMC Section 3.18.908 F. The rules shall include a maximum price preference of ten percent (10%) of the lowest and best bid or price quoted by suppliers offering products without recycled content for recycled content products (as defined in SMC Section 3.18.902), unless the Executive Services Director determines that a different price preference is warranted based upon factors such as the prevailing market price, product availability, and product quality. The rules shall include a price preference of fifteen percent (15%) of the lowest and best bid or price quoted by suppliers offering products without recycled content, for local recycled-content products (as defined in SMC Section 3.18.902), unless the Executive Services Director determines that a different preference is warranted based upon factors such as the prevailing market price, availability and product quality.

B. A price preference shall be applied only to those bids where a nonrecycled content product is determined to have the lowest and best bid and similar products with recycled content have also responded to the bid. Where the Executive Services Director determines that the purchase of a recycled-content, recyclable or reusable product is practicable as defined in SMC Section 3.18.904, a price preference shall not be applied. Upon determination that the purchase of such a product is practicable, the Executive Services Director shall require that recycled content, recyclability or reusability be required as specifications in any invitations to bid for that product.

C. Prior to the adoption of rules under subsection A of this section, the departments may provide a maximum ten percent (10%) price preference for a product that meets the USEPA product standards.  
(Ord. 118397 § 39, 1996; Ord. 116270 § 4(part), 1992.)

### **3.18.912Requirements for purchase contracts.**

A. The Executive Services Director shall use the standards, procedures, and criteria specified in this chapter in conjunction with other factors as authorized by Charter<sup>1</sup> and ordinance. If a bidder, in response to any invitation to bid, offers to supply the City with one (1) or more recycled-content or recyclable products, the Executive Services Director shall reduce the actual bid

amount for each such product by the applicable price preference developed pursuant to SMC Section 3.18.910. The reduced bid amount for each such product shall be used only for purposes of determining the lowest and best bid. However, nothing in this Subchapter IX shall preclude the Executive Services Director from requiring local recycled content, recycled content or recyclable content as specifications in invitations to bid for any products. The Executive Services Director may adopt specifications requiring that only local recycled-content products, recycled-content products or recyclable-content products be responsive even though the cost of such goods exceeds ten percent (10%) of the price of equivalent products without recycled content.

(Ord. 118397 § 40, 1996; Ord. 116270 § 4(part), 1992.)

1.Editor's Note: The Charter is set out at the front of the Seattle Municipal Code.

### **3.18.914Bid notification.**

A statement regarding the Executive Services Director's or a department's intent to procure recycled-content products or recyclable-content products must be prominently displayed in the procurement solicitation or invitation to bid including:

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A. A statement in each product specification describing the post-consumer waste content or recycled-content preferred; and

B. A statement describing the City's price preference policy for recycled-content products and the manner in which such price preference for recycled-content products shall be applied in evaluating the responses or bids; and

C. A statement that the Executive Services Director or any department which procures a product shall have the right to verify the certification by review of the bidder or manufacturer's records as a condition of the bid award.

(Ord. 118397 § 41, 1996; Ord. 116270 § 4(part), 1992.)

**3.18.916 Vendor certification of recycled material content.**

A. After December 1, 1992, vendors shall certify the percentage of recycled content in products sold to the City, including the percent-

age of post-consumer waste that is in the product. The certification shall be in the form of a label on the product or a statement by the vendor attached to the bid documents.

B. The certification on multicomponent or multimaterial products shall verify the percentage and type of postconsumer waste and recycled content by volume contained in the major constituents in the product.

C. Products which meet certification rules and guidelines adopted by The State of Washington shall be deemed to meet the requirements of this section.

(Ord. 116270 § 4(part), 1992.)

**3.18.918 Rules and regulations for procurement of paper and paper products including the following provisions.**

A. The Executive Services Director and departments shall purchase and/or use only recycled-content paper for all imprinted letterhead, envelope and business card paper, file folders, writing and message tablets, photocopy paper, sanitary papers, packaging papers, and printing papers. In addition, the Executive Services Director and departments shall purchase recycled-content photocopy paper that has not been bleached with a chlorine-based lighting process, including elemental chlorine gas, chlorine dioxide, or hypochlorite when nonchlorinated bleached photocopy paper is readily available and similarly priced.

B. Departments shall publicize the City's use of recycled paper by printing the words "Printed on Recycled Paper" or a recycled content logo on all letterhead, envelope and business card paper and on the title page of all reports printed on recycled paper, or by using recycled paper which is watermarked with the recycled content logo.

(Ord. 118397 § 42, 1996; Ord. 116726 § 5, 1993; Ord. 116270 § 4(part), 1992.)

**3.18.920 Requirements and procedures for designation and procurement of other recycled-content products and recyclable products.**

Any department or vendor may petition the Executive Services Director to qualify a product as a recycled content or recyclable product on a case-by-case and/or product-by-product basis. The department or vendor shall be responsible for providing sufficient evidence to the Executive

Services Director that the product qualifies for the purpose of procuring recycled content or recyclable products.  
(Ord. 118397 § 43, 1996; Ord. 116270 § 4(part), 1992.)

### **3.18.922Capital improvement projects and construction contracts.**

A. The City's preference for the purchase and use of recycled-content products shall be included as a factor in the design and development of City capital improvement projects.

B. Where the Seattle Design Commission is required to review proposals for the design of a project, the Commission shall promote reasonable attempts to include recycled-content products.

C. All City departments shall change their standard specifications to include recycled-content products and materials listed in Subchapter IX of this chapter.  
(Ord. 116726 § 6, 1993; Ord. 116270 § 4(part), 1992.)

### **3.18.924Responsibilities of the Executive Services Director.**

The Executive Services Director is responsible for:

A. Collecting data on purchases (as a percent of total dollars purchased) by departments of recycled-content products and recyclable products on purchase orders;

B. Maintaining a directory of recycled-content products and recyclable products and vendors who carry these products;

C. Disseminating product information to departments, and creating and maintaining a "recycled-content product sample showroom" that would be accessible for all departments and interested general public;

D. Developing and establishing rules, guidelines and specifications necessary to implement and further the intent of this Subchapter IX.  
(Ord. 118397 § 44, 1996; Ord. 116270 § 4(part), 1992.)

### **3.18.926Exemptions.**

Nothing in this Subchapter IX shall be construed as requiring a City department or contractor to procure products that do not perform adequately for their intended end use as specified in Section 3.18.908.  
(Ord. 116270 § 4(part), 1992.)

## **Chapter 3.20 HUMAN SERVICES DEPARTMENT<sup>1</sup>**

### **Sections:**

#### **Subchapter I Department Regulations**

**3.20.010Department created—Purpose.**

**3.20.020Director—Appointment.**

**3.20.030Director—Duties.**

**3.20.040Divisions of the Department.**

#### **Subchapter II Division on Aging and Disability Services**

**3.20.080Division created—Purpose.**

**3.20.090Technical Advisory Committee on Aging—Established—Appointments.**

**3.20.100Committee—Organization and responsibilities.**

**3.20.110Committee—Meetings.**

**3.20.120Director—Created—Duties.**

#### **Subchapter III Poverty Programs**

**3.20.190Mayoral authority.**

**3.20.200Economic Opportunity Board—Membership.**

#### **Subchapter IV P-Patch Program<sup>2</sup>**

#### **Subchapter V Office for Education**

**3.20.300Office created—Purpose.**

**3.20.310Director created—Duties.**

#### **Subchapter VI TDR Bank**

**3.20.320TDR Bank created.**

1.Editor's Note: Section 4 of Ordinance 115448 reads as follows: "Where in any other section of the Code [other than Sections 3.20.010, 3.20.030 and 3.20.040], City Ordinance, rule or regulation the term 'Department of Human Resources' appears, such term shall be deemed to refer to the Department of Human Services."

2.Editor's Note: Section 1 of Ordinance 118546 recodified Section 3.20.210 as 3.35.060. Section 2 of Ordinance 118546 repealed Section 3.20.220. Section 3 of Ordinance 118546 recodified Section 3.20.230 as 3.35.080.

#### **Subchapter I Department Regulations**

**3.20.010Department created—Purpose.**

A. There is created a Human Services Department for the development of comprehensive

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sive human services policies and plans; to act as coordinator and advocate for social needs and concerns of the City's population; and for the administration, coordination, planning and operation of City programs and functions relating to human problems and needs, including without limitation those of persons who are aged, youth, disabled, unemployed and underemployed, homeless, low-income, have special needs or are otherwise disadvantaged.

B. The mission of the Human Services Department is to strengthen the ability of all people in the Seattle metropolitan area to live, learn, work and participate in safe, strong, and caring communities.

C. The Department seeks to enhance the quality of life and promote self-reliance, growth, and development of people. To these ends, the Department will strive to provide resources and services, to remove barriers to meeting human needs, and to improve public policies.

D. The intent of this section is to state generally the mission and activities of the Department. This section shall not be construed to create, establish or designate any particular class or group of persons who will or should be especially protected or benefitted, nor to create any entitlement to any benefits or services.

(Ord. 119273 § 17, 1998: Ord. 116723 § 1, 1993: Ord. 115958 § 12, 1991: Ord. 115448 § 1, 1990: Ord. 104067 § 10, 1974: Ord. 101667 § 1, 1972.)

of January 1, 1973 a person to temporarily act as Director of the Department for a period of sixty days and thereafter for successive sixty (60) day periods with the approval of the City Council.

### 3.20.020 Director—Appointment.

There shall be a Director of the Department to be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and such Director, whose office shall not be included in the classified civil service may be removed by the Mayor upon filing a statement of his reasons therefor with the City Council; provided that no appointment shall be made under the authority of this section except upon the filing by the Civil Service Commission as a permanent record in the office of the City Comptroller, of its recommendation that such office, as a professional or administrative office or position similar to offices and positions designated in Article XVI, Section 11 of the City Charter,<sup>1</sup> should not be included in the classified civil service; provided further that pending appointment of such Director under the authority of this section, the Mayor is authorized to appoint as

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(Ord. 101667 § 2(part), 1972.)

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

### **3.20.030 Director—Duties.**

The Director shall be the head of the Human Services Department, shall be responsible for the administration of the department and shall:

A. Appoint, remove, supervise and control officers and employees in the Human Services Department in accordance with civil service rules and regulations;

B. Develop and manage programs providing the services for which the Human Services Department is responsible;

C. Manage the preparation of the proposed annual budget of the Human Services Department, authorize necessary expenditures and enter into contracts for professional and expert services in accordance with the annual budget; develop and manage programs, and supervise development and maintenance of adequate managerial and accounting systems and procedures;

D. Execute, administer, modify and enforce such agreements and instruments as he or she shall deem reasonably necessary to implement programs consistent with all applicable laws and ordinances, as he or she shall deem appropriate for carrying out the responsibilities, functions, and activities of the Department; apply for grants and donations for departmental programs; and solicit and use volunteer services;

E. Promulgate rules and regulations to carry out departmental activities pursuant to the Administrative Code, SMC Chapter 3.02; and

F. Have such other and further powers and duties as shall be prescribed by ordinance.

(Ord. 119273 § 18, 1998; Ord. 115958 § 13, 1991; Ord. 115448 § 2, 1990; Ord. 11534 § 3, 1990; Ord. 113750 § 3, 1987; Ord. 101667 § 2(part), 1972.)

### **3.20.040 Divisions of the Department.**

In implementation of the functions contemplated in Section 3.20.010, the Division on Aging and Disability Services, the Community Services Division, the Division of Family and Youth Services, and the Program Support Division are established as divisions of the Human Services Department.

(Ord. 119273 § 19, 1998; Ord. 118906 § 1, 1998; Ord. 115958 § 14, 1991; Ord. 115448 § 3, 1990; Ord. 101667 § 3, 1972.)

## **Subchapter II Division on Aging and Disability Services**

### **3.20.080 Division created—Purpose.**

There is created in the Human Services Department a Division on Aging and Disability Services to coordinate City programs directed to or affecting adults with disabilities and the aging; to provide short-term planning and programming related to meeting problems of adults with disabilities and the aging; to assist the Mayor in development of broad policies focusing on such problems; to provide liaison with public and private agencies and groups serving or interested in the aging; to provide staff support to the Technical Advisory Committee on Aging; and to seek and encourage additional funding sources for programs serving adults with disabilities and the aging.

(Ord. 119273 § 20, 1998; Ord. 118906 § 2, 1998; Ord. 115958 § 15, 1991; Ord. 99901 § 1, 1971.)

### **3.20.090 Technical Advisory Committee on Aging—Established—Appointments.**

A. There is established a Technical Advisory Committee on Aging to be composed of fifteen (15) members appointed by the Mayor subject to confirmation by a majority vote of all members of the City Council from among persons who individually or as representative of a public or private agency or group have demonstrated concern with problems of the aging.

B. Each member so appointed shall serve for a term of three (3) years; provided that of the first members so appointed, five (5) shall be appointed for a term ending May 1, 1972, five (5) shall be appointed for a term ending May 1, 1973, and five (5) shall be appointed for a term ending May 1, 1974; provided, further, that no person shall be appointed to more than two (2) consecutive three (3) year terms; and provided further that any vacancy shall be filled for the unexpired term in the same manner as original appointments.

(Ord. 99901 § 2(part), 1971.)

### 3.20.090 ADMINISTRATION

#### **3.20.100Committee—Organization and responsibilities.**

The Committee shall organize, elect officers, and adopt such rules and administrative procedures consistent with the City Charter<sup>1</sup> and this subchapter as are necessary for the conduct of its affairs and performance of its functions and responsibilities which shall be to act in an advisory capacity to the Mayor, City Council and Division on Aging and Disability Services in respect to matters concerning the development of efforts and programs within the community to serve and assist adults with disabilities and aging persons in the City.

(Ord. 118906 § 3, 1998; Ord. 99901 § 2(part), 1971.)

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

#### **3.20.110Committee—Meetings.**

The Committee shall meet at least once each month at such time and place as the Chairman thereof shall designate, and all meetings shall be open to the public for presentation of, or proposed solutions to, specific problems concerning or relating to the aging.

(Ord. 99901 § 2(part), 1971.)

#### **3.20.120Director—Created—Duties.**

There is created in the Human Services Department the position of Director of the Division on Aging and Disability Services to be appointed by the Mayor subject to confirmation by a majority vote of all members of the City Council, and such Director, whose office shall not be included in the classified civil service, may be removed by the Mayor upon filing a statement of his reasons therefor with the City Council. The Director shall be responsible under the direction of the Mayor for the administration of the Division on Aging and Disability Services, and shall annually prepare and furnish to the Mayor, City Council, Advisory Committee on Aging, departments of the City and appropriate community organizations a plan for the activities of the Division and recommendations for further action.

(Ord. 119273 § 21, 1998; Ord. 118906 § 4, 1998; Ord. 115958 § 16, 1991; Ord. 99901 § 3, 1971.)

#### **3.20.190Mayoral authority.**

A. The Mayor is authorized to prepare a comprehensive community action program for the mobilization and utilization of public and private resources to provide services, assistance and other activities of sufficient scope and size to give promise of progress toward elimination of poverty or a cause or causes of poverty through developing employment opportunities, improving human performance, motivation and productivity, or bettering the conditions under which people live, learn and work and which will be developed, conducted and administered with the maximum feasible participation of residents of the City and members of the groups served; to conduct research and studies for the preparation of such community action program and for the continued evaluation of that program and component parts thereof while in operation, and to enter into contracts for such research and studies with funds available therefor; to receive, approve and review from time to time proposals from others for component parts of the community action program and such other proposals as may be submitted pursuant to the Economic Opportunity Act of 1964 (Public Law 88-452) or the regulations adopted thereunder or contracts made pursuant thereto, and to submit such proposals to the federal office of Economic Opportunity or such other agency as may be required; to enter into such contracts on behalf of the City as may be authorized by ordinance with the United States or any of its agencies, the state or any of its agencies, any local governmental unit, or any private nonprofit group, organization or corporation to receive and disburse moneys for the purpose of coordinating and carrying out the community action program or component parts thereof; and, to conduct, administer or operate or contract to conduct, administer or operate such component parts of the community action program or other programs under the Economic Opportunity Act of 1964 as may be authorized by ordinance.

### **Subchapter III Poverty Programs**

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B. The full joint participation by King County is necessary and desirable to accomplish the objectives of the Economic Opportunity Act of 1964 and the Mayor is further authorized to take such action as he may deem necessary to assure such participation.

(Ord. 109560 § 10(part), 1980: Ord. 93562 § 1; 1965.)<sup>1</sup>

1.Editor's Note: Sections 3.22.130 and 3.22.140 were renumbered to 3.20.190 and 3.20.200 by Ordinance 109560.

### **3.20.200Economic Opportunity**

#### **Board—Membership.**

To assist the Mayor in carrying out the duties contemplated by Section 3.20.190, there is established the Seattle-King County Economic Opportunity Board composed of twenty-four (24) members, including the Mayor of Seattle, Chairman of the Board of King County Commissioners, Chairman of the Seattle-King County Youth Commission, President of the King County Labor Council, President of the Seattle Chamber of Commerce, President of the Seattle-King County United Good Neighbors, and Superintendent of Seattle School District No. 1. The remaining seventeen (17) members shall be appointed for two (2) year terms jointly by the Mayor and the Chairman of the Board of King County Commissioners as provided in King County Resolution 28973, shall include the Seattle City Councilman, an elected official of a city or town in King County other than Seattle, a member of a rural or agricultural organization located in King County, the president of one (1) of the institutions of higher learning located in King County, a superintendent of another school district in King County, and twelve (12) other members representative of geographical areas and/or population groups directly knowledgeable and concerned with the social, economic and institutional causes and consequences of poverty. The Board shall elect a chairman and other officers and adopt such rules of procedure as are necessary to accomplish its purposes.

(Ord. 109560 § 10(part), 1980: Ord. 93562 § 2, 1965.)<sup>1</sup>

1.Editor's Note: Sections 3.22.130 and 3.22.140 were renumbered to 3.20.190 and 3.20.200 by Ordinance 109560.

### **Subchapter IV P-Patch Program<sup>1</sup>**

1.Editor's Note: Section 1 of Ordinance 118546 recodified Section 3.20.210 as 3.35.060. Section 2 of Ordinance 118546 repealed Section 3.20.220. Section 3 of Ordinance 118546 recodified Section 3.20.230 as 3.35.080.

### **Subchapter V Office for Education**

#### **3.20.300Office created—Purpose.**

There shall be within the Strategic Planning Office an Office for Education. This Office shall facilitate the City's support for the educational and developmental needs of students in Seattle's public schools and their families. The Office is responsible for leadership, direction, policy development, interdepartmental and interagency communication and coordination regarding:

A. Families and Education Levy. The Office shall:

1. Perform the strategic planning necessary to establish a policy framework for the City's involvement in education and school-related initiatives, including the Families and Education Levy;
2. Provide staffing and logistical support to the Levy Oversight Committee and interdepartmental teams;
3. Negotiate a levy interlocal agreement between the City and the Seattle School District; and
4. Develop and oversee interagency and interdepartmental collaborative planning, implementation, and evaluation of Families and Education Levy funded programs.

B. Ongoing City Education Programs and Policies. The Office shall:

1. Act as a liaison between the City and the Seattle School District on all education issues of joint concern, including, but not limited to, Families and Education Levy implementation;
2. Develop and facilitate City interdepartmental collaboration to assure City-funded programs within Seattle public schools are operating efficiently and effectively;
3. Work cooperatively with the Seattle School District to develop new educational support resources and ensure coordinated linkage, as appropriate, with community-based services; and
4. Act as a liaison with other education agencies in the region to promote a coordinated response to education-related issues.



### 3.20.300 ADMINISTRATION

(Ord. 118912 § 11, 1998; Ord. 115498 § 1(part), 1991.)

#### **3.20.310 Director created—Duties.**

There shall be a Director for Education who shall be appointed by the Director of the Strategic Planning Office. The Director for Education shall be responsible, under the direction of the Mayor and the Director of the Strategic Planning Office, for the administration of the Office for Education. (Ord. 118912 § 12, 1998; Ord. 115498 § 1(part), 1991.)

### **Subchapter VI TDR Bank**

#### **3.20.320 TDR Bank created.**

A. Transferable development rights ("TDR") from landmark performing arts theaters as defined in Section 23.49.033 shall be eligible for purchase and sale by the City's TDR Bank established under Ordinance No. 114029, to the same extent as TDRs from low income housing or low and low-moderate income housing, subject to the provisions of this section.

B. Subsidy review shall be a precondition to any purchase of TDR by the TDR Bank, whether or not other subsidies are involved. The price paid by the City shall not exceed the lesser of the financing gap as determined by the subsidy review process or the reduction in value of the property resulting from the transfer of TDRs and the burdens imposed, including both use restrictions and affirmative covenants regarding the preservation of the property, as a condition of the transfer.

C. As an alternative to purchases, the TDR Bank may lease and/or option TDRs from landmark performing arts theaters. In addition, the TDR Bank may purchase fewer than all development rights and may accept a commitment for preservation of a landmark performing arts theater for less than forty (40) years, but no less than ten (10) years, in order to permit commencement of a phased rehabilitation program.

D. In the event of a lease, option, or limited term commitment as described in subsection C above, controls imposed on the landmark performing arts theater under Chapter 25.12 shall not lapse automatically upon expiration of the relevant period, but the owner shall then have the

right to petition for removal of controls on the same basis as other landmark owners.

E. The Office of Housing is authorized to negotiate purchases, leases and/or options of TDRs from landmark performing arts theaters, subject to Council approval by ordinance and appropriation of funds. Priority consideration shall be given to TDRs from landmark performing arts theaters with low-income housing that is to be preserved as part of the rehabilitation under a binding commitment from the owner and all others with interests in the property. Landmark performing arts theaters with housing shall not be eligible for TDR bank purchases if any on-site low or low-to-moderate housing is to be eliminated, unless the owner enters into a voluntary agreement satisfactory to the Director of Housing that guarantees replacement of any low-income housing with low-income housing, and any low-to-moderate income housing with low-to-moderate income housing, that will remain affordable to low- or low-to-moderate income tenants, as the case may be, or contributes an amount equal to the cost to replace such low- or low-to-moderate income housing with housing affordable to low- or low-to-moderate income tenants, as the case may be, in addition to any agreement or contribution made in order to qualify for housing bonus.

(Ord. 119484 § 1, 1999; Ord. 119273 § 25, 1998; Ord. 117263 § 75, 1994; Ord. 116513 § 21, 1993.)

### **Chapter 3.22**

#### **DEPARTMENT OF INFORMATION TECHNOLOGY**

##### **Sections:**

##### **3.22.010 Department created—Powers.**

##### **3.22.020 Director—Appointment and removal.**

##### **3.22.030 Director—Duties.**

##### **3.22.040 Acquisition of technology resources.**

##### **3.22.010 Department created—Powers.**

There is established a Department of Information Technology for managing the City's information technology resources, which shall include City-wide telecommunications, data communications and the physical infrastructure that supports



it, including the City's telephone system, radio system, and fiber optic network; City-wide application infrastructure, centralized computer operations, data, and telecommunication help desk services; and interactive media services including cable franchises, the Public Access Network, City-sponsored television channel operations, and central video services.

(Ord. 119504 § 9 (part), 1999.)

### **3.22.020 Director—Appointment and removal.**

There shall be a Chief Technology Officer to be appointed by the Mayor and confirmed by a majority of the City Council. The Mayor, at any time, may remove the Chief Technology Officer upon filing a statement of reason therefor with the City Council.

(Ord. 119504 § 9 (part), 1999.)

### **3.22.030 Director—Duties.**

The Chief Technology Officer shall be the head of the Department of Information Technology, shall be responsible for the administration of the Department, and shall:

A. Appoint, remove, supervise and control officers and employees in the Department of Information Technology in accordance With Civil Service Rules and regulations;

B. Prepare and update annually a strategic information technology planning agenda for the City;

C. Develop, promulgate and implement City-wide policies and standards governing the acquisition, management, and disposition of information technology resources;

D. Develop policies and standards for the management, maintenance and operation of City information technology resources;

E. Develop and oversee an information technology training program for the City;

F. Develop priorities and guidelines to assist City departments in preparing their annual operating and capital information technology budgets;

G. Review City department budget submittals to ensure that information technology budget priorities and guidelines are appropriately addressed in proposed budget allocations, and that all proposed uses of technology resources are consistent with the City's policies and standards;

H. Make recommendations to the Mayor and City Council on changes to department information technology budget submittals for consistency

with the City's policies, standards, and technology agenda;

I. Determine the most effective ways of providing information technology resources, including services and the management thereof, using City or contracted sources, to City departments;

J. Establish and regularly update an information technology architecture for the City;

K. Manage the preparation of the proposed annual budget of the Department of Information Technology, authorize necessary expenditures and enter into contracts for professional and expert services in accordance with the annual budget; develop and manage programs, and supervise development and maintenance of adequate managerial and accounting systems and procedures;

L. Execute, administer, modify and enforce such agreements and instruments as he or she shall deem reasonably necessary to implement programs consistent with all applicable laws and ordinances, as he or she shall deem appropriate for carrying out the responsibilities, functions, and activities of the Department; apply for grants and donations for departmental programs; and solicit and use volunteer services;

M. Create, lead, and facilitate one (1) or more advisory groups designed to provide customer and professional recommendations on City-wide information technology issues, including the operations of the Department of Information Technology, budget allocation, policies and standards for the acquisition, management, and disposition of information technology assets, and the most effective ways of providing information technology resources to support the missions of City departments; and

N. Promulgate rules and regulations to carry out departmental activities pursuant to the Administrative Code, SMC Chapter 3.02.

(Ord. 119504 § 9 (part), 1999.)

### **3.22.040 Acquisition of technology resources.**

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No City officer or employee shall acquire, through purchase, lease, or any form of contract, any information technology resources for the City except through, or in accordance with, policies, guidelines, standards, and procedures established by the Chief Technology Officer.  
(Ord. 119504 § 9 (part), 1999.)

**Chapter 3.24**  
**EXECUTIVE SERVICES DEPARTMENT**

**Sections:**

**3.24.010 Department created—Powers.**

**3.24.020 Director—Appointment and removal.**

**3.24.030 Divisions—Managers.**

**3.24.040 Director—Functions, powers, and duties.**

**3.24.070 Director's right to subpoena witnesses and take testimony.**

**3.24.300 Asset management—Real property.**

**3.24.401 Budget format—Neighborhood district expenditures.**

**3.24.402 Budget Director on Auditing Committee.**

**3.24.010 Department created—Powers.**

There is established an Executive Services Department for managing municipal property, the City's motor pool and vehicular fleet, its information technology resources; providing office services, storage, and printing and duplicating; administering the City's public works contracting processes and executing contracts for public works projects; administering the contracting processes of and executing and managing contracts for all supplies, material, equipment and services (other than expert and consultant services) required by City agencies, and the disposition of property, equipment, supplies, and material other than art works that are surplus to the City's needs; administering and enforcing laws and City ordinances relating to contract compliance, information technology including communications, weights, measures, consumer protection, animal control, and licensing for regulation and/or revenue unless law or ordinance vests such power elsewhere; exercising, through its Finance Division, general supervision over the financial affairs of the City; administering the City's personnel system; directing City budgeting, revenue

forecasting, and economic analysis activities; and performing other functions assigned by ordinance. The head of the Executive Services Department shall be the Executive Services Director.  
(Ord. 118912 § 13, 1998; Ord. 118833 § 2, 1997; Ord. 118397 § 8(part), 1996.)

**3.24.020 Director—Appointment and removal.**

The Executive Services Director shall be appointed by the Mayor and confirmed by a majority of the City Council. The Mayor, at any time, may remove the Executive Services Director upon filing a statement of reasons therefor with the City Council. The Executive Services Director may also serve as the director of one of the divisions or units within the Executive Services Department, but in that event shall receive only the higher of the salaries for the two positions.  
(Ord. 118397 § 8(part), 1996.)

**3.24.030 Divisions—Managers.**

A. The Executive Services Department shall consist of the following divisions, and such other divisions and units as may be created from time to time by the Executive Services Director or by ordinance: the Finance Division, managed by the Finance Director, the Personnel Division, managed by the Personnel Director, and the City Budget Division.

B. The Finance Director shall be appointed by the Mayor, subject to confirmation by a majority of the City Council, and may be removed by the Mayor upon filing a statement of his or her reasons therefor with the City Council. The Finance Director shall, under the director of the Executive Services Director, exercise general supervision over the financial affairs of the City as provided by Chapter 3.38 and other ordinances, and shall have the power to promulgate rules and regulations in accordance with the City's Administrative Code (Chapter 3.02) as deemed necessary and proper to carry out this function.

C. The Personnel Director 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 Personnel Director shall, under the direction of the Executive Services Director, administer the personnel system, and shall have those duties as are set forth in Chapter 4.04.

D. The director of the City Budget Division shall be appointed by and serve at the pleasure of the Executive Services Director.

E. The Executive Services Director shall carry out the functions of the Executive Services Department through its divisions and units.  
(Ord. 118912 § 14, 1998; Ord. 118397 § 8(part), 1996.)

### **3.24.040 Director—Functions, powers, and duties.**

The Executive Services Director shall manage the Executive Services Department and shall have the following powers and perform the following functions:

A. Subject to the City's personnel ordinances and rules, appoint, assign, supervise and control all officers and employees in the Department, except that the appointment and removal of the Finance Director and the Personnel Director shall be as provided by Section 3.24.030;

B. Promulgate rules and regulations in accordance with the City's Administrative Code (Chapter 3.02, as it may be amended or succeeded) as deemed necessary and proper;

C. Consistent with this title and as otherwise authorized by ordinance, administer the contracting processes and execute contracts (including agreements for public works projects, purchasing supplies, materials, equipment and services, expert and consultant services and for insurance) for and on behalf of the City, and interdepartmental agreements on behalf of the Executive Services Department; solicit offers or proposals; and administer and enforce agreements made;

D. Manage the preparation of the annual budget for the Department (including budgeting for

general obligation debt service) under guidance from the Budget Director, authorize appropriate expenditures and carry out the adopted budget, develop and manage programs, and undertake authorized activities;

E. Strategically manage the City's real estate portfolio, excluding those properties outside of Seattle, those used for power or water distribution or for drainage or wastewater purposes, those under the jurisdiction of the Seattle Center Department, those leased for the City by the Director of Neighborhoods pursuant to SMC Section 3.35.080 for use as a P-Patch community garden or another similar open space purpose, and those properties for which the City Charter or state law requires management by another department. Strategic management includes planning and development, acquisition, disposal, analysis, development of policy and procedures, and general administration;

F. Develop, promulgate, and implement City-wide printing, photocopy, and graphic services and determine the most effective ways to provide those services using City or contracted services;

G. Establish a system of prices and rates and charge City departments for goods and services furnished by the Executive Services Department and the use of City facilities and equipment;

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H. Assign space in municipal buildings to City departments and agencies;

I. Establish rates of fees to be charged for parking privately owned vehicles of City officers, employees, agents and other persons on City premises and implement policies and procedures to administer a City facility parking program consistently with policy developed by the City Council. The Director shall establish a payroll check-off or deduction system to facilitate the collection of parking fees from City officers and employees authorized to park privately owned vehicles on City premises. The revenues generated from such parking fees shall be deposited in the General Fund and the cost of administering the program shall be provided in the annual budget of the Department;

J. Negotiate, execute, and administer agreement(s) for the furnishing or delivery (or both) of natural gas or any alternative form of energy to or for a Seattle Center facility including but not limited to the Parking Garage and Monorail System; provided, that all such activity shall be at the cost of the Seattle Center Department, which shall reimburse the Executive Services Department's direct costs therefor upon the Director's invoice;

K. Perform functions similar to those identified in this chapter for other public agencies and charge those agencies for goods and services furnished. Prices and rates for goods and services and rents for use of property when feasible may include allowances for administrative and other indirect costs and accumulating reserves;

L. Be the Budget Director and prepare the Mayor's proposed budgets and revenue estimates for submission to the Council, giving guidance as appropriate to other City departments, offices, boards, and commissions in the preparation of their proposed budgets;

M. Participate in financial planning and policy development;

N. Provide coordination and oversight of the City's grants management;

O. Provide strategic financial analysis, including debt management, economic and revenue forecasting, and special analyses of trends and events;

P. Oversee the City's risk management, advise on the City's insurance needs, and secure official and fidelity bonds for City purposes;

Q. Administer and enforce City ordinances relating to weights and measures, consumer protection, animal control, and licenses issued for regulatory and/or revenue purposes unless such power is vested elsewhere by ordinance;

R. Issue, deny, suspend, and revoke licenses for regulatory and/or revenue purposes according to law;

S. In the administration of public works contracting processes, require that all public works activities and contracts for public works projects are developed and carried out in a manner consistent with applicable state law and City ordinances. In case of an emergency requiring public works contracts, the Executive Services Director or his/her designee(s) is authorized to declare the existence of an emergency situation, waive competitive bidding requirements, and award public works contracts necessary to address the emergency;

T. Manage contracts for public works projects in ESD's capital improvement program, the purchasing of supplies, materials, equipment and services, expert and consultant services, and insurance;

U. Delegate any or all of the powers granted in Section 3.24.040 C and in Section 3.24.040 R to other departments, including but not limited to the authority to execute and/or administer classes of, individual, or portions of contracts, at his or her discretion or as otherwise authorized by ordinance;

V. Perform other functions and execute such other powers as may be prescribed by ordinance; and

W. Perform other activities necessary or proper for accomplishing the foregoing tasks.

(Ord. 119280 § 1, 1998; Ord. 119091 § 3, 1998; Ord. 118912 § 15, 1998; Ord. 118833 § 3, 1997; Ord. 118397 § 8(part), 1996.)

### **3.24.070 Director's right to subpoena witnesses and take testimony.**

A. In the performance of his or her duties in connection with Chapter 21.60, 20.44, 20.46 and 20.46A, the Executive Services Director shall have the authority to sign and issue subpoenas requiring the attendance of witnesses, the production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the person subpoenaed, or access to evidence for the purpose



of examination and copying. The Executive Services Director shall also have the authority to conduct discovery procedures, including but not limited to the issuance of interrogatories and taking of depositions.

B. In case of refusal to obey a subpoena or other process or discovery issued to any person, the Executive Services Director may invoke the aid of the City Attorney who may apply to the appropriate court for an order or other court action necessary to secure enforcement of the subpoena. (Ord. 118397 § 9, 1996; Ord. 117407 § 6, 1994.)

### **3.24.300 Asset management—Real property.**

A. The Executive Services Director shall be responsible for centrally managing City-owned properties with the exception of those properties outside of Seattle, those properties used for power or water distribution or for drainage or wastewater purposes, those properties under the jurisdiction of the Seattle Center Department, those properties leased for the City by the Director of Neighborhoods pursuant to SMC Section 3.35.080 for use as a P-Patch community garden or another similar open space purpose, and those properties for which the City Charter<sup>1</sup> or state law requires control by another department; and for providing City-wide planning and leadership to ensure the most effective use of the City's real property resources and compliance with City objectives and goals. Whether or not real property is centrally managed by the Executive Services Department, the acquisition, reuse or disposal of real property or any interest therein is subject to policies adopted by the City Council and rules adopted by the Executive Services Director pursuant to SMC Ch. 3.02.

B. For those City-owned properties that are to be centrally managed by the Executive Services Department pursuant to the authority granted in SMC Section 3.24.300 A, only the Executive Services Director, pursuant to and consistent with the authority granted in SMC Section 3.18.160, may grant a leasehold interest in such City-owned real property, unless:

1. The City's legislative authority has adopted a specific ordinance approving the leasing of a specific property and authorizing another department or official to negotiate and grant a leasehold interest on behalf of the City; or

2. A City department or official obtains the written approval of the Executive Services Di-

rector for such action, and the terms of the proposed lease are consistent with the restrictions contained in SMC Section 3.18.160.

C. Except for property to be used for power or water distribution or for drainage or wastewater purposes, those properties under the jurisdiction of the Seattle Center Department,

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**Seattle Municipal Code**  
**July, 2000 code update file**  
**Text provided for historic reference only.**

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this source file.

property leased for the City by the Director of Neighborhoods pursuant to SMC Section 3.35.080 for use as a P-Patch community garden or another similar open space purpose, and property for which the City Charter<sup>1</sup> or state law requires control by a department other than the Executive Services Department after acquisition, only the Executive Services Director, pursuant to the authority granted under SMC Section 3.18.200, may acquire a leasehold interest in any real property on behalf of the City unless:

1. The City's legislative authority has adopted a specific ordinance approving the leasing of a specific property and authorizing another department or official to negotiate and acquire a leasehold interest on behalf of the City; or

2. A City department or official receives the written approval of the Executive Services Director for such action, and the terms of the proposed lease are consistent with the restrictions contained in SMC Section 3.18.200.

D. The Executive Services Director may, consistent with the Director's leasing authority under SMC Sections 3.18.160 and 3.18.200, by rule adopted pursuant to SMC Ch. 3.02, grant blanket approval for departments or officials designated by him or her to enter into certain specified types of leases, so long as the lease is of the type described in the rule and the lease terms are substantially in the form of the form lease approved by the rule. Execution of any lease not in the form approved by rule shall be contingent on approval by the Executive Services Director after consultation with the City Attorney regarding the differences between the form of the lease proposed for execution and the form approved by the rule.

E. Any lease entered into in violation of this section is voidable at the City's option unless and until ratified by ordinance or, if the violation of this section is merely a failure to obtain the approval of the Executive Services Director, if approved in writing by the Executive Services Director.

F. Nothing in this section shall adversely affect the validity of any lease entered into prior to the effective date of this section, nor limit the authority of any City department to acquire a leasehold interest, or property subject to a lease, by foreclosure under a judgment or security interest or by deed in lieu thereof.

(Ord. 119091 § 4, 1998; Ord. 118397 § 8(part), 1996.)

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

3.24.402 ADMINISTRATION

**3.24.401 Budget format—Neighborhood district expenditures.**

The Budget Director is authorized and directed to provide City budget information in a format which segregates expenditures for block grant, capital and general budgets by neighborhood districts and to the extent practical, by neighborhoods, as provided in the Neighborhood Planning and Assistance Program approved by Resolution 27709.  
(Ord. 118912 § 19, 1998: Ord. 113750 § 2, 1987.)

**3.24.402 Budget Director on Auditing Committee.**

The Budget Director shall be a member of and Secretary to the Auditing Committee established by Article VIII, Section 13 of the City Charter,<sup>1</sup> in place of the City Comptroller.  
(Ord. 118912 § 20, 1998: Ord. 116368 § 37, 1992.)

1.Editor's Note: The City Charter is set out at the front of this Code.

**Chapter 3.26  
PARKS AND RECREATION  
DEPARTMENT<sup>1</sup>**

**Sections:**

**3.26.010 Board of Park**

**Commissioners—Membership.**

**3.26.020 Board—Adoption of rules.**

**3.26.030 Board—Duties.**

**3.26.040 Superintendent—Duties—Park and recreation system.**

**3.26.041 Superintendent—Other duties—Sand Point.**

Statutory Reference: For Charter provisions on the Department of Parks, see Charter Art. XI.

1.Cross-reference:

Associated Recreation Council Ch. 18.04

Community Advisory Council Ch. 18.04

**3.26.010 Board of Park Commissioners—Membership.**

The Board of Park Commissioners shall consist of seven (7) members to be appointed by the Mayor subject to confirmation by a majority of the City Council. Original appointees to the Board shall serve terms of two (2) for one (1) year ending December 31, 1968, two (2) for two (2) years

ending December 31, 1969, and three (3) for three (3) years ending December 31, 1970, respectively. Thereafter all appointments shall be for three (3) year terms ending on December 31st of the third year of such term, provided that any vacancy shall be filled for the unexpired term in the same manner as original appointments. The Mayor shall annually appoint, subject to confirmation by the

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City Council, one (1) member of the Board to serve as Chairman for a term of one (1) year, beginning on January 1st.  
(Ord. 96453 § 1(part), 1968.)

**3.26.020 Board—Adoption of rules.**

The Board shall meet not less than twice each month at a time and place set by the Board and shall adopt such rules and administrative procedures consistent with the City Charter<sup>1</sup> and this chapter as are necessary to accomplish the duties prescribed in Section 3.26.030.  
(Ord. 96453 § 1(part), 1968.)

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

**3.26.030 Board—Duties.**

The Board shall 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 and in furtherance thereof shall have the following specific responsibilities:

A. To consult with and make recommendations to the Superintendent of Parks and Recreation and other City departments and officials with regard to the development and amendment from time to time of the City's parks and recreation comprehensive plan and capital improvement program;

B. To consult with and make recommendations to the Superintendent of Parks and Recreation regarding policies for the planning, development and implementation of policy concerning the City's recreation program;

D. To consult with the Superintendent of Parks and Recreation on matters pertaining to the proposed annual budget of the Park and Recreation Department during the period of its preparation and from time to time thereafter;

E. To hold public meetings from time to time in various parts of the City for the purpose of reviewing park and recreation programs and objectives with citizen groups and the community at large. A major objective of the Board shall be to develop public interest in the activities of the Park and Recreation Department and to solicit, to the fullest extent, participation of community groups, the general public, and public and private agencies;

G. Manage the preparation of the proposed annual budget of the Parks and Recreation Department;

F. To make recommendations on the acceptance of gifts and bequests to the City's Park and Recreation System;

G. To meet from time to time with local, regional, and national park and recreation agencies and, when possible, attend park and recreation meetings and seminars in order to keep informed of new trends in policy, programs and park facilities' development.  
(Ord. 96453 § 2, 1968.)

**3.26.040 Superintendent—Duties—Park and recreation system.**

The Superintendent of Parks and Recreation shall have responsibility for the management and control of the park and recreation system of the City and shall:

A. Direct the planning, design, construction, improvement and maintenance of all parks and recreation areas and facilities;

B. Develop and administer broad and varied programs of public recreation activities;

C. Develop, in cooperation with other City departments and officials, policies relating to the City's parks and recreation comprehensive plan and capital improvement program;

D. Support and encourage the Board of Park Commissioners in its efforts to assess and interpret the City's recreational and parks needs;

E. Administer all ordinances pertaining to the Parks and Recreation Department;

F. Appoint, remove, supervise and control officers and employees in the Department of Parks and Recreation in accordance with civil service rules and regulations;

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ment, authorize necessary expenditures, and supervise the maintenance of adequate accounting systems and procedures;

H. Supervise all public works construction contracts, service contracts, leases, and permits pertaining to the parks and recreation system, in accordance with City ordinances and rules adopted from time to time;

I. Enter into and administer such concession contracts as are authorized by ordinance;

J. Provide staff support for and consult regularly with the Board of Park Commissioners to keep the Board informed of the activities of the Park and Recreation Department, and for such purpose attend, either in person or by designated representative, all regular meetings of the Board of Park Commissioners;

K. Meet with community groups and individuals to determine park and recreation program needs, facility requirements, and other improvements;

L. Make rules and regulations not inconsistent with the City Charter<sup>1</sup> and the provisions of this chapter and other City ordinances for the management, control and use of the park and recreation system of the City, a copy of which rules and regulations shall be filed and be available for public examination in the office of the City Clerk;

M. Prepare and recommend a schedule of fees for the use of park and recreation facilities, which schedule, when approved by the City Council by ordinance, shall govern the amount of the fee to be collected as a condition to the use of such facilities.

(Ord. 119299 § 11, 1998; Ord. 117242 § 3, 1994; Ord. 116368 § 42, 1992; Ord. 96453 § 3, 1968.)

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

**3.26.041Superintendent—Other duties—Sand Point.**

A. The Superintendent of Parks and Recreation shall have the power to maintain and manage the City's Sand Point properties that are not within the park and recreation system of the City, except to the extent that responsibility for specific functions regarding portions of these properties is allocated exclusively to another department by ordinance. The authority conferred on the Superintendent of Parks and Recreation by this system includes contracting with other city de-

partments, adjacent property owners, or occupants of Sand Point to perform property maintenance and management; making rules for the use of the City's Sand Point properties that are not within the City's park and recreation system; and supervising public works construction contracts, service contracts, and permits if the work to be performed pursuant to such contracts or permits shall occur on or require coordination with the City's Sand Point properties that are not within the City's park and recreation system.

B. As to the City's Sand Point properties within the park and recreation system, in addition to the authority conferred upon the Superintendent of Parks and Recreation by SMC Section 3.26.040 and consistent with the Superintendent's Charter-based authority to manage and control the park and recreation system of the City, the Superintendent is authorized to grant revocable licenses or permits for temporary uses or activities at said properties and to negotiate and enter into such concession or other agreements as are consistent with the terms of the conveyance of such properties to the City. The authority in this subsection is limited as follows:

1. The Superintendent shall use the existing standard Parks Department form concession agreements or, with prior consultation with the City Attorney regarding the differences between the standard and any nonstandard form, such nonstandard form concession agreement as the Superintendent may deem appropriate; and

2. The total term of any concession agreement shall not exceed five (5) years in duration; provided, however, that this limitation shall not restrict the authority of the Superintendent to negotiate and to enter into new concession agreements for the same property with the same occupant upon terms and conditions different from any earlier concession agreement pertaining to such property; and

3. The consideration to be paid to the City for the concession agreement shall be in the form of legal tender of the United States of America or services rendered to or for the benefit of the City, or a combination thereof, in such amounts or value as shall be reasonable under the circumstances considering the negotiated terms of the occupancy or use, condition of the premises, and current rental rates for similar property in the vicinity.

(Ord. 119299 § 12, 1998.)

## **Chapter 3.28 POLICE DEPARTMENT**

### **Sections:**

#### **Subchapter I Police Department Regulations<sup>1</sup>**

- 3.28.005Definitions.**
- 3.28.010Disposition of unclaimed property.**
- 3.28.030Authority to kill dog which has bitten a person.**
- 3.28.040Duty to report defective or dangerous buildings or public places.**
- 3.28.050Unlawful representation as Police Officer.**
- 3.28.060Violation of Sections 3.28.010 through 3.28.050.**
- 3.28.070Fees for certain records and services.**
- 3.28.080Reports and services to be furnished under direction of Chief.**
- 3.28.090Modification of fee schedule.**
- 3.28.100Transfer of parking meter regulations.**
- 3.28.110Firearms—Purpose of provisions.**
- 3.28.115Firearms—Discharge authorized when.**
- 3.28.120Firearms—Chief may establish rules.**
- 3.28.125Firearms—Penalty for violation.**

Severability: If any provision of Sections 3.28.110 through 3.28.125, or their application to any person or circumstances is held invalid, the remainder of Sections 3.28.110 through 3.28.125, or the application of the terms and provisions to other persons or circumstances is not affected.

(Ord. 109019 § 5, 1980.)

Statutory Reference: For Charter provisions on the Police Department, see Charter Art. VI.

1. Cross-reference: For provisions regarding collection of information for law enforcement purposes, see Chapter 14.12 of this Code; for provisions on unauthorized use of police badges, see Chapter 12A.58.

- #### **Subchapter II Special Police**
- 3.28.150Commission—Issuance conditions.**
  - 3.28.160Eligibility.**
  - 3.28.170Application—Information required.**

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- 3.28.180Application—Fee.**
- 3.28.190Identification card, notice of commission, and badge.**
- 3.28.200Uniforms.**
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- 3.28.350Criminal investigation—Legal counsel.**
- 3.28.360Information as to nature of investigation—Recordings—Transcripts.**
- 3.28.370Interviews—Procedures.**
- 3.28.380Threats and abusive conduct prohibited.**

Severability: The invalidity of any section, subsection, provision, clause, or portion of this subchapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this subchapter or the validity of its application to other persons or circumstances.

(Ord. 102150 § 8, 1973.)

#### **Subchapter IV Community Service Officer Program**

- 3.28.420Authorization.**

#### **Subchapter V Retired Police Officers**

- 3.28.450Commission—Conditions for granting—Authority of commissioned officer.**
- 3.28.460Commission—Request—Expiration and renewal.**

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**3.28.760 Records.**

**Subchapter I Police Department Regulations**

**3.28.005 Definitions.**

As used in Section 3.28.010, the terms “personal property” and “property” shall mean moveable and tangible things.  
(Ord. 114209 § 1, 1988.)

**3.28.010 Disposition of unclaimed property.**

A. Whenever any personal property shall come into the possession of the Police Department in connection with the official performance of police duties and such property shall remain unclaimed or not taken away for a period of sixty (60) days from date of written notice to the owner thereof, if known, which notice shall inform the owner of the disposition which may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty (60) days from the time such property came into the possession of the Police Department, unless the property has been held as evidence in any court, then, in that event, after sixty (60) days from the date when the case has been finally disposed of and the property released as evidence by order of the court, the City may with respect to property other than firearms:

1. At any time thereafter sell the property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

2. Retain the property for the use of the Police Department if, in the opinion of the Chief of Police, it consists of items specifically usable in law enforcement work subject to giving notice in the manner prescribed in this section and the right of the owner, or the owner's legal representative, to reclaim the property within one (1) year after receipt of notice, without compensation for ordinary wear and tear; provided, that at the end of each calendar year during which there has



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been such a retention, the Police Department shall provide the Mayor and retain for public inspection a list of such retained items and an estimate of each item's replacement value;

3. Destroy an item of personal property, at the discretion of the Chief of Police, if the Chief of Police determines that the following circumstances exist or have occurred:

a. The property has no substantial commercial value, or the probable cost of sale exceeds the value of the property, and

b. The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section, or

c. The item is illegal to possess or sell or is unsafe and unable to be made safe for use by any member of the general public;

4. If the item is not unsafe or illegal to possess or sell, such item after satisfying the notice requirements as prescribed in this section may be offered by the Chief of Police to bona fide dealers, in trade for law enforcement equipment, which equipment shall be treated as retained property for purpose of annual listing requirements of subsection A2 of this section; or

5. If the item is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the Chief of Police, in a manner that is illegal, such item may be destroyed.

B. Before making any sale the Chief of Police shall cause his/her signed notice thereof to be published in the official newspaper of the City at least once ten (10) days preceding the date of such sale, stating: (1) that such sale will take place at the police headquarters, or another suitable place designated by the Chief of Police, (2) at a day and hour specified in such notice, (3) to the highest and best bidder, and (4) describing the property, and (5) that it is unclaimed and taken from persons arrested for violation of the law or has been found, and (6) that any person or persons owning or entitled to any of such property may recover the same at the date of such sale by proving that they are entitled thereto to the satisfaction of the Chief of Police; provided, however, that any firearms so coming into the possession of the Police Department shall be destroyed by the Chief of Police when their retention as evidence is no longer required or retained for the use of the Police Department. Provided further, that firearms must be held for at least thirty (30) days after the Chief shall determine that such firearms are no longer required as evidence prior to their destruction or retention.

C. The proceeds of sale shall be applied first to the payment of the costs and expenses of the

sale and then to the payment of lawful charges and expenses for the keep of the personal property. The balance, if any, shall be paid into the Police Pension Fund, so long as such fund exists; otherwise into the City Current Expense Fund.

D. If the owner of property sold, at any time within three (3) years after such money is deposited in the pension fund or expense fund, furnishes satisfactory evidence of his ownership of such property to the Police Pension Fund Board or the City Finance Director, he/she shall be entitled to receive the amount deposited, plus interest.

E. In addition to any method of disposition of unclaimed property provided under this chapter, unclaimed bicycles, tricycles and toys may be donated by the Police Department to nonprofit charitable organizations for use by needy persons. (Ord. 117242 § 4, 1994; Ord. 114209 § 2, 1988; Ord. 108118 § 1, 1979; Ord. 102844 § 1, 1973; Ord. 16374 § 1, 1907.)

### **3.28.030 Authority to kill dog which has bitten a person.**

All members of the Police Department are authorized and empowered, whenever they shall have knowledge or shall be reliably informed that any dog has bitten or injured any person without cause, to kill such dog forthwith, and for that purpose may enter any premises where such dog may be.

(Ord. 16374 § 3, 1907.)

### **3.28.040 Duty to report defective or dangerous buildings or public places.**

Whenever any Policeman shall observe any defect in any street, sidewalk or other public place, or any dangerous structure, building, bridge, wharf, excavation, ditch, cellar, wall or sewer, or any other dangerous place or thing, or any unsanitary premises or condition, he shall immediately report the same to the head of the department whose duty it is to repair the defect or remove the danger.

(Ord. 16374 § 4, 1907.)

### **3.28.050 Unlawful representation as Police Officer.**

It shall be unlawful for anyone:

A. To falsely represent himself to be a Seattle Police Officer or a Special Policeman appointed pursuant to Ordinance 66591;<sup>1</sup> or

B. To wear without authority of the Chief of Police the uniform, or a distinctive part of the uniform, or any badge or insignia of the Seattle Police Department, or any uniform, badge or insignia any part of which is similar to a distinctive part of the uniform, badge or insignia of the

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Seattle Police Department unless portraying a Police Officer or a member of the Seattle Police Department in a theatrical or motion picture production in a manner which does not tend to discredit the Seattle Police Department; or

C. To wear or carry upon his person without authority of the Chief of Police any object or device displaying the words "Seattle Police Officer," "Seattle Police," "Seattle Detective," "Police Department, City of Seattle," or any words of a similar nature.

(Ord. 95661 § 1, 1967; Ord. 16374 § 7, 1907.)

1. Editor's Note: Ord. 66591 was repealed by Ord. 109759, codified in Subchapter II of this chapter.

### 3.28.060 Violation of Sections 3.28.010 through 3.28.050.

Any person violating any of the provisions of Sections 3.28.010 through 3.28.050 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding One Hundred Dollars (\$100.00) or imprisoned for a term not exceeding thirty (30) days or be both so fined and imprisoned.

(Ord. 16374 § 8, 1907.)

### 3.28.070 Fees for certain records and services.

The Police Department is authorized to collect the following fees from all persons for certain reports or services supplied by the department; provided, there shall be no charge for "criminal records" data provided to "criminal justice agencies" as defined by RCW 10.97; and provided, further, if the Police Chief determines that the department and the person requesting records or services will receive mutually offsetting benefits through exchanges of information, fees may be waived.

Service	Charge
1. Conviction record check (person provides forms and has no record)	per name \$ 8.00
2. Conviction record check with a clearance letter	per name 17.50
	each additional clearance letter 2.50
3. Conviction record check, fingerprinting and classification	per name 27.00

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4. Conviction record check and fingerprint classification (fingerprint provided by applicant)	per name	21.00
5. Fingerprint classification	per classification	3.50
6. Fingerprinting (not classified — not including applicants for concealed weapons permits)	first card	7.00
	each additional	2.50
7. Fingerprinting for review of criminal history record	with copy of conviction record	14.00
Fingerprinting for review of criminal history record (without copy of conviction record)		3.50
8. Copy of incident/crime report	per report	8.00
9. Annual report (Police Department)	per report	8.00
10. Census tract code book	per book	17.50
11. Traffic accident report	per report	8.00
12. Traffic accident witness statements	per statement	3.50
13. Polygraph examination (at the request of and for any law enforcement agency)	per exam	82.00
14. Photographs and prints		
a. Original (taken on-site) (includes one copy of print)	per original print	
	black and white	68.00
	color	73.00



b. Prints (when in possession of Police Department) (up to 8" x 10")	first copy	
	black and white	10.50
	color	12.00
Additional copies	black and white	2.50
	color	3.50
Extra negatives	black and white	3.50
	color	6.00
c. Aerial/boat photographs	original	123.00
Additional copies		21.00
Extra negatives		21.00
15. Polaroid ID-3 identification system cards for non-police City employees	per card	6.00
16. Use of firearm qualification facility	per person	6.00
17. Data processing services	per hour	MIS charges
18. Consultant and/or examination of physical evidence by Police Department personnel	per person/hour	34.00
19. Notary services	per notarization	2.50

(Ord. 114525 § 1, 1989: Ord. 114235 § 1, 1988: Ord. 110897 § 1, 1982: Ord. 110273 § 1, 1981: Ord. 107906 § 1, 1978: Ord. 107153 § 1, 1978: Ord. 106962 § 1, 1977: Ord. 103473 § 1, 1974: Ord. 100364 § 1, 1971: Ord. 99870 § 1, 1971.)

**3.28.080 Reports and services to be furnished under direction of Chief.**

The reports, records, and services contemplated in Section 3.28.070 shall be furnished

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under the direction of the Chief of Police and in accordance with rules and regulations adopted by him.

(Ord. 99870 § 2, 1971.)

**3.28.090 Modification of fee schedule.**

The fee schedule provided in Section 3.28.070 may be amended, modified or added to from time to time upon recommendation of the Chief of Police and approval by resolution of the City Council.

(Ord. 99870 § 3, 1971.)

**3.28.100 Transfer of parking meter regulations.**

As of January 1, 1973, the duty and responsibility of enforcement of certain parking meter traffic regulations, and other related work, heretofore assigned to the City Treasurer by Ordinance 86431, is transferred to the Chief of Police as contemplated in the 1973 budget.

(Ord. 101629 § 1, 1972.)

**3.28.110 Firearms—Purpose of provisions.**

The purpose of Sections 3.28.110 through 3.28.125 is to regulate the discharge of firearms by Seattle police officers during the performance of their duty to protect life, property and the public safety and to provide effective law enforcement. Sections 3.28.110 through 3.28.125 are not intended, nor may they be construed or applied, to create a duty toward any person who may be injured by the use of a firearm by a Seattle police officer, or to provide a basis for tort liability against the City, its officials, or its individual police officers.

(Ord. 109019 § 1, 1978.)

**3.28.115 Firearms—Discharge authorized when.**

While engaged in the performance of duties of a Seattle police officer, an officer may discharge a firearm at another person when necessary to:

A. Defend himself or another person from death or serious bodily injury;

B. Apprehend, arrest or prevent the escape of a person, whom the officer reasonably believes from the evidence available, has committed murder, manslaughter, mayhem, felonious assault, robbery, burglary, kidnapping, arson, rape or a felony involving a bomb;

C. Apprehend an escaped or rescued felon, who has been arrested for, convicted of, or committed for a felony.

A police officer may not use a firearm unless all other reasonable alternatives have been exhausted or would appear to a reasonable police

### 3.28.150 ADMINISTRATION

officer to be ineffective under the particular circumstances.

(Ord. 109019 § 2, 1978.)

#### 3.28.120Firearms—Chief may establish rules.

The Chief of Police may promulgate rules and regulations to implement Sections 3.28.110 through 3.28.125; provided, that such rules and regulations shall be consistent with the purpose and provisions of Sections 3.28.110 through 3.28.125.

(Ord. 109019 § 3, 1978.)

#### 3.28.125Firearms—Penalty for violation.

Any police officer who discharges a firearm at another person in violation of Sections 3.28.110 through 3.28.125 shall be subject to disciplinary proceedings and punishment authorized by The City of Seattle Charter, Article XVI,<sup>1</sup> including but not limited to reprimand, suspension without pay, demotion and discharge.

(Ord. 109019 § 4, 1978.)

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

## Subchapter II Special Police

#### 3.28.150Commission—Issuance conditions.

The Chief of Police may issue a Special Police Officer commission in accordance with the provisions of this subchapter to a government employee or a person engaged in private security employment who is required to exercise police authority in his employment and whose appointment will assist the Police Department in enforcing the laws. The Chief shall grant to the person applying for the commission only that police authority necessary to enable said person to accomplish the duties of his employment. A Special Police Officer does not become an employee of the City by virtue of his commission and is not eligible for a City or LEOFF State pension by virtue of such commission.

(Ord. 109759 § 1, 1981.)

#### 3.28.160Eligibility.

To be eligible for a commission, a person shall be twenty-one (21) years old or more, a citizen of the United States, trustworthy and of good moral character, and shall not have been convicted of a

felony, a crime of violence, or an offense involving moral turpitude.

(Ord. 109759 § 2, 1981.)

#### 3.28.170Application—Information required.

A person applying for a commission as a Special Police Officer shall file an application with the Chief of Police on a form supplied by the Chief. If the applicant is a City of Seattle employee, his application shall be accompanied by a written request from the head of his department, office or agency. If the applicant is not a City of Seattle employee, his application shall be accompanied by the written statements of three (3) reputable citizens who are not related to or presently employing him, attesting to his trustworthiness and good moral character. An application shall also be accompanied by the applicant's affidavit swearing that the information contained in the application is true to the best of his knowledge. At a time and place established by the Chief, the applicant shall have his thumb and fingerprints taken.

(Ord. 109759 § 3, 1981.)

#### 3.28.180Application—Fee.

If the Chief of Police determines that the applicant qualifies for a commission, he shall grant the commission upon the applicant's payment of Forty Dollars (\$40.00) to the City Finance Director; provided, that an applicant who is a City of Seattle employee shall not be required to pay the Forty Dollars (\$40.00). All commissions shall expire on January 15th of each year, but may be renewed before expiration upon approval of the Chief and payment of Ten Dollars (\$10.00) to the City Finance Director; provided, that a City of Seattle employee shall not be required to pay the Ten Dollars (\$10.00).

(Ord. 116368 § 43, 1992: Ord. 109759 § 4, 1981.)

#### 3.28.190Identification card, notice of commission, and badge.

The Chief of Police shall issue each Special Police Officer an identification card and a notice of commission setting forth the terms of the commission. If the Chief determines that the commission requires a badge, he shall issue one (1) upon deposit with the Police Department of a sum equal to the cost of the badge; provided, that a Special Police Officer who is a City employee shall not be required to pay the deposit. Upon termination of

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his commission, a Special Police Officer shall return to the Police Department his identification card, notice of commission, badge, and any other equipment issued to him by the Police Department. Upon return of the badge, the Police Department shall refund the officer's deposit for the badge.

(Ord. 109759 § 5, 1981.)

### **3.28.200Uniforms.**

A Special Police Officer may wear a uniform only if it is approved in writing by the Chief of Police. The Chief shall not approve a uniform so similar to the uniform of a regular police officer as to be misleading or confusing. While on duty, a Special Police Officer shall carry on his person his identification card, notice of commission, and badge if he has one, but shall not carry a weapon unless authorized by the Chief to do so.

(Ord. 109759 § 6, 1981.)

### **3.28.210Changes of address and employment duties.**

A Special Police Officer shall keep the Chief of Police advised in writing at all times of any change in his business and home addresses and business and home telephone numbers, and in the nature of his employment or in the duties he is performing as a Special Police Officer.

(Ord. 109759 § 7, 1981.)

### **3.28.220Commission—Termination conditions.**

A Special Police Officer commission and its accompanying authority shall terminate and be of no force and effect upon the happening of any one of the following events:

A. Arrest for, conviction of, or plea of guilty to any felony, crime of violence or offense involving moral turpitude;

B. Revocation by the Chief of Police for violation of rules and regulations adopted by the Chief of Police to regulate Special Police Officers;

C. Expiration of the commission; or

D. Termination of the employment or the duties for which the commission was issued.

(Ord. 109759 § 8, 1981.)

## **Subchapter III Police Officers' Bill of Rights**

### **3.28.320Purpose.**

It shall be the policy of the City that all City law enforcement officers shall be entitled to the protection of the provisions of this subchapter which shall constitute and may be referred to as the "Police Officers' Bill of Rights."

(Ord. 102150 § 1, 1973.)

### **3.28.330Definitions.**

For the purposes of this subchapter, the term "internal investigation" means an investigation by or under the authority of the Chief of Police of activities, circumstances or events pertaining to

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the conduct or acts of a City law enforcement officer. Such investigation shall be deemed a "criminal investigation" where it is suspected such conduct or acts are or may be the basis for filing a criminal charge against such officer, and shall be deemed a "major investigation" where it is suspected that such conduct or acts may also or alternatively be the basis for discharge, suspension or other discipline of such officer. (Ord. 102150 § 2, 1973.)

#### **3.28.340 Internal investigation—Information provided to subject officer.**

Every officer who becomes the subject of an internal investigation shall be advised at the time of any interview in connection therewith that, as the case may be, he is suspected of:

- A. Committing a criminal offense;
  - B. Misconduct which would be grounds for termination, suspension or other disciplinary action; or
- that he may not be qualified for continued employment with the Police Department. At the time of the interview such officer shall also be informed of the name of the officer in charge of the investigation and the name of the officer who will be conducting the interview. (Ord. 102150 § 3, 1973.)

#### **3.28.350 Criminal investigation—Legal counsel.**

Any officer who becomes the subject of a criminal investigation may have legal counsel present during all interviews of such officer. Such representation by counsel shall be confined to counseling and shall not be authority for any participation by counsel in the investigation. (Ord. 102150 § 4, 1973.)

#### **3.28.360 Information as to the nature of investigation—Recordings—Transcripts.**

A. In the case of any major investigation and before any interview commences, the officer to be interviewed shall be informed in writing of the nature of the investigation including information necessary to reasonably apprise him of the allegations of any complaint and he shall be afforded an opportunity and facilities to contact and consult privately with an attorney of his own choosing before being interviewed.

B. Such officer may request that the interview be recorded, either mechanically or by a stenogra-

pher, and no questions shall be asked "off-the-record." Upon request, the officer under investigation shall be provided an exact copy of any written statement he has signed and a verbatim transcript of any interview of such officer. (Ord. 102150 § 5, 1973.)

#### **3.28.370 Interviews—Procedures.**

Interviews shall be held at a reasonable hour and preferably when the officer to be interviewed is on duty unless the exigencies of the interview dictate otherwise. Whenever possible interviews shall be scheduled during the normal work day of the City. Interviewing shall be completed within a reasonable time and shall be accomplished under circumstances devoid of intimidation or coercion. The officer being interviewed shall be entitled to such intermissions as he shall request for personal necessities, meals, telephone calls, and rest periods. All interviewing shall be limited in scope to activities, circumstances or events which pertain to the conduct or acts of the officer under investigation which form or may form the basis for disciplinary action, termination of employment or the filing of a criminal charge. (Ord. 102150 § 6, 1973.)

**3.28.380 Threats and abusive conduct prohibited.**

No officer under investigation shall, as a guise for obtaining such officer's resignation, be falsely threatened with dismissal or other disciplinary action should he refuse to resign, nor shall he be subjected to abusive or offensive language or in any other manner intimidated or offered promises or reward as an inducement to answer questions. (Ord. 102150 § 7, 1973.)

**Subchapter IV Community Service Officer Program**

**3.28.420 Authorization.**

The Chief of Police is authorized to establish a Community Service Officer Program using personnel with a distinctive uniform and insignia to aid regular police officers by performing community services associated with law enforcement, conducting crime prevention activities, assisting youth in the neighborhood, and undertaking other duties to improve relations between the community and the Police Department, and through such community services activities and training, developing potential police officers. (Ord. 99767 § 1, 1971.)

**Subchapter V Retired Police Officers**

**3.28.450 Commission—Conditions for granting—Authority of commissioned officer.**

The Chief of Police at his discretion may grant a Retired Police Officer Commission to any Seattle Police Officer who is retired in good standing for service and not for disability. An officer so commissioned shall have the same authority as an active police officer; provided, that said authority shall not be exercised in the normal course of said officer's employment, profession, or calling; provided further, that said authority may be exercised in the normal course of said officer's private uniformed security employment. An officer so commissioned shall be subject to orders of the Chief of Police and the rules and regulations of the Police Department but does not become an employee of the City by virtue of his commission. (Ord. 109757 § 1, 1981.)

**3.28.460 Commission—Request—Expiration and renewal.**

A retired officer seeking a Retired Police Officer Commission shall submit a written request therefor to the Chief of Police. The Chief at his discretion may grant or deny the request. All commissions shall expire on January 15th of each year. Upon written request prior to expiration, the Chief at his discretion may renew a commission. (Ord. 109757 § 2, 1981.)

**3.28.470 Requirements for commissioned officers.**

A retired officer who has been granted a Retired Police Officer Commission shall:

A. Advise the Chief in writing of any change in his home or business address or telephone number, and of any change in the nature of any private employment engaged in; and

B. Maintain the skills and knowledge required of an active police officer. (Ord. 109757 § 3, 1981.)

**3.28.480 Revocation of commission—Conditions.**

The Chief may revoke a Retired Police Officer Commission for any violation of Police Department rules and regulations for mental or physical unfitness to serve as a police officer, or for engaging in employment inconsistent with service as a police officer. Any determination whether these grounds for revocation exist shall be at the sole discretion of the Chief of Police:

A. Arrest for, conviction of or plea of guilty to any felony, crime of violence or offense involving moral turpitude;

B. Revocation by the Chief of Police; or

C. Expiration of the commission.

(Ord. 109757 § 4, 1981.)

**Subchapter VI Reserve Police Officers**

**3.28.500 Appointment—Chief of police authority.**

The Chief of Police is authorized to appoint Reserve Police Officers in accordance with the provisions of this subchapter whenever such appointment will serve and assist the Police Department in maintaining adequate police protection. (Ord. 109758 § 1, 1981.)

### 3.28.370 ADMINISTRATION

#### **3.28.510 Appointment—Eligibility.**

To be eligible for appointment as a Reserve Police Officer, a person shall be twenty-one (21) years old or more, a citizen of the United States, of good moral character, and shall not have been convicted of or have pleaded guilty to a felony, a crime of violence, or an offense involving moral turpitude. The Chief of Police may establish such additional qualifications for appointment as he deems necessary.

(Ord. 109758 § 2, 1981.)

#### **3.28.520 Application for appointment.**

A person desiring an appointment as a Reserve Police Officer shall complete and file an application with the Chief of Police on a form supplied by the Chief. An applicant shall be considered for appointment as a Reserve Police Officer in the manner determined by the Chief.

(Ord. 109758 § 3, 1981.)

#### **3.28.530 Authority, training and compensation.**

A Reserve Police Officer shall exercise the same police authority as a regular police officer, and shall be subject to the orders of the Chief and the rules and regulations of the Police Department. A Reserve Police Officer shall receive such training as is deemed appropriate and perform such duties as are specified by the Chief of Police, but shall receive no compensation from the City for performing such training or duties, except such insurance as may be provided by the City.

(Ord. 109758 § 4, 1981.)

#### **3.28.540 Revocation of appointment—Conditions.**

The Chief of Police may revoke a Reserve Police Officer's appointment for any violation of Police Department rules and regulations or any other cause which the Chief deems sufficient.

(Ord. 109758 § 5, 1981.)

### **Subchapter VII Internal Investigations Auditor**

#### **3.28.600 Office of Professional Accountability Review Board.**

A. There is created an Office of Professional Accountability Review Board (hereinafter "OPA Review Board") to establish independent review

of the Office of Professional Accountability ("OPA") complaint handling process in a manner that will have the confidence of the general public, police officers, and complainants; and to enhance the credibility of the Office of Professional Accountability and the OPA investigation process. The OPA Review Board and the OPA Review Board Auditor shall not participate in the management of the day-to-day functions of the Department, which are the responsibility of the Chief of Police. The OPA Review Board shall consist of three (3) members. The OPA Review Board shall, subject to City Council consultation and confirmation, and as provided by ordinance, hire a full-time Auditor ("OPA Review Board Auditor") as its staff. The OPA Review Board Auditor shall: report to the OPA Review Board; audit, in accordance with SMC Section 3.28.630 and SMC Section 3.28.640, the work of the Office of Professional Accountability as to its handling, processing and investigation of complaints filed with that office; and assist the OPA Review Board in the performance of their duties as provided in this chapter.

B. The position of the Internal Investigations Auditor that was created in Ordinance 115975 shall continue in full force and effect. The Internal Investigations Auditor shall perform the following tasks:

1. Audit of All Investigations of Complaints of Unnecessary or Excessive Force. The Auditor shall audit all completed OPA case files involving complaints of unnecessary or excessive force. Before a case file involving a complaint of unnecessary or excessive force is referred to the subject officer's chain of command for review and recommendations, and no more than three (3) business days after the OPA has completed its investigation, the Department shall forward a complete copy of the file to the Auditor.

2. Random Audit of Investigations of Complaints Not Involving Unnecessary or Excessive Force Allegations. Each calendar year, the Auditor shall audit on a random basis approximately twenty (20) percent of the completed OPA case files involving complaints other than those involving unnecessary or excessive force. The Department shall notify the Auditor of the completion of case files on a weekly basis. The case file shall be forwarded to the subject officer's chain of command for review and recommendations, if, within ten (10) business



days of notification of completion, the Auditor has not advised the Department s/he will audit the investigation. The Auditor may audit a completed case file after referral to the subject employee's chain of command; provided, however, in such instance the Auditor shall not request follow-up investigation.

The frequency of audits under this subsection shall be as determined by the Auditor; provided, however, audits of completed case files shall take place at unscheduled intervals not to exceed ninety (90) days following initiation of the last audit.

3. Auditor May Request Further Investigation. The Auditor shall use best efforts to complete audits under subsections B1 and 2 hereinabove without unreasonably delaying review of the case file by the subject officer's chain of command. After reviewing the file, the Auditor may request the OPA, through the Chief of Police, to conduct further investigation. The Auditor shall provide a written statement to the Chief of Police identifying the reasons for his/her request for a follow-up investigation. Criteria the Auditor should consider includes but is not limited to: (a) whether witnesses were contacted and evidence collected; (b) whether interviews were conducted on a thorough basis; and (c) whether applicable OPA procedures were followed. In the event the Chief of Police disagrees with this recommendation, he or she shall within five (5) days provide the Auditor with a written statement of the grounds for this decision.

4. Transition. The Auditor shall continue to serve up to ninety days after the City Council confirms the first OPA Review Board Auditor in order to advise the OPA Review Board and OPA Review Board Auditor on implementation of the OPA review process unless the OPA Review Board files a notice of termination with the City Clerk any time after the confirmation of the first OPA Review Board Auditor.  
(Ord. 119893 § 1, 2000; Ord. 119825 § 1, 1999; Ord. 115975 § 1(part), 1991.)

### 3.28.610 Definitions.

As used in this subchapter, the following definitions apply:

A. "Contact log" is a record of a complaint or referral to the Internal Investigation Section not assigned for a full IIS investigation or line referral investigation.

B. "Internal Investigations Section" means the section, or any successor section or unit, of the Department responsible for investigating complaints of misconduct by Department employees.

C. "IIS investigation" refers to a complaint assigned to Internal Investigations Section investigators for investigation.

D. "Line referral investigations" refers to those complaints reviewed by the Internal Investigations Lieutenant and referred to the subject officer's chain of command for investigation.  
(Ord. 115975 § 1(part), 1991.)

### 3.28.620 Appointment of the OPA Review Board.

A. The City Council shall appoint the three (3) members of the OPA Review Board to provide review and assessment of the investigation of Office of Professional Accountability complaints. Each member of the OPA Review Board shall serve a term of two (2) years and may be reappointed to one (1) subsequent two (2) year term by the City Council. No individual may serve more than two (2) full two (2) year terms as an OPA Review Board member. Should an OPA Review Board member take office at any time after commencement of a regular term, the expiration of that term shall remain unaffected. An OPA Review Board member may be removed from office for cause by the Council by filing a statement of reasons for removal. The OPA Review Board members shall be compensated as provided by ordinance or by appropriation in the City's annual budget.

B. The OPA Review Board members should possess the following qualifications and characteristics:

1. At least one (1) member of the Board shall be a graduate of an accredited law school and a member in good standing of the Washington State Bar Association;

2. A second member of the Board shall have at least five (5) years of experience in criminal justice or related fields;

3. The third member of the Board shall have significant experience and history in community involvement, and community organizing and outreach;

4. A reputation for integrity and professionalism, as well as the ability to maintain a high standard of integrity in the office;

3.28.630 ADMINISTRATION

5. A commitment to and knowledge of the need for and responsibilities of law enforcement, as well as the need to protect basic constitutional rights of all affected parties;

6. A commitment to the statement of purpose and policies in this chapter;

7. A history of demonstrated leadership experience and ability;

8. The potential for gaining the respect of complainants, departmental personnel, and the citizens of this City;

9. The ability to work effectively with the City Council, departmental personnel, public agencies, private organizations, and citizens;

10. The ability, as shown by previous experience, to work with diverse groups and individuals; and

11. The ability to work effectively under pressure.

C. The Chief of Police shall cause a thorough background check of nominees for OPA Review Board identified by the Council and shall report the results to the Council.

(Ord. 119825 § 2, 1999; Ord. 118093 § 1, 1996; Ord. 115975 § 1(part), 1991.)

**3.28.630 Audit procedures and standards.**

A. Audit of All Investigations of Complaints of Unnecessary or Excessive Force. The OPA Review Board Auditor shall audit all completed OPA case files involving complaints of unnecessary or excessive force. Before a case file involving a complaint of unnecessary or excessive force is referred to the subject officer's chain of command for review and recommendations, and no more than three (3) business days after the Office of Professional Accountability has completed its investigation, the Department shall forward a complete copy of the file to the OPA Review Board Auditor.

B. Audit of Investigations of Complaints Not Involving Unnecessary or Excessive Force Allegations. Each calendar year, the OPA Review Board Auditor shall audit all of the completed OPA case files involving complaints other than those involving unnecessary or excessive force. The Department shall notify the OPA Review Board Auditor of the completion of case files on a weekly basis. The case file shall be forwarded to the subject officer's chain of command for review and recommendations, if, within ten (10) business days of notification of completion, the OPA Review Board Auditor has not advised the

Department s/he will audit the investigation. The OPA Review Board Auditor may audit a completed case file after referral to the subject employee's chain of command; provided, however, in such instance the OPA Review Board Auditor shall not request follow-up investigation. The frequency of audits under this subsection shall be as determined by the OPA Review Board Auditor; provided, however, audits of completed case files shall take place at unscheduled intervals not to exceed ninety (90) days following initiation of the last audit.

C. OPA Review Board Auditor May Request Further Investigation. The OPA Review Board Auditor shall use his or her best efforts to complete audits under subsections A and B of this section without unreasonably delaying review of

**Seattle Municipal Code**  
**July, 2000 code update file**  
**Text provided for historic reference only.**

POLICE DEPARTMENT

3.28.630

**See ordinances creating and amending  
sections for complete text, graphics,  
and tables and to confirm accuracy of  
this source file.**

**For current SMC, contact  
the Office of the City Clerk**

the case file by the subject officer's chain of command. After the OPA Review Board Auditor has reviewed the file, the OPA Review Board may request the Office of Professional Accountability, through the Chief of Police, to conduct further investigation. The OPA Review Board shall provide a written statement to the Chief of Police identifying the reasons for their request for a follow-up investigation. Criteria the OPA Review Board should consider includes but is not limited to: (1) whether witnesses were contacted and evidence collected; (2) whether interviews were conducted on a thorough basis; and (3) whether applicable OPA procedures were followed. In the event the Chief of Police disagrees with this recommendation, he or she shall within five (5) days provide OPA Review Board with a written statement of the grounds for this decision.

D. Secure Temporary Space. The Department shall, upon request of the OPA Review Board, provide secure temporary space for the OPA Review Board Auditor to conduct the audits close to the records to be reviewed.

E. Monthly Review of Contact Log and Complaint Records. The OPA Review Board Auditor shall review the OPA contact log and OPA complaint records at least monthly. If, after reviewing the OPA contact log and OPA complaint records, the OPA Review Board believes that a contact log complaint should be investigated further, or that a case that has been designated for a line referral should receive a full investigation by the OPA, the OPA Review Board may request the OPA, through the Chief of Police, to conduct a full investigation. The OPA Review Board shall provide a written statement to the Chief of Police identifying the reasons for their request for a full investigation. The Chief of Police, or his/her designee, shall consult with the OPA Review Board regarding the OPA Review Board's request, and shall promptly advise the OPA Review Board of the investigative action s/he intends to take.

F. OPA Review Board Auditor's Access to Records; Restriction on Access When Criminal Investigation Pending; Return of Records.

1. The OPA Review Board Auditor shall have access to all OPA files and records, including but not limited to: OPA files, line review reports and files, and OPA contact logs, provided, however, the OPA Review Board Auditor shall not have access to files designated by the OPA as relating to an active criminal investigation of an officer until such time as the Department has given the subject officer written notification of the investigation. The OPA Director shall provide the OPA Review Board Auditor with quarterly status reports regarding OPA cases in which criminal



investigations are also being undertaken. These status reports shall include the number of ongoing OPA criminal investigations and the month during which each investigation was originated, and the number of new criminal investigations initiated that quarter.

2. OPA files and records made available to the OPA Review Board Auditor are the property of the Police Department and shall not, by operation of this subchapter, become the property of the OPA Review Board or the OPA Review Board Auditor. The OPA Review Board and the OPA Review Board Auditor shall make every reasonable effort to maintain the security of files belonging to the Department while in the OPA Review Board Auditor's possession. Any requests made to the OPA Review Board or the OPA Review Board Auditor for OPA files or records, whether through litigation discovery or pursuant to public disclosure, shall be referred to the Chief of Police for response.

3. Upon completion of an audit, the OPA Review Board Auditor shall return to the OPA all section files, reports, and records to which s/he has been provided access pursuant to these audit procedures and standards. Following completion of an audit, the OPA Review Board Auditor may, however, continue to have access to closed OPA files.

G. OPA Review Board Auditor Access to Caseload, Workload and Procedural Information. The OPA Review Board Auditor is authorized to request any information on OPA cases, workload, or procedures that s/he finds necessary in order to conduct an ongoing analysis of the Department's OPA process. The Department shall make every reasonable effort to comply with the OPA Review Board Auditor's requests.

(Ord. 119825 § 3, 1999; Ord. 115975 § 1(part), 1991.)

### **3.28.640 OPA Review Board to prepare quarterly report.**

The OPA Review Board shall prepare a quarterly report of the OPA Review Board Auditor's activities. This report shall be forwarded to the City Council, Chief of Police, City Attorney, Mayor, and City Clerk for filing as a public record. The OPA Review Board's report shall be prepared in accordance with the following provisions:

A. The OPA Review Board shall review and report on the implementation of the Office of Professional Accountability.

B. The OPA Review Board's report shall contain a general description of the files and records reviewed, and should include, but not be limited to:

1. The number of cases reviewed by the OPA Review Board Auditor;

2. The total number of complaints received by the Office of Professional Accountability;

3. The number of complaints by category and nature of allegation;

4. The percentage of complaints sustained and not sustained;

5. The nature of disciplinary action taken in sustained cases;

6. Patterns of complaints including:

a. Type of complaint,

b. Geographic area of complaint,

c. Race, ethnicity, gender of complainants,

d. Race, ethnicity, gender, assignment, seniority of officer(s) who is/are subject of complaint;

7. List of officers who have received three (3) or more sustained complaints within one (1) year;

8. The number of follow-up investigations requested by the OPA Review Board, the number of follow-up investigations completed by the Department, and the number of follow-up investigation requests denied by the Department;

9. The number of contact log cases and line referral cases where the OPA Review Board recommended that full investigations take place, the number of such investigations completed by the Department, and the number of follow-up investigation requests denied by the Department;

10. A summary of issues, problems and trends noted by the OPA Review Board as a result of their review;

11. Any recommendations that the Department consider additional officer training, including recommendations that the Department consider specialized training for investigators;

12. Any recommendations the Department consider policy or procedural changes; and

13. Review of OPA Director's involvement in community outreach to inform citizens of the complaint process and the OPA's role.

3.28.640 ADMINISTRATION

C. The OPA Review Board's report shall not contain any recommendations concerning the discipline of any particular police officer, nor shall the report comment upon or make any recommendation concerning potential civil or criminal liability of specific employees, police officers, or citizens.

D. The OPA Review Board's report shall be forwarded to the President of the City Council and the Chair of the City Council's Public Safety Committee no later than the thirtieth day of March, June, September and December of each year.

E. The OPA Review Board shall forward to the Mayor, City Attorney, and the City Clerk the report no later than the thirtieth day of March, June, September and December of each year.  
(Ord. 119825 § 4, 1999; Ord. 117242 § 5, 1994; Ord. 115975 § 1(part), 1991.)

**3.28.650 OPA Review Board to meet with City Council.**

The OPA Review Board shall present their report quarterly to the City Council.  
(Ord. 119825 § 5, 1999; Ord. 115975 § 1(part), 1991.)

**3.28.660 Confidentiality of files and records.**

In discharging his or her responsibilities, the OPA Review Board members and the OPA Review Board Auditor shall protect the confidentiality of Department files and records to which they have been provided access in the same manner and to the same degree they would be obligated to protect attorney-client privileged materials under legal and ethical requirements. The OPA Review Board and the OPA Review Board Auditor shall also be bound by the confidentiality provisions of the Criminal Records Privacy Act (RCW Chapter 10.97) and Public Disclosure Act (RCW Section 42.17.250 et seq.). The OPA Review Board and the OPA Review Board Auditor shall not identify the identity of the subject of an investigation in any public report required by this chapter.  
(Ord. 119825 § 6, 1999; Ord. 115975 § 1(part), 1991.)

**Subchapter VIII Office of Professional Accountability**

**3.28.700 Office of Professional Accountability created— Functions and authority.**

There is created within the Seattle Police Department an Office of Professional Accountability (hereinafter "OPA") to receive and investigate complaints of misconduct by Seattle Police Department personnel. The responsibilities of the

OPA include the following areas: regularly advising the Chief, as well as the Mayor and City Council, on all matters involving the Police Department's investigatory and disciplinary functions; recommending policy to the Chief of Police, the Mayor, and the City Council on various issues concerning the professional standards of the Police Department; evaluating the internal investigation process; and, making recommendations on strategies and policies to improve complaint gathering and investigative procedures. (Ord. 119816 § 1(part), 1999.)

### **3.28.710Definitions.**

A. "OPA complaint" refers to a complaint assigned to the Office of Professional Accountability for investigation.

B. "OPA investigation" refers to an investigation of a complaint conducted by the Office of Professional Accountability. (Ord. 119816 § 1(part), 1999.)

### **3.28.720Office of Professional Accountability—Director.**

The Director of the OPA is responsible for the investigative and administrative functions of the police disciplinary process and shall manage the overall investigative, training, and administrative functions of the OPA. The OPA Director shall:

- A. Be a civilian with legal, investigative, or prosecutorial experience;
- B. Be appointed by the Mayor and confirmed by the City Council;
- C. Be appointed for a three (3) year term, with the possibility of being reappointed for a second three (3) year term, for a maximum of six (6) years;
- D. Report directly to the Chief of Police;
- E. Be paid at a salary consistent with the level of responsibility established in this section and as provided by ordinance;
- F. Direct the OPA investigative process, classify all complaints, certify completion and findings of all OPA cases, and make recommendations regarding disposition to the Chief of Police. The Chief of Police remains the final Police Department decisionmaker in disciplinary actions;
- G. Provide analysis to the Chief of Police regarding disciplinary action in order to promote consistency of discipline. (Ord. 119816 § 1(part), 1999.)

### **3.28.730OPA Deputy Director.**

The Chief of Police shall, with a recommendation from the OPA Director, appoint the OPA Deputy Director from among the sworn Captain ranks of the Seattle Police Department. The OPA Deputy Director, as overseen by the Director, shall oversee the day-to-day management of the OPA investigative process, employing the best and most effective OPA investigations practices. (Ord. 119816 § 1(part), 1999.)

### **3.28.740OPA Procedures Manual.**

The Police Department shall produce an OPA procedures manual, which shall include instructions for filing a complaint with OPA, and which shall be made available to members of the public, as well as Police Department personnel. (Ord. 119816 § 1(part), 1999.)

### **3.28.750Reports.**

The Director shall issue semiannual reports to the Mayor and City Council describing the work of the OPA and making recommendations for policy changes. The OPA staff shall meet with community groups and recommend to the Chief of Police changes in policy or areas where training bulletins are needed. (Ord. 119816 § 1(part), 1999.)

### **3.28.760Records.**

The Director shall, in the case of unsustained complaints, prepare a summary of the investigation, including a description of the number of witnesses interviewed, the investigative methods employed, and a brief explanation of why the complaint was not sustained. The Director shall provide a copy of the summary to the complainant.

**3.28.760 ADMINISTRATION**

The Director shall protect the confidentiality of Department files and records to which s/he has been provided access to the extent permitted by applicable law, and in the same manner and to the same degree as s/he would be obligated to protect attorney-client privileged materials under legal and ethical requirements. The Director shall also be bound by the confidentiality provisions of the Criminal Records Privacy Act (RCW Chapter 10.97) and Public Disclosure Act (RCW Section 42.17.250 et seq.) The Director shall not identify the identity of the subject of an investigation in any public report required by this chapter. (Ord. 119816 § 1(part), 1999.)

**Chapter 3.30  
SEATTLE-KING COUNTY DEPARTMENT  
OF PUBLIC HEALTH<sup>1</sup>**

**Sections:**

**Subchapter I Health Department Regulations**

**3.30.010 Agreement between City and King  
County.**

**3.30.020 Organization—Funding.**

**3.30.050 Use of stamps, seals, permits, and  
forms.**

**3.30.060 Penalty for violation of Section  
3.30.050.**

Statutory Reference: For Charter provisions on the Public Health Department, see Charter Art. IX; for statutory provisions authorizing combined City-county health departments, see RCW Ch. 70.08.

1. Cross-reference: For provisions regarding noise control, see Chapter 25.08 of this Code.

**Subchapter II Health Services<sup>1</sup>**

**3.30.100 Agreements with municipalities for  
environmental and personal  
health care services.**

**3.30.110 Refund of permit fee.**

**3.30.120 Duplicate Medicare payments.**

**3.30.140 Personal health services—  
Authorization to solicit  
monetary  
donations—Conditions.**



1. Editor's Note: Fee schedules for specific health care services, being subject to frequent change, are not included in this codification, but are available from the Seattle-King County Department of Public Health.

Former § 3.30.135 was editorially renumbered to § 10.03.155 in the December, 1986, supplement.

### **Subchapter III Seattle-King County Department of Public Health Citizens Advisory Board**

#### **3.30.200 Board established—Purpose.**

#### **3.30.210 Membership—Qualifications.**

#### **3.30.220 Tenure.**

#### **3.30.230 Appointment process.**

#### **3.30.240 Board operations.**

#### **3.30.250 Functional review of Board operations—Abolition or continuation of Board.**

### **Subchapter I Health Department Regulations**

#### **3.30.010 Agreement between City and King County.**

As of January 1, 1981, The City of Seattle (referred to in this chapter as the "City") declares its intent to operate and establish with King County (referred to in this chapter as the "county") a combined City and county health department to be known as the "Seattle-King County Department of Public Health," (referred to in this chapter as the "Department") to be operated in accordance with an agreement made between the City and the county. The Department shall be administered by the county, except as provided in this chapter. The Director of the Department shall be responsible for the management of the Department and shall be jointly appointed by the County Executive and the Mayor for a four (4) year term, subject to confirmation by the County and City Councils, and may be removed by the County Executive after consultation with the Mayor upon the filing of a statement of the reasons therefor with the County and City Councils, as authorized by RCW 70.08.040, as amended.

(Ord. 109522 § 1, 1980.)

#### **3.30.020 Organization—Funding.**

The Department shall include an Administrative Division, County Services Division, Regional Services Division and Seattle Services Division. The County shall be financially responsible for the funding of the County Division and the Regional Services Division. The City shall fund the Seattle

Services Division. The City and the county shall jointly fund the Administrative Division as follows: The county's share shall be the ratio of the population within the county, exclusive of the City, to the total population of the county; the City's share shall be the ratio of the population within its corporate limits to the total population within the county. The funding ratio shall be determined annually in accordance with the official population figures for the City and the county as determined by the State of Washington, Office of Fiscal Management, or its successor, in the publication entitled "State of Washington Population Trends," or its successor.  
(Ord. 109522 § 2, 1980.)

#### **3.30.050 Use of stamps, seals, permits and forms.**

The Director of Public Health is empowered to adopt and use such stamps, seals, blanks, forms, application blanks, permits, notices, signs and placards for the Department of Public Health as he shall deem necessary for properly enforcing the provisions of the state law and City ordinances relative to his department.

(Ord. 18609 § 1, 1908.)

#### **3.30.060 Penalty for violation of Section 3.30.050.**

Any person who shall unlawfully use, duplicate, mutilate, tear down or convert any such stamps, seals, blanks, forms, applications blanks, permits, notices, signs or placards shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding One Hundred Dollars (\$100.00) or imprisoned in the City Jail for a term not to exceed thirty (30) days or be both so fined and imprisoned.

(Ord. 18609 § 2, 1908.)

### **3.30.060 ADMINISTRATION**

#### **Subchapter II Health Services**

##### **3.30.100Agreements with municipalities for environmental and personal health care services.**

As requested by the Director of Public Health and recommended by the Mayor in the materials attached to Ordinance 107098<sup>1</sup> the Director of Public Health is authorized for and on behalf of the City to execute agreements with municipalities located within King County, substantially in the form of the agreement attached to Ordinance 107098<sup>1</sup> and identified as "Health Service Agreement Between the Seattle-King County Department of Public Health and Municipalities within King County" providing for the performance of environmental and personal health care services by the Seattle-King County Department of Public Health for the residents of such municipalities, pursuant to RCW 70.08.090 and 70.05.150. (Ord. 107098 § 1, 1978.)

1.Editor's Note: Ord. 107098 supersedes Ord. 102414.

##### **3.30.110Refund of permit fee.**

Whenever any permit is issued by the Public Health Department and a fee paid therefor, and no rights are exercised pursuant thereto and application is made for refund, the Director of Public Health shall certify the facts including the amount of the permit fee and the fund into which the same was paid and his or her approval of the refund, and upon presentation of such certificate to the City Finance Director such officer is authorized to draw and to pay a warrant in the amount of such refund drawn upon the proper fund and the necessary appropriations are hereby made; provided that no such refund is authorized when the amount of the permit fee is Four Dollars (\$4.00) or less, and all refunds shall be made in the amount paid for the permit less the sum of Three Dollars (\$3.00); and provided further, that before any such refund is made, the permit shall be surrendered to the Director of Public Health and by him or her canceled.

(Ord. 116368 § 44, 1992: Ord. 104203 § 1, 1975.)

##### **3.30.120Duplicate Medicare payments.**

Whenever in the performance of services in connection with the Medicare Program the Public Health Department receives duplicate payments for the performance of such services and application is made for a refund, the Director of Public Health shall certify the facts including the amount of such duplicate payment and the fund into which the same was paid and his or her approval of the refund, and upon presentation of such certificate to the City Finance Director such officer is authorized to draw and to pay a warrant in the amount of such refund drawn upon the proper fund and the necessary appropriations are hereby made.

(Ord. 116368 § 45, 1992: Ord. 98418 § 1, 1969.)

##### **3.30.140Personal health services—Authorization to solicit monetary donations—Conditions.**

As requested by the Director of the Seattle-King County Department of Public Health and recommended by the Mayor in the material attached to the ordinance codified in this section, in order to recover a portion of the operating costs of the Department, the Director is authorized to solicit monetary donations for the provision of personal health services including but not limited to the following:

1. Clinical services:
  - a. Dental health promotion and treatment,
  - b. Dental services for older adults,
  - c. Sexually transmitted diseases,
  - d. Chest-lung diseases,
  - e. Maternal child health,
  - f. Geriatric screening/monitoring;
2. Group services:
  - a. Maternal child health,
  - b. Sudden infant death syndrome;

and to handle such donation consistent with agreements and understandings between the City and King County regarding the organization, management, and financing of the Department and applicable state, City and county laws, ordinances, regulations and administrative procedures.

(Ord. 110049 § 1, 1981.)

**Subchapter III Seattle-King County  
Department of Public Health Citizens  
Advisory Board**

**3.30.200 Board established—Purpose.**

There is established a Seattle-King County Department of Public Health Citizens Advisory Board to provide consumer input into the planning, policy-making and implementation processes of the Department, by advising the Department with respect to the evaluation of program implementation and program planning relating to health care within the community; presenting issues relevant to the health and well-being of the community to the Department for its consideration and action; providing liaison and serving as a facilitator of communications between the Department and the community; and acting as an advocate of the community, consumers, and the Department.

(Ord. 106480 § 1, 1977.)

**3.30.210 Membership—Qualifications.**

The Board established in Section 3.30.200 shall consist of twenty-one (21) appointed members who shall serve without compensation, and shall reflect in its membership the racial, ethnic, and socio-economic characteristics of the primary users and consumers of the Department's services and the general population of the five (5) health districts within King County, as well as other pertinent demographic, environmental, health, and geographic characteristics of the Seattle-King County area; provided, that no more than two appointed Board members shall have the same profession or occupation, no appointed Board member shall be employed by the Department, and not less than fifteen (15) appointed Board members shall be consumers. For the purpose of this chapter, the term "consumer" shall mean any person whose occupation is other than the administration of health activities or the providing of health services, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services. The Chairperson of the Department's Sewage Disposal Technical Advisory Committee, the Plumbing Code Advisory Board, the Refrigeration Advisory Committee and the Meat Advisory Committee and the Family Planning Medical Advisory Committee shall be ex officio members of the Board established in Section 3.30.200.

(Ord. 106480 § 2, 1977.)

**3.30.220 Tenure.**

Members of the Board established in Section 3.30.200 other than ex officio members shall be appointed for a term of three (3) years and until their successors are appointed and have qualified; provided, that the terms of the initial appointed members of the Board shall be staggered so that one-third ( $\frac{1}{3}$ ) of such members shall serve a one (1) year term, another one-third ( $\frac{1}{3}$ ) shall serve a two (2) year term, and the remaining one-third ( $\frac{1}{3}$ ) shall serve a three (3) year term. Members may be reappointed, but may serve no more than two (2) consecutive terms. Any appointment made to fill a vacancy shall be for the unexpired portion of the term in which the vacancy occurs.

(Ord. 106480 § 3, 1977.)

**3.30.230 Appointment process.**

The Mayor shall appoint ten (10), and the King County Executive shall appoint eleven (11) of the initial members of the Board established in Section 3.30.200, after each such official has examined a list of names of persons nominated to such positions by the members of the Ad Hoc Citizens Advisory Committee for the Seattle King County Department of Public Health, to which list the Director of the Department shall have added his own nominees, following a review of the list; provided, that persons appointed after the initial members shall be appointed alternately by the Mayor and County Executive after each has reviewed a list of nominees nominated by the then current Board members, to which list the Director shall have similarly added his own nominees, following a review of the list.

(Ord. 106480 § 4, 1977.)

**3.30.240 Board operations.**

The Board established in Section 3.30.200 shall organize and annually elect a chairman, vice chairman, and secretary from its members; may adopt, amend, and repeal bylaws regarding its operations and governance; and may seek consultation from acknowledged experts in the community to assist it in accomplishing its purpose.

(Ord. 106480 § 5, 1977.)

**3.30.250 Functional review of board  
operations—Abolition or  
continuation of Board.**

### 3.30.250 ADMINISTRATION

The Board established in Section 3.30.200 shall be abolished three (3) years from the effective date of the ordinance codified in this chapter,<sup>1</sup> without further City Council action, unless prior to the date of such abolition, the City Council, following a review of the functions of the Board, by ordinance continues the existence of the Board. (Ord. 106480 § 6, 1977.)

1.Editor's Note: Ord. 106480 became effective on June 30, 1977.

## **Chapter 3.32 SEATTLE PUBLIC UTILITIES**

### **Sections:**

#### **3.32.010Seattle Public Utilities—Director.**

#### **3.32.020Adoption of rules.**

#### **3.32.030Director's duties.**

#### **3.32.010Seattle Public Utilities—Director.**

A. There shall be the Seattle Public Utilities consisting of the municipal water system, the solid waste, drainage and wastewater, engineering services, and related executive management functions, and the customer service call center and construction engineering functions formerly within the City Light Department, the head of which shall be the Director of Seattle Public Utilities.<sup>1</sup>

B. The Director of Seattle Public Utilities shall be appointed by the Mayor and confirmed by a majority of the City Council, and shall serve for a four (4) year term.

(Ord. 118396 § 6(part), 1996; Ord. 107788 §1 1978.)

1.Cross-reference: For provisions regarding the water system rates and regulations, see Subtitle I Water, of Title 21 of this Code.

#### **3.32.020Adoption of rules.**

Pursuant to the Administrative Code (Ordinance 102228),<sup>1</sup> the Director of Seattle Public Utilities may adopt whatever rule he or she deems useful for the conduct of the Seattle Public Utilities business.

(Ord. 118396 § 6(part), 1996; Ord. 107788 § 2, 1978.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

#### **3.32.030Director's duties.**

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Under the direction of the Mayor, the functions of the Director of Seattle Public Utilities include:

A. Operating, maintaining, managing and controlling the municipal water system and related facilities;

B. Managing, controlling, operating and maintaining the municipal sewerage utility system;

C. Managing, controlling, operating and maintaining the municipal solid waste utility and resource recovery programs and projects;

D. Maintaining a repository of City survey, graphic, climatic, soils and engineering records; of City activities and contracts affecting drainage and the City's rights and duties with respect to stream flows and riparian rights within the City;

E. Managing, controlling and operating a central customer service call center for the City's utility operations;

F. Enforcing and implementing City ordinances, contracts and rules which relate to the Seattle Public Utilities;

G. Appointing, supervising and controlling officers and employees of the Seattle Public Utilities, subject to personnel ordinances and rules of the City;

H. Making surveys, maps, profiles, plans, specifications, estimates and reports in connection with the Seattle Public Utilities;

I. Laying out, directing, constructing and supervising all public works of the Seattle Public Utilities, and providing engineering and construction engineering services to other City departments as requested by those departments;

J. Performing other duties as assigned by the City.

(Ord. 118396 § 6(part) 1996: Ord. 109480 § 1, 1980: Ord. 107788 § 3, 1978.)

### Chapter 3.33 SEATTLE MUNICIPAL COURT

#### Sections:

**3.33.010 Purpose.**

**3.33.020 Jurisdiction—Authority.**

**3.33.030 Trial by jury—Juror's fees.**

**3.33.040 Structure.**

**3.33.050 Sessions.**

**3.33.060 Court Administrator.**

**3.33.070 Seal of Court.**

**3.33.080 Process.**

**3.33.090 Director of Traffic**

**Violations/Director of  
Information and Revenue.**

**3.33.100 Judges' meetings—Rules of court.**

**3.33.110 Qualifications of judges.**

**3.33.120 Judges' oaths; bonds.**

**3.33.130 Additional judges.**

**3.33.140 Judges pro tempore.**

**3.33.150 Judicial officers.**

**3.33.160 Clerks of the court.**

**3.33.170 Powers and duties of chief clerk.**

**3.33.180 Director of Probation**

**Services—Probation  
officers—Bailiffs.**

**3.33.190 Warrant servers—Service of  
process.**

**3.33.200 Retention of collection agency.**

#### **3.33.010 Purpose.**

This chapter sets forth the structure and authority of Seattle Municipal Court and consolidates authorization previously given in Ordinances 101811, 108666 and 110900, which authority is hereby further ratified and confirmed. Consistent with RCW Chapter 35.20 and other applicable law, the purpose of the Court is to try violations of City ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances and perform such other duties as may be authorized by law.

(Ord. 113786 § 1(part), 1987.)

#### **3.33.020 Jurisdiction—Authority.**

The Municipal Court has jurisdiction to try violations of all City ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to

### 3.33.040 ADMINISTRATION

hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith; provided, that for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than is authorized by state law. All civil and criminal proceedings in Municipal Court, and judgments rendered therein, shall be subject to review in the Superior Court by writ of review or on appeal. Costs in civil and criminal cases may be taxed as provided by law.

(Ord. 118580 § 1, 1997; Ord. 113786 § 1(part), 1987.)

#### **3.33.030 Trial by jury—Juror's fees.**

In all civil cases and criminal cases where jurisdiction is concurrent with district courts as provided in RCW 35.20.250, within the jurisdiction of the Municipal Court, the plaintiff or defendant may demand a jury, which shall consist of six (6) citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the Municipal Court; provided, that no jury trial may be held on a proceeding involving a traffic infraction or violation. A defendant in a civil case requesting a jury shall pay to the Court a fee which shall be the same as that for a jury in Justice Court. Where there is more than one (1) defendant in an action and one (1) or more of them requests a jury, only one (1) jury fee shall be collected by the Court. Each juror may receive up to Twenty-five Dollars (\$25), but in no case less than Ten Dollars (\$10) for each day in attendance upon the Municipal Court and, in addition thereto, shall receive mileage at the rate determined under RCW 43.03.060; provided, that the compensation paid jurors shall be determined by the City's legislative authority and shall be uniformly applied.

(Ord. 113786 § 1(part), 1987.)

#### **3.33.040 Structure.**

A. The Municipal Court shall consist of ten (10) judicial departments, as follows:

1. Departments 1 — 3 established pursuant to RCW 35.20.100;
2. Departments 4 — 6 heretofore established pursuant to RCW 35.20.100 by Ordinances 101811, 108666 and 110900;
3. Department 7, hereby established pursuant to RCW 35.20.100;

4. Department 10 (a night court), hereby established pursuant to RCW 35.20.020 and 35.20.100;

5. Department 11, hereby established pursuant to RCW 35.20.100; and

6. Department 12, hereby established pursuant to RCW 25.20.100.

B. The departments shall be established in such places as may be provided from time to time by the City's legislative authority and each department shall be presided over by a municipal judge. The judges shall select, by majority vote, one (1) of their number to act as presiding judge of the Municipal Court for a term of one (1) year, and he or she shall be responsible for administration of the Court and assignment of calendars to all departments. A change of venue from one department of the Municipal Court to another department shall be allowed in accordance with the provisions of RCW 3.66.090 in all civil and criminal proceedings. Municipal judges shall be elected as provided by law.

(Ord. 115016 § 1, 1990; Ord. 114816 § 1, 1989; Ord. 114655 § 1, 1989; Ord. 113786 § 1(part), 1987.)

Cases: Departments 4 and 5 were validly created. **In Re Eng**, 113 Wn.2d 178, 776 P.2d 1336 (1989).

#### **3.33.050 Sessions.**

The Municipal Court shall be always open except on nonjudicial days. It shall hold regular and special sessions at such times as may be prescribed by the judges thereof.

(Ord. 113786 § 1(part), 1987.)

#### **3.33.060 Court Administrator.**

There shall be a Court Administrator of the Municipal Court appointed by the judges of the Municipal Court, subject to confirmation by a majority of the City Council, and removable by the judges of the Municipal Court subject to like confirmation. Before entering upon the duties of his or her office, the Court Administrator shall take and subscribe an oath the same as required for other officers of the City, and

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shall execute a penal bond in such sum and with such sureties as the City Council may direct and subject to their approval, conditioned for the faithful performance of his or her duties, and that he or she will pay over to the City Finance Director all moneys belonging to the City which shall come into his or her hands as such Court Administrator. The Court Administrator shall be paid such compensation as the City Council may provide from time to time. The Court Administrator shall act under the supervision and control of the presiding judge of the Municipal Court and shall supervise the functions of the chief clerk and Director of the Traffic Violations Bureau, or successor agency, and perform such other duties as may be assigned to him or her by the presiding judge of the Municipal Court.

(Ord. 116368 § 46, 1992; Ord. 113786 § 1(part), 1987.)

**3.33.070Seal of court.**

The Municipal Court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of The City of Seattle, State of Washington," surrounding the vignette.

(Ord. 113786 § 1(part), 1987.)

**3.33.080Process.**

All process from the Municipal Court shall issue under the seal thereof and shall run throughout the state.

(Ord. 113786 § 1(part), 1987.)

**3.33.090Director of Traffic Violations/  
Director of Information and  
Revenue.**

There shall be a Director of the Traffic Violations Bureau/Director of Information and Revenue. The Director shall be appointed by the judges of the Municipal Court subject to civil service laws and rules. The Director shall act under the supervision of the Traffic Violations Bureau. Before entering upon the duties of his or her office, the Director shall take and subscribe an oath the same as required for other officers of the City and shall execute a penal bond in such sum and with such sureties as the City's legislative authority may direct and, subject to their approval, conditioned for the faithful performance of his or her duties, and that he or she will faithfully account to and pay over to the City Finance Director

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all moneys belonging to the City which shall come into his or her hands as such Director. The Director shall be paid such compensation as may be provided in the salary schedule.

(Ord. 116368 § 47, 1992; Ord. 113786 § 1(part), 1987.)

#### **3.33.100Judges' meetings—Rules of court.**

It shall be the duty of the judges of Municipal Court to meet together at least once each month, except during the months of July and August, at such hour and place as they may designate, and at such other times as they may desire, for the consideration of such matters pertaining to the administration of justice in said Court as may be brought before them. At these meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to the Court and the employees thereof, and shall take such action as they may deem necessary or proper with respect thereto. They shall have power and it shall be their duty to adopt, or cause to be adopted, rules and regulations for the proper administration of justice in the Municipal Court. (Ord. 113786 § 1(part), 1987.)

#### **3.33.110Qualifications of judges.**

No person shall be eligible for the office of judge of the Municipal Court unless he or she shall have been admitted to practice law before the courts of record of the state and is a qualified elector of the City. No judge of said Court during his or her term of office shall engage either directly or indirectly in the practice of law. (Ord. 113786 § 1(part), 1987.)

#### **3.33.120Judges' oaths; bonds.**

Every judge of the Municipal Court, before he or she enters upon the duties of his or her office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the Municipal Court of The City of Seattle according to the best of my ability; and I do further certify that I do not advocate, nor am I a member of an organization that advocates, the overthrow of the government of the United States by force or violence." The oath shall be filed in the office of the County Auditor. He or she shall also give such bonds to the state and City for the

faithful performance of his or her duties as may be by law or ordinance directed.

(Ord. 113786 § 1(part), 1987.)

#### **3.33.130Additional judges.**

Whenever the number of departments of the Municipal Court is increased by City ordinance, the Mayor shall appoint a qualified person as provided in RCW 35.30.170 and SMC Section 3.33.110 to act as Municipal Judge until the next general election. He or she shall be paid salaries in accordance with the provisions of RCW Chapter 35.20 and applicable City ordinances and provided with the necessary court, office space and personnel as authorized.

(Ord. 113786 § 1(part), 1987.)

#### **3.33.140Judges pro tempore.**

The Mayor shall, from attorneys residing in the City and qualified to hold the position of judge of the Municipal Court as provided in RCW 35.20.170 and SMC Section 3.33.110, appoint judges pro tempore who shall act in the absence of the regular judges of the Court or in addition to the regular judges when the administration of justice and the accomplishment of the work of the Court make it necessary. The judges of the Municipal Court shall promulgate rules establishing general standards for the use of judges pro tempore. A copy of the rules shall be filed with the legislative authority of the City at the time of budget consideration. Such appointments shall be made from a list of attorneys furnished by the judges of the Municipal Court, which list shall contain not less than five (5) names in addition to the number of judges pro tempore requested. Appointment of judges pro tempore shall be for the term of office of the regular judges unless sooner removed in the same manner as they were appointed. While acting as judge of the Court, judges pro tempore shall have all of the powers of the regular judges. Before entering upon his or her duties, each judge pro tempore shall take, subscribe and file an oath as is taken by a municipal judge. Judges pro tempore shall not practice before the Municipal Court during their term of office as judges pro tempore. Municipal Judges pro tempore shall receive such compensation as shall be fixed by ordinance of the City.

(Ord. 113786 § 1(part), 1987.)



**3.33.150Judicial officers.**

The judges of the Municipal Court may employ judicial officers to assist in the administration of justice and the accomplishment of the work of the Court as said work may be assigned to it by statute or ordinance. The duties and responsibilities of such officers shall be judicial in nature and shall be fixed by Court rule as adopted by the Municipal Court judges or fixed by ordinance. The judicial officers may be authorized to hear and determine cases involving the commission of traffic infractions and violations as provided in RCW Chapter 46.63 and SMC Title 11 and other applicable portions of the Seattle Municipal Code, and cases involving the commission of civil infractions and violations as provided for in RCW Chapter 7.80. The Mayor may appoint the judicial officers as judges pro tempore pursuant to RCW 35.20.200 and SMC Section 3.33.130; provided that, the judicial officer need not be a resident of the City.  
(Ord. 119338 § 1, 1999; Ord. 113786 § 1(part), 1987.)

**3.33.160Clerks of the court.**

A. There shall be a Chief Clerk of the Municipal Court appointed by the judges of the Municipal Court subject to such civil service laws and rules. Before he or she enters upon the duties of his or her office the chief clerk shall take and subscribe an oath the same as required for other officers of the City, and shall execute a penal bond in such sum and with such sureties as legislative authority of the City may direct and, subject to their approval, conditioned that he or she will faithfully account to and pay over to the City Finance Director all moneys coming into his or her hands as the clerk, and that he or she will faithfully perform the duties of the office to the best of his or her knowledge and ability.

B. Upon the recommendation of the judges of the Municipal Court, the legislative authority of the City may provide for the appointment of such assistant clerks of the Municipal Court as the legislative authority deems necessary, with such compensation as the legislative authority may provide by ordinance and the assistant

clerks shall be subject to civil service laws and rules; provided, that the judges of the Municipal Court shall appoint such clerks as the Board of County Commissioners may determine to handle cases involving violations of state law, wherein the Court has concurrent jurisdiction with justices of the peace and the Superior Court.

C. All clerks of the court shall have power to administer oaths, swear and acknowledge signatures of those persons filing complaints with the Court, take testimony in any action, suit or proceeding in the Court relating to the City or county for which they are appointed, and may certify any records and documents of the Court pertaining thereto. They shall give bond for the faithful performance of their duties as required by law.  
(Ord. 116368 § 48, 1992; Ord. 113786 § 1(part), 1987.)

**3.33.170Powers and duties of chief clerk.**

The chief clerk, under the supervision and direction of the Court Administrator of the Municipal Court, shall have the custody and care of the books, papers and records of the Court; he or she shall be present or ensure that a deputy is present during the session of the Court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgements. He or she shall keep the records of the Court, and shall issue all process under his or her hand and the seal of the Court, and shall do and perform all things and have the same powers pertaining to his or her office as the clerks of the Superior Courts have in their office. He or she shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the City Treasury all moneys received for the City during the day previous, with a detailed account of the same, and taking the City Finance Director's receipt therefor.  
(Ord. 116368 § 49, 1992; Ord. 113786 § 1(part), 1987.)

**3.33.180Director of Probation Services—Probation officers—Bailiffs.**

The judges of the Municipal Court shall appoint a Director of Probation Services who shall, under the direction and supervision of the Court Administrator of the Municipal Court, supervise the probation officers of the Municipal Court. The

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judges of the Municipal Court shall also appoint a bailiff for the Court, together with such number of probation officers and additional bailiffs as may be authorized by ordinance. The Director of Probation Services, probation officers, and bailiff or bailiffs shall be paid as provided by ordinance. (Ord. 119128 § 1, 1998; Ord. 113786 § 1(part), 1987.)

#### **3.33.190 Warrant servers—Service of process.**

A. The position of warrant officer is hereby established in the Police Department. The position of warrant officer, as authorized by RCW 35.20.270, is hereby established under that title or other similar title as may be established by ordinance or collective bargaining agreement. The number and qualifications of warrant officers shall be fixed by ordinance, and their compensation shall be paid as provided by ordinance or collective bargaining agreement.

B. Warrant officers shall be vested only with the special authority to make arrests authorized by the warrants which they have been directed to serve by Municipal Court or other warrant service as may be authorized and directed by the Chief of Police.

C. All criminal and civil process issuing out of Municipal Court shall be directed to the Chief of Police, to the Sheriff of King County and/or the warrant officers of the Police Department and be by them executed according to law in any county of this state.

D. No process of Municipal Court shall be executed outside the corporate limits of the City unless the person authorized by said process shall first contact the applicable law enforcement agency in the jurisdiction of which the process is to be served.

E. Upon a defendant being arrested in another city or county, the cost of arresting or serving process thereon shall be borne by Municipal Court, including the cost of returning the defendant from any county of the state to the City.

F. Warrant officers shall not be entitled to death, disability or retirement benefits pursuant to RCW Chapter 41.26 on the basis of service as a warrant officer as described in this section. (Ord. 116239 § 6, 1992; Ord. 113786 § 1(part), 1987.)

#### **3.33.200 Retention of collection agency.**

The Municipal Court is authorized to use a collection agency licensed under RCW Chapter 19.16 for the purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments, or forfeitures that have been imposed by the Court. The selection should be made through a competitive process and provide for nondiscrimination/affirmative action in employment as contemplated by Seattle Municipal Code Section 20.44.030 and for every good-faith effort to utilize the services of women's and minority business enterprises as contemplated by subsection C of Section 20.46.110. The agreement(s) may specify conditions, remuneration for services, and other changes deemed appropriate. (Ord. 114573 § 1, 1989.)

### **Chapter 3.35**

### **DEPARTMENT OF NEIGHBORHOODS**

#### **Sections:**

#### **3.35.010 Department established—Purpose.**

#### **3.35.020 Director of the Department of Neighborhoods—Appointment—Term.**

#### **3.35.030 Director—Functions.**

#### **3.35.040 Director—Ancillary powers.**

#### **3.35.050 Neighborhood Matching Subfund.**

#### **3.35.060 Garden plot fee schedule; permits.**

#### **3.35.080 Leases and agreements authorized.**

#### **3.35.010 Department established—Purpose.**

There is established a Department of Neighborhoods to provide citizens and neighborhoods with consolidated, accessible, and effective tools and resources:

A. To identify and address their diverse character and needs;

B. To assist their participation in the processes of City government;

C. To improve two (2) way communication between them and City departments;

D. To give them the capacity to build their communities;

E. To encourage their participation in finding solutions to their problems;

F. To encourage their communication and collaboration with other neighborhoods, business organizations and community groups; and

G. To implement the Neighborhood Planning and Assistance Program adopted by Resolution 27709.

(Ord. 115345 § 1(part), 1990.)

**3.35.020 Director of the Department of Neighborhoods—Appointment—Term.**

The Director of the Department of Neighborhoods shall be appointed by the Mayor subject to confirmation by a majority of the City Council to serve for a term of four (4) years. The first Director's term shall expire December 31, 1993. All other terms shall be coterminous with that of the Mayor.

(Ord. 115345 § 1(part), 1990.)

**3.35.030 Director—Functions.**

The Director of the Department of Neighborhoods shall manage the department and shall:

A. Serve as liaison with citizens, neighborhoods and other community organizations;

B. Manage the City's system of community service centers; provide staff for the City Neighborhood Council and district councils; and administer the Neighborhood Matching Fund Program and the Neighborhood Matching Fund;

C. Receive complaints and requests for service from citizens and communities and work with City departments in resolving them; provide the directory assistance function for the City; provide information about City government to the public; conduct outreach programs to elicit citizen participation; present neighborhood concerns to City departments and strengthen departmental responses to neighborhood problems; assure coordinated departmental responses to neighborhood concerns; and mediate disputes between City departments and affected communities;

D. Assist communities in understanding and responding to proposed projects and activities affecting local land uses and the quality of the neighborhood environment; and facilitate community meetings on City issues and actions having an impact on neighborhoods;

E. Assist communities in identifying problems and needs and help them develop, coordinate and implement neighborhood plans and other actions to address such issues; and report annually to the City Council regarding the status of neighborhood plans;

F. Provide technical assistance to neighborhoods undertaking general organizing efforts;

G. Perform such other functions as assigned by the City in its annual budgets or by ordinance from time to time.

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(Ord. 117620 § 6, 1995; Ord. 115345 § 1(part), 1990.)

**3.35.040 Director—Ancillary powers.**

In order to carry out departmental functions, the Director of the Department of Neighborhoods shall have the power to:

A. Appoint, remove, assign, supervise and control officers and employees in the department in accordance with applicable civil service ordinances and rules;

B. Manage the preparation of the annual budget for the department under guidance from the Budget Director; authorize appropriate expenditures and carry out the adopted budget; develop and manage programs; and undertake authorized activities;

C. Execute and enforce contracts (including agreements for expert and consultant services) subject to applicable purchasing and bidding ordinances; apply for grants and donations for departmental programs; execute interdepartmental agreements and, as authorized by ordinance, intergovernmental agreements; arrange for places for public meetings; and solicit and use volunteer services;

D. Establish a system of rates to be charged to City departments for the value of providing City-wide directory assistance services, which the Executive Services Department will bill to departments in addition to rates the Executive Services Department is authorized to charge City departments under Section 3.24.040 G; and

E. Promulgate rules and regulations to carry out departmental activities pursuant to the Administrative Code, SMC Chapter 3.02.

(Ord. 118397 § 45, 1996; Ord. 117620 § 7, 1995; Ord. 115345 § 1(part), 1990.)

**3.35.050 Neighborhood Matching Subfund.**

A. There is hereby established in the City Treasury, as a subfund of the General Fund, a Neighborhood Matching Subfund to be administered by the Director of the Department of Neighborhoods and into which shall be deposited whatever sums the City may receive or allocate from time to time or during the annual budget process for neighborhood planning and assistance purposes.

B. Disbursements from the Neighborhood Matching Subfund shall comply with all applicable provisions of the State Constitution, State law, City Charter and ordinances of the City, and shall be made from appropriations authorized by the City Council by ordinance.

C. Funds appropriated from the Neighborhood Matching Subfund shall not lapse and shall be carried over each year until fully expended, reallocated by administrative action, or abandoned or reappropriated to other authorized activities.

D. There is hereby established in the Neighborhood Matching Subfund a new account called the Neighborhood Participation Account into which shall be deposited any cash proceeds provided as matching participation in furtherance of projects authorized by the City Council as part of the Neighborhood Matching Subfund program.

E. Funds received and deposited in accordance with the provisions of subsection D of this section are available for appropriation for uses contemplated by the Neighborhood Matching Subfund Program.

(Ord. 117977 § 5, 1995; Ord. 115345 § 1(part), 1990.)

**3.35.060 Garden plot fee schedule; permits.**

To partially offset the costs of the P-Patch program, the Director of the Department of Neighborhoods is authorized to establish and collect fees for the use of P-Patch garden plots and to grant revocable permits for such use. Subject to adjustments authorized in this section, fees shall be established in accordance with the size of garden plot used by the program participants and shall be as follows:

A. Ten (10) foot by ten (10) foot plots, Twenty-one Dollars (\$21) per year;

B. Ten (10) foot by twenty (20) foot plots, Thirty-four Dollars (\$34) per year;

C. Ten (10) foot by forty (40) foot plots, Fifty-three Dollars (\$53) per year.

The Director shall adjust the fees every two (2) years approximately in proportion to the Consumer Price Index, All Urban Consumers, published by the federal government, or a substitute or successor index selected by the Director. The first such adjustment shall take effect January 1, 1999. The Director may establish fees for plots with different dimensions than those set forth above, at a rate per square foot generally



consistent with the rate for the standard plot must nearly equal in size, as established under this section. For participants from households with incomes at or below the poverty level as defined by the federal government, the fee for any size plot shall be Five Dollars (\$5), subject to cost of living adjustment as stated in this section. The Director may accept a reduced fee from a participant who is given access to a plot after a significant portion of the growing season has expired, prorated to reflect the number of months remaining in the growing season.

(Ord. 118546 § 1, 1997; Ord. 117397 § 1, 1994; Ord. 115929 § 1, 1991; Ord. 113738 § 1, 1987; Ord. 109489 § 1, 1980; Ord. 107833 § 1, 1978; Ord. 106958 § 1, 1997.)

### **3.35.080 Leases and agreements authorized.**

The Director of Neighborhoods (Director) is authorized, for and on behalf of The City of Seattle as lessee, to enter into, renew, modify and administer leases and agreements to lease any property within The City of Seattle for use as P-Patch community gardens or for similar open space use. Such leases shall be on such terms and for such periods, not to exceed five (5) years (exclusive of renewals at the City's option), as the Director may find prudent or as may be required by fund sources, provided that unless otherwise authorized by ordinance the combination of all such leases and agreements shall not commit the City to aggregate payments in any year in excess of Two Thousand Dollars (\$2,000). The Director is further authorized to negotiate, accept, execute, record, administer, and enforce, for and on behalf of the City, easements, covenants, or other agreements from property owners and lessees, committing the use of land for P-Patch purposes for specified periods or in perpetuity, provided that without express City Council approval such agreements shall not impose material obligations on the City with respect to the property beyond those for which funds shall have been appropriated at the time of such acceptance.

(Ord. 118546 § 3, 1997; Ord. 118208 § 1, 1996.)

## **Chapter 3.38 FINANCE DIVISION**

### **Sections:**

### **3.38.010 Finance Director—Functions, powers, and authority.**

### **3.38.020 Finance**

### **Director—Appointment—Removal.**

### **3.38.040 Authority to draw and pay warrants.**

### **3.38.050 Auditing Committee.**

### **3.38.060 Statutory duties of Treasurer.**

### **3.38.065 Other statutory duties.**

### **3.38.070 Designation of delegates in City offices and departments.**

### **3.38.080 Unclaimed property.**

### **3.38.010 Finance Director—Functions, powers, and authority.**

The Finance Director shall manage the Finance Division of the Executive Services Department. The Finance Division is the Department of Finance referred to in the City Charter.<sup>1</sup> The Finance Director shall exercise general supervision over the financial affairs of the City and administer and enforce laws and ordinances relating to weights, measures, consumer protection, and licensing for regulation and/or revenue unless law or ordinance vests such power elsewhere. The Finance Director's functions and powers include the following:

A. Maintaining the City's financial accounts and records, issuing financial statements on behalf of the City, establishing accounting policies and procedures for City departments, and monitoring departmental compliance therewith;

B. Producing the City's comprehensive annual financial report in a timely manner and in accordance with generally accepted accounting principles;

### 3.38.050 ADMINISTRATION

C. Keeping the City Treasury, receiving and disbursing all money belonging to the City, unless otherwise expressly provided by state law or City ordinance; collecting funds due to the City when the function has not been assigned to another City department; preparing and disbursing the payroll after receiving proper certification from departments; and performing the duties assigned by state statute to a city treasurer;

D. Investing funds in excess of the City's current needs, forecasting cash balances and needs, depositing and managing cash, and administering trust accounts that are not assigned to any other department;

E. Managing City borrowing, executing and issuing all appropriate documents including contracts and other documents for and on behalf of the City in connection with the issuance of bonds and other debt instruments as authorized by ordinance or resolution, retaining financial and other necessary consultants, keeping all necessary registers of creditors, and arranging for repayment of debts; and overseeing payment of federal and state taxes;

F. Providing technical assistance, training, and support to City departments in performing financial functions;

G. Selecting qualified public depositories for the deposit of City moneys as contemplated by RCW Chapter 39.58;

H. Certifying City officers or employees as cashiers for receiving and depositing funds due to the City, establishing criteria for their certification and internal controls for cash management, suspending or withdrawing their certification, and pursuing remedies available at law in the event of loss;

I. Accepting and depositing donations to the City for its trust accounts, accepting anonymous donations of cash to the City, and accepting unrestricted donations of funds from identified donors in an amount up to One Thousand Dollars (\$1,000);

J. Arranging for withholding and payment of applicable federal and state taxes;

K. Promulgating rules and regulations in accordance with the City's Administrative Code (Chapter 3.02; Ordinance 102228, as amended) as deemed necessary to carry out the functions in Sections 3.38.010 through 3.38.080;

L. Performing such other activities as may be assigned by ordinance or delegated by the Executive Services Director from time to time.

(Ord. 118397 § 46, 1996; Ord. 117169 § 8, 1994; Ord. 116368 § 5(part), 1992.)

1.Editor's Note: The Charter is set out at the front of this Code.

### 3.38.020 Finance

#### **Director—Appointment—Removal.**

The Finance Director shall be appointed, by the Mayor, subject to confirmation by a majority vote of the City Council, and may be removed by the Mayor upon filing a statement of his or her reasons therefor with the City Council. The Finance Director is the Director of Finance referred to in the City Charter.<sup>1</sup>

(Ord. 118397 § 47, 1996; Ord. 116368 § 5(part), 1992.)

1.Editor's Note: The Charter is set out at the front of this Code.

### 3.38.040 Authority to draw and pay warrants.

Unless the ordinance indicates otherwise, the making of an appropriation is sufficient authority for the Finance Director to draw and pay the necessary warrants and make the necessary transfers upon properly executed vouchers drawn by the appropriate department head or an authorized assistant.

(Ord. 116368 § 5(part), 1992.)

### 3.38.050 Auditing Committee.

The Finance Director or an authorized delegate shall attend meetings of the Auditing Committee

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established by Article VIII, Section 13, of the City Charter<sup>1</sup> and be allowed to speak, but not vote, on matters coming before it.  
(Ord. 116368 § 5(part), 1992.)

1.Editor's Note: The City Charter is set out at the front of this Code.

### **3.38.060 Statutory duties of Treasurer.**

The Finance Director is assigned the functions of the City Treasurer set out in the following statutes, among others:

<b>Function or Activity</b>	<b>Applicable Statutes</b>
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Treasurer of Municipal Court	RCW 3.46.120 RCW 3.50.100 RCW 3.62.040 RCW 35.20.105 RCW 35.20.135 RCW 35.20.210 RCW 35.20.220 RCW 35.20.230
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Treasurer of Eminent Domain; Commission Districts	RCW 8.12.360 RCW 8.12.370 RCW 8.12.380 RCW 8.12.420 RCW 8.12.430 RCW 8.12.460 RCW 8.12.470
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Investment of City Funds	RCW 35.39.034 RCW 35A.40.050
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Custodian of Retirement System Securities	RCW 35.39.070
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Miscellaneous authority	RCW 35A.42.010
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Treasurer of local improvement assessments and collector of accounts; custodian of property foreclosed	RCW 35.49.010 RCW 35.49.130 RCW 35.49.140 RCW 35.49.150 RCW 35.58.500 RCW 36.94.220 RCW 84.63.350
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Treasurer of joint boards	RCW 39.34.030
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Registration of bonds	RCW 39.44.130
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Cancellation of unredeemed warrants	RCW 39.56.040
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Selection of City depository and safeguarding of funds	RCW 39.58.010 RCW 39.58.130—
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### 3.38.070 ADMINISTRATION

	RCW 39.58.160
Paymaster of Firefighters' Pension Board	RCW 41.16.040 (4), (8)
Member and treasurer of Board of Trustees of Police Pension and Relief Fund	RCW 41.20.030 RCW 41.20.130 RCW 63.32.040
Treasurer of City street funds and motor vehicle excise taxes	RCW 47.08.100 RCW 47.08.108 RCW 47.56.050
Treasurer of component city under Washington Clean Air Act	RCW 70.94.094
Treasurer of Real Estate excise tax	RCW 82.46.030

(Ord. 116368 § 5(part), 1992.)

#### 3.38.065 Other statutory duties.

The Finance Director is assigned the functions of the City Comptroller set out in the following statutes, among others:

Function or Activity	Applicable Statutes
Drawing warrants for eminent domain commissioners	RCW 8.12.270
Issuing and signing bonds and other certificates of debt	RCW 35.36.010— RCW 35.36.060 RCW 8.12.400
Receipt of valuations by county assessor	RCW 36.21.020
Custodian of retainage on bonds	RCW 39.08.010
Member of Firefighters' Pension Board	RCW 41.16.020

(Ord. 116368 § 5(part), 1992.)

### 3.38.070 Designation of delegates in City offices and departments.

A. The City Finance Director is authorized to designate and appoint the head of a department, office, board, or other administrative unit, and with his or her concurrence subordinate officers therein, as delegates for the express purpose of authenticating and certifying vouchers, payrolls, and other central financial management transactions of the City, and updating vendor file information. Delegates so designated shall assume responsibility for ensuring that all claims that have been incurred by their respective administrative units are just, due and unpaid obligations and that materials were furnished, services were rendered or labor was performed as stated on each such claim, and that the vendor file information has been updated, all in accordance with procedures specified by the Finance Director by rule adopted pursuant to Chapter 3.02, the Administrative Code.

B. No additional compensation shall attach to any City office or position of employment on account of the Director's designation of the officer or employee as a delegate for any or all of the purposes set out in subsection A.

C. The Finance Director may at his or her discretion withdraw any or all authority delegated. (Ord. 116368 § 53, 1992: Ord. 110938 § 1(part), 1982.)

### 3.38.080 Unclaimed property.

The City Finance Director is designated as the City's representative to the State of Washington, Department of Revenue, for the filing of reports and seeking refunds contemplated by the Uniform Unclaimed Property Act of 1983, RCW Chapter 63.29.290(1) (the "Act"). For such purposes, the City Finance Director is authorized to coordinate reporting by all City Departments; to transfer moneys from the Light Fund to the General Fund on vouchers drawn by the Superintendent of the City Light Department in accordance with appropriations made in its annual budget; and to reserve at the end of each budget year from unexpended and unencumbered balances of appropriations made for other City departments an amount sufficient to cover payments to claimants (RCW 63.29.135).

(Ord. 116368 § 77, 1992: Ord. 111746 § 1, 1984.)

**Chapter 3.40**  
**OFFICE OF CITY AUDITOR**

**Sections:**

**3.40.010 City**

**Auditor—Duties—Appointment.**

**3.40.020 City Auditor—Ancillary powers.**

**3.40.040 Auditing authority.**

**3.40.050 Audit reports—Follow-up required.**

**3.40.010 City Auditor—Duties—Appointment.**

A. There is created within the legislative branch of City government a department to be called the Office of the City Auditor, to perform the duties provided in Article VIII, Section 2 of the City Charter.<sup>1</sup> The City Auditor shall have a term of six (6) years, and shall be appointed by the Chair of the Finance Committee, subject to confirmation by a majority of the City Council, and may be removed for cause by a majority of the City Council.

B. The first term of the City Auditor shall commence upon the effective date of confirmation by the City Council. Succeeding terms that are not consecutive terms for the same individual shall commence for six (6) years upon confirmation of the new City Auditor, regardless of the length of term served by the preceding City Auditor. Consecutive terms for the same individual shall commence for six (6) additional years from the date that individual's previous term expires if the incumbent is reappointed and reconfirmed within ninety (90) days before or ninety (90) days after the expiration of the previous term; otherwise the successive term shall commence upon reconfirmation. If an incumbent seeks reappointment, the Chair of the Finance Committee should propose action, and the City Council should act upon a proposal, at least forty-five (45) days before the expiration of the incumbent's term.

(Ord. 119272 § 1, 1998; Ord. 118957 § 1, 1998; Ord. 116368 § 5(part), 1992.)

1. Editor's Note: The Charter is set out at the front of this Code.

**3.40.020 City Auditor—Ancillary powers.**

Under the direction of the City Council, the City Auditor shall have the power to:

A. Arrange for audits of federally assisted grants and programs; coordinate auditing activities with the Washington State Auditor and personnel in other City departments; and follow up on reports of examination of the State Auditor;

B. Require City departments to:

1. Supply access to accounts and records in whatever media they may be kept, and assist in finding and identifying them; supply documents, computer-readable copies, use of copying machines, and working space for the City Auditor and staff,

2. Retain identified records pending completion of the audit, and

3. Cooperate in interviewing of personnel,

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all for the purpose of conducting audits;

C. Direct comprehensive internal auditing activities, including financial audits, performance audits, and other initiatives to improve City operations for all City departments;

D. Bring to the attention of the State Auditor and to law enforcement authorities information about a suspected violation of state criminal laws or the City's criminal ordinances; and to the City Attorney information about a suspected violation of the laws where the City has a civil remedy that may result in the recovery of funds or property due to the City;

E. Authenticate papers issued by his or her office;

F. Audit the affairs of the City's public corporations established pursuant to Chapter 3.110; of recipients of City contracts; and of accounts with other governmental agencies established with City assistance under the Interlocal Cooperation Act (RCW 39.340); and

G. Perform such other activities as may be assigned by ordinance from time to time.  
(Ord. 116368 § 5(part), 1992.)

#### **3.40.040 Auditing authority.**

The City Auditor is authorized to audit the records of the Seattle Public Library, the Seattle City Employees Retirement System, the Firefighters' Pension Fund, and the Police Pension Fund and, to the extent authorized by law, the Seattle Municipal Court.

(Ord. 116368 § 54, 1992; Ord. 115601 § 1(part), 1992.)

#### **3.40.050 Audit reports—Follow-up required.**

A. It is City policy to follow up on audit reports by the City Auditor.

B. Whenever an audit report identifies a tortious or criminal misappropriation of City funds or property, the department head and the City Attorney shall seek recovery of the moneys and/or other relief as allowed by law.

C. When an audit report discovers a misexpenditure and/or makes a recommendation for a change in practice or procedures of a City department, the affected department shall respond within thirty (30) days. If the City Auditor finds the response unsatisfactory, the City Auditor shall refer the matter to the Finance Chair of the City Council and the Budget Director for their review and guidance.

D. When an audit of a City contract or project determines that ineligible costs were paid, the department responsible for the contract shall promptly seek recovery of sums due to the City. The City Auditor may participate in discussions

### 3.42.020 ADMINISTRATION

with the contractor toward recovery of moneys due and shall be consulted before a settlement is made. In event of a disagreement between the City Auditor and a department head, the Mayor or, at his discretion, the Budget Director shall serve as a mediator.

(Ord. 118912 § 21, 1998; Ord. 117408 § 11, 1994; Ord. 116368 § 55, 1992; Ord. 115601 § 1(part), 1991.)

#### **Chapter 3.42 CITY CLERK**

##### **Sections:**

**3.42.010 City Clerk—Duties.**

**3.42.020 City Clerk—Ancillary powers.**

**3.42.030 Statutory duties.**

**3.42.040 Archives.**

##### **3.42.010 City Clerk—Duties.**

There is established in the Legislative Department a position of City Clerk to perform the duties of the City Clerk provided in Article VIII, Section 3 of the City Charter, and the duties of the City Comptroller in the City Charter: Article IV, Sections 1 and 13; Article VIII, Section 14; Article XVIII, Section 3; and Article XX, Section 2.<sup>1</sup> (Ord. 116368 § 5(part), 1992.)

1.Editor's Note: The Charter is set out at the front of this Code.

##### **3.42.020 City Clerk—Ancillary powers.**

Under the direction of the City Council, the City Clerk shall have the power to perform the following functions:

A. Perform the duties assigned to a city clerk by state statute, including those identified in Seattle Municipal Code Section 3.42.030;

B. Serve as a member and ex officio secretary of the Board of Trustees of the Police Pension and Relief Fund as contemplated by RCW Chapter 41.20;

C. Maintain for public inspection, among other records, a current compilation of the City Code, of proclamations of the Mayor, and of departmental rules and regulations; and of departmental standard operating procedures; of the annual and special messages of the Mayor pursuant to Article V, Section 6 of the City Charter;<sup>1</sup> of the City departmental annual reports required by Article XXII, Section 12 of the City Charter;<sup>1</sup> of

the City's annual budgets; and of the City's comprehensive annual financial report; and certify copies of records on file;

D. Maintain files of documents, including memoranda, letters, and proposed versions of ordinances reviewed by the City Council that provide the legislative history of ordinances;

E. Consult with and advise City departments upon record retention; and maintain the City's archives, including records of departments and offices that are abolished, unless an ordinance directs another disposition;

F. Arrange for the publication of City ordinances when required by law or the City Charter;<sup>1</sup>

G. Retain those records of public corporations established under Chapter 3.110 to be filed with the City, including the corporate charter and amendments thereto, oaths of office, and annual reports;

H. Maintain a continuous record of materials for the City's Deferred Compensation Plan, including a copy of the contracts with plan administrators and investment options and other materials as required by Ordinance 112517, Section 19;<sup>2</sup>

I. Inform the City Auditor and the Mayor about the failure of a City department or official to file any contract, deed, official bond, oath, and/or report required to be filed;

J. Serve as the City Council's agent for presenting to and receiving from the Mayor those bills that have passed the City Council; and

K. Perform such other activities as may be assigned by ordinance from time to time.

(Ord. 117178 § 3, 1994; Ord. 116368 § 5(part), 1992.)

1.Editor's Note: The Charter is set out at the front of this Code.

2.Editor's Note: Ordinance 112517 is not set out in this Code; copies are on file in the City Clerk's office.

**3.42.030 Statutory duties.**

The City Clerk is assigned the duties of the City Comptroller or City Clerk set out in the following state statutes, among others:

Function or Activity	Applicable Statute
Agent for service of summons	RCW 4.28.080
Elections, voter registration and voters' pamphlet	RCW 29.01.010 RCW 29.07.020 RCW 29.21.017 RCW 29.21.060 RCW 29.21.140 RCW 29.81A.020 RCW 29.81A.030 RCW 29.81A.060
Election certifications and designations	RCW 35.10.265 RCW 35.14.030— RCW 35.14.060 RCW 35.22.055— RCW 35.22.070 RCW 35.22.110— RCW 35.22.150
Publish ordinances and maintain custody thereof	RCW 35.21.180
Publishing notice of waterfront leases	RCW 35.23.420
Authentication of signatures and documents	RCW 35.22.110 RCW 35.36.020— RCW 35.36.060
Maintaining records of protests to assessment rolls, keeping the record of appeals and proceedings	RCW 35.43.070 RCW 35.55.070— RCW 35.55.080 RCW 35.56.090
Keeping records and publishing notice of various street projects	RCW 35.56.040 (fills) RCW 35.68.030 (sidewalk) RCW 35.73.020 (regrades) RCW 35.73.030 RCW 35.85.020 (viaducts)
Receiving and filing claims	RCW 35.71.110

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Filing comprehensive plans, RCW 35.63.100  
certain appointments, interlocal RCW 35.81.160  
government agreements, RCW 39.34.040  
retroceded streets, and RCW 47.24.010  
documents RCW 90.58.120  
(Ord. 116368 § 5(part), 1992.)

### **3.42.040 Archives.**

The City Clerk is the custodian of City Archives. As successor to the City Comptroller in this function, the City Clerk shall be custodian of the permanent records of the City, including documents that this Code directs be filed with the City Comptroller.  
(Ord. 116368 § 5(part), 1992.)

### **Subtitle III Boards (Reserved)**

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Subtitle IV Commissions

Chapter 3.52

SEATTLE-KING COUNTY COMMISSION  
ON ALCOHOLISM

Sections:

3.52.010 Commission created—Purpose.

3.52.020 Membership.

3.52.030 Authority to accept funds, hire  
employees and award grants.

3.52.040 Financial and program report.

3.52.010 Commission created—Purpose.

There is created a joint City-county agency to be known as “Seattle-King County Commission on Alcoholism” to serve in an advisory capacity to the City and King County on all matters concerning the care, treatment, rehabilitation and education of alcoholics; to cooperate with and advise public and private agencies and organizations concerned with combating the problems of alcoholism for the purpose of achieving coordination of the activities of such agencies; to develop an educational program to make the public aware of treatment available to users of alcohol; and to develop a comprehensive plan for Seattle and King County to create public concern for, and governmental and private response to the problems of alcoholism.

(Ord. 98304 § 1, 1969.)

3.52.020 Membership.

Such commission shall consist of eighteen (18) members, nine (9) of whom shall be appointed by the Mayor subject to confirmation by the City Council and nine (9) of whom shall be appointed by the County Executive subject to confirmation by the County Council, to serve terms of three (3) years. Members of the Commission shall be appointed from among persons who shall have demonstrated past and present interest in and knowledge about the problems of alcoholism, and shall serve without compensation.

(Ord. 98304 § 2, 1969.)

3.56.010 ADMINISTRATION

**3.52.030 Authority to accept funds, hire employees and award grants.**

To effectuate its purposes, the Commission shall have authority to accept such funds, hire such employees, and award such research and program grants, as provided by the legislative authority of King County. The Commission shall be subject to program budget procedures defined in the King County Charter and audit by the King County Auditor as provided by the King County Charter.

(Ord. 98304 § 3, 1969.)

**3.52.040 Financial and program report.**

The commission shall on or before August 15th of each year publish and submit a financial and program report to the Mayor, County Executive, and members of the City Council and County Council.

(Ord. 98304 § 4, 1969.)

**Chapter 3.56  
SEATTLE ARTS COMMISSION<sup>1</sup>**

**Sections:**

**3.56.010 Commission  
established—Membership.**

**3.56.020 Organization—Chairman.**

**3.56.030 Powers and duties.**

**3.56.040 Executive Director—Appointment  
and duties.**

**3.56.060 Deaccessioning and disposition of  
surplus artworks.**

**3.56.070 Application of proceeds of sale of  
artwork.**

1. Cross-reference: For provisions regarding the Seattle Arts Commission's responsibility for art in public works construction, see Chapter 20.32 of this Code.

**3.56.010 Commission  
established—Membership.**

There is hereby established a Seattle Arts Commission to promote and encourage public programs to further the development and public awareness of and interest in the fine and performing arts and to act in an advisory capacity to the City in connection with the artistic and

cultural development of the City. Such Commission shall consist of fifteen (15) members to be appointed by the Mayor subject to confirmation by a majority of all members of the City Council. Each member shall serve for a term of two (2) years except that the terms of the seven (7) members whose terms are presently scheduled to expire on June 1, 1979, shall be extended through December 31, 1979, and the terms of the eight (8) members whose terms are presently scheduled to expire on June 1, 1980, shall be extended through December 31, 1980. Notwithstanding any other provision herein, a member whose term has expired shall continue to serve until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term in the same manner as original appointments.

(Ord. 108149 § 1, 1979; Ord. 99982 § 1, 1971.)

**3.56.020 Organization—Chairman.**

The Commission shall organize, adopt administrative rules and procedures necessary to accomplish its purposes, and elect from its members such officers as it shall deem necessary; provided, that the Chairman of the Commission shall be appointed by the Mayor for a one (1) year term, subject to confirmation by the City Council.

(Ord. 99982 § 2, 1971.)

**3.56.030 Powers and duties.**

The Commission shall have the following duties and powers:

A. To hold regular public meetings and keep a written record of its proceedings which shall be a public record;

B. To make expenditures in accordance with the annual budget adopted by the City, and upon organization to prepare and submit estimates of necessary expenditures for the remainder of 1971, and thereafter to annually review the financial needs of public programs for development of the fine and performing arts and submit a proposed budget therefor;

C. To utilize the services of its Executive Director and such other staff as may be made available to the Commission;

D. To initiate, sponsor or conduct, alone or in cooperation with other public or private agencies, public programs to further the development and public awareness of, and interest in the fine and performing arts;



E. To encourage donations and grants to the Civic Arts Account of the General Donation and Gift Fund and to advise the City regarding the receipt and expenditure of such funds;

F. To advise the City concerning the receipt of or purchase of works of art to be placed on municipal property, except for museums or art galleries or works of art placed or to be placed in connection with projects reviewed by the Seattle Design Commission;

G. To advise and assist the City in connection with such other artistic activities as may be referred to it by the City.

(Ord. 113747 § 2, 1987; Ord. 99982 § 3, 1971.)

5. Consult with and report regularly to the Commission on the workings of the Commission office, and attend, either in person or by designated representative, all regular meetings of

### **3.56.040 Executive Director—Appointment and duties.**

A. Appointment. There shall be an Executive Director for the Commission who shall be appointed by the Mayor, upon consultation with the Chairman of the Commission, subject to confirmation by a majority of all members of the City Council. The Executive Director, whose position shall be not included in the classified civil service, may be removed by the Mayor upon filing a statement of his reasons therefor with the City Council. The Special Assistant for the Arts appointed and serving as such immediately prior to the effective date of the ordinance codified in this section shall serve as the first Executive Director.

B. Duties. The Executive Director shall be the head of and responsible for the administration of the Seattle Arts Commission, and in that connection, among other duties and responsibilities, shall:

1. Appoint, supervise, control and remove all staff for the Commission consistent with the Personnel Ordinance and Rules;<sup>2</sup>
2. Provide staff support for the Commission;
3. Coordinate and provide staff support in the representation of the Commission, the City, and their interests and policies in interactions with private individuals and entities as well as other public arts organizations;
4. Administer all ordinances pertaining to the Commission and its functions;

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the Commission;

6. Under the direction of the Commission, manage the preparation of the annual budget for the Commission and supervise the maintenance of an adequate accounting system and procedures for expenditures;

7. Make periodic reports to the Mayor and City Council concerning the activities of the Commission and programs for the arts, generally;

8. Exercise such other and further powers and duties as shall be prescribed by ordinance. (Ord. 113747 § 1, 1987; Ord. 99982 § 4, 1971.)

1.Editor's Note: Ordinance 113747 was passed by the City Council on November 30, 1987.

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

### **3.56.060 Deaccessioning and disposition of surplus artworks.**

A. When the Seattle Arts Commission determines that an artwork is surplus to the the City's collection of artworks, the Commission may deaccession the same and arrange for its disposition through an exchange of the artwork for one (1) or more other artwork(s) of comparable aggregate value for the City's collection, with the City being responsible for the payment or receipt of any monetary difference between the value of the City's artwork and the aggregate value of such exchanged artwork(s); through a sale by an art gallery or dealer; through a public auction or process inviting bids or proposals from the public and the acceptance of the best response; through the Purchasing Agent in the same manner as other surplus property; through an indefinite loan to another governmental entity on condition that the receiving entity will maintain the artwork and provide an accompanying notice of the City's retained ownership; or through redonation, sale or other arrangement agreed upon with the donor or artist at the time of the City's acquisition of such artwork; and, in the event the artwork has been destroyed or damaged beyond repair at a reasonable cost, or has no or only a negligible value, it may be disposed of as scrap.

B. If an artwork was donated to the City on condition that the artwork be returned or transferred to another person or entity when it is no longer displayed or ceases to be a part of the City's collection, upon the occurrence of circum-

### 3.56.070 ADMINISTRATION

stances making such condition applicable, the Commission shall request directions from the donor or the donor's representative(s), as appropriate, and return the artwork to the donor or transfer the artwork consistent with the terms of such condition, if such condition applies, and the directions of the donor or the donor's representative.

C. In the event the artist has reserved a right to repurchase the artwork when the City's artwork is to be disposed of, the Commission shall allow the artist a reasonable opportunity to buy it back at its fair market value, as determined by appraisal. Alternatively, the Commission may accept the exchange of the artwork for one (1) or more other artwork(s) that the Commission is willing to include in the City's collection and that has/have an aggregate appraised value equal to the fair market value of the City's artwork.

D. The Commission may implement, in connection with the deaccessioning of any artwork in the City's collection, a written commitment made to the creator or donor of any artwork at the time such artwork is commissioned, purchased, donated, or otherwise procured for the City's collection, to share with such creator or donor a portion of the proceeds of the sale of such artwork upon its deaccessioning and removal from the City's collection if such sale proceeds, after the deduction therefrom of all of the expenses related to such sale, exceed the amount paid by the City for such artwork by at least Two Hundred Dollars (\$200) and the portion of such proceeds that is provided to the creator or donor under such commitment does not exceed fifteen (15) percent of such proceeds.

E. No artwork shall be deemed surplus to the City's collection of artworks if the City administrative unit responsible for administration of the fund used to acquire the same requests its retention and the City's legislative authority provides for the continued maintenance of such artwork. (Ord. 115337 § 1, 1990.)

#### **3.56.070 Application of proceeds of sale of artwork.**

A. The proceeds from the sale of a purchased artwork, after deducting the expenses of the sale and any percentage share due to the artist, as authorized by subsection D of this section, shall be deposited to the credit of the fund from which the

expenditure was originally made to acquire the artwork.

B. Any work of art that is an asset of a revenue bond or voter-approved general obligation bond fund may be replaced by exchange for one (1) or more other works of art or an aggregate equivalent value, and may not be disposed of as surplus or deaccessioned property without being so replaced until after the redemption date for all bonds of the particular bond issue that served as the revenue source for the acquisition of such work of art.

C. The proceeds from the sale of an artwork that had been donated to the City shall be deposited and expended in accord with the donor's direction accompanying the gift, and in the absence of such instructions, to the Municipal Arts Fund for use in acquiring other artworks.

D. The Commission is authorized to enter into contractual agreements committing the City to provide the creator of an artwork to be acquired for the City's collection, upon such artwork's subsequent deaccessioning and offering for sale, (1) a first right to purchase such artwork, and (2) up to fifteen (15) percent of the net proceeds of such sale if, following the deduction and payment of all sale-related expenses, such net proceeds equal or exceed Two Hundred Dollars (\$200). (Ord. 115337 § 2, 1990.)

### **Chapter 3.58 SEATTLE DESIGN COMMISSION**

#### **Sections:**

**3.58.010 Commission established.**

**3.58.020 Capital improvement project defined.**

**3.58.030 Membership.**

**3.58.040 Term of office.**

**3.58.050 Compensation—Calling in of consultants.**

**3.58.060 Organization—Quorum—Support staff.**

**3.58.070 Purpose of Commission.**

**3.58.080 Advisory duties.**

**3.58.090 Fees and charges for Design Commission review.**

#### **3.58.010 Commission established.**

There is established, as of October 1, 1968, a Seattle Design Commission to act in a consulting capacity advisory to the City in connection with

environmental and design aspects of City capital improvement projects. The Seattle Design Commission shall serve functions and carry out duties as provided in this chapter.

(Ord. 96977 § 1, 1968; Ord. 96897 § 1, 1968.)

**3.58.020Capital improvement project defined.**

“Capital improvement project” shall mean any on- or above-grade structure including buildings and additions to buildings, bridges, viaducts, streets, arterial and highway improvements, park developments, landscaping, fencing gates, lamp standards, signs, street furniture, and all similar installations including below-grade structures which are regularly visible to the public including tunnels, arcades and underground passageways, to be erected on land belonging to the City, financed in whole or in part with City funds, or subject to the approval of the City.

(Ord. 96897 § 2, 1968.)

**3.58.030Membership.**

Subject to the provisions of this chapter, the Commission shall act in a consulting capacity, advisory to Mayor, City Council, and appropriate City officials in connection with environmental and design aspects of capital improvement projects of the City. The Commission shall consist of nine (9) members appointed by the Mayor, subject to confirmation of a majority of the City Council and may be removed by the Mayor, subject to such confirmation. Membership shall include two (2) licensed architects, one (1) professional fine artist, and one (1) lay member; and, at least one (1) and no more than two (2) from each of the following categories, for maximum total of five (5): professional urban planner, professional environmental or urban designer, landscape architect and licensed professional engineer. The Mayor shall solicit recommendations for membership from the American Institute of Architects, Seattle Chapter; the American Planning Association, Puget Sound Section of the Washington State Chapter; the American Society of Landscape Architects; the Consulting Engineers Council of Washington; the American Society of Civil Engineers; the Seattle Arts Commission; and other professional organizations for the nonlay members. The lay member shall be selected because of particular qualifications in matters related to the purpose of the Commission.



3.56.070 ADMINISTRATION

(Ord. 119619 § 1, 1999; 102107 § 1, 1973; Ord.  
96897 § 3, 1968.)

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**3.58.040Term of office.**

A. Each member shall serve for a term of two (2) years except that the term of office for the first members shall be staggered so that four (4) serve for two (2) years, ending May 31, 1970, and three (3) serve for one (1) year, ending May 31, 1969. A person appointed to fill a vacancy shall serve for the remainder of the unexpired term. Any member of the Commission may be appointed to succeed himself. The membership of the Commission shall not be limited to residents of the City or residents of the state.

B. No member of the Commission during his or her term of office and for six (6) months thereafter, and no person, firm or corporation employing such member during such period, shall be eligible for employment by or to contract with the City in connection with any capital improvement project reviewed by the Commission during such term of office.

(Ord. 106623 § 1, 1977; Ord. 96977 §§ 2, 4, 1968; Ord. 96897 § 4, 1968.)

**3.58.050Compensation—Calling in of consultants.**

Compensation for the professional and skilled services rendered by members of the Commission, while serving in a consultant capacity to the City in meeting sessions, shall be at the rate of Twenty-five Dollars (\$25.00) for each hour, including the time of travel to Commission meetings, provided, however, that the total compensation that shall become due and payable to any member shall not exceed Two Hundred Dollars (\$200.00) for any one (1) day in meeting sessions of the Commission. Commission members shall be reimbursed for actual costs incurred by them in performance of the duties of the Commission including the cost of travel to Commission meetings. Members of the Commission shall not participate on a design team under consideration for appointment by the Commission, or be recommended for appointment by the Commission for a design contract. Subject to prior approval by the City, the Commission may from time to time call in special consultants. Such consultants shall be chosen by the Commission for their recognized competence and experience in the planning and design of specific projects, or for their overall particular competence in the design of public works.

(Ord. 96897 § 5, 1968.)

**3.58.060Organization—Quorum—Support staff.**

The Chairman of the Commission shall be designated by the Mayor, subject to confirmation by the City Council, to serve from October 1st of each year for a period of one (1) year. The Commission shall elect such other officers as it may deem necessary and shall adopt such administrative procedures as are required to accomplish the purposes of this chapter. Five (5) appointive members shall constitute a quorum. Transactions constituting Commission recommendations must secure the approval of the majority of those present. The City shall provide appropriate staff, one (1) representative of which shall serve as Executive Secretary of the Commission and be responsible for all records. He shall prepare and distribute agenda for Commission meetings. He shall advise and arrange for such compensation and reimbursement of expenses as may be authorized.

(Ord. 96977 § 3, 1968; Ord. 96897 § 6, 1968.)

**3.58.070Purpose of Commission.**

The Commission shall serve in an advisory capacity. Its function shall be to advise and assist the City in the development and execution of capital improvement projects. Its role shall be that of recommending such aesthetic, environmental and design principles and policies that it considers appropriate and advantageous in guiding the development of such projects. No City capital improvement project shall be designed, placed under contract for design or constructed without first being referred to the Commission for its review and recommendation. Minor interior remodeling projects and private structures shall not be reviewed by the Commission unless such structures are specifically referred to the Commission by the City. The Commission shall make its recommendations on any matter submitted to it within thirty (30) days after submission unless an extension is authorized by the City. If it fails to do so, it shall be considered to

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SEATTLE DESIGN COMMISSION

3.58.070

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have recommended approval.  
(Ord. 96897 § 7, 1968.)

### **3.58.080 Advisory duties.**

The advisory and review function of the Commission shall include:

A. Recommending to appropriate City officials those project designers and/or design teams that, in its opinion, should be selected and commissioned to provide design services for the execution of capital improvement projects. The Commission shall establish procedures for obtaining the credentials and experience of such design professionals and procedures for evaluating the relative capabilities of said professionals for specific projects;

B. Study of projects prior to commencement of design. Such study to include formulation of recommended aesthetic, environmental and design principles and objectives that the Commission believes should be sought in the development of the project. These recommendations should be discussed with the project designer and appropriate City officials prior to commencement of design work;

C. Review projects from time to time during the design period and recommend approval upon completion of the schematic design phase, the design development phase and the construction document phase. It shall be the function of the Commission to advise and assist the project designer and appropriate City officials in the development of the project. The Commission may recommend changes in the project designer's work or may recommend approval. Commission review of the construction document phase shall mean review relative to compliance with previously determined environmental and aesthetic objectives.

(Ord. 96897 § 8, 1968.)

### **3.58.090 Fees and charges for Design Commission review.**

A. The Commission is authorized to charge the following fees to applicants for review of capital improvement projects other than City departments' capital improvement projects:

1. When review is by the entire Commission, Seven Hundred Dollars (\$700) per hour;

2. When review is by a committee or subcommittee of the Commission, One Hundred Dollars (\$100) per Commission member participating in the review per hour.

B. The Commission in its discretion, with the concurrence of the Budget Director, may waive its fee under subsection A of this section, in whole or in part, in the following circumstances:

### 3.60.020 ADMINISTRATION

1. Whenever Commission fees, if charged, would be disproportionate to the sums available and could cause abandonment for the following types of projects: artworks, projects funded by grants and donations, neighborhood self-help projects undertaken by volunteers and nonprofit organizations, and for small capital improvements.

2. For Low-income and Special Needs Housing Projects Subject to Design Commission Review. The Commission may require a deposit of its fee before reviewing a project or giving its advice.

C. The Commission shall charge fees for its review of City departments' capital improvement projects as set forth in subsections A through D of Section 22.900D.170.

(Ord. 119274 § 2, 1998; Ord. 114250 § 1, 1988.)

## **Chapter 3.60 SEATTLE-KING COUNTY DRUG COMMISSION**

### **Sections:**

**3.60.010 Commission established.**

**3.60.020 Duties of Commission.**

**3.60.030 Membership.**

**3.60.040 Annual cooperative agreements.**

### **3.60.010 Commission established.**

The Mayor is authorized and directed to execute on behalf of the City an agreement with King County for the formation, operation and financing of a joint drug abuse administrative board to be known as the Seattle-King County Drug Commission referred to in this chapter as the Commission. (Ord. 102605 § 1, 1973.)

### **3.60.020 Duties of Commission.**

The Commission shall act in an advisory capacity to the Mayor of Seattle and King County Executive for the purposes of promoting the education, treatment and rehabilitation of persons who misuse drugs, and in connection with the enforcement of laws relating to drug abuse. The Commission shall correlate activities of all public and private agencies in King County which are concerned with drug abuse problems, and shall apply for, receive and expend funds necessary to carry out the functions of the Commission, and shall develop a public information program on the

effects of drug abuse and resources for treatment and rehabilitation available in the community. (Ord. 102605 § 2, 1973.)

### **3.60.030 Membership.**

The Commission shall consist of fourteen (14) members who have demonstrated past and present interest in and knowledge of problems of the use of drugs, seven (7) of whom shall be appointed by the Mayor subject to confirmation by the City Council, and seven (7) of whom shall be appointed by the King County Executive subject to confirmation by the King County Council. One (1) of the original appointees of the Mayor and one (1) of the original appointees of the County Executive shall serve terms of one (1) year, and two (2) of the original appointees of the Mayor and two (2) original appointees of the County Executive shall serve terms of two (2) years, all remaining and subsequent appointees shall serve terms of three (3) years. The Commission members shall elect a Chairman and shall adopt such rules and regulations necessary to perform its functions. No more than two (2) elected or appointed officials of Seattle and no more than two (2) elected or appointed officials of King County may serve on the Commission and no employees of the Washington State Department of Social and Health Services may so serve. Board members or employees of agencies receiving public funds as a result of recommendation by the Commission may not serve on the Commission. (Ord. 102605 § 3, 1973.)<sup>1</sup>

1. Editor's Note: Ord. 102605 contains two sections using the number "3."

### **3.60.040 Annual cooperative agreements.**

The Mayor is authorized subject to and in accordance with the annual budget of the City to enter on behalf of the City annual cooperative agreements with King County for the financing and operation of the functions of the Commission. Mutually agreed upon procedures to accomplish said functions will be established between the Seattle-King County Department of Public Health and the City's Human Services Department. (Ord. 119273 § 22, 1998; Ord. 102605 § 3, 1973.)<sup>1</sup>

1. Editor's Note: Ord. 102605 contains two sections using the number "3."

**Chapter 3.63**  
**SEATTLE-KING COUNTY TAXICAB**  
**COMMISSION**

**Sections:**

**3.63.010Taxicab Commission.**

**3.63.020Appointments; removal; staffing.**

**3.63.010Taxicab Commission.**

There is established a Seattle-King County Taxicab Commission to study and report to the City and King County Councils and the Port of Seattle on the taxicab industry and taxicab service; to make recommendations on appropriate governmental regulations, setting of taxi fares, and taxi licensing; and to evaluate regulations in effect. The Taxicab Commission shall have nine (9) members, three (3) each appointed by King County and the City, the seventh member appointed by the Port of Seattle, the eighth member shall be selected by the seven (7) appointed members, and the ninth appointed by the Evergreen Taxi Association. Appointed members shall serve for a three (3) year term. The Taxicab Commission shall have the authority, functions, and duties as contemplated by the interlocal agreement between Seattle and King County and the Port of Seattle as authorized by the ordinance codified in this chapter.

(Ord. 113613 § 2(part), 1987.)

**3.63.020Appointments; removal; staffing.**

A. The Mayor shall appoint the three (3) City members of the Taxicab Commission subject to confirmation by the City Council. The Mayor may remove a member appointed by the City for cause.

B. The Finance Director shall provide staff and facilities for the Taxi Commission as authorized in the interlocal agreement.

(Ord. 117169 § 10, 1994; Ord. 113613 § 2(part), 1987.)

**Chapter 3.64**  
**CITY PLANNING COMMISSION**

**Sections:**

**3.64.010Purpose.**

**3.64.020Membership.**

**3.64.030Appointment term.**

**3.64.040Ancillary powers.**

**3.64.050Temporary participants.**

**3.64.060Focus of activities.**

**3.64.070Duties.**

**3.64.080Unexcused absences.**

Statutory Reference: For Charter Provisions on the City Planning Commission, see Charter Article XIV.

**3.64.010Purpose.**

There shall be a City Planning Commission (referred to in this chapter as the "Commission") to provide advice and make recommendation on broad planning goals and policies and on whichever plans for the development of the City on which the City Council and Mayor may request

### 3.64.020 ADMINISTRATION

the Commission's advice by ordinance or joint resolution. The Commission shall provide opportunities for public participation in City planning by:

A. Providing through its own broadly based membership an informed opinion to complement the work of the City's elected officials and administrative departments;

B. When pertinent, soliciting public comment on planning issues of City-wide importance or of a substantial community concern, and evaluating comments received; and

C. Securing the assistance of experts and others with knowledge or ideas to contribute to City planning.

Its functions shall be advisory only.  
(Ord. 109155 § 1, 1980.)

#### **3.64.020 Membership.**

The Commission shall consist of fifteen (15) members. The membership as a whole shall reflect a broad range of opinion, experience, an expertise with the objective of providing sound advice representative of the citizenry. To achieve that purpose, it shall include residents from different neighborhoods within the City, at least one (1) engineer or architect and an urban planner, and among others, members of ethnic minorities and citizens active in neighborhood or community affairs.

(Ord. 109155 § 2, 1980.)

#### **3.64.030 Appointment term.**

The Mayor shall appoint members of the Commission subject to confirmation by the City Council. The term of office shall be for three (3) years, and the terms of one-third ( $\frac{1}{3}$ ) of the members shall expire each year. A Commission member whose term has expired shall continue to hold office until a successor has qualified. No member shall serve more than two (2) consecutive terms. Any vacancy shall be filled for an unexpired term in the same manner as for an original appointment. All Commission members shall be qualified electors of the City. Present members of the Planning Commission are appointed members of the Planning Commission, to serve for the remainder of the terms for which they were appointed.

(Ord. 109155 § 3, 1980.)

#### **3.64.040 Ancillary powers.**

(Seattle 3-99)

The Commission shall have the power to:

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CITY PLANNING COMMISSION

3.64.040

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A. Select one member as the presiding officer of the Commission for a term of one (1) year. No person shall serve as presiding officer for more than two years;

B. Organize itself, establish committees or subcommittees, and delegate duties for the performance of its work;

C. Adopt rules of procedure in accordance with the Administrative Code (Ordinance 102228)<sup>1</sup> and Section 26.3 of the Zoning Ordinance (Ordinance 86300)<sup>2</sup> to accomplish its functions;

D. Obtain administrative support and staff to assist the Commission in the performance of its functions, maintenance of its records, conduct of official correspondence, arrangement for meetings, preparation of estimates of expenditures, and administration of any budget of the Commission; and

E. Authorize payment of expenses incurred in the course of its activities, including reimbursement of expenditures by its members.

Meetings of the Commission, the minutes of its proceedings, and its findings and recommendations shall be open to the public.  
(Ord. 109155 § 4, 1980.)

1.Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

2.Editor's Note: The Zoning Ordinance is codified in Title 24 of this Code.

### **3.64.050Temporary participants.**

A. The Mayor, Council, or Commission may assign one (1) or more persons to sit with and participate in the proceedings of any committee of the Commission while considering a specific matter as deemed appropriate to provide expertise or a viewpoint. No such person shall be considered to be a member of the Commission or have any authority to vote, and the person's participation shall cease upon completion of the assignment.

B. A temporary participant shall not engage in conduct prohibited by the City's Code of Ethics (Ordinance 108882)<sup>1</sup> in Section 4.16.070, but need not file the written statement contemplated by Section 4.16.080.  
(Ord. 109155 § 5, 1980.)

1.Editor's Note: The City's Code of Ethics is codified in Chapter 4.16 of this Code.

### **3.64.060Focus of activities.**

It is the intention of the City's legislative authority that the Commission direct its activities toward providing recommendations on those broad planning goals and policies and plans for the physical development of the City as identified

### 3.64.080 ADMINISTRATION

by the Mayor and City Council as matters for its attention, by ordinance or joint resolution. Whenever the Commission has failed to submit a recommendation within sixty (60) days of a request for such recommendation, the Commission will return the matter as proposed unless a longer period is provided for by resolution or ordinance. (Ord. 109155 § 6, 1980.)

#### 3.64.070 Duties.

In conjunction with the development of a schedule for City consideration of planning and policy issues, the Mayor and Council will by resolution adopt an annual schedule which will assign certain policy and planning issues for Commission consideration. In addition, the Commission shall:

A. When requested by resolution, solicit information and comment from the public about planning goals and policies or plans for the City, and report to the Mayor, Council or administrative agency its recommendations and a summary and analysis of the comments received from the public; and

B. Assist citizens to obtain information and documents regarding planning goals and policies and plans for development of the City. (Ord. 109155 § 7, 1980.)

#### 3.64.080 Unexcused absences.

A Commission member may be removed from office for cause if absent from three (3) consecutive Commission meetings or six (6) regularly scheduled meetings in a year. (Ord. 109155 § 8, 1980.)

## Chapter 3.66 SEATTLE-KING COUNTY YOUTH COMMISSION

### Sections:

**3.66.010 Agreement to establish—Functions.**

**3.66.020 Membership—Appointment.**

**3.66.030 Membership—Specifications.**

**3.66.040 Meetings—Organization—Ex officio members.**

**3.66.050 Funding.**

**3.66.060 Youth Coordinating Board.**

**3.66.070 City and county youth agency responsibilities.**

#### 3.66.010 Agreement to establish—Functions.

The City agrees with King County to establish and operate a joint City/county youth agency to be known as "Seattle-King County Youth Commission" which will advise the Mayor and City Council of Seattle, and the King County Executive and County Council concerning juvenile delinquency and law enforcement; education; employment; and recreation as related to youth; provide and coordinate citizen input for a comprehensive plan for youth services to include priorities, programs areas, and program strategies which will serve as a basis for county and City youth planning; coordinate governmental and private agency youth planning in accordance with the plan; review and recommend for approval all programs of the Bureau of Youth Affairs, and the Youth Division; review and recommend for approval all City/county applications for federal funding for youth programs; monitor and evaluate the effectiveness of youth-serving programs; play an advocacy role for youth, and advise the King County Executive in the selection of the Director of the Bureau of Youth Affairs.

(Ord. 101414 § 1, 1972; Ord. 99856 § 1, 1971; Ord. 98132 § 1, 1969; Ord. 92729 § 1, 1964.)

#### 3.66.020 Membership—Appointment.

The Commission shall consist of twenty-two (22) members: eleven (11) of whom shall be appointed by the Mayor subject to confirmation by the City Council, eleven (11) of whom shall be appointed by the King County Executive subject to confirmation of the County Council. Five (5) of the original appointees by the Mayor and five (5) of the original appointees by the King County Executive shall serve terms of one (1) year; the remaining and all subsequent appointees shall serve terms of two (2) years. Members shall serve without compensation.

(Ord. 101414 § 2(part), 1972; Ord. 99856 § 2(part), 1971; Ord. 98132 § 2(part), 1969; Ord. 96352 § 1(part), 1968; Ord. 92729 § 2(part), 1964.)

**3.66.030 Membership—Specifications.**

Membership is to include the following:

Eight (8) youth, half of which represent disadvantaged or minority groups; eight (8) agency representatives, four (4) from youth agencies, and four (4) from major funding sources; and six (6) representatives from community groups and the general community. At least ten (10) members shall be under twenty-five (25); women and minorities shall be represented.

(Ord. 101414 § 2(part), 1972: Ord. 99856 § 2(part), 1971: Ord. 98132 § 2(part), 1969: Ord. 96352 § 1(part), 1968: Ord. 92729 § 2(part), 1964.)

**3.66.040 Meetings—Organization—Ex officio members.**

A. The Commission shall meet not less than once each month and may adopt such rules of procedure as are necessary to accomplish the duties prescribed in Section 3.66.010. Each year, it shall elect from its membership a chairman and a vice chairman and may appoint such advisory committees as it deems advisable. The Director of the Bureau of Youth Affairs and the Director of the Youth Division shall serve as staff for the Youth Commission. In addition, the following persons shall serve as ex officio members of the Commission:

B. A representative from both the King County and Seattle Park Departments; a representative from both the King County and Seattle Law Enforcement Agencies; a representative of the King County and Seattle School Superintendents, and a representative of the Juvenile Court.

(Ord. 101414 § 2(part), 1972: Ord. 99856 § 2(part), 1971: Ord. 98132 § 2(part), 1969: Ord. 96352 § 1(part), 1968: Ord. 92729 § 2(part), 1964.)

**3.66.050 Funding.**

The Bureau of Youth Affairs, and the Youth Division will share in funding of such joint organization and operation.

(Ord. 101414 § 3, 1972: Ord. 92729 § 3, 1964.)

**3.66.060 Youth Coordinating Board.**

The City agrees with King County to establish a Youth Coordinating Board to consist of the

Mayor, two (2) members of the City Council, and the County Executive and two (2) members of the King County Council; the Chairman of the Youth Commission, the Director of the City Youth Division and the Director of the County Bureau of Youth Affairs shall be nonvoting members. The Board shall be convened at the request of any one (1) of its members to advise, review and coordinate matters of common interest concerning the operation of the Youth Commission. The Chairman of the Commission shall be responsible for scheduling the meetings.

(Ord. 102047 § 1, 1973: Ord. 101414 § 4, 1972: Ord. 99856 § 4, 1971: Ord. 98132 § 4, 1969: Ord. 92729 § 4, 1964.)

**3.66.070 City and county youth agency responsibilities.**

The City Youth Division and the County Bureau of Youth Affairs, besides having staff service responsibility to the Commission as described in Section 3.66.050, shall provide briefings to the Commission each month regarding the agency activity and shall assist Commission members in gathering data and making analysis of youth needs and resolution of youth problems.

(Ord. 99856 § 5, 1971: Ord. 92729 § 5, 1964.)

**Chapter 3.68****COMMISSION ON CHILDREN AND YOUTH****Sections:****3.68.010 Purpose.****3.68.020 Membership.****3.68.030 Appointments and terms.****3.68.040 Ancillary powers.****3.68.050 Meetings and staffing.****3.68.060 Ad hoc participants.****3.68.070 Children and Youth Commission Account.****3.68.080 Unexcused absences.****3.68.090 Review.****3.68.010 Purpose.**

There shall be a Seattle Commission on Children and Youth (referred to in this chapter as the "Commission") to provide advice and make recommendations on broad planning goals and policies for children and youth. The Commission will also consider plans on which the City Council

### 3.68.020 ADMINISTRATION

and Mayor may request the Commission's advice. The Commission shall provide opportunities for public participation by:

A. Providing through its own broadly-based membership an informed opinion to complement the work of the City's elected officials and administrative departments; and

B. When pertinent, soliciting public comment on children and youth issues and evaluating comments received; and

C. Securing the assistance of experts and others with knowledge or ideas to contribute to planning and services for children and youth; and

D. Promoting activities and programs that provide recognition and encouragement to the children and youth of Seattle, and promoting the interest of children and youth as central to the City's physical and economic development; and

E. Serving as an advocate for children and youth with particular focus on the needs of Seattle's at-risk children and youth; and

F. Working with other governmental jurisdictions and with the private sector to pursue implementation of the Commission's objectives; and

G. Publishing an annual assessment of the "State of the City" for children and youth with special focus on at-risk children and youth.

The Commission's functions shall be advisory only.

(Ord. 113260 § 1(1), 1986.)

#### 3.68.020 Membership.

The Commission shall consist of twenty (20) members. The membership as a whole shall reflect a broad range of opinion, experience, and expertise with the objective of providing sound advice representative of the citizenry. To achieve that purpose, it shall include among others: at least two (2) young people; parents and members of ethnic minorities; and citizens active in neighborhood, civic or community affairs.

(Ord. 116647 § 1, 1993; Ord. 113260 § 1(2), 1986.)

#### 3.68.030 Appointments and terms.

The Commission shall be appointed as follows:

Ten (10) members, at least one (1) of whom will be a young person, designated by the Mayor of Seattle;

Ten (10) members, at least one (1) of whom will be a young person, designated by the Seattle City Council;

The Mayor and Council will coordinate appointments to ensure that the representation goals in Section 3.68.020 are achieved. All appointments are subject to confirmation by the City Council.

Terms of office shall be three (3) years, commencing June 1st, except that the initial terms shall be staggered so that six (6) serve one (1) year and seven (7) serve two (2) and three (3) years, respectively. A Commission member whose term has expired shall continue to hold office until a successor has been appointed and qualified. No member shall serve more than two (2) consecutive three (3) year terms. A vacancy during a term shall be filled for the unexpired term in the same manner as the original appointment.

Commission members shall serve without pay, but may be reimbursed their expenses incurred in the performance of their duties.

(Ord. 116647 § 2, 1993; Ord. 113472 § 1, 1987; Ord. 113260 § 1(3), 1986.)

#### 3.68.040 Ancillary powers.

The Commission shall have the power to:

A. Select one (1) member as Chair for a term of one (1) year; no person shall serve as Chair for more than two (2) consecutive years;

B. Organize itself, establish committees or subcommittees, and delegate duties for the performance of its work;

C. Adopt rules of procedures in accordance with the Administrative Code (Ordinance 102228)<sup>1</sup> to accomplish its functions;

D. Raise funds for specific programs and activities, provided that the nature and budgets of those programs and activities have been reviewed and approved by the Commission.

(Ord. 113260 § 1(4), 1986.)

1. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.



**3.68.050 Meetings and staffing.**

Meetings of the Commission, the minutes of its proceedings, and its findings and recommendations shall be open to the public unless the Commission directs otherwise. The Human Services Department shall provide staff and meeting facilities for the Commission and maintain its records.

(Ord. 119273 § 23, 1998; Ord. 113260 § 1(5), 1986.)

**3.68.060 Ad hoc participants.**

The Mayor or City Council may assign one (1) or more persons from key departments to sit with and participate in the proceedings of the Commission. The Commission may also assign such ad hoc participants. No such person shall be considered to be a member of the Commission or have any authority to vote.

(Ord. 113260 § 1(6), 1986.)

**3.68.070 Children and Youth Commission Account.**

There is hereby established in the General Gift and Donations Trust Fund a special account, designated the Children and Youth Commission Account. All donations received for the Commission, revenues from Commission projects or activities, and refunds or other payments to the Commission shall be separated in the account. Interest on investment of account balances shall accrue to the account. Expenditures may be made on the account upon vouchers drawn by the Commission Chair or, as authorized by the Commission, the Director of Human Services Department as its designee. All necessary appropriations of funds on account are hereby made and authorized.

(Ord. 119273 § 26, 1998; Ord. 116368 § 50, 1992; Ord. 113260 § 1(7), 1986.)

**3.68.080 Unexcused absences.**

The Commission may remove from office a member who is absent without excuse from three (3) consecutive Commission meetings. Removal of a member requires a majority vote of the Commission membership.

(Ord. 113260 § 1(8), 1986.)

**3.68.090 Review.**

The Commission will be reviewed at the end of three (3) years and a decision made by the Mayor and City Council to determine if the Commission shall continue.

(Ord. 113260 § 1(9), 1986.)

## Chapter 3.70 SEATTLE ETHICS AND ELECTIONS COMMISSION

**Sections:****Subchapter I Commission**

**3.70.010 Commission established— Purpose.**

**3.70.020 Commission membership.**

**3.70.030 Terms—Reappointment.**

**3.70.040 Vacancy—Removal— Relinquishment.**

**3.70.050 Compensation—Reimbursement of expenses.**

**3.70.060 Neutrality in political campaigns.**

**Subchapter II Commission Powers and Duties**

**3.70.100 Powers and duties.**

**3.70.110 Quorum.**

**3.70.120 Meetings.**

**Subchapter III Executive Director**

**3.70.150 Executive Director.**

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

**3.70.170 Neutrality in political campaigns.**

**Subchapter IV Appeals**

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

**Subchapter I Commission**

**3.70.010 Commission established— Purpose.<sup>1</sup>**

There is hereby established a Seattle Ethics and Elections Commission to administer the City's Code of Ethics (Chapter 4.16); to administer the Election Campaign Code and its campaign matching fund program (Chapter 2.04); to publish the City's election pamphlets (Chapter 2.14); to administer the political sign ordinance (Chapter 2.24) and to investigate certain complaints of improper governmental action under the

### 3.70.040 ADMINISTRATION

whistleblower protection ordinance (SMC Sections 4.20.800 through 4.20.860). (Ord. 116005 § 1(part), 1991.)

1.Editor's Note: SMC Chapter 2.24 was repealed in 1995 by Ordinance 117555 § 1, and the administration of the political signs ordinance is no longer a duty of the Seattle Ethics and Elections Commission. Provisions related to the regulation of signs can be found in SMC Chapter 23.55.

#### **3.70.020Commission membership.**

The Seattle Ethics and Elections Commission shall be composed of seven (7) members selected as follows:

A. Three (3) members shall be appointed by the Mayor subject to confirmation by the City Council;

B. Three (3) members shall be appointed by a two-thirds (2/3) vote of the members of the City Council; and

C. The seventh member shall be appointed by the other six (6) members, subject to confirmation by the City Council.

The Commission shall select its chair from among its members.

(Ord. 116005 § 1(part), 1991.)

#### **3.70.030Terms—Reappointment.**

Members of the Commission shall serve for a term of three (3) years ending on December 31st of the third year of such term and until their successors are appointed and qualify. Members are eligible for reappointment.

Terms shall be staggered so that the terms of one (1) member selected by the Mayor and one (1) member selected by the City Council expire each year. The term of the seventh member shall commence on January 1, 1992.

Incumbent members of the Fair Campaign Practices Commission/Board of Ethics shall complete their current terms as members of the Ethics and Elections Commission.

(Ord. 116005 § 1(part), 1991.)

#### **3.70.040Vacancy—Removal—Relinquishment.**

An appointing authority may fill a vacancy in the same manner as used in making an original appointment. A person appointed to fill a vacancy serves for the remainder of the term.

An appointing authority may remove a member for cause, subject to confirmation by a majority of the membership of the City Council. Five (5) of the seven (7) members of the Commission must vote in favor of a removal of the seventh member.

Absence without excuse from three (3) successive meetings shall constitute a voluntary relinquishment of office and create a vacancy if the separation between the first meeting and the third successive meeting is at least forty (40) calendar days.

(Ord. 116005 § 1(part), 1991.)

#### **3.70.050Compensation— Reimbursement of expenses.**

Members of the Commission shall serve without compensation. Members may be reimbursed their expenses incurred in the performance of the duties of office.

(Ord. 116005 § 1(part), 1991.)

#### **3.70.060Neutrality in political campaigns.**

No member of the Commission shall during his or her term of office:

A. Hold or campaign for elective office;

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

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

D. Participate in any City election campaign; or

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

(Ord. 116005 § 1(part), 1991.)

**Subchapter II Commission Powers and Duties****3.70.100 Powers and duties.<sup>1</sup>**

The Commission shall have the following powers:

A. To administer the City's Code of Ethics (Code Chapter 4.16); the Election Campaign Code and its campaign matching fund program (Code Chapter 2.04); the City's election pamphlet ordinance (Code Chapter 2.14); the political sign code (Code Chapter 2.24); and the whistleblower protection ordinance (SMC Sections 4.20.800 through 4.20.860 inclusive) insofar as violations of the Code of Ethics or elections ordinance may be involved (called collectively "Commission-administered ordinances");

B. To publish the election pamphlet (Code Chapter 2.14); to maintain as a public record reports required by the City's election campaign code (SMC Sections 2.04.150 through 2.04.290) and publish data; to enforce limitations on campaign contributions (SMC Sections 2.04.340 through 2.04.350); to execute campaign contracts, disburse campaign matching funds (SMC Sections 2.04.400 through 2.04.470), and seek recovery thereof if funds are due the City (SMC Sections 2.04.450 through 2.04.510); to solicit and accept donations for the campaign matching fund account; and to promulgate forms for employee statements of economic interest and maintain files for their public inspection (SMC Section 4.16.080);

C. To promulgate, amend and rescind rules and regulations in accordance with the City's Administrative Code (Code Chapter 3.02) in order to carry out the Commission-administered ordinances, and to establish its own procedures;

D. To authorize investigations, hold hearings, and make findings on violations or alleged violations of any Commission-administered ordinances; to consider complaints, inquiries, and to initiate its own proceedings; to render advisory opinions; to publish informative publications and conduct educational programs as to Commission-administered ordinances;

E. In its discretion, to delegate to the Office of the Hearing Examiner the fact-finding in a case and to review and revise the recommended decision of the Hearing Examiner as to the interpretation and application of Commission-administered ordinances;