

Title 3

ADMINISTRATION

This title is intended for those provisions of the Code which relate to City officers, departments and boards and to the administration of City affairs.

Chapters:

Subtitle I Administrative Code

3.02 Administrative Code 3-5

Subtitle II Departments and Offices<sup>1</sup>

3.04 Department of Executive Administration 3-11  
3.06 Department of Design, Construction  
and Land Use 3-12n  
3.08 City Light Department 3-12.1  
3.10 Office of Entrepreneurial Assistance 3-13  
3.12 Seattle Transportation 3-13  
3.14 Executive Department 3-15  
3.16 Fire Department 3-26/3-28  
3.18 Fleets and Facilities Department 3-33  
3.20 Human Services Department 3-38  
3.22 Department of Information Technology 3-44  
3.26 Parks and Recreation Department 3-44.2  
3.28 Police Department 3-46.2  
3.30 Seattle-King County Department of  
Public Health 3-54.2c  
3.32 Seattle Public Utilities<sup>2</sup> 3-56  
3.33 Seattle Municipal Court 3-57  
3.35 Department of Neighborhoods 3-60.1  
3.38 Department of Finance 3-60.4  
3.40 Office of City Auditor 3-60.6  
3.42 City Clerk 3-60.7

Seattle Municipal Code  
December 2022 code update file  
Text provided for historic reference only.

- 1. Cross-reference:  
Office of Cable Communications Ch. 21.60  
Office of Election Administration Ch. 2.04  
Finance Department Charter Art. VIII  
Law Department Charter Art. XIII  
Legislative Department Charter Art. IV  
Library Department Charter Art. XII  
Seattle Center Department Ch. 17.04

- 2. Cross-reference:  
Information on utility rates is codified in Title 21 of this Code.

**Subtitle III Boards  
(Reserved)**

**Subtitle IV Commissions<sup>4</sup>**

<b>3.51</b>	<b>Get Engaged: A Pilot Program to Encourage Young Adults to Participate on City Board and Commissions</b>	<b>3-62.1</b>
<b>3.52</b>	<b>Seattle-King County Commission on Alcoholism</b>	<b>3-62.2</b>
<b>3.56</b>	<b>Seattle Arts Commission</b>	<b>3-62.2</b>
<b>3.58</b>	<b>Seattle Design Commission</b>	<b>3-62.4a</b>
<b>3.60</b>	<b>Seattle-King County Drug Commission</b>	<b>3-62.6</b>
<b>3.63</b>	<b>Seattle-King County Taxicab Commission</b>	<b>3-63</b>
<b>3.64</b>	<b>City Planning Commission</b>	<b>3-63</b>
<b>3.66</b>	<b>Seattle-King County Youth Commission</b>	<b>3-65</b>
<b>3.68</b>	<b>Commission on Children and Youth</b>	<b>3-67</b>
<b>3.70</b>	<b>Seattle Ethics and Elections Commission</b>	<b>3-68.1</b>

- 4. Cross-reference:  
Civil Service Commission § 4.04.250; Charter Art. XVI § 5  
Ethics and Elections Commission § 2.04.090  
Harbor Advisory Commission Ch. 16.16  
Pike Place Market Historical Commission Ch. 25.24  
Public Safety Civil Service Commission Ch. 4.08  
Seattle Center Advisory Commission Ch. 17.08  
Seattle Office for Women's Rights §§ 3.14.900—3.14.940

**Subtitle V Committees<sup>5</sup>**

<b>3.76</b>	<b>Debt Management Policy Advisory Committee</b>
<b>3.80</b>	<b>Seattle School Traffic Safety Committee</b>

- 5. Cross-reference:

For current SMC, contact  
the Office of the City Clerk

Seattle Municipal Code  
December 2018 code update file  
Text provided for public reference only.

Auditing Committee Charter Art. VIII § 13  
City Council Labor Committee § 4.04.120  
Committee on Purchasing Standards § 3.14.836  
Employee Award Selection Committee §§ 4.84.050, 4.84.060  
Executive Labor Committee § 4.04.120  
Finance Committee Charter Art. IV § 5  
Hazardous Waste Management Coordination Committee Ch. 10.76  
Joint Advisory Apprenticeship Committee § 4.04.200  
Labor Relations Policy Committee § 4.04.120  
Refrigeration Advisory Committee Ch. 6.82  
Swimming Pool Advisory Committee § 22.906.020  
Technical Advisory Committee on Aging §§ 3.20.090—3.20.110

### Subtitle VI General Regulations

- 3.90 Official Bonds**
- 3.92 Vacancies in Charter Offices**
- 3.98 Biennial Review of Boards and Commissions**
- 3.100 Soliciting Contributions**
- 3.102 Office Hours**
- 3.104 City Books and Records**
- 3.106 Refunding of Certain Fees**
- 3.108 Loan or Rental of City Equipment**
- 3.110 Public Corporations**
- 3.114 Procurement of Consultant Services**
- 3.116 Industrial Development Corporation**
- 3.118 Industrial Development Facilities**
- 3.121 Charges for Dishonored Checks**
- 3.122 Municipal Archives Program**
- 3.123 City Records Management Program**
- 3.124 Solicitations for Charitable Contributions from City Employees**

For current SMC, contact  
the Office of the City Clerk

## Subtitle I Administrative Code

## Chapter 3.02

## ADMINISTRATIVE CODE

## Sections:

3.02.010	Short title.
3.02.020	Definitions.
3.02.030	Notice and hearing on adoption of rules.
3.02.040	Petition for rules.
3.02.050	Emergency action.
3.02.060	Rules to be filed.
3.02.070	Public information.
3.02.080	Declaratory ruling.
3.02.090	Hearings in contested cases.
3.02.100	Report and review of examiner's recommendation or decision in contested cases.
3.02.110	Office of Hearing Examiner.
3.02.115	Hearing Examiner duties.
3.02.120	Powers of Hearing Examiner.
3.02.125	Hearing Examiner filing fees.
3.02.130	Agency action upon judicial review.

**3.02.010 Short title.**

This chapter shall constitute and may be referred to as the "Administrative Code" of The City of Seattle.

(Ord. 102228 § 1, 1973.)

**3.02.020 Definitions.**

A. "Agency" means The City of Seattle or any of its subdivisions including but not limited to, any City board, commission, committee, officer or department, including the City Council and its committees, when acting in accordance with or pursuant to authorization by ordinance or Charter<sup>1</sup> to make rules, hear appeals, or adjudicate contested cases.

B. "Contested case" means any proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by ordinance to be determined after a hearing by a Hearing Examiner.

C. "Interested person" means any individual, partnership, corporation, association, or public or private organization of any character significantly affected by or interested in proceedings before an agency, and shall include any party in a contested case.

D. "License" includes the whole or part of any agency permit, certificate, approval, registration, or any form of permission required by law, including agency rules, to engage in any activity, but does not include a license required solely for revenue purposes.

E. "Rule" means any agency order, directive, or regulation of future effect, including amendment or repeal of a prior rule, which applies generally and which, if violated, subjects a person to a penalty or administrative sanction, including, but not limited to, an order, directive, or regulation which affects:

1. Any procedure, practice or requirement relating to agency hearings;
2. Any qualification or standards for the issuance, suspension or revocation of licenses;
3. Any mandatory standards for any product or material which must be met before distribution or sale; or
4. Any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law.

Such term does not include statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, declaratory rulings issued pursuant to Section 3.02.080, or rules relating to the use of public ways and property when substance of such rules is indicated to the public by means of signs or signals.

(Ord. 107903 § 1, 1978; Ord. 102228 § 2, 1973.)

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

Cases: Adoption of electrical rates by ordinance is not rule-making under subsection E. Earle M. Jorgensen Co. v. Seattle, 99 Wn.2d 861, 665 P.2d 1328 (1983).

**3.02.030 Notice and hearing on adoption of rules.**

Prior to the adoption, amendment or repeal of any rule, an agency shall:

A. Within the time specified by the ordinance authorizing such action, or if no time is specified, at least fourteen (14) days prior to the proposed action and at least ten (10) days prior to a public hearing, if any, give notice thereof by: (1) publication in a newspaper in accordance with the City Charter and, where appropriate, in such trade, industry, or professional publication, as the agency may select; and (2) by mailing or delivery to the

address specified by any person who has made written request therefor, which shall be filed with the agency and renewed annually. Such notice shall include: (a) a reference to the authority under which such rule is proposed; (b) an accurate description of the substance of the proposed rule or of the subjects and issues involved; and (c) a statement of the time and place of any public hearing, and manner in which interested persons may present data, views or argument thereon to the agency;

B. Afford all interested persons an opportunity to present data, views, or arguments in regard to the proposed action; provided, that if the agency finds that oral presentation is unnecessary or impracticable, it may require that presentation be made in writing;

C. Give appropriate consideration to economic values, along with any environmental, social, health, and safety factors, affected by the proposed adoption, amendment or repeal of any rule. (Ord. 107903 § 2, 1978; Ord. 106348-A § 1, 1977; Ord. 102228 § 3, 1973.)

### **3.02.040 Petition for rules.**

Any interested person may petition an agency requesting the adoption, amendment or repeal of any rule. Each agency shall prescribe by rule the procedure for submission, consideration and disposition of such petitions. Within sixty (60) days after the submission of a petition, the agency shall either deny such petition in writing (stating its reasons for the denial), or initiate rulemaking proceedings concerning the subject of such petition in accordance with Section 3.02.030. (Ord. 102228 § 4, 1973.)

### **3.02.050 Emergency action.**

Where the agency finds that immediate adoption, amendment, or repeal of a rule is necessary for the immediate preservation of the public peace, health or safety, such action may be taken and become effective upon filing such adoption, amendment or repeal with the City Clerk. This shall be accompanied by a statement of the facts upon which the findings of an emergency and necessity are based. The adoption, amendment or repeal of a rule under this section shall be for a period of sixty (60) days unless the notice and hearing procedures set forth in Section 3.02.030 have been complied with within this time period, or unless there has been a more limiting statement placed within the

rule itself. This emergency section does not relieve any agency from compliance with any law requiring that the adoption, amendment or repeal be approved by designated persons or bodies before they become effective, nor shall any action be taken under this section which affects any pending case or controversy. (Ord. 116368 § 33, 1992; Ord. 107903 § 3,<sup>1</sup> 1978; Ord. 102228 § 4-A, 1973.)

1. Editor's Note: Ord. 107903 contains two sections designated by the number "3."

### **3.02.060 Rules to be filed.**

Each agency shall file with the City Clerk two (2) certified copies of all agency rules, which rules shall become effective on the date of filing. The City Clerk shall keep, index and compile copies of all such rules filed with him or her, and shall make such rules available for inspection by the public during regular business hours and furnish copies thereof to any person requesting the same and paying such fee as shall be prescribed by ordinance. (Ord. 116368 § 34, 1992; Ord. 107903 § 3,<sup>1</sup> 1978; Ord. 102228 § 5, 1973.)

1. Editor's Note: Ord. 107903 contains two sections designated by the number "3."

### **3.02.070 Public information.**

A. In addition to other rulemaking requirements imposed by ordinance, each agency shall:

1. Adopt as a rule a description of its organization, stating the general course and method of its operations, location of its offices, and the methods whereby the public may obtain information, make submittals or requests, or obtain copies of agency decisions;

2. File with the City Clerk all procedures adopted pursuant to Ordinance 101810, as amended, Chapter 3.96.<sup>1</sup>

B. Each agency shall make available for public inspection all final opinions and orders, and all rules and written statements of policy or interpretation formulated, adopted, or used by the agency in the discharge of its functions, and shall further make available for public inspection and copying all indexes maintained for agency use.

C. Except to the extent that a person has actual knowledge thereof, no agency rule, order, or opinion shall be effective against any person, nor shall it be invoked by the City for any purpose until



made available for public inspection as required in this section and Section 3.02.060.

D. Nothing in this section shall affect the confidentiality of records as provided by law. (Ord. 116368 § 35, 1992; Ord. 107903 § 4, 1978; Ord. 102228 § 6, 1973.)

1. Editor's Note: Chapter 3.96 was repealed by Ordinance 118912, § 41.

### 3.02.080 Declaratory ruling.

On petition of any interested person, any agency may issue a declaratory ruling with respect to applicability to any person, property, or state of facts of any rules or ordinance enforceable by it. Such petition shall be considered, and granted or denied in accordance with Section 3.02.040. A declaratory ruling, if issued after argument and stated to be binding, is binding between the agency and the petitioner on the state of facts alleged, unless it is altered or set aside by a court upon judicial review in the manner prescribed by law. (Ord. 102228 § 7, 1973.)

### 3.02.090 Hearings in contested cases.

A. In any contested case all parties shall be afforded an opportunity for hearing after not less than twenty (20) days' notice in writing; provided that a hearing may be set on shorter notice where substantial injury to a party would otherwise result; provided further, that unless otherwise provided by ordinance or rule, no hearing shall be required in any case except upon the demand of a party. Notice of hearing shall be accompanied by a filing fee as established by ordinance, which the Hearing Examiner shall ensure is received by the Director of Executive Administration.

B. Notice of such hearing shall include:

1. A statement of the time, place and nature of the proceeding;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of the ordinance and rules involved;
4. A short and plain statement of the matters asserted.

If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon request, a more definite and detailed statement shall be furnished.

C. Notice shall be given in person or by mail to each party, or may be transmitted through regular messenger service to any agency, officer, or employee of the City. Additional notice may be required by ordinance or rule.

D. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

E. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

F. The record in a contested cause shall include:

1. All pleadings, motions, and intermediate rulings;
2. Evidence received or considered;
3. A statement of matters officially noticed;
4. Questions and offers of proof, objections, and ruling thereon;
5. Proposed findings and conclusions;
6. Any decision, opinion, or report by the examiner presiding at the hearing.

G. Oral proceedings shall be electronically recorded. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the reasonable costs thereof.

H. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

I. Each agency shall adopt appropriate rules of procedure consistent with this chapter and other applicable ordinances for notice, hearing and agency review of contested cases.

J. The examiner presiding at the hearing shall admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs, and shall give effect to the rules of privilege recognized by law.

K. All evidence, including records and documents in the possession of the agency which the examiner desires to consider, shall be offered and made a part of the record in the case, and no other factual information or evidence shall be considered in the determination of the case.

L. Examiners may take notice of judicially cognizable facts and of general, technical, or scientific facts within their specialized knowledge in the evaluation of the evidence presented to them; provided, that parties shall be notified during the hearing, or by reference in preliminary reports or oth-

erwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

M. Every party shall have the right of cross-examination of witnesses who testify, and shall have the right to submit rebuttal evidence. (Ord. 120794 § 12, 2002; Ord. 116368 § 36, 1992; Ord. 108650 § 1, 1979; Ord. 102228 § 8, 1973.)

**3.02.100 Report and review of examiner's recommendation or decision in contested cases.**

A. Within such period as may be fixed by agency rule or applicable ordinance, the examiner presiding at the hearing in a contested case shall prepare a written recommendation or decision which shall be filed as a public record and copies thereof mailed to each party and to other interested persons as provided by agency rule or applicable ordinance. Such recommendation or decision shall contain a brief summary of the evidence considered and shall state the examiner's findings and conclusions upon which such recommendation or decision is based, together with a brief statement of the examiner's reasons therefor. If the decision is to be made by the agency, an examiner's recommendation shall be in the form of a proposed decision which may be adopted by the agency as its decision in the case.

B. Where a decision is to be made by an agency based upon an examiner's recommendation, the agency shall set a date for consideration of the examiner's proposed decision, and shall give notice thereof to all parties not later than ten (10) days prior to such date; provided, that at the discretion of the examiner, and upon written showing of adequate reason for the delay, evidence not previously presented may be submitted to the examiner prior to the date set for consideration of such proposed decision, and if the examiner determines to accept and consider such evidence, he shall immediately give notice to each party of record and to the agency which shall remand such proposed decision to the examiner for further consideration and hearing in accordance with Section 3.02.090, and for such modification of such proposed decision as the examiner may make pursuant to such hearing.

In connection with the consideration by the agency of any proposed decision, any party may file written exceptions to such proposed decision or part thereof and may submit a proposed substitute decision together with a written argument in

support thereof. Following consideration of such proposed decision and any proposed substitute decision, written exceptions, and/or arguments, the agency may adopt, reject, or modify such proposed decision or any part thereof, and shall issue its decision with its written findings and reasons for any changes from the examiner's proposed decision. (Ord. 102228 § 9, 1973.)

**3.02.110 Office of Hearing Examiner.**

A. There is created the Office of Hearing Examiner as a separate and independent office of the City for the conduct of hearings in rulemaking and contested cases as provided in this chapter or other applicable ordinances. The Office of Hearing Examiner shall not be in the municipal court as contemplated in RCW 35.20.205.

B. Appointment to the Office of Hearing Examiner shall be made by the City Council, from among three (3) persons recommended by a committee composed of the City Personnel Director, the Director of the Seattle/King County Office of Citizen Complaints, and a representative of the Seattle/King County Bar Association. The Civil Service Commission having filed as a permanent record in the Office of the City Comptroller its recommendation that the Office of Hearing Examiner, 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, such office shall not be included in the classified civil service. Each Hearing Examiner shall be appointed to an initial term of one (1) year, and may thereafter be reappointed to subsequent four (4) year terms, subject to removal for cause by the City Council.

C. The Hearing Examiner is authorized from time to time to appoint Hearing Examiners Pro Tempore to serve on a day-to-day basis during the absence, unavailability, incapacity or disqualification of the Hearing Examiner.

D. There is created in the Office of Hearing Examiner the position of Deputy Hearing Examiner. The Civil Service Commission having filed as a permanent record in the Office of the City Comptroller its recommendation that the position of Deputy Hearing Examiner is 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, such position shall not

be included in the classified civil service. Each Deputy Hearing Examiner shall be appointed by the Hearing Examiner, and perform such duties as shall be required by the Hearing Examiner, and may be removed at will by the Hearing Examiner.

E. Each Hearing Examiner and each Deputy Hearing Examiner shall be an attorney having training and experience for the conduct of administrative or quasi-judicial hearings, or shall have such other qualifications as may be prescribed by ordinance providing for the appointment of a special Hearing Examiner.

(Ord. 106724 § 1, 1977; Ord. 106477 § 1, 1977; Ord. 104383 § 1, 1975; Ord. 102228 § 10, 1973.)

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

**3.02.115 Hearing Examiner duties.**

A. for the conduct of hearings as prescribed by ordinance in connection with weights and measures, consumer protection, and licenses issued for regulatory and/or revenue purposes, there is created in the Office of Hearing Examiner the position of Hearing Examiner and such Hearing Examiner, whose position shall not be included in the classified civil service, shall be appointed by the City Council in accordance with the Administrative Code of the City.

B. It shall be the duty of such Hearing Examiner to conduct hearings on appeals concerning the granting, denial, revocation, suspension or amendment of licenses, and to make investigations and hear appeals, protests and other matters relating to licenses, all as prescribed by and in accordance with ordinances providing for such appeals, protests, or other matters and this Administrative Code of the City. Written decisions of the Hearing Examiner made pursuant to such hearings shall be final, and the affected departments shall implement such decisions in accordance with the provisions of the Administrative Code and other applicable ordinances of the City.  
(Ord. 117169 § 7, 1994; Ord. 102252 § 4, 1973.)

**3.02.120 Powers of Hearing Examiner.**

A. In the performance of duties prescribed by this chapter or other ordinances, Hearing Examiners may:

1. Administer oaths and affirmations, examine witnesses, rule upon offers of proof, receive relevant evidence, and conduct discovery procedures which may include propounding interrogato-

ries and taking oral depositions pursuant to rules promulgated by the agency; provided, that no person shall be compelled to divulge information which he could not be compelled to divulge in a court of law;

2. Upon the request of an agency or any party, or upon his own volition, issue and cause to be served subpoenas for the attendance of witnesses and for production for examination of any books, records, or other information in the possession and under the control of any witness; provided that any such subpoena shall state the name and address of the witness sought, and if for the production of books, documents or things, shall specifically identify the same and the relevance thereof to the issues involved;
3. Regulate the course of the hearing in accordance with agency rules and this chapter and other applicable ordinances;
4. Hold conferences for the settlement or simplification of the issues by consent of the parties;
5. Dispose of procedural requests or similar matters;
6. Make decisions or recommendations in accordance with Section 3.02.100; and
7. Take any other action authorized by ordinance or agency rule consistent therewith.

B. In case of failure or refusal without lawful excuse of any person duly subpoenaed to attend pursuant to such subpoena, or to be sworn, or to answer any material and proper question, or to produce upon reasonable notice any material or proper books or records of other information in his possession and under his control, the Hearing Examiner may invoke the aid of the City Attorney who shall apply to the appropriate court for an order or other court action necessary to secure enforcement of the subpoena.  
(Ord. 102228 § 11, 1973.)

**3.02.125 Hearing Examiner filing fees.**

A. Filing fees for hearings before the City Hearing Examiner are as follows:

<b>Basis for Hearing</b>	<b>Fee</b>
Admission Tax	
Deficiency (Ch. 5.40).....	\$50
Admission Tax, Revocation of Exemption (Sec. 5.40.085).....	No fee
Ballard Avenue Landmark District (Ch. 25.16).....	50

For current SMC, contact the Office of the City Clerk



Business License Tax  
 Deficiency (Ch. 5.45) ..... 50  
 Cable Television Ordinance  
 (Ch. 21.60) ..... No fee  
 Columbia City Landmark  
 District (Ch. 25.20)..... 50  
 Design Decision in Multiple  
 Residence — Mixed  
 Density Zone (Ch. 24.38) ..... 50  
 Fair Employment Practices  
 Ordinance (Ch. 14.04)..... No fee  
 Floating Home Moorages  
 (Ch. 7.20) ..... 50  
 /petitioner; maximum fee ..... 150  
 Gambling Tax Deficiency  
 (Ch. 5.52) ..... 50  
 Grading Ordinance (Title 22,  
 Subtitle VIII) ..... 50  
 Harvard/Belmont Landmark  
 District (Ch. 25.22)..... 50  
 Housing Code (Ch. 22.206) ..... 50  
 Land Use Code Enforcement  
 (Ch. 23.90) ..... 50  
 Landmark Preservation Controls and  
 Incentives (Sec. 25.12.530) ..... No fee  
 Landmarks Preservation (Sec.  
 25.12.740 and Sec. 25.12.835) ..... 50  
 License Code (Title 6, Subtitle I)..... 50  
 Master Use Permit (Ch. 23.76) ..... 50  
 Noise Ordinance (Ch. 25.08) ..... 50  
 Open Housing Ordinance  
 (Ch. 14.08) ..... No fee  
 Pike Place Market Historical  
 District (Ch. 25.24)..... 50  
 Pioneer Square Minimum  
 Maintenance Ordinance  
 (Ch. 25.28, Subchapter II) ..... 50  
 Planned Unit Development  
 (Ch. 24.66) ..... 50  
 Plumbing Code (Ch. 20.16, Uniform  
 Plumbing Code, Ord. 116594) ..... 50  
 Property Tax Exemption, Cancellation  
 of Exemption (Ch. 5.72)..... 50  
 Radiofrequency Radiation  
 Ordinance (Ch. 25.10)..... 50  
 Relocation Assistance (Ch. 20.84) ..... No fee  
 Seizure of Property —Controlled  
 Substances (RCW 69.50.505(e))..... No fee  
 Special Review Districts (Ch. 23.66) ..... 50  
 State Environmental Policy Act  
 (SEPA) (when not a Master Use  
 Permit component) (Ch. 25.04)..... 50

Utility tax (Ch. 5.48)..... 50  
 Zoning Map Amendments (Rezones)  
 (Ch. 23.34) ..... No fee  
 Zoning Rulings and Interpretations  
 (Ch. 23.88) ..... 50

B. Filing fees are nonrefundable unless otherwise provided in this Code. The City Hearing Examiner may waive a fee if its assessment will cause financial hardship to the appellant.

C. There is no fee for hearing appeals from an administrative assessment or an order under Sections 6.212.280 and 6.212.290. (Ord. 120668 § 24, 2001; Ord. 119237 § 3, 1998; Ord. 116594 § 27, 1993; Ord. 116540 § 3, 1993; Ord. 116097 § 1, 1992; Ord. 116057 § 2, 1992; Ord. 115925 § 1, 1991; Ord. 115495 § 22, 1991; Ord. 110978 § 1, 1983; Ord. 109524 § 1, 1980; Ord. 108861 § 1, 1980; Ord. 108649 § 1, 1979.)

**3.02.130 Agency action upon judicial review.**

Whenever any party aggrieved by a final order or decision in a contested case seeks judicial review thereof, the agency may in accordance with guidelines established by rules filed pursuant to Section 3.02.060, and upon application therefor within ten (10) days after the filing of the petition for review and notice to all parties, stay enforcement of such order or decision pending such judicial review. When judicial review is sought as to any order or decision made after hearing, the agency shall at the request of any party and upon payment of the reasonable costs thereof, prepare and transmit to the reviewing court a certified copy of the entire record of the proceedings or such shortened record as may be agreed to by the parties or ordered by the court. At the request or direction of the court, the agency may take additional evidence and modify its findings or order or decision in accordance therewith. Such additional evidence and any modification shall become a part of the record and where appropriate shall be prepared and transmitted to the reviewing court as provided in this section.

(Ord. 102228 § 12, 1973.)

## Subtitle II Departments and Offices

## Chapter 3.04

DEPARTMENT OF EXECUTIVE  
ADMINISTRATION

## Sections:

- Subchapter I Department**
- 3.04.010** Department created—  
Functions, powers, and  
authority.
- 3.04.020** Director—Appointment and  
removal.
- 3.04.030** Director—Definition.
- 3.04.040** Statutory duties of treasurer.
- 3.04.050** Other statutory duties.
- 3.04.060** Payment by check or warrant.
- 3.04.070** Authority to draw and pay  
warrants or make payment by  
check.
- 3.04.080** Designation of delegates in  
City offices and departments.
- 3.04.090** Unclaimed property.
- 3.04.095** Review by the Hearing  
Examiner of Recommendation  
for contract awards.
- Subchapter II Purchases**
- 3.04.100** Purchasing powers.
- 3.04.101** Definition.
- 3.04.102** Compliance by City officers  
and employees—Exceptions.
- 3.04.106** Competitive bidding—Cost  
over \$30,000.
- 3.04.108** Zoo animals and specimens.
- 3.04.110** Expenditures under \$30,000.
- 3.04.112** Open market purchases where  
bidding is impractical.
- 3.04.114** Emergency purchases.
- 3.04.116** Items purchased by published  
price list.
- 3.04.118** Leasing or rental of  
equipment.
- 3.04.120** Repair or maintenance of  
equipment.
- 3.04.122** Inspection of deliveries.
- 3.04.124** Reports of supplies on hand—  
Sale or transfer of surplus.
- 3.04.126** Testing of samples.
- 3.04.130** Examination of requisition—  
Brand and trade names.

- 3.04.132** Contracting with sheltered  
workshops—Exemption.
- 3.04.140** Escalation of dollar limits.

**Subchapter III Recycled Content Product  
Procurement Program**

- 3.04.200** Purpose.
- 3.04.201** Definition.
- 3.04.202** Definitions.
- 3.04.204** Policies.
- 3.04.206** Annual report.
- 3.04.207** Reusable products.
- 3.04.208** Standards for recycled  
content.
- 3.04.210** Price preference.
- 3.04.212** Requirements for purchase  
contracts.
- 3.04.214** Bid notification.
- 3.04.216** Vendor certification of  
recycled material content.
- 3.04.218** Rules and regulations for  
procurement of paper and  
paper products including the  
following provisions.
- 3.04.220** Requirements and procedures  
for designation and  
procurement of other recycled-  
content products and  
recyclable products.
- 3.04.222** Capital improvement projects  
and construction contracts.
- 3.04.224** Responsibilities of the  
Director.
- 3.04.226** Exemptions.

**Subchapter I Department**

- 3.04.010** Department created—Functions,  
powers, and authority.

There is established a Department of Executive Administration to administer and enforce laws and ordinances relating to weights, measures, consumer protection, and animal control; administer the City's public works contracting processes and execute contracts for public works projects; administer the contracting processes of and execute and manage contracts for all supplies, material, equipment and 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; administer and enforce law and City ordinances relating to contract compliance;

consistent with policy direction that may be given by the Director of Finance, license for regulation and/or revenue unless law or ordinance vests such power elsewhere; carry out central accounting and investment activity consistent with policy direction that may be given by the Director of Finance; and perform other functions assigned by ordinance. The head of the Department of Executive Administration shall be the Director of Executive Administration.

All references to “Purchasing Agent,” “Department of Administrative Services,” “Department of Licenses and Consumer Affairs,” “Director of Licenses and Consumer Affairs,” or “Board of Public Works” in the Municipal Code shall be deemed to be a reference to “Department of Executive Administration” or “Director of Executive Administration” as may be applicable, except where the historical reference to “Purchasing Agent,” “Department of Administrative Services,” “Department of Licenses and Consumer Affairs,” “Director of Licenses and Consumer Affairs,” or “Board of Public Works” is called for by context.

The Director of Executive Administration’s functions and powers include the following:

A. Subject to the City’s personnel ordinances and rules, appoint, assign, supervise and control all officers and employees in the Department;

B. Manage the preparation of the proposed budget for the Department, authorize appropriate expenditures and carry out the adopted budget, develop and manage the Department’s programs, and undertake authorized activities;

C. Keep the City treasury, receive and, in the name of the Director of Finance, disburse all money belonging to the City, unless otherwise expressly provided by state law or City ordinance; collect funds due to the City when the function has not been assigned to another City department; prepare and disburse, in the name of the Director of Finance, the payroll after receiving proper certification from departments;

D. Maintain the City’s financial accounts and records, establish accounting practices and procedures for City departments, and monitor departmental compliance therewith;

E. Prepare and submit to the Director of Finance the City’s proposed comprehensive annual financial report in a timely manner and in accordance with generally accepted accounting principles;

F. Perform the duties assigned by the state statutes listed in this Chapter 3.04 to a city treasurer or comptroller, but when issuing warrants and checks, do so in the name of the Director of Finance;

G. Consistent with policy direction that may be given by the Director of Finance, invest funds in excess of the City’s current needs, forecast cash balances and needs, deposit and manage cash, and administer trust accounts that are not assigned to any other department;

H. Select qualified public depositories for the deposit of City moneys as contemplated by RCW Chapter 39.58;

I. Certify City officers or employees as cashiers for receiving and depositing funds due to the City, establish criteria for their certification and internal controls for cash management, suspend or withdraw their certification, and pursue remedies available at law in the event of loss;

J. Provide technical assistance, training, and support to City departments in performing financial functions;

K. Accept and deposit donations to the City for its trust accounts, accept anonymous donations of cash to the City, and accept unrestricted donations of funds from identified donors in an amount up to One Thousand Dollars (\$1,000);

L. Arrange for withholding and payment of applicable federal and state taxes;

M. Promulgate 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 of the Department, except in those areas (investment policy, licensing for revenue and other tax policy matters) in which the Director of Finance is authorized to set policy pursuant to Subsections 3.38.010G and 3.38.010H;

N. Issue, deny, suspend, and revoke:

1. licenses for regulatory purposes according to law; and

2. licenses for revenue purposes according to law and consistent with policy direction that may be given by the Director of Finance;

O. Provide risk management and insurance services and process claims against the City pursuant to Chapter 5.24;

P. 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 consis-



3.04.020 **ADMINISTRATION**

tent with applicable state law and City ordinances. In case of an emergency requiring public works contracts, the Director of Executive Administration or his or her designee is authorized to declare the existence of an emergency situation, waive competitive bidding requirements, and award public works contracts necessary to address the emergency;

Q. Consistent with this title and as otherwise authorized by ordinance, administer the City’s purchasing and contracting processes, including solicitation of offers and proposals, and administration and enforcement of agreements made; execute contracts for and on behalf of the City for public works projects, purchasing of supplies, materials, equipment and maintenance services, expert and consultant services, and disposition of property, equipment, supplies, and material, other than art works, that are surplus to the City’s needs;

R. At his or her discretion or as otherwise authorized by ordinance, delegate any or all of the powers granted in Subsections 3.04.010P and 3.04.010Q to other departments, including but not limited to the authority to execute or administer classes of or individual portions of contracts; and

S. Perform such other activities as may be assigned by ordinance from time to time. (Ord. 120794 § 6(part), 2002.)

**3.04.020 Director—Appointment and removal.**

The Director of Executive Administration shall be appointed by the Mayor and confirmed by a majority of the City Council. The Mayor, at any time, may remove the Director of Executive Administration upon filing a statement of reasons therefor with the City Council. (Ord. 120794 § 6(part), 2002.)

**3.04.030 Director—Definition.**

Throughout this Chapter 3.04, whenever the word “Director” is used without further description, it shall refer to the Director of Executive Administration. (Ord. 120794 § 6(part), 2002.)

**3.04.040 Statutory duties of treasurer.**

The Director of Executive Administration 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>
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 3 5.20.220 RCW 35.20.230
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
Investment of City Funds	RCW 35.39.034
Custodian of Retirement System Securities	RCW 35.39.070
Treasurer of local improvement assessments and collector of accounts; custodian of property foreclosed and guaranty fund	RCW 35.49.010 RCW 35.49.130 RCW 35.49.140 RCW 35.49.150 RCW 35.50.030 RCW 35.50.040 RCW 35.54.095
Treasurer of joint boards	RCW 39.34.030
Cancellation of unredeemed warrants	RCW 39.56.040
Selection of City depository and safeguarding of funds	RCW 39.58.010 RCW 39.58.130 RCW 39.58.160
Paymaster and custodian of Firefighters’ Pension Fund	RCW 41.16.040 (4), (7), (8)
Paymaster and custodian 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. 120794 § 6(part), 2002.)

**3.04.050 Other statutory duties.**

The Director of Executive Administration is assigned the functions of the City Comptroller set out in the following statutes, among others:

<b>Function or Activity</b>	<b>Applicable Statutes</b>
Drawing warrants for eminent domain commissioners	RCW 8.12.270
Custodian of retainage on bonds	RCW 39.08.010

(Ord. 120794 § 6(part), 2002.)

**3.04.060 Payment by check or warrant.**

The Director of Executive Administration is authorized to elect to pay claims against, or other ob-

For current SMC, contact the Office of the City Clerk



ligations of, the City out of solvent funds by either check or warrant. No check shall be issued when the applicable fund is not solvent at the time payment is ordered, but a warrant shall be issued therefor. The Director of Executive Administration shall issue checks and warrants in the name of the Director of Finance.

(Ord. 120794 § 10(part), 2002; Ord. 120114 § 2, 2000.)

**3.04.070 Authority to draw and pay warrants or make payment by check.**

Unless the ordinance indicates otherwise, the making of an appropriation is sufficient authority for the Director of Executive Administration 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. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

(Ord. 120794 § 10(part), 2002; Ord. 120114 § 3, 2000; Ord. 116368 § 5(part), 1992.)

**3.04.080 Designation of delegates in City offices and departments.**

A. The City Director of Executive Administration 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 Director of Executive Administration 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 Director of Executive Administration may at his or her discretion withdraw any or all authority delegated.

(Ord. 120794 § 10(part), 2002; Ord. 116368 § 53, 1992; Ord. 110938 § 1(part), 1982.)

**3.04.090 Unclaimed property.**

The City Director of Executive Administration 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 Director of Executive Administration 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. 120794 § 10(part), 2002; Ord. 116368 § 77, 1992; Ord. 111746 § 1, 1984.)

**3.04.095 Review by the Hearing Examiner of Recommendation for contract awards.**

A. The Hearing Examiner shall hear and make a recommendation to the Director of Executive Administration with respect to any protest by a bidder in connection with the awarding of a construction or purchase contract including, but not limited to, a determination by the Department of Executive Administration regarding: the immateriality of one (1) or more bidding errors, omissions, or variations; selection of a bidder as the apparently lowest and best bidder; and the rejection or disqualification of any bidder. This subsection shall not apply to protests regarding small construction projects awarded under the provisions of Chapter 20.40 SMC. Those protests shall be heard by the Department of Executive Administration as that Department may provide for by Contract Specification.

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 Director of Executive Administration 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. 120794 § 10(part), 2002; Ord. 120782 § 2, 2002; Ord. 120181 § 27, 2000; Ord. 118530 § 1, 1997.)

### Subchapter II Purchases

#### 3.04.100 Purchasing powers.

Except as otherwise provided in this subchapter, the Director of Executive Administration shall purchase, sell or transfer, contract for, rent or lease 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 Director of Executive Administration 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 3.04.106.

(Ord. 120794 § 10(part), 2002; Ord. 120181 § 28, 2000; Ord. 118338 § 9, 1996; Ord. 116007 §§ 10, 27(part), 1991; Ord. 102151 § 2, 1973.)

#### 3.04.101 Definition.

As used in this subchapter, "Director" shall mean the Director of Executive Administration. (Ord. 120794 § 10(part), 2002.)

#### 3.04.102 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 Director and no order or contract made contrary to the provisions of the subchapter shall be approved by the 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. 120794 § 10(part), 2002; Ord. 120181 § 29, 2000; 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.)

#### 3.04.106 Competitive bidding—Cost over \$30,000.

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) 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 3.04.210. 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 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 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 Director and shall be accompanied by surety in such form and amount as shall be prescribed by the 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 Director, all bids may be inspected by the competing bidders. The 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 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 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 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 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 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 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 Director shall take into consideration the tax revenues derived by the City from its business and occupation or utility taxes (Seattle Municipal Code Chapters 5.45 and 5.48) and its sales and use taxes (Seattle Municipal Code Chapter 5.60) from the proposed purchase.

(Ord. 120794 § 10(part), 2002; Ord. 120668 § 25, 2001; Ord. 120181 § 30, 2000; 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).

### **3.04.108 Zoo animals and specimens.**

The 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 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 Director in cooperation with the Superintendent of Parks and



Recreation in accordance with such procedures as may be established by the Director.

(Ord. 120794 § 10(part), 2002: Ord. 120181 § 31, 2000: Ord. 118397 § 21, 1996: Ord. 116007 §§ 14, 27(part), 1991: Ord. 104710 § 2, 1975: Ord. 102151 § 5A, 1973.)

### **3.04.110 Expenditures under \$30,000.**

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) per requisition may be made in the open market; provided, that to the extent possible, the 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 3.04.210. 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 Director shall consider the life cycle cost in determining the lowest and best bidder in accordance with the Invitation to Bid.

(Ord. 120794 § 10(part), 2002: Ord. 120181 § 32, 2000: 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.)

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

The 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. The Director may delegate any or all of the powers in this section to other departments at his or her discretion.

(Ord. 120794 § 10(part), 2002: Ord. 120181 § 33, 2000: Ord. 118833 § 4, 1997: Ord. 118397 § 23, 1996: Ord. 118338 § 3, 1996: Ord. 116007 §§ 16, 27(part), 1991: Ord. 102151 § 7, 1973.)

### **3.04.114 Emergency purchases.**

In case of an emergency which requires immediate purchase of supplies, materials, equipment, or services within the purview of this subchapter the 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 contract; and provided, further, that a full explanation of the circumstances of such emergency shall be filed by the using agency with the Director.

(Ord. 120794 § 10(part), 2002: Ord. 120181 § 34, 2000: Ord. 118397 § 24, 1996: Ord. 116007 §§ 17, 27(part), 1991: Ord. 102151 § 8, 1973.)

### **3.04.116 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 Director may enter into "open-end," "blanket-order," or "price-agreement" contracts.

(Ord. 120794 § 10(part), 2002: Ord. 120181 § 35, 2000: Ord. 118397 § 25, 1996: Ord. 116007 §§ 18, 27(part), 1991: Ord. 102151 § 9, 1973.)

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

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

(Ord. 120794 § 10(part), 2002: Ord. 120181 § 36, 2000: Ord. 118397 § 26, 1996: Ord. 116007 §§ 19, 27(part), 1991: Ord. 102151 § 10, 1973.)

### **3.04.120 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 Director may award a contract or



contracts to those responsible firms that he or she is convinced can do satisfactory repairing. (Ord. 120794 § 10(part), 2002; Ord. 120181 § 37, 2000; Ord. 118397 § 27, 1996; Ord. 116007 §§ 20, 27(part), 1991; Ord. 102151 § 11, 1973.)

### **3.04.122 Inspection of deliveries.**

A. The 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 Director to make inspections and accept deliveries in accordance with rules and regulations prescribed by the Director.

C. All such supplies, materials, equipment or services shall be receipted for by an authorized Department receiving clerk or by such designated representative in the using agency, and a written report of such receipt shall be transmitted to the 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 a 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 Director, who shall approve the same as to price, delivery, or work performed before any voucher for payment shall be issued.

(Ord. 120794 § 10(part), 2002; Ord. 120181 § 38, 2000; Ord. 118397 § 29, 1996; Ord. 116007 §§ 21, 27(part), 1991; Ord. 102151 § 12, 1973.)

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

A. All using agencies shall submit to the 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 Director may transfer it to another or other agencies which have need for it, subject to adjustment between the agencies concerned. The Director may sell all supplies, materials, and equipment not needed for public use or that may have become unsuitable for public use; provided, that, except for computer equipment disposed of under subsection B, any such sale shall be based on competitive bids in the same manner required for purchases unless the Director shall determine competitive bidding to be impracticable.

B. Notwithstanding any other provision of this code, the Director, the Director of the Department of Human Services, and the Director of the Department of Neighborhoods may dispose of surplus computer equipment in accordance with Ordinance 119145 as it now exists or as it may hereafter be amended.

(Ord. 120794 § 10(part), 2002; Ord. 120181 § 39, 2000; Ord. 119145 § 6, 1998; Ord. 118397 § 29, 1996; Ord. 116007 §§ 22, 27(part), 1991; Ord. 102151 § 13, 1973.)

### **3.04.126 Testing of samples.**

The 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 3.04.208. In the performance of such tests, the 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. 120794 § 10(part), 2002; Ord. 120181 § 40, 2000; Ord. 118397 § 30, 1996; Ord. 116270 § 3, 1992; Ord. 116131 § 4, 1992; Ord. 116007 §§ 23, 27(part), 1991; Ord. 102151 § 14, 1973.)

### **3.04.130 Examination of requisition— Brand and trade names.**

A. It shall be the duty of the 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 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 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. 120794 § 10(part), 2002: Ord. 120181 § 41, 2000: Ord. 118397 § 31, 1996: Ord. 116007 §§ 25, 27(part), 1991: Ord. 102151 § 16, 1973.)

### **3.04.132 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 3.04.106, the 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 City-owned facilities. Such purchases shall be at the fair market price of such product and services as determined by the City.

(Ord. 120794 § 10(part), 2002: Ord. 120181 § 42, 2000: Ord. 118397 § 32, 1996: Ord. 117146 § 1, 1994: Ord. 116007 §§ 26, 27(part), 1991: Ord. 114738 § 1, 1989.)

### **3.04.140 Escalation of dollar limits.**

A. As of January 1, 1997, all monetary amounts specified in Sections 3.04.106 and 3.04.110 shall be annually adjusted hereafter by the 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 3.04.112 shall be adjusted every five (5) years by the 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 3.04.112 shall be rounded upwards to the nearest Thousand Dollars (\$1,000).

(Ord. 120794 § 10(part), 2002: Ord. 120181 § 43, 2000: Ord. 118397 § 33, 1996: Ord. 118338 § 4, 1996.)

## **Subchapter III Recycled Content Product Procurement Program**

### **3.04.200 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 Director with the necessary authority to adopt preferential purchasing policies for recycled content and recyclable products, including price preferences and set-asides.

(Ord. 120794 § 10(part), 2002: Ord. 120181 § 44, 2000: Ord. 118397 § 34, 1996: Ord. 116270 § 4(part), 1992.)

### **3.04.201 Definition.**

As used in this subchapter, "Director" shall mean the Director of Executive Administration. (Ord. 120794 § 10(part), 2002.)

### **3.04.202 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 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 Director or his or her predecessor 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 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 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.

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 bypro-

ducts 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. 120794 § 10(part), 2002; Ord. 120181 § 45, 2000; Ord. 118397 § 35, 1996; Ord. 116270 § 4(part), 1992.)

### 3.04.204 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 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 (40) percent by 1993,
- b. At least fifty (50) percent by 1994,
- c. At least sixty (60) percent by 1995;

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

a. At least twenty-five (25) percent by 1993,

b. At least fifty (50) percent by 1995,

c. At least sixty (60) percent by 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 (50) percent by 1994,

b. At least eighty (80) percent by 1995.

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

F. The 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 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.

(Ord. 120794 § 10(part), 2002; Ord. 120181 § 46, 2000; Ord. 118397 § 36, 1996; Ord. 116726 § 1, 1993; Ord. 116270 § 4(part), 1992.)

### 3.04.206 Annual report.

A. Beginning March 15, 1994, the 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 Director may require periodic reporting by other departments to the Department of Executive Administration for the purpose of developing this report.

B. The 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). 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 Director by February 1st of each year.

(Ord. 120794 § 10(part), 2002; Ord. 120181 § 47, 2000; Ord. 118397 § 37, 1996; Ord. 116726 § 2, 1993; Ord. 116270 § 4(part), 1992.)

**3.04.207 Reusable 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. 120794 § 10(part), 2002; Ord. 120181 § 48, 2000; Ord. 116726 § 3, 1993.)

**3.04.208 Standards for recycled content.**

A. The Director or his predecessor shall set or adopt standards that specify the minimum level of recycled materials, whether post-consumer waste 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 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 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 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 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 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 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 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 submittal of evidence satisfactory to the Director, a department will be granted a waiver by the Director. Such waiver shall not be granted for more than two (2) years without reissuance of a waiver within guidelines established by the Director.

(Ord. 120794 § 10(part), 2002; Ord. 120181 § 49, 2000; Ord. 118397 § 38, 1996; Ord. 116726 § 4, 1993; Ord. 116270 § 4(part), 1992.)

**3.04.210 Price preference.**

A. The Director shall adopt rules for applying a price preference toward the purchase of recycled-content products identified in SMC Section 3.04.208D. The rules shall be applicable to purchases by the Director and all departments for those products identified in SMC Section 3.04.208D as well as for other products for which content standards are developed according to SMC Section 3.04.208F. The rules shall include a maximum price preference of ten (10) percent 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 3.04.202), unless the 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 (15) percent 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 3.04.202), unless the 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 Director determines that the purchase of a recycled-content, recyclable or reusable product is practicable as defined in SMC Section 3.04.204, a price preference shall not be applied. Upon determination that the purchase of such a product is practicable, the 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 (10) percent price preference for a product that meets the USEPA product standards. (Ord. 120794 § 10(part), 2002; Ord. 120181 § 50, 2000; Ord. 118397 § 39, 1996; Ord. 116270 § 4(part), 1992.)

**3.04.212 Requirements for purchase contracts.**

A. The Director shall use the standards, procedures, and criteria specified in this chapter in conjunction with other factors as authorized by Char-

ter<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 Director shall reduce the actual bid amount for each such product by the applicable price preference developed pursuant to SMC Section 3.04.210. 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 shall preclude the Director from requiring local recycled content, recycled content or recyclable content as specifications in invitations to bid for any products. The 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 (10) percent of the price of equivalent products without recycled content.

(Ord. 120794 § 10(part), 2002; Ord. 120181 § 51, 2000; 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.

**3.04.214 Bid notification.**

A statement regarding the 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:

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 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. 120794 § 10(part), 2002; Ord. 120181 § 52, 2000; Ord. 118397 § 41, 1996; Ord. 116270 § 4(part), 1992.)

**3.04.216 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 percentage 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 multimerial products shall verify the percentage and type of post-consumer 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. 120794 § 10(part), 2002; Ord. 120181 § 53, 2000; Ord. 116270 § 4(part), 1992.)

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

A. The 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 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. 120794 § 10(part), 2002; Ord. 120181 § 54, 2000; Ord. 118397 § 42, 1996; Ord. 116726 § 5, 1993; Ord. 116270 § 4(part), 1992.)

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

Any department or vendor may petition the 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 Director that the product qualifies for the purpose of procuring recycled content or recyclable products.

(Ord. 120794 § 10(part), 2002; Ord. 120181 §§ 55, 2000; Ord. 118397 § 43, 1996; Ord. 116270 § 4(part), 1992.)

**3.04.222 Capital 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 III of this chapter.

(Ord. 120794 § 10(part), 2002; Ord. 120181 § 56, 2000; Ord. 116726 § 6, 1993; Ord. 116270 § 4(part), 1992.)

**3.04.224 Responsibilities of the Director.**

The 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 III.

(Ord. 120794 § 10(part), 2002; Ord. 120181 § 57, 2000; Ord. 118397 § 44, 1996; Ord. 116270 § 4(part), 1992.)

**3.04.226 Exemptions.**

Nothing in this Subchapter III 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 3.04.208. (Ord. 120794 § 10(part), 2002; Ord. 120181 § 58, 2000; Ord. 116270 § 4(part), 1992.)

**Chapter 3.06  
DEPARTMENT OF DESIGN,  
CONSTRUCTION AND LAND USE<sup>1</sup>**

**Sections:**

- 3.06.010 Department created.**
- 3.06.015 Hours of operation.**
- 3.06.020 Director—Appointment and removal.**
- 3.06.030 Director—Powers and duties.**
- 3.06.040 Director—Agreements, rules and regulations.**
- 3.06.050 Director—Fees and charges.**
- 3.06.060 Transfer of Building Department responsibilities.**
- 3.06.070 Land use duties transferred.**
- 3.06.080 Continuation of rules and regulations.**
- 3.06.090 Successor to Building Department.**

1. Editor’s Note: Former Sections 3.06.100 and 3.06.120 were editorially renumbered to Sections 3.18.160 and 3.18.180 in the December, 1986 supplement.

**3.06.010 Department created.**

A. There is created a Department of Design, Construction and Land Use for the purpose of providing stewardship of the City’s Comprehensive Plan, taking a lead role in overseeing and implementing the Comprehensive Plan, and administering City ordinances which regulate building construction, the use of land, and housing.

B. As of January 1, 1999, the Department of Construction and Land Use shall be known as the Department of Design, Construction and Land Use.

C. As of January 1, 1999, all references to “Construction and Land Use,” “Department of Construction and Land Use,” “Director of Construction and Land Use,” or the “Department of Construction and Land Use Fund” shall be deemed to be references to “Design, Construction and Land Use”; “Department of Design, Construction and Land Use”; “Director of Design, Construction and Land Use”; or the “Department of Design, Con-

struction and Land Use Fund” respectively, except where the historical reference to “Construction and Land Use,” “Department of Construction and Land Use,” “Director of Construction and Land Use,” or the “Department of Construction and Land Use Fund” is called for by context.

D. The City’s Code Reviser is authorized to amend the Seattle Municipal Code over time as he or she deems appropriate in order to carry out this name change.

(Ord. 120773 § 14, 2002; Ord. 119270 § 2, 1998; Ord. 109124 § 1, 1980.)

**3.06.015 Hours of operation.**

A. Except as set forth in subsection B of this section, the Applicant Services Center of the Department of Design, Construction and Land Use shall be open for transaction of business a total of at least forty-four (44) hours per week, between the hours of seven (7:00) a.m. and five-thirty (5:30) p.m., Mondays through Fridays. These hours may vary by day of the week.

B. In weeks containing one (1) or more days designated as holidays by RCW 1.16.050 or containing Martin Luther King, Jr.’s birthday holiday, the third Monday of January, the Applicant Services Center of the Department of Design, Construction and Land Use shall be closed on those days, but shall be open a total of at least forty-four (44) hours less the number of hours it would normally be open on the weekdays on which holidays fall in that week.

C. The Director of Design, Construction and Land Use shall establish and may revise from time to time the business hours of the Applicant Services Center of the Department of Design, Construction and Land Use by rule promulgated in accordance with Chapter 3.02 of the Seattle Municipal Code.

(Ord. 120046 § 2, 2000.)

**3.06.020 Director—Appointment and removal.**

The Director of Design, Construction and Land Use shall be appointed by the Mayor and confirmed by a majority of the City Council subject to reappointment and reconfirmation every four (4) years; and the Mayor may at any time remove the Director of Design, Construction and Land Use upon filing a statement of reasons therefor with the City Council.

(Ord. 119270 § 3, 1998; Ord. 109124 § 2, 1980.)

**3.06.030 Director—Powers and duties.**

The Director of the Department of Design, Construction and Land Use, under direction of the Mayor, shall manage the Department of Design, Construction and Land Use, appoint, assign and dismiss all employees in conformance with the City's personnel ordinances and rules, and perform the following functions:

A. Enforcing building ordinances of the City, including but not limited to the provisions of the Building Code; the Electrical Code; the Mechanical Code; the Housing and Building Maintenance Code; the Land Use Code; the Pioneer Square Minimum Maintenance Ordinance; the Condominium Conversion Ordinance; the Energy Code; the Stormwater, Grading and Drainage Control Ordinance;<sup>1</sup> and appropriate regulations;

B. Processing applications for construction permits, for grading permits, for use permits, for zoning exceptions, for subdivisions and for other land use approvals, including those related to shorelines management, but excluding those related to historic preservation;

C. Stewarding, overseeing and implementing the City's Comprehensive Plan, including monitoring and proposing updates to the Comprehensive Plan, related plans associated with growth management and the shoreline master program as required or directed;

D. Preparing and maintaining and proposing updates of such sub-area land use plans as required or directed;

E. Conducting reviews of the effects of proposed projects on the environment, as contemplated in the State Environmental Policy Act and City ordinances;

F. Promoting the conservation of the City's housing stock;

G. Maintaining appropriate records regarding property, permits and structures;

H. Providing appropriate administrative and staff support to the Seattle Planning Commission and the Seattle Design Commission; provided, however, that a) the independence of the Planning Commission recommendations pursuant to Article XIV, Section 3 of the City Charter<sup>2</sup> is preserved, b) that the Planning Commission is able to respond to requests and provide advice to the Mayor and/or Council at its discretion, and c) the Commission is able to participate in the selection of staff to support the Commission and have approval authority

with respect to the selection and assignment of the principal staff person;

I. Discharging such other responsibilities as may be directed by ordinance.

The Director shall consult on all matters of structural strength and design with an assistant who is a licensed structural engineer or architect with at least five (5) years' experience in the practice of his/her profession, unless the Director possesses such qualifications. Moreover, the Director shall consult on all matters concerning compliance with design guidelines with a qualified architect or urban designer with at least five (5) years of experience in the practice of his/her profession, unless the Director possesses such qualifications.

(Ord. 120773 § 15, 2002; Ord. 119270 § 4, 1998; Ord. 116909 § 2, 1993; Ord. 109124 § 3, 1980.)

1. Editor's Note: The Building, Housing, Electrical and Mechanical Codes are set out at Subtitles I—IV of Title 22; the Energy Code is set out at Title 22 Subchapter VII; the Grading Ordinance is found at Title 22 Subchapter VIII; the Condominium Conversion Ordinance is set out in Chapter 22.903 and the Zoning Ordinance is codified at Title 23 of this Code.
2. Editor's Note: The Charter is included at the beginning of this Code.

**3.06.040 Director—Agreements, rules and regulations.**

The Director of Design, Construction and Land Use is authorized to enter into such agreements, including interdepartmental agreements, consistent with provisions of law and the City Charter,<sup>1</sup> as he or she shall deem appropriate for carrying out the responsibilities, functions, and activities of the Department of Design, Construction and Land Use and may establish such rules, procedures and regulations, consistent with this chapter and other ordinances, as may appear necessary and proper. (Ord. 119270 § 5, 1998; Ord. 109124 § 4, 1980.)

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

**3.06.050 Director—Fees and charges.**

The Director of Design, Construction and Land Use shall charge such fees for licenses, permits, inspections, reviews and other services and approvals as may be provided by ordinance. (Ord. 119270 § 6, 1998; Ord. 109124 § 6, 1980.)

**3.06.055 Restricted Set-Asides.**

A. The Director of Executive Administration shall create within the Department of Design, Construction and Land Use Fund a set-aside account

funded from regulatory fees and other money allotted thereto, for the accumulation of set-asides for the following municipal purposes:

1. Staffing Stability—to allow the Department of Design, Construction and Land Use to retain trained staff during cyclical economic downturns so that the experience and abilities of that staff are available to customers when the economy again turns upward.

2. Technology—to accumulate needed funding to assure that major technology systems of the Department of Design, Construction and Land Use can be upgraded or replaced when necessary.

3. Technology Currency—to hold funds adequate to accomplish normal personal computer replacements for the Department of Design, Construction and Land Use for a single year so that normal upgrades can occur even in the trough of an economic downturn.

4. Strategic Planning and Implementation—to allow the Department of Design, Construction and Land Use to plan ahead for continuous process improvements to better serve its customers, and to implement those plans, including staff training and equipment.

B. 1. Expenditures from the set-aside account shall be made only when expressly authorized by the City Council either by identification in the budget ordinance or other ordinance, or as set out in subsection B2 below with respect to the staffing stability set-aside.

2. The Director of Department of Design, Construction and Land Use may, within the limits of that department's budgeted expenditure authority, draw on the appropriate subdivision of the staffing stability set-aside for the purpose established in subsection A1 to pay staffing costs associated with a particular regulatory revenue source, but only when doing so is consistent with the most recently adopted financial policies for the department. The Director shall provide sixty (60) days notice in advance to the chair of the City Council's Finance, Budget and Economic Development Committee, or its successor committee with responsibility for making recommendations on legislative matters relating to budget and financing of each proposed use of the staffing stability set-aside under authority of this subsection B2.

(Ord. 120794 § 13, 2002; Ord. 120537 § 1, 2001; Ord. 119501 § 1, 1999.)

### **3.06.060 Transfer of Building Department responsibilities.**

As of June 4, 1980, all of the responsibilities, books, papers, properties, equipment, rights and contractual and other obligations of the Building Department which have not been transferred to the Departments of Community Development and Administrative Services are transferred to the Department of Construction and Land Use. Employees filling positions at the time of transfer shall continue employment in such positions without interruption of service. The Building Department and the Building Department Operating Fund are abolished as of June 4, 1980 and as of December 31, 1980 respectively, and assets and liabilities which are attributable to those activities of the Building Department transferred to the Department of Construction and Land Use are transferred to and shall become assets and liabilities of the Department of Construction and Land Use and of the Construction and Land Use Fund.

(Ord. 109124 § 7, 1980.)

### **3.06.070 Land use duties transferred.**

As of June 4, 1980, the responsibilities associated with analyses, reports, presentations and other activities related to the processing of applications for variances, conditional uses and other matters under the Zoning Ordinance (86300),<sup>1</sup> the Subdivision Ordinance (105636),<sup>1</sup> the State Environmental Policy Act and related City ordinances, the Shorelines Management Act and other legislation relating to land use regulation heretofore assigned to the Technical Review Section of the Environmental Management Division of the Department of Community Development are transferred to the Department of Construction and Land Use along with the obligations associated with the accomplishment of such responsibilities, including conducting zoning studies and preparing zoning text amendments.

(Ord. 115958 § 10, 1991; Ord. 109124 § 9, 1980.)

1. Editor's Note: The Land Use Code is codified in Title 23 of this Code.

### **3.06.080 Continuation of rules and regulations.**

All rules, regulations and procedures in effect as of December 31, 1998, with respect to the activities carried on by the Department of Construction and Land Use shall continue to be in effect until they expire of their own terms or are superseded by



new rules, procedures and regulations adopted in conformance with the Administrative Code (Ordinance 102228, as amended)<sup>1</sup> or other applicable law.  
(Ord. 119270 § 7, 1998; Ord. 109124 § 17, 1980.)

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

### 3.06.090 Successor to Building Department.

As of June 4, 1980, the Department of Construction and Land Use is designated to be the successor agency, under direction of the Mayor, to the Building Department with respect to enforcing building ordinances of the City, including but not limited to the Building Code, the Electrical Code, the Mechanical Code, the Housing Code, the Zoning Code and Litter Ordinance, the Minimum Maintenance Ordinance, the Condominium Conversion Ordinance, the Energy Code, the Grading Ordinance, and appropriate regulations; enforcing City ordinances, contracts and rules relating to the Building Department for activities not transferred from the Building Department to the Department of Community Development or the Department of Administrative Services; and carrying out all other activities of the Building Department not transferred from the Building Department. All responsibilities, agreements, obligations, benefits and billings of the Building Department and the Building Department Operating Fund with respect to the activities of the Code Enforcement, Housing Conservation and Administrative Services Divisions of the Building Department shall be deemed to be responsibilities, agreements, obligations, benefits and billings of the Department of Construction and Land Use and of the Construction and Land Use Fund.  
(Ord. 109124 § 18, 1980.)

## Chapter 3.08

### CITY LIGHT DEPARTMENT

#### Sections:

- 3.08.010 Department established—  
Superintendent.
- 3.08.020 Adoption of rules.
- 3.08.030 Superintendent's duties.
- 3.08.040 Transfer from Charter  
authorization.

### 3.08.010 Department established— Superintendent.

A. There shall be a City Light Department, consisting of the municipal light and power system,<sup>1</sup> the head of which shall be the Superintendent of City Light.

B. The Superintendent of City Light shall be appointed by the Mayor and confirmed by a majority of the City Council, subject to reconfirmation every four years; provided, that the Superintendent of Lighting appointed pursuant to Charter Article VII prior to its 1977 amendment, and serving immediately prior to the effective date of the ordinance codified in this chapter,<sup>2</sup> shall serve as the first Superintendent of City Light pursuant to the provisions of this chapter until December 31, 1979.  
(Ord. 107787 § 1, 1978.)

1. Cross-reference: For provisions regarding the Seattle City Light Department, see Chapter 21.49 of this Code.
2. Editor's Note: Ord. 107787 became effective on January 1, 1979.

### 3.08.020 Adoption of rules.

Pursuant to the Administrative Code (Ordinance 102228),<sup>1</sup> the Superintendent of City Light may adopt whatever rule he or she deems useful for the conduct of the Department's business.  
(Ord. 107787 § 2, 1978.)

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

### 3.08.030 Superintendent's duties.

Under the direction of the Mayor, the duties of the Superintendent of City Light include:

A. Managing, controlling, operating and maintaining the municipal light and power system and related facilities;

B. Enforcing and implementing City ordinances, contracts, and rules which relate to the City Light Department;

C. Appointing, supervising and controlling all officers and employees of the City Light Department, subject to personnel ordinances and rules of the City;

D. Making maps, surveys, profiles, plans, specifications, estimates and reports in connection with the City Light Department as directed by the City;

E. Laying out, directing, constructing and supervising all public works of the City Light Department;



F. Performing other duties as directed by the City.  
(Ord. 107787 § 3, 1978.)

**3.08.040 Transfer from Charter authorization.**

A. The Department of Lighting heretofore established by Charter Article VII<sup>1</sup> shall become the Department of City Light established pursuant to the provisions of this chapter.

B. All of the records, books, papers, properties, equipment, offices, rights and responsibilities of the Department heretofore created by Charter are transferred to the department established by this chapter.

C. The appointment of each and every employee of the City Light Department heretofore established by Charter is ratified and confirmed as an appointment to the City Light Department established pursuant to the provisions of this chapter, and such employment shall be deemed to be continuous and without interruption of service, and no employee shall suffer any loss of accrued service credit, vacation time, sick leave, compensation time, or any other benefit, on account of the transfer from a department created by Charter to a department created by this chapter.  
(Ord. 107787 § 4, 1978.)

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

**Chapter 3.10  
OFFICE OF ENTREPRENEURIAL  
ASSISTANCE**

**Sections:**

**3.10.060 Entrepreneurial Assistance Program—Confidentiality.**

**3.10.060 Entrepreneurial Assistance Program—Confidentiality.**

As of July 1, 1972, such specific creative proposals, product information and financial information as is contained in the Office of Economic Development Entrepreneurial Assistance Program forms shall be confidential and shall not be made public, nor shall they be subject to the inspection of any person except duly authorized City employees.  
(Ord. 101281 § 1, 1972.)

**Chapter 3.12  
SEATTLE TRANSPORTATION**

**Sections:**

**Subchapter I Department Regulations**

**3.12.010 Department created—Director.**

**3.12.020 Adoption of rules.**

**3.12.030 Director's duties.**

**3.12.040 Transfer from Charter authorization.**

**Subchapter II Funding of Restricted Parking Zones**

**3.12.120 Disposition of permit fees.**

**Subchapter III Agreements and Payments for Departmental Work or Services**

**3.12.210 Payment for work or services.**

**3.12.220 Use of funds.**

**Subchapter I Department Regulations**

**3.12.010 Department created—Director.**

A. There shall be a department named Seattle Transportation, the head of which shall be the Director of Transportation.

B. The Director of Transportation shall be appointed by the Mayor and confirmed by a majority of the City Council, and shall be subject to reappointment and reconfirmation every four years.  
(Ord. 118409 § 5(part), 1996: Ord. 107789 § 1, 1978.)

**3.12.020 Adoption of rules.**

Pursuant to the Administrative Code (Ordinance 102228),<sup>1</sup> the Director of Transportation may adopt whatever rule he or she deems useful for the conduct of the Department's business.  
(Ord. 118409 § 5(part), 1996: Ord. 107789 § 2, 1978.)

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

**3.12.030 Director's duties.**

Under the direction of the Mayor, the functions of the Director of Transportation include:

A. Making transportation surveys, maps, profiles, plans, specifications, estimates and reports as required by the City;

B. Laying out, directing and supervising the construction of transportation public works required by the City within the City and on property belonging to or controlled by the City, except as otherwise provided by ordinance placing such responsibility in another department;

C. Superintending, managing, constructing, repairing, maintaining, cleaning and controlling bridges, wharves, streets, gutters, sidewalks;

D. Enforcing and implementing City ordinances, contracts, and rules that relate to Seattle Transportation;

E. Appointing, supervising and controlling the officers and employees of Seattle Transportation subject to personnel ordinances and rules of the City;

F. Conducting transportation planning; coordinating with and assisting Metropolitan King County in transit activities; participating in regional transportation planning; operating programs and activities to reduce traffic congestion, including among other activities, encouragement of carpools, vanpools, ride sharing, the use of transit or traveling at other than peak hours, and furthering bicycling and other modes of travel;

G. Maintaining a repository of City survey, graphic, climatic, soils and engineering records; of plans and construction notes of all work in street area;

H. Managing, coordinating and staffing major transportation-related projects;

I. Performing such other functions as assigned by the City.

If the Director does not possess at least ten (10) years' experience in civil engineering, he or she shall appoint and consult on all engineering matters with an assistant who is a professional engineer and has such experience.

(Ord. 120773 § 21, 2002; Ord. 118409 § 5(part), 1996; Ord. 109480 § 2, 1980; Ord. 107789 § 3, 1978.)

### **3.12.040 Transfer from Charter authorization.**

A. The Department of Engineering heretofore established by Charter Article VII prior to its 1977 amendments shall become Seattle Transportation established pursuant to the provisions of this subchapter.

B. All of the records, books, papers, properties, equipment, offices, rights, and responsibilities of the department heretofore created by Charter are transferred to the department established by this subchapter.

C. The appointment of each employee of the Engineering Department heretofore established by Charter is ratified and confirmed as an appointment to Seattle Transportation established pursuant to the provisions of this subchapter, and such employment shall be deemed to be continuous and without interruption of service, and no employee shall suffer any loss of accrued service credit, vacation time or any other benefit, on account of the transfer from a department created by Charter to the department created by this subchapter.

(Ord. 118409 § 5(part), 1996; Ord. 107789 § 4, 1978.)

### **Subchapter II Funding of Restricted Parking Zones**

#### **3.12.120 Disposition of permit fees.**

Fees collected by Seattle Transportation for permits or other means of extending parking privileges in any restricted parking zone, as authorized in Seattle Municipal Code Section 11.16.315, shall be deposited in the Seattle Transportation Operating Fund for the purpose of reimbursing ongoing operating costs of residential parking zones.

(Ord. 118409 § 5(part), 1996; Ord. 111749 § 2, 1984.)

### **Subchapter III Agreements and Payments for Departmental Work or Services**

#### **3.12.210 Payment for work or services.**

The Director of Transportation is authorized for and on behalf of The City of Seattle to execute agreements for, and pursuant thereto, to accept moneys received from owners and/or developers for work or services performed or furnished by Seattle Transportation in connection with the development, subdivision or platting of real property as:

A. Payments pursuant to voluntary agreements authorized by RCW 82.02.020;

B. Payments for environmental mitigation and conditions pursuant to RCW Chapter 43.21C (State Environmental Policy Act) and WAC 197-11-660 (State Environmental Policy Act Rules);

C. Payments pursuant to Chapter 179, Laws of 1988;

D. Payments for studies or services performed or for acquiring consultant services in connection with the department's environmental review or analysis of a proposed development, subdivision, or project; and/or

E. Payments under a contract for the City to conduct particular studies or supply information sought by a contracting party in connection with a proposed improvement.

The work or services may include, among other activities, capital improvements; studies and/or assessments of the impact of a proposed improvement on traffic, parking, or the structural integrity of a street in the vicinity; adjusting or installing traffic control devices; establishing residential preference parking zones on nearby streets; and/or extraordinary research into departmental archives. The Director of Transportation is authorized to retain expert and consultant services as appropriate for such work in accordance with City and department selection procedures.

(Ord. 118409 § 5(part), 1996; Ord. 114107 § 1(part), 1988.)

### **3.12.220 Use of funds.**

Funds received shall be deposited into the Guaranty Deposit Fund and used only for the purposes contemplated by the payment. Payments received under voluntary agreements that remain unexpended after five (5) years shall be refunded as required by RCW 82.02.020; surpluses remaining after providing studies and contractual services shall be refunded within thirty (30) days after completion thereof. All appropriations of funds received and deposited appropriate to carry out the purposes of payments authorized in Section 3.12.210 and to make refunds of unexpended funds are hereby made and authorized.

(Ord. 118409 § 5(part), 1996; Ord. 116368 § 38, 1992; Ord. 114107 § 1(part), 1988.)

## **Chapter 3.14 EXECUTIVE DEPARTMENT**

Statutory Reference: For Charter provisions on the Executive Department, see Charter Art. V.

### **Sections:**

#### **Subchapter I Office of Cable Communications**

#### **Subchapter II Office of Intergovernmental Relations**

- 3.14.400 Office created.**
- 3.14.410 Director—Appointment.**
- 3.14.420 Director—Duties.**
- 3.14.425 International affairs.**
- 3.14.430 Transfer of records and responsibilities.**

#### **Subchapter III Office of Policy and Management**

- 3.14.502 Office established—Purpose.**
- 3.14.510 Director of the Office of Policy and Management—Appointment—Removal.**
- 3.14.521 Director—Duties.**
- 3.14.530 Director—Ancillary duties.**

#### **Subchapter IV Office of Economic Development**

- 3.14.600 Office established—Functions.**
- 3.14.610 Director—Appointment—Removal.**
- 3.14.620 Director—Powers and authority.**

#### **Subchapter V Office of Housing**

- 3.14.700 Office of Housing created—Mission.**
- 3.14.710 Office—Purpose.**
- 3.14.720 Director of the Office of Housing—Appointment—Removal.**
- 3.14.730 Director—Duties.**
- 3.14.740 Director—Ancillary duties.**
- 3.14.750 Work program to be adopted by City Council.**

#### **Subchapter VI (Reserved)**

#### **Subchapter VII Office for Civil Rights**

- 3.14.900 Office established—Purpose.**
- 3.14.910 Director—Appointment.**

3.14.400 ADMINISTRATION

- 3.14.911 Adoption of rules.
- 3.14.912 Director's right to subpoena witnesses and take testimony.
- 3.14.913 Funds for settlement of claims.
- 3.14.915 Grants and donations—Information and education projects—Account in trust fund.
- 3.14.918 Appropriations and expenditures—OCR Public Information and Educational Materials Account.
- 3.14.920 Commissions—Established—Membership.
- 3.14.930 Seattle Womens' Commission—Duties.
- 3.14.931 Seattle Human Rights Commission—Duties.
- 3.14.932 Seattle Commission for Sexual Minorities—Duties.
- 3.14.940 Commissions—Organization—Adoption of rules.

**Subchapter VIII Office of Sustainability and Environment**

- 3.14.950 Office created—Functions.
- 3.14.960 Director—Appointment and removal.
- 3.14.970 Director—Duties.
- 3.14.980 Work program to be adopted by City Council.

**Subchapter I Office of Cable Communications1**

1. Cross-reference: For provisions on the Office of Cable Communications, see Chapter 21.60, Cable Communications, of this Code.

**Subchapter II Office of Intergovernmental Relations**

**3.14.400 Office created.**

As of January 1, 1979, there is created, within the Executive Department, an Office of Intergovernmental Relations.  
(Ord. 108098 § 1, 1979.)

**3.14.410 Director—Appointment.**

The Director of the Office of Intergovernmental Relations shall be appointed by the Mayor, subject to confirmation by a majority vote of all members

of the City Council. Pending permanent appointment of such Director under the authority of this section, the Mayor is authorized as of January 1, 1979, to appoint a person to temporarily act as the Director of the Office of Intergovernmental Relations for a period of sixty (60) days and thereafter for successive sixty (60) day periods with the approval of the City Council.  
(Ord. 108098 § 2, 1979.)

**3.14.420 Director—Duties.**

Under the direction of the Mayor, the duties of the Director of the Office of Intergovernmental Relations shall be as follows:

A. To represent and support the interests of the City in interactions with Congress, federal agencies, national organizations, and appointed and elected national officials, and to influence lawfully the decisions and actions of such individuals, Congress and agencies in support of City activities and policies;

B. To represent and support the interests of the City and its policies in relationship with the State Legislature, Governor's Office, agencies and state boards and commissions, and to develop and represent the City's annual State Legislative Program;

C. To coordinate and provide staff support in the representation of the City and its interests and policies in interactions with special and multipurpose regional agencies and general purpose local government, and to influence the decisions and actions of these agencies in accordance with City policy;

D. To appoint, remove, supervise, and control all officers and employees of the Office of Intergovernmental Relations in accordance with civil service laws and rules;

E. To manage the preparation of the proposed annual budget of the Office of Intergovernmental Relations, authorize necessary expenditures, and supervise the maintenance of adequate accounting systems and procedures;

F. To ensure that the City's elected officials and departments are made aware of major federal funding programs, regulatory and legislative activity and to coordinate the City's response to these federal actions;

G. To ensure that the City's elected officials and departments are supported and staffed on all policy issues arising in the regional agencies such as King County Government, Metro, Puget Sound



Council of Governments, Puget Sound Health Systems Agency, Puget Sound Air Pollution Control Agency, Economic Development District and any other regional governmental agencies as needed;

H. To ensure that the City's elected officials and departments are made aware of major state funding programs, regulatory and legislative actions and assist them in participating in these state activities.

(Ord. 108098 § 3, 1979.)

### **3.14.425 International affairs.**

Under the direction of the Mayor, the Director of the Office of Intergovernmental Relations shall:

A. Represent and support the interest of the City in interactions with foreign heads of state, consular representatives, state officials, and federal representatives regarding foreign activities;

B. Establish and coordinate relations with other local and state jurisdictions and private businesses to promote foreign investment activities through international trade, tourism and exporting and marketing Seattle products and services;

C. Coordinate and provide staff support in representing the City and its interests and policies in interactions with private groups promoting the City, including, but not limited to, Sister City programs, Central American Commission, World Affairs Council, and other groups involved in international activities;

D. Provide all elected officials and department directors assistance with protocol activities by helping the City's representatives with background material and arrangements for international visitors and dignitaries;

E. Inform the City's elected officials and departments of the major activities occurring in the areas of foreign trade, tourism, exporting, marketing, and private initiatives that would have beneficial direct and indirect impact on the City;

F. Support the City's elected officials and departments on all policy issues relating to other local, state, and private jurisdictions' international relations.

(Ord. 115936 § 1, 1991.)

Editor's Note: By agreement authorized by Ordinance 116711, the Seattle King County Convention Bureau will maintain and administer a private International Relations Trust Fund, for the receipt of donations for the purchase of gifts for use by the City and City officials in the course of municipal affairs in reciprocal gift-giving, purchase of meals for foreign dignitaries and government officials of foreign countries; or for payment of expenses of a reception in honor of such visitors.

### **3.14.430 Transfer of records and responsibilities.**

All of the records, books, papers, properties, equipment, rights, and responsibilities of the division heretofore created by Ordinance 104067<sup>1</sup> are transferred to the office established by this subchapter.

(Ord. 108098 § 4, 1979.)

1. Editor's Note: Ord. 104067 has been repealed by Ord. 108735.

## **Subchapter III Office of Policy and Management**

### **3.14.502 Office established—Purpose.**

There is established in the Executive Department an Office of Policy and Management. The purposes of the Office of Policy and Management are as follows:

A. To assist the Mayor and City Council in the development and analysis of high-level Citywide policies on major issues including, but not limited to, public safety, transportation alternatives and mobility, urban development, urban sustainability and the natural environment, social equity, community health and human needs;

B. To coordinate and lead major Citywide initiatives and projects that cut across the roles and responsibilities of multiple City departments, including, but not limited to, complex real estate development projects that require the participation of a variety of disciplines;

C. To develop partnerships that will further Citywide goals, and utilize the many talents and resources of the full community;

D. To monitor and, if possible, influence critical external factors that affect Seattle's economic vitality, jobs and demographics and recommend appropriate strategies;

E. To assist the Mayor in developing accountability agreements with departments and to work with departments to ensure progress on priority projects;

F. To facilitate the process of developing City policy between the Mayor and City Council by

3.14.510 ADMINISTRATION

identifying joint priorities and helping to resolve differences.  
(Ord. 120773 § 10, 2002.)

**3.14.510 Director of the Office of Policy and Management— Appointment—Removal.**

The Director of the Office of Policy and Management shall be appointed by the Mayor, subject to confirmation by a majority vote of all members 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.  
(Ord. 120773 § 11, 2002; Ord. 118912 § 9, 1998; Ord. 117408 § 9(part), 1994.)

**3.14.521 Director—Duties.**

Under the direction of the Mayor, the duties of the Director of the Office of Policy and Management are as follows:

A. Oversee and manage the functions of the Office of Policy and Management as set forth in Section 3.14.502; and

B. Develop an annual work plan that is based on a joint City Council-Mayor Annual Citywide Policy Priorities Resolution or ordinance. The target date for the completion of such resolution or ordinance will be by the end of the first quarter of each calendar year beginning in 22004. The 2002 and 2003 workplans shall be based on Section 2 of Ordinance 120890. The annual resolution or ordinance will reflect the major issues and priorities the City Council and Mayor want to address during the coming year and will provide the basis for the Office of Policy and Management work program as it relates to policy development. Furthermore, the Director of the Office of Policy and Management will confer with the City Council President and Committee Chairs on the approach to the work undertaken by the Office of Policy and Management.  
(Ord. 120890 § 1, 2002; Ord. 120773 § 12, 2002; Ord. 119299 § 10, 1998; Ord. 118912 § 10, 1998.)

**3.14.530 Director—Ancillary duties.**

In order to carry out office functions, the Director of the Office of Policy and Management shall have the power to:

A. Appoint, remove, assign, supervise, and control officers and employees in the Office of Policy and Management in accordance with the applicable ordinances and rules;

B. Manage the preparation of the proposed budget for the Office of Policy and Management, authorize appropriate expenditures and carry out the adopted budget and supervise the maintenance of adequate accounting systems and procedures; 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 office programs; execute interdepartmental agreements and, as authorized by ordinances, intergovernmental agreements; arrange for places for public meetings; and solicit and use volunteer services; and

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

(Ord. 120773 § 13, 2002; Ord. 118912 § 16, 1998; Ord. 117408 § 9(part), 1994.)

**Subchapter IV Office of Economic Development**

**3.14.600 Office established—Functions.**

There is established within the Executive Department, an Office of Economic Development, under the direction of the Mayor. The functions of the Office shall be as follows:

A. To coordinate City policies and programs to support:

1. A healthy, diversified economy,
2. Employers, both large and small,
3. Small business creation and expansion,
4. The creation and retention of livable-wage jobs in Seattle and the region,
5. Expanded employment and training opportunities, especially for low-income individuals, and

6. The development and expansion of community-based organizations capable of implementing locally supported development initiatives;

B. To administer the City’s business loan programs, including the Neighborhood Business Development Loan Program (Ordinance 116245), Seattle Small Business Lenders Association program (Ordinances 116245 and 116341),<sup>1</sup> Community Development Block Grant float loans (Ordinance 116402), Urban Development Action Grant loans, Washington State Development Loan Fund loans, Southeast Revolving Fund loans (Ordinances 109267 and 113991),<sup>2</sup> any other business

loan programs not allocated by ordinance to other departments or offices, and any other programs or projects allocated to such office by ordinance;

C. To provide staff support to the Board of Directors of The City of Seattle Industrial Development Corporation;

D. To negotiate and administer contracts with, and City funding of, organizations engaged in business assistance, trade development, economic research, tourism, international trade and the provision of services funded through the Neighborhood Matching Fund; and

E. To administer terms and conditions of contracts for transfer of commercial real estate as designated by the Mayor or by ordinance.

(Ord. 116457 § 1(part), 1992.)

1. Editor's Note: The provisions of Ordinances 116245, 116341 and 116402 are not set out in this Code, but may be consulted in the office of the City Clerk.
2. Funds established in Ordinances 109267 and 113991 are listed in Chapter 5.76 of this Code.

### **3.14.610 Director—Appointment—Removal.**

The Director of the Office of Economic Development shall be appointed by the Mayor, subject to confirmation by a majority vote of all members 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.

(Ord. 116457 § 1(part), 1992.)

### **3.14.620 Director—Powers and authority.**

Under the direction of the Mayor, the duties and powers of the Director of the Office of Economic Development shall be as follows:

A. To appoint, remove, assign, supervise, and control all officers and employees of the Office of Economic Development in accordance with applicable civil service laws and rules;

B. To manage the preparation of the annual budget of the Office of Economic Development, under the guidance of the Director of Finance; authorize appropriate expenditures and carry out the adopted budget; develop and manage programs; and undertake authorized activities;

C. To make, modify, alter, and extend loans under the City's business loan programs consistent with the laws and ordinances relating to each program; to accept, release, subordinate, and foreclose on security interests in real and personal property; and to sign and deliver documents and to take oth-

er actions as shall be necessary or appropriate for such purposes;

D. To develop programs and seek additional funding sources for economic development;

E. To accept unrestricted donations of funds from identified donors in an amount up to One Thousand Dollars (\$1,000);

F. To enter into and enforce contracts (including agreements for expert and consultant services) subject to applicable purchasing and bidding ordinances; and execute interdepartmental agreements, and, as authorized by ordinance, intergovernmental agreements;

G. To serve as the City's representative to boards, commissions, and organizations engaged in economic development activities;

H. To serve as the City's representative to the Seattle Small Business Lenders Association;

I. In connection with any project or program now or hereafter coming within the responsibility of the Office of Economic Development but previously vested by ordinance in another City department, to exercise all authority vested in the director of such other department with respect to such project or program, unless otherwise provided by ordinance;

J. To administer all ordinances pertaining to the Office of Economic Development; and

K. To exercise such other and further powers and duties as shall be prescribed by ordinance.

(Ord. 120181 § 15, 2000; Ord. 116457 § 1(part), 1992.)

## **Subchapter V Office of Housing**

### **3.14.700 Office of Housing created—Mission.**

A. There is established in the Executive Department an Office of Housing. The mission of the Office of Housing is to facilitate the substantial development of housing units for individuals earning zero (0) to one hundred twenty (120) percent of median income (low to moderate income households) via the identification and leveraging of public and private resources for such development; to increase the preservation of existing affordable multifamily and single-family housing; and to create and operate an efficient, effective organizational structure which aids in the accomplishment of this mission.

B. The intent of this section is to state generally the mission and activities of the Office. This sec-



tion shall not be construed to create, establish or designate any particular class or group of persons who will or should be especially protected or benefited, nor to create any entitlement to any benefits or services.

(Ord. 119273 § 10, 1998.)

### 3.14.710 Office—Purpose.

The Office of Housing is established to develop comprehensive housing policies, programs, and plans; to act as coordinator and advocate for housing needs; to administrate, coordinate, and operate City housing policies, programs, and functions. The purposes of the Office of Housing are as follows:

A. Maintain and increase the City's strong commitment to the preservation and development of low-income housing;

B. Increase the supply of all types of housing in ways that enhance community;

C. Develop strategies for preserving existing, affordable housing units;

D. Develop strategies that encourage greater preservation and utilization of existing housing stock to increase the supply of all types of housing;

E. Strengthen partnerships to leverage community resources and public and private dollars;

F. Develop leadership and expertise in housing project development, management, and finance in order to best support community housing efforts.

(Ord. 119273 § 11, 1998.)

### 3.14.720 Director of the Office of Housing—Appointment—Removal.

The Director of the Office of Housing shall be appointed by the Mayor, subject to confirmation by a majority vote of all members 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 Director of the Office of Housing may be referred to as the Director of Housing.

(Ord. 119273 § 12, 1998.)

### 3.14.730 Director—Duties.

Under the direction of the Mayor, the duties of the Director of Housing are as follows:

A. Oversee and manage the functions of the Office of Housing as set forth in Section 3.14.700;

B. Such other functions and duties as may be assigned by ordinance.

(Ord. 119273 § 13, 1998.)

### 3.14.740 Director—Ancillary duties.

In order to carry out office functions, the Director of Housing shall have the power to:

A. Appoint, remove, assign, supervise and control officers and employees in the Office of Housing in accordance with applicable civil service ordinance and rules;

B. Manage the preparation of the proposed budget for the Office of Housing, authorize appropriate expenditures and carry out the adopted budget, supervise the maintenance of adequate accounting systems and procedures, develop and manage programs, and undertake authorized activities;

C. Execute, deliver, indorse, modify, accept, administer, perform and enforce such agreements (including without limitation agreements for expert and consultant services, interdepartmental agreements, and agreements with other public entities), instruments, and other documents as he or she shall deem necessary or appropriate to implement ordinances, policies and programs, consistent with applicable laws and ordinances;

D. Collect amounts owing to the City under housing financing documents and contracts relating to housing development or to the sale of property for housing, and in the administration of the foregoing, subordinate liens or other interests of the City, compromise the City's claims or interests, and release parties and property from obligations and interests in favor of the City, all as he or she shall deem necessary or appropriate in the interests of the City and subject to applicable laws;

E. Grant and modify leases of real property under the jurisdiction of the Office of Housing, subject to SMC Section 3.24.300, and grant licenses for temporary use of such property, and prescribe and collect rents or charges therefor;

F. Apply to the federal and state governments for funding available for housing, and take all such actions as may be necessary to comply with federal and state requirements respecting the use of such funds when they are included in the adopted budget of the City or their acceptance is otherwise authorized by ordinance;

G. Promulgate and amend, in accordance with the City Administrative Code to the extent applicable, rules, regulations and policies to carry out Office of Housing activities; provided that no such rule, regulation or policy shall confer any rights to



entitlement upon any person, entity, class or group, nor undertake any legal duty to any person, entity, class or group.  
(Ord. 119273 § 14, 1998.)

### **3.14.750 Work program to be adopted by City Council.**

The annual work program for the Office of Housing, showing anticipated tasks, likely work products, and approximate assignments of FTEs shall be set by the City Council. The Council's review of the work program shall be in two (2) steps:

A. The Director of Housing shall submit a preliminary proposed work program for the following year to the City Council no later than October 1st of the current year for review during the budget process.

B. By January 15th the following year, the Director of Housing shall submit a revised proposed work program to the City Council. During the first quarter, the City Council shall adopt a resolution setting the final work program for the Office of Housing. This resolution shall guide the work of the Office throughout the year, and any significant changes to the work shall require Council approval.

(Ord. 119273 § 15, 1998.)

## **Subchapter VI (Reserved)**

### **Subchapter VII Office for Civil Rights**

#### **3.14.900 Office established—Purpose.**

There is established in the Executive Department an Office for Civil Rights to provide citywide leadership and guidance in the areas of civil rights and equal opportunity. It shall promote equal access to services within The City of Seattle and work to eliminate discrimination in housing, employment and public accommodations for Seattle residents; recommend policies to all departments and divisions of City government in matters affecting civil rights and equal opportunity to all people; recommend legislation for the implementation of such programs and policies; promote awareness within City government and The City of Seattle through public education and outreach; and provide staff support for the Seattle Women's Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities.

(Ord. 118392 § 6, 1996; Ord. 115940 § 1(part), 1991; Ord. 114872 § 1, 1989; Ord. 109114 § 1, 1980.)

#### **3.14.910 Director—Appointment.**

There shall be a Director of the Office for Civil Rights who shall be appointed by the Mayor. Such appointment shall be subject to confirmation by a majority vote of all members of the City Council. The Director of the Office for Civil Rights shall not be included in the classified civil service. The Director of the Office for Civil Rights shall be the head of and, under the direction of the Mayor, shall be responsible for the administration of the office and in connection with such administration shall have duties and responsibilities including but not limited to the following:

A. Undertake enforcement, policy and education activities consistent with the mission of the Office for Civil Rights;

B. Administer and govern the Office for Civil Rights;

C. Appoint, remove and supervise officers and employees in the Office for Civil Rights;

D. Provide staff support for the Seattle Women's Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities, and consult with and report regularly to the Seattle Women's Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities on the workings of the Office for Civil Rights, and attend either in person or by designated representative, all regular meetings of the Seattle Women's Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities;

E. Administer all ordinances pertaining to the Office for Civil Rights and take appropriate remedial action where necessary;

F. Manage the preparation of the proposed annual budget of the Office for Civil Rights, and authorize necessary expenditures, and supervise the maintenance of adequate accounting systems;

G. After identifying priority issue areas, develop policies and programs, and seek additional funding sources in these areas, which seek to ameliorate the effects of dispute treatment and impact upon persons based on race, color, sex, marital status, parental status, sexual orientation, gender identity, political ideology, age, creed, religion, ancestry, national origin, the presence of any sensory, mental or physical disability, the possession or use

of a Section 8 rent certificate, or the use of a trained guide or service dog by a handicapped person;

H. Make periodic reports and recommendations to the Mayor and City Council concerning the operations of the Seattle Women's Commission, the Seattle Human Rights Commission, the Seattle Commission for Sexual Minorities, and the Office for Civil Rights;

I. Receive, consider and make recommendations concerning statements, reports and complaints relative to problems of civil rights including such problems of civil rights as may arise in connection with the treatment, facilities or services of any office or department of the City;

J. Exercise such other and further powers and duties as shall be prescribed by ordinance. (Ord. 119628 § 1, 1999; Ord. 118392 § 7, 1996; Ord. 115940 § 1(part), 1991; Ord. 114872 § 2, 1989; Ord. 109114 § 2, 1980.)

### 3.14.911 Adoption of rules.

The Director of the Office for Civil Rights, with the advice of the Human Rights Commission, shall adopt, promulgate, amend, and rescind suitable rules and regulations consistent with, and to carry out the provisions of this subchapter or any other ordinance administered or enforced by the Director of the Office for Civil Rights.

(Ord. 118392 § 15, 1996; Ord. 109115 § 1(part), 1980; Ord. 101477 § 1(part), 1972; Ord. 97971 § 2(part), 1969.)

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

A. In the performance of the duties imposed upon him/her by this subchapter or any other ordinance, the Director of the Office for Civil Rights may subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person, under oath, and in connection therewith, require the production for examination of any books, records or other information relating to any subject matter under investigation or in question by the Office for Civil Rights or the Human Rights Commission and conduct discovery procedures which may include the taking of interrogatories and oral depositions.

B. No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to a subpoena on the ground that the testi-

mony or evidence required may tend to incriminate or subject that person to penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

C. In case of contumacy or refusal to obey a subpoena or other process or discovery issued to any person, the Director of the Office for Civil Rights may invoke the aid of the City Attorney who shall apply to the appropriate court for an order or other court action necessary to secure enforcement of the subpoena.

(Ord. 118392 § 16, 1996; Ord. 109115 § 1(part), 1980; Ord. 101477 § 1(part), 1972; Ord. 97971 § 2(part), 1969.)

### 3.14.913 Funds for settlement of claims.

There is hereby established in the Civil Rights Department Program Category 1400—"Discrimination Claims" in order to provide for settlement of valid employment discrimination claims filed with the Office for Civil Rights against the City. In no case shall individual payments from this program category exceed Two Thousand Five Hundred Dollars (\$2,500) for settlement of one (1) case. The Civil Rights Director may authorize payments upon completion of the documentation of case settlement as provided in Seattle Municipal Code Section 14.04.150 (Ordinance 109116, Section 12(B)). Funds appropriated for this program category shall not be transferred into any other program category; and SMC Chapter 5.08 is superseded to the extent it is inconsistent with this prohibition upon transfers.

(Ord. 118392 § 17, 1996; Ord. 110242 § 2, 1981.)

### 3.14.915 Grants and donations— Information and education projects—Account in trust fund.

A. The Director of the Office for Civil Rights is authorized from time to time for and on behalf of The City of Seattle to solicit, apply for, accept and expend donations, grants and other funds and in-kind services or materials from individuals, corporations and associations, foundations and nonprofit organizations, other governments, and the public-at-large in order to produce, provide or disseminate

public information and educational or advocacy materials, projects, or programs on issues relating to civil rights and equal opportunity, and to provide an acknowledgement in any of its publications to those whose assistance enabled its preparation or distribution.

B. All donations, grants or other funds received shall be deposited into the “OCR Public Information and Educational Materials/Projects” Account, which is hereby created, in the General Donation and Gift Trust Fund. The account shall also be credited with a pro rata share of the earnings of investment of Fund balances, refunds due on expenditures from the account, and other payments that the Director and the Director of Executive Administration determine to be due. Disbursements shall be made in accordance with Section 3.14.918.

(Ord. 120794 § 14, 2002; Ord. 118392 § 8, 1996; Ord. 116598 § 1(part), 1993.)

### **3.14.918 Appropriations and expenditures—OCR Public Information and Educational Materials Account.**

Effective upon their deposit, the Director of the Office for Civil Rights is authorized to submit vouchers to the Finance Director for expenditure of the funds in the OCR Public Information and Educational Materials/Projects Account established by Section 3.15.915, as the Director deems appropriate for producing, providing, or disseminating public information and educational or advocacy materials, projects or programs relating to various protected class groups approved by the Office for Civil Rights. All necessary appropriations therefor are hereby made and authorized.

(Ord. 118392 § 9, 1996; Ord. 116598 § 1(part), 1993.)

### **3.14.920 Commissions—Established—Membership.**

There is established a Seattle Women’s Commission, to be composed of twenty (20) members appointed from among those persons who are conscious of the discrimination against and oppression of women in this society, and who are working to eliminate these injustices; a Seattle Human Rights Commission, to be composed of fifteen (15) members who shall be representative citizens and shall include representatives of minority communities, other protected classes, and persons with a demon-

strated concern and background in human rights; and a Seattle Commission for Sexual Minorities to be composed of fifteen (15) members appointed from among those persons who are conscious of the discrimination against and oppression of lesbians, gays and sexual minorities in the society, and who are working to eliminate these injustices. Upon the expiration of existing terms, new appointments to each position on each commission shall be made under this section by the authority originally appointing persons to that position, as follows:

A. Seattle Women’s Commission: Nine (9) members shall be appointed by the Mayor, nine (9) members shall be appointed by the City Council, and the nineteenth and twentieth members shall be appointed by the Commission as constituted; provided that, such appointments shall be made so as to reflect the diversity of the community.

B. Seattle Human Rights Commission and Seattle Commission for Sexual Minorities: Seven (7) members shall be appointed by the Mayor, seven (7) members shall be appointed by the City Council, and the fifteenth member shall be appointed by the Commission as constituted; provided, that such appointments shall be made so as to reflect the diversity of the community.

C. Pursuant to the Get Engaged program, SMC Chapter 3.51, one (1) designated young adult position shall be added to each of these three commissions: the Seattle Women’s Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities. The terms of service related to a young adult member’s role on each of these Commissions shall be as set forth in SMC Chapter 3.51.

D. All appointments shall be subject to confirmation by a majority vote of the City Council. Each member appointed pursuant to the authority of this section shall serve for a term of two (2) years, but no member of the Seattle Human Rights Commission or the Seattle Women’s Commission shall serve more than two (2) consecutive two (2) year terms. If a member is appointed to serve an unexpired term of a previous commission member, that term shall qualify as one (1) of two (2) consecutive terms only if the length of the unexpired term actually served is one (1) year or more. Any vacancy shall be filled for the unexpired term in the same manner as an original appointment.

(Ord. 120871 § 1, 2002; Ord. 120325 § 2, 2001; Ord. 119494 § 1, 1999; Ord. 118392 § 10, 1996;



3.14.930 ADMINISTRATION

Ord. 116226 § 1, 1992; Ord. 115940 § 1(part), 1991; Ord. 109114 § 3, 1980.)

**3.14.930 Seattle Women's Commission—Duties.**

The Seattle Women's Commission shall:

A. Advise the Mayor, City Council, and other City departments and offices with respect to matters concerning women;

B. Provide information to the Mayor, City Council, and other City departments, and offices concerning issues of importance to women;

C. Assist City departments to address fairly the concerns of women, individually and as a protected class under City ordinance and other applicable laws;

D. As appropriate, recommend policies to all departments and offices of the City in matters affecting women and recommend legislation for the implementation of such policies;

E. Report on a semi-annual basis to the Mayor and the City Council. The reports shall include an annual or semi-annual workplan, a briefing of the Commission's public involvement process for soliciting community and citizens input in framing their annual workplans, and updates on the workplans; and

F. Meet on a quarterly basis through a designated representative with the Seattle Human Rights Commission and the Seattle Commission for Sexual Minorities, to ensure coordination and joint project development.

(Ord. 118392 § 11, 1996; Ord. 115940 § 1(part), 1991; Ord. 109114 § 4, 1980.)

**3.14.931 Seattle Human Rights Commission—Duties.**

The Seattle Human Rights Commission shall act in an advisory capacity to the Mayor, City Council, Office for Civil Rights and other City departments in respect to matters affecting human rights and in furtherance thereof shall have the following specific responsibilities:

A. To consult with and make recommendations to the Director of the Office for Civil Rights and other City departments and officials with regard to the development of programs for the promotion of equality, justice and understanding among all citizens of the City;

B. To consult with and make recommendations to the Director of the Office for Civil Rights with regard to problems arising in the City which may

result in discrimination because of race, religion, creed, color, national origin, sex, marital status, parental status, sexual orientation, gender identity, political ideology, age, ancestry, the presence of any sensory, mental, or physical disability, the possession or use of a Section 8 rent certificate, or the use of a trained guide or service dog by a handicapped person, and to make such investigations and hold such hearings as may be necessary to identify such problems;

C. As appropriate, recommend policies to all departments and offices of the City in matters affecting civil rights and equal opportunity, and recommend legislation for the implementation of such policies;

D. Encourage understanding between all protected classes and the larger Seattle community, through long range projects;

E. Hear appeals and hearings as set forth in Chapters 14.04 and 14.08 of the Seattle Municipal Code.

F. Report on a semi-annual basis to the Mayor and the City Council. The reports shall include an annual or semi-annual workplan, a briefing of the Commission's public involvement process for soliciting community and citizen input in framing their annual workplans, and updates on the workplans; and

G. Meet on a quarterly basis through a designated representative with the Seattle Women's Commission and the Seattle Commission for Sexual Minorities, to ensure coordination and joint project development.

(Ord. 119628 § 2, 1999; Ord. 118392 § 12, 1996; Ord. 97971 § 4, 1969.)

**3.14.932 Seattle Commission for Sexual Minorities—Duties.**

The Seattle Commission for Sexual Minorities shall:

A. Provide information to the Mayor, City Council, and other City departments and offices concerning issues of importance to lesbians, gays and other sexual minorities;

B. Assist City departments to address fairly the concerns of lesbians, gays, and other sexual minorities individually and as a protected class under City ordinance and other applicable laws;

C. As appropriate, recommend policies to all departments and offices of the City in matters affecting gay, lesbian, and sexual minority concerns,

and recommend legislation for the implementation of such policies;

D. Encourage understanding between the lesbian, gay, and sexual minority communities and the larger Seattle community, through long-range projects;

E. Report on a semi-annual basis to the Mayor and the City Council. The report shall include an annual or semi-annual workplan, a briefing of the Commission's public involvement process for soliciting community and citizen input in framing their annual workplans, and updates on the workplans; and

F. Meet on a quarterly basis through a designated representative with the Seattle Women's Commission and the Seattle Human Rights Commission, to ensure coordination and joint project development.

(Ord. 118392 § 13, 1996; Ord. 115940 § 1(part), 1991; Ord. 114872 § 5, 1989.)

### **3.14.940 Commissions—Organization—Adoption of rules.**

The Seattle Women's Commission, the Seattle Human Rights Commission, and the Seattle Commission for Sexual Minorities shall each organize itself and shall adopt such rules and administrative procedures for its own governance, consistent with City Charter<sup>1</sup> and ordinances, as are necessary for its functions and responsibilities.

(Ord. 118392 § 14, 1996; Ord. 115940 § 1(part), 1991; Ord. 114872 § 3, 1989; Ord. 109114 § 5, 1980.)

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

## **Subchapter VIII Office of Sustainability and Environment**

### **3.14.950 Office created—Functions.**

There is created within the Executive Department an Office of Sustainability and Environment, under the direction of the Mayor. The functions of the Office shall be as follows:

A. To oversee implementation of the City's Environmental Management Program, which program may include, but is not limited to:

1. Developing or coordinating City policies and programs that will improve environmental performance in City operations,

2. Facilitating the City's compliance with federal, state, and local environmental regulations,

3. Advancing the City's environmental priorities and record of leading by example,

4. Integrating sustainability and environmental values into City plans, programs, and policies,

5. Setting sustainability and environmental targets and objectives for the City,

6. Reviewing and proposing changes to the Environmental Management Program;

B. To report to the City Council and Mayor on each respective department's and the City's overall performance in meeting sustainability and environmental targets and objectives;

C. To negotiate and administer contracts with and City funding of organizations associated with sustainability and environmental planning, programs, compliance, performance and advocacy.

(Ord. 120121 § 4 (part), 2000.)

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

The Director of the Office of Sustainability and Environment shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and may be removed by the Mayor at any time upon filing a statement of reason therefore with the City Council.

(Ord. 120121 § 4 (part), 2000.)

### **3.14.970 Director—Duties.**

The Director of the Office of Sustainability and Environment shall be the head of the Office of Sustainability and Environment, shall be responsible for the administration of the Office, and shall:

A. Appoint, remove, supervise and control officers and employees in the Office of Sustainability and Environment in accordance with Civil Service rules and regulations;

B. Prepare and update annually a sustainability and environmental management planning agenda for the City;

C. Manage the preparation of the proposed budget of the Office of Sustainability and Environment, authorize necessary expenditures and enter into contracts for professional and expert services in accordance with the adopted budget, develop and manage programs, and undertake authorized activities;

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 Office of Sustainability and Environment; apply for grants and donations for departmental programs; and solicit and use volunteer services;

E. Serve, in conjunction with other affected department heads, as the City's representative to boards, commissions, and organizations engaged in issues pertaining to sustainability and environmental management;

F. Administer all ordinances pertaining to the City's Environmental Management Program;

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

H. Exercise such other and further powers and duties as shall be prescribed by ordinance. (Ord. 120121 § 4 (part), 2000.)

### **3.14.980 Work program to be adopted by City Council.**

The annual work program for the Office of Sustainability and Environment, showing anticipated tasks, likely work products, and approximate assignments of FTEs, shall be set by the City Council. The Council's review of the work program shall be in two (2) steps:

A. The Director of the Office of Sustainability and Environment shall submit a preliminary proposed work program for the following year to the City Council no later than October 1st for review during the Council's budget review process.

B. By January 15th of the following year, the Director of the Office of Sustainability and Environment shall submit a revised proposed work program to the City Council. During the first quarter, the City Council shall adopt a resolution setting the final work program for the Office of Sustainability and Environment. This resolution shall guide the work of the Office of Sustainability and Environment throughout the year, and any significant changes to the work program shall require Council approval.

(Ord. 120121 § 4 (part), 2000.)

## **Chapter 3.16 FIRE DEPARTMENT**

### **Sections:**

#### **Subchapter I Badges<sup>1</sup>**

- 3.16.010 Wearing of badge when not in uniform.**
- 3.16.020 Unlawful use of badge.**
- 3.16.030 Violation—Penalty.**

1. Cross-reference: For further provisions regarding unlawful use of firemen's badge or uniform, see § 12A.60.070.

#### **Subchapter II Firefighting Assistance**

- 3.16.070 Use of equipment outside City limits.**
- 3.16.080 Aid in fighting shipboard fires.**
- 3.16.090 Marine firefighting assistance.**
- 3.16.100 Uncompensated experts—Consultation authorized.**
- 3.16.105 Uncompensated experts—Claims and litigation.**
- 3.16.110 Uncompensated expert—Claims procedures not modified.**

#### **Subchapter III Special Programs and Services**

- 3.16.130 Fees for reports and tests.**
- 3.16.140 CPR training program.**
- 3.16.150 Paramedic training services.**
- 3.16.160 Training in use of fire extinguishers.**

#### **Subchapter IV Hazardous Materials Handling**

- 3.16.200 Incident Command Agency designated.**
- 3.16.210 Assistance agreements—Fire Chief authority.**
- 3.16.220 Assistance agreements—Terms and conditions.**
- 3.16.230 Assistance agreements—Verbal notification conditions—"Good Samaritan" law.**

Statutory Reference: For Charter provisions on the Fire Department, see Charter Art. X; for statutory provisions on fire prevention and extinguishment in cities of the first class, see RCW 35.22.280(22).



**Subchapter I Badges****3.16.010 Wearing of badge when not in uniform.**

Firemen in the service of the Fire Department of the City when not wearing the regular uniform of the department shall wear a badge, furnished by the City, entitling such firemen to ride upon the streetcars of the City and to go within the fire lines in case of fire, or to enjoy any other privilege or authority to which the wearing of their uniforms may entitle them.  
(Ord. 19117 § 1, 1908.)

**3.16.020 Unlawful use of badge.**

It is unlawful for any fireman in the employ of the City to give away or sell the badge provided in Section 3.16.010 to any person for the purpose of enabling such person to procure transportation on the streetcars of the City or to gain admittance within the fire lines, or for any other purpose, and it shall be unlawful for any other person, not a fireman entitled to wear such badge under the provisions of this subchapter, to wear or display such badge for the purpose of securing privileges or authority set forth in Section 3.16.010.  
(Ord. 19117 § 2, 1908.)

**3.16.030 Violation—Penalty.**

Any person found guilty of a violation of the provisions of this subchapter, shall be fined in any sum not exceeding One Hundred Dollars (\$100.00) or be imprisoned in the City jail for a term not exceeding thirty (30) days, or may be both fined and imprisoned.  
(Ord. 19117 § 3, 1908.)

**Subchapter II Firefighting Assistance****3.16.070 Use of equipment outside City limits.**

The Chief of the Fire Department is authorized to use Fire Department apparatus, equipment and personnel outside the City limits for the purpose of extinguishing, controlling, or aiding in the extinguishing or controlling of, fires, explosions, or hazardous material incidents in accordance with written agreements authorized by ordinance.  
(Ord. 110450 § 1, 1982; Ord. 93145 § 1, 1964.)

**3.16.080 Aid in fighting shipboard fires.**

The Chief of the Fire Department is authorized for and on behalf of the City to execute a "Mutual Fire Fighting Assistance Agreement" substantially in the form contained in C.F. 280804, with the cities of Aberdeen, Anacortes, Bellingham, Bremerton, Edmonds, Everett, Hoquiam, Kennewick, Longview, Olympia, Pasco, Port Angeles, Port Townsend, Richland, Tacoma, Vancouver and such other cities, towns, counties, port districts and other governmental entities authorized and expressing willingness to enter into such agreement providing for mutual aid in fighting major shipboard fires, which agreement shall be executed in such number of copies as are necessary, including one copy to be retained by the Chief of the Fire Department and one copy to be filed in the records of the City Clerk's office.  
(Ord. 116368 § 39, 1992; Ord. 104623 § 1, 1975; Ord. 104346 § 1, 1975.)

**3.16.090 Marine firefighting assistance.**

The Chief of the Fire Department, or his designee, is authorized, for and on behalf of the City to execute in such counterparts as may be necessary a "Marine Fire Fighting Assistance Agreement," or agreements with such vessel masters, owners, charterers, agents, or others as may be necessary from time to time to provide marine firefighting assistance in shipboard fires outside the corporate limits of the City, or to extend agreements entered into pursuant to Ordinance 104624<sup>1</sup> on or prior to July 1, 1976, to and including February 28, 1978, or until funding for the Marine Fire Protection Project no longer is available.  
(Ord. 105725 § 1, 1976.)

1. Editor's Note: Ordinance 104624 is on file in the City Clerk's office.

**3.16.100 Uncompensated experts—Consultation authorized.**

The Fire Chief or his representative is authorized to request and accept uncompensated advice and assistance from experts during an emergency as declared by the Fire Chief or his representative, provided, that such experts shall be designated in writing by the Fire Chief or the staff duty officer as noncompensated experts prior to the request for advice and assistance. In no event shall such experts be deemed to be employees of the City.  
(Ord. 109229 § 1, 1980.)

**3.16.105 Uncompensated experts—Claims and litigation.**

If any claim for damages shall be made or litigation instituted against a designated expert for personal injuries, wrongful death or property damage arising out of the rendering of assistance or advice under the circumstances set forth in Section 3.16.100, the City Attorney shall, at the written request of the Fire Chief on behalf of such expert, investigate and defend the claim and/or litigation and, if a claim is deemed by the City Attorney a valid one, or if judgment is rendered against such expert, said claim or judgment shall be paid by the City in the same manner as a claim or judgment against the City; provided that, such expert shall immediately forward to the City Attorney every demand, notice, summons or other process relating to any such claim or litigation received by him or his representative, and shall fully cooperate with the City Attorney and the Law Department in the making of settlements or in the handling of claims and/or litigation and in enforcing any claim or any right of contribution or indemnity against any person or organization who may be liable to the City because of an alleged loss or damage arising in connection with such expert's advice or assistance, and the expert shall attend interviews, depositions, hearings and trials and assist in securing and giving evidence, and the expert shall not, except at his own cost, voluntarily make any payment, assume any obligation or incur any expense; provided further, that in the event any such expert fails or refuses to fully cooperate as specified in this section or elects to provide his own legal representation with respect to any such claims and/or litigation, then the provisions of this section will be inapplicable and of no force and effect with respect to any such claim and/or litigation involving the expert. (Ord. 109229 § 2, 1980.)

**3.16.110 Uncompensated expert—Claims procedures not modified.**

Sections 3.16.100 and 3.16.105 shall not modify existing procedures or requirements of law for the processing and payment of any claims against the City or payment of judgments in those cases in which the City is a party defendant. (Ord. 109229 § 3, 1980.)

**Subchapter III Special Programs and Services****3.16.130 Fees for reports and tests.**

The Fire Department shall, under the direction of the Fire Chief, collect fees for certain reports and test services furnished by the Department as follows:

Report, Record or Service		Fee
1. Aid car response report	per report	\$ 3.00
2. Fire and other response reports	per report	3.00
3. Carpet material flammability test (Fire Prevention Division)	per test	10.00

Provided, governmental agencies shall be exempt from such fees.

(Ord. 99481 § 1, 1970.)

**3.16.140 CPR training program.**

The Fire Chief is authorized to plan for and initiate a Fire Department program for training interested volunteers in cardiopulmonary resuscitation techniques; to accept donations on behalf of the City from the public to bear the costs of such program, including particularly contributions from the Seattle Downtown Rotary Club and from the American Heart Association, all such donations to be deposited in the Cardiopulmonary Resuscitation Training Account, hereby created, in the General Donations and Gift Trust Fund; to accept contributions of services, clerical assistance, and other materials from civic organizations and citizens; and, effective upon deposit in the account of sufficient funds therefor, to conduct such program, retain instructors, procure necessary supplies and equipment, and incur other necessary expenses in connection therewith, all as recommended in C.F. 270765.

(Ord. 100336 § 1, 1971.)

**3.16.150 Paramedic training services.**

As requested by the Chief of the Fire Department and recommended by the Mayor in C.F. 281342, the Fire Department is authorized to collect a fee of Twenty Dollars (\$20.00) per person per shift for practical paramedic training services provided to other than City personnel by Fire Department personnel in connection with training courses conducted by Harborview Medical Center or other similar training agencies. (Ord. 104670 § 1, 1975.)

**3.16.160 Training in use of fire extinguishers.**

As requested by the Chief of the Fire Department and recommended by the Mayor in C.F. 281685, the Fire Department is authorized to establish a training program for other than City personnel to provide training in the use of fire extinguishers to extinguish flammable liquid fires and to collect and deposit into the General Fund, a fee of One Hundred Dollars (\$100.00) per training class for classroom instruction and practical “hands-on” training given by two instructors, and a fee of Fifty Dollars (\$50.00) per training class for classroom instruction only, given by one instructor.

(Ord. 107539 § 1, 1978; Ord. 104731 § 1, 1975.)

**Subchapter IV Hazardous Materials Handling**

**3.16.200 Incident Command Agency designated.**

The governing body of The City of Seattle hereby designates the Seattle Fire Department as the Hazardous Materials Incident Command Agency for all hazardous materials incidents within the corporate limits of The City of Seattle.

(Ord. 110614 § 1(part), 1982.)

**3.16.210 Assistance agreements—Fire Chief authority.**

The Fire Chief is authorized to enter into agreements with persons, agencies, and/or corporations who may provide assistance with respect to a hazardous materials incident. In accordance with the provisions of RCW 4.24 such persons, agencies, and/or corporations are not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or wilful or wanton misconduct, provided:

A. The Seattle Fire Department and the person whose assistance is requested have entered into a written hazardous materials assistance agreement prior to the incident which incorporates the terms of Section 3.16.220, except as specified in Section 3.16.230 of this chapter;

B. The request for assistance comes from the Seattle Fire Department.

(Ord. 110614 § 1(part), 1982.)

**3.16.220 Assistance agreements—Terms and conditions.**

A. Hazardous materials emergency assistance agreements which are executed prior to a hazardous materials incident shall include the following terms and conditions:

1. The person requested to assist shall not be obligated to assist;

2. The person requested to assist may act only under direction of the incident commander or his representative;

3. The person requested to assist may withdraw his assistance if he deems the actions or directions of the incident commander to be contrary to accepted hazardous materials response practices;

4. The person requested to assist shall not profit from rendering the assistance;

5. The person requested to assist shall not be a public employee acting in his official capacity within the boundaries of his political subdivision;

6. Any person responsible for causing the hazardous materials incident shall not be covered by the liability standard defined in Section 3.16.210.

B. It is the responsibility of both parties to ensure that mutually agreeable procedures are established when assistance is requested, for recording the name of the person whose assistance is requested, and the time and date of the request, which records shall be retained for three years by the Seattle Fire Department. A copy of the official incident command agency designation shall be a part of the assistance agreement specified in this section.

(Ord. 110614 § 1(part), 1982.)

**3.16.230 Assistance agreements—Verbal notification conditions—“Good Samaritan” law.**

A. The Chief of the Fire Department or his representative may enter into verbal hazardous materials emergency assistance agreements at the scene of an incident where execution of a written agreement prior to the incident is not possible. A notification of the terms of this section shall be presented at the scene by the incident commander or his representative to the person whose assistance is requested. The incident commander and the person whose assistance is requested shall both sign the notification which appears in subsection B of this section, indicating the date and time of signature.



3.18.010 ADMINISTRATION

If a requesting agency deliberately misrepresents individual or agency status, that agency shall assume full liability for any damages resulting from the actions of the person whose assistance is requested, other than those damages resulting from gross negligence or wilful or wanton misconduct.

B. The notification required by subsection A of this section shall be as follows:

NOTIFICATION OF "GOOD SAMARITAN" LAW

You have been requested to provide emergency assistance by a representative of a designated hazardous materials incident command agency. To encourage your assistance, the Washington State Legislature has passed "Good Samaritan" legislation (Chapter 4.24 RCW, part) to protect you from potential liability. The law reads, in part:

"Any person who, in good faith, renders emergency care, assistance, or advice with respect to a hazardous materials incident is not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or wilful or wanton misconduct."

The law requires that you be advised of certain conditions to ensure your protection:

- 1. You are not obligated to assist and you may withdraw your assistance at any time.
2. You cannot profit from assisting.
3. You must agree to act under the direction of the incident commander.
4. You are not covered by this law if you caused the initial accident or if you are a public employee doing your official duty.

I have read and understand the above.
(Name) \_\_\_\_\_
Date \_\_\_\_\_ Time \_\_\_\_\_

I am a representative of a designated hazardous materials incident command agency and I am authorized to make this request for assistance.
(Name) \_\_\_\_\_
Date \_\_\_\_\_ Time \_\_\_\_\_

(Ord. 110614 § 1(part), 1982.)

Chapter 3.18
FLEETS AND FACILITIES DEPARTMENT

Sections:

Subchapter I. General

3.18.010 Department established—Purpose.

3.18.020 Director—Appointment.

3.18.030 Director—Functions, powers, and duties.

Subchapter II Recycling Program

3.18.060 Recycling program.

Subchapter III Motor Vehicles

3.18.140 City motor vehicle fleet.

Subchapter IV Leases of City Property

3.18.160 Authority to negotiate and execute leases.

3.18.180 Reimbursement of Executive Services Fund.

Subchapter V Real Property Leases for City Functions and Programs

3.18.200 Authority to execute leases—Standard form.

3.18.220 Rental not to exceed fair market value—Determination.

3.18.240 Rental payments—Maximum amounts.

3.18.260 Rental payments—Annual adjustment.

3.18.280 Department or agency responsibility.

3.18.300 Asset management—Real property.

Subchapter VI. (Reserved)

Subchapter VII. (Reserved)

Subchapter I. General

3.18.010 Department established—Purpose.

There is established a Fleets and Facilities Department to manage municipal property, the City's motor pool and vehicular fleet, and to provide office services, and printing and duplicating.
(Ord. 120181 § 16 (part), 2000.)

**3.18.020 Director—Appointment.**

The Director of the Fleets and Facilities Department shall be appointed by the Mayor subject to confirmation by majority vote of the City Council. The Director may be removed by the Mayor at any time upon filing a statement of reason therefor with the City Council.  
(Ord. 120181 § 16 (part), 2000.)

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

The Fleets and Facilities Director shall manage the Fleets and Facilities 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;

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. Manage the preparation of the annual budget for the Department under guidance from the Director of Finance; authorized appropriate expenditures and carry out the adopted budget; develop and manage programs, and undertake authorized activities;

D. Strategically manage the City's real estate portfolio, excluding those properties outside of Seattle, those use for power or water distribution or for drainage or wastewater purposes, and 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 procedure, and general administration;

E. Establish a system of prices, rates and allocations, and charge City departments for services furnished by the Fleets and Facilities Department and the use of City facilities and equipment;

F. Assign space in Municipal Buildings to City departments and agencies;

G. 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;

H. Manage contracts for public works programs in the Fleets and Facilities Department capital improvement program;

I. Perform other functions and execute such other powers as may be prescribed from time to time by ordinance.

(Ord. 120181 § 16 (part), 2000.)

**Subchapter II Recycling Program****3.18.060 Recycling program.**

The Fleets and Facilities 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 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.

(Ord. 120181 § 17, 2000: 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 as-

signed, shall be pursuant to resolution of the City Council.

2. As soon as practicable after the end of each calendar year, the Fleets and Facilities Director (called the "Director" in this section) shall submit 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 car-pool.

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 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. 120181 § 18, 2000; 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

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

The Fleets and Facilities 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 Fleets and Facilities Director or is under the management of another department that has requested that the Fleets and Facilities Director lease or sublease such property. The Fleets and Facilities 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 Fleets and Facilities 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 Fleets and Facilities Director to negotiate and to enter into new leases for the same property with the same tenant upon terms and conditions differ-



ent 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. 120181 § 19, 2000; Ord. 119091 § 1, 1998; Ord. 118397 § 14, 1996; Ord. 109118 § 2, 1980; Ord. 107634 § 1, 1978.)

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 Director of Executive Administration is authorized and directed to deduct from the rental payments received from the leasing of such property amounts equal to such expenses of the Fleets and Facilities 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.

(Ord. 120794 § 15, 2002; Ord. 120181 § 20, 2000; 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 Fleets and Facilities 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 Fleets and Facilities 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. 120181 § 21, 2000; 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 an-

nually, 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 Fleets and Facilities Director pursuant to the authority granted in Section 3.18.200.

(Ord. 120181 § 22, 2000; 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 Fleets and Facilities 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 Fleets and Facilities 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 Fleets and Facilities Director pursuant to the authority of Section 3.18.200 of this chapter shall be deposited in the Executive Services Fund.

(Ord. 120181 § 23, 2000; amended during 9-98 supplement; Ord. 118397 § 17, 1996; Ord. 109823 § 3, 1981; Ord. 109128 § 5, 1980; Ord. 107252 § 5, 1978.)

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

A. The Fleets and Facilities 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 Fleets and Facilities 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 Fleets and Facilities Director pursuant to SMC Chapter 3.02.

B. For those City-owned properties that are to be centrally managed by the Fleets and Facilities Department pursuant to the authority granted in SMC Section 3.24.300 A, only the Fleets and Facilities 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 Fleets and Facilities Director 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, 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 Fleets and Facilities Depart-

ment after acquisition, only the Fleets and Facilities 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 Fleets and Facilities 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 Fleets and Facilities 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 Chapter 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 Fleets and Facilities 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 Fleets and Facilities Director, if approved in writing by the Fleets and Facilities 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. 120181 § 24, 2000; Ord. 119091 § 4, 1998; Ord. 118397 § 8(part), 1996.)

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

**Subchapter VI. (Reserved)**

**Subchapter VII. (Reserved)**

**Chapter 3.20**

**HUMAN SERVICES DEPARTMENT<sup>1</sup>**

**Sections:**

**Subchapter I Department Regulations**

- 3.20.010** Department created—Purpose.
- 3.20.020** Director—Appointment.
- 3.20.030** Director—Duties.
- 3.20.040** Divisions of the Department.

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

- 3.20.080** Division created—Purpose.
- 3.20.090** Technical Advisory Committee on Aging—Established—Appointments.
- 3.20.100** Committee—Organization and responsibilities.
- 3.20.110** Committee—Meetings.
- 3.20.120** Director—Created—Duties.

**Subchapter III Poverty Programs**

- 3.20.190** Mayoral authority.
- 3.20.200** Economic Opportunity Board—Membership.

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

**Subchapter V Office for Education**

- 3.20.300** Office created—Purpose.
- 3.20.310** Director created—Duties.

**Subchapter VI TDR Bank**

- 3.20.320** TDR 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****3.20.010 Department created—Purpose.**

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

**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 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.  
(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 5 § 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 va-

cancy shall be filled for the unexpired term in the same manner as original appointments. (Ord. 99901 § 2(part), 1971.)

**3.20.100 Committee—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.

**3.20.110 Committee—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.)

**3.20.120 Director—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.)

**Subchapter III Poverty Programs****3.20.190 Mayoral 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.

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.

**3.20.200 Economic 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****3.20.300 Office created—Purpose.**

There shall be within the Department of Neighborhoods 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.

(Ord. 120773 § 16, 2002; 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 Department of Neighborhoods in collaboration with the Mayor. The Director for Education shall be responsible, under the direction of the Mayor and the Director of the Department of Neighborhoods, for the administration of the Office for Education.

(Ord. 120773 § 17, 2002; Ord. 118912 § 12, 1998; Ord. 115498 § 1(part), 1991.)

## **Subchapter VI TDR Bank**

### **3.20.320 TDR Bank.**

A. General. The City may from time to time purchase and sell transferable development rights ("TDR") in accordance with the Land Use Code, Title 23, and the provisions of this section. TDR held by the City for potential sale, whether from land owned by the City or as a result of TDR purchases, are considered to be in the City's "TDR Bank." The TDR Bank is a program rather than a separate entity, fund or City department.

B. TDR Eligible for Purchase and Sale. Landmark TDR, housing TDR, and open space TDR, each as defined in SMC Chapter 23.84, are eligible for purchase by the City's TDR Bank, subject to the provisions of this section. Any TDR eligible for transfer under SMC Chapter 23.49 are eligible by the TDR Bank.

C. Administration. The Office of Housing has general responsibility for the administration of the TDR Bank. The Housing Director is authorized to execute, deliver and accept for and on behalf of the City, agreements, deeds and other instruments in order to carry out TDR Bank transactions authorized by ordinance.

D. Housing TDR Purchases. The Housing Director may negotiate the purchase of housing TDR, subject to approval of each purchase by ordinance and subject to budget authority. The Office of Housing shall conduct a subsidy review prior to any purchase of housing TDR for the TDR Bank, whether or not other public funds or subsidiaries are involved.

E. Open Space TDR Purchases. The Housing Director or his or her designee shall consult with the Director of Neighborhoods, the Director of the Department of Design, Construction and Land Use, and the Superintendent of Parks and Recreation, or their respective designees, regarding any proposed purchase of open space TDR for the TDR Bank. Following a joint decision of all such officers in favor of acquiring open space TDR from a site, the Housing Director, or such other officer as the Mayor may designate, may negotiate an agreement for the purchase of open space TDR from that site, subject to approval by ordinance and to budget authority.

F. Landmark TDR Purchases. The Housing Director or his or her designee shall consult with the Director of Neighborhoods or his or her designee

nee regarding any proposed purchase of Landmark TDR for the TDR Bank. The Director of Neighborhoods or his or her designee shall consult with the Landmarks Preservation Board regarding the proposed purchase. Following a joint decision by such Directors or their designees in favor of acquiring the Landmark TDR from a site, the Housing Director, or such other officer as the Mayor may designate, may negotiate the purchase of Landmark TDR from that site, subject to approval by ordinance and to budget authority.

G. Sale of TDR in General. The Housing Director or his or her designee may negotiate the sale of any TDR held in the TDR Bank, subject to approval of each sale by ordinance.  
(Ord. 120494 § 1, 2001; 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 major-

ity 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; devel-

op 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.**

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 3.26  
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 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;

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;

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

### **3.26.041 Superintendent—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 departments, 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 oc-

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

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

- 3.28.150** Commission—Issuance conditions.
- 3.28.160** Eligibility.
- 3.28.170** Application—Information required.
- 3.28.180** Application—Fee.
- 3.28.190** Identification card, notice of commission, and badge.
- 3.28.200** Uniforms.
- 3.28.210** Changes of address and employment duties.
- 3.28.220** Commission—Termination conditions.
- #### Subchapter III Police Officers' Bill of Rights
- 3.28.320** Purpose.
- 3.28.330** Definitions.
- 3.28.340** Internal investigation—Information provided to subject officer.
- 3.28.350** Criminal investigation—Legal counsel.
- 3.28.360** Information as to nature of investigation—Recordings—Transcripts.
- 3.28.370** Interviews—Procedures.
- 3.28.380** Threats 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

- 3.28.420** Authorization.

#### Subchapter V Retired Police Officers

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

- 3.28.480** Revocation of commission—Conditions.

#### Subchapter VI Reserve Police Officers

- 3.28.500** Appointment—Chief of Police authority.
- 3.28.510** Appointment—Eligibility.
- 3.28.520** Application for appointment.
- 3.28.530** Authority, training and compensation.
- 3.28.540** Revocation of appointment—Conditions.

#### Subchapter VII Office of Professional Accountability

- 3.28.800** Office of Professional Accountability created—Functions and authority.
- 3.28.805** Definitions.
- 3.28.810** Office of Professional Accountability—Director.
- 3.28.815** OPA Deputy Director.
- 3.28.820** OPA procedures manual.
- 3.28.825** Reports.
- 3.28.830** Confidentiality of files and records.

#### Subchapter VIII Office of Professional Accountability Auditor

- 3.28.850** Office of Professional Accountability Auditor established.
- 3.28.855** OPA Audit procedures and standards.
- 3.28.860** OPA Auditor to prepare semiannual report.
- 3.28.865** OPA Auditor to meet with Mayor, City Council, and Chief of Police.
- 3.28.870** Confidentiality of files and records.

#### Subchapter IX Office of Professional Accountability Board

- 3.28.900** Office of Professional Accountability Board established.
- 3.28.905** Appointment of the OPA Review Board.
- 3.28.910** OPA Review Board to prepare quarterly report.



**3.28.915 OPA Review Board to meet with City Council.****3.28.920 Access to and confidentiality of files and 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 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

3.28.030 ADMINISTRATION

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 Director of Executive Administration, 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. 120794 § 16, 2002; 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 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

For current SMC, contact the Office of the City Clerk

Service	Charge	Service	Charge
3. Conviction record check, fingerprinting and classification	per name 27.00	Extra negatives black and white color	3.50 6.00
4. Conviction record check and fingerprint classification (fingerprint provided by applicant)	per name 21.00	c. Aerial/boat photographs original	123.00
5. Fingerprint classification	per classification 3.50	Additional copies	21.00
6. Fingerprinting (not classified—not including applicants for concealed weapons permits)	first card 7.00 each additional	Extra negatives	21.00
7. Fingerprinting for review of criminal history record	with copy of conviction record 14.00 3.50	15. Polaroid ID-3 identification system cards for non-police City employees	per card 6.00
Fingerprinting for review of criminal history record (without copy of conviction record)		16. Use of firearm qualification facility	per person 6.00
8. Copy of incident/crime report	per report 8.00	17. Data processing services	per hour MIS charges
9. Annual report (Police Department)	per report 8.00	18. Consultant and/or examination of physical evidence by Police Department personnel	per person/hour 34.00
10. Census tract code book	per book 17.50	19. Notary services	per notarization 2.50
11. Traffic accident report	per report 8.00	(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.)	
12. Traffic accident witness statements	per statement 3.50	<b>3.28.080 Reports and services to be furnished under direction of Chief.</b>	
13. Polygraph examination (at the request of and for any law enforcement agency)	per exam 82.00	The reports, records, and services contemplated in Section 3.28.070 shall be furnished under the direction of the Chief of Police and in accordance with rules and regulations adopted by him. (Ord. 99870 § 2, 1971.)	
14. Photographs and prints		<b>3.28.090 Modification of fee schedule.</b>	
a. Original (taken on-site) (includes one copy of print)	per original print 68.00	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.)	
	black and white		
	color		
b. Prints (when in possession of Police Department) (up to 8" x 10")	first copy black and white 10.50		
	color		
Additional copies		<b>3.28.100 Transfer of parking meter regulations.</b>	
black and white	2.50	As of January 1, 1973, the duty and responsibility of enforcement of certain parking meter traffic regulations, and other related work, heretofore as-	
color	3.50		



3.28.110 ADMINISTRATION

signed 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 officer to be ineffective under the particular circumstances.  
(Ord. 109019 § 2, 1978.)

**3.28.120 Firearms—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.)

**3.28.125 Firearms—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.

**3.28.130 Certain uniformed Seattle Police Department peace officers required to wear identification and orally identify themselves.**

A. Every Seattle Police Department peace officer shall, when wearing a Seattle Police Department uniform, also wear a Seattle Police Department authorized and issued name tag or similar identification device bearing that officer's first initial and last name in legible block print of at least twenty-four (24) point typeface. This requirement shall apply whether or not such officer is on duty.

B. No Seattle Police Department peace officer required to wear a name tag or similar identification device pursuant to subsection A of this section shall alter or obscure such name tag or device.

C. All name tags or similar identification devices required pursuant to subsection A of this section shall be worn on the outermost layer of the Seattle Police Department peace officer's uniform, in the upper-front torso area. The outermost layer of such officer's uniform must also identify the name of the officer's law-enforcement agency.

D. In situations where it is reasonably foreseeable that a Seattle Police Department peace officer required to wear a name tag or similar identification device pursuant to subsection A of this section may remove the outermost layer of the officer's uniform, then that officer also shall wear such a name tag or device in the required location on any underlying layer of his or her uniform that may become the outermost layer.

E. When required to wear a name tag or similar identification device pursuant to subsection A of this section and, upon request for identification by a member of the public, a Seattle Police Department peace officer shall clearly and audibly state his or her name to the requesting person. The requirements of this subsection E shall not apply

when the officer reasonably believes that such identification would endanger the life or physical safety of the officer or another person, jeopardize a law-enforcement investigation, or hinder a law-enforcement function.

F. For purposes of this section, “uniform” is defined to include, in addition to its normal meaning, any law-enforcement agency issued or approved coat, jacket, sweater, jumpsuit, or protective suit that may be worn as an outer layer of clothing or in conjunction with a uniform, but shall not include civilian attire worn by plain-clothes or undercover officers.

G. For purposes of this section, “peace officer” includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially-commissioned Washington peace officer as defined in RCW 10.93.020.

H. This section shall not be construed to prohibit the Seattle Police Department from implementing or enforcing any policy, procedure or rule that is not inconsistent herewith.

I. Nothing in this section or elsewhere in CB 113332 shall be construed to affect the authority of any peace officer to enforce the traffic, criminal or other laws in The City of Seattle, pursuant to RCW Chapter 10.93 or otherwise, or to affect the lawfulness of an otherwise lawful act by any such peace officer.

(Ord. 120096 § 1, 2000.)

## Subchapter II Special Police

### 3.28.150 Commission—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.)

### 3.28.160 Eligibility.

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.)

### 3.28.170 Application—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.)

### 3.28.180 Application—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) to the City Director of Executive Administration; provided, that an applicant who is a City of Seattle employee shall not be required to pay the Forty Dollars (\$40). 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) to the City Director of Executive Administration; provided, that a City of Seattle employee shall not be required to pay the Ten Dollars (\$10).

(Ord. 120794 § 17, 2002; Ord. 116368 § 43, 1992; Ord. 109759 § 4, 1981.)

### 3.28.190 Identification 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 commis-

sion. 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 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.)

### 3.28.200 Uniforms.

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.)

### 3.28.210 Changes 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.)

### 3.28.220 Commission—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

### 3.28.320 Purpose.

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.)

### 3.28.330 Definitions.

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 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 counsel-



ing 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 stenographer, 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 ununiformed 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.)

**3.28.510 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 Office of Professional Accountability**

**3.28.800 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. 120728 § 2(part), 2002.)

### **3.28.805 Definitions.**

A. "Contact Log" is a record of the receipt, review and action taken on a complaint or referral to the Office of Professional Accountability that is not assigned to the Line or OPA Investigation Section for a full investigation.

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

C. "Line referral investigations" refers to those complaints reviewed by Office of Professional Accountability Investigations Section and referred to the subject officer's chain of command for investigation;

D. "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. 120728 § 2(part), 2002.)

### **3.28.810 Office 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. 120728 § 2(part), 2002.)

### **3.28.815 OPA 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. 120728 § 2(part), 2002.)

### **3.28.820 OPA 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. 120728 § 2(part), 2002.)

### **3.28.825 Reports.**

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 Director shall provide to the OPA Auditor and OPA Review Board information necessary for their respective reporting functions as set forth in this chapter. 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. 120728 § 2(part), 2002.)

### **3.28.830 Confidentiality of files and records.**

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. 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, in accordance with the provisions



of this chapter, 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 subject of an investigation in any public report required by this chapter.  
(Ord. 120728 § 2(part), 2002.)

### Subchapter VIII Office of Professional Accountability Auditor

#### 3.28.850 Office of Professional Accountability Auditor established.

A. There shall be an Office of Professional Accountability Auditor (hereinafter "OPA Auditor") who shall be appointed by the Mayor, subject to confirmation by the City Council, to provide review and assessment of Office of Professional Accountability (hereinafter "OPA") complaints. The OPA Auditor shall serve a term of two (2) years and may be reappointed to two (2) subsequent two (2) year terms by the Mayor, subject to confirmation by the City Council. No individual may serve more than three (3) full two (2) year terms as OPA Auditor. Beginning on January 1, 2002, terms shall begin on January 1st of even-numbered years, and run through December 31st of the following odd-numbered year. Should an OPA Auditor take office at any time after commencement of a regular term, the expiration of that term shall remain unaffected. The OPA Auditor may be removed from office for cause by the Mayor by filing a statement of reasons for removal with the City Council. The OPA Auditor shall be compensated as provided by ordinance or by appropriation in the City's annual budget.

B. The OPA Auditor should possess the following qualifications and characteristics:

1. A reputation for integrity and professionalism, as well as the ability to maintain a high standard of integrity in the office;
2. 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;
3. A commitment to the statement of purpose and policies in this chapter;

4. A history of demonstrated leadership experience and ability;

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

6. The ability to work effectively with the Mayor, City Council, City Attorney, Chief of the Department, Office of Professional Accountability Board, departmental personnel, public agencies, private organizations, and citizens;

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

8. The ability to work effectively under pressure.

C. In addition to the qualifications and characteristics set forth in subsection B here in above, the OPA Auditor shall possess the following qualification: the OPA Auditor must be a graduate of an accredited law school and member in good standing of the Washington State Bar Association and, prior to appointment, have at least five (5) years of experience in the practice of law or in a judicially related field.

D. The Chief of Police shall cause a thorough background check of nominees for OPA Auditor identified by the Mayor and shall report the results to the Mayor.

(Ord. 120728 § 2(part), 2002.)

#### 3.28.855 OPA Audit procedures and standards.

A. Audit of All Investigations of Complaints of Unnecessary or Excessive Force. The OPA 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 Auditor.

B. Audit of All Investigations of Complaints Not Involving Unnecessary or Excessive Force Allegations. Each calendar year, the OPA 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 Auditor of the completion of case files on a weekly basis. The case file shall be for-

warded to the subject officer's chain of command for review and recommendations, if, within ten (10) business days of notification of completion, the OPA Auditor has not advised the Department s/he will audit the investigation. The OPA Auditor may audit a completed case file after referral to the subject employee's chain of command; provided, however, in such instance the OPA Auditor shall not request follow-up investigation.

C. The frequency of audits under this section shall be as determined by the OPA 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.

D. OPA Auditor May Request Further Investigation.

1. The OPA Auditor shall use best efforts to complete audits under subsections A and B of this section without unreasonably delaying review of the case file by the subject officer's chain of command. After reviewing the file, the OPA Auditor may request the Office of Professional Accountability, through the Chief of Police, to conduct further investigation. The OPA Auditor shall provide a written statement to the Chief of Police identifying the reasons for his or her request for a follow-up investigation. Criteria the OPA Auditor should consider include but are 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 the OPA Auditor with a written statement of the grounds for this decision.

2. If the basis for the OPA Auditor's request for further investigation is that a relevant witness or witnesses were not contacted, relevant evidence was not collected, or an interview or interviews were not thorough, and the Chief of Police disagrees with the OPA Auditor's recommendation for further investigation, the OPA Auditor may refer the issue of further investigation to the OPA Review Board. The OPA Review Board shall decide whether the OPA shall conduct the further investigation requested by the OPA Auditor. In the event further investigation is ordered, the OPA Auditor may audit the file to ensure compliance with the OPA Review Board's decision. If the OPA Auditor finds that the Police Department has

not complied with the OPA Review Board's decision, the OPA Auditor may submit the matter of compliance to the, OPA Review Board. The OPA Review Board shall decide whether the Department has complied. The OPA Review Board's decisions regarding further investigation and compliance therewith shall be final and binding.

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

F. Monthly Review of Contact Log and Complaint Records. The OPA 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 Auditor 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 Auditor may request the OPA, through the Chief of Police, to conduct a full investigation. The OPA Auditor shall provide a written statement to the Chief of Police identifying the reasons for his/her request for a full investigation. The Chief of Police, or his/her designee, shall consult with the OPA Auditor regarding the OPA Auditor's request, and shall promptly advise the OPA Auditor of the investigative action s/he intends to take.

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

1. The OPA 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 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 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 Auditor are the property of the Police

Department and shall not, by operation of this subchapter, become the property of the OPA Auditor. The OPA Auditor shall make every reasonable effort to maintain the security of files belonging to the Department while in the OPA Auditor's possession. Any requests made to the OPA 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 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 Auditor may, however, continue to have access to closed OPA files.

H. **OPA Auditor Access to Caseload, Workload and Procedural Information.** The OPA 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 Auditor's requests.

(Ord. 120728 § 2(part), 2002.)

### **3.28.860 OPA Auditor to prepare semiannual report.**

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

A. The OPA Auditor'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 Auditor;

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

3. The number of contact log cases and line referral cases where the OPA Auditor 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;

4. A summary of issues, problems and trends noted by the OPA Auditor as a result of his/her review;

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

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

7. The OPA Director's involvement in community outreach to inform citizens of the complaint process and the role of the Office of Professional Accountability.

B. The OPA Auditor'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 any employee, police officer, or citizen.

C. The OPA Auditor shall deliver a preliminary draft of his/her semiannual report to the Chief of Police for review and comment. The Chief of Police shall review and comment on the preliminary report within twenty (20) days after receipt of the report. The OPA Auditor shall submit the final report within thirty (30) days after receipt of the Chief's comments. The OPA Auditor's final report shall be submitted no later than the thirtieth day of April and October of each year.

D. The Chief of Police shall forward to the Mayor, City Council, City Attorney, OPA Review Board and the City Clerk within twenty (20) working days of receipt of the OPA Auditor's final report the Chief's written comments on the report. (Ord. 120728 § 2(part), 2002.)

### **3.28.865 OPA Auditor to meet with Mayor, City Council, and Chief of Police.**

The OPA Auditor shall meet periodically with the Mayor, City Council, OPA Review Board and the Chief of Police regarding recommendations to improve the OPA investigative process within the framework of applicable law and labor agreements. (Ord. 120728 § 2(part), 2002.)

### **3.28.870 Confidentiality of files and records.**

In discharging his or her responsibilities, the OPA Auditor shall protect the confidentiality of Department files and records to which s/he has been provided access 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 OPA 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 Auditor shall not identify the subject of an investigation in any public report required by this chapter. (Ord. 120728 § 2(part), 2002.)

### **Subchapter IX Office of Professional Accountability Board**

#### **3.28.900 Office of Professional Accountability Board established.**

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 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. Two (2) members shall be considered a quorum. (Ord. 120728 § 2(part), 2002.)

#### **3.28.905 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. Members of the OPA Review Board shall serve staggered terms. Each member of the OPA Review Board shall serve a term of two (2) years; except that the first term of one (1) of the first appointees shall be one (1) year. Members 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. Each OPA Review Board member shall:

1. Have a reputation for integrity and professionalism, as well as the ability to maintain a high standard of integrity in the office;
2. Have 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;
3. Have a commitment to the statement of purpose and policies in this chapter;
4. Have a history of demonstrated leadership experience and ability;
5. Have the potential for gaining the respect of complainants, departmental personnel, and the citizens of this City;
6. Be able to work effectively with the City Council, departmental personnel, public agencies, private organizations, and citizens;
7. Be able to work with diverse groups and individuals, as shown by previous experience;
8. Be able to work effectively under pressure;
9. Be a high school graduate or recipient of a general equivalency diploma;
10. Be a United States citizen or lawfully authorized for employment in the United States;
11. Be at least twenty-one (21) years of age;
12. Not have been convicted of or plead guilty to a felony, crime of violence, or offense involving moral turpitude, or any plea thereto; and
13. Be able to comply with the appearance of fairness doctrine.

In addition, at any given time, at least one (1) member of the OPA Review Board shall be a graduate of an accredited law school and a member in good standing of the Washington State Bar Association; at least one (1) member shall have at least five (5) years of experience in the field of law enforcement; and at least one (1) member shall have significant experience in community involvement, organizing and outreach;

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. 120728 § 2(part), 2002.)

**3.28.910 OPA Review Board to prepare quarterly report.**

The OPA Review Board shall prepare and submit a quarterly report 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 closed, completed cases reviewed;

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. The number 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 Auditor, 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 Auditor 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. A Review of the OPA Director's involvement in community outreach to inform citizens of the complaint process and the role of the Office of Professional Accountability.

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 forward its report to the President of the City Council, the Chair of the City Council's Public Safety Committee, Mayor, City Attorney and City Clerk no later than the thirtieth day of March, June, September and December of each year.

(Ord. 120728 § 2(part), 2002.)

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

The OPA Review Board shall present their report quarterly to the City Council.

(Ord. 120728 § 2(part), 2002.)

**3.28.920 Access to and confidentiality of files and records.**

A. The OPA Review Board shall have access to, for purposes of review, redacted complaint forms of all OPA complaints and redacted files of all closed OPA investigations. The OPA Review Board shall have access to summary information necessary for its reporting obligations as set forth in Section 3.28.910 of this chapter.

B. In discharging his or her responsibilities, OPA Review Board members 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 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 shall not identify the identity of the subject of an investigation in any public report required by this chapter.

(Ord. 120728 § 2(part), 2002.)

**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.)

**Subchapter II Health Services****3.30.100 Agreements 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.

**3.30.110 Refund 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 applica-

tion 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 Director of Executive Administration 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. If applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check. Provided that no such refund is authorized when the amount of the permit fee is Four Dollars (\$4) or less, and all refunds shall be made in the amount paid for the permit less the sum of Three Dollars (\$3); 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. 120794 § 18, 2002; Ord. 120114 § 4, 2000; Ord. 116368 § 44, 1992; Ord. 104203 § 1, 1975.)

**3.30.120 Duplicate 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 Director of Executive Administration 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. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.  
(Ord. 120794 § 19, 2002; Ord. 120114 § 5, 2000; Ord. 116368 § 45, 1992; Ord. 98418 § 1, 1969.)

**3.30.140 Personal 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 mon-

etary 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.

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:

- 3.32.010** Seattle Public Utilities—  
Director.  
**3.32.020** Adoption of rules.  
**3.32.030** Director's duties.

#### 3.32.010 Seattle 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 ma-

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.

#### 3.32.020 Adoption 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.

#### 3.32.030 Director's duties.

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 construc-



tion 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 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.

Note: Section 3.33.040, as stated below, is effective until January 13, 2003 (see Ordinance 120655):

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.

Note: Section 3.33.040, as stated below, is effective beginning January 13, 2003 (see Ordinance 120655):

A. The Municipal Court shall consist of eight (8) 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, heretofore established pursuant to RCW 35.20.100; and
4. Department 10 heretofore established pursuant to RCW 35.20.020 and 35.20.100.

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 Mu-

nicipal 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. 120655 §§ 1, 2, 2001; 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 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 Director of Executive Administration 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. 120794 § 20, 2002; Ord. 116368 § 46, 1992; Ord. 113786 § 1(part), 1987.)

**3.33.070 Seal 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.)

**3.33.080 Process.**

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

(Ord. 113786 § 1(part), 1987.)

**3.33.090 Director 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 Director of Executive Administration 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. 120794 § 21, 2002; Ord. 116368 § 47, 1992; Ord. 113786 § 1(part), 1987.)

**3.33.100 Judges’ 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.)

**3.33.110 Qualifications 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.)

**3.33.120 Judges’ 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.)

**3.33.130 Additional 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.)



**3.33.140 Judges pro tempore.**

The Presiding Municipal Court Judge 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 Presiding Municipal Court Judge may appoint, as judges pro tempore, any full-time King County District Court judges. The term of office for a judge pro tempore must be specified in writing and cannot exceed the term of office of the regular elected Municipal Court judges. 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 Court Judges pro tempore shall receive such compensation as shall be fixed by ordinance of the City, and such compensation shall be paid by the City except that district court judges shall not be compensated by the City other than pursuant to an interlocal agreement.

(Ord. 120002 § 1, 2000; Ord. 113786 § 1(part), 1987.)

**3.33.150 Judicial 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.)

**3.33.160 Clerks 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 Director of Executive Administration 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. 120794 § 22, 2002; Ord. 116368 § 48, 1992; Ord. 113786 § 1(part), 1987.)

**3.33.170 Powers 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 Director of Executive Administration's receipt therefor.  
(Ord. 120794 § 23, 2002; Ord. 116368 § 49, 1992; Ord. 113786 § 1(part), 1987.)

**3.33.180 Director 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 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.**

3.35.010 ADMINISTRATION

- 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;
- G. To implement the Neighborhood Planning and Assistance Program adopted by Resolution 27709; and
- H. To foster coordination and unity of purpose among neighborhoods, City government and the schools through co-location with the City's Office for Education.

(Ord. 120773 § 18, 2002; 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 neighborhood 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. In collaboration with the Mayor, appoint the director of the Office for Education and oversee that office's programs and functions;

H. Oversee and direct the Neighborhood Action Team Seattle to foster a multi-department and community engagement approach to solving complex public safety problems;

I. Oversee and direct the COMPASS project including the maintenance and use of the associated database;

J. Perform such other functions as assigned by the City in its annual budgets or by ordinance from time to time.

(Ord. 120773 § 19, 2002; 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 Director of Finance, 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 Department of Information Technology will bill to departments; and

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

(Ord. 120181 § 59, 2000; 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-three Dollars (\$23) per year;

B. Ten (10) foot by twenty (20) foot plots, Thirty-seven Dollars (\$37) per year;

C. Ten (10) foot by forty (40) foot plots, Fifty-six Dollars (\$56) 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 most 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. 120171 § 1, 2000: 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**

### **DEPARTMENT OF FINANCE**

#### **Sections:**

- 3.38.010 Department established—  
Functions, powers, and  
authority.**
- 3.38.020 Finance Director—  
Appointment—Removal.**
- 3.38.050 Auditing Committee.**
- 3.38.060 Statutory duties of Treasurer.**
- 3.38.065 Other statutory duties.**

### **3.38.010 Department established— Functions, powers, and authority.**

There is established a Department of Finance to exercise general supervision over the financial affairs of the City; direct City budgeting, borrowing, revenue forecasting, and economic analysis activities; and provide policy direction concerning investments and licensing for revenue unless law or ordinance vests such power elsewhere.

The head of the Department of Finance shall be the Director of Finance. All references to "Finance Department" or "Finance Director" in the Municipal Code shall be deemed to be a reference to "Department of Finance" or "Director of Finance" as may be applicable, except where the historical reference to "Finance Department" or "Finance Director" is called for by context. The City's Code Reviser is authorized to amend the Seattle Municipal Code over time as he or she deems appropriate in order to carry out this reference change. The Director of Finance's functions and powers include the following:

A. Subject to the City's personnel ordinances and rules, appoint, assign, supervise and control all officers and employees in the Department;

B. Issue financial statements on behalf of the City and issue the City's comprehensive annual financial report in a timely manner and in accordance with generally accepted accounting principles;

C. Perform the duties assigned by the state statutes listed in this Chapter 3.38 to a city treasurer or comptroller;

D. Sign, manually or by facsimile, warrants and checks drawn by or under the direction of the Director of Executive Administration;

E. Manage City borrowing, execute and issue 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, retain financial and other necessary consultants, keep all necessary registers of creditors, and arrange for repayment of debts;

F. Provide technical assistance, training, and support to City departments in performing financial functions;

G. Promulgate 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 3.38.070;

H. Provide policy direction to the Department of Executive Administration with respect to investments of money in the City treasury, licensing for revenue, and other tax policy matters;

I. Manage the preparation of the proposed budget for the Department, authorize appropriate expenditures and carry out the adopted budget, develop and manage programs, and undertake authorized activities;

J. Be the Budget Director as referenced in Chapter 35.32A RCW and prepare the Mayor's proposed budgets and revenue forecasts for submission to the Council, giving guidance as appropriate to other City departments, offices, boards, and commissions in the preparation of their proposed budgets;

K. Be the Mayor's agent with regard to the acceptance of council bills that have been passed by the City Council and are presented for mayoral action;

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

M. Provide financial and programmatic monitoring of public corporations established pursuant to Chapter 3.110 SMC; and

N. Perform such other activities as may be assigned by ordinance from time to time.

(Ord. 120794 § 3, 2002; Ord. 120773 § 22, 2002; Ord. 120181 § 26, 2000; Ord. 118397 § 46, 1996; Ord. 117169 § 8, 1994; Ord. 116368 § 5(part), 1992.)

**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.

**3.38.050 Auditing Committee.**

The Finance Director or an authorized delegate shall attend meetings of the Auditing Committee 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:

Function or Activity	Applicable Statutes
Issuing, calling, and paying interest-bearing warrants, notes, and bonds for local improvement districts	RCW 35.45.050 RCW 35.45.060 RCW 35.45.130 RCW 35.45.150
Registration of bonds	RCW 39.44.130 RCW 39.46.020
Fixing rate of interest, if any, on warrants to be issued by the Director of Executive Administration	RCW 39.56.030
Member and treasurer of Board of Trustees of Police Pension and Relief Fund	RCW 41.20.010 RCW 41.20.020

(Ord. 120794 § 4, 2002; 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
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
Member of Firefighter's Pension Board	RCW 41.16.020

(Ord. 120794 § 5, 2002; Ord. 116368 § 5(part), 1992.)



**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, 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 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:

<b>3.42.010</b>	<b>City Clerk—Duties.</b>
<b>3.42.020</b>	<b>City Clerk—Ancillary powers.</b>
<b>3.42.030</b>	<b>Statutory duties.</b>
<b>3.42.040</b>	<b>Archives.</b>
<b>3.42.050</b>	<b>City Records Management Program.</b>

**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.<sup>1</sup>

(Ord. 120794 § 24, 2002; 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 Statutes
Agent for service of summons	RCW 4.28.080
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
Filing comprehensive plans, certain appointments, interlocal government	RCW 35.63.100 RCW 35.81.160 RCW 39.34.040
agreements, retroceded streets and documents	RCW 47.24.010 RCW 90.58.120

(Ord. 120833 § 10, 2002; 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.)

**3.42.050 City Records Management Program.**

There is a City Records Management Program established in the Office of the City Clerk, Legislative Department (See Seattle Municipal Code Chapter 3.123).

(Ord. 120736 § 2, 2002.)

**Subtitle III Boards  
(Reserved)**

**Subtitle IV Commissions**

**Chapter 3.51**

**GET ENGAGED: A PILOT PROGRAM TO ENCOURAGE YOUNG ADULTS TO PARTICIPATE ON CITY BOARDS AND COMMISSIONS**

**Sections:**

- 3.51.010 General.**
- 3.51.020 Definitions.**
- 3.51.030 First program year.**
- 3.51.040 Second program year.**
- 3.51.050 Terms and vacancies.**
- 3.51.060 Effectiveness report.**



**3.51.010 General.**

The City hereby establishes a two-year pilot program entitled "Get Engaged: City Boards and Commissions" (Get Engaged) to encourage young adult participation on City boards and commissions. This program and all designated young adult positions and provisions relating to the Get Engaged program shall automatically terminate as of August 31, 2003 unless the program is extended by ordinance.

(Ord. 120914 § 1, 2002; Ord. 120325 § 1(part), 2001.)

**3.51.020 Definitions.**

For the purposes of the Get Engaged program:

A. "Designated young adult position" means a position added to a board or commission as part of the pilot program created by the ordinance codified in this chapter.

B. "Young adult" means an individual between the ages of eighteen (18) and twenty-nine (29).

C. "Selected" young adult means nominated by the Mayor and confirmed by the City Council.

(Ord. 120325 § 1(part), 2001.)

**3.51.030 First program year.**

During the first year of the pilot program, a designated young adult position will be created on each of approximately ten (10) City boards and commissions. To fill these positions, young adults shall be nominated by the Mayor and shall be subject to confirmation by the City Council by majority vote. The young adults selected as part of this pilot program will be full voting members of the boards and commissions on which they serve, unless specified otherwise for a particular board or commission. Nothing in this program precludes appointment of a young adult to other regular positions on any board or commission.

Each young adult selected will be matched with a mentor who serves on the same board or commission, and will attend support groups and training tailored toward their duties as a board or commission member. At the end of the first year, all program participants will help assess the effectiveness of the program, and adjustments will be made based on this feedback before the selection of the second group of young adults.

(Ord. 120325 § 1(part), 2001.)

**3.51.040 Second program year.**

During the second year of the program, a designated young adult position may be created on up to ten (10) additional boards and commissions. Selection of young adults to fill these new positions will be the same as for the first year of the program.

In addition to the program elements listed in SMC Section 3.51.030, during the second program year, written materials will be developed for use by the program participants and by other jurisdictions who may want to establish or participate in a similar program. Participants in the Get Engaged program will provide feedback to assist the Get Engaged partners (Mayor's Office Boards and Commissions, City Council, and YMCA Metrocenter Branch) in developing a plan to sustain effective young adult involvement within City government.

(Ord. 120325 § 1(part), 2001.)

**3.51.050 Terms and vacancies.**

Young adults selected in the first year of the program will serve for one (1) year with the possibility of being re-appointed to a board or commission for a second year. Young adults selected in the second year of the program year will serve for one (1) year. Any young adult position vacancies that arise during the tenure of the pilot program will be filled following the same process used for the original selections.

(Ord. 120325 § 1(part), 2001.)

**3.51.060 Effectiveness report.**

Twelve (12) months after the effective date of the ordinance<sup>1</sup> codified in this chapter, the Mayor or his designee and representatives of the YMCA shall provide a report to the City Council regarding the effectiveness of the program so that the City may determine whether the program should be continued.

(Ord. 120325 § 1(part), 2001.)

1. Editor's Note: Ordinance 120325 was passed by the City Council April 16, 2001.

**Chapter 3.52****SEATTLE-KING COUNTY COMMISSION  
ON ALCOHOLISM****Sections:**

**3.52.010 Commission created—  
Purpose.**

3.52.010 ADMINISTRATION

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.)

3.52.030 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. 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.

In addition to the members set forth above, one (1) designated young adult position shall temporarily be added to the Seattle Arts Commission pursuant to the Get Engaged Program, SMC Chapter 3.51. The terms of service related to the young adult member’s role on this Commission are set forth in SMC Chapter 3.51. The Get Engaged Program and all provisions related to this young adult position will terminate as of August 31, 2003.

(Ord. 120914 § 2, 2002; 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.)

### **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<sup>1</sup> 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;

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 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 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 Director of Executive Administration 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 circumstances 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. 120794 § 25, 2002; 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; recusal.
- 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.)

#### **3.58.020 Capital 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.)

#### **3.58.030 Membership.**

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.

In addition to the members set forth above, one (1) designated young adult position shall temporarily be added to the Seattle Design Commission pursuant to the Get Engaged Program, SMC Chapter 3.51. The terms of service related to the young adult member's role on this Commission are set forth in SMC Chapter 3.51. The Get Engaged Program and all provisions related to this young adult position will terminate as of August 31, 2003. (Ord. 120914 § 3, 2002; Ord. 119619 § 1, 1999; 102107 § 1, 1973; Ord. 96897 § 3, 1968.)

#### **3.58.040 Term of office; recusal.**

A. Each member shall serve for a term of two (2) years, with the term of office staggered so that the terms of one-third (1/3) of the members shall expire each year. 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 or herself. The membership of the Commission shall not be li-

mitted 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, shall be individually eligible for employment by, or to contract with, the City in connection with any capital improvement project reviewed by this Commission, and no member shall be involved in such capital improvement project work during such time. If a member's employer, or a firm in which a member is a partner or has an ownership interest, is under contract or under consideration for a contract with the City during his or her term of office, the member shall divulge this information in a meeting of the Commission, and shall recuse himself or herself from any and all deliberations regarding such project until project completion or until the member's employer or firm is no longer under consideration for contract on such project.

(Ord. 120479 § 1, 2001; Ord. 106623 § 1, 1977; Ord. 96977 §§ 2, 4, 1968; Ord. 96897 § 4, 1968.)

### **3.58.050 Compensation—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) 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.)

### **3.58.060 Organization—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.)

### **3.58.070 Purpose 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 have recommended approval.

(Ord. 96897 § 7, 1968.)

### **3.58.080 Advisory duties.**

The advisory and review function of the Commission shall include:

A. Study of projects prior to commencement of design and 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 designers and appropriate City officials prior to commencement of design work.

B. Review of projects from time to time during the design period and recommendation for approval or changes 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.

C. Assist City officials in selecting project designers. At the request of the City department with responsibility for management of a capital improvement project, individual Commission members shall serve on the selection panel that recommends design services for the execution of such projects.  
(Ord. 120479 § 2, 2001; 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:

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:**

<b>3.60.010</b>	<b>Commission established.</b>
<b>3.60.020</b>	<b>Duties of Commission.</b>
<b>3.60.030</b>	<b>Membership.</b>
<b>3.60.040</b>	<b>Annual cooperative agreements.</b>

#### **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:**

- 3.63.010 Taxicab Commission.**  
**3.63.020 Appointments; removal; staffing.**

### **3.63.010 Taxicab 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.)

### **3.63.020 Appointments; 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 Director of Executive Administration shall provide staff and facilities for the Taxi Commission as authorized in the interlocal agreement. (Ord. 120794 § 26, 2002; Ord. 117169 § 10, 1994; Ord. 113613 § 2(part), 1987.)

## **Chapter 3.64**

### **CITY PLANNING COMMISSION**

#### **Sections:**

- 3.64.010 Purpose.**  
**3.64.020 Membership.**  
**3.64.030 Appointment term.**  
**3.64.040 Ancillary powers.**  
**3.64.050 Temporary participants.**  
**3.64.060 Focus of activities.**  
**3.64.070 Duties.**  
**3.64.080 Unexcused absences.**

Statutory Reference: For Charter Provisions on the City Planning Commission, see Charter Article XIV.

**3.64.010 Purpose.**

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 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.

In addition to the members set forth above, one (1) designated young adult position shall temporarily be added to the City Planning Commission pursuant to the Get Engaged Program, SMC Chapter 3.51. The terms of service related to the young adult member's role on this Commission are set forth in SMC Chapter 3.51. The Get Engaged Program and all provisions related to the young adult position will terminate as of August 31, 2003.  
(Ord. 120914 § 4, 2002; 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.**

The Planning Commission shall have the power to:

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 (Chapter 3.02 of the Municipal Code) to accomplish its functions;

D. Use administrative support and staff provided by the Department of Design, Construction and Land Use as well as technical support from other appropriate City departments and offices as necessary to assist the Commission in the performance of its functions, maintenance of its records, conduct of official correspondence, arrangement for meetings and preparation of estimates of expenditures for use by the Director of Design, Construction and Land Use in preparation of the Department's annual budget; and

E. Provide input to the Department in selection of staff to support the Commission and approve the selection and assignment of the principal staff person.

Meetings of the Commission, the minutes of its proceedings, and its findings and recommendations shall be open to the public.

(Ord. 120773 § 20, 2002; Ord. 109155 § 4, 1980.)

**3.64.050 Temporary 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)1 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.

### **3.64.060 Focus 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 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:**

<b>3.68.010</b>	<b>Purpose.</b>
<b>3.68.020</b>	<b>Membership.</b>
<b>3.68.030</b>	<b>Appointments and terms.</b>
<b>3.68.040</b>	<b>Ancillary powers.</b>
<b>3.68.050</b>	<b>Meetings and staffing.</b>
<b>3.68.060</b>	<b>Ad hoc participants.</b>
<b>3.68.070</b>	<b>Children and Youth Commission Account.</b>
<b>3.68.080</b>	<b>Unexcused absences.</b>

**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 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 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.

### 3.70.020 Commission 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.)

### 3.70.030 Terms—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.)

### 3.70.040 Vacancy—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 se-

paration between the first meeting and the third successive meeting is at least forty (40) calendar days.

(Ord. 116005 § 1(part), 1991.)

### 3.70.050 Compensation—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.)

### 3.70.060 Neutrality 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;

F. To administer oaths and affirmations, examine witnesses, and compel attendance of persons, and production of documents, papers, books, accounts, letters, and records by subpoena;

G. To appoint an Executive Director (SMC Section 3.70.150), subject to confirmation by the City Council, and to confirm staff appointed by the Executive Director;

H. To make expenditures authorized in its annual budget; to retain expert and consultant services; to use the services of the City Attorney as deemed appropriate to carry out its functions; and to call upon the City Director of Executive Administration and Auditor to assist in auditing compliance with campaign contribution limits and eligibility for campaign matching funds; and

I. To make recommendations to the City Council for amendments to Commission-administered ordinances or for new legislation and to comment on the effect of other legislation upon its functions or Commission-administered ordinances.

(Ord. 120794 § 27, 2002; Ord. 117242 § 6, 1994; Ord. 116377 § 1, 1992; 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.

### **3.70.110 Quorum.**

Four (4) members of the Commission shall constitute a quorum for the conduct of all business and proceedings except that for the conduct of hearings as to alleged violations and promulgation of rules, five (5) members shall constitute a quorum. (Ord. 116005 § 1(part), 1991.)

### **3.70.120 Meetings.**

The chairperson or any four (4) members of the Commission may call a special meeting of the Commission. (Ord. 116005 § 1(part), 1991.)

## **Subchapter III Executive Director**

### **3.70.150 Executive Director.**

There shall be an Executive Director, appointed by the Commission, subject to confirmation by the City Council. The position of Executive Director shall be exempt from the classified civil service.

The Commission may remove its Executive Director for cause upon a majority vote of its membership. (Ord. 116005 § 1(part), 1991.)

### **3.70.160 Powers and functions of Executive Director.**

Under the supervision of the Commission, the functions of the Executive Director include:

A. Enforcing and implementing Commission-administered ordinances;

B. Subject to confirmation of the Commission, appointing and removing staff; supervising their work; making and enforcing contracts; proposing to the Commission a recommended budget; coordinating with other City agencies; conducting education, assistance and information programs about Commission-administered ordinances;

C. Making investigations, issuing subpoenas for documents and witnesses, filing charges, presenting evidence at hearings, recommending settlements, drafting advisory opinions for Commission approval, and carrying out decisions; and, in event of a delegation or referral of a case from the



Commission to the hearing examiner, preparing the record of proceedings for the Commission;

D. Disbursing Commission funds as authorized by its budget and by law; accepting funds due to the City on account of Commission-administered ordinances; and depositing funds received into the City Treasury; and

E. Performing other functions assigned by ordinance or by the Commission.

(Ord. 116377 § 2, 1977; Ord. 116005 § 1(part), 1991.)

### **3.70.170 Neutrality in political campaigns.**

The Executive Director shall not during his or her term of office, and no member of the staff of the Commission shall:

- 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 or proposition;
- D. Participate in any election campaign;
- E. Participate in any committee that provides ratings of candidates for office; or
- F. Lobby or assist a lobbyist.

(Ord. 116005 § 1(part), 1991.)

## **Subchapter IV Appeals**

### **3.70.200 Appeal of dismissal decision of Executive Director.**

Any person, aggrieved by a dismissal decision of the Executive Director, may appeal the same to the Commission under such rules as the Commission may promulgate.

(Ord. 116377 § 3, 1992; Ord. 116005 § 1(part), 1991.)

## **Subtitle V Committees**

### **Chapter 3.76**

#### **DEBT MANAGEMENT POLICY ADVISORY COMMITTEE**

#### **Sections:**

- 3.76.010 Committee established—  
Membership.**
- 3.76.020 Functions designated.**

### **3.76.030 Fees for debt financing actions.**

### **3.76.010 Committee established— Membership.**

There is established a Debt Management Policy Advisory Committee (“Committee” in this chapter) for the City composed as follows:

- A. The City Director of Finance, who shall be its Chair;
- B. The Chair of the City Council Finance Committee;
- C. The Superintendent of City Light;
- D. The Director of Seattle Public Utilities; and
- E. One other City official designated annually by the Mayor.

The President of the City Council is authorized to designate an alternate member to serve in the event of the absence or incapacity of the Chair of the Finance Committee, and the Mayor is authorized to designate alternate members to serve in the event of the absence or incapacity of the other members of the Committee or for such other reason as may be deemed sufficient. The City Attorney or his or her legal representative shall meet with and provide legal advice and assistance to the Committee in the conduct of its duties.

(Ord. 120181 § 61, 2000; Ord. 118912 § 22, 1998; Ord. 118397 § 10, 1996; Ord. 116368 § 8, 1992; Ord. 116006 § 1, 1991; Ord. 103588 § 1, 1974.)

### **3.76.020 Functions designated.**

A. The Committee shall be advisory to the City Director of Finance, the City Council and the Mayor. It is authorized to provide advice in all matters pertaining to the incurrence of debt, including but not limited to:

The borrowing of money;

City participation in debt issues in which it incurs a substantial indirect liability, such as guarantees of debt of another and power purchase contracts used by the vendor as collateral for a loan to generate the power purchased;

Lease-purchase contracts and equipment leases, which contemplate City payments over One Million Dollars (\$1,000,000) and are payable in two (2) years or more;

Conditional sales contracts in which the City is the purchaser and payment will be made from appropriations over two (2) or more budget years; and

The issuance of interest-bearing warrants.

In addition, the Committee shall develop and recommend to the City Council a written policy regarding debt creation and management.

B. The Committee is further authorized to request the advice and assistance of the several City departments in the conduct of such duties and upon such request the head of each such department may designate a representative to meet with, advise and assist the Committee in the conduct of such duties.

C. The Committee is further authorized, subject to approval by ordinance, to contract with financial and other consultants to advise it, the City Director of Finance, the City Council and the Mayor on all matters relating to the creation and management of City debt; provided that, the financial consultants shall not in any manner, directly or indirectly, participate in or benefit from any financial transaction upon which they have provided or are providing advice to the City.

(Ord. 116368 § 51, 1992; Ord. 112960 § 1, 1986; Ord. 103588 § 2, 1974.)

### **3.76.030 Fees for debt financing actions.**

The Committee is authorized to charge a debt management fee for its various services to each bond issue or other debt financing action in accordance with a schedule and at levels authorized in the Annual Budget. Such fees shall be deposited in the appropriate expenditure account in the General Fund.

(Ord. 110908 § 1, 1982.)

## **Chapter 3.80**

### **SEATTLE SCHOOL TRAFFIC SAFETY COMMITTEE**

#### **Sections:**

- 3.80.010 Membership.**
- 3.80.020 Term of office.**
- 3.80.030 Powers and duties.**
- 3.80.040 Adoption of rules—Selection of Chairperson.**
- 3.80.050 Annual report.**
- 3.80.060 Administrative support.**

#### **3.80.010 Membership.**

The City of Seattle School Traffic Safety Committee (called the "Committee" in this chapter) shall consist of nine (9) members who shall serve without compensation. The members shall include the following:

A. One representative from the Seattle Police Department, to be designated by the Chief of Police;

B. One (1) representative from Seattle Transportation, to be designated by the Director of Transportation;

C. Two (2) representatives from Seattle Public School District No. 1, to be designated by the Superintendent of Seattle Public Schools;

D. One (1) representative designated by the Evergreen Safety Council;

E. One (1) representative designated by the Seattle Council of the Parent-Teacher-Student Association;

F. One (1) representative designated by the Automobile Club of Washington;

G. Two (2) members appointed by the Mayor and confirmed by a majority of the City Council, one (1) of whom must be representative of private schools in Seattle.

(Ord. 118409 § 5(part), 1996; Ord. 104344 § 1, 1975.)

#### **3.80.020 Term of office.**

Committee members shall serve a term determined by the designating authority, with the exception of the two (2) members appointed by the Mayor and confirmed by the City Council, who shall serve three (3) year terms.

(Ord. 104344 § 2, 1975.)

#### **3.80.030 Powers and duties.**

The Committee's powers and duties shall include the following:

A. Advise the Mayor and the City Council and maintain liaison with Seattle Public School District No. 1 and other appropriate agencies with respect to school traffic safety complaints and proposals, including but not limited to such matters as adult crossing guards, crosswalks, pedestrian overpasses, traffic signals and signs, student transportation, school traffic safety patrol, and temporary walkways and traffic safety education;

B. Review and evaluate studies concerning school traffic safety and report to appropriate individuals and agencies;

C. Review and evaluate policies and procedures of agencies involved in school traffic safety;

D. Promote the coordination of individuals and agencies involved in school traffic safety;

E. Develop and recommend school traffic safety programs;

3.80.040 ADMINISTRATION

F. Promote public understanding of and participation in school traffic safety programs;

G. Make recommendations for legislation relating to school traffic safety; and

H. Perform such additional traffic safety duties as the Mayor and City Council may direct. (Ord. 104344 § 3, 1975.)

**3.80.040 Adoption of rules—Selection of Chairperson.**

The Committee shall annually elect a Chairperson from among its members and shall adopt rules and regulations necessary to exercise its powers and perform its duties. (Ord. 104344 § 4, 1975.)

**3.80.050 Annual report.**

The Committee shall prepare and submit an annual report to the Mayor and the City Council setting forth the Committee’s accomplishments and activities for the preceding year and the Committee’s goals, objectives, and programs for the forthcoming year. (Ord. 104344 § 5, 1975.)

**3.80.060 Administrative support.**

The Committee shall receive administrative support to exercise its powers and perform its duties as deemed appropriate by the Mayor and the City Council. (Ord. 104344 § 6, 1975.)

**Subtitle VI General Regulations**

**Chapter 3.90  
OFFICIAL BONDS**

**Sections:**

- 3.90.010 Officer’s bonds.**
- 3.90.020 Surety company—Annual rewriting.**
- 3.90.040 Bond for Chief of Police.**
- 3.90.050 Employees faithful performance blanket position bond.**
- 3.90.060 Employees blanket bond—Call for offers to furnish.**
- 3.90.070 Extra bond coverage.**

**3.90.010 Officer’s bonds.**

The following officers of the City shall, before entering upon the duties of their respective offices, give approved bonds, the premiums for which shall be paid by the City. The bonds shall contain the conditions required by the City Charter<sup>1</sup> for official bonds, and be in the following amounts:

Mayor	\$ 1,000
Each City Council member	1,000
Director of Finance	150,000
Director of Executive Administration	150,000
Treasury Division Director	150,000
City Attorney	1,000
Chief of Police	15,000

The bond for the Director of Finance, the Director of Executive Administration, and the Treasury Division Director may include a deductible in the amount of Ten Thousand Dollars (\$10,000).

(Ord. 120794 § 28, 2002; Ord. 117169 § 11, 1994; Ord. 116368 § 52, 1992; Ord. 112072 § 1, 1984; Ord. 109120 § 1, 1980; Ord. 102735 § 1, 1973; Ord. 101084 § 1, 1972; Ord. 93603 § 1, 1965.)

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

**3.90.020 Surety company—Annual rewriting.**

Each of the bonds mentioned in Section 3.90.010 shall be furnished by a surety company authorized to do business in the state. Elected officers shall be bonded for the full term and the other bonds shall be for a duration of four (4) years subject to sooner termination if the bonded official leaves office. (Ord. 112072 § 2, 1984; Ord. 93603 § 2, 1965.)

**3.90.040 Bond for Chief of Police.**

The bond given by the Chief of Police, as contemplated by Charter Article XVII, Section 4, shall contain a condition that he will indemnify the City for loss of any property and money taken from any person by himself, a subordinate officer or an employee assigned to the Police Department acting in the scope and course of police duties. (Ord. 112072 § 3, 1984; Ord. 93603 § 3, 1965.)

Statutory Reference: For Charter provisions on official bonds, see Charter Art. XVII §§ 3 and 4, Art. XIX § 4, and Art. V § 8.

For current SMC, contact the Office of the City Clerk



**3.90.050 Employees faithful performance blanket position bond.**

A. All officers and employees of the City, including employees of the Library Department, shall be covered by a public employees faithful performance blanket position bond. Such bond shall be conditioned to indemnify and save the City harmless from any and all loss sustained by the City from or due to theft, dishonesty or fraudulent conduct of any officer or employee or to failure of any officer or employee to faithfully perform the duties of his office or position, and further conditioned that no third person shall have any right of action on the bond for any acts or conduct or failure to act of the officer or employee.

B. Such performance bonds shall be in an amount to fully protect the City for loss which may reasonably be anticipated due to theft, dishonesty or fraudulent conduct of any and all officers or employees or failure to any officers or employees to faithfully perform the duties of his office or position during the term of the bond. The Director of Executive Administration shall set the amount of the bond.

(Ord. 120794 § 29, 2002; Ord. 118912 § 23, 1998; Ord. 117408 § 12, 1994; Ord. 112072 § 4, 1984; Ord. 93603 § 4, 1965; Ord. 101084 § 2, 1972; Ord. 93603 § 5, 1965.)

**3.90.060 Employees blanket bond—Call for offers to furnish.**

A. The Director of Executive Administration shall call for offers to furnish a public employees faithful performance blanket position bond, the premium therefor to be paid for by the City and for the officer's bonds contemplated by Section 3.90.010. Such bonds shall contain the conditions prescribed in this chapter and such additional conditions as are usual and as are set forth in the call for offers. The form of such bond shall accompany each bid submitted. Such call shall be published ten (10) days before the opening of the offer(s), and shall specify the time and place when offers will be opened. Each offer shall be accompanied by a certified check or cash in the sum of Five Hundred Dollars (\$500) as a good-faith deposit. The Director of Executive Administration may accept the best offer or reject any and all offers.

B. The term of the public employees faithful performance blanket position bond shall be determined by the Director of Executive Administration but such term shall not exceed three (3) years.

Upon expiration of each such bond the Director of Executive Administration shall again call for and accept offers for such a bond.

(Ord. 120794 § 30, 2002; Ord. 112072 § 5, 1984; Ord. 93603 § 6, 1965.)

**3.90.070 Extra bond coverage.**

The head of any department may require bond coverage over and above any bond provided for in this chapter in such sum as he may deem advisable, either on officers and/or employees of his department individually, or by some beneficial blanket type of coverage.

(Ord. 93603 § 7, 1965.)

**Chapter 3.92**

**VACANCIES IN CHARTER OFFICES**

**Sections:**

- |                 |  |
|-----------------|--|
| <b>3.92.010</b> | <b>Filling of vacant position.</b>                   |
| <b>3.92.020</b> | <b>Temporary appointments.</b>                       |
| <b>3.92.030</b> | <b>Incapacitation of department or office heads.</b> |

**3.92.010 Filling of vacant position.**

A. If any appointive Charter office to be filled by mayoral appointment or the position of department or office head in any department or office created by ordinance becomes vacant, to ensure that the department or office functions and the interest of the public is protected pending the filling of such vacancy under Charter Article XIX, Section 6,<sup>1</sup> or applicable ordinance, the highest-ranking unsubordinated officer or employee in such department or office shall perform, in addition to his/her regular duties, the duties of such appointive office unless the Mayor determines, and the President of the City Council and the Chair of the City Council Finance Committee concur, and so indicate their concurrence in writing filed with the City Clerk, that the interests of the City would be better served by the designation of another person of the Mayor's choosing to serve as acting head of such department or office.

B. If the appointive Charter office of City Auditor becomes vacant, to ensure that the office functions and the interest of the public is protected pending the filling of such vacancy, the highest-ranking unsubordinated officer or employee in the City Auditor's office shall perform, in addition to his/her regular duties, the duties of such appointive

office unless the Chair of the City Council Finance Committee determines, and the President of the City Council concurs, and so indicates his/her concurrent in writing filed with the City Clerk, that the interests of the City would be better served by the designation of another identified person to serve as acting head of such office.

(Ord. 118957 § 2, 1998; Ord. 113147 § 1, 1986; Ord. 107904 § 1, 1978; Ord. 83897 § 1, 1955.)

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

### **3.92.020 Temporary appointments.**

Upon creation of new offices or departments of City government and pending permanent appointment and confirmation of a director or other head of such an office or department as may be provided by Charter or ordinance, the Mayor is authorized to appoint a person to act temporarily in such position for a period of sixty (60) days, and thereafter for successive sixty (60) day periods with the approval of the City Council.

(Ord. 107904 § 2, 1978; Ord. 83897 § 1A, 1955.)

### **3.92.030 Incapacitation of department or office heads.**

Upon the incapacitation of the individual serving in any appointive Charter office or the position of department or office head in any department or office created by ordinance, the highest-ranking unsubordinated officer or employee in such department or office shall, during the period of such incapacitation, perform, in addition to his/her regular duties, the duties of such appointive office so that the department or office concerned shall function and the interest of the public be protected in any such interim.

(Ord. 109919 § 1, 1981.)

## **Chapter 3.98**

### **BIENNIAL REVIEW OF BOARDS AND COMMISSIONS**

#### **Sections:**

- 3.98.010 Purpose of review.**  
**3.98.020 Designation of responsible committee.**

#### **3.98.010 Purpose of review.**

The function and activities of each City advisory board, commission or similar body as shall have been or may hereafter be established by ordinance or resolution shall be reviewed every two (2) years for the purpose of determining whether the purpose for which such board, commission or similar body was established is being fulfilled, and whether a need for such board, commission or similar body still exists.

(Ord. 99003 § 1, 1970.)

#### **3.98.020 Designation of responsible committee.**

The President of the City Council shall cause to be compiled a roster of the boards, commissions and similar bodies described in Section 3.98.010 and shall designate thereon the appropriate City Council Committee to be responsible for such review.

(Ord. 99003 § 2, 1970.)

## **Chapter 3.100**

### **SOLICITING CONTRIBUTIONS**

#### **Sections:**

- 3.100.010 Statement to be filed with Council.**

#### **3.100.010 Statement to be filed with Council.**

No head of any City department or division shall make or permit to be made with his knowledge or consent any general solicitation of funds or contributions for any purpose from employees of the City in his department or division, unless there shall have been filed with the City Council, at least ten (10) days prior thereto, a statement in writing of the purpose and proposed methods in detail of making or permitting such solicitation; provided, that nothing therein contained shall be construed as authorizing the receiving or soliciting of assessments, subscriptions or contributions for political purposes in violation of the Personnel Ordinance (107790)<sup>1</sup> or the 1978 City of Seattle Public Safety Civil Service Ordinance (107791),<sup>2</sup> or in violation of RCW 42.17.130.

(Ord. 108128 § 1, 1979; Ord. 67337 § 1, 1937.)

1. Editor's Note: Ord. 107790 is codified in Chapter 4.04 of this Code.
2. Editor's Note: Ord. 107791 is codified in Chapter 4.08 of this Code.

rates and fees established by the U.S. Postal Service plus actual costs of handling;

**Chapter 3.102  
OFFICE HOURS**

**Sections:  
3.102.010 Designated.**

Statutory Reference: For Charter provisions on office hours, see Charter Art. XXII § 4.

**3.102.010 Designated.**

Except as permitted by Section 3.06.015 for the Applicant Services Center of the Department of Design, Construction and Land Use, all city offices shall open for transaction of business from eight (8:00) a.m. to five (5:00) p.m. of each day from Monday through Friday, except on days designated as holidays by RCW 1.16.050 and on Martin Luther King, Jr.'s birthday holiday, on the third Monday of January.

(Ord. 120046 § 1, 2000: Ord. 111890 § 1, 1984: Ord. 105912 § 1, 1976: Ord. 92946 § 1, 1964: Ord. 79957 § 1, 1951.)

4. Other Records. Departments may by rules adopted in accordance with the Administrative Code of the City (Ordinance 102228),<sup>1</sup> establish a schedule of prices for copies of specific types of records, including electronic records, tapes, and records contained on other media, in the custody of such departments which prices shall be sufficient to defray the cost of preparing such copies but shall not exceed the amount necessary to reimburse the City for the costs of reproducing such records. Departments may charge interest on such charges for balances unpaid after thirty (30) days at twelve (12) percent per year.

5. Compiling New Records. The City is under no legal obligation to compile new records, and if a Department elects to compile a new record in response to a request, the Department may charge the full cost incurred in compiling such a new record, including staff time, computer time, and materials.

(Ord. 118933 § 1, 1998: Ord. 113221 § 1, 1986: Ord. 106454 § 1, 1977: Ord. 100591 § 1, 1972.)

1. Editor's Note: The Charter is included at the beginning of this Code.
2. Editor's Note: The Administrative Code is codified in Chapter 3.02 of this Code.

**Chapter 3.104  
CITY BOOKS AND RECORDS**

**Sections:  
3.104.010 Fees for copies.  
3.104.020 Refusal to return—Penalty.**

Statutory Reference: For Charter provisions requiring City books and records to be available for inspection, see Charter Art. XXII § 3.

**3.104.010 Fees for copies.**

Fees to be charged for the furnishing of copies or extracts from the books and records of the City by the officer having custody thereof are established as follows:

1. Paper Records—Black and White Copies—Standards Sizes (eight and one-half inches by eleven inches (8½ x 11) and eight and one-half inches by fourteen inches (8½ x 14)).

For each page.....\$.15

2. For certification of any one record.....1.00

3. For postage and mailing of records ..... Applicable postage

**3.104.020 Refusal to return—Penalty.**

A. It shall be unlawful for any person to keep or refuse to deliver any books, papers or property of any kind or description belonging to the City after the same, or any portion thereof, shall have been demanded by the Mayor, or the Chairman of any Committee of the City Council, or the Chairman of the Board of Public Works, the Board of Park Commissioners, the Board of Library Commissioners or of any other Board or Commission of the City duly authorized to make such demand, or to keep possession thereof after such demand, or to refuse to allow a full inspection after such demand, and all books, records, accounts, statements, abstracts, returns, reports, papers, plats, profiles, maps, charts, plans, specifications, estimates, drawings or other written or printed data made or kept, or required to be made or kept by any City official, or by any person in the employ of the



3.106.010 **ADMINISTRATION**

City, or which shall be produced or procured by the labor of any person while in the employ of the City, shall, for the purpose of this section, be deemed and taken to be the property of the City.

B. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding One Hundred Dollars (\$100) or imprisoned for a term not exceeding thirty (30) days, or be both so fined and imprisoned. (Ord. 16118 §§ 1 and 2, 1907.)

**Chapter 3.106  
REFUNDING OF CERTAIN FEES**

**Sections:**

- 3.106.010** **Blueprint or photography work.**
- 3.106.020** **Department of Parks and Recreation facilities or programs.**

**3.106.010** **Blueprint or photography work.**

Whenever the fee paid to the City for any blueprint or photography work shall be erroneous for any reason, and application is made for refund, the Director of Engineering shall certify the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon presentation of such certificate, the Director of Executive Administration is authorized to draw to pay a warrant on the General Fund in the amount of such refund and the necessary appropriations are hereby made from any surplus in said fund. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

(Ord. 120794 § 31, 2002: Ord. 120114 § 6, 2000: Ord. 116368 § 56, 1992: Ord. 89787 § 1, 1960.)

**3.106.020** **Department of Parks and Recreation facilities or programs.**

Whenever a fee is paid for the use of Department of Parks and Recreation facilities or property or for participation in a Department of Parks and Recreation sponsored class or program, and no use or rights have been exercised pursuant thereto and application is made for refund, the Superintendent of Parks and Recreation may authorize such fee refunded.

(Ord. 105631 § 1, 1976.)

**Chapter 3.108**

**LOAN OR RENTAL OF CITY EQUIPMENT**

**Sections:**

**3.108.010** **Permission required.**

**3.108.010** **Permission required.**

No City equipment shall be rented or loaned without the consent in writing thereto by the Director of Executive Administration, and approval of the City Council by resolution, or joint approval by the appropriate City Council committees. The Director of Executive Administration is authorized and directed to prepare and adopt rules and regulations to secure adequate consideration for the use of each piece of City equipment rented or loaned pursuant to this section, and to secure the return of such equipment in proper condition.

(Ord. 120794 § 32, 2002: Ord. 67585 § 1, 1937.)

**Chapter 3.110**

**PUBLIC CORPORATIONS**

**Sections:**

- 3.110.010** **Authorization.**
- 3.110.020** **Definitions.**
- 3.110.030** **Corporate life.**
- 3.110.040** **Powers—Generally.**
- 3.110.050** **Powers—Specified.**
- 3.110.060** **Additional powers.**
- 3.110.070** **Limitation of powers.**
- 3.110.080** **Purview of affairs.**
- 3.110.090** **Application for charter.**
- 3.110.100** **Review of application.**
- 3.110.110** **Issuance of charter.**
- 3.110.120** **Effect of issuance of charter.**
- 3.110.130** **Organizational meeting.**
- 3.110.140** **Charter contents.**
- 3.110.150** **Limits upon name—Seal.**
- 3.110.160** **Mandatory statement—Reservation.**
- 3.110.170** **Scope of activities—Constraint.**
- 3.110.180** **Corporate structure—Basic pattern.**
- 3.110.190** **Officers—Division of duties.**
- 3.110.200** **Council concurrence required.**

- 3.110.210 **Constituency concurrence required.**
- 3.110.220 **Rules and regulations.**
- 3.110.230 **Proposing charter amendments.**
- 3.110.240 **Corporate offices and officers.**
- 3.110.260 **Discrimination prohibited.**
- 3.110.270 **Composition of the council.**
- 3.110.275 **Submitting appointments for confirmation.**
- 3.110.280 **Composition of the constituency.**
- 3.110.290 **Access to records.**
- 3.110.300 **Meetings of the council.**
- 3.110.310 **Meetings of any constituency.**
- 3.110.320 **Meetings—City participation.**
- 3.110.330 **Quorum.**
- 3.110.340 **Voting—Representation.**
- 3.110.350 **Tenure in office.**
- 3.110.360 **Deposit of public funds.**
- 3.110.370 **Private use of public funds prohibited.**
- 3.110.380 **Safeguarding of funds.**
- 3.110.390 **Establishment and maintenance of office and records.**
- 3.110.400 **Reports and information.**
- 3.110.410 **Audits and inspections.**
- 3.110.420 **Bonds and notes.**
- 3.110.430 **Charter amendment.**
- 3.110.440 **Intervention.**
- 3.110.450 **Trusteeship.**
- 3.110.460 **Termination.**
- 3.110.470 **Dissolution—Statement.**
- 3.110.480 **Merger with public corporation.**
- 3.110.490 **Termination—Disposition of assets.**
- 3.110.500 **Insurance.**
- 3.110.510 **Unauthorized representation.**
- 3.110.520 **Ancillary authority.**
- 3.110.530 **Construction.**
- 3.110.540 **Waiver.**
- 3.110.550 **Ratification of existing public corporations.**
- 3.110.560 **Prohibited conduct.**
- 3.110.570 **Statements of economic interests.**
- 3.110.580 **Enforcement.**
- 3.110.590 **Penalty for violation.**

Statutory Reference: For provisions regarding administration of federal grants and programs available to cities, see RCW 35.21.725 through 35.21.755.

Severability: In the event a court of competent jurisdiction shall adjudge any clause, sentence or paragraph or section of this chapter to be invalid or unconstitutional, such judgment or decree shall not affect, invalidate or impair the remainder thereof as long as the intent or purpose of such clause, sentence, paragraph or section has not been altered or frustrated thereby; and as long as no recourse is permitted to the assets, credit or services of the City on account of the acts or omissions of the public corporation or of any debts, obligations, or liabilities of such public corporation, the effect of such judgment or decree shall be confined to the clause, sentence, paragraph, section or part of this chapter so adjudged to be invalid or unconstitutional. (Ord. 103387 § 55, 1974.)

**3.110.010 Authorization.**

A. The City authorizes the establishment and chartering of one (1) or more public corporations, commissions and/or authorities (in this chapter called “Public Corporations”), each as an independent legal entity, to: improve governmental efficiency and services and general living conditions within the City; administer and execute federal grants and programs, receive and administer federal funds; perform all manner and type of community services; provide and implement such municipal services and functions as the City Council may direct; and allow a character of community participation in appropriate municipal projects and activities that are, in practical effect, restricted by the organizational structure of City government, all as authorized by RCW 35.21.725 through 35.21.755.

B. Such public corporation shall have the power and authority described in Sections 3.110.040, 3.110.050 and 3.110.060 insofar as authorized by its charter; be limited by the restrictions and provisions set forth in Section 3.110.070; be organized in accordance with the process outlined in Sections 3.110.090, 3.110.100 and 3.110.110 and with the structure, purposes and organization provided for by Sections 3.110.140 through 3.110.350 and its charter; observe the constitutional limitations set forth in Sections 3.110.360 and 3.110.070; incur indebtedness as allowed by Section 3.110.420; and shall be subject to the supervening conditions stated in Sections 3.110.440 through 3.110.460.

C. All liabilities incurred by such public corporation, commission or authority shall be satisfied exclusively from the assets and credit of such public corporation, commission or authority and no creditor or other person shall have any right of action against the city, town or county creating such corporation, commission or authority on account of

3.110.020 ADMINISTRATION

any debts, obligations or liabilities of such public corporation, commission or authority.  
(Ord. 103387 § 1, 1974.)

**3.110.020 Definitions.**

As used in this chapter, the term:<sup>1</sup>

A. "Bonds" means any bonds, promissory notes, interim certificates, debentures, certificates of indebtedness or other obligations issued by the public corporation pursuant to its charter and this chapter.

B. "Charter" means the articles of organization of the public corporation irrespective of the name applied thereto and all amendments thereto.<sup>2</sup>

C. "City" means The City of Seattle.

"City Auditor" means the City Auditor of the City or a person authorized to act on his or her behalf.

D. "City Clerk" means the City Clerk or the City or a person authorized to act on his or her behalf.

E. "City Council" means the legislative body of the City.

F. "Constituency" means the class of persons entitled to participate (whether in a voting or advisory capacity) in the internal processes of the public corporation in accordance with its charter or rules and regulations. It includes but is not limited to such designations as the membership, the electorate, the public, interested citizens, or residents within a district.

G. "Constituent" means a member of the constituency.

H. "Corporate" shall refer or pertain to a public corporation.

I. "Corporate office" means an office or official person of the public corporation, irrespective of designation, but excludes membership positions of the council.

J. "Corporate officer" means an officer or official of the public corporation, irrespective of designation, but excludes members of the council that do not hold a corporate office.

K. "Corporate official" means an officer or official of the public corporation, irrespective of designation, and includes members of the council.

L. "Council" means the group of persons vested with the management of the affairs of the public corporation, irrespective of the name by which such group is designated.<sup>3</sup> It includes but is not limited to such designations as "board of direc-

tors," "trustees," "managers," "directorate," "commission" or "council."

M. "Immediate family" means:

1. A spouse;

2. Any dependent parent, parent-in-law, child or son-in-law or daughter-in-law; or

3. Any parent, parent-in-law, child, son-in-law, daughter-in-law, sibling, uncle, aunt, cousin, niece or nephew residing in the household of a corporate official or employee.

N. "Insolvent" or "insolvency" means an inability of a public corporation to pay debts as they become due in the usual course of its affairs.

O. "Mayor" means the Mayor of The City of Seattle.

P. "Public corporation" shall mean a corporation, commission, or authority organized under this chapter.

Q. "Real property" includes all lands, including improvements and fixtures thereon and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest and right, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

R. "Resolution" means an action of the council with the quorum required in Section 3.110.330.

S. "Rules and regulations" means the code or codes of rules adopted for the regulation or management of the affairs of the public corporation irrespective of the name or names by which such rules and regulations are designated.

T. "State" (when used as a noun) shall mean the state of Washington.

(Ord. 116368 § 57, 1992; Ord. 109954 § 1, 1981; Ord. 103387 § 2, 1974.)

1. Editor's Note: In the original text of Ord. 103387, the introductory phrase of this section reads, "as used in the ordinance, wherever italicized, the term: . . . means . . ." In case of any question regarding the use of a defined term as a term of art, refer to the original text of Ord. 103387 in the City Clerk's office.

2. Editor's Note: In this chapter the word "charter," appearing in all lower case letters is used to distinguish the charter of a public corporation from the City Charter.

3. Editor's Note: In this chapter the word "council," appearing in all lower case letters is used to distinguish the council of a public corporation from the City Council.

**3.110.030 Corporate life.**

The charter of the public corporation shall establish the character or term of its existence. The charter may provide:



A. The public corporation shall have perpetual existence;

B. The public corporation shall exist for a stated period of years, until a fixed expiration date, or during a set time period; or

C. The public corporation shall cease to exist upon the occurrence of certain events or upon an expiration date measured from such events; or the charter may combine any term or condition set forth in subsection B with that set forth in subsection C. Should the charter fail to set forth the character or term of the public corporation's existence, the existence of the public corporation shall expire five years after the date of issuance of its charter. (Ord. 103387 § 3, 1974.)

### 3.110.040 Powers—Generally.

Except as otherwise limited by the State Constitution, the City Charter, this chapter, or by the charter of the public corporation, a public corporation shall, have the power to:

A. Own and sell real and personal property;

B. Contract and enter into partnership with individuals, associations and corporations, and the state and the United States;

C. Sue and be sued;

D. Lend and borrow funds;

E. Do anything a natural person may do;

F. Perform all manner and type of community services and activities utilizing federal or private funds;

G. Administer and execute federal grants and programs;

H. Receive and administer federal funds;

I. Provide and implement such municipal services and functions as the City Council and Mayor may by ordinance direct;

J. Transfer, with or without consideration, any funds, real or personal property, property interests, or services received from the federal government, private sources or, if otherwise legal, from a city or county; and

K. Receive and administer private funds, goods or services for any lawful public purpose.

(Ord. 103387 § 4, 1974.)

### 3.110.050 Powers—Specified.

Except as otherwise limited by the State Constitution, the City Charter, this chapter, or the public corporation's charter, the powers granted a public corporation by Section 3.110.040 include but are not limited to the power to:

A. Purchase, lease, exchange, mortgage, encumber, improve, use or otherwise transfer or grant security interests in real or personal property or any interests therein; grant or acquire options; and contract regarding the income or receipts from real property;

B. Issue negotiable bonds and notes in conformity with Section 3.110.420 and applicable provisions of the Uniform Commercial Code and state law in such principal amounts, as in the discretion of the public corporation, shall be necessary or appropriate to provide sufficient funds for achieving any corporate purposes or to secure financial assistance, including matching funds from the United States for corporate projects and activities;

C. Contract for lease, and accept transfers, gifts or loans of funds or property from the United States, the state, the City, including property acquired by any such governmental unit through the exercise of its power of eminent domain and from corporations, associations, individuals or any other source and to comply with the terms and conditions thereof;

D. Manage, on behalf of the City, any property acquired by the City through gift, purchase, construction, lease, assignment, default or exercise of the City's power of eminent domain;

E. Recommend to the Mayor and City Council appropriate public improvements and expenditures in areas of the City in which a public corporation by its charter has a particular responsibility;

F. Recommend to the Mayor and City Council any property which if committed or transferred to the public corporation would materially advance the public purpose for which the public corporation was chartered;

G. Initiate, carry out and complete such improvements of benefit to the public as the Mayor and City Council may by ordinance assign;

H. Recommend to the Mayor and City Council such tax, financing and security measures as the public corporation may deem appropriate to maximizing the public interest in any area in which a public corporation, by its charter, has a particular responsibility;

I. Lend its funds, property or credit or services for corporate purposes, or act as a surety or guarantor for corporate purposes;

J. Provide advisory, consultative, training, educational and community services or advice to individuals, associations, corporations, or governmental agencies, with or without charge;

K. Control the use and disposition of corporate property, assets, and credit;

L. Invest and reinvest its funds;

M. Fix and collect charges for services rendered or to be rendered, and establish the consideration for property transferred;

N. Sponsor, lease, manage, construct, own and lease or otherwise participate in housing projects where such activity furthers the public purpose for which the public corporation is chartered;

O. Maintain books and records as appropriate for the conduct of its affairs; and

P. Conduct corporate affairs, carry on its operations, and use its property as allowed by law and consistent with this chapter, its charter and its rules and regulations; and to name corporate officials, designate agents and engage employees; prescribe their duties, qualifications and compensation; and secure the services of consultants for professional services, technical assistance or advice;

Q. Identify and recommend to the Mayor and the City Council the acquisition by the City for transfer to or use by the public corporation of property and property rights which are within an urban renewal area or community development project, and which if so acquired, whether through purchase or the exercise of eminent domain, and so transferred or used, would materially advance the public purposes for which the public corporation was chartered.

(Ord. 104311 § 1, 1975; Ord. 103387 § 5, 1974.)

### **3.110.060 Additional powers.**

Except as otherwise limited by this chapter or by its charter or by law, a public corporation shall have in addition to the powers enumerated in Sections 3.110.040 and 3.110.050 the power and authority:

A. To have a corporate seal and alter the same at pleasure;

B. To cease its activities and operations and surrender its charter through dissolution procedures provided in Section 3.110.480;

C. To exercise and enjoy such additional powers as may be authorized by law; and

D. To have and exercise all powers necessary or convenient to effect the purposes for which the public corporation was organized and to perform authorized corporate functions.

(Ord. 103387 § 6, 1974.)

### **3.110.070 Limitation of powers.**

A. A public corporation organized under this chapter shall have no power of eminent domain nor any power to levy taxes or special assessments.

B. No public corporation may incur or create any liability that permits recourse by any contracting party or member of the public to or upon any assets, services or credit of the City;

C. No funds, assets, or property of any public corporation shall be used for any partisan political activity or to further the election or defeat of any candidate for public office; nor shall any funds or substantial part of the activities of any public corporation be used for publicity or educational purposes designed to support or defeat legislation pending before the Congress of the United States, or the Legislature of the state or the City Council, provided, however, that members and officials of a public corporation may respond to requests by contacting members of Congress, state legislators or City Council members for information and appear before any such legislative body in connection with funding and other matters directly affecting the public corporation or its ability to carry out the purposes for which it is chartered.

D. No public corporation chartered after March 1, 1984, may exercise any of the powers or engage in any of the functions set forth or necessarily implied in Sections 3.110.040, 3.110.050, 3.110.060, 3.110.130, 3.110.200, 3.110.230, 3.110.240, 3.110.300, 3.110.390, 3.110.420, 3.110.480 or elsewhere in this chapter until either a sufficient number of the initial membership of the council to constitute a quorum is confirmed by the City Council or sixty (60) days have elapsed after the submission of such nominations for confirmation (including all information required by City Council rules for consideration of an appointment) without the City Council taking any action.

(Ord. 111674 § 1984; Ord. 103387 § 7, 1974.)

### **3.110.080 Purview of affairs.**

A. All funds, assets or credit of the public corporation shall be applied toward or expended upon municipal and community services and projects and activities authorized by its charter. A public corporation organized under this chapter shall not issue shares of stock, pay dividends, make private distribution of assets, make loans to corporate officials, or engage in business for profit.

B. The limitation of subsection A does not preclude the following transactions or activities,

and a public corporation, unless restricted by its charter, may:

1. Compensate corporate officials or constituents a reasonable amount for services rendered, reimburse reasonable expenses actually incurred in performing their duties, and extend to the constituents derivative benefits or projects and activities accorded to the community generally or to members of community by criteria equally applied, and as appropriate in order to avoid unreasonably impeding attainment of widespread citizen participation in carrying out corporate projects and activities;

2. Assist corporate officials of constituents as members of a general class of persons to be assisted by a project or activity of an approved program to the same extent as other members of the class and as long as no special privileges or treatment accrues to such corporate official or constituent by reason of his status or position in the public corporation;

3. Return to corporate officials or constituents fees, dues or service charges originally contributed by them and surplus to the purposes for which collected;

4. Defend any corporate official, or former corporate official (including employees) in any legal or administrative proceeding in which he is made a party by reason of his position or former corporate position, or at the public corporation's option, indemnify such corporate official or former corporate official for expenses actually and necessarily incurred by him in connection with such defense, except as to matters on which he shall be adjudged in such action or proceeding to be liable for an act or omission performed without capacity or power, or willful misconduct in the performance of duty; and

5. Sell assets for a consideration greater than their reasonable market value or acquisition costs, or charge for services more than the expense of providing them, or otherwise secure an increment in a transaction, or carry out any other transaction or activity, as long as such gain is not the public corporation's general object or purpose and is applied to or expended upon municipal and community services and projects and activities as aforesaid.

(Ord. 103387 § 8, 1974.)

### 3.110.090 Application for charter.

A. To initiate proceedings to charter a public corporation under this chapter, any person or group of persons shall apply in duplicate to the City Clerk thereof. The application shall set forth:

1. The proposed name of the public corporation;
2. The character or period of its duration;
3. The precise purposes or functions to be performed;
4. The charter requested;
5. The proposed initial rules and regulations;
6. The names and addresses of persons nominated as the initial corporate officials;
7. The funds and other assets necessary to undertake the activities or functions contemplated within the coming year; the anticipated sources of such funds and assets; and any other supporting data the applicants deem appropriate and necessary to evaluate their application; and
8. The name and address of each applicant.

The applicant(s) may amend, correct or supplement the application during review and processing thereof. No applicant shall be an official or employee of the City.

B. One copy of the application shall be filed with the City Clerk as a public record open to public inspection and one copy shall be forwarded to a responsible City official designated by the Mayor. To allow for public inspection and review, at least thirty (30) days shall elapse between filing of an application and issuance of a charter.

(Ord. 116368 § 58, 1992; Ord. 103387 § 9, 1974.)

### 3.110.100 Review of application.

The Mayor's designee shall review all applications to determine the following matters, refer to the Mayor his findings, and make recommendations with respect to:

A. Whether chartering the public corporation will help to fulfill the purposes set forth in Section 3.110.010 and Chapter 37, Laws of 1974, First Extraordinary Session;

B. Whether the requested character or duration of the public corporation is reasonably necessary for the activities or functions to be performed;

C. Whether changes, revisions, or modifications should be made in the proposed charter or the



proposed initial rules and regulations to comply with this chapter, to encourage citizen participation, or to further the best interests of the City, all as a condition to approval of the application or issuance of the charter;

D. Whether the corporate officials nominated are qualified to hold such positions, dedicated to further the best interests of the program and purposes of the public corporation, and as a group have the necessary background and experience to conduct the affairs and operations contemplated by the public corporation;

E. Whether any finding described in the application will be made available; and

F. Whether the charter should issue as requested, or with changes, revision or modification, or upon certain conditions, restrictions or the occurrence of certain events; or whether the application should be denied.

(Ord. 103387 § 10, 1974.)

### 3.110.110 Issuance of charter.

A. The Mayor, in his discretion, shall issue a charter:

1. Upon his concurrence in affirmative findings and favorable recommendations by his designee; or

2. Upon acceptance by the applicants of changes, revisions, modifications, conditions, restrictions or contingencies suggested by the Mayor; or

3. Upon satisfactory resolution of differences between the applicant and the Mayor.

B. A charter establishing a public corporation shall be issued in duplicate originals, each signed by the Mayor and bearing the City Seal attested by the City Clerk. One (1) original shall be retained by the City Clerk and filed as a public record; and a duplicate original shall be delivered to the applicant(s). The City Clerk shall give notice of the issuance of the charter to the Secretary of State and furnish a copy of the charter and this chapter upon request therefor.

(Ord. 116368 § 59, 1992; Ord. 103387 § 11, 1974.)

### 3.110.120 Effect of issuance of charter.

The public corporation shall commence its existence effective upon filing of its charter as issued and attested, unless a different time be specified therein. Except as against the state or the City in a proceeding to cancel or revoke the charter, or to compel compliance with a representation made in

the application, filing of an original charter and delivery of a duplicate original charter shall conclusively indicate that all conditions precedent have been fulfilled and that the public corporation has been established in compliance with the procedures of this chapter.

(Ord. 103387 § 12, 1974.)

### 3.110.130 Organizational meeting.

Upon issuance of the charter, the applicant(s) shall call an organizational meeting of the persons nominated as corporate officials in the application as approved within thirty (30) days, giving at least ten (10) days' advance notice to each, unless waived in writing, provided the organizational meeting may be postponed to a more appropriate time when the charter provides for a corporate existence contingent on certain events or occurrences or commencing at a future time. At such meeting, the council shall organize itself, may appoint interim officers and nonvoting members of the council to serve until the selection processes provided in or by charter be complied with, select the temporary place of business, and assist in organizing the constituency.

(Ord. 103387 § 13, 1974.)

### 3.110.140 Charter contents.

A. The charter shall set forth the following:

1. The name of the public corporation and its corporate seal;

2. The character or period of duration of the public corporation as provided in Section 3.110.030;

3. This statement in prominent place:

“\_\_\_\_\_ is organized (**Name of public corporation**) pursuant to Ordinance \_\_\_\_\_ of The City of Seattle and Chapter 37, Laws of 1974, First Extraordinary Session (43rd Leg. 3rd Extra. Sess.). Chapter 37, Laws of 1974, First Extraordinary Session (43rd Leg. 3rd Extra. Sess.) provides as follows: All liabilities incurred by such public corporation, commission or authority shall be satisfied exclusively from the assets and credit of such public corporation, commission or authority and no creditor or other person shall have any right of action against the city, town or county creating such corporation, commission or authority on account of any debts, obligations or liabilities of such public corporation, commission or authority.”

4. The purpose and scope of activities of the public corporation;

5. The powers of the public corporation and any limitations thereon as provided in Sections 3.110.040, 3.110.050 and 3.110.060;

6. The structure or fundamental organization of the public corporation;

7. A division of duties within the corporate structure as provided in Section 3.110.190;

8. The powers and duties of the council;

9. The powers and duties of any constituency with advisory or voting rights;

10. The method of amending its rules and regulations or adopting another set; and

11. The method of proposing amendments to its charter to the Mayor.

B. The charter shall set forth the following matters in conformity with Sections 3.110.240 through 3.110.310 and 3.110.330 and 3.110.340, respectively, or, within stated guidelines, authorize the rules and regulations to define any or all of the following matters:

1. The corporate offices and tenure of officers: the number of positions, powers and duties and term of each corporate office; the manner of appointment, selection or election of office holders and the appointing, selecting or electing authority; performance of duties of the office upon illness, death, incapacity or absence of the corporate officer; the filling of vacancies; and any qualifications for the office and conditions upon exercising its powers;

2. The composition of the council: its size and numbers; the term and qualifications for member positions; the organization and powers of its positions; the manner of appointment, selection or election and the appointing, selecting or electing authority; council committees and duties; and the filling of vacancies;

3. The composition of the constituency, if any: its character, powers and voting rights; division by classes and the powers of such classes; any referendum to or initiative by the constituency; eligibility of citizens to become a constituency and the method of acquiring such status; participation by persons in limited capacities, such as honorary or advisory positions or status, affiliation, and the rights and powers of persons in such limited capacity; termination of constituent status;

4. The maintenance of corporate records and public access thereto;

5. Regular and special meetings of the council and notice requirements;

6. Regular and special meetings of any constituency necessary to conduct affairs;

8. The method of voting and for representation of persons absent from meetings if allowed;

9. Suspension or removal of corporate officials from an office or position; and conditions which would require such suspension;

10. Any other provision pertaining to the internal affairs of the public corporation as deemed appropriate.

The provisions of the charter insofar as consistent with federal and state law and with this chapter shall control the affairs and operations of the public corporation.

(Ord. 103387 § 14, 1974.)

### **3.110.150 Limits upon name—Seal.**

The corporate name shall not:

A. End with “incorporated,” “company” or “corporation” or any abbreviation thereof or use the term “grange,” “bank,” “banking,” “trust” or “savings” therein, or any combination of words that are restricted from its usage by state law; and

B. Adopt or appear deceptively similar to the name of any corporation, existing or organized under the laws of the state or authorized to transact business or conduct affairs in the state, or a corporate name reserved or registered as permitted by the laws of the state.

The corporate seal shall carry the name of the public corporation.

(Ord. 103387 § 15, 1974.)

### **3.110.160 Mandatory statement—Reservation.**

The City Council by resolution may amend the statement required by Section 3.110.140 A3 from time to time to reflect any subsequent state legislation amending or supplementing Chapter 37, Laws of 1974, First Extraordinary Session (43rd Leg. 3rd Extra. Sess.), or recodification of such sections, and such amendatory statement shall be attached as an amendment to the charter of the public corporation.

(Ord. 103387 § 16, 1974.)

### **3.110.170 Scope of activities—Constraint.**

A. Whenever the laws of the state or of the United States or a City ordinance shall require a license or permit to undertake certain activities or

perform an act, the public corporation, prior to undertaking the activity or performing the act, shall comply therewith to the same extent as any other agency, commission or board otherwise established, by the City.

B. If authorized by its charter to do so, a public corporation may undertake projects and activities or perform acts outside the limits of the City only in those areas of another jurisdiction whose governing body by agreement with the City consents thereto.

(Ord. 103387 § 17, 1974.)

### **3.110.180 Corporate structure—Basic pattern.**

A. Power and responsibility within the corporate structure shall be distributed among the corporate officers, the council and any constituency.

B. The corporate officers shall manage the daily affairs and operations of the public corporation. If the charter so provides, corporate officers may be members of the council or as a commission comprise the council.

C. The council shall oversee the activities of corporate officers, establish and/or implement policy, and participate in corporate activities as prescribed by the charter at least to the extent provided by Section 3.110.200.

D. The charter shall establish a constituency with at least the powers set forth in Section 3.110.210 A through D unless the Mayor expressly determines that a constituency with such powers would not be in the public interest and approves a charter without a constituency, or a charter amendment to abolish or modify it. A charter that does not provide for a constituency or that prescribes a constituency with advisory capacity only shall repose stewardship for management and determination of all corporate affairs in the council.

E. If a constituency be provided, the council or a committee thereof shall report to the constituency at a meeting held at least quarterly and receive such advice, council or directions as the charter shall designate.

(Ord. 103387 § 18, 1974.)

### **3.110.190 Officers—Division of duties.**

A. A public corporation shall have two (2) or more corporate officers. The same person shall not occupy both the chief executive office of the corporation and the office responsible for the custody

of funds and maintenance of accounts and finances.

B. Unless the charter provides otherwise, the chief executive officer shall be the agent of the public corporation for service of process; the rules and regulations may designate additional corporate officials as agents to receive or initiate process.

(Ord. 103387 § 19, 1974.)

### **3.110.200 Council concurrence required.**

General or particular authorization or concurrence of the council by resolution shall be necessary for any of the following transactions:

A. Transfer or conveyance of an interest in real estate other than a release of a lien or satisfaction of a mortgage after payment has been received and the execution of a lease for a current term less than one (1) year;

B. The contracting of debts, issuances of notes, debentures, or bonds, and the mortgaging or pledging of corporate assets to secure the same;

C. The donation of money, property of other assets belonging to the public corporation;

D. An action by the public corporation as a surety or guarantor;

E. All transactions in which the consideration exchanged or received by the public corporation exceeds Ten Thousand Dollars (\$10,000), the performance by the public corporation shall extend over a period of one (1) year from the date of execution of an agreement therefor, or the public corporation assumes duties to the City, the state, or the United States;

F. Any project or activity outside the limits of the City;

G. Adoption of an annual budget;

H. Certification of annual reports and statements to be filed with the City Clerk as true and correct in the opinion of the council and of its members except as noted;

I. Proposed amendments to the charter; and

J. Such other transactions, duties, and responsibilities as the charter shall repose in the council or require council participation by resolution.

(Ord. 116368 § 60, 1992; Ord. 103387 § 20, 1974.)

### **3.110.210 Constituency concurrence required.**

If the charter provides for a constituency with power to participate in determination of corporate policy in addition to advising, to vote upon corporate affairs or to elect some or all corporate offi-



cial, or to pass on action by referendum or commence action by initiative, then the concurrence of the constituency shall be necessary upon any of the following matters:

- A. Proposed amendments to the charter;
- B. Proposed amendments to the rules and regulations of the public corporation on matters within the power and responsibility of the constituency;
- C. Fixing the compensation of corporate officials and the nature and limit of expenses incurred by corporate officials that may be reimbursed, unless the charter sets the same;
- D. The election or selection of an independent auditor; and
- E. Such other matters as the charter may designate.

(Ord. 103387 § 21, 1974.)

### **3.110.220 Rules and regulations.**

A. The rules and regulations shall be subordinate to and consistent with the charter; and may be altered, amended or repealed from time to time as the charter shall prescribe, and shall set forth such matters designated in Section 3.110.140 B, as the charter shall authorize. The rules and regulations contained in the application for the charter as approved by the Mayor shall be the initial rules and regulations of the public corporation.

B. Amendments to the rules and regulations shall not take effect until ten (10) days after filing of the same with the City Clerk, unless such amendment(s) shall have been passed by unanimous vote of the council and the constituency (if effected by the amendment), and an earlier effective date be set.

(Ord. 116368 § 61, 1992; Ord. 103387 § 22, 1974.)

### **3.110.230 Proposing charter amendments.**

A. A public corporation may propose to the Mayor that its charter be amended by resolution of its council passed by a procedure outlined in its charter and in conformity with Section 3.110.330 at a regular or special meeting of which thirty (30) days' advance notice was given; and where concurrence of the constituency be required by the charter or by Section 3.110.210, by approval of the constituency through either written ballots by mail or a vote of constituents at a regular or special meeting at which consideration of the proposed amendment was scheduled and thirty (30) days' advance notice given. Each method shall comply

with procedures prescribed by the charter in accordance with Section 3.110.320.

B. Notice of a proposed charter amendment given to members of the council and to constituents shall set forth the proposed amendment and a statement of its purpose and effect.

(Ord. 103387 § 23, 1974.)

### **3.110.240 Corporate offices and officers.**

A. Corporate officers may be elected or appointed by the council, by the constituency, by a nomination-selection process of both the council and the constituency, by other persons or by any other process or combination of the above as the charter may set forth or as may be provided in the rules and regulations.

B. No term of office shall exceed four (4) years. Unless the charter so provides, indefinite terms conditioning tenure in office upon the continued confidence or pleasure of the council and/or constituency shall not be allowed.

C. The charter or the rules and regulations shall require that any official responsible for accounts and finances shall file a fidelity bond in an amount determined by the public corporation before taking office, and may hold the corporate office only as long as such a bond continues in effect.

(Ord. 103387 § 24, 1974.)

### **3.110.260 Discrimination prohibited.**

A. Neither council membership nor constituency membership may directly or indirectly be based upon or limited by age, race, color, religion, sex, national origin, marital status, parental status, sexual orientation, gender identity, political ideology, creed, ancestry, or the presence of any sensory, mental or physical disability; provided that, council positions on a public corporation emphasizing Indian arts or culture or services and programs oriented toward American Indians may be filled by persons selected by organizations whose funding is substantially derived from public or private grants or federal appropriations available only to organizations controlled by American Indians.

B. To assure equality of employment opportunity, the public corporation:

1. Will not discriminate in employment because of age, race, color, creed, religion, ancestry, sex, national origin, marital status, sexual orientation, gender identity or political ideology, or the presence of any sensory, mental or physical disability;

2. Will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their age, race, color, religion, sex or national origin. This requirement shall apply to but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment activities; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The public corporation shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The public corporation will, in all solicitations or advertisements for employees placed by or on behalf of the public corporation, state that all qualified applicants will receive consideration for employment without regard to age, race, color, religion, sex or national origin;

3. Will establish and maintain an affirmative action program to provide equality of employment opportunity and to overcome the effects of past discrimination comparable to that maintained by the City for employment by City departments and agencies, which shall meet the requirements of Ordinance 1015481 and be reviewed on a quarterly basis by the City's Office for Civil Rights, or successor agency(s), and secure its approval; provided that, public corporations employing fewer than four (4) persons shall not be required to comply with the reporting requirements of Ordinance 101548.1 as amended; provided, a public corporation emphasizing Indian arts or culture or services and programs oriented toward American Indians may give preference in employment to American Indians when a grant agreement with the United States of America or an Indian Tribe generating the employment so specifies.

C. In all housing projects and activities and in all housing related relocation activities, the public corporation shall take affirmative action to further the fair housing laws and regulations of the City. (Ord. 119628 § 3, 1999; Ord. 118392 § 18, 1996; Ord. 103387 § 26, 1974.)

1. Editor's Note: Ord. 101548 was repealed by Ord. 109112; Ord. 109112 is codified in Chapter 4.80 of this Code.

### **3.110.270 Composition of the council.**

A. The council shall have three (3) or more members. No term of a position on the council shall exceed four (4) years. If no duration of term

be provided by the charter, the term of a position on the council shall be two (2) years.

B. All appointments to the council shall be confirmed by the City Council, provided that any person whose name has been submitted to the City Council shall, unless and until his or her name has been rejected by the City Council, have the full powers and responsibilities of a confirmed council member.

C. The charter may but need not establish different terms for various positions on the council; stagger the terms; require special qualifications for certain positions; include corporate officers as ex officio members or observers; select members by districts or from classes of persons or from community agencies; provide for election, selection, or appointment of all or some positions by the constituency, by other members of the council, or by other appointing authorities; and establish advisory or honorary positions without voting powers or with limited voting powers.

D. If the charter provides for council committees, the council by resolution may designate and appoint one (1) or more committees consisting of at least three (3) or more members to represent the council and may designate a committee of its membership to present quarterly reports to the constituency, so long as the number of the council's representatives attending and making the report to the constituency equal or exceed two voting members when the voting membership of the council is five (5) or less, or the nearest integer to thirty (30) percent of the council's voting membership when the council has six (6) or more voting members. (Ord. 103387 § 27, 1974.)

### **3.110.275 Submitting appointments for confirmation.**

To provide a continuous full voting membership on the council of a public corporation:

A. Whenever the Mayor or the council may fill a position on the council with voting powers, an appointment to fill a vacancy caused by expiration of a council member's term of office shall be submitted to the City Council sixty (60) days before the term expires;

B. Whenever the constituency elects, or another appointing authority may fill, a position on the council with voting powers, an appointment to fill a vacancy caused by expiration of a council member's term of office shall be submitted to the City

Council promptly after the election or selection occurs; and

C. An appointment to fill a vacancy in a position on the council with voting powers caused by death, resignation, disqualification, or other cause shall be submitted to the City Council for confirmation within two (2) weeks after the vacancy occurs.

(Ord. 111674 § 2, 1984.)

### **3.110.280 Composition of the constituency.**

A. Insofar as such differences or provisions are related to the projects and activities to be undertaken by the public corporation, the charter may:

1. Divide the constituency into classes by district or residence, by adult or minor, or other objective criteria, and assign differing powers or duties to each class;

2. Confer on certain classes of constituents advisory capacity only, while other classes of constituents may vote on specific matters or have general voting powers; or

3. Provide for limited membership in the constituency or establish dues or a membership fee.

B. The charter may provide for open participation; and the charter may provide for affiliation by persons not eligible or unwilling to assume status as a constituent.

C. Unless the charter provides otherwise, all residents of the City sixteen (16) years of age or older shall be eligible for constituent status upon application; and each constituent shall have the same and equal rights and vote that every other constituent enjoys.

D. Constituency status shall be personal and may not be transferred by purchase or sale or assignment or by payment of any other consideration.

(Ord. 103387 § 28, 1974.)

### **3.110.290 Access to records.**

A. A public corporation shall keep an official journal containing the minutes of proceedings at all meetings of the council and any meetings of any constituency and the resolutions of the council.

B. Any constituent, including persons in an advisory status, and corporate officials may examine the official journal; and any citizen shall have access to records and information of the public corporation to the same degree as a citizen enjoys

to records and information of any agency of the City.

(Ord. 103387 § 29, 1974.)

### **3.110.300 Meetings of the council.**

A. The council shall meet at least once per month or at a more frequent interval as provided in or by the charter; special meetings of the council may be called as provided by the charter or in the rules and regulations.

B. The council of a public corporation shall be the governing body of a public agency as defined in RCW 42.30.020 and all meetings of the council shall be held and conducted in accordance with RCW 42.30.010 et seq., and special meetings may be called as therein provided. In addition any member of the council upon five (5) days' notice may call a special meeting of the council to consider matters appropriate to a regular meeting if twenty-five (25) days have elapsed since the previous council meeting and no future council meeting has been scheduled.

C. All meetings shall be open to the public, except the council may hold an executive session to consider matters enumerated in RCW 42.30.110 et seq., and shall enter the cause therefor upon its official journal.

D. Any of the actions identified in Section 3.110.200 A may be authorized by the council without a meeting upon the unanimous written concurrence thereto of all members of the council who are entitled to vote on the matter; and upon entry of such action together with the written concurrence upon the official journal the action shall have the force and effect as if taken at a meeting. (Ord. 103387 § 30, 1974.)

### **3.110.310 Meetings of any constituency.**

A. Meetings of the constituency shall be held at least once every calendar quarter or at more frequent intervals as provided in the charter. Special meetings of the constituency may be called by the council or by petition of the constituents as provided by the charter or the rules and regulations.

B. Notice of meeting, stating the place, day and hour, shall be mailed to constituents entitled to be present at least ten (10) days and not more than thirty (30) days before the meeting, provided, that if the constituency be the public-at-large or a class in excess of one hundred (100) persons, notice may be made by publication of notice for three (3) days in a newspaper of general circulation in the area



together with posting in a prominent place in the public corporation's offices.

C. Any constituent or corporate official may call a special meeting of the constituency upon the notice aforesaid, with the expense of notice to be borne by the public corporation to consider matters appropriate to a quarterly meeting if ninety (90) days have elapsed after the previous meeting and no meeting of the constituency shall have been scheduled within thirty (30) days.

(Ord. 103387 § 31, 1974.)

### **3.110.320 Meetings—City participation.**

A. The failure to hold and conduct a regular meeting shall not work a forfeiture or dissolution of the public corporation, but upon notice from the Mayor or City Council, the public corporation shall promptly call and conduct a special meeting to consider matters appropriate to the regular meeting bypassed.

B. The Mayor and the City Council shall be given notice of any meetings of a constituency and entitled to appear in person or by representative.

(Ord. 103387 § 32, 1974.)

### **3.110.330 Quorum.**

The charter or the rules and regulations pursuant thereto shall establish the quorum necessary for action by the council or constituency. Such quorum shall equal or exceed the following minimums:

A. Any resolution authorizing or approving an action described in Section 3.110.200 A through H, may only be passed by a vote representing both a majority of the council members voting on the issue and one-third (1/3) of the council's voting membership; and

B. Proposed charter amendments shall require an affirmative vote representing two-thirds (2/3) of the council members voting on the issue and a majority of the council's voting membership; and where the charter or Section 3.110.210 provide for concurrence of the constituency, such concurrence shall require an affirmative vote representing two-thirds (2/3) of the constituents voting on the issue and at least twenty percent (20%) of any constituency comprising less than one hundred (100) persons.

(Ord. 103387 § 33, 1974.)

### **3.110.340 Voting—Representation.**

A. The charter or rules and regulations pursuant thereto shall provide for the manner of balloting and any representation of persons absent from meetings. For example, the charter may, but need not provide for or allow: balloting by mail; absentee ballots or written statements received by mail or delivery (before or after a meeting) to supplement balloting at a meeting; or voting as directed in a written proxy taking a position on a particular issue, candidacy, or nomination.

B. No proxy or voting trusts or pooling arrangements shall be allowed delegating to the holder discretion in casting a ballot or to act for a principal on undisclosed or general matters to be raised at a meeting of the council or of the constituency.

(Ord. 103387 § 34, 1974.)

### **3.110.350 Tenure in office.**

A. A corporate official shall serve for the term designated and until his successor shall have been elected or appointed and qualified.

B. Any corporate official may be removed from any corporate office or position in such manner as the charter or rules and regulations pursuant thereto shall prescribe. Any position or corporate office may be abrogated or extinguished during an existing term. Upon removal from a corporate office or position or upon the abrogation or extinction thereof, such corporate official shall have no power of office, but the same shall be without prejudice to any vested contract right to compensation for services rendered or tendered.

(Ord. 103387 § 35, 1974.)

### **3.110.360 Deposit of public funds.**

All moneys belonging to or collected for the use of the public corporation coming into the hands of any officer thereof, shall immediately be deposited with the treasurer or other legal depository to the credit of such public corporation for the benefit of the funds to which they belong.

(Ord. 103387 § 36, 1974.)

### **3.110.370 Private use of public funds prohibited.**

The making of profit out of public money or using the same for any purpose not authorized by law by any officer having the possession or control thereof is prohibited.

(Ord. 103387 § 37, 1974.)

**3.110.380 Safeguarding of funds.**

The public corporation shall deposit all funds in a depository acceptable to the Mayor and otherwise safeguard such funds pursuant to such instructions as the Mayor may from time to time issue.

(Ord. 103387 § 38, 1974.)

**3.110.390 Establishment and maintenance of office and records.**

The public corporation shall:

A. Maintain a principal office at a location within the limits of the City;

B. File and maintain current with the City Clerk a listing of all corporate officials, their positions and their home addresses, the address of its principal office and of all other offices used by it, and a current set of its rules and regulations;

C. Place the statement set forth in Section 3.110.140 A3 or as amended pursuant to Section 3.110.160 in a prominent location in its principal office and at all other offices where the public may readily see it; and print or stamp said statement on all contracts, bonds, and other documents that may entail any debt or liability by the public corporation; and

D. Establish and maintain such additional records as may be prescribed by the Mayor. Except as otherwise authorized by the Mayor, the public corporation shall retain such records for a period of three (3) years.

(Ord. 116368 § 62, 1992; Ord. 103387 § 39, 1974.)

**3.110.400 Reports and information.**

The public corporation shall:

A. File an annual report with the City Clerk containing an audited and certified statement of assets and liabilities and of income and expenditures during the previous year with a summary of projects and activities conducted;

B. Furnish the Mayor and City Council with such statements, records, reports, data and information, as the Mayor or City Council may request pertaining to matters connected with any projects or activities of the public corporation;

C. Answer fully and within a reasonable time any written inquiries by appropriate City officials in the course of their duties about its finances, organization or activities.

(Ord. 116368 § 63, 1992; Ord. 103387 § 40, 1974.)

**3.110.410 Audits and inspections.**

The public corporation shall, at any time during normal business hours and as often as the Mayor, the City Auditor or the State Auditor deem necessary, make available to the Mayor, the City Auditor and the State Auditor for examination all of its financial records, and will permit the Mayor, City Auditor and State Auditor to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all the aforesaid matters.

(Ord. 116368 § 64, 1992; Ord. 103387 § 41, 1974.)

**3.110.420 Bonds and notes.**

A. Bonds and notes issued by the public corporation may be secured by the full faith and credit of the public corporation or may be made payable solely out of certain revenues and receipts as may be designated in the proceedings under which the issuance of the bonds and notes are authorized. All bonds or notes shall carry in a prominent place thereof the statement set forth in Section 3.110.140 A3 or as amended pursuant to Section 3.110.160. All bonds and notes or liabilities occurring thereunder shall be satisfied exclusively from the assets or credit of such public corporation, and no creditor or other person shall have any recourse to the assets, credit or services of the City thereby, unless the City Council shall by resolution expressly guarantee such bonds or notes.

B. Bonds and notes of the public corporation may be sold at such price or prices, at public or private sale, in such manner and from time to time as may be determined by the public corporation. Bonds and notes may be made payable at such place or places whether within or without the state, may bear interest at such rate or rates, may be in such form and denominations and of such tenor and maturities, may be in bearer form or in registered form as to principal and interest or as to principal alone, reserve such rights to redeem at such price or prices and after such notice or notices and on such terms and conditions, all as the public corporation may determine and provide in the proceedings under which such bonds and notes shall be issued.

C. The public corporation may at the time of the issuance of such bonds and notes make such covenants with the purchasers and holders of said bonds and notes as it may deem necessary to se-

cure and guarantee the payment of the principal thereof and the interest thereon, including but not limited to covenants to set aside adequate reserves to guarantee payment of principal and interest; to appoint a trustee or trustees to safeguard the expenditure of the proceeds of sale of such bonds and notes and/or take possession and use or operate and manage corporate assets securing the bonds and notes in event of default or insolvency of the public corporation, with such powers as may be contained in any covenants relating to the bonds and notes; and to limit the amount, time and/or conditions under which additional bonds and notes may be issued or debts incurred.

D. The public corporation may pay expenses, premiums and commissions which it may deem necessary in connection with the issuance and sale of its bonds and notes and take such other actions or make such commitments as necessary or convenient in the issuance and servicing of such bonds and notes as are consistent with this chapter although not enumerated in this chapter.  
(Ord. 103387 § 42, 1974.)

### 3.110.430 Charter amendment.

A. A public corporation proposing an amendment to its charter after approval in accordance with Section 3.110.230 shall file the same in duplicate with the City Clerk. One (1) proposed amendment shall be filed as public record and the other forwarded to the Mayor's designee for review and recommendation thereon with attention to the criteria set forth in Section 3.110.100 B and C. The Mayor may approve the proposed amendment upon the recommendation of his or her designee or he or she may disapprove the same. A charter amendment proposed by a public corporation shall take effect and become a part of the charter upon the filing of the Mayor's approval with the City Clerk.

B. When required by law, each public corporation chartered pursuant to this chapter shall propose to the Mayor an amendment to the public corporation's charter that will conform with said law. Constituency approval as provided in Section 3.110.230 shall not be required for any proposed charter amendment required by law.  
(Ord. 116368 § 65, 1992; Ord. 103387 § 43, 1974.)

### 3.110.440 Intervention.

A. When authorized by resolution of the City Council after a public hearing held with notice to

the public corporation the Mayor or City Council as provided in said resolution may intervene, and exercise such control over a public corporation as is necessary and appropriate to correct any deficiency and/or to assure that the purposes of a program undertaken may be reasonably accomplished, including directing affirmative action, when:

1. The council of the public corporation has requested such intervention by resolution;
2. The public corporation has failed to set forth the statement required by Section 3.110.390C and set forth in Section 3.110.140 A3 in written contracts, bonds or other documents;
3. The public corporation has represented to the public or to creditors that recourse may be had to the assets, property or credit of the City on account of acts or omissions of the public corporation, unless such secondary or direct liability be in fact expressly assumed by the City Council;
4. The public corporation has failed to file an annual report as required by Section 3.110.400 A after notice of such omission;
5. A deadlock has occurred in the council, or the membership of the council is insufficient to constitute a quorum for conduct of affairs so that the public corporation is unable to conduct its operations or perform its projects and activities;
6. The council has continuously failed to conduct meetings at least monthly; no quarterly or special meetings of the constituency have been held for a year; or the public corporation has neglected or refused to conduct a meeting after notice from the Mayor or City Council to do so pursuant to Section 3.110.320;
7. The council has unreasonably impaired public participation in the conduct of projects and activities or oppressed or hindered any constituency in its exercise of its powers and responsibilities;
8. The assets of the public corporation have been or are committed to be misapplied or wasted, or illegally expended; or
9. The public corporation has committed or is about to commit a material violation of this chapter or its charter.

B. The Mayor or City Council may take such actions as necessary to achieve the object of the intervention stated in the resolution of the City Council and make corrections or revisions ancillary thereto, and shall accomplish the purposes of the intervention as expeditiously as reasonable; corporate officers shall not be displaced nor the conduct of their duties impaired more than neces-



sary to accomplish the purposes of the intervention and the intervention shall cease as soon as the objectives stated in the resolution and corrections ancillary thereto have been accomplished. (Ord. 103387 § 44, 1974.)

### **3.110.450 Trusteeship.**

A. The City by resolution of the City Council after a public hearing held with notice to the public corporation may petition the Superior Court to impose a trusteeship over a public corporation organized pursuant to this chapter and to appoint the trustees therefor under any of the following circumstances:

1. The council of the public corporation has requested the same by resolution;
2. The public corporation has filed a statement of dissolution preparatory to termination of its existence;
3. The public corporation becomes insolvent or otherwise unable to carry out its contractual obligations to creditors and other persons;
4. The charter was procured through fraud or misrepresentation of any material matter that has an effect upon the projects or activities to be undertaken;
5. The public corporation has filed an annual report with the City Clerk that is false or deceptively misleading on a material matter;
6. The public corporation is incompetent or ineligible to carry out the public purposes for which it was chartered;
7. The public corporation has misused, abused, or continuously exceeded the power or authority conferred by this chapter or its charter, or committed repeated violations of this chapter or its charter; or
8. The assets of the public corporation have been or are committed to be misapplied or wasted, or illegally expended, or a material violation of this chapter has been committed or is about to be committed, and the City Council determines that intervention as provided in Section 3.110.440 would not be feasible under the circumstances.

B. The trustees appointed by the Superior Court shall take such actions as necessary during the trusteeship to achieve the object thereof as reasonable. The trustees shall have the power and authority to reorganize the public corporation and amend its charter and/or its rules and regulations; suspend and/or remove corporate officials, and manage the assets and affairs of the public corpo-

ration; and exercise any and all corporate powers as necessary or appropriate to fulfill outstanding agreements, to restore the capability of the public corporation to perform the functions and activities for which it was chartered, to reinstate its credit or credibility with its creditors or obligees; and, if so authorized by the Superior Court, to oversee its dissolution. (Ord. 116368 § 66, 1992; Ord. 103387 § 45, 1974.)

### **3.110.460 Termination.**

The existence of the public corporation may be terminated by resolution of the City Council at or after a public hearing, held with notice to the public corporation and affording it a reasonable opportunity to be heard and present evidence, under any of the following circumstances:

- A. The council of the public corporation has requested the same by resolution;
- B. The public corporation has discontinued its projects and activities for which chartered or remained inactive for a period of six (6) months in succession;
- C. A judgment of a court of competent jurisdiction shall have become final, which judgment annuls the existence of the public corporation, or prohibits it from conducting all or the major portion of the activities for which chartered or permits recourse by creditors of the public corporation or other persons to the assets, property or credit of the City on account of any debts, obligations or liabilities of the public corporation;
- D. Any one or more of the circumstances for imposition of a trusteeship stated in Section 3.110.450 A3 through A8 inclusive, together with an affirmative finding by the City Council that a trusteeship would not be feasible under the circumstances or could not attain its objective; and that termination is warranted;
- E. Repeal of Chapter 37, Laws of 1974, First Extraordinary Session (43rd Leg. 3rd Extra. Sess.), or amendment thereof or supplementary legislation thereto which singularly or cumulatively restricts all or the major portion of the activities for which the public corporation was chartered or permits recourse by creditors of the public corporation or other persons to the assets, property or credit of the City on account of any debts, obligations, or liabilities of such public corporation; or
- F. Continuous trusteeship of the public corporation for one (1) year, or the imposition of a trus-

teeship for whatever cause(s) three (3) times in any one (1) year period.

Subject to any limitations that may be imposed by the judgment of a court of competent jurisdiction, provision shall be made in any termination of the public corporation's existence for causes designated in this section for payment of any obligations, bonds, notes or other contracts of indebtedness from the rights and assets of the public corporation so that such bonds and contracts be not impaired.

(Ord. 103387 § 46, 1974.)

### **3.110.470 Dissolution—Statement.**

Upon enactment of a resolution by the City Council for dissolution of the public corporation or by the public corporation for its own dissolution other than for purposes of merger or reorganization in a plan approved by the Mayor, the public corporation shall file a dissolution statement signed by its chief executive officer setting forth:

A. The name and principal office of the public corporation;

B. The debts, obligations and liabilities of the public corporation, and the property and assets available to satisfy the same; the provisions to be made for satisfaction of outstanding liabilities and performance of executory contracts; and the estimated time for completion of its dissolution;

C. Any pending litigation or contingent liabilities;

D. The council resolution providing for such dissolution and the date(s) and proceedings leading toward its adoption, whenever the dissolution be voluntary; and

E. A list of persons to be notified upon completion of dissolution.

The Mayor shall review the statement filed and oversee the dissolution to protect the public interest and prevent impairment of obligation, or if so authorized by law, authorize or initiate proceedings in the Superior Court for the appointment and supervision of a receiver for such purposes. Upon satisfactory completion of dissolution proceedings, the Mayor shall indicate such dissolution by inscription of "charter cancelled" on the original charter of the public corporation, on file with the City Clerk and, when available, on the duplicate original of the public corporation, and the existence of the public corporation shall cease. The City Clerk shall give notice thereof to the Secre-

tary of State and other persons requested by the public corporation in its dissolution statement.

(Ord. 116368 § 67, 1992; Ord. 103387 § 47, 1974.)

### **3.110.480 Merger with public corporation.**

An application by a public corporation to merge with or into another public corporation organized under this chapter shall be processed in the same manner as a charter amendment by the public corporation and as an application for charter in accordance with Sections 3.110.090 and 3.110.100; and approval by the Mayor shall authorize the merger. In the event of such a merger, all of the rights, assets and property of the public corporation shall vest in the surviving public corporation or successor public corporation.

(Ord. 103387 § 48, 1974.)

### **3.110.490 Termination—Disposition of assets.**

Upon termination of the existence of a public corporation, all of the rights, assets and property of the public corporation shall pass to and be distributed as provided by agreements with donors or other parties at the time of acquisition of the property regarding its disposition. Subject thereto, all of the rights, assets and property of a public corporation shall be tendered to the entity first listed below and, if not applicable or not accepted, to the next listed entity in succession:

A. To the surviving or successor public corporation in event of merger as provided in Section 3.110.480;

B. To the City;

C. To some other local municipal corporation that performs similar activities or functions for which the assets were acquired or are devoted;

D. To the state for use in or application upon projects and activities or functions for which the assets were acquired or are devoted;

E. To the United States, any of its departments or agencies; a public authority created by the United States; or an organization acting as an authorized agent of the United States;

F. To a corporate fiduciary or other trustee, in trust for or use under the direction of any of the aforesaid entities for the purposes, projects and activities for which the assets were acquired or devoted;

G. To nonprofit organizations performing community service, charitable or educational activities similar to the projects and activities for which

the assets were acquired; provided the City Council may in its discretion by resolution with respect to any particular dissolution:

1. Authorize the Mayor for and on behalf of the City to contract with the public corporation for the disposition of its rights, assets and property, and thereby designate the recipient and the terms and purposes of the transfer of assets and property; and

2. Establish procedures and terms and conditions for transfer and acceptance of the rights, assets and property of the public corporation to any of the aforesaid entities; and

3. Request some or all of the aforesaid eligible entities identified in subsections B through E to submit applications for transfer of such rights, assets and property of the public corporation setting forth the proposed uses thereof, and accept the application and contract with the entity or organization that would make the most appropriate use of such rights, assets and property in performing the projects and activities for which the public corporation was chartered.

All rights, property and assets of the public corporation upon transfer shall be vested in the entity receiving and accepting the same, together with any appurtenant obligations and liabilities. (Ord. 103387 § 49, 1974.)

### **3.110.500 Insurance.**

Each public corporation chartered pursuant to this chapter shall maintain in full force and effect public liability insurance in an amount specified by the Mayor sufficient to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to projects and activities of the City, naming the City as an additional insured. (Ord. 103387 § 50, 1974.)

### **3.110.510 Unauthorized representation.**

All persons who assume to act for the public corporation without authority to do so shall be jointly and severally liable for the debts and liabilities incurred or arising as a result thereof. (Ord. 103387 § 51, 1974.)

### **3.110.520 Ancillary authority.**

The Mayor, City Auditor, and City Clerk are granted all such power and authority as reasonably necessary or convenient to enable them to adminis-

ter this chapter efficiently and to perform the duties imposed in this chapter. (Ord. 116368 § 68, 1992; Ord. 103387 § 52, 1974.)

### **3.110.530 Construction.**

This chapter shall be liberally construed so as to effectuate its purposes and the purposes of Chapter 37, Laws of 1974, 1st Extraordinary Session. (Ord. 103387 § 53, 1974.)

### **3.110.540 Waiver.**

When requested by a public corporation in order to secure or carry out federal grants or programs, the City may waive compliance by the public corporation with any particular provision of this chapter, other than Sections 3.110.010, 3.110.140 A3, 3.110.160, 3.110.170, 3.110.360 through 3.110.380, 3.110.390 C, 3.110.420, 3.110.440 A2, A3 and A8, and 3.110.450, which may be inconsistent with the terms and conditions of the federal grant or program insofar as necessary to enable the public corporation to secure and carry out such grant or program. (Ord. 103387 § 54, 1974.)

### **3.110.550 Ratification of existing public corporations.**

A. Any public corporation previously chartered pursuant to Seattle Ordinance 1004951 shall, to the extent of its charter, have all the powers and privileges prescribed in this chapter.

B. Voluntary acceptance by an existing public corporation of the provisions of this chapter shall be accomplished by the filing of an amended charter, if necessary, complying with the provisions of this chapter<sup>1</sup> and by filing a voluntary acceptance statement with the City Clerk. (Ord. 116368 § 69, 1992; Ord. 106598 § 1, 1977; Ord. 103387 § 56, 1974.)

1. Editor's Note: Ordinance 100495, regarding public corporations, was repealed by Ordinance 103387.

### **3.110.560 Prohibited conduct.**

A. No current corporate official or employee shall:

1. Engage in any transaction or activity which is, or would to a reasonable person appear to be, in conflict with or incompatible with the proper discharge of official duties, or which impairs, or would to a reasonable person appear to impair, the officer's or employee's independence of judgment or action in the performance of official duties;



2. Use his or her official position for a purpose that is, or would to a reasonable person appear to be, primarily for the private benefit of the officer or employee, rather than primarily for the benefit of the public corporation; or to achieve a private gain or an exception from duty or responsibility for the officer or employee or any other person;

3. Solicit or receive any retainer, gift, loan, entertainment, favor or other thing of monetary value from any person where the retainer, gift, loan, entertainment, favor or other thing of monetary value has been solicited, received or given, or to a reasonable person would appear to have been solicited, received or given, with intent to give or obtain special consideration or influence as to any action by such officer or employee in his or her official capacity; provided that nothing shall prohibit contributions which are solicited or received and reported in accordance with applicable law;

4. Use or permit the use of any person, funds or property under his or her official control, direction, custody, or of any corporate funds or corporate property, for a purpose which is or to a reasonable person would appear to be, for the private benefit of the official or employee or any other person or entity; provided, that nothing shall prevent the private use of corporate property which is available on equal terms to the public generally, or the use of corporate property in accordance with corporate policy for the conduct of official corporate business, if in fact the property is used appropriately;

5. Disclose or use any information gained by reason of his or her official position for the immediate or anticipated personal gain or benefit of the officer, employee or any other person or entity; provided, that nothing shall prohibit the disclosure or use of information which is a matter of public knowledge, or which is available to the public on request;

6. Except in the course of official duties, assist any person in any corporate transaction where such corporate official or employee's assistance is, or to a reasonable person would appear to be, enhanced by that official or employee's position with the corporation; provided that this subsection shall not apply to any officer or employee appearing on his or her own behalf or representing himself or herself as to any matter in which he or she has a proprietary interest, if not otherwise prohibited by law;

7. Have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in any contract or noncontractual transaction to which the corporation may be a party, and fail to disclose such interest prior to the formation of the contract, or prior to the time the corporation enters into the transaction; provided, that this paragraph shall not apply to any contract awarded through the public bid process in accordance with applicable law;

8. Be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such officer, in whole or in part, or which may be made for the benefit of his office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein;

9. Fail to disqualify himself or herself from acting on any transaction which involves the corporation and any person who is, or at any time within the preceding twelve (12) month period, has been a private client of his or hers, or of his or her firm or partnership.

B. A corporate official or employee may perform official duties and participate in corporate affairs or activities when:

1. The proposed action or activities of the public corporation would not affect him or her in a manner different in kind from that of the public of community generally, or when the corporate official is a member of a substantial class of persons included in a service or assistance program and would be not affected in a manner different in kind from other members of the class; or

2. The charter or rules or regulations repose responsibility with the Council for an action that affects all Council members in their official capacity alike; or

3. After disclosure of his or her personal interest, the Council finds, by majority recorded vote following discussion in open meeting during which public comment is permitted, that the official's participation would further the public interest notwithstanding the personal interest disclosed.

C. In all other instances, any corporate official who may have a direct or indirect financial interest in any matter coming before the Council, shall disclose to the council the nature and extent of such interest, and refrain from voting, participating in council deliberations as an official, or attempting

to influence any other corporate official on the matter.  
(Ord. 109954 § 2(part), 1981.)

**3.110.570 Statements of economic interests.**

A. All compensated corporate employees holding executive, professional or administrative positions designated by each corporation in its respective rules and regulations and all uncompensated officials and employees shall, within two (2) weeks of being appointed or hired, and thereafter annually by April 15th, file with each corporation a written statement sworn as to its truth and accuracy stating for himself or herself and all members of his or her immediate family for the preceding calendar year:

1. The names and addresses of each person or entity doing business with the corporation with which the official or employee or a member of his or her immediate family has received compensation in any form of a total value of Two Thousand Five Hundred Dollars (\$2,500.00) or more, excluding campaign contributions reported in accordance with applicable law;

2. The names and addresses of each entity doing business with the corporation in which the officer or employee or a member of his or her immediate family has a direct financial interest with a value of One Thousand Five Hundred Dollars (\$1,500.00) or more; provided that policies of insurance in amounts on deposit in accounts with banks, savings and loan associations or credit unions shall not constitute a direct financial interest within the meaning of this section; or

3. The names and addresses of each entity doing business with the corporation in which the officer or employee or a member of his/her immediate family holds a position as officer, director or trustee, and the title of each position held;

4. A list, including legal or other sufficient description as prescribed by the corporation, of all real property in areas in which the corporation with which he/she is associated functions or adjacent to such areas or properties owned, leased, managed or otherwise controlled by such corporation in which the officer, employee, or member of his/her immediate family holds a direct financial interest or any option to purchase.

B. Following discussion in open meeting during which public comment is permitted, a council may suspend or modify by majority recorded vote any of the reporting requirements hereunder in a

particular case if it finds that literal application of said requirements works a manifestly unreasonable hardship and that such suspension or modification will not frustrate the purposes of Sections 3.110.560 through 3.110.590; provided, that any such request for suspension or modification must be filed with the Council Chairperson and/or the corporation Executive Director not later than sixty (60) days prior to date on which an annual filing is to be made or promptly upon appointment.

C. Each corporation shall retain the statements and make them available for public inspection upon request for a period of not less than four (4) years following the separation from the corporation of the person filing the statement.

D. Such statements also shall be filed promptly by each corporation with the City Clerk.  
(Ord. 116368 § 70, 1992; Ord. 109954 § 2(part), 1981.)

**3.110.580 Enforcement.**

A. Upon receipt of a complaint alleging violation of this section, each corporation's Chairperson shall establish and designate members of an Ethics Committee to investigate complaints, consider questions of ethical conduct, conflicts of interest and the application of ethical standards set forth in Sections 3.110.560 through 3.110.590.

B. Any person may file a complaint with a corporation Ethics Committee alleging violation of this section. If such complaint is filed by or in regard to the conduct of a member of the Ethics Committee, he or she is disqualified from participating in any proceedings that may arise from the complaint.

C. The complaint shall be in writing and shall be signed by the complainant. The written complaint shall state the nature of the alleged violation(s), the date(s), time and place of each occurrence, the name of the person(s) charged with the violation(s). The complaint shall be filed with the Ethics Committee which shall provide a copy to the person charged with the violation. The complainant shall provide the Committee with all available documentation or other evidence to demonstrate a reason for believing that a violation has occurred.

D. Within thirty (30) days after receipt of a complaint, the Committee shall conduct an investigation and prepare a report as required by subsection G below; provided, that, if necessary and desirable and in order to avoid prejudice or irrepara-

ble harm to the person charged with the violation, the Committee may shorten or lengthen the time period provided for the investigation, as appropriate.

E. The Committee shall obtain from the corporation's legal counsel a written opinion on the application or interpretation of any provision of this section.

F. The Committee may also request an advisory opinion from the Board of Ethics of the City on application or interpretation of any provision of this section. If such advisory opinion is requested, the Board shall provide one in a timely fashion.

G. After completing the investigation, the Committee shall provide a written report to the Council of its findings and recommendations for disposition of the complaint, together with the complaint, opinion of counsel and of the Board of Ethics, if any, and any additional material necessary for Council review of the complaint.

H. The Council shall review the report, provided that any Council member who is the subject of the complaint shall disqualify himself or herself from participating in any proceedings related thereto. The council may determine that there are no reasonable grounds to believe that a violation has occurred and may dismiss the complaint. Such dismissal shall be in writing, setting forth the basis therefor. A copy shall be provided to the complainant and to the person charged with the violation. If the complaint is not dismissed or resolved, subject to Council approval, at a conference between the Committee and the person charged with the violation, the Council shall, within thirty (30) days of receipt of the Committee report, consider the report in open meeting, all subject to Council rules and regulations respecting procedural due process.

I. The Council shall determine, by recorded vote, whether a violation of the provisions of this section has occurred. If not, the complaint shall be dismissed. A written report of Council action setting forth the basis therefor shall be prepared and filed with council records. A copy thereof shall be provided to the complainant and to the person charged with the violation.

J. If the Council determines that an employee has violated the provisions of this section, the employee shall be subject to such disciplinary action as determined appropriate by the Council. In addition to any other penalty herein or otherwise provided by law, a violation shall be cause for suspen-

sion, discharge or any such other disciplinary action as may be deemed necessary and proper.

K. If the Council determines that a Council member has violated the provisions of this section, a copy of its written report shall be forwarded to the Mayor of the City, together with all supporting documentation and the recommendation of the Council, if any. In addition to other penalty herein or otherwise provided by law, a violation shall be cause for suspension, removal from office, or other such disciplinary action as may, by the Mayor be deemed necessary and proper. Either the complainant or the Council member charged with the violation also may petition the Mayor for review of Council action within fifteen (15) days of Council action. Within thirty (30) days of receipt of a Council report or a petition for review thereof, whichever is later, the Mayor shall complete his review of the record and issue a written decision, including what, if any, disciplinary action shall be taken. A copy of the decision shall be provided to the Council, the complainant and the Council member charged with the violation.

(Ord. 109954 § 2(part), 1981.)

### **3.110.590 Penalty for violation.**

Violation of any provisions of Section 3.110.560 or Section 3.110.570 constitutes an infraction for which a monetary fine, not to exceed Five Hundred Dollars (\$500), may be assessed by a court of competent jurisdiction. Violation may be proven by a preponderance of evidence and need not be proven beyond a reasonable doubt.

(Ord. 109954 § 2(part), 1981.)

## **Chapter 3.114**

### **PROCUREMENT OF CONSULTANT SERVICES**

#### **Sections:**

- |                  |   |
|------------------|---|
| <b>3.114.010</b> | <b>Definitions.</b>                               |
| <b>3.114.030</b> | <b>Advertising need for consultant services.</b>  |
| <b>3.114.040</b> | <b>Consultant selection criteria.</b>             |
| <b>3.114.050</b> | <b>Consultant evaluation committee.</b>           |
| <b>3.114.060</b> | <b>Selection of consultants.</b>                  |
| <b>3.114.070</b> | <b>Notification of selection or nonselection.</b> |



**3.114.080 Required form, terms and conditions of agreements with consultants.**

**3.114.090 Filing of consultant contracts.**

**3.114.100 Consultant's performance review and evaluation reports.**

**3.114.110 Requirements inapplicable under certain conditions.**

**3.114.120 Department of Finance rules applicable to consultant contracts.**

**3.114.130 Audit responsibilities of City Auditor.**

**3.114.140 Escalation of dollar limitations.**

**3.114.150 Consultant rosters.**

**3.114.160 Establishment and operation of rosters.**

**3.114.010 Definitions.**

The words defined in this section shall have the meanings set forth below whenever they appear in this chapter, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular section or provision:

A. "Consultant" means any person, association, partnership or corporation that by experience, training and education of the principals, officers or employees thereof has established a reputation or ability to perform specialized activities on a discrete, nonrecurring basis over a limited and pre-established term, as an independent contractor, delivering or providing for a monetary or other consideration, advice, recommendations(s), report(s), analysis(es), evaluation(s), audit(s), survey(s), or other products of cognitive processes or expert or professional services including but not limited to services from any attorney, architect, accountant, public relations advisor, dentist, physician, surgeon, psychiatrist, psychologist, veterinarian, engineer, surveyor, appraiser, planning consultant, investment counselor, and actuary; provided, that the following shall not be deemed a "consultant":

1. Any provider of services appropriate for a service contract pursuant to Ordinance 102151,<sup>1</sup> as amended; and

2. Any expert witness retained by the Law Department in connection with anticipated or actual litigation, or by the City Council in connection with any hearing on the nomination or appointment of any individual as a municipal officer.

B. "Contract" means and includes all types of agreements between or among the City and one (1) or more consultants, regardless of which such agreements may be called, for the procurement of consultant services, and includes agreements modifying or amending consultant contracts.

C. "Department" means any City department, office, board, commission, council, agency or other administrative or operating part of the City, and any division or part or combination thereof.

D. "Estimated to cost" means the anticipated charges for all activities that a consultant agrees to perform pursuant to contract and the anticipated charges for all additional specialized activities to be performed by the consultant under all renewals, extensions, and amendments of the contract and under subsequent stages of the same project.

E. "Director" means the Director of Executive Administration.  
(Ord. 120794 § 33, 2002; Ord. 108762 § 1, 1979.)

1. Editor's Note: Ordinance 102151 is codified in Subchapter II of Chapter 3.04 of this Code.

**3.114.030 Advertising of need for consultant services.**

A. Any proposed contract for consultant services estimated to cost Twenty Thousand Dollars (\$20,000) or more as adjusted pursuant to Section 3.114.140, other than contracts to consultants on a consultant roster, shall be advertised in the City's official newspaper for at least two (2) days (which need not be consecutive). Such advertisements shall include in general terms at least a description of the services sought; the name of the concerned department; the name and telephone number of a representative of the department from whom additional information may be obtained; and an indication that the selection of the consultant is subject to applicable laws and ordinances regarding equal employment opportunity; and if established or known, the range of fees the department will consider paying the consultant for the services to be provided, the time within which such services are to be provided, and the anticipated beginning date of the work.

B. Advertisements soliciting consultants for placement on a consultant roster shall be advertised in the same manner and with as much of the information described in subsection A of this section as practical. The Director shall determine the frequency of the solicitation advertisements for placement on a consultant roster.

3.114.040 ADMINISTRATION

(Ord. 120794 § 34, 2002; Ord. 120181 § 62, 2000; Ord. 119651 § 1, 1999; Ord. 115388 § 2, 1990; Ord. 112334 § 4, 1985; Ord. 108762 § 3, 1979.)

**3.114.040 Consultant selection criteria.**

A. The Director is hereby authorized and directed to adopt rules and regulations regarding the procedures by which City departments or Executive Department offices seek out qualified applicants and contract with consultants for work; provided that, under such rules and regulations, consultants shall be selected on the basis of, among other factors, their competence and qualifications for the type of services to be provided, the cost, price, compensation, or consideration to be paid by the City for such services, and the affirmative action/equal opportunity record of the consultant.

B. The selection of every consultant responsible for providing to the City services estimated to cost Twenty Thousand Dollars (\$20,000) or more, as adjusted pursuant to SMC Section 3.114.140, or for placement on a consultant roster under SMC Sections 3.114.150 and 3.114.160, shall be based upon specific written evaluation criteria relevant to the services to be provided. Every request for proposals (RFP), request for qualifications (RFQ) or other material in which consultants are given detailed information about consultant services sought by a department or Executive Department office shall include a detailed description of the evaluation criteria to be used.

(Ord. 120794 § 35, 2002; Ord. 120181 § 63, 2000; Ord. 119651 § 2, 1999; Ord. 118397 § 49, 1996; Ord. 116000 § 2, 1991; Ord. 112334 § 5, 1985; Ord. 108762 § 4, 1979.)

**3.114.050 Consultant evaluation committee.**

Whenever a City department, City Commission, or Executive Department office desires consultant services estimated to cost Twenty Thousand Dollars (\$20,000) or more, as adjusted pursuant to SMC Section 3.114.140, the head of the concerned department or Executive Department office shall appoint and utilize a consultant evaluation committee of not less than three (3) members and representative, where practical, of women and minorities. Each consultant evaluation committee shall review the proposals, applications, questionnaires, and related materials submitted by consultants interested in providing the particular service(s) sought by the concerned department or Executive

Department office, and on the basis of the specific written evaluation criteria announced with respect to such consultant selection, report in writing, to the head of the concerned department or Executive Department office its recommendations including, where possible, the ranking of the top five (5) consultants evaluated. The written report, where appropriate, shall describe the lack of measurable differences among consultants evaluated, together with such explanation of evaluation processes used as is necessary to fully advise such official of the committee's evaluation results. Thereafter, such evaluation report shall be filed with the Director by the evaluating department or Executive Department office and made available for public inspection consistent with the provisions of RCW Chapter 42.17. In lieu of the process set forth herein, for contracts meeting the criteria of SMC Section 3.114.150, a department may elect to use the Consultant Roster Program provided for in SMC Sections 3.114.150 and 3.114.160.

(Ord. 120794 § 36, 2002; Ord. 120181 § 64, 2000; Ord. 119651 § 3, 1999; Ord. 118397 § 50, 1996; Ord. 116000 § 3, 1991; Ord. 112334 § 6, 1985; Ord. 108762 § 5, 1980.)

**3.114.060 Selection of consultants.**

A. In selecting a consultant to provide services estimated to cost Twenty Thousand Dollars (\$20,000) or more, as adjusted pursuant to SMC Section 3.114.140, or establishing a certified roster, each department or Executive Department office head shall take into consideration the report and recommendations of the consultant evaluation committee appointed in connection with said proposed selection. In the event said department or Executive Department office head determines not to accept and act on the recommendation of the consultant evaluation committee, said official shall file with the Director a written justification describing the reasons for such determination. Each such department or Executive Department office head shall make a good-faith effort to rotate the award of consultant service(s) contracts among consultants evaluated as being equally qualified and capable of performing the desired services.

B. No consultant shall be retained to perform accounting or auditing services and to provide management consulting services for the same department or Executive Department office at or about the same time. One (1) year after completion of such services for a department, a consultant who

provides either accounting or auditing services shall become eligible to contract for management consulting services, and a consultant who provides management consulting services shall become eligible to contract to provide accounting and/or auditing services.

C. No contract shall be made with any consultant for performance of services on a retainer basis (whether for a term of years, or from year-to-year, or on another successive arrangement) for more than five (5) consecutive years, provided this restriction shall not apply to:

1. Contract for services in connection with a particular project or activity although completion of the assignment may extend for more than five (5) years;

2. A retainer agreement used to establish eligibility for placement on a roster from which consultants are selected from time to time for particular assignments; or

3. An agreement implementing a deferred compensation plan for City employees contemplated by 26 USC § 457.

(Ord. 120794 § 37, 2002; Ord. 120181 § 65, 2000; Ord. 118397 § 51, 1996; Ord. 116000 § 4, 1991; Ord. 112334 § 7, 1985; Ord. 110504 § 1(part), 1982; Ord. 108762 § 6, 1980.)

### **3.114.070 Notification of selection or nonselection.**

Every department or Executive Department office that receives a proposal from a consultant to provide services for which such administrative unit has advertised in accordance with SMC Section 3.114.030, shall notify each such consultant, in writing, as to whether such consultant was selected to provide the desired services, or qualified for placement on a certified roster.

(Ord. 116000 § 5, 1991; Ord. 112334 § 8, 1985; Ord. 108762 § 7, 1980.)

### **3.114.080 Required form, terms and conditions of agreements with consultants.**

Every contract, retainer, change order, amendment, and any other form of agreement between or among the city and one (1) or more consultants shall be in writing and signed by at least one (1) authorized representative of each contracting party. Each such agreement shall include a specific and detailed description of the scope of work or services to be provided by the consultant(s) and the

products of any sort to be delivered to the City; the maximum amount of compensation to be paid and any other consideration to be provided to the parties to the agreement, together with a description of the timing and method(s) of such payment and any retainage to be held; the dates the agreement is effective and is to expire; all equal employment opportunity, women's and minority business enterprise, and affirmative action provisions required by law, ordinance, rule or regulation to be included in such agreement; the authority of the City to audit the consultant's books and records with respect to the services to be provided, costs thereof, and compensation paid therefor; and any appropriate or required funding or other provision. All such agreements providing compensation of a value of Twenty Thousand Dollars (\$20,000) or more, as adjusted pursuant to SMC Section 3.114.140, shall be subject to the review by the City Attorney, of, among other aspects, form; the specificity of descriptions of work to be performed for and products or results to be delivered to the City; and liability, insurance, indemnification, and bonding clauses.

(Ord. 116000 § 6, 1991; Ord. 108762 § 8, 1980.)

### **3.114.090 Filing of consultant contracts.**

The City shall be provided at least one (1) complete copy of each consultant contract to which the City is a party, which copy shall have affixed to it an original signature of an authorized representative of each party to the contract, and which copy shall be filed by the contracting department or Executive Department office with the City Clerk or such official's functional successor immediately following execution by all parties. A copy of such contract shall be filed by the concerned department with the Director immediately following execution by all parties.

(Ord. 120794 § 38, 2002; Ord. 120181 § 66, 2000; Ord. 118397 § 52, 1996; Ord. 116000 § 7, 1991; Ord. 108762 § 9, 1980.)

### **3.114.100 Consultant's performance review and evaluation reports.**

Each City department or Executive Department office that contracts with any consultant shall prepare, in writing, a summary evaluation report upon expiration or termination of each such contract, which report shall describe the deficiencies noted in any periodic consultant performance evaluations and the action (if any) taken by the consultant in



3.114.110 ADMINISTRATION

response thereto; indicate whether such responsive actions by the consultant corrected the noted deficiencies to the satisfaction of the concerned department or Executive Department office; any unresolved problems with respect to the consultant's performance; and indicate to the Director whether any final payment or payment of retainage should be made, the amount (if any) of such payment that is approved by the department or Executive Department office, and whether the concerned department or Executive Department office has imposed conditions upon such payment because of such deficiencies that warrant the withholding of all or any portion of the consultant's compensation. Within thirty (30) days after the expiration or termination of every consultant contract, a copy of each such report shall be filed with the Director, who shall file the same in such department's consultant reference file.

(Ord. 120794 § 39, 2002; Ord. 120181 § 67, 2000; Ord. 118397 § 53, 1996; Ord. 116368 § 74, 1992; Ord. 116000 § 8, 1991; Ord. 108762 § 10, 1980.)

**3.114.110 Requirements inapplicable under certain conditions.**

The provisions of SMC Sections 3.114.020 C, 3.114.030 through 3.114.070, 3.114.150 and 3.114.160 shall be inapplicable in the following circumstances:

A. Whenever such provisions would adversely affect the City's interests either because of an emergency as determined by the head of the department or Executive Department office desiring consultant services or because of a particular aspect of the services to be provided or the need therefor that would be compromised by compliance with such provisions (such as but not limited to the need to perform a confidential or surprise security review or evaluation or an anonymous management audit), in which case, the department or Executive Department office head shall file with the Director as soon as practicable, a written explanation of the circumstances of the emergency or justification for the nonapplication of such provisions to said procurement.

B. Whenever it can be established to the satisfaction of the department head or Executive Department office head contracting for consultant services that only one (1) consultant is available with the expertise required to provide the services desired; provided, that each department or Executive Department office securing any consultant un-

der such circumstances shall file a written justification for such action with the Director at least twenty-four (24) hours prior to executing any agreement committing the City to pay for such services. (Ord. 120794 § 40, 2002; Ord. 120181 § 68, 2000; Ord. 118397 § 54, 1996; Ord. 116000 § 9, 1991; Ord. 112334 § 9, 1985; Ord. 108762 § 11, 1980.)

**3.114.120 Department of Finance rules applicable to consultant contracts.**

In addition to the requirements imposed by this chapter, the contracting with any consultant for work to be performed or services to be provided shall be subject to rules and regulations adopted by the Director not inconsistent with this chapter.

(Ord. 120794 § 41, 2002; Ord. 120181 § 69, 2000; Ord. 118397 § 55, 1996; Ord. 116000 § 10, 1991; Ord. 108762 § 12, 1980.)

**3.114.130 Audit responsibilities of City Auditor.**

A. The City Auditor is authorized to audit each consultant contract entered into by a City department or Executive Department office to verify, among other things, that the procedures prescribed in this chapter were followed; that the compensation or other consideration provided to any consultant has been appropriate, under the circumstances, and that the contracted-for services were provided in a timely manner.

B. The City Auditor shall participate in the selection of all consultants providing auditing and accounting services in accordance with a memorandum of understanding entered into between such official and the Executive Department. The affected City department or Executive Department office may determine the terms and conditions of the agreement, but any such contract shall be subject to review by the City Auditor. All reports or financial statements submitted by such consultants shall be submitted to the City Auditor and the Director as well as the affected department or Executive Department office.

(Ord. 120794 § 42, 2002; Ord. 116368 § 75, 1992; Ord. 116000 § 11, 1991; Ord. 110504 § 2, 1982; Ord. 108762 § 13, 1980.)

**3.114.140 Escalation of dollar limitations.**

All monetary amounts specified in Sections 3.114.030 through 3.114.060, 3.114.080, and 3.114.160 shall be annually adjusted hereafter by

the 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 chapter, and all such monetary amounts, as adjusted, shall be rounded upwards to the nearest thousand dollars.

(Ord. 120794 § 43, 2002; Ord. 120181 § 70, 2000; Ord. 119651 § 4, 1999; Ord. 118397 § 56, 1996; Ord. 116000 § 12, 1991; Ord. 112334 § 10, 1985; Ord. 108762 § 14, 1980.)

### **3.114.150 Consultant rosters.**

Through the process set forth in SMC Section 3.114.160, the Director, in conjunction with interested City departments or offices, may establish consultant rosters of qualified consultants for the use by any City department or Executive Department office, hereinafter referred to as "participating department," for skills or services in specialized areas of knowledge or experience including, among other specialties, architectural and engineering services. A participating department may contract with a consultant on the appropriate roster for assignments or projects within the described specialty without soliciting proposals as set forth in SMC Sections 3.114.030 through 3.114.060 as long as: (A) each contract is estimated to cost no more than the amount established pursuant to SMC Section 3.114.160; and (B) the participating department has determined that its needs can be fully met without soliciting proposals as set forth in SMC Sections 3.114.040 through 3.114.060.

(Ord. 120794 § 44, 2002; Ord. 120181 § 71, 2000; Ord. 119651 § 5, 1999; 118397 § 57, 1996; Ord. 117583 § 1, 1995; Ord. 116000 § 13, 1991; Ord. 113797 § 2, 1987; Ord. 112334 § 1(part), 1985.)

### **3.114.160 Establishment and operation of rosters.**

These provisions apply to the establishment, maintenance and use of consultant rosters:

#### **A. Establishment and Duration.**

1. The Director, in conjunction with participating departments, shall determine the number of consultant rosters to be established based on the different consultant skills or services that the City is likely to need during the time that the consultant rosters are expected to be in effect. An evaluation

committee for the Consultant Roster Program will be created to perform the evaluation process.

2. Requests for Qualifications (RFQ) for Placement on a Consultant Roster. The Director, in conjunction with participating departments, shall issue RFQ(s) to establish consultant rosters for use by any City department or office. At a minimum, the RFQ shall describe the skills or services needed by the City; the minimum qualifications to be placed on the particular consultant roster; the roster contract dollar limits; the expected duration of the roster, if known; standard contract terms and conditions, if any; and a description of the process to be used for selecting consultants off of the roster.

3. A consultant roster shall remain in effect until such time as the Director determines it is in the best interests of the City to disestablish the roster. City departments may petition for the establishment or disestablishment of a roster, or a roster category where the existing rosters or roster categories do not meet the needs of the department.

B. Opportunities for Small Business. Whenever fifteen (15) or more consultants qualify as "small business concerns" in a single roster category, the category shall consist only of those consultants who are eligible to be classified as a "small business concern." If fourteen (14) or fewer such consultants are qualified, consultants for that roster category shall be selected without regard to their eligibility under the small business criteria. A consultant may evidence its qualification as a "small business concern" by:

1. Showing its acceptance by the Small Business Administration under the Small Business Act of the United States, 15 USC Section 632, and its implementing regulations, 13 CFR Part 121; or

2. Showing certification as defined in any City program designed to encourage the utilization of small businesses.

#### **C. Limitations.**

1. A participating department may contract with the consultants on the roster for projects estimated to cost no more than Two Hundred Thousand Dollars (\$200,000) (except as maybe adjusted in Section 3.114.160 C2).

2. A participating department may amend any roster contract for additional work related to the original roster contract up to a maximum of twenty-five (25) percent of the of the original contract amount. In no case shall the total Consultant Roster Program contract amount, including all

3.116.010 ADMINISTRATION

amendments, exceed Two Hundred Fifty Thousand Dollars (\$250,000).

3. Each participating department may only use a certified roster consultant annually up to a maximum amount of Four Hundred Thousand Dollars (\$400,000) per roster category. Any consultant that reaches this limit within any calendar year shall not be selected from that certified roster category for use by that participating department for the remainder of the calendar year; however, other participating departments shall not be prevented from using that consultant.

D. Deletion From a Roster/Limits on Eligibility.

1. A consultant may be deleted from the City's certified roster program at the City's sole discretion. Without limiting the generality of the foregoing, common examples of reasons that a consultant may be removed from a roster include, but are not limited to:

a. The consultant requests deletion (the deletion shall take effect ten (10) business days after notice to the Director);

b. The consultant is found to be in default in the performance of a City contract; is disqualified from City contracting; has failed to file applicable business and occupation tax reports; or does not possess a valid City business license, or other state licenses or certifications necessary to practice the particular profession;

c. The consultant has made a material misrepresentation in its response to a solicitation. A misrepresentation is material if the consultant would have been ineligible for placement on a roster if the facts were fully known; or

d. For any other reason that the City deems to be in its interests to do so.

E. Adding Consultants to a Roster. During the existence of a roster, the Department of Finance in conjunction with participating departments will perform ongoing evaluations of any new consultant response to an RFQ(s). All consultants found to be qualified for a consultant roster category will be added to that roster, except as a roster category may be limited by SMC Section 3.114.160 B and except as a consultant may be ineligible in accordance with SMC Section 3.114.160 D.

F. Disclaimer. Placement on a consultant roster makes a consultant eligible for consideration and possible selection by a participating department for providing services, all as more fully described or limited in the City's RFQ. Placement on a roster

does not guarantee any consultant any contract for any amount. In addition, the City reserves the power to amend or repeal this chapter and to change or discontinue the roster system at any time.

G. Evaluation Criteria. Consultants shall be evaluated for placement on a roster on the basis of the ability of the consultant to perform the work or service that the roster category was created for and to meet the minimum qualifications set forth in the request for qualifications.

(Ord. 120794 § 45, 2002; Ord. 120181 § 72, 2000; Ord. 119651 § 6, 1999.)

**Chapter 3.116  
INDUSTRIAL DEVELOPMENT  
CORPORATION**

**Sections:**

**3.116.010 Corporation created—Charter approved.**

**3.116.020 Amendments—Dissolution.**

**3.116.030 Board of Directors—Quorum—Meetings.**

**3.116.040 Powers of Board.**

**3.116.050 Revenue bonds.**

**3.116.060 Acceptance of compensation by Directors.**

**3.116.070 Indemnity.**

**3.116.080 Audit.**

**3.116.090 Completion of Exhibit A and Charter.**

**3.116.010 Corporation created—Charter approved.**

The City of Seattle Industrial Development Corporation (called the "Corporation") is hereby established under the authority of and to implement Amendment 73 of the Washington Constitution (Article XXXII, Section 1) and RCW Chapter 39.84 (Chapter 300, Laws of 1981), as now existing or hereafter amended. The Charter, an unexecuted copy of which is attached as Exhibit A,<sup>1</sup> is approved, and the Mayor and City Comptroller shall execute and issue a duplicate original as the Charter of The City of Seattle Industrial Development Corporation.

(Ord. 111396 § 1(part), 1983.)



1. Editor's Note: Exhibit A, attached to Ordinance 111396, is on file with the ordinance in the City Clerk's office.

### **3.116.020 Amendments—Dissolution.**

The City reserves the right, in its discretion, by ordinance, at any time, to alter or change the structure, organizational programs, or activities of the Corporation, including termination or dissolution of the Corporation if contracts made by the public corporation are not impaired. Any net earnings of the Corporation beyond those necessary for the retirement of the indebtedness incurred by it shall inure exclusively to the benefit of The City of Seattle (called "the City"). Upon dissolution of the Corporation, title to all property owned by the Corporation shall vest in the City. (Ord. 111396 § 1(part), 1983.)

### **3.116.030 Board of Directors—Quorum—Meetings.**

A. The Board of Directors (called the "Board") shall govern the affairs of the Corporation. The Board shall be comprised of:

1. The Chairperson of the City Council's Finance Committee, the Mayor of Seattle and four (4) representatives from the private sector. The Mayor shall recommend the appointments of the Directors from the private sector to the City Council for confirmation. If the Chairperson of the City Council's Finance Committee declines to serve, the vice chairperson of the Finance Committee shall serve as Director. The public officials on the Board shall serve for a term coincident with his or her term of office. The Directors from the private sector shall serve for a term of one (1) year. The Chairperson of the Finance Committee shall be permitted to designate another City Councilmember as an alternate. The Mayor shall be permitted to designate the Finance Director or the Director of the Office of Economic Development as an alternate.

2. Vacancies shall be filled in the same manner as that used for original appointments.

B. One-half ( $\frac{1}{2}$ ) of the Board (three (3) out of six (6) members) shall constitute a quorum for the conduct of meetings; the Board shall take action only pursuant to a majority vote of those members voting when a quorum exists; two (2) members may call a special meeting; and, when a quorum is lacking, a majority of those present may recess or adjourn the meeting as provided in RCW 42.30.090.

C. The Board shall select its own officers and the officers of the Corporation, provide for the conduct of its meetings, and the keeping of its records and the records of the Corporation. RCW Chapter 42.30, the Open Public Meetings Act of 1971, as now existing or hereafter amended, shall apply to meetings of the Board. (Ord. 119032 § 1, 1998; Ord. 118912 § 24, 1998; Ord. 117408 § 16, 1994; Ord. 111396 § 1(part), 1983.)

### **3.116.040 Powers of Board.**

The Board shall have the power to adopt, amend, and rescind the bylaws of the Corporation, which control its activities and internal affairs; to establish offices subordinate to those created in the Corporation Charter and to assign duties; to employ staff and consultants; to provide for their compensation and the compensation of members of the Board; to approve and authorize the execution of Corporate transactions; to establish offices and control the property of the Corporation; to establish fees and charges for services; and to exercise those powers ancillary or incidental to governance of the affairs of the Corporation and to carrying out the power conferred by RCW 39.84.080. The Board may delegate administrative, managerial, and ministerial duties to the officers and employees of the Corporation. (Ord. 111396 § 1(part), 1983.)

### **3.116.050 Revenue bonds.**

Revenue bonds issued by the Corporation shall not constitute a debt of the City in any way or pledge any of the faith and credit of the City to pay principal or interest thereon. The revenue bonds shall be payable solely from both the revenues derived as a result of the industrial development facilities funded by the revenue bonds, including, without limitation, amounts received under the terms of any additional security furnished by the user of the industrial development facility in connection with the financing thereof, and money and other property received from private sources. No tax funds or governmental revenue may be used to pay the principal or interest thereon. (Ord. 111396 § 1(part), 1983.)

### **3.116.060 Acceptance of compensation by Directors.**

A member of the Board may accept the reimbursement of expenses and a reasonable per diem

3.116.070 ADMINISTRATION

compensation authorized by resolution of the Board measured by time expended in preparing for meetings, attending meetings, and supervising corporate affairs. (Ord. 111396 § 1(part), 1983.)

**3.116.070 Indemnity.**

The Corporation shall hold the City harmless from any and all claims, lawsuits, judgments and other liabilities that arise against the Corporation, the City, or the Corporation and the City jointly, as a result of the transactions, actions, or omissions of the Corporation, and to appear and defend the proceedings for such purposes at its cost and expense. (Ord. 111396 § 1(part), 1983.)

**3.116.080 Audit.**

The books and records and transactions of the Corporation shall be subject to audit by the State Auditor and the City Auditor at all times. (Ord. 116368 § 76, 1992; Ord. 111396 § 1(part), 1983.)

**3.116.090 Completion of Exhibit A and Charter.**

The City Comptroller is authorized to complete Exhibit A, attached,<sup>1</sup> and the Corporate Charter issued by inserting the series number of the ordinance codified in this chapter in its Articles 3, 4, and 6 and in the appropriate sections of its bylaws. (Ord. 111396 § 1(part), 1983.)

1. Editor’s Note: Exhibit A, attached to Ordinance 111396, is on file with the ordinance in the City Clerk’s office.

**Chapter 3.118  
INDUSTRIAL DEVELOPMENT  
FACILITIES**

**Sections:**

- 3.118.010 Applications for approval.**
- 3.118.020 Review criteria.**
- 3.118.030 Approval.**

**3.118.010 Applications for approval.**

A. To secure approval for industrial development facilities to be financed with industrial revenue bonds within the City as contemplated by RCW 39.84.060, a public corporation shall submit the following documents to the Mayor:

1. A request describing the industrial development facility and the approval requested;
2. A copy of the resolution of the board of the public corporation, declaring its intention to issue “revenue bonds” as defined in RCW 39.84.020(10);
3. A copy of the materials submitted to the state of Washington Department of Commerce and Economic Development, along with its eligibility application;
4. A copy of the application form for financing submitted to the issuer;
5. A copy of any environmental analysis or environmental impact statement prepared for the proposed facility (if a draft statement is being circulated, a copy of the draft);
6. A covenant to hold the City harmless from any and all claims, lawsuits, judgments or other liabilities that may arise against the public corporation, the City, or the City and the public corporation jointly, as a result of the transactions, actions or omission of the corporation or the granting of the approval requested, and to appear and defend proceedings for such purposes at its cost and expense; and
7. A copy of the transcript of a public hearing on the proposed project held by the issuer.
  - B. The applicant shall submit to the City any additional documents or information as may be requested by the Mayor, the Director of Housing, or the President of the City Council to assist in reviewing the application. (Ord. 119273 § 24, 1998; Ord. 115958 § 11, 1991; Ord. 113222 § 1, 1986; Ord. 111395 § 1(part), 1983.)

**3.118.020 Review criteria.**

Applications will be reviewed for conformity to City zoning, the City comprehensive plan and land use policies, and the policies contained in Exhibit A, entitled “Guidelines for City Review of Industrial Development Facilities Financed with Industrial Revenue Bonds.” (Ord. 111395 § 1(part), 1983.)

**3.118.030 Approval.**

Approval of an industrial development facility to be financed with Industrial Revenue Bonds within the City shall be by resolution of the City Council.

A. The approval shall be for purposes of RCW 39.84.060 only, and shall not constitute approval

of construction of the facility for any regulatory purposes, nor commit the City or City officers to issue any permits for the project or restrict its review under state law and City ordinances, including, but not limited to, the State Environmental Policy Act (RCW Chapter 43.21C); the Shoreline Management Act of 1981 (RCW Chapter 90.58); and the State Building Code Act (RCW Chapter 19.27).

B. Industrial revenue bonds to be issued for an approved industrial development facility shall not constitute or become obligations of the City and no tax moneys or other revenues of the City shall be used to pay the principal of or interest or any premiums on the bonds. Neither the faith nor the credit of the City shall ever be pledged to pay the principal of or interest on the bonds. (Ord. 111395 § 1(part), 1983.)

**Chapter 3.121  
CHARGES FOR DISHONORED CHECKS**

**Sections:**

- 3.121.010 Charges for dishonored checks to City utilities and Municipal Court.**
- 3.121.020 Charge for dishonored check to other departments.**
- 3.121.030 Setting fees—Accepting checks.**
- 3.121.040 Waiver of fee.**
- 3.121.050 Deposit of fees.**

**3.121.010 Charges for dishonored checks to City utilities and Municipal Court.**

The Superintendent City Light and the Director of Seattle Public Utilities are authorized to set, charge and collect a fee from any person making or presenting a check, which is later dishonored, for a payment to the City for the credit of their respective utilities. The Presiding Judges of the Municipal Court are authorized to set, charge and collect a similar fee for payments to the City for the credit of the Municipal Court. The fee shall cover the cost of handling the dishonored check, including bank charges to the City, costs to the City in making collection, and other City expenses caused by its return without payment. (Ord. 118396 § 7, 1996: Ord. 114345 § 1(part), 1989.)

**3.121.020 Charge for dishonored check to other departments.**

The Director of Executive Administration is authorized to set, charge and collect a fee from any person making or presenting a check, which is later dishonored, for a payment to the City for the credit of accounts other than its utilities and the Municipal Court. The fee shall cover the cost of handling the dishonored check, including bank charges to the City, costs to the City in making collection, and other City expenses caused by its return without payment.

(Ord. 120794 § 46, 2002: Ord. 116368 § 78, 1992: Ord. 114345 § 1(part), 1989.)

**3.121.030 Setting fees—Accepting checks.**

A. The City official, authorized to set the fee, shall hold hearings and follow procedures of the Administrative Code (SMC Chapter 3.02), as now or hereafter amended, in establishing the fee. The fee shall be set at the minimum level, rounded to the next highest dollar, necessary to recover the City’s costs of handling dishonored checks.

B. The handling fee shall be in addition to interest, collection costs, and attorneys’ fees allowed by RCW 62A.3-515 or other applicable law.

C. A rule may limit the amount and/or number of checks accepted from any person.

D. A City official, who collects payment, may decline to accept a check from any person who has presented a check to the City which was dishonored.

(Ord. 114345 § 1(part), 1989.)

**3.121.040 Waiver of fee.**

A. A City department head, responsible for collection, may reduce or waive the handling fee for dishonored checks if:

1. The maker’s check is returned on account of an action or omission of the City or an insolvency or default of the bank;
2. The death or incompetency of the maker freezes his or her account;
3. A stop payment order was made which is justifiable;
4. Payment of the fee would cause an individual financial hardship; the maker is bankrupt or participating in a reorganization or adjustment of debts under court supervision; or
5. A waiver would assist in settling a bona fide dispute as to the amount due to the City.



3.121.050 ADMINISTRATION

B. A department head, who reduces or waives the handling fee, shall give the Director of Executive Administration notice of the action taken.

C. A department head may not reduce or waive the handling fee with respect to his or her own checks or a check of his or her immediate family, as defined in subsection D of SMC Section 4.16.030.

(Ord. 120794 § 47, 2002; Ord. 116368 § 79, 1992; Ord. 114345 § 1(part), 1989.)

**3.121.050 Deposit of fees.**

Fees for handling dishonored checks shall be deposited to the credit of the account or fund which receives credit for the principal of the check. (Ord. 114345 § 1(part), 1989.)

**Chapter 3.122**

**MUNICIPAL ARCHIVES PROGRAM**

**Sections:**

- 3.122.010 Established.**
- 3.122.020 General purpose.**
- 3.122.030 Scope of collection.**
- 3.122.040 Applicability of chapter provisions.**
- 3.122.050 Potential archival records—City Clerk review.**
- 3.122.060 Location and recovery of archival records.**
- 3.122.070 Availability of accessioned archival materials.**
- 3.122.080 Housing of archival records.**

**3.122.010 Established.**

There is hereby established a City of Seattle Municipal Archives Program. This program and all archival facilities connected with it shall be administered by the City Clerk. (Ord. 111782 § 1, 1984.)

**3.122.020 General purpose.**

The purpose of The City of Seattle Municipal archives is to preserve the documented history of The City of Seattle, its municipal government, and of the towns and cities incorporated into the City, for the benefit of posterity, scholarly research, legal research, and public relations, as well as the daily administration of City government. (Ord. 111782 § 2, 1984.)

**3.122.030 Scope of collection.**

Material accepted for permanent retention in the Municipal Archives will be characterized by one (1) or more of the following attributes:

- A. Documents the creation (including public planning, policy making, political movements, etc.), development, and organization of The City of Seattle;
  - B. Documents or provides substantive evidence of the City’s activities and consequences of those activities;
  - C. Is not current (i.e., it has served the administrative purpose for which it was created);
  - D. Answers technical questions regarding the City’s operations;
  - E. Is potential resource material for scholarly research;
  - F. Contains marginal notes of consequence by City officials;
  - G. Has continuing legal or operational use to the City;
  - H. Is so old (generally 1900 and earlier) that it has gained archival value through lack of other documentation or because of the social and cultural climate reflected.
- (Ord. 111782 § 3, 1984.)

**3.122.040 Applicability of chapter provisions.**

The ordinance codified in this chapter shall apply to City departments, offices, boards, and other agencies with records which have been designated “archival,” “potentially archival,” or “selected files potentially archival” by the State Archivist on the City’s records retention schedules; or City departments, offices, boards, or other agencies with records of historical or informational value, or more specifically containing evidence of how the agency came into being, how it developed, its organization, and the scope and history of its activities. These agencies shall notify the City Clerk of the existence of such records so that they may be appraised for potential inclusion in the Municipal Archives once the records have served the administrative purposes for which they were created. (Ord. 111782 § 4, 1984.)

**3.122.050 Potential archival records—City Clerk review.**

The City Clerk shall review all potentially archival records for the purpose of determining their suitability for permanent retention. Records

deemed archival shall be arranged, described, and indexed so that they are readily accessible to scholarly researchers, City officials, and the public. (Ord. 111782 § 5, 1984.)

**3.122.060 Location and recovery of archival records.**

The City Clerk shall actively solicit inactive archival records located within City agencies. In addition, efforts may be made to recover those archival records held by non-City agencies which would be more appropriately administered by the Municipal Archives. (Ord. 111782 § 6, 1984.)

**3.122.070 Availability of accessioned archival materials.**

Records and manuscripts accessioned into the Municipal Archives will be available to the originating agency for reference purposes but may not be permanently removed from the Archives. (Ord. 111782 § 7, 1984.)

**3.122.080 Housing of archival records.**

Archival records may be housed in facilities maintained by the City, with the University of Washington Manuscripts Collection, or with the State Archives, as determined by the City Clerk and the State Archivist. (Ord. 111782 § 8, 1984.)

implementation of the City Records Management Program. The purpose of the City Records Management Program is to provide for efficient, economical and effective controls over the public records created in the City. The City Records Management Program will apply to all offices, departments, boards, commissions, committees or similar entities of the City and records will be maintained and disposed of in accordance with this program. For the purpose of this chapter, all offices, departments, boards, commissions and committees shall be referred to as "City agency." (Ord. 120736 § 1(part), 2002.)

**3.123.020 City records.**

As defined in RCW 40.14, "Preservation and Destruction of Public Records," a public record is: "any paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specifications, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made or received by any agency of the state of Washington in connection with the transaction of public business, and legislative records as described in RCW 40.14.100." All City records are declared to be the property of the City and shall be managed in compliance with City Records Management Program policies and procedures. At the expiration of an individual's appointment or employment with the City, he/she shall inform the Records Coordinator of the location of all public records recorded on any medium, created, kept or received in the transaction of official business, for the City agency. The Records Coordinator, as defined in Section 3.123.050, shall ensure the records will be maintained as per approved retention schedules. (Ord. 120736 § 1(part), 2002.)

**3.123.030 Scope of the City Records Management Program.**

The scope of responsibility of the City Records Management Program may include, but is not limited to:

- A. Assisting with basic files management and records disposition policies, systems, standards and procedures;
- B. Preparing records retention schedules in cooperation with City agencies;

**Chapter 3.123  
CITY RECORDS MANAGEMENT  
PROGRAM**

**Sections:**

- 3.123.010 City Records Management Program established.**
- 3.123.020 City records.**
- 3.123.030 Scope of the City Records Management Program.**
- 3.123.040 City Records Manager.**
- 3.123.050 Responsibilities of the City agencies.**

**3.123.010 City Records Management Program established.**

There shall be established a City Records Management Program. The City Records Manager, in the Office of the City Clerk, Legislative Department, shall be responsible for the development and

3.123.040 ADMINISTRATION

C. Defining and identifying vital records to ensure the availability of records for reestablishing operations quickly and with minimum disruption and expense after disaster;

D. Reviewing records retention schedules on a biennial basis and updating or amending as needed;

E. Providing records management advice and assistance to all City agencies via on-site consultation;

F. Developing policies and procedures to administer records management issues;

G. Training City staff in the fundamentals of records management;

H. Working with City agencies in regard to micrographics and imaging to ensure compliance with state law and standards;

I. Identifying issues and working with City staff on solutions for the management of electronic records.

(Ord. 120736 § 1(part), 2002.)

**3.123.040 City Records Manager.**

The City Records Manager is responsible for ensuring that records management policies and procedures provide for the efficient, economical and effective control over the creation, distribution, organization, maintenance, use and disposition of City records. The City Records Manager is also responsible for developing and revising the scope of the City Records Management Program as needed to include current technology. With the cooperation of the City agencies, the City Records Manager will: implement the scope of the City Records Management Program within the agency and conduct audits to ensure compliance with records management policies and procedures. The City Records Manager shall have final authority regarding the disposal of City records.

(Ord. 120736 § 1(part), 2002.)

**3.123.050 Responsibilities of the City agencies.**

City agencies, with the assistance of the City Records Manager, will implement the scope of the City Records Management Program within their agency and assist with audits to ensure compliance with records management policies and procedures. To assist with the implementation, each City agency shall name a Records Coordinator to act as a liaison between the City Records Management Program and the personnel in the City agency to

ensure that records management polices are implemented.

(Ord. 120736 § 1(part), 2002.)

**Chapter 3.124  
SOLICITATIONS FOR CHARITABLE  
CONTRIBUTIONS FROM CITY  
EMPLOYEES**

**Sections:**

- 3.124.010 Purpose.**
- 3.124.020 Definitions.**
- 3.124.030 Employee committee.**
- 3.124.040 Charitable campaign.**
- 3.124.050 Personnel Director to adopt rules.**

Severability: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter, or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such decision shall not affect the validity, applicability, or effectiveness of the remaining portions of this chapter, and to this end the provisions of this chapter are declared to be severable.

(Ord. 114034 § 3, 1988.)

**3.124.010 Purpose.**

Currently, a single charitable organization is authorized to conduct a campaign for solicitations from City employees for contributions which are making payroll deduction contributions to other social service organizations through procedures developed by the Comptroller. Charitable organizations currently not permitted to participate in the annual campaign for contributions from City employees desire to be permitted to participate in a campaign for such contributions. This chapter is intended to establish a means consistent with RCW 41.04.035, 41.04.036, 49.52.050 and 49.52.060 whereby uniform procedures will be established for the efficient administration of two (2) annual campaigns for charitable contributions from City employees which may be made through payroll deductions. This chapter shall be liberally construed to accomplish this purpose.

(Ord. 114264 § 1, 1988; Ord. 114034 § 1(part), 1988.)

**3.124.020 Definitions.**

A. "Campaign" means the solicitation of contributions from City employees by representatives of federations of charitable organizations and of charitable organization funds through oral presen-



tations, printed materials, audio/video media or other similar means which occurs on City property during normal City business hours.

B. "Charitable organization" means an organization to which tax deductible charitable contributions may be made pursuant to Section 170(c) of the Internal Revenue Code and which meets the additional criteria established in rules adopted pursuant to this chapter.

C. "Charitable organization fund" means an organization to which tax deductible charitable contributions may be made pursuant to Section 170(c) of the Internal Revenue Code, which solicits and distributes charitable contributions on behalf of other charitable organizations and which collects Five Hundred Dollars (\$500.00) or more in aggregate contributions, or receives contributions from at least one hundred (100) City employees each year.

D. "Federation of charitable organizations" means a group to which tax deductible contributions may be made pursuant to Section 170(c) of the Internal Revenue Code, which consists of five (5) or more charitable organizations organized to solicit and distribute contributions on behalf of its member charitable organizations and which collects Five Hundred Dollars (\$500.00) or more in aggregate contributions, or receives contributions from at least one hundred (100) City employees each year.

(Ord. 116368 § 80, 1992; Ord. 115572 § 1, 1991; Ord. 114264 § 2, 1988; Ord. 114034 § 1(part), 1988.)

### **3.124.030 Employee committee.**

A. A committee of nine (9) City employees shall be appointed to a City Employee Charitable Campaign Committee. Four (4) City employees shall be appointed to the Committee by the Mayor and five (5) shall be appointed by the City Council. The term of Committee members shall be three (3) years.

B. The City Employee Charitable Campaign Committee shall include two (2) subcommittees. One (1) subcommittee shall recommend rules consistent with this chapter to the City Personnel Director regarding eligibility standards for participating in City charitable campaigns and shall determine which federations of charitable organizations and charitable organization funds may, consistent with rules adopted, participate in the City's charitable campaigns. The second subcommittee shall

recommend rules consistent with this chapter to the City Personnel Director regarding the conduct of City charitable campaigns and shall assist the Personnel Director and his or her designee in managing the campaigns.

C. Members of the Employee Committee shall serve voluntarily without additional salary but shall be reimbursed by their employing departments for travel, lodging and meals in accordance with City laws and regulations. Committee members shall be given release time from regular work hours to serve on the committee. Employee members of the Committee shall be paid no additional compensation for working beyond normal working hours.

(Ord. 116368 § 1, 1992; Ord. 114264 § 3, 1988; Ord. 114034 § 1(part), 1988.)

### **3.124.040 Charitable campaign.**

A. There shall be one (1) annual campaign by federations of charitable organizations and charitable organization funds each year. The campaign shall be conducted as provided in rules adopted pursuant to this chapter.

B. The persons conducting campaigns pursuant to the rules adopted as provided in this chapter may solicit donations from City employees to be made by payroll deductions. The Director of Executive Administration shall make deductions from City employees' salary warrants and pay the moneys so collected to the federations of charitable organizations and charitable organization funds designated by City employees when such deductions and payments are authorized by City employees pursuant to rules adopted in accordance with this chapter.

C. As provided in RCW 41.06.250(1) and 42.17.130, City property, equipment, or City employees' working time may not be used during a campaign for partisan political purposes, to assist in an individual's election to political office or for the promotion of or opposition to any ballot proposition.

D. City employees' participation in charitable campaigns shall be strictly voluntary. No City employee shall be coerced to participate in any campaign presentation or coerced to make any donation to a charitable organization. No City employee shall be penalized for failing to participate in a campaign or for failing to make a donation to a charitable organization.

3.124.050      **ADMINISTRATION**

E. The City's annual charitable campaign shall be administered by the Personnel Director who, in consultation with the employee committee, shall determine whether the campaign shall be coordinated and managed by a City employee or an independent nonprofit organization. If the campaign is coordinated and managed by a City employee, the Personnel Director shall evaluate the duties of the position and determine the appropriate job classification and salary level. If the campaign is coordinated and managed by an independent nonprofit organization, the Personnel Director, in consultation with the employee committee, shall establish criteria to assure that such services are provided by an organization with demonstrated expertise, in an efficient and cost-effective manner, with the policy review and approval of the employee committee. The Personnel Director shall assure that interested members of the City Council have an opportunity to review the criteria before any request for proposals is issued to select an independent organization to manage the campaign. The Personnel Director is authorized to hire an employee in the classification and at the salary level determined by the Personnel Department or contract with a nonprofit organization in accord with criteria established in consultation with the employee committee to coordinate and manage the City campaign;

F. The salary and benefits paid to the employee coordinator or the fees paid for contracted services and the printing, duplicating and data processing costs incurred by the Personnel Department in conducting the campaign shall be reimbursed from moneys donated by City employees to charitable organization funds and federations through the campaign.

(Ord 120794 § 48, 2002; Ord. 116368 § 82, 1992; Ord. 114443 § 1, 1989; Ord. 114264 § 4, 1988; Ord. 114034 § 1(part), 1988.)

**3.124.050      Personnel Director to adopt rules.**

The City Personnel Director shall adopt rules pursuant to SMC Chapter 3.02 which shall govern campaigns and shall specify the procedure by which City employees may authorize payroll deductions from City employees' salary warrants to make donations to federations of charitable organizations and to charitable organization funds.

(Ord. 116368 § 83, 1992; Ord. 114034 § 1(part), 1988.)