

ORDINANCE No. 112776 119556

(119)

COUNCIL BILL No. 112776

The City of Seattle--Legislative

REPORT OF COMMITTEE

AN ORDINANCE submitting a proposition to the qualified electors of the City, at the general election to be held on November 2, 1999, to amend Article IV, Section 24 of the Charter of the City of Seattle to clarify its provisions governing the filing of claims and to eliminate a provision, made superfluous by State law, concerning the statute of limitations for the filing of lawsuits; ratifying and confirming prior acts; calling on the City Clerk to certify the proposed amendment to the Director of Records and Elections for King County and directing such Director to submit the proposition to City voters; and providing for the publication of such proposed amendment.

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____ report that we have considered the same and respectfully recommend

7/13/99 Gov'n 4, Education & Labor Comm
7-19-99 Full Council: Passed

COMPTROLLER FILE No. _____

Introduced: JUL 12 1999	By: DONALDSON
Referred: JUL 12 1999	To: Government, Education & Labor Committee
Referred:	To:
Referred:	To:
Reported: 7-19-99	Second Reading:
Third Reading: 7-19-99	Signed: 7-19-99
Presented to Mayor: 7-19-99	Approved: <u>39261</u> E.T.
Returned to City Clerk: JUL 26 1999	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:



Committee Chair

(16)

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

7/13/99 Gov't, Education & Labor Committee 3-0 Do Pass
2-19-99 Full Council: Passed 9-0



Committee Chair

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ORDINANCE 119536

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AN ORDINANCE submitting a proposition to the qualified electors of the City, at the general election to be held on November 2, 1999, to amend Article IV, Section 24 of the Charter of the City of Seattle to clarify its provisions governing the filing of claims and to eliminate a provision, made superfluous by State law, concerning the statute of limitations for the filing of lawsuits; ratifying and confirming prior acts; calling on the City Clerk to certify the proposed amendment to the Director of Records and Elections for King County and directing such Director to submit the proposition to City voters; and providing for the publication of such proposed amendment.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Section 24 of Article IV of the Charter of the City of Seattle is amended as follows:

ARTICLE IV Legislative Department

Section 24. CLAIMS FOR DAMAGES: All claims for damages against the City must be filed with the City Clerk within the applicable statute of limitations. All claims for damages must accurately locate and describe the act, omission or defect that caused the injury or damage, specify the date and location of the claimed loss, describe the basis upon which liability is being asserted against the City, including any known witnesses, accurately describe the injury or damage, give residence for six months last past of the claimant, contain the items of damages claimed, and be sworn to by the claimant or an authorized representative. No lawsuit shall be commenced against the City in which monetary damages are being claimed until a written claim for damages has been presented to and filed with the City Clerk. A lawsuit based upon the allegations of a claim for damages may not be commenced within sixty (60) days of the filing of such claim (~~(- unless the applicable statute of limitations will expire within the sixty (60) day period)).~~

No ordinance shall be passed allowing any such claim or any part thereof, or appropriating money or other property to pay or satisfy the same or any part thereof, until such claim has first been referred to

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1 the proper department, nor until such department has made its report to the City Council thereon,
2 pursuant to such reference, provided that, the City Council may by general ordinance provide a different
3 procedure for the presentation and payment of any claim in any amount as may be prescribed from time
4 to time by ordinance passed by a two-thirds majority of all members of the City Council.

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

9 Section 2. The King County Director of Records and Elections, as ex officio supervisor of
10 elections, is hereby directed to submit to the qualified electors of the City the proposition set forth below
11 at the City general election on November 2, 1999.

12 The City Clerk is hereby authorized and directed to certify the proposition to the King County
13 Director of Records and Elections in the following form:

14 Proposed City Charter Amendment No. ____

15 Shall the Seattle City Charter be amended to clarify its provisions governing the filing of
16 claims against the City, and to eliminate a provision, made superfluous by State law, concerning the
17 statute of limitations for the filing of lawsuits; and shall Article IV, Section 24 of said charter be
18 amended accordingly?

19 Yes ____ No ____

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

22 Section 3. The City Clerk shall certify to the Director of the Department of Records and
23 Elections of King County as Supervisor of Elections the charter amendments proposed herein in the
24 form of a ballot title conforming to the foregoing statement of the same, and shall certify a copy of the
proposed charter amendments, and the same shall be published by the City Clerk in two daily

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1 newspapers in the City for at least thirty (30) days prior to such election, and as required by RCW
2 35.22.170.

3
4 Section 4. Certification of the charter amendments proposed herein by the City Clerk to the
5 Director of Records and Elections and any other act pursuant to the authority and prior to the effective
6 date of this ordinance is hereby ratified and confirmed.

7 Section 5. This ordinance shall take effect and be in force immediately upon approval by the
8 Mayor or, if not approved and returned by the Mayor within ten (10) days after presentation, then on the
9 eleventh (11th) day after its presentation to the Mayor or, if vetoed by the Mayor, then immediately
10 upon its passage over his veto.

11 Passed by the City Council the 19th day of July, 1999, and signed by me in open
12 session in authentication of its passage this 19th day of July, 1999.

13 Joe Annan
14 President _____ of the City Council

15 Approved by me this 23rd day of July, 1999.

16 Paul Sill
17 Mayor _____

18 Filed by me this 26th day of July, 1999.

19 Ann Donfeld
20 _____
21 acting City Clerk

22 (Seal)

23
24

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FILED
CITY OF SEATTLE

99 OCT 12 PM 12:50

CITY CLERK

**AN ORDER OF THE MANAGER
RECORDS AND ELECTIONS DIVISION
KING COUNTY, WASHINGTON**

WHEREAS, the City of Seattle did present on September 17, 1999, Ordinance No. 119556 wherein they direct that a Special Election be held pursuant to RCW 29.13.020 for submission to the qualified voters of said jurisdiction for their consideration; and

WHEREAS, said governing body states that an emergency exists and, accordingly, requests that the Special Election be held in conjunction with the General Election to be held on November 2, 1999; and

WHEREAS, the request is found to be in compliance with the pertinent statutes governing special elections;

NOW, THEREFORE, BE IT ORDERED by the Manager, King County Records and Elections Division, as ex-officio supervisor of elections, having deemed that an emergency exists, that a special election shall be held in the City of Seattle on November 2, 1999, said election to be conducted at the prescribed polling places for the purpose of submitting to the qualified voters of said jurisdiction the following ballot measure:

**CITY of SEATTLE
PROPOSITION NO. 7 - CHARTER AMENDMENT
CLAIMS and LAWSUITS**

"Shall the Seattle City Charter be amended to clarify its provisions governing the filing of claims against the City, and to eliminate a provision, made superfluous by State law, concerning the statute of limitations for the filing of lawsuits; and shall Article IV, Section 24 of said charter be amended accordingly?"

The foregoing ballot title has been certified in accordance with of RCW 29.27.065.

DATED at Seattle, Washington, this 27th day of September, 1999



Manager, Records and Elections Division
King County

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TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

_____	_____
_____	_____
_____	_____
_____	_____

[Handwritten signature]

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

C S. 20.28

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ORDINANCE _____

AN ORDINANCE submitting a proposition to the qualified electors of the City, at the general election to be held on November 2, 1999, to amend Article IV, Section 24 of the Charter of the City of Seattle to clarify its provisions governing the filing of claims and to eliminate a provision, made superfluous by State law, concerning the statute of limitations for the filing of lawsuits; ratifying and confirming prior acts; calling on the City Clerk to certify the proposed amendment to the Director of Records and Elections for King County and directing such Director to submit the proposition to City voters; and providing for the publication of such proposed amendment.

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STATE OF WASHINGTON - KING COUNTY

108490
City of Seattle, City Clerk

—ss.

No. ORD IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the sforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119556/FULL

was published on

07/30/99

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

Subscribed and sworn to before me on

07/30/99

Notary Public for the State of Washington,
residing in Seattle

Affidavit of Publication

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City of Seattle

ORDINANCE 119569

AN ORDINANCE submitting a proposition to the qualified electors of the City, at the general election to be held on November 2, 1999, to amend Article IV, Section 24 of the Charter of the City of Seattle to clarify its provisions governing the filing of claims and to eliminate a provision, made superfluous by State law, concerning the statute of limitations for the filing of lawsuits; ratifying and confirming prior acts; calling on the City Clerk to certify the proposed amendment to the Director of Records and Elections for King County and directing such Director to submit the proposition to City voters; and providing for the publication of such proposed amendment.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Section 24 of Article IV of the Charter of the City of Seattle is amended as follows:

ARTICLE IV LEGISLATIVE DEPARTMENT

SECTION 24. CLAIMS FOR DAMAGES:

All claims for damages against the City must be filed with the City Clerk within the applicable statute of limitations. All claims for damages must accurately locate and describe the act, omission or defect that caused the injury or damage, specify the date and location of the claimed loss, describe the basis upon which liability is being asserted against the City, including any known witnesses, accurately describe the injury or damage, give residence for six months last past of the claimant, contain the items of damages claimed, and be sworn to by the claimant or an authorized representative. No lawsuit shall be commenced against the City in which monetary damages are being claimed until a written claim for damages has been presented to and filed with the City Clerk. A lawsuit based upon the allegations of a claim for damages may not be commenced within sixty (60) days of the filing of such claim, unless the applicable statute of limitations will expire within the sixty (60) day period).

No ordinance shall be passed allowing any such claim or any part thereof, or appropriating money or other property to pay or satisfy the same or any part thereof, until such claim has first been referred to the proper department, nor until such department has made its report to the City Council thereon, pursuant to such reference, provided that, the City Council may by general ordinance provide a different procedure for the presentation and payment of any claim in any amount as may be prescribed from time to time by ordinance, provided by a two-thirds majority of all members of the City Council.

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

Section 2. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby directed to submit to the qualified electors of the City the proposition set forth below at the City general election on November 2, 1999.

The City Clerk is hereby authorized and directed to certify the proposition to the King County Director of Records and Elections in the following form:

Proposed City Charter

Amendment No. _____

Shall the Seattle City Charter be amended to clarify its provisions governing the filing of claims against the City, and to eliminate a provision, made superfluous by State law, concerning the statute of limitations for the filing of lawsuits; and shall Article IV, Section 24 of said charter be amended accordingly?

Yes ___ No ___

Every qualified voter at the election desiring to ratify the proposition shall mark his or her ballot "Yes." Every qualified voter desiring to reject the proposition shall mark his or her ballot "No."

Section 3. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendments proposed herein in the form of a ballot title conforming to the foregoing statements of the same, and shall certify a copy of the proposed charter amendments, and the same shall be published by the City Clerk in two daily newspapers in the City for at least thirty (30) days prior to such election, and as required by RCW 35.22.170.

Section 4. Certification of the charter amendments proposed herein by the City Clerk to the Director of Records and Elections and any other act pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 5. This ordinance shall take effect and be in force immediately upon approval by the Mayor or, if not approved and returned by the Mayor within ten (10) days after presentation, then on the eleventh (11th) day after its presentation to the Mayor or, if vetoed by the Mayor, then immediately upon its passage over his veto.

Passed by the City Council on the 19th day of July, 1999, and signed by me in open session in authentication of its passage this 19th day of July, 1999.

GUE DONALDSON,

President of the City Council,

Approved by me this 23rd day of July,

1999.

PAUL SCHELL,

Mayor,

Filed by me this 26th day of July, 1999.

(Seal) ERNIE DORNFIELD,

Acting City Clerk.

Publication ordered by JUDITH PIPPIN,

City Clerk.

(Boldface denotes deletion.)

Date of official publication in Daily Journal of Commerce, Seattle, July 30, 1999.

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STATE OF WASHINGTON - KING COUNTY

115138
City of Seattle, City Clerk

—ss.

No. PROP 2-15

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: PROCLAMATION, MAYO

was published on

02/23/00

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

[Handwritten signature]

Subscribed and sworn to before me on

02/23/00

[Handwritten signature]

Notary Public for the State of Washington,
residing in Seattle

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City of Seattle

PROCLAMATION

I, Paul Scheff, Mayor of the City of Seattle, certify and declare that the following amendments to the Charter of the City of Seattle were submitted as Propositions to the qualified electors (voters) of the City of Seattle for their ratification or rejection at the General Election held Tuesday, November 2, 1939; and received the approval of a majority of the qualified electors voting thereon:

PROPOSITION 2— [ORDINANCE NO. 119552]

"Shall the Seattle City Charter be amended to replace all exclusively male gender references with gender-neutral references, and shall various articles and sections of said charter be amended accordingly?"

PROPOSITION 3— [ORDINANCE NO. 119554]

"Shall the Seattle City Charter be amended to eliminate obsolete references therein to the City territory and boundary, the City Planner, the City Public Health Department, the City Board of Public Works and the original salaries of elective officers; to delete Article II, Article V, Section 12; and Article IX of said charter; to change the headings of Article VII and Article VIII; and to amend Article XVII, Section 1 of said charter, accordingly?"

PROPOSITION 4— [ORDINANCE 119553]

"Shall the Seattle City Charter be amended to eliminate obsolete references to City Comptroller and City Treasurer and re-assign various financial, auditing, claims, contracting and clerical functions, responsibilities and procedures previously assigned those officers to conform with other current charter and ordinance provisions and practice; and shall certain sections of Articles IV, V, VIII, XII and XVIII of said charter be amended and a new section added to Article VIII of said charter accordingly?"

PROPOSITION 5— [ORDINANCE NO. 119550]

"Shall the Seattle City Charter be amended to eliminate provisions concerning annual estimates of City expenses and revenues, which provisions have been rendered superfluous by State law; and shall Section 22 of Article IV of said charter be deleted accordingly?"

PROPOSITION 6— [ORDINANCE NO. 119556]

"Shall the Seattle City Charter be amended to eliminate references to the Auditing Committee in order to conform with current financial practices, and shall the heading of Article VIII of said charter be changed, Article VIII, Section 13 of said charter be deleted, and Article XVII, Section 3 of said charter be amended, accordingly?"

PROPOSITION 7— [ORDINANCE NO. 119556]

"Shall the Seattle City Charter be amended to clarify its provisions governing the filing of claims against the City, and to eliminate a provision, made superfluous by State law, concerning the statute of limitations for the filing of lawsuits; and shall Article IV, Section 24 of said charter be amended accordingly?"

PROPOSITION 8— [ORDINANCE NO. 119559]

"Shall the Seattle City Charter be amended to delete obsolete references to processes for conducting City elections, which processes are now governed by State law; and shall Article IV, Section 2, Subdivision A and Article XVII, sections 1 and 2 of said charter be amended accordingly?"

PROPOSITION 9— [ORDINANCE NO. 119554]

"Shall the Seattle City Charter be amended to allow the Civil Service Commission, under certain circumstances, to select a temporary Commission member, and so that if the commission fails to timely decide an appeal the decision, if any, of the hearing examiner shall be sustained; and shall Article XVII, Sections 5 and 6 of said charter be amended accordingly?"

PROPOSITION 11— [ORDINANCE NO. 119557]

"Shall the Seattle City Charter be amended to modify the requirement that the Fire Chief have at least ten year prior service by permitting such service to have been in a fire department in any jurisdiction of not less than one hundred thousand population rather than requiring such service to have been in a city of not less than one hundred thousand population; and shall Article X, Section 2 of said charter be amended accordingly?"

PROPOSITION 12— [ORDINANCE NO. 119560]

"Shall the Seattle City Charter be amended to specify that the Mayor is deemed to have taken favorable action on a bill (thereby commencing the period for filing referendum signatures) when the Mayor signs it, or returns it to the City Council unsigned but without the Mayor's disapproval, or when the ten days for returning the bill shall have elapsed without its return; and shall Article IV, Section 12 of said charter be amended accordingly?"

PROPOSITION 13— [ORDINANCE NO. 119551]

"Shall the Seattle City Charter be amended to eliminate a provision that specifies that the time for procuring signatures on initiative petitions shall in no event exceed two hundred (200) days and to amend outdated references to the City Comptroller's role in the initiative process, and shall Article IV, Section 1, Paragraph B be amended accordingly?"

PROPOSITION 14— [ORDINANCE NO. 119551]

"Shall the Seattle City Charter be amended to modify the requirements for oaths of office by specifying that the head of every City department shall take such an oath before entering upon the duties of his or her office, eliminating the requirement that assistants to City officers take and subscribe such an oath, and clarifying the nature of the oath, and shall Article XIX, Section 4 be amended accordingly?"

PROPOSITION 15— [ORDINANCE NO. 119551]

"Shall the Seattle City Charter be amended to allow for the re-enactment or amendment of uncodified ordinances by setting forth in full the section or subsection being amended, as is already permitted by State law for codified ordinances; and shall Article IV, Section 9 of said charter be amended accordingly?"

NOW THEREFORE, the results of said election having been duly certified to me, I, Paul Scheff, Mayor of the City of Seattle,

PROCLAIM the said Propositions 2 through 9 and 11 through 15, by virtue of such approval by the electors, become, and are, a part of the City Charter of the City of Seattle.

IN WITNESS WHEREOF, I have signed this Proclamation and cause the corporate seal of the City of Seattle to be affixed hereto and attested by the City Clerk of the City of Seattle this 16th day of February, 2000.

PAUL SCHEFF,
Mayor of the City of Seattle,
ATTEST: JUDITH E. PIPPIN,
City Clerk.
Publication ordered by JUDITH PIPPIN,
City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, February 23, 2000. 27231161389

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