

Ordinance No. 120479

Council Bill No. 113793

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to the Seattle Design Commission, amending Section 3.58.040 and 3.58.080 of the Seattle Municipal Code to revise the term of office and eligibility requirements for Commission members, and their advisory duties.

08/07/01 Pass

B-13-01 Pe

CF No. _____

Date Introduced:	<u>Aug 16 2001</u>	<u>L. NICASTRO</u>	
Date 1st Referred:	<u>Aug 16 2001</u>	To: (committee) Landlord/Tenant & Land Use Committee	
Date Re - Referred:		To: (committee)	
Date Re - Referred:		To: (committee)	
Date of Final Passage:	<u>8-13-01</u>	Full Council Vote: <u>9-0</u>	
Date Presented to Mayor:	<u>8-13-</u>	Date Approved: <u>8/15/01</u>	
Date Returned to City Clerk:	<u>8/16/01</u>	Date Published: <u>4 PM</u>	T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoes by Mayor:		Date Veto Published:	
Date Passed Over Veto:		Veto Sustained:	

This file is complete and ready

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

NICASTRO

Councilmember

Committee Action:

08/07/01 Pass 3-0 (IN, MP, PS)

8-13-01 Passed

This file is complete and ready for presentation to Full Council.

Committee: _____

(initial/date)

Law Department

Law Dept. Review

OMP
Review

City Clerk
Review

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ORDINANCE 120479

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3 **AN ORDINANCE** relating to the Seattle Design Commission, amending Section 3.58.040
4 and 3.58.080 of the Seattle Municipal Code to revise the term of office and eligibility
5 requirements for Commission members, and their advisory duties.
6

7 **WHEREAS**, the Seattle Design Commission was established October 1, 1968 to act in a
8 consulting capacity, advising the Mayor, City Council, department staff and
9 consultants on environmental and design aspects of City capital improvement
10 projects;
11

12 **WHEREAS**, the Seattle Design Commission is the only group that reviews capital
13 improvement projects from all City departments, and therefore is in a unique position
14 to advise and comment on major trends and key issues that affect the city;
15

16 **WHEREAS**, the professional, multidisciplinary expertise offered by the Design
17 Commission helps ensure that the citizens of Seattle receive the highest level of
18 design excellence and livability possible in public facilities and within the civic
19 environment;
20

21 **WHEREAS**, the Design Commission serves as an impartial and balanced venue for an open
22 discussion of the issues that arise in the context of city development;
23

24 **WHEREAS**, the Design Commission members serve on consultant selection panels,
25 offering their professional experience to the selection process;
26

27 **WHEREAS**, the Design Commission members provide the City with invaluable expertise,
28 knowledge and skills that help to ensure the most efficient use of limited public
29 resources;
30

31 **WHEREAS**, the Design Commissioners currently operate under both the general conflict of
32 interest provision that all City "officers" must comply with, and a much more
33 restrictive provision included in Section 3.58.040 that applies only to the Design
34 Commission members, as well as to their employers;
35

36 **WHEREAS**, in recent years the Design Commission has found it increasingly difficult to
37 find members of the design community, and their employers, who are able to meet
38 the eligibility limitations related to conflict of interest and therefore be willing to
39 serve on the Design Commission;



1
2 **NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS**
3 **FOLLOWS:**
4

5
6 **Section 1.** Section 3.58.040 of the Seattle Municipal Code is amended as follows:
7

8 **Section 3.58.040 Term of office; recusal.**
9

10 A. Each member shall serve for a term of two (2) years ~~((except that))~~, with the
11 term of office ((for the first members shall be)) staggered so that the terms of one-third (1/3)
12 of the members shall expire each year. ((four (4) serve for two (2) years, ending May 31,
13 1970, and three (3) serve for one (1) year, ending May 31, 1969.)) A person appointed to
14 fill a vacancy shall serve for the remainder of the unexpired term. Any member of the
15 Commission may be appointed to succeed himself or herself. The membership of the
16 Commission shall not be limited to residents of the City or residents of the state.

17 B. No member of the Commission during his or her term of office and for six (6)
18 months thereafter, ~~((and no person, firm or corporation employing such member during such~~
19 ~~period, shall be eligible for employment by or to contract with the City in connection with~~
20 ~~any capital improvement project reviewed by the Commission during such term of office.))~~
21 shall be individually eligible for employment by, or to contract with, the City in connection
22 with any capital improvement project reviewed by this Commission, and no member shall
23 be involved in such capital improvement project work during such time. If a member's
24 employer, or a firm in which a member is a partner or has an ownership interest, is under
25 contract or under consideration for a contract with the City during his or her term of office,
26 the member shall divulge this information in a meeting of the Commission, and shall recuse



1 himself or herself from any and all deliberations regarding such project until project
2 completion or until the member's employer or firm is no longer under consideration for
3 contract on such project.

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6 **Section 2.** Section 3.58.080 of the Seattle Municipal Code is amended as follows:

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8 **Section 3.58.080 Advisory duties.**

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10 The advisory and review function of the Commission shall include:

11 A. ~~((Recommending to appropriate City officials those project designers and/or~~
12 ~~design teams that, in its opinion, should be selected and commissioned to provide design~~
13 ~~services for the execution of capital improvement projects. The Commission shall establish~~
14 ~~procedures for obtaining the credentials and experience of such design professionals and~~
15 ~~procedures for evaluating the relative capabilities of said professionals for specific~~
16 ~~projects;))~~

17 ~~((B-))~~ Study of projects prior to commencement of design and ~~((Such study to~~
18 ~~include))~~ formulation of recommended aesthetic, environmental and design principles and
19 objectives that the Commission believes should be sought in the development of the project.
20 These recommendations should be discussed with the project designers and appropriate City
21 officials prior to commencement of design work~~((;))~~.

22 ~~((C))~~B. Review of projects from time to time during the design period and
23 recommendation for approval or changes upon completion of the schematic design phase,
24 the design development phase and the construction document phase. It shall be the function
25 of the Commission to advise and assist the project designer and appropriate City officials in



1 the development of the project. The Commission may recommend changes in the project
2 designer's work or may recommend approval. Commission review of the construction
3 document phase shall mean review relative to compliance with previously determined
4 environmental and aesthetic objectives.

5 C. Assist City officials in selecting project designers. At the request of the City
6 department with responsibility for management of a capital improvement project, individual
7 Commission members shall serve on the selection panel that recommends design services
8 for the execution of such projects.

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11 **Section 3.** This ordinance shall take effect and be in force thirty (30) days from and
12 after its approval by the Mayor, but if not approved and returned by the Mayor within ten
13 (10) days after presentation, it shall take effect as provided by Municipal Code Section
14 1.04.20.

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16 Passed by the City Council the 13th day of August, 2001, and signed by me in
17 open session in authentication of its passage this 13th day of August, 2001.

18
19 Margaret Rogers
20 President of the City Council

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22 Approved by me this 15th day of AUGUST, 2001.

23
24 Paul Schell
25 Paul Schell, Mayor

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27 Filed by me this 16th day of August, 2001.

28
29 Jessie E. Reppin
30 City Clerk

31
32
33 (Seal)



MEMORANDUM

TO: Council President Margaret Pageler
Via Margaret Klockars, Law Department

FROM: John Rahaim, Executive Director

DATE: August 1, 2001

SUBJECT: Proposed Revisions to the Design Commission Code

Transmittal

I am pleased to submit the attached ordinance, which amends the term of office and eligibility requirements for Design Commission members, and their advisory duties. The current provisions are very restrictive, preventing any member of the Commission or their employer from having a contract with the City for a project that would be reviewed by the Commission. This restriction is making it increasingly more difficult to recruit and maintain Commission members.

Background

The Seattle Design Commission provides an invaluable service to the City and its citizens by providing expert design review of City capital projects. Members of the Commission currently operate under both the general conflict of interest provision that all City "officers" must comply with, and a much more restrictive provision, SMC 3.58.040, that applies only to the Design Commission.

The more restrictive provision prevents any member of the Commission, or their employer, from having a contract with the City for a project that would be reviewed by the Commission. The Design Commission is the only body in the City that has this restriction on the employer. For other bodies, such as the Design Review Boards, the member simply recuses himself or herself from the discussion and vote, if his or her firm is involved in a project. The Design Commission's provision prevents any members' firm from even accepting a City contract.



Department of Design,
Construction & Land Use
City of Seattle

700 5th Avenue, Suite 2000
Seattle, WA 98104-3070

phone: 206/461-1349
fax: 206/386-4039
www.cityofseattle.net/design

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We believe the original basis for this restriction dates from the time that the Commission, as a group, selected most design consultants for City capital projects. As the capital improvement program grew, the Commission's role changed, and only individual members of the Commission are involved in some consultant selection panels.

The practical effect of the current code provision is that many talented members of the design community will not consider a position on the Commission, since their firms are not willing to forgo City work. As the City's capital program has grown, fewer firms are willing to give up potential work. For example, the Commission has never been able to attract an architect from NBBJ or Callison, the largest firms in the city, because the entire firm would be prohibited from accepting City CIP work. Several landscape architects have also refused offers to sit on the Commission or have resigned their appointments early, given the recent Pro Parks levy and other open space work.

We also believe that such a restrictive provision creates the false impression that Design Commission members cannot "be trusted" to recuse themselves from projects in which their firms are involved. Lastly, we believe that it has also affected our ability to develop more ethnic and cultural diversity on the Commission, since many minority-based firms depend on City work.

The proposed revisions would include the following:

- Allow Commission members' firms to accept City contracts, but still prevent individual members of the Commission from being involved in those projects. Individual members whose employer holds a City contract for a Commission-reviewed project would be required to disclose this information and recuse himself or herself from discussion and vote on these projects.
- Revise the language regarding the selection of consultants, making it clear that the Commission does not select design consultants as a body, but that individual members of the Commission may sit on consultant selection panels.
- Remove obsolete language about the terms of Commission members.

By maintaining the restriction on a Commissioner's involvement as an individual, these revisions would still be more restrictive than other current provisions related to other review bodies in the City. We believe that these changes will allow us to attract a diverse range of skilled and experienced applicants to fulfil the important role of the Design Commission.

There are no costs associated with this legislation.

If you have any questions about the proposed legislation, please contact me via email at john.rahaim@ci.seattle.wa.us or by phone at (206) 684-0434.



STATE OF WASHINGTON – KING COUNTY

--SS.

135101
City of Seattle, Clerk's Office

No. ORDINANCE 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 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:120479 ORD.IN FULL

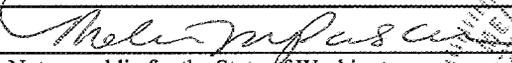
was published on

08/21/01

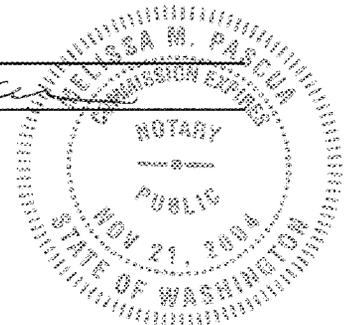


Subscribed and sworn to before me on

08/21/01


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 120473

AN ORDINANCE relating to the Seattle Design Commission, amending Section 3.58.040 and 3.58.090 of the Seattle Municipal Code to revise the term of office and eligibility requirements for Commission members, and their advisory duties.

WHEREAS, the Seattle Design Commission was established October 1, 1968 to act in a consulting capacity, advising the Mayor, City Council, department staff and consultants on environmental and design aspects of City capital improvement projects;

WHEREAS, the Seattle Design Commission is the only group that reviews capital improvement projects from all City departments, and therefore is in a unique position to advise and comment on major trends and key issues that affect the city;

WHEREAS, the professional, multidisciplinary expertise offered by the Design Commission helps ensure that the citizens of Seattle receive the highest level of design excellence and livability possible in public facilities and within the civic environment;

WHEREAS, the Design Commission serves as an impartial and balanced venue for an open discussion of the issues that arise in the context of city development;

WHEREAS, the Design Commission members serve on consultant selection panels, offering their professional experience to the selection process;

WHEREAS, the Design Commission members provide the City with invaluable expertise, knowledge and skills that help ensure the most efficient use of limited public resources;

WHEREAS, the Design Commissioners currently operate under both the general conflict of interest provision that all City "officers" must comply with, and a much more restrictive provision included in Section 3.58.040 that applies only to the Design Commission members, as well as to their employers;

WHEREAS, in recent years the Design Commission has found it increasingly difficult to find members of the design community, and their employers, who are able to meet the eligibility limitations related to conflict of interest and therefore be willing to serve on the Design Commission;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 3.58.040 of the Seattle Municipal Code is amended as follows:

SECTION 3.58.040 TERM OF OFFICE, RECUSAL

A. Each member shall serve for a term of two (2) years (except that, with the term of office (for the first members shall be) staggered so that the terms of one third (1/3) of the members shall expire each year (four (4) serve for two (2) years, ending May 31, 1970, and three (3) serve for one (1) year, ending May 31, 1969.) A person appointed to fill a vacancy shall serve for the remainder of the unexpired term. Any member of the Commission may be appointed to succeed himself or herself. The membership of the Commission shall not be limited to residents of the City or residents of the state.

B. No member of the Commission during his or her term of office and for six (6) months thereafter, (and no person, firm or corporation employing such member during such period, shall be eligible for employment by or to contract with the City in connection with any capital improvement project reviewed by the Commission during such term of office.) shall be individually eligible for employment by, or to contract with the City in connection with any capital improvement project reviewed by the Commission, and no member shall be in