

Ordinance No. 120606

Council Bill No. 113809

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to the authority of the Mayor and City Council in the issuance of proclamations and orders in response to civil emergencies and to the criminal penalties for violating such orders; amending certain sections of Seattle Municipal Code Chapter 10.02; establishing a new section 10.02.025; and amending and repealing sections of Chapter 12A.26.

CF No. _____

Date introduced:	AUG 20 2001	Legislative Department & Intergovernmental Affairs Committee
Date 1st Referred:	AUG 20 2001	To: (committee) Legislative Human Services, Education & Civil Rights Committee
Date Re - Referred:	10/6/01	To: (committee) <i>LDIA passed as amended 4-0</i>
Date Re - Referred:		To: (committee) <i>(HOLD per M)</i>
Date of Final Passage:	11/5/01	Full Council Vote: 8-0
Date Presented to Mayor:	11/6/01	Date Approved: NO Signature
Date Returned to City Clerk:	11/13/01	Date Published: 9 pp. T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

(Handwritten mark)

*MP
R.Hed
JC
PS*

This file is complete and read

Law Department

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Pete Steinhilber

Councilmember

Committee Action:

4-0 } *MP*
4-0 } *R.M.J.*
4-0 } *J.C.*
4-0 } *P.S.*

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

Committee: _____

(initial/date)

Department

Law Dept. Review

OMP
Review

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City Clerk
Review

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*Review
Approved
Full Copy Loaded*

ORDINANCE 120606

AN ORDINANCE relating to the authority of the Mayor and City Council in the issuance of proclamations and orders in response to civil emergencies and to the criminal penalties for violating such orders; amending certain sections of Seattle Municipal Code Chapter 10.02; establishing a new section 10.02.025; and amending and repealing sections of Chapter 12A.26.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 10.02.010 of the Seattle Municipal Code is hereby amended as follows:

10.02.010 Proclamation of civil emergency.

A. Whenever riot, unlawful assembly, insurrection, other disturbance, the imminent threat thereof, or any fire, flood, storm, earthquake or other (~~natural~~) catastrophe or disaster occurs in the City and results in or threatens to result in the death or injury of persons or the destruction of property or the disruption of local government to such extent as to require, in the judgment of the Mayor, extraordinary measures to prevent the death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering, the Mayor shall forthwith proclaim in writing of the existence of a civil emergency.

B. Such civil emergency shall cease to exist upon the issuance of a proclamation by the Mayor or by a resolution passed by a vote of not less than two-thirds (2/3) of all the members of the City Council terminating the same. Such proclamation shall be issued by the Mayor or by a resolution passed by a vote of not less than two-thirds (2/3) of all the members of the City Council when such extraordinary measures are no longer required for the protection of the public peace, safety and welfare. Before a civil emergency is declared terminated, either by proclamation by the Mayor or by a resolution passed by a vote of not less than two-thirds (2/3) of all the members of the City Council, the Mayor or Council will



1 consult with the City's Police Chief, Fire Chief, Director of Public Health and the Director of
2 Emergency Management to determine if there are any fiscal, public safety response or disaster recovery
3 imperatives that require the continuation of emergency measures.

4 C. Any such proclamation by the Mayor shall, within 48 hours of issuance of the proclamation, or as
5 soon as practical, ((at the earliest practicable time)) be filed with the City Clerk for presentation to the
6 City Council for ratification and confirmation, modification, or rejection. The Council may, by
7 resolution, modify or reject the proclamation((;)) and if rejected, it shall be void. If the Council modifies
8 or rejects the proclamation, said modification or rejection shall be prospective only, and shall not affect
9 any actions taken prior to the modification or rejection of the proclamation. The Council shall endeavor
10 to act on any proclamation of civil emergency within 48 hours of its being presented to the Council by
11 the Mayor.

12 Section 2. Section 10.02.020 of the Seattle Municipal Code is hereby amended as follows:

13 **SMC 10.02.020 Authority of Mayor to issue certain orders.**

14 Upon the proclamation of a civil emergency by the Mayor, and during the existence of such civil
15 emergency, the Mayor may, in a form that meets the requirements of Section 10.02.025, make and
16 proclaim any or all of the following orders:

17 A. An order imposing a general curfew applicable to the City as a whole, or to such geographical area
18 or areas of the City and during such hours, as he deems necessary, which effective hours and affected
19 area or areas may be modified from time to time;

20 B. An order requiring any or all business establishments to close and remain closed until further order;

21 C. An order requiring the closure of any or all bars, taverns, liquor stores, and other business
22 establishments where alcoholic beverages are sold or otherwise dispensed; provided that with respect to
23 those business establishments which are not primarily devoted to the sale of alcoholic beverages and in
24

- 1 which such alcoholic beverages may be removed or made secure from possible seizure by the public, the
2 portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the
3 Mayor, be allowed to remain open;
- 4 D. An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages
5 in any or all parts of the City;
- 6 E. An order requiring the discontinuance of the sale, distribution or giving away of firearms and/or
7 ammunition for firearms in any or all parts of the City;
- 8 F. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other
9 liquid flammable or combustible products in any container other than a gasoline tank properly affixed to
10 a motor vehicle;
- 11 G. An order requiring the closure of any or all business establishments where firearms and/or
12 ammunition for firearms are sold or otherwise dispensed; provided that with respect to those business
13 establishments which are not primarily devoted to the sale of firearms and/or ammunition and in which
14 such firearms and/or ammunition may be removed or made secure from possible seizure by the public,
15 the portions thereof utilized for the sale of items other than firearms and ammunition may, in the
16 discretion of the Mayor, be allowed to remain open;
- 17 H. An order closing to the public any or all public places including streets, alleys, public ways, schools,
18 parks, beaches, amusement areas, and public buildings;
- 19 I. An order prohibiting the carrying or possession of a firearm or any instrument which is capable of
20 producing bodily harm and which is carried or possessed with intent to use the same to cause such harm,
21 provided that any such order shall not apply to peace officers or military personnel engaged in the
22 performance of their official duties;
- 23 J. An order requesting federal and/or state assistance in combating such civil emergency;
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1 K. An order establishing economic controls in aid of and supplementary to and consistent with federal
2 orders relating to price stabilization or controls including: the convening and establishing of ration
3 boards; auditing retail and wholesale ration accounts; monitoring price control operations and reporting
4 violations to appropriate authorities; assisting in providing essential supplies to disaster victims;
5 advising appropriate authorities concerning rationing, price control, wage and rent controls and
6 allocation of food and other essential commodities;

7 L. An order directing the use of all public and private health, medical, and convalescent facilities and
8 equipment to provide emergency health and medical care for injured persons;

9 M. An order authorizing, in cooperation with utility management and appropriate state and federal
10 agencies, the shutting off, restoration, and operation of utility services in accordance with priorities
11 established for combating such civil emergency;

12 N. An order providing for the evacuation and reception of the population of the City or any part thereof;
13 and

14 O. Such other orders as are imminently necessary for the protection of life and property;

15 Provided however, that any such order((s)) shall, within 48 hours of issuance of the order, or as soon as
16 practical ((at the earliest practicable time)) be filed with the City Clerk ((and presented to))for
17 presentation to the City Council for ratification and confirmation, modification or rejection, and if
18 rejected, shall be void. The Council shall consider the statements set forth in Section 10.02.025 and may,
19 by resolution, modify or reject the order. If the Council modifies or rejects the order, said modification
20 or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or
21 rejection of the order. The Council shall endeavor to act on any order within 48 hours of its being
22 presented to the Council by the Mayor.

23 Section 3. A new section 10.02.025 is hereby added to the Seattle Municipal Code as follows:
24

1 **10.02.025 Civil Rights Protected.**

2 An order issued pursuant to Section 10.02.020 shall contain the following:

- 3 1. A statement of the facts upon which the order is based; and
4 2. A statement that the Mayor believes it is in the best interest of public safety, rescue and recovery
5 efforts and the protection of property that the exercise of certain rights be temporarily limited; and
6 3. A statement that the conditions of the order are designed to provide the least necessary restriction on
7 those rights.

8 Section 4. Section 10.02.060 of the Seattle Municipal Code is hereby amended as follows:

9 10.02.060 ~~((Disaster Response Council))~~ Disaster Management Committee There shall be a
10 ~~((Disaster Response Council))~~ Disaster Management Committee consisting of such number of members
11 as shall be appointed by the Mayor who shall designate the chairman thereof. Members of the
12 ~~((Council))~~ Committee shall serve without compensation, but may be reimbursed for reasonable and
13 necessary expenses incurred in the performance of their duties.

14 The ~~((Council))~~ Committee shall meet at least quarterly at the places and times as shall be prescribed by
15 the Mayor, and shall:

- 16 A. Advise the Mayor on all matters pertaining to disaster readiness and response capabilities within
17 the City;
18 B. Periodically review and make recommendations for the revision and/or maintenance of up-to-date
19 disaster response plans for the City consistent with RCW Chapter 38.52 and including:
20 1. Preparations for and the carrying out of executive emergency powers,
21 2. The delegation and subdelegation of administrative authority by the Mayor,

1 3. The performance of emergency functions including firefighting, police, medical and health, welfare,
2 rescue, engineering, transportation, communications and warning services, evacuation of persons from
3 stricken areas, plant protection, restoration of utility services, and other functions relating to civilian
4 protection together with all activities necessary or incidental to the preparation for and carrying out of
5 such functions,

6 4. Requirements for department operation including management succession, procedures for providing
7 twenty-four (24) hour capability, mobilization procedures, special disaster response procedures, plans
8 for records protection, personnel procedures, finance plans, and training procedures for disaster
9 response;

10 C. Provide cooperation and coordination with the disaster response plans of other local organizations
11 and agencies;

12 D. Prepare and recommend to the Mayor plans for mutual aid operations with the state and political
13 subdivisions thereof;

14 E. Recommend expenditures for disaster preparations and training.

15 Section 5. Section 10.02.070 of the Seattle Municipal Code is hereby amended as follows:

16 **10.02.070 Emergency purchases of supplies.**

17 Upon the proclamation of a civil emergency by the Mayor, and during the existence thereof, emergency
18 purchases of supplies, materials and equipment are authorized to be made in accordance with the
19 following procedure:

20 A. Preprinted emergency purchasing forms shall be provided by the Director of Finance ((~~Purchasing~~
21 ~~Agent~~)) for use for all emergency purchases or contracting for supplies, materials or labor during the
22 existence of such
23
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1 emergency, which forms shall provide for the filling in of appropriate information prescribed by the
2 ~~((Purchasing Agent))~~ Director of Finance including: date and time of purchase; name and address of
3 supplier; quantity, unit, description, unit price and total price of item; name and appropriate
4 identification number from the City employee identification card of the person making the purchase;
5 date required and date delivered; description of use of item, including disaster work order number,
6 description of disaster work and location of use; and name and appropriate identification number from
7 the City employee identification card of the person receiving the item.

8 B. An employee identification card shall be used in all cases to verify that the purchaser is an
9 employee of the City.

10 C. A log of all purchases made during any emergency shall be maintained by each department and by
11 the ~~((Purchasing Agent))~~ Director of Finance.

12 D. The heads of departments using emergency purchase forms shall account for all costs incurred in
13 making such purchases.

14 E. Upon termination of the emergency, the heads of departments shall review all emergency purchase
15 orders issued by their respective departments, and shall verify and authenticate such orders, and submit a
16 summary thereof through the ~~((Purchasing Agent))~~ Director of Finance to the City Council for
17 authorization of payment.

18 Section 6. Section 10.02.100 of the Seattle Municipal Code is hereby amended as follows:

19 **10.02.100 Notification of Governor, news media and public.**

20 The Mayor shall cause ~~((any))~~ each proclamation or order issued by him pursuant to the authority of this
21 chapter to be delivered to the Governor of the state and, to the extent practicable, to all news media
22 within the City, and shall utilize ~~((such))~~ as many other available means, including, but not limited to,
23 posting on public facilities and public address systems, as may be practical to use, in order~~((shall be~~
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1 ~~necessary in his judgment,~~) to give the widest dissemination (~~(notice)~~) of such proclamations and orders
2 to the public.

3 Section 7. Section 12A.26.010, .020, and .030 of the Seattle Municipal Code are hereby repealed.

4 Section 8. Section 12A.26.040 of the Seattle Municipal Code is hereby amended as follows:

5 **SMC 12A.26.040 Failure to obey.**

6 A person is guilty of failure to obey the Mayor's emergency order when he or she knowingly violates any
7 order issued under authority of Sections (~~(12A.26.010 or 12A.26.020)~~) 10.02.010 or 10.02.020.

8 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its
9 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
10 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

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1 Passed by the City Council the 5th day of November, and signed by me in open session in
2 authentication of its passage this 5th day of November, 2001.

3
4 Margaret Clagins
President _____ of the City Council

5 Approved by me this _____ day of _____, 2001.

7 Returned unsigned by the Mayor
Mayor _____ on Nov. 13, 2001.

9 Filed by me this 13th day of November, 2001.

10
11 Jessie E. Papp
City Clerk

12 (Seal)





**Legislative Department
Office of City Clerk
Memorandum**

Date: November 26, 2001
To: Councilmembers
From: Judith E. Pippin, City Clerk
Subject: Mayor's Return of Unsigned Bill, CB No. 113809 (civil emergencies)

On November 13, 2001 Mayor Paul Schell returned Council Bill No. 113809 without his signature of approval, together with his letter of explanation. I have attached a copy of the Mayor's letter.

In accordance with City Charter Article IV, Section 12, a Council Bill presented to the Mayor which is returned unsigned becomes effective 30 days from the date it was returned; this Bill will be effective December 13, 2001.

Ordinance No. 120606 has been assigned to this Bill.

Please do not hesitate to contact me if you have questions.

Attachment

cc: Theresa Dunbar
Margaret Carter
Carla Cole

FILED
CITY OF SEATTLE
01 NOV 29 PM 2:49
CITY CLERK



City of Seattle

Paul Scheil, Mayor

Office of the Mayor

November 15, 2001

FILED
CITY OF SEATTLE
01 NOV 15 PM 4:24
CITY CLERK



The Honorable Margaret Pageler, President
Seattle City Council
M/S 01-11-01

Dear Councilmember Pageler:

I choose not to sign Council Bill 113809 because I strongly believe that the mayor of our city must bear ultimate responsibility for making tough decisions in emergency situations.

When the best interests of citizens require quick, decisive actions, it is crucial that our Mayor has the power to act quickly. The executive is also held responsible for the manner in which emergencies are managed; no one knows this better than I do. This is not the time to create redundant process or encroach upon executive authority when public safety is of highest concern — especially in these uncertain times.

Our existing emergency powers legislation already provides a system of checks and balances at all levels of government. The City Council already has authority to review, confirm, modify, or reject the Mayor's decision to declare *or terminate* a state of emergency. The Council also has the authority to review, confirm, modify, or reject all executive orders issued by the Mayor during a state of emergency. No new legislation is required to give the Council these powers.

The only substantive change in the bill is the provision that would allow the City Council, by a two-thirds vote, to end a state of emergency. Under current law, only the Mayor has the authority to declare an end to a state of emergency, and only the Mayor should have the authority to terminate a state of emergency.

Though I am opposed to this proposed change in our existing ordinance, I realize that a veto would likely be overridden. However, I will not endorse legislation that I do not support, so I choose to leave Council Bill 113809 unsigned.

Very truly yours,

Paul Schell

cc: Seattle City Council

ORDINANCE _____

AN ORDINANCE relating to the authority of the Mayor and City Council in the issuance of proclamations and orders in response to civil emergencies and to the criminal penalties for violating such orders; amending certain sections of Seattle Municipal Code Chapter 10.02; establishing a new section 10.02.025; and amending and repealing sections of Chapter 12A.26.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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B. Such civil emergency shall cease to exist upon the issuance of a proclamation by the Mayor or by a resolution passed by a two-thirds (2/3) majority vote of the City Council terminating the same. Such proclamation shall be issued by the Mayor or by a resolution passed by a two-thirds (2/3) majority vote of the City Council when such extraordinary measures are no longer required for the protection of the public peace, safety and welfare.

C. Any such proclamation by the Mayor shall, within 48 hours of issuance of the proclamation, or as soon as practical. ((at the earliest practicable time)) be filed with or presented to the City Clerk on behalf of the City Council for ratification and confirmation, modification, or rejection. The Council may, by



1 resolution, modify or reject the proclamation((;)) and if rejected, it shall be void. If the Council modifies
2 or rejects the proclamation, said modification or rejection shall be prospective only, and shall not affect
3 any actions taken prior to the modification or rejection of the proclamation. The Council shall endeavor
4 to act on any proclamation of civil emergency within 48 hours of its being presented to the Council by
5 the Mayor.

6 Section 2. Section 10.02.020 of the Seattle Municipal Code is hereby amended as follows:

7 **SMC 10.02.020 Authority of Mayor to issue certain orders.**

8 Upon the proclamation of a civil emergency by the Mayor, and during the existence of such civil
9 emergency, the Mayor may, in a form that meets the requirements of Section 10.02.025, make and
10 proclaim any or all of the following orders:

11 A. An order imposing a general curfew applicable to the City as a whole, or to such geographical area
12 or areas of the City and during such hours, as he deems necessary, which effective hours and affected
13 area or areas may be modified from time to time;

14 B. An order requiring any or all business establishments to close and remain closed until further order;

15 C. An order requiring the closure of any or all bars, taverns, liquor stores, and other business
16 establishments where alcoholic beverages are sold or otherwise dispensed; provided that with respect to
17 those business establishments which are not primarily devoted to the sale of alcoholic beverages and in
18 which such alcoholic beverages may be removed or made secure from possible seizure by the public, the
19 portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the
20 Mayor, be allowed to remain open;

21 D. An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages
22 in any or all parts of the City;



- 1 E. An order requiring the discontinuance of the sale, distribution or giving away of firearms and/or
2 ammunition for firearms in any or all parts of the City;
- 3 F. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other
4 liquid flammable or combustible products in any container other than a gasoline tank properly affixed to
5 a motor vehicle;
- 6 G. An order requiring the closure of any or all business establishments where firearms and/or
7 ammunition for firearms are sold or otherwise dispensed; provided that with respect to those business
8 establishments which are not primarily devoted to the sale of firearms and/or ammunition and in which
9 such firearms and/or ammunition may be removed or made secure from possible seizure by the public,
10 the portions thereof utilized for the sale of items other than firearms and ammunition may, in the
11 discretion of the Mayor, be allowed to remain open;
- 12 H. An order closing to the public any or all public places including streets, alleys, public ways, schools,
13 parks, beaches, amusement areas, and public buildings;
- 14 I. An order prohibiting the carrying or possession of a firearm or any instrument which is capable of
15 producing bodily harm and which is carried or possessed with intent to use the same to cause such harm,
16 provided that any such order shall not apply to peace officers or military personnel engaged in the
17 performance of their official duties;
- 18 J. An order requesting federal and/or state assistance in combating such civil emergency;
- 19 K. An order establishing economic controls in aid of and supplementary to and consistent with federal
20 orders relating to price stabilization or controls including: the convening and establishing of ration
21 boards; auditing retail and wholesale ration accounts; monitoring price control operations and reporting
22 violations to appropriate authorities; assisting in providing essential supplies to disaster victims;
- 23
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1 advising appropriate authorities concerning rationing, price control, wage and rent controls and
2 allocation of food and other essential commodities;

3 L. An order directing the use of all public and private health, medical, and convalescent facilities and
4 equipment to provide emergency health and medical care for injured persons;

5 M. An order authorizing, in cooperation with utility management and appropriate state and federal
6 agencies, the shutting off, restoration, and operation of utility services in accordance with priorities
7 established for combating such civil emergency;

8 N. An order providing for the evacuation and reception of the population of the City or any part thereof;
9 and

10 O. Such other orders as are imminently necessary for the protection of life and property;

11 Provided however, that any such order((s)) shall, within 48 hours of issuance of the order, or as soon as
12 practical ((at the earliest practicable time)) be filed with or presented to the City Clerk ((and presented
13 to)) on behalf of the City Council for ratification and confirmation, modification or rejection, and if
14 rejected, shall be void. The Council shall consider the statements set forth in Section 10.02.025 and may,
15 by resolution, modify or reject the order. If the Council modifies or rejects the order, said modification
16 or rejection shall be prospective only, and shall not affect any actions taken prior to the modification or
17 rejection of the order. The Council shall endeavor to act on any order within 48 hours of its being
18 presented to the Council by the Mayor.

19 Section 3. A new section 10.02.025 is hereby added to the Seattle Municipal Code as follows:

20 **10.02.025 Restrictions on Civil Rights.**

21 An order issued pursuant to Section 10.02.020 shall contain the following:

22 1. A statement of the facts upon which the order is based; and
23
24

1 2. A statement that the Mayor believes it is in the best interest of public safety and protection of
2 property that the exercise of certain rights be temporarily limited; and

3 3. A statement that the conditions of the order are designed to provide the least necessary restriction on
4 those rights.

5 Section 4. Section 10.02.100 of the Seattle Municipal Code is hereby amended as follows:

6 **10.02.100 Notification of Governor, news media and public.**

7 The Mayor shall cause ~~((any))~~ each proclamation or order issued by him pursuant to the authority of this
8 chapter to be delivered to the Governor of the state and, to the extent practicable, to all news media
9 within the City, and shall utilize ~~((such))~~ as many other available means, including, but not limited to,
10 posting on public facilities and public address systems, as may be practical to use, in order~~((shall be~~
11 ~~necessary in his judgment,))~~ to give the widest dissemination ~~((notice))~~ of such proclamations and orders
12 to the public.

13 Section 5. Section 12A.26.010, .020, and .030 of the Seattle Municipal Code are hereby repealed.

14 Section 6. Section 12A.26.040 of the Seattle Municipal Code is hereby amended as follows:

15 **SMC 12A.26.040 Failure to obey.**

16 A person is guilty of failure to obey Mayor's emergency order when he knowingly violates any order issued
17 under authority of Sections ~~((12A.26.010 or 12A.26.020))~~ 10.02.010 or 10.02.020.

18 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its
19 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
20 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.



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Passed by the City Council the ____ day of _____, 2001, and signed by me in open session in authentication of its passage this ____ day of _____, 2001.

President _____ of the City Council

Approved by me this ____ day of _____, 2001.

Mayor

Filed by me this ____ day of _____, 2001.

City Clerk

(Seal)





City of Seattle

Paul Schell, Mayor
Office of the Mayor

FILED
CITY OF SEATTLE
01 NOV 15 PM 4: 24
CITY CLERK



November 15, 2001

The Honorable Margaret Pageler, President
Seattle City Council
M/S 01-11-01

Dear Councilmember Pageler:

I choose not to sign Council Bill 113809 because I strongly believe that the mayor of our city must bear ultimate responsibility for making tough decisions in emergency situations.

When the best interests of citizens require quick, decisive actions, it is crucial that our Mayor has the power to act quickly. The executive is also held responsible for the manner in which emergencies are managed; no one knows this better than I do. This is not the time to create redundant process or encroach upon executive authority when public safety is of highest concern — especially in these uncertain times.

Our existing emergency powers legislation already provides a system of checks and balances at all levels of government. The City Council already has authority to review, confirm, modify, or reject the Mayor's decision to declare *or terminate* a state of emergency. The Council also has the authority to review, confirm, modify, or reject all executive orders issued by the Mayor during a state of emergency. No new legislation is required to give the Council these powers.

The only substantive change in the bill is the provision that would allow the City Council, by a two-thirds vote, to end a state of emergency. Under current law, only the Mayor has the authority to declare an end to a state of emergency, and only the Mayor should have the authority to terminate a state of emergency.

Though I am opposed to this proposed change in our existing ordinance, I realize that a veto would likely be overridden. However, I will not endorse legislation that I do not support, so I choose to leave Council Bill 113809 unsigned.

Very truly yours,

Paul Schell

cc: Seattle City Council

STATE OF WASHINGTON – KING COUNTY

--SS.

138344
City of Seattle, Clerk's Office

No. MAYOR SCHELL'S LETTER

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:BILL 113809/PAGELER
Ord 120606
was published on

11/19/01

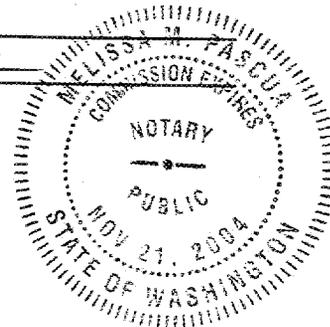
J. Stedman

Subscribed and sworn to before me on

11/19/01

Melissa M. Pasqua
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

Paul Schell, Mayor
Office of the Mayor

November 15, 2001

The Honorable Margaret Pageler,
President, Seattle City Council M/S 01-
11-01.

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Our existing emergency powers legislation already provides a system of checks and balances at all levels of government. The City Council already has authority to review, confirm, modify, or reject the Mayor's decision to declare or terminate a state of emergency. The Council also has the authority to review, confirm, modify, or reject all executive orders issued by the Mayor during a state of emergency. No new legislation is required to give the Council these powers.

The only substantive change in the bill is the provision that would allow the City Council, by a two-thirds vote, to end a state of emergency. Under current law, only the Mayor has the authority to declare an end to a state of emergency, and only the Mayor should have the authority to terminate a state of emergency.

Though I am opposed to this proposed change in our existing ordinance, I realize that a veto would likely be overridden. However, I will not endorse legislation that I do not support, so I choose to leave Council Bill 113609 unsigned.

Very truly yours,
PAUL SCHELL

Publication ordered by JUDITH PIP-
PEN,
City Clerk.

Date of official publication in Daily
Journal of Commerce, Seattle, November
19, 2001. 11/19(156344C)



**Legislative Department
Office of City Clerk
Memorandum**

Date: November 26, 2001
To: Councilmembers
From: Judith E. Pippin, City Clerk
Subject: Mayor's Return of Unsigned Bill, CB No. 113809 (civil emergencies)

On November 13, 2001 Mayor Paul Schell returned Council Bill No. 113809 without his signature of approval, together with his letter of explanation. I have attached a copy of the Mayor's letter.

In accordance with City Charter Article IV, Section 12, a Council Bill presented to the Mayor which is returned unsigned becomes effective 30 days from the date it was returned; this Bill will be effective December 13, 2001.

Ordinance No. 120606 has been assigned to this Bill.

Please do not hesitate to contact me if you have questions.

Attachment

cc: Theresa Dunbar
Margaret Carter
Carla Cole

STATE OF WASHINGTON – KING COUNTY

--SS.

138344
City of Seattle, Clerk's Office

No. MAYOR SCHELL'S LETTER

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:BILL 113809/PAGELER

ord. 120606
was published on

11/19/01

J. Stedman

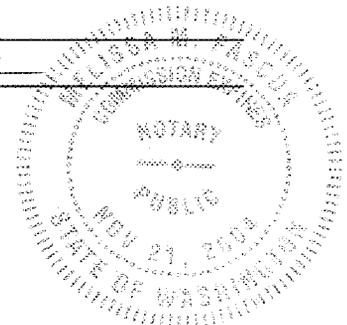
Subscribed and sworn to before me on

11/19/01

Melvin Pascoe

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

Paul Schell, Mayor
Office of the Mayor

November 15, 2001.

The Honorable Margaret Pageler,
President, Seattle City Council, M/S 01-
11-01.

Dear Councilmember Pageler:

I choose not to sign Council Bill 113809 because I strongly believe that the mayor of our city must bear ultimate responsibility for making tough decisions in emergency situations.

When the best interest of citizens require quick, decisive actions, it is crucial that our Mayor has the power to act quickly. The executive is also held responsible for the manner in which emergencies are managed; no one knows this better than I do. This is not the time to create redundant process or encroach upon executive authority when public safety is of highest concern — especially in these certain times.

Our existing emergency powers legislation already provides a system of checks and balances at all levels of government. The City Council already has authority to review, confirm, modify, or reject the Mayor's decision to declare or terminate a state of emergency. The Council also has the authority to review, confirm, modify, or reject all executive orders issued by the Mayor during a state of emergency. No new legislation is required to give the Council these powers.

The only substantive change in the bill is the provision that would allow the City Council, by a two-thirds vote, to end a state of emergency. Under current law, only the Mayor has the authority to declare an end to a state of emergency, and only the Mayor should have the authority to terminate a state of emergency.

Though I am opposed to this proposed change in our existing ordinance, I realize that a veto would likely be overridden. However, I will not endorse legislation that I do not support, so I choose to leave Council Bill 113809 unsigned.

Very truly yours,
PAUL SCHELL

Publication ordered by JUDITH PIP-
PEN,
City Clerk.

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