ORDINANCE No. 120794

Council Bill No. 114162

AN ORDINANCE reorganizing certain financial and administrative portions of the executive branch of City government; creating a Department of Executive Administration; establishing the duties of the new department; reassigning certain functions currently performed by the Department of Finance; transferring and reclassifying certain positions, some of which are becoming exempt; making provisions for transition, including provisions relating to appropriations in the 2002 adopted budget; repealing or amending obsolete provisions; and amending, repealing, and adding numerous sections throughout the Seattle Municipal Code; all by a two-thirds vote of the City Council.

COMPTROLLER FILE No. _____

Introduced:	**By:** DRAGO
Referred: APR 22 2002	**To:** Finance, Budget, Business & Labor Committee
Referred: APR 22 2002	**To:**
Referred:	**To:**
Reported:	**Second Reading:**
Third Reading:	**Signed:**
Presented to Mayor:	**Approved:** 5/13/02
Returned to City Clerk: 5/13/02	**Published:** Full Selected Sections 127 pp.
Vetoed by Mayor:	**Veto Published:**
Passed over Veto:	**Veto Sustained:**

The City of Seattle--Legislati

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

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

DoPass as amended 1-0(JO), 1abs

5-6-02 Pass As Amended 7-0(E

Law Department

Committee Chair

Jan. Drago

The City of Seattle--Legislative Department

Date Reported and Adopted

REPORT OF COMMITTEE

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:

DoPass as amended 1-0 (JD), 1 abstain (PS)

5-6-02 Pass As Amended 7-0 (Excused: Conlin, Drago)

Law Department

Committee Chair

Sponsor Formatted
Fiscal Note
full Text loaded

SMEAD 73 YSP 17117

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ORDINANCE 120794

AN ORDINANCE reorganizing certain financial and administrative portions of the executive branch of City government; creating a Department of Executive Administration; establishing the duties of the new department; reassigning certain functions currently performed by the Department of Finance; transferring and reclassifying certain positions, some of which are becoming exempt; making provisions for transition, including provisions relating to appropriations in the 2002 adopted budget; repealing or amending obsolete provisions; and amending, repealing, and adding numerous sections throughout the Seattle Municipal Code; all by a two-thirds vote of the City Council.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

ESTABLISHMENT OF NEW DEPARTMENT
AND TRANSFER OF FUNCTIONS

Section 1. A new Department of Executive Administration is created to carry out the administrative functions set out in this ordinance. The Department of Finance shall continue to exercise general supervision over the financial affairs of the City and to carry out its present functions not reassigned to some other department or office by this or another ordinance.

Section 2. All rules, regulations, notices, and proceedings in effect on the effective date of this ordinance with respect to activities carried on by the Department of Finance shall continue in effect, unless and until they expire of their own terms or are superseded, but the powers and responsibilities of the Director of Finance thereunder shall be performed by the Director of Executive Administration if and to the extent responsibility for the activity at issue has been transferred to the Department of Executive Administration by this or another ordinance.

Section 3. Section 3.38.010 of the Seattle Municipal Code is amended as follows:

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; ((~~administer and enforce laws and ordinances relating to weights, measures, and consumer protection; administer the City's public works contracting processes and execute contracts for public works projects; administer the contractor 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 and animal control;~~)) direct City budgeting, borrowing, revenue forecasting, and economic analysis activities;((;)) and provide policy direction concerning investments and licensing((e)) for ((~~regulation and/or~~)) revenue unless law or ordinance vests such power elsewhere.

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

The head of the Department of Finance shall be the Director of Finance. ((~~As of January 1, 2001, a~~))All references to "Finance Department((~~,~~))" or "Finance Director((~~,~~))" ((~~"Purchasing Agent," "Department of Administrative Services," "Comptroller," "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 Finance" or "Director of Finance" as may be applicable, except where the historical reference to "Finance Department((~~,~~))" or "Finance Director((~~,~~))" ((~~"Purchasing Agent," "Department of Administrative Services," Comptroller" "Department of Licenses and Consumer Affairs," "Director of Licenses and Consumer Affairs," or "Board of Public Works"~~)) 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; ((~~Maintaining the City's financial accounts and records, issuing financial statements on behalf of the City, establishing accounting policies and procedures for City departments, and monitoring departmental compliance therewith;~~))

B. ((~~Producing~~)) 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. ((~~Keeping the City Treasury, receiving and disbursing all money belonging to the City, unless otherwise expressly provided by state law or City ordinance; collecting funds due to the City when the function has not been assigned to another City department; preparing and disbursing the payroll after receiving proper certification from departments; and p~~))Perform((~~ing~~)) the duties assigned by the state statutes listed in this Chapter 3.38 to a city treasurer or comptroller;

D. ((~~Investing funds in excess of the City's current needs, forecasting cash balances and needs, depositing and managing cash, and administering trust accounts that are not assigned to any other department;~~))Sign, manually or by facsimile, warrants and checks drawn by or under the direction of the Director of Executive Administration;

E. Manage((~~ing~~)) City borrowing, execute((~~ing~~)) and issue((~~ing~~)) 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((~~ing~~)) financial and other necessary consultants, keep((~~ing~~)) all necessary registers of creditors, and arrange((~~ing~~)) for repayment of debts; ((~~and overseeing payment of federal and state taxes;~~))

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

((~~G. Selecting qualified public depositories for the deposit of City moneys as contemplated by RCW Chapter 39.58;~~

~~H. Certifying City officers or employees as cashiers for receiving and depositing funds due to the City, establishing criteria for their certification and internal controls for cash management, suspending or withdrawing their certification, and pursuing remedies available at law in the event of loss;~~

~~I. Accepting and depositing donations to the City for its trust accounts, accepting anonymous donations of cash to the City, and accepting unrestricted donations of funds from identified donors in an amount up to One Thousand Dollars ($1,000);~~

~~J. Arranging for withholding and payment of applicable federal and state taxes;~~))

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ACTING CITY CLERK

((~~K~~))G. Promulgate((~~ing~~)) rules and regulations in accordance with the City's Administrative Code (Chapter 3.02; Ordinance 102228, as amended) as deemed necessary to carry out the functions in Sections 3.38.010 through ((~~3.38.080~~))3.38.070;

((~~L~~))H. ((~~Performing such other activities as may be assigned by ordinance or delegated by the Executive Services Director from time to time;~~)) 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;

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

((~~N~~))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;

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

((~~P~~))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.

~~((Q. Issue, deny, suspend, and revoke licenses for regulatory or revenue purposes according to law;~~

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

~~S. 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 of 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;~~

~~T. Provide risk management and insurance services;~~

~~U. At his or her discretion or as otherwise authorized by ordinance, delegate any or all of the powers granted in Sections 3.38.010 Q and 3.38.010 R to other departments, including but not limited to the authority to execute or administer classes of or individual portions of contracts.~~))

Section 4. Section 3.38.060 of the Seattle Municipal Code is amended as follows:

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:

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Function or Activity	Applicable Statutes
((~~Treasurer of Municipal Court~~))	((~~RCW 3.46.120~~ ~~RCW 3.50.100~~ ~~RCW 3.62.040~~ ~~RCW 35.20.105~~ ~~RCW 35.20.135~~ ~~RCW 35.20.210~~ ~~RCW 35.20.220~~ ~~RCW 35.20.230~~))
((~~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~~ ~~RCW 35A.40.050~~))
((~~Custodian of Retirement System Securities~~))	((~~RCW 35.39.070~~))
((~~Miscellaneous authority~~))	((~~RCW 35A.42.010~~))
((~~Treasurer of local improvement assessments and collector of accounts; custodian of property foreclosed~~))	((~~RCW 35.49.010~~ ~~RCW 35.49.130~~ ~~RCW 35.49.140~~ ~~RCW 35.49.150~~ ~~RCW 35.58.500~~ ~~RCW 36.94.220~~ ~~RCW 84.63.350~~))
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
((~~Treasurer of joint boards~~))	((~~RCW 39.34.030~~))
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

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ACTING CITY CLERK

((~~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 of Firefighters' Pension Board~~))	((~~RCW 41.16.040 (4), (8)~~))
Member and treasurer of Board of Trustees of Police Pension and Relief Fund	RCW 41.20.010 RCW 41.20.020 ((~~RCW 41.20.030~~ ~~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~~))

Section 5. Section 3.38.065 of the Seattle Municipal Code is amended as follows:

3.38.065 Other statutory duties.

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

Function or Activity	**Applicable Statutes**
((~~Drawing warrants for eminent domain commissioners~~))	((~~RCW 8.12.270~~))
Issuing and signing bonds and other certificates of debt	RCW 35.36.010 RCW 35.36.060 RCW 8.12.400
Receipt of valuations by county assessor	RCW 36.21.020
((~~Custodian of retainage on bonds~~))	((~~RCW 39.08.010~~))
Member of Firefighters' Pension Board	RCW 41.16.020

Section 6. There is added to Subtitle II of Title 3 of the Seattle Municipal Code a new chapter 3.04 entitled Department of Executive Administration. The new sections that shall be part of chapter

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

3.04, and along with sections 3.04.060 through 3.04.090 shall constitute Subchapter I of that chapter, are as follows:

CHAPTER 3.04 - DEPARTMENT OF EXECUTIVE ADMINISTRATION

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;

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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 consistent 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.

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.

3.04.030 Director - Definition

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Throughout this Chapter 3.04, whenever the word "Director" is used without further description, it shall refer to the Director of Executive Administration.

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:

Function or Activity	Applicable Statutes
Treasurer of Municipal Court	RCW 3.46.120 RCW 3.50.100 RCW 3.62.040 RCW 35.20.105 RCW 35.20.135 RCW 35.20.210 RCW 35.20.220 RCW 35.20.230
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 of 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

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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

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:

Function or Activity	**Applicable Statutes**
Drawing warrants for eminent domain commissioners	RCW 8.12.270
Custodian of retainage on bonds	RCW 39.08.010

2002 BUDGET

Section 7. The City Council intends that the departments of Finance and Executive Administration shall have control of and responsibility for the appropriations in the 2002 budget of the Department of Finance that relate to their respective departments. The Director of Executive Administration shall have the authority to expend and the responsibility for the Revenue and Consumer Affairs Line of Business appropriation and those other appropriations within the 2002 budget of the Department of Finance that support the functions and responsibilities of the Department of Executive Administration as set forth in this ordinance. The Director of Finance shall, after consulting with the Director of Executive Administration, determine how much of the appropriations for the Administration and Finance Lines of Business support each department's functions.

POSITIONS

Section 8. A. The following positions in the Department of Finance are reclassified as shown, and shall remain in the Department of Finance:

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Position Number	New Title	Reclassified from	Position Newly Exempt from Civil Service?
00016839	Executive 2	Executive 1	
00010424	Executive 2	Strategic Advisor 3, Exempt	
00021399	Executive 2	Strategic Advisor 3, Exempt	
00015087	Executive 2	Strategic Advisor 3, Exempt	
00018170	Executive 2	Strategic Advisor 3, Exempt	
00024234	Strategic Advisor 2, Exempt	Planning and Development Specialist, Senior	Yes
00023662	Strategic Advisor 2, Exempt	Executive Assistant	Yes
00024661	Strategic Advisor 2, Exempt	Management Systems Analyst, Senior	Yes
00022355	Strategic Advisor 2, Exempt	Strategic Advisor 1, Exempt	
00010579	Strategic Advisor 2, Exempt	Strategic Advisor 1, Exempt	
00015082	Strategic Advisor 2, Exempt	Strategic Advisor 1, Exempt	
00010441	Strategic Advisor 2, Exempt	Strategic Advisor 3, Exempt	
00015091	Strategic Advisor 2, Exempt	Strategic Advisor 3, Exempt	

B. The following positions shall remain in the Department of Finance without reclassification, notwithstanding any implication to the contrary in the last clause of the last sentence of Subsection 36F of Ordinance 120773:

Position Number	Title
00025855	Administrative Specialist I
00017844	Administrative Specialist III
00016933	Administrative Specialist III- Bargaining Unit
00025516	Executive 4

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

00010891	Public Relations Specialist, Senior
00011227	Strategic Advisor 1, Customer Service, Public Information, and Promotion
00024228	Strategic Advisor 2, Exempt
00020710	Strategic Advisor 2, Exempt
00018167	Strategic Advisor 2, Exempt
00016899	Strategic Advisor 2, Exempt
00017167	Strategic Advisor 2, Exempt
00020498	Strategic Advisor 2, Exempt
00024271	Strategic Advisor 2, Exempt
00026825	Strategic Advisor 2, Exempt
00025077	Strategic Advisor 2, Exempt
00020825	Strategic Advisor 2, Exempt
00022054	Strategic Advisor 2, Exempt
00020328	Strategic Advisor 2, Exempt
00015629	Strategic Advisor 2, Exempt
00017165	Strategic Advisor 2, Exempt
00025935	Strategic Advisor 2, Exempt
00022970	Strategic Advisor 2, Exempt
00017015	Strategic Advisor 3, Exempt
To be determined	Strategic Advisor 2, Exempt (Created by Subsection 36F of Ordinance 120773)

Section 9. The following positions and their incumbents, if any, are transferred from the Department of Finance to the Department of Executive Administration:

A. Position 00010603 (vacant), which is hereby reclassified from Executive 3 to Strategic Advisor 2, Exempt;

B. Position 00025931 (vacant), which is hereby reclassified from Strategic Advisor 2, Purchasing, Contracting, and Risk Management, to Strategic Advisor 2, Exempt; and

C. All other positions in the Department of Finance except those listed in the immediately preceding section of this ordinance as remaining in the Department of Finance.

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

CODE SECTIONS AMENDED AND
ADDED TO CHAPTER 3.04

Section 10. Sections 3.38.030, 3.38.040, 3.38.070, and 3.38.080 through 3.38.926 inclusive of the Seattle Municipal Code are renumbered, moved and recodified into Chapter 3.04 SMC, and amended as follows, and new sections are added as shown:

((~~3.38.030~~)) 3.04.060 Payment by check or warrant.

The ((~~Finance~~)) Director of Executive Administration is authorized to elect to pay claims against, or other obligations 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.

((~~3.38.040~~)) 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 ((~~Finance~~)) 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 ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

((~~3.38.070~~))3.04.080 Designation of delegates in City offices and departments.

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

((~~3.38.080~~))3.04.090 Unclaimed property.

The City ((~~Finance~~)) 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

ACTING CITY CLERK

"Act"). For such purposes, the City ((~~Finance~~)) 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).

((~~3.38.100~~))3.04.095 Review by the Hearing Examiner of ((~~Construction & Consultant Contracting Division~~)) Recommendation for contract awards ((~~by the Hearing Examiner~~)).

A. The Hearing Examiner shall hear and make a recommendation to the Director of ((~~Finance~~)) Executive Administration with respect to any protest by a bidder in connection with the awarding of a ((~~public works~~)) construction or purchase contract including, but not limited to, a determination by the ((~~Director of Construction & Consultant Contracting~~)) 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; ((~~implementation of SMC Chapters 20.44 (City Contracts--Prevention of Discrimination) and 20.46A (Women's and Minority Business Enterprise Utilization);~~)) and the rejection or disqualification of any bidder. 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 ((~~Finance~~)) 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 ((~~Finance~~)) 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.

Subchapter II Purchases

((~~3.38.800~~)) 3.04.100 Purchasing powers.

Except as otherwise provided in this subchapter, the Director of ((~~Finance~~)) 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 ((~~Finance~~)) 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

ACTING CITY CLERK

by another governmental unit or public benefit nonprofit corporation shall be exempt from the competitive bidding and related requirements of Section ((~~3.38.806~~))3.04.106.

3.04.101 Definition

As used in this subchapter, "Director" shall mean the Director of Executive Administration.

((~~3.38.802~~)) 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 ((~~of Finance~~)) and no order or contract made contrary to the provisions of the subchapter shall be approved by the Director ((~~of Finance~~)) 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.

((~~3.38.806~~)) 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 ((~~3.38.910~~))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 ((~~of Finance~~)), 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 ((~~of Finance~~)) 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 ((~~or Finance~~)) and shall be accompanied by surety in such form and amount as shall be prescribed by the Director ((~~or Finance~~)) 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 ((~~of Finance~~)), all bids may be inspected by the competing bidders. The Director ((~~of Finance~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) shall consider the life cycle cost in determining the lowest and best

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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 ((~~of Finance~~)), 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) shall take into consideration the tax revenues derived by the City from its business and occupation or utility taxes (Seattle Municipal Code Chapters 5.44 and 5.48) and its sales and use taxes (Seattle Municipal Code Chapter 5.60) from the proposed purchase.

((~~3.38.808~~)) 3.04.108 Zoo animals and specimens.

The Director ((~~of Finance~~)) 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 ((~~of Finance~~)), 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 ((~~of Finance~~)) in cooperation with the Superintendent of Parks and Recreation in accordance with such procedures as may be established by the Director ((~~of Finance~~)).

((~~3.38.810~~)) 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 ((~~of Finance~~)) 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 ((~~3.38.910~~))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 ((~~of Finance~~)) shall consider the life cycle cost in determining the lowest and best bidder in accordance with the Invitation to Bid.

ACTING CITY CLERK

((~~3.38.812~~)) 3.04.112 Open market purchases where bidding is impractical.

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

((~~3.38.814~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)).

((~~3.38.816~~)) 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 ((~~of Finance~~)) may enter into "open-end," "blanket-order," or "price-agreement" contracts.

((~~3.38.818~~)) 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 ((~~of Finance~~)), subject, where practicable, to competitive bidding.

((~~3.38.820~~)) 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 ((~~of Finance~~)) may award a contract or contracts to those responsible firms that he or she is convinced can do satisfactory repairing.

((~~3.38.822~~)) 3.04.122 Inspection of deliveries.

A. The Director ((~~of Finance~~)) 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 ((~~of Finance~~)) to make inspections and accept deliveries in accordance with rules and regulations prescribed by the Director ((~~of Finance~~)).

C. All such supplies, materials, equipment or services shall be receipted for by an authorized Department ((~~of Finance~~)) receiving clerk or by such designated representative in the using agency, and a written report of such receipt shall be transmitted to the Director ((~~of Finance~~)). 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.

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

D. The return or exchange of any merchandise received by a using agency shall be handled directly through a Department ((~~of Finance~~)) 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 ((~~of Finance~~)), who shall approve the same as to price, delivery, or work performed before any voucher for payment shall be issued.

((~~3.38.824~~)) 3.04.124 Reports of supplies on hand--Sale or transfer of surplus.

A. All using agencies shall submit to the Director ((~~of Finance~~)), 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 ((~~of Finance~~)) may transfer it to another or other agencies which have need for it, subject to adjustment between the agencies concerned. The Director ((~~of Finance~~)) 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 ((~~of Finance~~)) shall determine competitive bidding to be impracticable.

B. Notwithstanding any other provision of this code, the Director ((~~of Finance~~)), 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.

((~~3.38.826~~)) 3.04.126 Testing of samples.

The Director ((~~of Finance~~)) 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 ((~~3.38.908~~))3.04.208. In the performance of such tests, the Director ((~~of Finance~~)) 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.

((~~3.38.830~~)) 3.04.130 Examination of requisition--Brand and trade names.

A. It shall be the duty of the Director ((~~of Finance~~)) 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 ((~~of Finance~~)), 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 ((~~of Finance~~)) 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.

((~~3.38.832~~)) 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 ((~~3.38.806~~))3.04.106, the Director ((~~of Finance~~)) is hereby authorized to directly negotiate, and without competitive bidding, to contract with qualified sheltered workshops for

ACTING CITY CLERK

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.

((~~3.38.840~~)) 3.04.140 Escalation of dollar limits.

A. As of January 1, 1997, all monetary amounts specified in Sections ((~~3.38.806~~)) 3.04.106 and ((~~3.38.810~~)) 3.04.110 shall be annually adjusted hereafter by the Director ((~~of Finance~~)), 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 ((~~3.38.812~~)) 3.04.112 shall be adjusted every five (5) years by the Director ((~~of Finance~~)) 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 ((~~3.38.812~~)) 3.04.112 shall be rounded upwards to the nearest Thousand Dollars ($1,000).

Subchapter III Recycled Content Product Procurement Program

((~~3.38.900~~)) 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 ((~~of Finance~~)) with the necessary authority to adopt preferential purchasing policies for recycled content and recyclable products, including price preferences and set-asides.

3.04.201 Definition

As used in this subchapter, "Director" shall mean the Director of Executive Administration.

((~~3.38.902~~)) 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 ((~~of Finance~~)) or his or her predecessor.

ING CITY CLERK

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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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.

ACTING CITY CLERK

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 ((~~of Finance~~)) 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 byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

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

28. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, except wastes identified in WAC 173-304- 015, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded commodities, sludge from wastewater treatment plants and septage from septic tanks, wood waste,

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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.

((~~3.38.904~~)) 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 ((~~of Finance~~));

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 ((~~of Finance~~)) 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 ((~~of Finance~~)) shall promote the use of recycled content products and recyclable products to potential vendors to the City by publicizing their availability.

F. The Director ((~~of Finance~~)), 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 ((~~of Finance~~)) and any department when it acts to acquire any aspects of public works for the City.

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS LEGIBLE THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

H. These policies are intended to follow guidelines established by the United States Environmental Protection Agency for preferential procurement of recycled content products.

((~~3.38.906~~)) 3.04.206 Annual report.

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

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

((~~3.38.907~~)) 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.

((~~3.38.908~~)) 3.04.208 Standards for recycled content.

A. The Director ((~~of Finance~~)) 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 ((~~of Finance~~)) 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.

ACTING CITY CLERK

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 o((~~f Finance~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) may, at his or her discretion, adopt content standards for products for which standards have not been established by Washington State or the USEPA.

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

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

((~~3.38.910~~)) 3.04.210 Price preference.

A. The Director ((~~of Finance~~)) shall adopt rules for applying a price preference toward the purchase of recycled-content products identified in SMC Section ((~~3.38.908D~~)) 3.04.208D. The rules shall be applicable to purchases by the Director ((~~of Finance~~)) and all departments for those products identified in SMC Section ((~~3.38.908D~~)) 3.04.208D as well as for other products for which content standards are developed according to SMC Section ((~~3.38.908F~~)) 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 ((~~3.38.902~~)) 3.04.202), unless the Director ((~~of Finance~~)) 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 ((~~3.38.902~~))3.04.202), unless the Director ((~~of Finance~~)) 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 ((~~of Finance~~)) determines that the purchase of a recycled-content, recyclable or reusable product is practicable as defined in SMC Section ((~~3.38.904~~)) 3.04.204, a price preference shall not be applied. Upon determination that the purchase of such a product is practicable, the Director ((~~of Finance~~)) 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.

((~~3.38.912~~)) 3.04.212 Requirements for purchase contracts.

A. The Director ((~~of Finance~~)) shall use the standards, procedures, and criteria specified in this chapter in conjunction with other factors as authorized by Charter 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 ((~~of Finance~~)) shall reduce the actual bid amount for each such product by the applicable price preference developed pursuant to SMC Section ((~~3.38.910~~))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 ((~~of Finance~~)) from requiring local recycled content, recycled content or recyclable content as specifications in invitations to bid for any products. The Director ((~~of Finance~~)) 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.

((~~3.38.914~~))3.04.214 Bid notification.

A statement regarding the Director((~~-of Finance~~))'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

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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 ((~~of Finance~~)) 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.

((~~3.38.916~~))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 multimaterial products shall verify the percentage and type of postconsumer waste and recycled content by volume contained in the major constituents in the product.

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

((~~3.38.918~~))3.04.218 Rules and regulations for procurement of paper and paper products including the following provisions.

A. The Director ((~~of Finance~~)) 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 ((~~of Finance~~)) 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.

((~~3.38.920~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) that the product qualifies for the purpose of procuring recycled content or recyclable products.

((~~3.38.922~~))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.

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

((~~3.38.924~~)) 3.04.224 Responsibilities of the Director ((~~of Finance~~)).

The Director ((~~of Finance~~)) 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.

((~~3.38.926~~)) 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 ((~~3.18.908~~)) 3.04.208.

AMENDMENTS TO OTHER MUNICIPAL CODE SECTIONS

Section 11. Subsection 2.04.060K of the Seattle Municipal Code is amended as follows:

2.04.060 Executive Director--Duties.

The Executive Director of the Seattle Ethics and Elections Commission shall be responsible for the management of said office, may in the exercise of such duties consult with the Seattle Ethics and Elections Commission and in that connection is authorized to:

***

K. Keep, for a period of time not less than five (5) years from the date of filing, copies of all official reports, records and statements furnished by the City ((~~Comptroller or~~)) Clerk to the Executive Director for public inspection;

***

Section 12. Subsection 3.02.090A of the Seattle Municipal Code is amended as follows:

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 ((~~City Finance~~)) Director of Executive Administration.

***

ACTING CITY CLERK

Section 13. Subsection 3.06.055A of the Seattle Municipal Code is amended as follows:

3.06.055 Restricted Set-Asides.

A. The Director of ((~~Finance~~)) 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.

***

Section 14. Section 3.14.915B of the Seattle Municipal Code is amended as follows:

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

***

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 ((~~Finance~~)) Director of Executive Administration determine to be due. Disbursements shall be made in accordance with Section 3.14.918.

Section 15. Section 3.18.180 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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.

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 16. Subsection 3.28.010D of the Seattle Municipal Code is amended as follows:

3.28.010 Disposition of unclaimed property.

***

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

***

Section 17. Section 3.28.180 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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 ((~~Finance~~)) Director of Executive Administration; provided, that a City of Seattle employee shall not be required to pay the Ten Dollars ($10).

Section 18. Section 3.30.110 of the Seattle Municipal Code is amended as follows:

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 application is made for refund, the Director of Public Health shall certify the facts including the amount of the permit fee and the fund into which the same was paid and his or her approval of the refund, and upon presentation of such certificate to the City ((~~Finance~~)) Director 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 ((~~Finance~~)) 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.

Section 19. Section 3.30.120 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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

ACTING CITY CLERK

fund and the necessary appropriations are hereby made. If the applicable fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

Section 20. Section 3.33.060 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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.

Section 21. Section 3.33.090 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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.

Section 22. Subsection 3.33.160A of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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.

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

***

Section 23. Section 3.33.170 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance Director's~~)) Director of Executive Administration's receipt therefor.

Section 24. Section 3.42.010 of the Seattle Municipal Code is amended as follows:

3.42.010 City Clerk--Duties.

There is established in the Legislative Department a position of City Clerk to perform the duties of the City Clerk provided in Article VIII, Section 3 of the City Charter((~~, and the duties of the City Comptroller in the City Charter: Article IV, Sections 1 and 13; Article VIII, Section 14; Article XVIII, Section 3; and Article XX, Section 2.1~~)).

Section 25. Subsection 3.56.060A of the Seattle Municipal Code is amended as follows:

3.56.060 Deaccessioning and disposition of surplus artworks.

A. When the Seattle Arts Commission determines that an artwork is surplus to the ((~~the~~)) City's collection of artworks, the Commission may deaccession the same and arrange for its disposition through an exchange of the artwork for one (1) or more other artwork(s) of comparable aggregate value for the City's collection, with the City being responsible for the payment or receipt of any monetary difference between the value of the City's artwork and the aggregate value of such exchanged artwork(s); through a sale by an art gallery or dealer; through a public auction or process inviting bids or proposals from the public and the acceptance of the best response; through the ((~~Purchasing Agent~~)) 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.

***

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 26. Section 3.63.020 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) Director of Executive Administration shall provide staff and facilities for the Taxi Commission as authorized in the interlocal agreement.

Section 27. Subsection 3.70.100H of the Seattle Municipal Code is amended as follows:

3.70.100 Powers and duties.

The Commission shall have the following powers:

***

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 ((~~Finance~~)) Executive Administration and Auditor to assist in auditing compliance with campaign contribution limits and eligibility for campaign matching funds; and

***

Section 28. Section 3.90.010 of the Seattle Municipal Code is amended as follows:

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 for official bonds, and be in the following amounts:

Mayor	$ 1,000
Each City Council member	1,000
((~~City Finance~~)) 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 ((~~Finance~~)) 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).

Section 29. Section 3.90.050 of the Seattle Municipal Code is amended as follows:

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

ACTING CITY CLERK

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 ((~~Executive Services~~)) Director of Executive Administration shall set the amount of the bond.

Section 30. Section 3.90.060 of the Seattle Municipal Code is amended as follows:

3.90.060 Employees blanket bond -- Call for offers to furnish.

A. The ((~~Purchasing Agent~~)) 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 ((~~Purchasing Agent~~)) 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 ((~~Purchasing Agent~~)) Director of Executive Administration but such term shall not exceed three (3) years. Upon expiration of each such bond the ((~~Purchasing Agent~~)) Director of Executive Administration shall again call for and accept offers for such a bond.

Section 31. Section 3.106.010 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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 ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

Section 32. Section 3.108.010 of the Seattle Municipal Code is amended as follows:

3.108.010 Permission required.

No City equipment shall be rented or loaned without the consent in writing thereto by the ((~~Purchasing Agent~~)) Director of Executive Administration, and approval of the City Council by resolution, or joint approval by the appropriate City Council committees. The ((~~Purchasing Agent~~)) 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.

ACTING CITY CLERK

Section 33. A new subsection E is added to Section 3.114.010 of the Seattle Municipal Code to read as follows:

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:

***

E. "Director" means the Director of Executive Administration.

Section 34. Subsection 3.114.030B of the Seattle Municipal Code is amended as follows:

3.114.030 Advertising of need for consultant services.

***

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 ((~~of Finance~~)) shall determine the frequency of the solicitation advertisements for placement on a consultant roster.

Section 35. Subsection 3.114.040A of the Seattle Municipal Code is amended as follows:

3.114.040 Consultant selection criteria.

A. The Director ((~~of Finance~~)) 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.

***

Section 36. Section 3.114.050 of the Seattle Municipal Code is amended as follows:

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

ACTING CITY CLERK

is necessary to fully advise such official of the committee's evaluation results. Thereafter, such evaluation report shall be filed with the ((~~Department of Finance~~)) 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.

Section 37. Subsection 3.114.060A of the Seattle Municipal Code is amended as follows:

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 ((~~of Finance~~)) 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.

***

Section 38. Section 3.114.090 of the Seattle Municipal Code is amended as follows:

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 ((~~of Finance~~)) immediately following execution by all parties.

Section 39. Section 3.114.100 of the Seattle Municipal Code is amended as follows:

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 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 ((~~of Finance~~)) 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

ACTING CITY CLERK

contract, a copy of each such report shall be filed with the Director ((~~of Finance~~)), who shall file the same in such department's consultant reference file.

Section 40. Section 3.114.110 of the Seattle Municipal Code is amended as follows:

3.114.110 Requirements inapplicable under certain conditions.

The provisions of SMC Sections 3.114.020C, 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 ((~~of Finance~~)) 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 under such circumstances shall file a written justification for such action with the Director ((~~of Finance~~)) at least twenty-four (24) hours prior to executing any agreement committing the City to pay for such services.

Section 41. Section 3.114.120 of the Seattle Municipal Code is amended as follows:

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 ((~~of Finance~~)) not inconsistent with this chapter.

Section 42. Section 3.114.130 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) Director as well as the affected department or Executive Department office.

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 43. Section 3.114.140 of the Seattle Municipal Code is amended as follows:

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 ((~~of Finance~~)), 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.

Section 44. Section 3.114.150 of the Seattle Municipal Code is amended as follows:

3.114.150 Consultant rosters.

Through the process set forth in SMC Section 3.114.160, the ((~~Department of Finance~~))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.

Section 45. Subsections 3.114.160A and D of the Seattle Municipal Code are amended as follows:

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 ((~~Department of Finance~~))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 ((~~Department of Finance~~))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 ((~~Department of Finance~~))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.

ACTING CITY CLERK

***

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 ((~~Department of Finance~~))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.

***

Section 46. Section 3.121.020 of the Seattle Municipal Code is amended as follows:

3.121.020 Charge for dishonored check to other departments.

The ((~~City Finance~~)) 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.

Section 47. Subsection 3.121.040B of the Seattle Municipal Code is amended as follows:

3.121.040 Waiver of fee.

***

B. A department head, who reduces or waives the handling fee, shall give the ((~~City Finance~~)) Director of Executive Administration notice of the action taken.

***

Section 48. Subsection 3.124.040B of the Seattle Municipal Code is amended as follows:

3.124.040 Charitable campaign.

***

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 ((~~Finance~~)) 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.

***

ACTING CITY CLERK

Section 49. Section 4.08.150 of the Seattle Municipal Code is amended as follows:

4.08.150 Salary or wages not paid except to those lawfully appointed.

The ((~~Finance~~)) Director of Executive Administration shall not approve, or pay any salary or wages to any person for services as an officer or employee in the Police and Fire Departments unless such person is occupying an office or place of employment according to law and is entitled to payment therefor.

Section 50. Section 4.14.100 of the Seattle Municipal Code is amended as follows:

4.14.100 Payment for travel expenses.

When the appointing authority of an employing unit deems it necessary for the successful recruitment of qualified persons for key positions, he or she may, upon the approval of the Director of ((~~Finance~~))Executive Administration and the filing of a claim therefor, authorize payment of reasonable and necessary expenses incurred by applicants from out of the City for traveling to and from Seattle for the purpose of being interviewed for employment by the City in that unit. All authorized travel expenses are subject to the rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee. Payment of authorized expenses may be made in advance by the employing unit for the applicant(s), or the applicant(s) may be reimbursed for authorized expenses paid out of pocket. Authorized expenses shall include lodging, meals, incidentals, and transportation from such applicant's place of residence to Seattle and return to such place of residence, or mileage in accordance with the mileage reimbursement rate established in SMC Chapter 4.70; provided that, payment for mileage shall not exceed the round-trip airfare of a common carrier. No payment shall be authorized for expenses deemed disallowable pursuant to rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee.

Section 51. Section 4.14.120 of the Seattle Municipal Code is amended as follows:

4.14.120 Claims for payment of travel expenses.

Authorized claims for payment of expenses other than for mileage and incidentals shall be submitted to the ((~~City Finance~~)) Director of Executive Administration or his/her designee by the employing unit in accordance with ((~~the~~)) that Director's rules, policies, and procedures((~~ set forth by the Executive Services Director or his/her designee.~~))

Section 52. Subsection 4.14.150B of the Seattle Municipal Code is amended as follows:

4.14.150 Moving expenses defined.

For purposes of implementing this chapter, the phrase "moving expenses" includes expenses incurred for transportation to Seattle to secure housing, as well as food and lodging expenses for a period not to exceed five (5) days, incurred while engaged in securing housing. In addition, moving expenses shall include all lodging, food, and transportation expenses of family and household goods and personal effects which are incurred solely for the purpose of relocating, from departure of such family and goods from place of current residence until the time that family and possessions arrive in the City, unless such expenses have been otherwise reimbursed; provided, that nothing in this section shall prohibit the payment of other types of moving and related expenses as approved by the appointing

ACTING CITY CLERK

authority but in no case shall moving expenses in total exceed the maximum as provided for in subsection A of this section.

***

B. Payment for such reimbursement, when authorized, shall be made from unexpended and unencumbered balances accumulating in the budgets of the employing units which eligible persons head or in which such persons serve, and the ((~~City Finance~~)) Director of Executive Administration is authorized to pay the necessary warrants. If the applicable fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

***

Section 53. Section 4.20.110 of the Seattle Municipal Code is amended as follows:

4.20.110 Biweekly pay periods.

Biweekly pay periods for all officers and employees of all departments of the City including the Library are authorized on the following basis:

A. Each biweekly pay period shall end on a Tuesday and except for such advances on earned salary from "Contingent Fund A" as may be specifically authorized by ordinance, warrants or checks shall be delivered to those concerned after three (3:00) p.m. on the day before the payday, which payday shall be one (1) week from the Friday following said Tuesday; provided, that such payday may be advanced to Thursday if Friday is a legal holiday or to Tuesday or Wednesday if Christmas or New Year's Day falls on a Wednesday or Thursday. When payday is advanced, the ((~~Finance~~)) Director of Executive Administration is authorized to distribute the warrant or check, on that advanced payday or the day before payday. Furthermore, the ((~~Finance~~)) Director of Executive Administration is authorized to designate the employees to be paid each week so as to distribute the warrants or checks payable as near equally as possible on the day before each payday.

B. All payrolls shall be subject to ratification, in accordance with Chapter 42.24 RCW, ((~~approval~~)) by ((~~the Auditing Committee and reported by the Committee to~~)) the City Council ((~~at its regular meeting on the following Monday for ratification~~)), and appropriation by ordinance of such funds as may be required.

Section 54. Section 4.20.160 of the Seattle Municipal Code is amended as follows:

4.20.160 Personnel Director to check payrolls.

The Personnel Director is authorized and directed to check all payrolls of City departments as to the right of each employee to draw the rate of pay, appearing opposite his name on the payroll, and to report the result of such check to the ((~~Auditing Committee~~))City Council. Other payroll audit functions shall be performed by the ((~~City Finance~~)) Director of Executive Administration except that payments from the contingent fund to employees released between pay days shall be made by the Director of Executive Administration only after certification by the Director of Finance of the amount due.

Section 55. Subsection 4.20.325A of the Seattle Municipal Code is amended as follows:

4.20.325 Overtime-related meal compensation.

A. Any full-time City officer or employee who, pursuant to specific directions of the head of the employing unit to which such worker is assigned, or of such head's designee, works for a total of two (2) or more consecutive overtime hours beyond either (1) such worker's normal working hours, or (2) a

ACTING CITY CLERK

reasonably continuous period of overtime equal to the length of such worker's normal shift, shall be compensated as specified in subsection B, hereof, for one (1) meal that such worker purchased reasonably contemporaneously with such overtime. In the event the head of the employing unit to which such worker is assigned, or his or her designee, has certified in writing, to the ((~~City Finance~~)) Director of Executive Administration, that because of emergency circumstances, the worker was required to work overtime on an immediate and continuous basis without the opportunity to plan and take normal meal breaks, then such worker shall be compensated as specified in subsection B hereof, for such additional number of meals as are indicated in such certification.

Section 56. Section 4.20.370 of the Seattle Municipal Code is amended as follows:

4.20.370 Purchase of fare media.

To encourage commuting by municipal employees in other than single occupancy vehicles, and in accordance with the agreements authorized by Section 1 of Ordinance 116682, as a condition of municipal employment, the City shall pay Fifteen Dollars ($15) a month per employee toward the purchase of monthly transit passes, monthly transit/ferry combination passes, and ferry walk-on frequent user books by a City officer or employee. The fare media shall be purchased from the Director of ((~~Finance~~)) Executive Administration for use in commuting to and from work or during working hours, and any incidental personal use thereafter, for so long as an appropriation has been made by ordinance or the City budget to provide for any deficit resulting to the City from such sales. The net price of the fare media to the officer or employee shall be the established rate less the City's Fifteen-Dollar ($15) payment.

Section 57. Section 4.20.375 of the Seattle Municipal Code is amended as follows:

4.20.375 Parking of privately-owned motor vehicles by City Officials.

A. For purposes of this section, "City Officials" shall mean Seattle City Councilmembers, elected Seattle Municipal Court judges, and the Seattle City Attorney.

B. City Officials who choose to park privately-owned motor vehicles in the Municipal Building garage, or in any other City-owned parking facilities in which other City officers or employees must pay for the parking of such vehicles, shall pay for such parking. Neither the City nor any of its departments shall pay for, reimburse, or otherwise subsidize such payments made by City Officials. Rates for such parking by City Officials shall be established by the Fleets and Facilities Director pursuant to Seattle Municipal Code Section 3.18.030 (G), and shall be established in an amount that is consistent with fees charged to other City officers and employees for comparable parking privileges. City Officials also shall be eligible for other types of parking permits, including but not limited to carpool parking permits, on the same terms and pursuant to the same rates as are applicable to other City officers and employees; and may request the issuance of occasional City-paid one- day parking passes, on the same basis as those are available to other City officers and employees, when it is necessary to park privately-owned motor vehicles in such garage or facilities for purposes that are solely related to City business. City Officials also are eligible to use City motor-pool vehicles pursuant to Seattle Municipal Code Section 3.18.140.

C. City Council Positions 1, 3, 5, 7 and 9 shall become subject to subsection B of this section at the time of commencement of the next term of office in January, 2000. All other City Council positions shall become subject to subsection B of this section at the time of commencement of the next term of office in January, 2002.

CTING CITY CLERK

The City Attorney shall become subject to subsection B of this section at the time of commencement of the next term of office in January, 2002.

The elected Seattle Municipal Court judges shall become subject to subsection B of this section at the time of commencement of the next term of office in January, 2003.

Nothing in this section shall be construed so as to prevent City Officials from voluntarily paying for parking privileges in the Municipal Building garage or other City-owned parking facilities in which other City officers or employees must pay for the parking of privately-owned motor vehicles prior to such effective dates, and the ((~~Executive Services~~)) Director of Executive Administration shall be authorized to collect such voluntary payments prior to such effective dates, and to establish a payroll check-off or deduction system to facilitate such collection.

Section 58. Section 4.24.080 of the Seattle Municipal Code is amended as follows:

4.24.080 Authority to make rules -- Recordkeeping.

The Personnel Director is authorized to make the necessary rules and regulations to enforce and administer the provisions of this subchapter, to furnish the necessary forms and to keep the necessary records, provided that the ((~~City Finance~~)) Director of Executive Administration shall maintain all records of accumulated sick leave of active officers and employees.

Section 59. Section 4.24.090 of the Seattle Municipal Code is amended as follows:

4.24.090 Report on denial of paid sick leave.

The heads of departments shall report as to the final disposition of all cases when an employee has been included on the payroll for paid sick leave which subsequently is denied and shall make such other reports and keep such records as the Personnel Director and the ((~~City Finance~~)) Director of Executive Administration shall require.

Section 60. Section 4.28.030 of the Seattle Municipal Code is amended as follows:

4.28.030 Certification to ((~~Finance~~)) Director of Executive Administration.

Upon certification by the appropriate department head that sick leave was allowed to an officer or employee for the purpose of attendance at a funeral in accordance with this chapter, the ((~~Finance~~)) Director of Executive Administration shall correspondingly reduce such officer's or employee's sick leave balance on the payroll record.

Section 61. Subsection 4.36.110B of the Seattle Municipal Code is amended as follows:

4.36.110 Contributions--City matching funds.

***

B. Subject to the provisions of this chapter, the Board of Administration shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the head of each office or department the normal rate of contribution for each member provided for in subsection A of this section. The head of each department shall apply the rate of contribution to the compensation of each member, exclusive of overtime, and shall certify to the ((~~City Finance~~)) Director of Executive Administration on each and every payroll the amount to be contributed and shall furnish immediately to the Board a copy of each and every payroll; and each of the amounts shall be deducted

ACTING CITY CLERK

by the ((~~City Finance~~)) Director of Executive Administration and shall be paid into the retirement fund, provided for in this chapter, and shall be credited by the Board together with regular interest to an individual account of the member for whom the contribution was made.

Every member shall be deemed to consent and agree to the contribution made and provided for in this section, and shall receipt in full for his or her salary or compensation. Payment less said contributions shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his or her claim to the benefits to which he or she may be entitled under the provisions of this chapter.

Section 62. Subsection 4.36.125D of the Seattle Municipal Code is amended as follows:

4.36.125 Determination of creditable service.

***

D. Creditable service is calculated by an employee's hours or time worked, as certified by the ((~~City Finance~~)) Director of Executive Administration to the retirement system. When payroll records are available, the ((~~City Finance~~)) Director of Executive Administration shall multiply the hours worked by a temporary, interim, seasonal, or provisional worker and a worker in a part-time position of less than twenty (20) hours per week over a one (1) year period by a factor of one and one hundred thirty-five thousandths (1.135) in reporting creditable service to the retirement system, to account for paid leave which was not received and for premium pay which may be substituted for paid leave. The ((~~City Finance~~)) Director of Executive Administration shall reduce the hours or days determined by application of the multiplier by the amount of any paid leave actually provided to the employee and counted in the hours or days worked.

***

Section 63. Subsections E and H of section 4.36.130 of the Seattle Municipal Code are amended as follows:

4.36.130 Retirement System Board of Administration.

***

E. The Chair of the Finance Committee of the City Council shall be ex officio chair, the Personnel Director ex officio Secretary, and the ((~~City Finance~~)) Director of Executive Administration ex officio Treasurer of the Board.

***

H. The ((~~Finance~~)) Director of Executive Administration shall be the custodian of the retirement fund. All payments from said fund shall be made upon warrant duly ((~~executed~~)) issued by the ((~~Finance~~)) Director of Executive Administration in the name of the City Director of Finance or, if the fund is solvent at the time payment is ordered, by check. As custodian, the City ((~~Finance~~)) Director of Executive Administration with the approval of the Board of Administration, may cause securities of the retirement system to be registered in the name of a nominee and authorize the safekeeping of retirement system securities in the physical custody of the Federal Reserve System, a depository trust company, or a bank as contemplated by RCW 35.39.070.

***

ACTING CITY CLERK

Section 64. Section 4.36.135 of the Seattle Municipal Code is amended as follows:

4.36.135 Lending retirement system securities.

The Board of Administration, after consultation with the Investment Advisory Committee and the ((~~City Finance~~)) Director of Executive Administration, is authorized to contract with a bank, which holds securities in its name for the retirement system as contemplated by RCW 35.39.070, for the lending of all or part of these securities to reputable brokers and financial institutions, for a fee, provided that collateral equal to at least one hundred two (102) percent of the market value of the securities loaned is continuously maintained.

Section 65. Subsection 4.36.140A of the Seattle Municipal Code is amended as follows:

4.36.140 Powers and duties of Board.

The administration of the Retirement and Death Benefit System is vested in the Board of Administration created in Section 4.36.130. The Board shall exercise the powers and duties conferred upon it by said section, and in addition thereto:

A. The Board shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this chapter. At the end of the three (3) year period beginning with the year 1974, and at the end of every three (3) year period thereafter, the Board shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries as defined by this chapter; and shall further cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation and subject to the approval of the City Council, shall:

1. Make any necessary changes in the rate of interest;

2. Adopt for the retirement system such mortality, service, and other tables as shall be necessary;

3. Revise or change the rate of contribution by the City on the basis of such mortality, service and other tables as may be necessary;

4. Establish an investment advisory committee as contemplated by RCW 35.39.080 through 35.39.090. A copy of the investment policy contemplated by RCW 35.39.060 and the recommendation and report of the investment advisory committee required by RCW 35.39.090 shall be filed with the ((~~City Finance~~)) Director of Finance, the Director of Executive Administration, and the City Clerk.

***

Section 66. Section 4.40.040 of the Seattle Municipal Code is amended as follows:

4.40.040 Repayment of benefits to which one is not entitled.

Anyone receiving a payment from the City pursuant to this chapter to which he or she is not entitled shall promptly repay the same to the ((~~City Finance~~)) Director of Executive Administration.

Section 67. Section 4.44.010 of the Seattle Municipal Code is amended as follows:

4.44.010 Deductions from employee's earnings.

The ((~~City Finance~~)) Director of Executive Administration is authorized and directed to deduct and pay from the earnings of any City employee, in accordance with RCW 41.04.030 and pursuant to

ACTING CITY CLERK

written authorization therefor signed by such employee and filed with the ((~~City Finance~~)) Director of Executive Administration in accordance with RCW 41.04.020, such amounts for disability insurance premiums, other than retroactive premiums, to such insurance groups or companies as shall be specifically designated therein; provided, that no deduction or payment shall be made unless:

A. Such insurance group or company shall provide authorization forms without expense to the City, which authorizations shall save the City harmless from any liability in connection with the making or failure to make any deduction or payment, and shall further specifically recognize that the City does not endorse the insurance group or company to which such payment is made and that such deduction and payment does not constitute sponsorship of the program; and

B. As to insurance groups or companies providing such insurance on an individual basis or on a group basis for groups of less than twenty-five (25) individuals, such insurance group or company, for reimbursement to the City of its costs in connection with such deductions and payment, shall pay to the City upon quarterly billings by the ((~~City Finance~~)) Director of Executive Administration, Ten Cents ($.10) for each payroll deduction for each employee who has authorized as provided herein deduction and payment of disability insurance premiums to such insurance group or company.

Section 68. Section 4.44.070 of the Seattle Municipal Code is amended as follows:

4.44.070 City's self-insurance program.

The Personnel Director shall administer the City's self- insurance program for worker's compensation; establish rules and procedures for the administration of benefits; in consultation with the Director of ((~~Finance~~))Executive Administration adjust rates of contributions from the respective City departments to reflect their cost experience; contract for consulting services; and, through the Director of ((~~Finance~~))Executive Administration, contract for reinsurance and other services and similar items as may be required to administer such program.

Section 69. Section 4.68.140 of the Seattle Municipal Code is amended as follows:

4.68.140 Payroll deductions for automobile insurance.

A. The ((~~City Finance~~)) Director of Executive Administration is authorized and directed to deduct and pay from the earnings of any City employee in accordance with written authorization therefor signed by such employee and filed with the ((~~City Finance~~)) Director of Executive Administration, such amounts for automobile insurance premiums, other than retroactive premiums, to such insurance groups or companies as shall be specifically designated therein; provided that no such deduction or payment shall be made unless:

1. There shall be filed with the ((~~City Finance~~)) Director of Executive Administration not less than four hundred (400) individual written authorizations as to any one (1) insurance group or company;

2. Such insurance group or company shall be licensed by the state and shall have been sponsored by a recognized City employee organization, provided that such sponsorship shall not include or grant any right to the use of City facilities to solicit membership in any insurance program;

3. Such insurance group or company shall provide authorization forms without expense to the City which authorizations shall save the City harmless from any liability in connection with the making or failure to make any deduction or payment, and shall further specifically recognize that the City does not endorse the insurance group or company to which such payment is made and that such deduction and payment does not constitute sponsorship of the program;

ACTING CITY CLERK

4. Such insurance group or company shall guarantee the insurability and noncancelability of all City employees having a valid Washington State driver's license;

5. Such insurance group or company shall pay to the City upon quarterly billings by the ((~~City Finance~~)) Director of Executive Administration Ten Cents ($0.10) for each payroll deduction for each employee who has authorized as provided in this section automobile insurance deductions to such insurance group or company, to reimburse the City its costs in connection with the deductions and payments authorized in this section.

B. In the event the number of written authorizations as to any one insurance group or company shall be reduced to less than four hundred (400) for a period of three (3) months, the deduction and payment authorized in this section shall be discontinued as to such insurance group or company.

Section 70. Section 4.72.010 of the Seattle Municipal Code is amended as follows:

4.72.010 Reimbursement for reasonable and necessary expenses.

City officers and employees, and when authorized in writing by the department head before expenses are incurred, volunteers on assignment shall be reimbursed for all reasonable and necessary expenses incurred in the conduct of City business as described below.

A. Expenses Involving Travel Outside the City for Period of Less Than Twenty-four Hours and Not Requiring Overnight Lodging. Reimbursement shall be made for actual expenses for:

1. Registration fees for conventions, seminars and similar events;

2. Transportation to destination and return or mileage in accordance with Ordinance 95751, as amended, provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare of a common carrier;

3. Meals, when travel outside the City is not a routine or normal part of an employee's job; provided that, reimbursement shall not exceed the amount established by the Director of ((~~Finance~~))Executive Administration or his/her designee, by rule as hereafter authorized; and

4. Other reasonably necessary expenses incurred related to the conduct of City business including, but not limited to, writing materials, reading materials and telecommunications.

B. Expenses Involving Travel for Periods Requiring Overnight Lodging. Reimbursement shall be made for actual expenses incurred for:

1. Registration fees for conventions, seminars and similar events;

2. Transportation to destination and return or mileage in accordance with Ordinance 957511 as amended, provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare for a common carrier;

3. Automobile rental;

4. Other local ground transportation;

5. Lodging; provided that, the reimbursement shall not exceed the amount established by the Director of ((~~Finance~~))Executive Administration or his/her designee, by rule as hereafter authorized;

6. Meals; provided that, reimbursement shall not exceed the amount established by the Director of Finance or his/her designee by rule as hereafter authorized; and

7. Other reasonably necessary expenses incurred related to the conduct of City business including, but not limited to, writing materials, reading materials and telecommunications.

C. Expenses Within the City Not Involving Travel. Reimbursement shall be made for actual expenses incurred for registration fees for a convention, seminar or similar event. If the sponsor of the event so provides and such registration fee includes as a part of the minimum charge the cost of a meal

ACTING CITY CLERK

or meals or if, during the meal or meals, integral parts of the program of such convention, seminar or similar event are conducted, reimbursement shall be made for such meal or meals.

Section 71. Subsection 4.72.020A of the Seattle Municipal Code is amended as follows:

4.72.020 Claims for reimbursement--Invoices and receipts.

A. Claims for reimbursement of certain expenses will be permitted in accordance with the rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee.

***

Section 72. Section 4.72.050 of the Seattle Municipal Code is amended as follows:

4.72.050 Advance cash allowances--When allowed.

All officers and employees of the City may receive advance cash allowances covering anticipated, reimbursable expenses to be incurred in the course of conducting City business involving travel outside the City. Such advance allowances shall be made upon the prior request of such officers and employees approved by the City Director of ((~~Finance~~))Executive Administration where the nature and duration of travel justifies such advance or failure to make such advance would result in economic inconvenience to such officer or employee. Requests for advances shall be made on such form as shall be prescribed by the City Director of ((~~Finance~~))Executive Administration who shall issue warrants therefor not more than five (5) days prior to commencement of the authorized travel. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~))Executive Administration may elect to make payment by check. Provided, that advances to officers and employees of ((~~the Lighting and Water Departments~~)) Seattle City Light and Seattle Public Utilities may be made by the respective heads of such departments from the appropriate revolving funds.

Section 73. Section 4.72.060 of the Seattle Municipal Code is amended as follows:

4.72.060 Advance cash allowances--Accounting or repayment time.

Repayment of advance cash allowances for travel on City business will be subject to the rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee.

Section 74. Section 4.72.070 of the Seattle Municipal Code is amended as follows:

4.72.070 Allowable and disallowable expenses.

Allowable and disallowable expenses shall be determined pursuant to the rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee.

Section 75. Section 4.72.080 of the Seattle Municipal Code is amended as follows:

4.72.080 Rules and regulations for reimbursement.

The Director of ((~~Finance~~))Executive Administration or his/her designee is authorized to promulgate rules, policies, and procedures, consistent with this chapter. The rules, policies, and

ACTING CITY CLERK

procedures promulgated by the Director of ((~~Finance~~))Executive Administration or his/her designee shall be made available from his/her office or from other identified locations.

A. Rates of reimbursement for meals and lodging shall be determined by the ((~~Finance~~)) Director of Executive Administration or his/her designee and shall be identified in the rules, policies, and procedures promulgated by the Director of ((~~Finance~~))Executive Administration or his/her designee. Rates of reimbursement for meals and lodging shall be based upon and not exceed the average cost for meals and lodging (single occupancy) reflected in a national comparative cost index, such as the Runzheimer Meal Lodging Cost Index or the Federal Per Diem Index, for the city visited by the officer or employee requesting reimbursement.

B. When the State Legislature is in session, in lieu of reimbursement for meals and lodging in accordance with the rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee, claims approved for employees in the Office of Intergovernmental Relations, shall receive an amount equal to the per diem established for the Washington State Legislature pursuant to RCW 44.04.080, as now or hereafter amended or succeeded. No portion of such funds may be used for promotional hosting.

Section 76. Subsection 4.88.010B of the Seattle Municipal Code is amended as follows:

4.88.010 Program adopted.

The City further adopts the following program of awards in recognition of service by officers and employees of the City, including those in the Library Department subject to the approval of the Library Board, in accordance with the following rules and regulations:

***

B. Awards. The award shall consist of an emblem of the City of Seattle Seal with the years-of-service numerically represented upon it. The emblem may be presented as a lapel pin, tie clasp, tie tack, or bracelet charm. The award shall be of gold plate and the years-of-service colors shall be green for five (5), ten (10), and fifteen (15), black for twenty (20) and twenty-five (25), blue for thirty (30), thirty-five (35), and forty (40), and purple for forty-five (45) and fifty (50) years.

In addition to such service emblem those with twenty-five (25), thirty (30), thirty-five (35), forty (40), forty-five (45) and fifty (50) years' service shall be awarded an appropriately worded certificate showing the full period of service, signed by the Mayor and the President of the City Council and certified by the Personnel Director. In conjunction with the presentation of awards and certificates recognizing employees with twenty-five (25) or more years of service, each department may also present individualized awards to such employees. Such awards shall not exceed the cost of the service award itself and shall be consistent with the provisions of this ordinance and the administrative rules of the program. The purchase, storage, and distribution of awards and certificates to the departments shall be the responsibility of the ((~~Executive Services~~)) Department of Executive Administration.

***

Section 77. Subsection 4.96.030A of the Seattle Municipal Code is amended as follows:

4.96.030 Refreshments.

A. To assist in performance of assigned activities or to show appreciation of time and service donated or of meritorious compensated service, the heads of City employing units may provide light refreshments to volunteers and, as a condition of employment, to compensated City staff, or any of the same, during or immediately after the performance of their duties if (1) funds are appropriated in the

ACTING CITY CLERK

City's annual budget for the employing unit for providing refreshments to volunteers and such staff, or (2) the refreshments are donated to the City for such purposes. For this purpose, the head of a city employing unit may authorize an organization that regularly provides or coordinates volunteers, to maintain furniture, machines and/or equipment for dispensing light refreshment to volunteers and to compensated City staff, and subject to the authorization of the ((~~Purchasing Agent~~))Director of Executive Administration, contract with such an organization for providing volunteers and such staff with light refreshments as authorized in this section.

Section 78. Section 5.04.030 of the Seattle Municipal Code is amended as follows:

5.04.030 Property tax--Transfer from County Comptroller.

The King County Comptroller is authorized and requested to distribute to the ((~~City Director of Finance~~)) Director of Executive Administration for and on behalf of the City all property taxes and abatement liens collected as frequently as daily; and the ((~~City Director of Finance~~)) Director of Executive Administration is authorized to deliver a receipt therefor whenever funds are delivered to the City. Delivery may be in money or as a transfer of an investment authorized by RCW 36.29.020 and made by the King County Comptroller for the City.

Section 79. Section 5.04.040 of the Seattle Municipal Code is amended as follows:

5.04.040 Property tax--Investment by County Comptroller.

The King County Finance Manager is authorized to invest in the investments authorized by RCW 36.29.020 any and all funds which are due to the City and retained in his or her custody pending distribution to the City with residual King County funds and property tax receipts of other jurisdictions in a pooled investment account with an automatic pro rata distribution of the earnings at month end. This includes property taxes and abatement liens collected for the City and retained pending an accounting. Participation in a pooled account is an alternative to immediate transfer of City funds before the statutory disbursement dates under Section 5.04.030, and to making investments under specific instructions of the ((~~City Director of Finance~~)) Director of Executive Administration. If the King County Finance Manager invests funds for the City while in his or her custody, he or she may deduct and retain the investment service fee contemplated by RCW 46.29.020 when the interest earnings become available to the City.

Section 80. Section 5.06.010 of the Seattle Municipal Code is amended as follows:

5.06.010 Investment authority.

A. As contemplated by RCW 35.39.032, the Director of ((~~Finance~~)) Executive Administration, under the supervision of the Mayor and consistent with policy direction given by the Director of Finance, is authorized on behalf of the City to invest all moneys in the City Treasury which in his or her judgment are in excess of current City needs in:

1. United States bonds;
2. United States certificates of indebtedness;
3. Bonds or warrants of this state:
4. General obligation or utility revenue bonds or warrants of the City or of any other city or town in the state;

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

5. Bonds or warrants of a local improvement or condemnation award district of the City which is within the protection of the local improvement guaranty fund;

6. Repurchase agreements, reverse repurchase agreements, or bankers' acceptances; and

7. Other investments authorized by law. The Director of ((~~Finance~~)) Executive Administration is authorized to hold such investments for the credit of the funds for which purchased.

B. The Director of ((~~Finance~~)) Executive Administration is further authorized to convert any investments within the City Treasury into cash.

Section 81. Section 5.06.030 of the Seattle Municipal Code is amended as follows:

5.06.030 Fund investments--Interfund loans.

The Director of ((~~Finance~~)) Executive Administration, after consulting with the Chair of the Finance Committee of the City Council and with the Director of Finance, may in his or her discretion:

A. Determine which funds shall be invested on an individual fund basis, and which funds shall participate within one (1) or more common investment portfolio(s);

B. Apportion earnings and losses to those funds participating in a common investment portfolio. Those funds listed on Exhibit "A" to Ordinance 117641 ((~~this ordinance~~)), as that exhibit may be amended from time to time by the Director of ((~~Finance~~)) Executive Administration after consulting with the Chair of the Finance Committee of the City Council and with the Director of Finance, and trust or bond funds shall receive a return in proportion to the amount of money earned by each; and the remainder shall be allocated to the general fund, except that investment earnings attributable to the Capital Projects Account of the Cumulative Reserve Subfund shall be deposited in the Unrestricted Subaccount and South Lake Union Property Proceeds Subaccount within that Capital Projects Account, all as authorized by RCW 35.39.034 and Chapter 5.80 SMC;

C. Approve interfund loans for a duration up to ninety (90) days, and establish a rate of interest thereon when appropriate, provided, any extension or renewal of such a loan shall require approval by ordinance;

D. Establish criteria for identifying when a substantial de facto loan from one (1) fund to another occurs (e.g., an extended delay in making reimbursement without valid cause; a continuous overdrawn status) and, when appropriate, establish an interest charge to be paid to the lending fund;

E. Make loans to individual funds participating in a common investment portfolio by means of carrying funds in a negative cash position for a period of up to ninety (90) days, or for longer period upon approval by ordinance, to the extent and for as long as (i) such loans can be prudently supported by the common investment portfolio and (ii) the borrowing fund is reasonably expected to be able to repay the loan. The Director of ((~~Finance~~)) Executive Administration may also charge interest at the common investment portfolio's rate of return to the borrowing fund; and

F. ((~~Sell~~)) With the approval of the Director of Finance, sell installment notes to City funds pursuant to Section 20.04.145 in connection with financing local improvement districts.

Section 82. Section 5.06.040 of the Seattle Municipal Code is amended as follows:

5.06.040 Investment policies.

A. The City's common investment portfolio(s) shall be managed to further this financial objective: to preserve principal while maintaining liquidity to meet the City's needs for cash and maximizing income.

ACTING CITY CLERK

B. Investment decisions should further the City's social policies established by ordinance or policy resolutions of the City Council. A City social policy shall take precedence over furthering the City's financial objective when expressly authorized by the City Council resolution or ordinance, except where otherwise provided by law or trust principles.

C. The Director of ((~~Finance~~)) Executive Administration shall be guided by investment policies adopted from time to time by ordinance or resolution of the City Council and by investment direction that may be given by the Director of Finance consistent with City Council policies.

Section 83. Section 5.06.050 of the Seattle Municipal Code is amended as follows:

5.06.050 Reports.

The Director of ((~~Finance~~)) Executive Administration shall file a monthly report with the City Council on the performance of City investments for the preceding month and fiscal year-to-date. Each monthly report shall include a discussion of:

A. The current investment market;

B. Any material change in the City's investment portfolio and practices;

C. The City's investment return as compared to the City's benchmark return, which shall be the rate of return used by the City Council when estimating investment earnings for the purpose of adopting the current year's budget;

D. The average maturity of the City's investment portfolio; and

E. On a quarterly basis, this report will also include, as an attachment, a list of the contents of the City's investment portfolio.

Section 84. Section 5.12.010 of the Seattle Municipal Code is amended as follows:

5.12.010 Authority of ((~~Finance~~)) Director of Executive Administration.

When not otherwise prescribed pursuant to state law, the bookkeeping and accounting in all departments of the municipal government shall be done in the manner and form prescribed by, and subject to the approval of, the ((~~City Finance~~)) Director of Executive Administration.

Section 85. Section 5.12.020 of the Seattle Municipal Code is amended as follows:

5.12.020 Monthly report.

Every department of the municipal government keeping financial accounts shall, on or before the tenth day of each and every month, transmit to the ((~~City Finance~~)) Director of Executive Administration, a statement and report, in form to be prescribed by the ((~~City Finance~~)) Director of Executive Administration, showing the financial transactions of the department during the previous month.

Section 86. Section 5.12.030 of the Seattle Municipal Code is amended as follows:

5.12.030 Approval of report before publication.

No statement or report of financial transactions in ((~~Before~~)) any department or office ((~~, or officer thereof, shall give out, publish, or distribute for publication, to the public, any statement or report of financial transactions in such department,~~)) shall constitute the official report of the City unless such statement or report shall first be submitted to, and approved by, the ((~~City Finance~~)) Director of Finance.

ACTING CITY CLERK

Section 87. Section 5.12.040 of the Seattle Municipal Code is amended as follows:

5.12.040 Petty cash accounts--Establishment--Operation and expenditures.

The ((~~City Finance~~)) Director of Executive Administration is authorized to establish petty cash accounts within the operating funds of City departments for the payment of miscellaneous items not payable by voucher and warrant. The establishment of petty cash accounts shall be requested in writing by the head of the department in the form and detail prescribed by the ((~~City Finance~~)) Director of Executive Administration. All expenditures from such accounts shall be made from appropriations and for purposes authorized by the department annual budget. The maximum amount of such accounts shall be set by the ((~~City Finance~~)) Director of Executive Administration in consultation with the City Auditor according to the needs of the petitioning department.

Section 88. Section 5.12.050 of the Seattle Municipal Code is amended as follows:

5.12.050 Petty cash accounts--Administrative rules and regulations.

The ((~~City Finance~~)) Director of Executive Administration shall promulgate rules and regulations, consistent with this chapter and the City Administrative Code, establishing standards and procedures for the proper administration of petty cash accounts.

Section 89. Section 5.14.020 of the Seattle Municipal Code is amended as follows:

5.14.020 Authority in ((~~Finance~~)) Director of Executive Administration.

The ((~~City Finance~~)) Director of Executive Administration is authorized to promulgate rules in accordance with the Seattle Administrative Code, Chapter 3.02, for establishing procedures for the receipt, handling and deposit by City officers and employees of City moneys into the City Treasury; for the method of documentation on all such transactions; for regular reporting to the ((~~City Finance~~)) Director of Executive Administration; for certifying and decertifying by the ((~~Finance~~)) Director of Executive Administration of all City officers and employees who are authorized to receive or handle City moneys in the regular course of their employment or departmental activities; for inspection of departmental cash records, including overages or shortages; for inspection of departmental practices and procedures in handling City moneys; and for contracting with agents to collect City moneys and their collection procedures. The ((~~City Finance~~)) Director of Executive Administration may enforce these rules through on-site inspection; by decertifying any officer or employee who fails to comply with the ((~~Finance~~)) Director((~~'s~~)) of Executive Administration's Rules; and, in the event of noncompliance by a department or office, requiring that payments to personnel be authorized by the ((~~Finance~~)) Director of Executive Administration, or deposited at his or her office.

Section 90. Section 5.14.030 of the Seattle Municipal Code is amended as follows:

5.14.030 Duties of City personnel.

Any City officer or employee, who receives moneys belonging to the City in the scope and course of his or her duties, shall:

A. Immediately deliver the same to the ((~~City Finance~~)) Director of Executive Administration or, when so authorized, deposit the moneys with a City depository designated by the ((~~City Finance~~)) Director of Executive Administration to the credit of the City. The delivery or deposit must be made

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

within twenty-four (24) hours after receipt unless otherwise authorized by the ((~~Finance~~)) Director of Executive Administration;

B. Comply with rules promulgated by the ((~~City Finance~~)) Director of Executive Administration for handling and processing of City moneys and for documentation and dissemination of records, and with departmental internal procedures established in conformity with the ((~~City Finance~~)) Director of Executive Administration's rules; and

C. Notify the Seattle Police Department, the ((~~City Finance~~)) Director of Executive Administration, and the City Auditor of any loss or theft of City money immediately upon discovery. Written notice shall be given to them no later than twenty-four (24) hours after discovery.

Section 91. Section 5.14.040 of the Seattle Municipal Code is amended as follows:

5.14.040 Certification of receivers, cashiers and tellers.

Only persons who are certified by the ((~~City Finance~~)) Director of Executive Administration may receive and handle City moneys on a regular basis in the scope and course of their employment, except that a certification by the ((~~City Treasurer is valid until July 1, 1993,~~)) Director of Finance is valid until July 1, 2003, unless sooner withdrawn by the ((~~Finance~~)) Director of Executive Administration. As a condition to certification or maintenance of a certification, the ((~~City Finance~~)) Director of Executive Administration may require that the officer or employee complete a course of instruction or training and/or pass an examination on the secure processing of moneys, the ((~~Finance~~)) Director((~~'s~~)) of Executive Administration's rules, procedures and applicable departmental rules, and thereafter take refresher instruction or training at periodic intervals or when the need arises.

Section 92. Section 5.14.050 of the Seattle Municipal Code is amended as follows:

5.14.050 Departmental functions.

The head of any City department or office who anticipates receiving City moneys on a regular basis in the course of its activities shall:

A. Contract with the ((~~City Finance~~)) Director of Executive Administration for cash collection services or, after the ((~~Finance~~)) Director((~~'s~~)) of Executive Administration's Rules take effect, assign the receiving and handling of City moneys only to those persons who are certified by the ((~~City Finance~~)) Director of Executive Administration for performing those functions;

B. Establish and maintain a system of procedures, documentation and reporting on receipts handling and deposit of City moneys satisfactory to the ((~~City Finance~~)) Director of Executive Administration;

C. Notify the Seattle Police Department, the ((~~City Finance~~)) Director of Executive Administration, and the City Auditor of any loss or theft of City money immediately upon discovery. Written notice shall be given no later than twenty-four (24) hours after discovery;

D. Allow the ((~~City Finance~~)) Director of Executive Administration or an authorized deputy to make on-site inspections and observe the processing of City moneys, and to make inspections of departmental collection records.

ACTING CITY CLERK

Section 93. Section 5.14.060 of the Seattle Municipal Code is amended as follows:

5.14.060 Liability for loss as between department and ((~~Finance~~)) Director of Executive Administration.

A. As between a department and its officers and the ((~~City Finance~~)) Director of Executive Administration, the department has primary responsibility for care and liability for loss of City moneys in its custody until deposited in the City Treasury or entrusted to a cashier certified by the ((~~Finance~~)) Director of Executive Administration; and the ((~~City Finance~~)) Director of Executive Administration thereafter. When deposit is made in an after-hours drop box of the City's public depository, or an armored car service making collection for the City, losses are assigned to the ((~~City Finance~~)) Director of Executive Administration if the ((~~Finance~~)) Director((~~'s~~)) of Executive Administration 's instructions for making deposits have been followed, and to the department otherwise.

B. Compliance with the ((~~City Finance~~)) Director((~~'s~~)) of Executive Administration's rules and procedures approved by the ((~~City Finance~~)) Director of Executive Administration establishes a presumption that a City department or office exercised due care in its custody and care of City moneys.

Section 94. Section 5.16.010 of the Seattle Municipal Code is amended as follows:

5.16.010 Cancellation of warrants.

Any warrant which is not delivered to the payee within one (1) year from the date of issuance shall be cancelled and the amounts for which said warrants are drawn shall be credited to the several funds against which they are drawn. The ((~~Finance~~)) Director of Executive Administration shall keep a record of cancelled warrants.

Section 95. Section 5.16.030 of the Seattle Municipal Code is amended as follows:

5.16.030 ((~~Finance~~)) Director of Executive Administration authorized to establish credit.

As authorized by Section 43.09.2853 RCW, with the advice of the Debt Management Policy Advisory Committee, the ((~~City Finance~~)) Director of Executive Administration is authorized to establish a line of credit for the City with any qualified public depository for cashing City warrants and other financial purposes, to determine the amount of credit extended, to execute written agreements therefor with either a fixed rate of interest adjusted periodically or a fluctuating rate of interest, such rates not greater than eighteen (18) percent annually or the maximum rate allowed by law, whichever is less, and to pay interest and other finance or service charges. The total of all lines of credit with all qualified public depositories shall not exceed Ten Million Dollars ($10,000,000).

Section 96. Section 5.16.040 of the Seattle Municipal Code is amended as follows:

5.16.040 Lines of credit--Payment.

The line or lines of credit established by the ((~~City Finance~~)) Director of Executive Administration pursuant to Section 5.16.030 shall be a general obligation of the City. The City hereby pledges its full faith, credit and resources to levy and collect taxes and other revenues sufficient for payment of the principal of, and interest on, the lines of credit extended, and to make prompt payment of the obligation, including interest thereon, as the same are due.

CITY CLERK

Section 97. Section 5.16.050 of the Seattle Municipal Code is amended as follows:

5.16.050 Warrant overdrafts.

Subject to the following terms and conditions, the ((~~City Finance~~)) Director of Executive Administration is authorized to contract with the bank at which the City maintains its principal account for the bank to postpone presentment of City warrants until the City can provide for their full payment:

A. The amount of the warrants for which presentment is so delayed shall be aggregated as a warrant overdraft account;

B. The aggregate of the warrant overdrafts shall not exceed Twenty Million Dollars ($20,000,000);

C. The fee charged by the bank shall not exceed that bank's current prime rate multiplied by 1.5, for the dates for which the credit is outstanding;

D. The Debt Management Policy Advisory Committee shall review the contract with the principal bank and, from time to time, advise the ((~~City Finance~~)) Director of Executive Administration thereon and on the aggregate of warrant overdrafts that may be outstanding;

E. Fees paid for deferment of presentment shall cease and the bank may present outstanding warrants should any other general fund warrant be presented to the ((~~City Finance~~)) Director of Executive Administration for payment and marked as presented but not paid for lack of funds.

Section 98. Section 5.20.010 of the Seattle Municipal Code is amended as follows:

5.20.010 Issuance of bill for labor or material.

When any department of the City shall furnish any labor or material to any person, the department shall render a bill for the labor or material as follows:

A. Bills of each department to be issued in triplicate and to bear consecutive numbers;

B. The original of the bill to be forwarded to the person receiving the labor or material;

C. The duplicate of the bill to be forwarded, forthwith to the ((~~City Finance~~)) Director of Executive Administration;

D. The triplicate of the bill to be retained by the department issuing the same.

Section 99. Section 5.20.020 of the Seattle Municipal Code is amended as follows:

5.20.020 Correction of bill by credit voucher.

The head of the department issuing any of the bills described in Section 5.20.010 is authorized to correct the bills at any time prior to their payment by the issuance of credit vouchers directed to the ((~~City Finance~~)) Director of Executive Administration.

Section 100. Section 5.20.030 of the Seattle Municipal Code is amended as follows:

5.20.030 Recordkeeping--Notification of payment.

The ((~~City Finance~~)) Director of Executive Administration is directed to preserve the duplicate bills and render proper accounting therefor and to notify each of the various departments as to the payment of the bills upon request of the department.

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 101. Section 5.20.040 of the Seattle Municipal Code is amended as follows:

5.20.040 Deduction of credit voucher.

When any credit voucher shall have been issued correcting any of the bills, the ((~~City Finance~~)) Director of Executive Administration is directed to deduct the amount of the credit voucher from the face of the bill and accept the remaining amount thereof as full payment.

Section 102. Section 5.22.010 of the Seattle Municipal Code is amended as follows:

5.22.010 Fee authorized.

The Director of ((~~Finance~~)) Executive Administration or the Director's designee ("Director") is authorized to establish and collect a convenience fee ("fee") that shall apply to the total payment charged to each credit or debit card transaction made via electronic commerce technology. The fee shall only be imposed one (1) time on each credit or debit card used in a transaction. The fee shall be in addition to the total amount of the original fee, fine, or bill owed to the City, plus any applicable interest, penalty, or late charge. The fee shall also be in addition to any transaction charges or fees set by a financial institution that the City decides to collect as a means of recovering the City's cost of having the financial institution process the credit or debit card payments.

Section 103. Section 5.24.005 of the Seattle Municipal Code is amended as follows:

5.24.005 Claims for damages.

A. No action 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. Such a claim must name the claimant, include the claimant's address, specify the date and location of the claimed loss, describe any alleged act or omission on the part of the City and the basis upon which liability is being asserted against the City, identify any known witnesses, detail the nature and extent of the injury or damage sustained and state the amount being claimed. The claim form must be signed by the claimant or an authorized representative prior to its filing.

B. All claims for damages shall be investigated and evaluated by the Department of ((~~Finance~~))Executive Administration with the assistance of the City Attorney. In anticipation of litigation regarding such claims, the Director of ((~~Finance~~)) Executive Administration may request reports from all interested departments concerning any claim and such reports shall be prepared to assist the City Attorney in defense of the City and shall constitute and be treated as ((~~privilged~~)) privileged communications.

C. A lawsuit based upon the allegations of a Claim for Damages may not be instituted against the City within ((~~sixy~~)) sixty (60) days of the filing of such claim.

Section 104. Section 5.24.020 of the Seattle Municipal Code is amended as follows:

5.24.020 Payment of judgments.

The City Attorney may authorize payment of any settlement arising out of litigation against the City or any judgment against the City. Prior to authorizing settlement of any litigation for an amount over Five Hundred Thousand Dollars ($500,000), the City Attorney shall brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110. Prior to

ACTING CITY CLERK

authorizing a settlement involving significant financial or policy issues, the City Attorney shall consult with the Director of Finance, the Director of Executive Administration, and the head of the relevant department. Upon a presentation by the City Attorney to the Director of ((~~Finance~~)) Executive Administration of either a copy of a Release and Order of Dismissal or a copy of a judgment against the City, entered in an appropriate court, and having attached thereto a statement in writing, signed by the City Attorney, to the effect that the right of appeal from such judgment has been expressly waived, or that the time for an appeal has expired, the Director of ((~~Finance~~)) Executive Administration shall issue a check upon the Judgment/Claims Subfund for the amount of such judgment, and costs if awarded to the claimant by the court.

Section 105. Section 5.24.030 of the Seattle Municipal Code is amended as follows:

5.24.030 Payment of claims.

The Director of ((~~Finance~~)) Executive Administration may authorize payment of any claim against the City, including claims brought in the small claims department of the district court pursuant to RCW Chapter 12.40. Prior to authorizing settlement of any claim for an amount over One Hundred Thousand Dollars ($100,000), the Director of ((~~Finance~~)) Executive Administration and the City Attorney shall brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110. Prior to authorizing a settlement involving significant legal or policy issues, the Director of ((~~Finance~~)) Executive Administration shall consult with the Director of Finance, the City Attorney and the head of the relevant department.

Section 106. Section 5.24.040 of the Seattle Municipal Code is amended as follows:

5.24.040 Advance payments--Grounds for payment.

A. The City Attorney and the Director of ((~~Finance~~)) Executive Administration are authorized to make periodic payments to a claimant pending settlement or other disposition of his claim equivalent to not more than the claimant's pre-injury net take-home pay if the City Attorney or the Director of ((~~Finance~~)) Executive Administration finds the following conditions to exist:

1. The claimant has been physically disabled as a result of an act or omission by the City or its employees and agents and for which the City is legally obligated to respond in damages, which physical disability precludes the claimant from engaging in gainful employment;

2. The claimant's loss of employment results in financial hardship and the claimant is without alternate financial resources to provide for the necessary cost of living;

3. Circumstances exist which preclude the early settlement or other disposition of claimant's claim;

4. The best interest of the City and the claimant will be served by making such interim payments.

B. As a condition to commencing such payments, the City Attorney or the Director of ((~~Finance~~)) Executive Administration shall secure from the claimant a written agreement that all payments made pursuant to this section shall be credited to the City against any settlement of the claim which may be arrived at, and shall be credited against any judgment which may be rendered against the City by reason of such claim in any court. The agreement may include such additional terms and conditions as the City Attorney or the Director of ((~~Finance~~)) Executive Administration determines are appropriate to serve the best interests of the City.

C. In addition to the payments covering wage losses, the City Attorney or the Director of ((~~Finance~~)) Executive Administration may, prior to settlement of the claimant's claim or prior to

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

judgment, pay medical costs and provide necessary transportation and other expenses of treatment which the claimant may be required to pay; provided, that all such payments under this chapter shall cease at such time as the City Attorney or the Director of ((~~Finance~~)) Executive Administration shall determine that one (1) or more of the circumstances enumerated above have changed or that the total sum paid the claimant approximates the amount the claimant is likely to recover by reason of his injury.

Section 107. Section of the Seattle Municipal Code is amended as follows:

5.24.060 Litigation expenses.

The City Attorney and the Director of ((~~Finance~~)) Executive Administration are authorized to make payment to private and/or public agencies, firms, and/or individuals who provide services to the City in support of any litigation and/or claim and/or threatened litigation or claim filed or contemplated against the City or where the City is a plaintiff or potential plaintiff in legal action.

Section 108. Subsection (10) of Section 5.30.025 of the Seattle Municipal Code is amended as follows:

5.30.025 Definitions, C-E.

***

10. "Director" means the Director of ((~~Finance~~)) Executive Administration of the City or any officer, agent or employee of the City designated to act on the Director's behalf.

***

Section 109. Subsection (8) of Section 5.30.035 of the Seattle Municipal Code is amended as follows:

5.30.035 Definitions, G-M.

***

8. "Manufacturer," "to manufacture."

a. "Manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from his or her own materials or ingredients any products. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, all or a portion of the materials that become a part or whole of the manufactured product, the Director of Finance shall prescribe equitable rules for determining tax liability. A business not located in this City that is the owner of materials or ingredients processed for it in this City by a processor for hire shall be deemed to be engaged in business as a manufacturer in this City.

b. "To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials or ingredients so that as a result thereof a new, different or useful product of tangible personal property is produced for sale or commercial or industrial use, and shall include:

i. the production of special-made articles or custom-made articles;

ii. the development, production, or duplication of canned software programs including the development, production, or duplication of master copies;

iii. the production of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician;

ACTING CITY CLERK

iv. crushing and/or blending of rock, sand, stone, gravel, or ore; and

v. the producing of articles for sale, or for commercial or industrial use from raw materials or prepared materials by giving such materials, articles, and substances of trade or commerce new forms, qualities, properties or combinations including, but not limited to, such activities as making, fabricating, processing, refining, mixing, slaughtering, packing, aging, curing, mild curing, preserving, canning, and the preparing and freezing of fresh fruits and vegetables.

Section 110. Subsection 7 of Section 5.30.060 of the Seattle Municipal Code is amended as follows:

5.30.060 Definitions, T-Z.

***

7. "Value of products, how determined."

a. The value of products, including by-products, extracted or manufactured, shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or by-products by the seller.

b. Where such products, including by-products, are extracted or manufactured for commercial or industrial use; and where such products, including by-products, are shipped, transported or transferred out of the City, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale, the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture, or sale of such products. In the absence of sales of similar products as a guide to value, such value may be determined upon a cost basis. In such cases, there shall be included every item of cost attributable to the particular article or article extracted or manufactured, including direct and indirect overhead costs. The Director <u>of Finance</u> may prescribe uniform and equitable rules for the purpose of ascertaining such values.

***

Section 111. New subsections E and F are added to Section 5.40.010 of the Seattle Municipal Code as follows:

5.40.010 Definitions.

For the purposes of this chapter, words and terms shall have following meanings:

***

<u>E. "Department" means the Department of Executive Administration of The City of Seattle, or its functional successor.</u>

<u>F. "Director" means the Director of Executive Administration of The City of Seattle, or his or her functional successor, and shall include the Director's authorized representatives.</u>

***

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 112. Subsection 5.40.028F of the Seattle Municipal Code is amended as follows:

5.40.028 Tax exemption--Human services agencies.

***

F. The exemption in subsection A does not apply unless the nonprofit human services agency, as well as any other person qualified pursuant to subsections C and D to act on behalf of a nonprofit human services agency, are registered with the ((~~Finance~~)) Director pursuant to Sections 5.40.080 and 5.40.085 at least thirty (30) days prior to the event. A person qualifying for exemption under subsection C must register separately for each activity it conducts on behalf of a nonprofit human services agency and must present to the Director a copy of its contract with the nonprofit human services agency in order to register.

***

Section 113. Section 5.40.060 of the Seattle Municipal Code is amended as follows:

5.40.060 Ticket numbering and information.

A. Whenever a charge is made for admission to any place, a serially numbered or reserve seat ticket shall be furnished the person paying such charge unless written approval has been obtained from the ((~~Finance~~)) Director to use a turnstile or other counting device which will accurately count the number of paid admissions. The established price, service charge, City tax and total price at which every such admission ticket or card is sold shall be separately, conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place to which admission is gained. It shall be unlawful for anyone to sell an admission ticket or card on which the name of the person conducting the event and the price is not so printed, stamped or written, or to sell or offer to sell an admission ticket or card at a price in excess of the price printed, stamped or written thereon. The admission tax due shall be based on the total sum of the established price plus any service charge printed on the ticket. When a charge is made for admission, a sign must be posted in a conspicuous place on the entrance or ticket office which breaks down the admission charge as follows:

Established Price . . . . . .
Service Charge (if any) . . . . . .
City Tax . . . . . .
Total Price . . . . . .

It is unlawful to charge a service charge on admission tickets unless the purchaser is fully informed of the purpose of such charge by published or posted notice in advance of the ticket sale.

B. It is unlawful for any person to represent an admission charge or fee for the privilege of entering, attending, or remaining in attendance at any theater, dance, amusement or other place of public performance as a donation or contribution where persons are not admitted or allowed to remain in attendance without payment of such charge or fee.

Section 114. Section 5.40.070 of the Seattle Municipal Code is amended as follows:

5.40.070 Remittance of tax.

Anyone, including any municipal or quasi-municipal corporation who receives any payment for any admission charge on which a tax is levied under this chapter shall collect the amount of the tax from the person making the admission payment and shall remit the same to the ((~~Finance~~)) Director as

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

provided in this section. The tax required to be collected under this chapter shall be deemed held in trust by the person required to collect the same until remitted to the Director as provided in this section. Anyone required to collect the tax imposed under this chapter who fails to collect the same, or who collects the same but fails to remit the same to the Director in the manner prescribed by this chapter shall be liable to the City for the amount of such tax, and shall, unless the remittance be made as required in this section, be guilty of a violation of this chapter whether such failure be the result of his or its own act or the result of acts or conditions beyond his or its control. The tax imposed under this chapter shall be collected from the person paying the admission charge at the time the admission charge is paid and such taxes shall be remitted by the person collecting the tax to the Director in monthly remittances on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax is collected or received and accompanied by such reports as the Director shall require: Provided, that the Director for good cause shown, may extend the time for making and filing the return and remittance of the tax due. Payment or remittance of the tax collected may be made by check unless payment or remittance is otherwise required by the Director, but payment by check shall not relieve the one collecting the tax from liability for payment and remittance of the tax to the Director unless the check is in the full and correct amount and until the check is honored. Anyone receiving any payment for admissions shall make out a return upon such forms and setting forth such information as the Director may require, showing the amount of the tax upon admissions for which he is liable for the preceding monthly period, and shall sign and transmit the same to the Director with a remittance for said amount: Provided, that the Director may in his or her discretion require verified annual returns from anyone receiving admission payments setting forth such additional information as he or she may deem necessary to determine correctly the amount of tax collected and payable. If the return provided for in this section is not made and the tax is not collected and paid within twenty-five (25) days after the end of the month in which the tax was collected, the Director shall add a penalty of ten percent (10%) of the tax per month or fraction thereof for each month overdue which shall be added to the amount of the tax due, and remitted in the same manner. Whenever any theater, circus, show, exhibition, entertainment or amusement makes an admission charge which is subject to the tax levied in this chapter, and the same is of a temporary or transitory nature or there exists a reasonable question of financial responsibility, of which the Director shall be the judge, the Director may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions or at such other times as he or she shall determine; and failure to comply with any requirement of the Director as to report and remittance of the tax as required shall be a violation of this chapter. Everyone liable for the collection and payment of the tax imposed by this chapter shall keep and preserve for a period of five (5) years all unused tickets, ticket manifests, books and all other records from which can be determined the amount of admission tax which he or she was liable to remit under the provisions of this chapter, and all such tickets, books and records shall be open for examination and audit at all reasonable times by the ((~~Finance~~)) Director or his or her duly authorized agent. Written permission may be granted by the Director to destroy unused tickets prior to the expiration of the five (5) year period.

Section 115. Section 5.40.080 of the Seattle Municipal Code is amended as follows:

5.40.080 Certificate of registration--Required--Application.

Any person conducting or operating any place for entrance to which an admission charge is made shall, on a form prescribed by the ((~~Finance~~)) Director, make application to the Director for issuance of a certificate of registration, the fee for which shall be One Dollar ($1.00), which certificate

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

shall continue valid until December 31st of the year in which the same is issued. Such certificate of registration, or duplicate original copies thereof to be issued without additional charge, shall be posted in a conspicuous place in each ticket or box office where tickets of admission are sold.

Section 116. Subsection 5.40.085A of the Seattle Municipal Code is amended as follows:

5.40.085 Certificate of exemption--Application, issuance--Cancellation.

A. Any person seeking to secure an exemption from the admission tax pursuant to Section 5.40.026 A shall, for each activity or series of activities as prescribed by the ((~~Finance~~)) Director:

1. Identify the activity or set of activities at which persons paying an admission charge are not to be taxed;

2. Supply sufficient information as well as enable the Director both:

a. To determine the applicability of the tax to the activity or set of activities so identified, and

b. To distinguish the same from other occasions, if any, when taxes are to be collected; and

3. Provide evidence as necessary to show the status of the party performing the activity or set of activities as a college, university, or nonprofit tax-exempt organization as defined in Section 5.40.010.

The applicant may be required to notify the Director of any subsequent change in condition from the facts stated or information supplied. If the Director determines that persons paying such admission charge are not subject to the admission tax, the applicant shall receive a certification of such determination for the activity or series of activities, as the case may be.

***

Section 117. Section 5.40.090 of the Seattle Municipal Code is amended as follows:

5.40.090 Certificate of registration--Owner of building to be named.

Whenever the applicant for a certificate of registration, obtained for the purpose of operating or conducting a temporary or transitory amusement, entertainment or exhibition, is not the owner, lessee, or custodian of the buildings, lots or place where the amusement is to be conducted, the tax imposed by this chapter shall be reported and remitted as provided in Section 5.40.070 by the person who is the owner, lessee or custodian, if not paid by the person conducting the amusement, entertainment or exhibition. The applicant for a certificate of registration in any such case shall furnish the ((~~Finance~~)) Director with the application, with the name and address of the owner, lessee or custodian of the premises upon which the amusement is to be conducted, and such owner, lessee or custodian shall be notified by the Director of the issuance of such certificate and of his joint liability for collection and remittance of such tax.

Section 118. Subsection 5.45.100P of the Seattle Municipal Code is amended as follows:

5.45.100 Deductions.

In computing the license fee or tax, the following may be deducted from the measure of tax:

***

P. Radio and television broadcasting - advertising agency fees - national, regional, and network advertising - interstate allocations. In computing tax, there may be deducted from the measure of the tax by radio and television broadcasters amounts representing the following:

1. advertising agencies' fees when such fees or allowances are shown as a discount or price reduction in the billing or that the billing is on a net basis, i.e., less the discount;

ACTING CITY CLERK

2. actual gross receipts from national network, and regional advertising or a "standard deduction" as provided by RCW 82.04.280; and

3. local advertising revenue that represents advertising which is intended to reach potential customers of the advertiser who are located outside the State of Washington.

The Director of Finance may issue a rule that provides detailed guidance as to how these deductions are to be calculated.

***

Section 119. Subsections A6, A7, and A21 of Section 5.48.020 of the Seattle Municipal Code are amended as follows:

5.48.020 Definitions.

A. In construing the provisions of this chapter unless otherwise declared or clearly apparent from the context, the following definitions shall be applied:

***

6. "Department" means the Department of ((~~Finance~~))Executive Administration of The City of Seattle, or its functional successor.

7. "Director" means the Director of ((~~Finance~~)) Executive Administration of The City of Seattle, or his or her functional successor.

***

21. "Tax year" or "taxable year" shall mean either the calendar year or the taxpayer's fiscal year when permission is obtained from the Director ((~~of Finance~~)) to use a fiscal year in lieu of the calendar year.

***

Section 120. Subsections C and D of Section 5.52.010 of the Seattle Municipal Code are amended as follows:

5.52.010 Definitions.

Words and terms used in this chapter shall have the same meaning as each has under RCW Chapter 9.46, as now existing or hereafter amended, unless otherwise specifically provided in this chapter, or when the context in which they are used in this chapter clearly indicates that they be given some other meaning.

***

C. "Department" means the Department of ((~~Finance~~)) Executive Administration of The City of Seattle, or its functional successor.

D. "Director" means the Director of ((~~Finance~~)) Executive Administration of The City of Seattle, or his or her functional successor.

***

Section 121. Subsection 5.55.120E of the Seattle Municipal Code is amended as follows:

5.55.120 Cancellation of penalties.

***

E. The Director of Finance shall adopt administrative rules for the cancellation of penalties imposed under this chapter.

ACTING CITY CLERK

Section 122. Subsection 5.55.140 of the Seattle Municipal Code is amended as follows:

5.55.140 Review of Director's Assessment or Denial of Refund.

A. Any person, except one who has failed to provide or to keep and preserve books, records, and invoices as required in this chapter, aggrieved by the amount of the tax, fee, or penalty assessed by the Director ((~~of Finance~~)), or by the denial of a refund by the Director of Finance, may, having paid any tax, fee, interest or penalty owing, except as provided in subsection C below:

1. Appeal the Director's deficiency assessment or refund denial to the Hearing Examiner by filing a petition for review with the Office of the Hearing Examiner; or

2. File a complaint in King County Superior Court for refund of taxes paid.

The petition or complaint shall be filed within thirty (30) days from the date that the assessment or denial notice was mailed to the taxpayer, or within the period covered by any extension of said due date granted in writing by the Director ((~~of Finance~~)). The Director ((~~of Finance~~)) may extend the due date for filing an appeal with the Hearing Examiner or a refund suit with the Superior Court only if the taxpayer, within the thirty (30) day period, makes written application showing good cause why an extension is necessary.

B. The Director's assessment or refund denial shall be regarded as prima facie correct, and the person shall have the burden to prove that the tax assessed or paid by him is incorrect, either in whole or in part, and to establish the correct amount of tax.

C. Except as provided in SMC 5.55.150(B), assessments totaling less than Fifty Thousand Dollars ($50,000) (including penalty and interest) may be appealed to the Hearing Examiner without prior payment.

D. The methods for obtaining review of the Director's assessment or refund denial set forth in this section are exclusive, and must be strictly complied with.

Section 123. Subsection 5.55.150A of the Seattle Municipal Code is amended as follows:

5.55.150 Appeal to the Hearing Examiner.

A. A person electing to appeal to the Hearing Examiner must provide a copy of the petition to the Director ((~~of Finance~~)) and the City Attorney on or before the date the petition is filed with the Hearing Examiner. If no such petition is filed with the Hearing Examiner and provided to the Director ((~~of Finance~~)) and City Attorney within the thirty (30) day period, and a complaint is not filed, the assessment covered by the notice shall become final and no refund request may be made for the audit period covered in that assessment.

***

Section 124. Section 5.55.165 of the Seattle Municipal Code is amended as follows:

5.55.165 Director <u>of Finance</u> to make rules.

The Director <u>of Finance</u> shall have the power and it shall be his or her duty, from time to time, to adopt, publish and enforce rules and regulations not inconsistent with this chapter, SMC Chapters 5.30, 5.32, 5.40, 5.44, 5.48, 5.52, or with law for the purpose of carrying out the provisions of such chapters, and it shall be unlawful to violate or fail to comply with, any such rule or regulation.

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 125. Subsection 5.55.200C of the Seattle Municipal Code is amended as follows:

5.55.200 Public disclosure - Confidentiality - Information sharing.

***

C. Tax information may be disclosed to the following:

1. The Mayor, members of the City Council, City Attorney, City Clerk, Director of Finance or their authorized designees, for official purposes;

2. Any agency or officer of the United States of America, the State of Washington, or a tax department of any state, county, city or town, provided that the agency or officer grants substantially similar privileges to the City, and further provided that the agency or officer shall not further disclose the tax information except as authorized in this section.

***

Section 126. Subsection 5.55.230B of the Seattle Municipal Code is amended as follows:

5.55.230 Suspension or Revocation of business license.

***

B. Any licensee may, within thirty (30) days from the date that the suspension or revocation notice was mailed to the licensee, appeal from such suspension or revocation by filing a written notice of appeal ("petition") setting forth the grounds therefor with the Office of the Hearing Examiner. The licensee must provide a copy of the petition to the Director ((~~of Finance~~)) and the City Attorney on or before the date the petition is filed with the Hearing Examiner. The hearing shall be conducted in accordance with the procedures for hearing contested cases in the Seattle Administrative Code (Chapter 3.02 of the Seattle Municipal Code). The Hearing Examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the Hearing Examiner shall, after appropriate findings of fact, and conclusions of law, affirm, modify, or overrule the suspension or revocation and reinstate the license, and may impose any terms upon the continuance of the license which the Hearing Examiner may deem advisable.

No suspension or revocation of a license issued pursuant to the provisions of this chapter shall take effect until thirty (30) days after the mailing of the notice thereof by the Director, and if appeal is taken as herein prescribed the suspension or revocation shall be stayed pending final action by the Hearing Examiner. All licenses which are suspended or revoked shall be surrendered to the City on the effective date of such suspension or revocation.

The decision of the Hearing Examiner shall be final. The licensee and/or the Director may seek review of the decision of the Hearing Examiner to the Superior Court of Washington in and for King County within fourteen (14) days from the date of the decision.

***

Section 127. Section 5.55.260 of the Seattle Municipal Code is amended as follows:

5.55.260 Personal liability of persons in control of admission taxes.

In addition to persons liable for tax pursuant to SMC Section 5.40.070:

A. Any individual who is responsible for collecting, accounting for, or paying over the admission tax imposed by SMC Chapter 5.40, and who willfully fails to collect, account for, or pay over such tax, or willfully attempts to evade or defeat such tax or the payment thereof, shall, in addition to other

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

penalties provided by law, be liable to pay the total amount of the tax evaded, not collected, or not accounted for and paid over.

B. An individual is responsible for collecting, accounting for, or paying over the tax if he has control over, or supervision of, the receipt of admissions charges, the filing of returns, or the remittance of the tax.

C. For purposes of this section, "willfully" means that the failure was the result of an intentional, conscious, and voluntary course of action.

D. An individual shall be liable only for taxes which became due during the period he was required to collect, account for, and pay over the tax, plus interest and penalties on the tax.

E. An individual is not liable under this section if the failure to collect, account for, or pay over the tax is due to reasons beyond his control, as determined by rules promulgated by the Director of Finance.

F. The Director shall assess the liability in the same manner as a tax deficiency pursuant to SMC 5.55.095 and the individual shall have the right of review provided by SMC 5.55.140. If not appealed within the time provided in section SMC 5.55.140, the assessment is final and no refund request may be made for the period covered in the assessment.

G. Once established, liability for the tax is joint and several. The Director may collect the total amount of tax, but not more, either from individuals liable under this section or persons liable under SMC 5.40.070, or both. This section does not relieve persons of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

Section 128. Section 5.56.110 of the Seattle Municipal Code is amended as follows:

5.56.110 Collection of tax.

Section 5 of the State Act requires the lessor to collect the tax from the lessee and remit the same to the Department of Revenue. City departments acting as lessors under terms of the State Act shall, effective January 1, 1976, collect the tax as a surcharge upon contract rent in the amount of twelve percent (12%) of taxable rent, as defined in Section 2 of the State Act, or according to such different manner as the Department of Revenue may prescribe in accordance with Section 2 of the State Act. Collections of the tax shall be deposited in the appropriate operating funds of those City departments acting as lessors. The amounts shall be paid by the ((~~City Finance~~)) Director of Executive Administration to the Department of Revenue upon execution of appropriate vouchers by the affected departments and in accordance with such rules as the Department of Revenue may promulgate.

Section 129. Subsection 5.56.130 of the Seattle Municipal Code is amended as follows:

5.56.130 Establishment of subaccounts.

The ((~~City Finance~~)) Director of Executive Administration shall establish such subaccounts in the operating funds of departments required to collect the tax as shall be necessary to permit the separate and appropriate accounting of such tax, and shall inform such departments concerning the identity and coding of such subaccounts.

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 130. Section 5.64.030 of the Seattle Municipal Code is amended as follows:

5.64.030 Deposit and use of tax proceeds.

The King County Comptroller may retain one percent (1%) of the proceeds of the taxes collected for the county current expense fund to defray the costs of collection. All remaining proceeds from City taxes collected shall be paid to the ((~~City Finance~~)) Director of Executive Administration at least monthly and, upon receipt, deposited in the Cumulative Reserve Fund for municipal capital improvements, including those listed in RCW 35.43.040.

Section 131. Section 5.78.010 of the Seattle Municipal Code is amended as follows:

5.78.010 Account established--Donations.

A. There is hereby established a Gift Catalogue account in the General Donations and Gift Trust Fund with subaccounts therein for the purposes set forth in the City's Gift Catalogue, and donations shall be credited to the appropriate subaccounts. The City Director of ((~~Finance~~)) Executive Administration is authorized and directed to accept donations for the purposes set forth in the Gift Catalogue and to give his or her receipt, and the City Director of ((~~Finance~~)) Executive Administration shall keep appropriate accounts and subaccounts therefor.

B. "City's Gift Catalogue," as used in this chapter, means the document attached to Ordinance 112137 and such supplemental catalogues as may be issued by the City, with the approval of the Mayor and the City Council by resolution, from time to time.

Section 132. Section 5.78.020 of the Seattle Municipal Code is amended as follows:

5.78.020 Expenditures--Seattle Center programs.

The Director of the Seattle Center is authorized to direct expenditures for the donations made to the Seattle Center programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw to pay warrants against the designated program account or subaccount on vouchers approved by The Seattle Center Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 133. Section 5.78.030 of the Seattle Municipal Code is amended as follows:

5.78.030 Expenditures--Seattle Arts Commission.

The Seattle Arts Commission is authorized to direct expenditures for the donations made to the Seattle Arts Commission programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by said Commission as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 134. Section 5.78.040 of the Seattle Municipal Code is amended as follows:

5.78.040 Expenditures--Seattle Transportation programs.

The Director of Transportation is authorized to direct expenditures for the donations made to Seattle Transportation programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Transportation as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 135. Section 5.78.060 of the Seattle Municipal Code is amended as follows:

5.78.060 Expenditures--Office of Housing.

The Director of Housing is authorized to direct expenditures for the donations made to that Office's programs in the City's Gift Catalogue or for other housing activities as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Housing as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 136. Section 5.78.070 of the Seattle Municipal Code is amended as follows:

5.78.070 Expenditures--Seattle-King County Department of Public Health.

The Director of Public Health is authorized to direct expenditures for the donations made to the Seattle-King County Department of Public Health programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Public Health as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 137. Section 5.78.080 of the Seattle Municipal Code is amended as follows:

5.78.080 Expenditures--Seattle Public Utilities.

The Director of Seattle Public Utilities is authorized to direct expenditures for the donations made to the Seattle Public Utilities programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Seattle Public Utilities as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 138. Section 5.78.090 of the Seattle Municipal Code is amended as follows:

5.78.090 Expenditures--Police Department.

The Chief of Police is authorized to direct expenditures for the donations made to the Police Department programs in the City's Gift Catalogue as designated by the donor; and the City Director of

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

((~~Finance~~)) Executive Administration is authorized to draw to pay warrants against said program accounts or subaccounts on vouchers approved by the Chief as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 139. Section 5.78.100 of the Seattle Municipal Code is amended as follows:

5.78.100 Expenditures--Fire Department.

The Chief of the Fire Department is authorized to direct expenditures for the donations made to the Fire Department programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Chief as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 140. Section 5.78.120 of the Seattle Municipal Code is amended as follows:

5.78.120 Expenditures--Department of Parks and Recreation.

The Superintendent of Parks and Recreation is authorized to direct expenditures for the donations made to the Department of Parks and Recreation programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Superintendent as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director or ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 141. Section 5.78.130 of the Seattle Municipal Code is amended as follows:

5.78.130 Expenditures--Personnel Director.

The Personnel Director is authorized to direct expenditures for the donations made to programs of the Personnel Department or to programs of the former Personnel Division of the Executive Services Department in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Personnel Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 142. Section 5.78.150 of the Seattle Municipal Code is amended as follows:

5.78.150 Expenditures--Director of ((~~Finance~~)) Executive Administration.

The City Director of ((~~Finance~~)) Executive Administration is authorized to direct expenditures for the donations to programs formerly housed in the Department of Finance and to programs of the former Finance Department and to programs of the former Department of Licenses and Consumer Affairs in the City's Gift Catalogue as designated by the donor; and to draw and to pay warrants against said program accounts or subaccounts on vouchers. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

ACTING CITY CLERK

Section 143. Section 5.78.160 of the Seattle Municipal Code is amended as follows:

5.78.160 Expenditures--Department of Design, Construction and Land Use.

The Director of Design, Construction and Land Use is authorized to direct expenditures for the donations to the Design, Construction and Land Use Department programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Design, Construction and Land Use as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 144. Section 5.78.170 of the Seattle Municipal Code is amended as follows:

5.78.170 Expenditures--City Clerk's Office.

The City Council is authorized to direct expenditures for the donations to the City Clerk's Office programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against such program accounts or subaccounts on vouchers approved by the City Clerk as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 145. Section 5.78.180 of the Seattle Municipal Code is amended as follows:

5.78.180 Expenditures--Department of Neighborhoods.

The Director of the Department of Neighborhoods is authorized to direct expenditures from the donations made to that Department's programs that are in the City's Gift Catalogue, as amended from time to time, or for which an account or subaccount for deposit of donations is established by ordinance. Such expenditures shall be consistent with the designation by the donor. The City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said accounts or subaccounts for such programs, or make appropriate transfers from such accounts or subaccounts, based on vouchers approved by the Director of Neighborhoods as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section 146. Section 5.78.190 of the Seattle Municipal Code is amended as follows:

5.78.190 Expenditures--Human Services Department.

The Director of the Human Services Department is authorized to direct expenditures for the donations made to that Department's programs in the City's Gift Catalogue or for other human services activities as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Human Services Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

ACTING CITY CLERK

Section 147. Subsections A and C of Section 6.02.030 of the Seattle Municipal Code are amended as follows:

6.02.030 Definitions.

For the purpose of this subtitle certain words shall have the meanings specified in this section. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine.

A. "Complainant" means any person who files a complaint in writing with the Department of ((~~Finance~~))Executive Administration.

B. "Confidential" means not available for public inspection.

C. "Director" means the Director of ((~~Finance~~))Executive Administration of The City of Seattle and shall include the Director's authorized representatives.

***

Section 148. Subsection 6.02.040A of the Seattle Municipal Code is amended as follows:

6.02.040 Administration and enforcement.

A. The ((~~Finance~~)) Director of Executive Administration shall have general charge of, and supervision over, the administration and enforcement of this subtitle, and he or she shall exercise all the powers and perform all the duties imposed upon him or her by this subtitle, and all other ordinances relating to licenses issued for regulatory and/or revenue purposes unless administration and enforcement of such ordinance is vested in another officer or department by ordinance.

***

Section 149. Section 6.02.050 of the Seattle Municipal Code is amended as follows:

6.02.050 Establishment of rules and regulations.

The ((~~Finance~~)) Director of Executive Administration shall establish administrative rules and regulations consistent with this subtitle for the purpose of enforcing and carrying out the provisions thereof. Such rules and regulations shall be established pursuant to the requirements of the Administrative Code (Ordinance 102228) as now or hereafter amended.

Section 150. Section 6.02.060 of the Seattle Municipal Code is amended as follows:

6.02.060 Assistance in enforcement.

The Boiler Inspector shall assist in the enforcement of the provisions hereof relating to stationary engineers and firemen; the Chief of the Fire Department and members of the Fire Department detailed as Inspectors shall assist in the enforcement of the provisions hereof, particularly with reference to gasoline stations; the Plumbing Inspectors of the Department of Public Health shall assist in the enforcement of the provisions hereof relating to master plumbers and journeyman plumbers and it shall be the duty of all department heads and the inspectors thereof to report in writing to the ((~~Finance~~)) Director of Executive Administration and to the Chief of Police and, if a violation of Chapter 6.230 is involved, to the Director of the Department of Construction and Land Use any violations of this subtitle coming to their attention.

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 151. Subsection 6.02.080A of the Seattle Municipal Code is amended as follows:

6.02.080 Hearing -- Procedure.

A. In all cases in which a hearing is requested or otherwise required in accordance with the provisions of this subtitle the ((~~Finance~~)) Director of Executive Administration shall set a date for hearing before a Hearing Examiner in the Office of Hearing Examiner which date unless otherwise provided in this subtitle shall not be later than fifteen (15) days after receipt of such request. Notice of the date, and summary of the issues involved shall be published and shall be sent by certified mail to the license applicant or licensee and to any complainant.

***

Section 152. Section 6.02.090 of the Seattle Municipal Code is amended as follows:

6.02.090 Filing of findings of hearing.

Within twenty (20) days after any such hearing or any continuation thereof, the Hearing Examiner shall file with the ((~~Finance~~)) Director of Executive Administration and with the City Clerk written findings of fact, conclusions and his or her decision. Such decision shall be mailed by certified mail to the license applicant or licensee and to the complainant, if any, and shall be final.

Section 153. Section 6.02.120 of the Seattle Municipal Code is amended as follows:

6.02.120 Records to be filed with City Clerk and Director.

Unless otherwise provided in this subtitle, all decisions, orders, rules, regulations, reports and records required by this subtitle to be made or kept, shall be filed with the City Clerk and a copy thereof filed in the office of the ((~~Finance~~)) Director of Executive Administration, and shall be open to public inspection in the office of the City Clerk during normal business hours.

Section 154. Section 6.02.150 of the Seattle Municipal Code is amended as follows:

6.02.150 Change of ownership -- Panoram location businesses.

The ((~~Finance~~)) Director of Executive Administration may recognize a change of ownership of any business licensed for "panoram location" upon the filing by the new or prospective owner of applications in the manner and form pre- scribed, and payment of the applicable fee required for original applications for such licenses, and may in granting any such application include the condition that such new or prospective owner assume and pay any lawful indebtedness of the transferor or assignor due to the City in connection with such business.

Section 155. Section 6.02.170 of the Seattle Municipal Code is amended as follows:

6.02.170 Business at location other than stated in license.

Unless otherwise specifically provided, no license issued under authority of this subtitle shall entitle the holder thereof to maintain or conduct the business, trade, occupation, calling, exhibition or entertainment, for which he/she had procured such license at any other place or location than that stated in such license except upon the written consent of the ((~~Finance~~)) Director of Executive Administration.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 156. Section 6.02.190 of the Seattle Municipal Code is amended as follows:

6.02.190 License application -- Form for certain businesses.

A. Application for the granting or renewal of:

1. Cabaret licenses;
2. Detective agency licenses;
3. Massage premises and public bathhouse license;
4. Pawnbroker licenses;
5. Merchants patrol agency licenses;

shall be made in the office of the Director on a form prepared by him/her substantially as follows:

"THE CITY OF SEATTLE

((~~Finance~~)) Department of Executive Administration

Application for .....

Expiring ..... ((~~19~~))20___ .....

1. Name of Applicant .....
2. Location of Business .....
   Telephone No. .....
3. Place of Business Known as .....
4. Residence Address of applicant .....
   Telephone Number .....
5. State whether Individual, Partnership or Corporation. .....
6. If Partnership, state the names of all persons sharing in the profits of the business; If a Corporation, give the names of its officers, directors and shareholders, giving title, residence address and phone number of each .....
7. How long has the applicant (or if a corporation, its officers) resided in the City of Seattle? .....
8. If individual or partnership, state whether applicant is of legal age .....
9. Has the applicant or anyone owning an interest in the business, or proposed business, ever been convicted of violating any law or ordinance relating to the sale of intoxicating liquor, gambling, or any law or ordinance relating to public morality and decency, or for violating any law or ordinance involving an intent to defraud? .....
10. Has the applicant or anyone owning an interest in the business, or proposed business, ever been convicted of violating any law or ordinance relating to the use, sale or possession of narcotic drugs? .....
11. State whether all persons sharing in the profits of the business are citizens of the United States .....
12. Give name of each person sharing in the profits of the business who is not a citizen of the United States .....
13. Do the premises upon which the business or proposed business is to be conducted, comply with the requirements of the Building Code and those relating to health and sanitation? ....
14. (If a Theater) Number of Seats .....

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

15. Remarks . . . . . .

STATE OF WASHINGTON)
COUNTY OF KING) ss.
CITY OF SEATTLE)

. . . . . ., being first duly sworn upon oath, deposes and says: I am the above named applicant, and make this affidavit for the purpose of obtaining from the City of Seattle a . . . . in accordance with the provisions of the License Code. I have personal knowledge of the matter stated in the foregoing application and the statements contained therein are true.

SUBSCRIBED AND SWORN to before me this day of . . . . ., ((~~19~~))20__ . . . .

((~~Finance Director~~)) . . . . . .

Notary Public in and for
the State of Washington,
residing at Seattle

Director of Executive Administration

By . . . . . ."

B. If the applicant is a partnership, a partner must sign, if a Washington corporation, an officer thereof must sign, and if a foreign corporation authorized to do business in the state, its local manager or resident agent must sign. All applications must be accompanied by a receipt from the ((~~Finance~~)) Director of Executive Administration showing payment of the required fee. The Director shall, as to applications for a new license, and may as to applications for a renewal license, request the Chief of Police to investigate the truth of the statements in the application and all other matters which might tend to aid the Director in determining whether to issue the license. The Chief of Police shall report to the Director as to reasons he or she may have for objecting to the issuance of the license. If the Director is satisfied that the statements in the application are true, that the applicant and all persons connected with the business are of good character, that the premises in which the activity sought to be licensed will be conducted comply with the requirements of all ordinances relating to buildings, fire, health and sanitation, that such premises are situated in a place where such businesses are not prohibited by the Zoning Ordinance or other law, and that all other requirements and conditions of this subtitle and other ordinances relating to such application and to the business for which such license is sought have been met, the Director shall issue the license; otherwise shall deny the same; provided, however, that if the applicant (or if a corporation, any of its officers) has within ten (10) years of the date of application been convicted of any felony, or any misdemeanor involving moral turpitude or intent to defraud, or has within ten (10) years of the date of application been released from a penal institution or from active supervision on parole as a result of any such conviction, no such license shall be issued; provided, further, however, that the Director may waive not to exceed five (5) years of such period upon satisfactory showing by the applicant of rehabilitation.

C. If any license is denied by the Director, the fee paid by the applicant shall thereupon be returned to him/her.

D. As changes in shareholders, directors and officers of a corporation occur, any application for a license made by or on behalf of such corporation under this section shall be amended by the corporation

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

by notice in writing filed with the Director and failure to comply with such requirement shall be cause for revocation of any license issued to such corporation.

Section 157. Section 6.02.200 of the Seattle Municipal Code is amended as follows:

6.02.200 Police Department relieved of duty to investigate applications.

The Chief of Police and the Police Department are relieved of the duty to investigate applications for license renewals and all parts of this subtitle (Ordinance 48022) imposing such duty are superseded, provided that this provision shall not preclude the Chief of Police from making such investigation of applicants for license renewal as may be requested by the ((~~Finance~~)) Director of Executive Administration.

Section 158. Subsection 6.02.290A of the Seattle Municipal Code is amended as follows:

6.02.290 Suspension or revocation procedure.

A. Actions to suspend or revoke any license shall be commenced by filing in the office of the ((~~Finance~~)) Director of Executive Administration a written complaint setting forth in specific terms the basis therefor. Such complaint may be made by the Director, or by any member of the Finance Department, or by any other person. A copy of such complaint shall be mailed by certified mail to the licensee at his or her last address as shown by the license records of the Director, and shall be accompanied by a notice that such license may be suspended or revoked.

***

Section 159. Section 6.14.020 of the Seattle Municipal Code is amended as follows:

6.14.020 License required -- Certain persons prohibited.

It is unlawful for any person, unless duly licensed so to do pursuant to this chapter, to engage in, or to advertise or hold himself or herself out as being engaged in the private detective business; provided, that no license required by Sections 6.14.030 or 6.14.040 shall be granted to any person who within ten (10) years of the date of application for such license has been convicted of any felony, or any misdemeanor involving moral turpitude or intent to defraud, or has within ten (10) years of the date of application been released from a penal institution or from active supervision on parole as a result of any such conviction; provided, further, however, that the ((~~Finance~~)) Director of Executive Administration may waive not to exceed five (5) years of such period upon satisfactory showing by the applicant of rehabilitation.

Section 160. Section 6.14.090 of the Seattle Municipal Code is amended as follows:

6.14.090 Surety bond.

Every applicant for a detective agency license at the time the application is made shall furnish to the ((~~Finance~~)) Director of Executive Administration for filing with the City Clerk, a surety company bond running to the City, in a penal sum of Two Thousand Dollars ($2,000.00), conditioned that the licensee will faithfully comply with all the requirements of this title, insofar as they relate to the business of detective or detective agency.

FILING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 161. Section 6.14.100 of the Seattle Municipal Code is amended as follows:

6.14.100 Private guard license -- Fee.

It is unlawful to engage in the occupation of private guard to prevent theft or unlawful taking of goods, wares, and merchandise or to purport to engage therein without a private guard license, the fee for which shall be Thirty Dollars ($30.00) per year and which shall expire October 31st of each year. No private guard shall operate except as an employee under a duly licensed detective agency. Application for such license shall be made to the ((~~Finance~~)) Director of Executive Administration on a similar form and shall follow the same procedure as is provided in Section 6.14.060 hereof for a private detective license; provided, anyone holding a valid merchant's patrol agency license or merchant patrolman's license under Section 6.38.020 of this subtitle shall be exempt from such license requirements.

Section 162. Subsections A and C of Section 6.36.020 of the Seattle Municipal Code are amended as follows:

6.36.020 Massage premises, public bathhouse, and reducing salon licenses.

It is unlawful to conduct, manage, operate, or work in any massage premises, public bathhouse, or reducing salon unless such establishment is licensed as provided in this section.

A. Original application for such licenses shall be made and original licenses issued in the manner provided in Sections 6.02.190 and 6.02.210 of this subtitle. All applications for renewal shall be filed with the Director on forms furnished by him/her for such purpose and he/she shall refer the same to the Chief of Police who shall within five (5) days furnish a written report to the Director containing the result of his/her investigation and any other matters which might aid the ((~~Finance~~)) Director of Executive Administration in determining whether or not to issue the license.

B. The fee for a reducing salon or public bathhouse license is Three Hundred Forty Dollars ($340.00) per year; the fee for a massage premises license is Ninety Dollars ($90.00) per year.

C. No such license shall be granted for any massage premises, public bathhouse or reducing salon until inspection and report as to the sanitary condition thereof by the Director of Health to the ((~~Finance~~)) Director of Executive Administration. Massage premises, public bathhouses, and reducing salons must be similarly inspected at least once a year when renewal of a license is requested, and must at all times be open to inspections by the City as to sanitary conditions and to enforce compliance with the provisions of this chapter.

***

Section 163. Section 6.36.030 of the Seattle Municipal Code is amended as follows:

6.36.030 Massage practitioner's license.

It is unlawful for any person, except as provided in Section 6.36.060 , to give a massage or other treatment of the body by rubbing, kneading, or manipulation, whether in a massage premises or public bathhouse, or otherwise, without first obtaining a massage practitioner's license, the fee for which is Thirty-five Dollars ($35.00) per year. The license application shall be made in the true name of the applicant and shall be accompanied by evidence that the applicant holds a valid State Massage Practitioner's License. If the ((~~Finance~~)) Director of Executive Administration finds that the information in the application is true and accurate, that the applicant holds a valid State Massage Practitioner's License, and that the applicant has not been convicted of a crime involving or related to prostitution, lewd conduct, or narcotic drugs within the seven (7) years immediately prior to the date of application,

ACTING CITY CLERK

the Director shall approve the application and issue the license; otherwise, the Director shall deny the application.

Section 164. Section 6.36.040 of the Seattle Municipal Code is amended as follows:

6.36.040 Athletic massage operator's license.

It is unlawful for any person to be employed or work as an athletic massage operator unless such person is licensed as provided in this section:

A. The fee for an athletic massage operator's license is Thirty- five Dollars ($35.00) per year.

B. Application for an athletic massage operator's license or for any renewal thereof shall be made to the ((~~Finance~~)) Director of Executive Administration on forms furnished by him/her for such purpose. It shall state the true name of the applicant, who shall be not less than eighteen (18) years of age, and as to an original application shall be accompanied by references as to the moral character and ability of the applicant from four (4) reputable citizens of the City.

C. If the Director finds the application to be in proper form and upon investigation such references to be authentic, he/she shall transmit the same to the Chief of Police.

D. The Chief of Police shall investigate the applicant's reputation and record and transmit such application, his/her written report, and all other reports thereon, to the Director of Health, who shall examine the applicant physically to ascertain if the applicant is free from contagious or infectious disease in a communicable stage and otherwise physically fit to give athletic massages, and shall make a written report thereon.

E. If the Director of Health finds that the applicant is physically competent to give athletic massages he/she shall transmit the application, accompanied by all reports thereon, to the ((~~Finance~~)) Director of Executive Administration. If from the reports the ((~~Finance~~)) Director of Executive Administration deems the applicant a fit and proper person, he/she shall issue the license; otherwise he/she shall deny the license.

Section 165. Section 6.38.040 of the Seattle Municipal Code is amended as follows:

6.38.040 Surety bond.

Every applicant for a merchants patrol agency license shall at the time of application furnish to the ((~~Finance~~)) Director of Executive Administration for filing with the City Clerk, a surety company bond running to the City, in a penal sum of Two Thousand Dollars ($2,000.00) conditioned that the licensee will faithfully comply with all the requirements of this title, insofar as they relate to the business of merchant patrolman or merchants patrol agency.

Section 166. Section 6.42.010 of the Seattle Municipal Code is amended as follows:

6.42.010 Panoram location license.

It is unlawful to display, exhibit, expose or maintain upon any premises, any manually, mechanically, magnetically, electrically, or electronically operated device commonly known as a "panoram" or "peepshow," which exhibits, displays, projects or illuminates photographed, videotaped or magnetically reproduced images, or exposes live entertainment to the viewer while the viewer is in a booth or stall, without a license to do so, to be designated a "panoram location license"; provided that no license is required if all such devices are contained in a single common area and are not separated by partitions, screens, booths or any other physical barrier or obstruction; provided, further, that no license

ACTING CITY CLERK

is required if no fee, membership fee, deposit, purchase or other charge is paid for using or viewing the panoram or peepshow or for entering or remaining upon the premises. Each place of business shall have a separa e license and the same shall at all times be conspicuously posted and maintained therein. The ((~~Finance~~)) Director of Executive Administration shall prescribe the form of such license, number the same and shall indicate thereon the number of such devices to be operated thereunder, and the location.

Section 167. Section 6.42.020 of the Seattle Municipal Code is amended as follows:

6.42.020 Panoram device license.

It is unlawful to own and exhibit or display for use, or to place by lease or otherwise for use, exhibit or display with another, any device described in Section 6.42.010 without a license to be designated a "panoram device license" for each device. Panoram device licenses shall be issued for devices at specific locations only and shall not be transferable. The ((~~Finance~~)) Director of Executive Administration shall prescribe the form of such licenses and number the same. Panoram device licenses shall be securely attached to each such device in a conspicuous place.

Section 168. Subsection 6.48.040E of the Seattle Municipal Code is amended as follows:

6.48.040 Signs -- Posting of rates.

***

E. It is unlawful to demand or collect any charge for the parking, keeping or storing of any motor vehicle in a public garage or parking lot unless there is posted and maintained upon the premises of the public garage or parking lot at or near each place of payment, a public notice approved by the ((~~Finance~~)) Director of Executive Administration. Such notice shall contain the following public convenience information:

1. The name and phone number of the licensee and the street address of the garage or lot;
2. Parking rates posted in the same order as listed on the parking sign;
3. The appropriate locations for making payment;
4. The name, address, and telephone number of the person, firm or agent authorized to impound in place or remove vehicles from the garage or lot; and
5. Any other information pertinent to the operation of the public garage or parking lot as specified by administrative regulations promulgated by the ((~~Finance~~)) Director of Executive Administration.

Section 169. Section 6.48.050 of the Seattle Municipal Code is amended as follows:

6.48.050 Immobilization of vehicle for delinquent parking fee.

A. It is unlawful for anyone to remove or cause to be removed any part from a motor vehicle to immobilize such motor vehicle in order to secure payment for a delinquent parking fee or charge, and it is unlawful to restrict the movement of or immobilize any motor vehicle parked or stored in a public garage or parking lot in any manner except as provided in this section.

B. For enforcement of a storage lien for parking, keeping or storing such motor vehicle, any licensee, or an employee, agent or contractor of such licensee may immobilize such motor vehicle only by the attachment of such external device or devices, approved by the ((~~Finance~~)) Director of Executive Administration for such purpose, as may be necessary to prevent removal of such vehicle and only if:

ACTING CITY CLERK

1. The person so immobilizing the vehicle shall affix conspicuously to the vehicle a written notice stating the name and address of the person or firm who immobilized the vehicle and the address and telephone number of a person authorized and available to release the vehicle; and

2. The person immobilizing the vehicle, or an agent, employee, or contractor authorized to release the vehicle is accessible at all times at the address and telephone number indicated on the notice; or

3. The licensee or an agent, employee, or contractor of such licensee is on the premises authorized and able to release the vehicle within one (1) hour after the vehicle's owner, operator, or person entitled to its possession shall request its release; and

4. The vehicle is released immediately after tender of payment of posted parking charges due and unpaid at the time of the request for release together with the posted impound fee.

Section 170. Section 6.48.080 of the Seattle Municipal Code is amended as follows:

6.48.080 Revocation, suspension or refusal to issue license.

In addition to such other grounds as may be provided in this subtitle for refusal to issue, revocation or suspension of the license required by Section 6.48.020 , the ((~~Finance~~)) Director of Executive Administration may refuse to issue, or may revoke or suspend such license upon a finding that a licensee has by defraud or misrepresentation, violated any provision of this chapter or any other law, ordinance, rule or regulation.

Section 171. Section 6.102.020 of the Seattle Municipal Code is amended as follows:

6.102.020 License required -- Posting.

It is unlawful to operate a tattoo shop or establishment without a tattoo shop license. Applications for such license shall be made to the ((~~Finance~~)) Director of Executive Administration accompanied by the required fee, and shall be referred to the Chief of Police and the Director of Public Health and shall be returned to the Director within ten (10) days with their report and recommendation. No tattoo shop license shall be issued by the Director except on recommendation of such officers. The tattoo shop license shall at all times be posted in a conspicuous place in the licensed shop.

Section 172. Section 6.102.070 of the Seattle Municipal Code is amended as follows:

6.102.070 Recordkeeping.

Permanent records for each patron shall be maintained by the operator of the tattoo shop. Before any tattooing operation starts, the patron shall be required personally to enter on a record form provided for such shop the date, his name, age, serial number if he is a serviceman, and his signature. Such records shall at all times be maintained in the tattoo shop and shall be open at all reasonable times to examination by the Chief of Police and Director of Public Health or the ((~~Finance~~)) Director of Executive Administration. The tattoo operator shall issue a receipt to each patron containing the name and address of the tattoo shop, and the signature of the operator. When the shop is closed by going out of business or by license revocation all such records shall be turned over to the Director of Public Health.

Section 173. Section 6.102.090 of the Seattle Municipal Code is amended as follows:

6.102.090 Revocation or suspension of license.

The ((~~Finance~~)) Director of Executive Administration may revoke or suspend for a specified period any license issued under this chapter for violation of any provision thereof; and shall do so upon recommendation of the Director of Public Health for such reason.

Section 174. Subsections A6 and A7 of Section 6.202.060 of the Seattle Municipal Code are amended as follows:

6.202.060 Definitions.

A. Except as specified otherwise in the new license code, the following definitions apply:

***

6. "Department" means the Department of ((~~Finance~~))Executive Administration of the City.

7. "Director" means the Director of ((~~Finance~~))Executive Administration of the City or his/her designated representative.

***

Section 175. Section 6.202.460 of the Seattle Municipal Code is amended as follows:

6.202.460 Liability insurance.

A. In those instances where the new license code requires that the applicant for the license shall provide insurance as a condition of receiving a license the purpose of the requirement is to insure that members of the public and the City will be compensated for losses caused by personal injury or property damage resulting from the tortious acts of the licensee or its agents or employees.

B. Whenever the issuance of a license is conditioned upon an applicant's obtaining liability insurance, each insurance policy:

1. Shall be issued by a company authorized to do business as an insurer in the state pursuant to the provisions of RCW Title 48 as now or hereafter amended; and

2. Shall contain the following recital:

"Should any of the above described policies be canceled before the expiration date thereof, the issuing company will mail twenty (20) days' prior written notice to the ((~~Finance~~)) Director of Executive Administration. The policies shall remain in effect during this twenty (20) day cancellation period."

3. Shall name The City of Seattle as an additional insured;

4. May be approved as to sufficiency and form by the City Attorney at the request of the Director; and

5. Shall be furnished to the Director for filing with the City Clerk.

Section 176. Subsections B and C of Section 6.222.010 of the Seattle Municipal Code are amended as follows:

6.222.010 Definitions.

For the purposes of this chapter:

ACTING CITY CLERK

A. "Customer" means any prospective tenant contracting with a rental agency for the performance of such agency's services.

B. "Department" means the Department of ((~~Finance~~))Executive Administration of the City.

C. "Director" means the Director of ((~~Finance~~))Executive Administration of the City or any authorized representative of the Director.

***

Section 177. Subsections C and D of Section 6.270.030 of the Seattle Municipal Code are amended as follows:

6.270.030 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions are adopted:

***

C. "Department" means the Department of ((~~Finance~~))Executive Administration of The City of Seattle.

D. "Director" means the Director of the Department of ((~~Finance~~))Executive Administration of The City of Seattle and shall include his or her authorized representatives.

***

Section 178. Section 6.270.040 of the Seattle Municipal Code is amended as follows:

6.270.040 Adult entertainment premises license.

A. It is unlawful for any person to operate or maintain an adult entertainment premises in The City of Seattle unless the owner, operator or lessee thereof has obtained from the ((~~Finance~~)) Director of Executive Administration a license to do so, to be designated an "adult entertainment premises license."

B. It is unlawful for any entertainer, employee or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of, an unlicensed adult entertainment premises.

Section 179. Section 6.270.050 of the Seattle Municipal Code is amended as follows:

6.270.050 License for managers and entertainers.

Commencing December 5, 1988, it shall be unlawful for any person to work as an entertainer or manager at an adult entertainment premises without having first obtained from the ((~~Finance~~)) Director of Executive Administration a license to do so, to be designated as an "adult entertainer's license," or an "adult entertainment manager's license," respectively.

Section 180. Subsection 6.270.070A of the Seattle Municipal Code is amended as follows:

6.270.070 License applications.

A. Adult Entertainment Premises License. All applications for an adult entertainment premises license shall be submitted in the name of the person proposing to conduct such adult entertainment on the premises and shall be signed by such person and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the ((~~Finance~~)) Director of Executive Administration, and shall require the following information:

ACTING City CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

1. The name, residence address, home telephone number, date and place of birth, and social security number of the applicant;

2. The business name, address and telephone number of the establishment;

3. The names, residence addresses, residence telephone numbers, social security numbers and dates of births of any partners, corporate officers and directors;

4. Such information as the Director, by rule, may require concerning the identity of corporate shareholders;

5. Addresses of the applicant for the five (5) years immediately prior to the date of application;

6. A description of the adult entertainment or similar business history of the applicant; whether such person or entity, in previously operating in this or another city, county or state, has had a business license revoked or suspended, the reason therefor, and the activity or occupation subjected to such action, suspension or revocation;

7. A description of the business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application;

8. Such license shall include the name of at least one (1) natural person whose name and mailing address, which shall be an address located within the State of Washington, shall appear on the adult entertainment premises license and who shall receive notices from the Department.

9. A failure to provide information required by this subsection will constitute an incomplete application and will not be processed.

***

Section 181. Subsections A and B of Sections 6.294.040 of the Seattle Municipal Code are amended as follows:

6.294.040 Definitions.

For the purpose of this chapter and unless the context plainly requires otherwise the following definitions are adopted:

A. "Director" means the Director of ((~~Finance~~))Executive Administration of The City of Seattle or his or her authorized representative.

B. "Department" means the Department of ((~~Finance~~))Executive Administration of The City of Seattle.

***

Section 182. Subsections B and C of Section 6.294.140 of the Seattle Municipal Code are amended as follows:

6.294.140 Indemnification.

***

B. As a condition precedent to obtaining a license, the licensee shall, at no expense to the City, secure and maintain during the full term of this agreement, general comprehensive liability insurance issued by one (1) or more companies authorized to do business in the State of Washington, which insurance shall be subject to the approval of the City Attorney as to company, form, coverage, and which insurance must fully protect the City from any and all claims and risks in connection with any activity performed by the licensee by virtue of this agreement and provide the following minimum coverage:

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

a. One Million Dollars ($1,000,000.00) per person, per occurrence;
b. One Million Dollars ($1,000,000.00) annual aggregate.

Said policy must specifically name The City of Seattle as an additional insured party thereunder in the following manner:

The City of Seattle is an additional insured for all coverages provided by this policy of insurance and shall be fully and completely protected by this policy and for any claim, suit, injury, death, damage or loss of any sort sustained by a person, organization or corporation in connection with any activity upon or use or occupancy of establishments regulated by this section.

The coverages provided by this policy to the City or any other named insured shall not be terminated, reduced, or otherwise changed in any respect without providing at least thirty (30) days prior written notice to the ((~~Finance~~)) Director of Executive Administration of the City of Seattle.

C. The licensee shall deliver to the ((~~Finance~~)) Director of Executive Administration of The City of Seattle a copy of all policies required under this provision and all endorsements thereto or other evidence to the reasonable satisfaction of the ((~~Finance~~)) Director of Executive Administration that the licensee has secured or renewed and is maintaining insurance as required by this section.

The "ACORD" form of Certification of Insurance shall not be submitted as such evidence, and shall not be deemed to be satisfactory evidence unless the following changes are made on such form:

The wording on the top of the form:

This certificate is issued as a matter of information only and confers no rights upon the certificate holder.

shall be deleted in its entirety.

The wording at the bottom of the form:

Should any of the above described policies be canceled before the expiration date thereof, the issuing company will endeavor to mail thirty (30) days' written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation of any kind upon the company.

shall be changed to read:

Should any of the above described policies be canceled, reduced as to coverage, or otherwise changed before the expiration date thereof, the issuing company shall provide written notice of such action to the ((~~Finance~~)) Director of Executive Administration of The City of Seattle.

***

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 183. Subsections G and H of Section 6.310.110 of the Seattle Municipal Code are amended as follows:

6.310.110 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

***

G. "Department" means the Department of ((~~Finance~~))Executive Administration of The City of Seattle, or any department that succeeds to the Department's duties under this chapter.

H. "Director" means the Director of ((~~Finance~~))Executive Administration or the director of any successor department and the Director's authorized designee.

***

Section 184. Section 6.315.020 of the Seattle Municipal Code is amended as follows:

6.315.020 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

***

C. "Department" means the Department of ((~~Finance~~))Executive Administration of The City of Seattle, or any department that succeeds to the Department of ((~~Finance~~))Executive Administration's duties under this chapter.

D. "Director" means the director of the Department of ((~~Finance~~))Executive Administration or any successor department or the director's authorized designee.

***

Section 185. Section 7.04.130 of the Seattle Municipal Code is amended as follows:

7.04.130 Director of Finance designated as City Sealer.

There shall be a City Sealer of Weights and Measures, referred to in this Code as the City Sealer. The Director of ((~~Finance~~)) Executive Administration ("Director") shall be the City Sealer. There shall be such other necessary Deputy Sealers and technical and clerical personnel, as the City Council may from time to time authorize who shall be appointed by the Director of ((~~Finance~~)) Executive Administration subject to Civil Service laws and regulations.

Section 186. Section 7.04.570 of the Seattle Municipal Code is amended as follows:

7.04.570 Weighmaster license -- Application, issuance and fee.

Any person, firm or corporation possessing a scale that complies with the specifications, tolerances, and other technical requirements for weighing devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44, may make application to the City Sealer (((~~Finance~~)) Director of Executive Administration) to be appointed a Licensed City Weighmaster. If the scale is approved by the City Sealer, he or she may in his or her discretion so appoint the applicant and shall issue a City Weighmaster license in accordance with such appointment. The annual fee for such license shall be Forty Dollars

ACTING CITY CLERK

NOTICE: IT IS DUE TO THE QUALITY OF THE DOCUMENT.

($40.00) which shall accompany the application, and all such licenses shall expire at midnight April 30th of each year, but may be renewed from year to year by the City Sealer upon payment of the annual fee. If the original application for a City Weighmaster's license and/or a City Weigher's license is made within six (6) months of the date fixed for expiration of the annual license, the fee shall be one-half (1/2) the annual fee.

Section 187. Section 7.08.010 of the Seattle Municipal Code is amended as follows:

7.08.010 Purpose of chapter -- Enforcement.

This entire chapter shall be deemed an exercise of the police power of the state and of the City for the protection of the public economic and social welfare, health, peace and morals, and all its provisions shall be liberally construed for the accomplishment of that purpose. It shall be the duty of the ((~~Finance~~)) Director of Executive Administration concurrently with the Chief of Police to enforce this chapter.

Section 188. Subsection 7.20.080B of the Seattle Municipal Code is amended as follows:

7.20.080 Moorage fee increases -- Hearing.

***

B. If at least one-half (1/2) of the floating home moorage site lessees in a floating home moorage, excluding the moorage owner and those who have an ownership interest in the moorage, who are subject to a moorage fee increase in the same percentage amount (plus or minus one percentage point (1%)) believe that the demanded fee increase is unreasonable, they may collectively file a petition for review with the Hearing Examiner. The petition shall be in the form of a sworn statement which shall: (1) be signed by each petitioning moorage site lessee; (2) list separately the name and floating home address of each such moorage site lessee; and (3) include a statement of the intention of each moorage site lessee to contest the proposed moorage fee increase. In determining whether at least half of those affected have petitioned only one signature per moorage site will be counted. The petition shall be filed within fifteen (15) days of receipt of written notification of the moorage fee increase. The person or persons filing a petition for review shall pay a filing fee of Twenty-five Dollars ($25.00) per petitioner, with a maximum fee of Seventy-five Dollars ($75.00), to the City ((~~Finance~~)) Director of Executive Administration, which fee shall be refunded if no hearing is required. The Hearing Examiner may consolidate the petitions contesting moorage fee increases at the same moorage.

***

Section 189. Subsections H and I of Section 9.25.020 of the Seattle Municipal Code are amended as follows:

9.25.020 Definitions -- A -- E.

As used in this chapter, except where a different meaning is plainly apparent from the context, the following definitions apply:

***

H. "Director" means the Director of ((~~Finance~~)) Executive Administration of The City of Seattle or his/her authorized representative.

I. "Department" means the Department of ((~~Finance~~)) Executive Administration of The City of Seattle.

ACTING CITY CLERK

***

Section 190. Subsection 9.25.025D of the Seattle Municipal Code is amended as follows:

9.25.025 Animal Control Commission.

**

D. The Animal Control Commission shall advise the Mayor, the City Council, and the Director of ((~~Finance~~)) Executive Administration regarding animal control in the City.

Section 191. Subsection 9.25.030A.13 of the Seattle Municipal Code is amended as follows:

9.25.030 Authority of the Director.

A. The Director is authorized to:

***

13. Appoint persons experienced in the humane trapping of animals to set and bait a trap or use other devices that do not physically harm an animal trapped, when, in the judgment of the Director, such action will protect the public peace, health, safety and welfare and issue live animal trapping permits as authorized by the Director ((~~of Finance~~)) by rule;

***

Section 192. Section 9.25.130 of the Seattle Municipal Code is amended as follows:

9.25.130 Adoption procedures -- Exemption.

The procedures set out in this chapter for the adoption of animals shall be exclusive and the adoption of animals under this chapter shall be exempt from ((~~the authority and control of the City Purchasing Agent~~))all other City ordinances pertaining to disposition of City property.

Section 193. Subsection 10.02.030B of the Seattle Municipal Code is amended as follows:

10.02.030 Authority of Mayor to enter into contracts and incur obligations.

***

B. The City ((~~Finance~~)) Director of Executive Administration shall be authorized to draw and to pay the necessary warrants for expenditures made pursuant to order and authorized by the City Council. If the applicable fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

Section 194. Section 10.02.070 of the Seattle Municipal Code is amended as follows:

10.02.070 Emergency purchases of supplies.

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

A. Preprinted emergency purchasing forms shall be provided by the ((~~Director of Finance~~)) Director of Executive Administration for use for all emergency purchases or contracting for supplies, materials or labor during the existence of such emergency, which forms shall provide for the filling in of appropriate information prescribed by the ((~~Director of Finance~~)) Director of Executive Administration

ACTING CITY CLERK

including: date and time of purchase; name and address of supplier; quantity, unit, description, unit price and total price of item; name and appropriate identification number from the City employee identification card of the person making the purchase; date required and date delivered; description of use of item, including disaster work order number, description of disaster work and location of use; and name and appropriate identification number from the City employee identification card of the person receiving the item.

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

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

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

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

Section 195. Section 10.02.080 of the Seattle Municipal Code is amended as follows:

10.02.080 Budget Director to review purchases and mutual aid agreements.

The Budget Director, in cooperation with City departments making purchases or expenditures during the existence of an emergency, shall review all such purchases or expenditures for potential reimbursement under appropriate state or federal disaster assistance programs or other available state or federal grant funds. The Budget Director shall also review all mutual aid agreements and services received thereunder by the City during any such civil emergency and shall certify to the City ((~~Finance~~)) Director of Executive Administration the services received and any payment due therefor.

Section 196. Section 11.16.420 of the Seattle Municipal Code is amended as follows:

11.16.420 Official foreign career consul vehicle--Director of Transportation's functions.

The Director of Transportation further shall:

A. Locate and appropriately mark, within two (2) weeks after receiving the Mayor's certification, the parking space mentioned in Sections 11.16.380 and 11.16.400 for the official foreign career consul vehicle;

B. Inform the Seattle Police Department, ((~~the Violations Bureau and the City Finance Director~~)), in writing, of the parking space location and consular corps' license plate number of the certified vehicle and of any change of such location or license plate number;

C. Maintain each such parking space in accordance with the standards provided for in this subtitle; and

D. Furnish to the Mayor, in writing, any information concerning the abuse of any of the privileges provided by Section 11.16.400.

ACTING CITY CLERK

Section 197. Section 11.16.480 of the Seattle Municipal Code is amended as follows:

11.16.480 City Finance Director to collect parking meter revenue.

The coins required to be deposited in parking meters as provided in this subtitle (Chapter 11.76) are levied and assessed as fees to cover the costs of installations, inspection, supervision, regulation and maintenance involved in the control of traffic and parking upon the streets and the duly authorized agents of the City ((~~Finance~~)) Director of Executive Administration shall, from time to time, collect, and deposit the same in the General Fund.

Section 198. Section 11.23.140 of the Seattle Municipal Code is amended as follows:

11.23.140 Refunds for unused permits.

Whenever an overweight or overload permit has been issued and a fee paid therefor and either no rights are exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for any reason and application is made for refund, the Traffic Engineer 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 City ((~~Finance~~)) Director of Executive Administration is authorized to draw and to pay a warrant on the General Fund in the amount of such refund, and the necessary appropriations are made from any surplus in the fund. If the appropriate fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

Section 199. Section 11.30.220 of the Seattle Municipal Code is amended as follows:

11.30.220 Contract for towing and storage.

A. The ((~~Finance~~)) Director of Executive Administration is authorized and directed to prepare specifications for towing and storage of vehicles, including instructions to bidders, containing such provisions as the Director of Executive Administration shall deem advisable and not in conflict with this chapter. The specifications shall be subject to the review and approval of the Budget Director and the approval of the City Council by resolution passed for such purpose.

B. A call for bids responsive to such specifications shall then be made, and the contract shall be awarded to the lowest and best bidder whose proposal is deemed by the ((~~Finance~~)) Director of Executive Administration to be the most advantageous for the public and the City; provided that, in the event all bids are deemed by the Director of Executive Administration to be too high or irregular, he or she may reject all such bids and make another call for bids or proceed alternatively pursuant to ordinance passed for such purpose.

The Director of Executive Administration shall consider, among other relevant factors, the following:

1. Integrity, skill, and business judgment of the bidder;
2. General experience in providing towing and storage services;
3. Conduct and performance under a previous City towing impound contract demonstrating honesty, promptness, skill, efficiency, and a satisfactory relationship with vehicle owners;
4. Existing availability of equipment, facilities, and personnel; and
5. The bidder's financial ability and willingness to expand or improve available equipment, facilities, and services.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

...OTING CITY CLERK

The contract award shall be in accordance with the specifications so approved for towing and storage service necessary for carrying out the provisions of this chapter.

C. Subsequent to the award of the contract, the ((~~Finance~~)) Director of Executive Administration shall file a written statement with the City Clerk giving the name and address of the contractor for towing and storage of vehicles and, if more than one (1) place of storage has been provided, the name and address or location of each storage place. The Director of Executive Administration shall administer and enforce contracts made pursuant to this section.

Section 200. Section 11.30.280 of the Seattle Municipal Code is amended as follows:

11.30.280 Contractor to file monthly claim for services.

The contractor shall, on or before the tenth day of each month, file his or her claim with the Department of ((~~Finance~~))Executive Administration for towing and storage charges accruing to him or her upon vehicles redeemed as provided in this chapter during the preceding month, in accordance with this chapter and with the specifications for the contract authorized in Section 11.30.220, and such claim shall be sworn to by him or her under oath. The Director of ((~~Finance~~))Executive Administration shall audit such claim and any payment thereof at least once annually. A warrant or warrants for payment of such claim shall be drawn and paid by the Director of ((~~Finance~~))Executive Administration from such expenditure allowances as may be provided therefor in the annual budget or from such moneys as may otherwise be appropriated for such purpose. If the appropriate fund is solvent at the time payment is ordered, the Director of ((~~Finance~~))Executive Administration may elect to make payment by check.

Section 201. Subsection 11.30.290D of the Seattle Municipal Code is amended as follows:

11.30.290 Contract for towing and storage--Administrative fee.

***

D. The administrative fee shall be collected by the contractor performing the impound, and shall be remitted to the Department of ((~~Finance~~))Executive Administration in the manner directed by the Director of ((~~Finance~~))Executive Administration and as specified in the contract provided by Section 11.30.220A. The administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing, and administering the provisions of this chapter and shall be deposited in an appropriate account. The administrative fee shall be set by rule by the Director of ((~~Finance~~))Executive Administration in an amount not to exceed One Hundred Dollars ($100).

Section 202. Section 11.30.320 of the Seattle Municipal Code is amended as follows:

11.30.320 Rules and regulations.

The ((~~Finance~~)) Director of Executive Administration and the Chief of Police are authorized and directed to promulgate rules and regulations consistent with this chapter, the Charter of the City, and the Administrative Code of the City, to provide for the fair and efficient administration of any contract or contracts awarded pursuant to Section 11.30.220 and to provide for the fair and efficient administration of any vehicle impoundment, redemption, or release or any impoundment hearing under this chapter.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ACTING CITY CLERK

Section 203. Section 12A.08.105 of the Seattle Municipal Code is amended as follows:

12A.08.105 Unauthorized manufacture, duplication, use or possession of a key which opens a parking meter.

It is unlawful for any person to knowingly manufacture, duplicate, use or possess a key which opens a parking meter located within the limits of the City, unless authorized to do so by the Director of Engineering or the City Director of ((~~Finance~~))Executive Administration.

Section 204. Section 12A.62.020 of the Seattle Municipal Code is amended as follows:

12A.62.020 Payment authority.

Reimbursements made in accordance with Section 12A.62.010 shall be paid on vouchers approved by the City Attorney on the basis of facts as certified by the Chief of Police consistent with this chapter together with such other evidence as the City Attorney may require to substantiate such medical expenses, and for such purpose the sum of One Thousand Dollars ($1,000) or so much thereof as may be necessary is appropriated from the Emergency Fund and the City Finance Director is authorized to draw and pay the necessary warrants. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

Section 205. Subsection 15.04.040A of the Seattle Municipal Code is amended as follows:

15.04.040 Indemnity deposit -- Escrow -- Surety bond.

A. If the authorizing official determines that there is a substantial risk of injury, damage, or expense to the City or probable City expenditures arising from an applicant's proposed use of any public place, the authorizing official may require the applicant to make an indemnity deposit with the City ((~~Finance~~)) Director of Executive Administration in an amount based on the official's estimate of the injury, damage or expense to the City and/or cost of restoration of the public place if a mishap or accident were to occur. The funds shall be deposited to the credit of the Guaranty Deposit Fund.

***

Section 206. Subsection 15.04.044B of the Seattle Municipal Code is amended as follows:

15.04.044 Surety bond.

***

B. If the application shall be to construct, reconstruct, repair, maintain, or remove any pavement, sewer, water main, storm drain, grading, street lighting, or appurtenance thereto, the applicant shall file with the City ((~~Finance~~)) Director of Executive Administration or such official's functional successor a surety bond approved as to surety and as to form by the City Attorney. The bond shall be conditioned that the applicant shall faithfully complete all portions of the work according to the City's Standard Plans and Specifications, the special plans approved by the authorizing official, and the terms of the permit. The bond shall run for the full period of the permit plus one (1) year after City acceptance of the permitted work. The authorizing official shall set the amount of the bond.

***

ACTING CITY CLERK

Section 207. Section 15.04.050 of the Seattle Municipal Code is amended as follows:

15.04.050 Account or bond for multiple permits.

In the alternative to making an indemnity deposit for each permit under Section 15.04.040, an applicant who anticipates seeking two (2) or more permits from the same department, may establish with the City a subaccount by depositing with the City ((~~Finance~~)) Director of Executive Administration, to the credit of the Guaranty Deposit Fund, a minimum sum of at least Five Hundred Dollars ($500) or the amount fixed for the permit being sought, whichever is greater. On notice from the City, the applicant shall replenish such sum from time to time, whenever the subaccount balance shall have been reduced to the sum of Three Hundred Dollars ($300) or less.

Section 208. Section 15.04.090 of the Seattle Municipal Code is amended as follows:

15.04.090 Refund of permit fee.

Whenever the fee paid for any use or occupation permit shall be erroneous for any reason, and application is made for refund, the authorizing official shall certify the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon presentation of such certificate to the City ((~~Finance~~)) Director of Executive Administration, a warrant shall be drawn and paid in the amount of such refund. The necessary appropriations are hereby made and authorized. If the appropriate fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

Section 209. Subsection 15.38.030A of the Seattle Municipal Code is amended as follows:

15.38.030 Sale of impounded property.

A. If, at the expiration of the time set forth in Section 15.38.020 the property has not been released to the owner, the property is surplus to the City's needs, and has a sufficient value for sale, the authorizing official may arrange for its sale at public auction or through the City's Director of ((~~Finance~~)) Executive Administration in conjunction with the sale of surplus City property.

***

Section 210. Section 15.62.110 of the Seattle Municipal Code is amended as follows:

15.62.110 Payment of compensation or conveyance.

Upon securing an appraisal of the value of the street or alley area to be vacated as provided in this chapter, the Director of Transportation shall notify the petitioner of the amount of compensation, deducting therefrom any remaining appraisal fee deposit not previously refunded to petitioner. The payment shall be delivered to the Director of Transportation who, upon receipt of any such payment shall forthwith transmit the same to the City Director of ((~~Finance~~))Executive Administration for deposit in the Cumulative Reserve Fund and shall make a written report of such payment to the City Council. In the event that the petitioner has received approval of delivery of an instrument granting or dedicating to the City a parcel or parcels of land in lieu of a cash payment as contemplated by Section 15.62.090, the Director of Transportation, in his or her discretion, at the applicant's expense shall obtain either a policy of title insurance insuring title thereto in the City, or a certificate of title as to the title thereof, and upon

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

receipt of such policy or certificate shall transmit the same to the City Council for inclusion in the appropriate file.

Section 211. Subsection 16.08.050A of the Seattle Municipal Code is amended as follows:

16.08.050 Waterway Operations and Maintenance Subfund.

A. A restricted subfund designated the "Waterway Operations and Maintenance Subfund" is established in the Transportation Fund to which restricted subfund shall be deposited all fees collected from waterway use and occupation permits issued under this chapter; reimbursements of expenses incurred by the Chief of Police in removal, towing, impoundment of vessels, water sport craft or obstructions in waterways and receipts from sale of such vessels, water sport craft or obstructions; its proportionate share of interest earnings of invested Transportation Fund balances; and any other moneys accruing from activities under this title in waterways or appropriated or budgeted to such fund. If the Waterway Operations and Maintenance Subfund has a credit balance greater than that of the Transportation Fund, the Director of ((~~Finance~~))Executive Administration shall credit interest to the Subfund at the rate of the City's investment earnings for funds of its size.

***

Section 212. Subsection 18.12.080D of the Seattle Municipal Code is amended as follows:

18.12.080 Animals running at large prohibited.

***

D. The Superintendent shall review the impacts of off-leash activities at sites described in subsections B7 through B12 of this section after eighteen (18) months of operations at each site. In the case of nonpark sites, this review shall include consultation with the City department with authority over the site. If, based on this review, the Superintendent finds significant problems that cannot be practically corrected, the Superintendent may close the site to off-leash use. In addition to any action taken pursuant to the review described above, the Superintendent is authorized to close to off-leash dog use any area described under subsection B of this section on a temporary or permanent basis if significant problems arise which cannot be resolved jointly by the Department of Parks and Recreation, Seattle Animal Control, and COLA, and if the Superintendent determines that such closure is necessary for the preservation and protection of the natural environment, public health or safety. Prior to closing any off-leash area, the Superintendent shall consult with the Director of ((~~the Executive Services Department~~))Executive Administration. The Superintendent shall state in writing his other reasons for closure.

Prior to any permanent closure, the Superintendent shall give thirty (30) days written notice, to be posted at the site, stating the reason(s) for the closure and shall conduct one (1) or more public hearings on the proposed closure.

Moreover, the Superintendent is authorized to manage all off- leash sites and this authority shall include, but not be limited to, the authority to make minor alterations to site boundaries after reasonable notice to the public, impose operating hours and curtail use at sites as necessary for renovation, repair or for other operational reasons.

ACTING CITY CLERK

Section 213. Section 20.04.040 of the Seattle Municipal Code is amended as follows:

20.04.040 Plans, contract and management of work.

After the legislative authority has provided by ordinance for the making of any local improvement, plans therefor shall be approved, the contract let and the work supervised and accepted or rejected, all in accordance with the provisions of Article VII of the City Charter ((~~(Board of Public Works)~~)) (Contracting Requirements) and ordinances implementing said provisions.

Section 214. Section 20.04.050 of the Seattle Municipal Code is amended as follows:

20.04.050 Modes of payment.

There shall be two (2) modes of payment for the portion of the cost and expense of any local improvement contemplated by this chapter, and payable by special assessment, to wit: "immediate payment" and "payment by bonds." The mode adopted shall be the mode petitioned for in case the improvement shall be made upon petition. Otherwise, the Director of Executive Administration, in consultation with the Director of Finance, shall make a recommendation to the City Council as to the mode of payment, and the mode shall be the one designated in the ordinance ordering such improvement.

Section 215. Section 20.04.060 of the Seattle Municipal Code is amended as follows:

20.04.060 Preliminary assessment roll.

A. After the City has ordered a local improvement and created a local improvement district by ordinance, the Director of Transportation shall prepare, and within fifteen (15) days after the improvement of work has been ordered and a local improvement district created, file with the ((~~City Finance~~)) Director of Executive Administration the following:

1. The title of the improvement;
2. The district number;
3. Copy of a diagram or print showing the boundaries of the district;
4. Preliminary assessment roll or abstract thereof showing the lots, tracts and parcels of land that will be especially benefited;
5. The estimated cost and expense of such improvement to be borne by each such lot, tract or parcel; and
6. The name of the owner thereof, if known, but in no case shall a mistake in the name of the owner affect the validity of any assessment when the description of the property is correct.

B. The ((~~City Finance~~)) Director of Executive Administration shall immediately post the proposed assessment roll upon his or her index of local improvement district assessments against the properties affected.

Section 216. Section 20.04.120 of the Seattle Municipal Code is amended as follows:

20.04.120 Confirmation by ordinance -- Procedure.

The ordinance confirming any assessment roll shall levy and assess against each lot, tract, or parcel of land, or other property appearing upon such roll, the amount charged against the same. Upon the enactment of the ordinance, the roll shall be delivered to the City Clerk, together with a list containing the lots and the names of the owners thereof upon which the collection of local improvement

FILED CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

district assessments will be deferred pursuant to RCW 35.43.250. The City Clerk shall forthwith transmit the same to the ((~~City Finance~~)) Director of Executive Administration, with his or her certificate that the same has been duly approved by ordinance, and annually thereafter, in the case of assessments payable by the mode of "payment of bonds," the ((~~City Finance~~)) Director of Executive Administration shall extend the installments of principal and interest upon any unpaid balance as shown upon said approved roll. Interest shall be at the rate fixed by the ordinance confirming the assessment roll.

Section 217. Section 20.04.130 of the Seattle Municipal Code is amended as follows:

20.04.130 Mode of "immediate payment."

A. Whenever the cost and expense of any improvement shall be payable by the mode of "immediate payment," the ((~~City Finance~~)) Director of Executive Administration, upon receipt of the assessment roll as confirmed by ordinance, shall publish a notice in the official newspaper of the City once a week for two (2) consecutive weeks that the roll is in his or her hands for collection, and that all or any portion of the assessment may be paid within thirty (30) days from the date of the first publication of the notice without penalty, interest or cost, and that unless payment be made within such time, the assessment or unpaid portion thereof will become delinquent. Within fifteen (15) days of the first newspaper publication, the ((~~City Finance~~)) Director of Executive Administration shall notify each owner or reputed owner whose name appears on the assessment roll, at the address shown on the tax rolls of the County Comptroller for each item of property described on the assessment roll, of the nature of the assessment, of the amount of his or her property subject to such assessment, of the total amount of the assessment due, and of the time during which such assessment may be paid without penalty, interest or costs. In the case of assessments the collection of which has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100, as now existing or hereafter amended, the notice shall also state that the assessment shall be paid within the period of deferral and that unless the assessment the collection of which has been deferred is paid within such period of deferral, the assessment or any unpaid portion thereof will become delinquent. Reference to deferred collection assessments may be omitted from the notice when there is no provision for deferred collection in the ordinance creating the district.

B. Upon delinquency a penalty of twenty percent (20%) of the assessment shall attach to, and become part of all assessments. Delinquent assessments shall bear interest until paid at a percentage rate to be fixed by the ordinance confirming the assessment roll. Delinquent assessments, penalties and interest shall forthwith be collected and the lien thereof enforced in the manner provided by statute, the City Charter(Note 1) and ordinances of the City.

Section 218. Section 20.04.140 of the Seattle Municipal Code is amended as follows:

20.04.140 Mode of "payment by bonds."

A. Whenever the cost and expense of any improvement shall be payable by the mode of "payment by bonds," the ((~~City Finance~~)) Director of Executive Administration, upon receipt of the assessment roll as confirmed by ordinance, shall publish a notice in the official newspaper of the City once a week for two (2) consecutive weeks that the roll is in his or her hands for collection and that all or any portion of the assessment may be paid within thirty (30) days from the date of the first publication of the notice without penalty, interest or cost. Within fifteen (15) days of the first newspaper publication, the ((~~City Finance~~)) Director of Executive Administration shall notify each owner or reputed owner whose name appears on the assessment roll, at the address shown on the tax rolls of the

ACTING CITY CLERK

County Comptroller for each item of property described on the assessment roll, of the nature of the assessment, of the amount of his or her property subject to such assessment, of the total amount of the assessment due, and of the time during which such assessment may be paid without penalty, interest or costs. In the case of assessments or of any installment thereof the collection of which has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100, as existing or hereafter amended, the notice shall also state that the assessment or any installment shall be paid within such period of deferral and that unless the assessments or installments, the collection of which have been deferred are paid within such period of deferral, such assessment or unpaid portion or installment thereof will become delinquent.

B. Unless collection of an assessment has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100 as now existing or hereafter amended, the first installment of principal and interest of any assessment payable under the mode of "payment by bonds" shall become due and payable during the thirty (30) day period succeeding a date one (1) year after the date of first publication of the notice by the ((~~City Finance~~)) Director of Executive Administration that the assessment roll is in his or her hands for collection, and annually thereafter each succeeding installment of principal or interest shall be- come due and payable in like manner. All installments must be paid in sequential order. Whenever an installment shall become due and payable, the ((~~City Finance~~)) Director of Executive Administration shall mail a notice thereof to the owner of the property assessed, when the post office address of such owner is known, but failure to mail the same shall not affect the validity of the assessment lien. Any such installment not paid prior to the expiration of the thirty (30) day period during which such installment is due and payable shall thereupon become delinquent.

C. Whenever the collection of an installment of an assessment has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100 as existing or hereafter amended, the installment of principal or interest shall become due and payable upon expiration of the period of such deferral and each succeeding installment of principal or interest shall become due and payable in like manner. Any such installment not paid within thirty (30) days after expiration of the period of such deferral shall thereupon become delinquent.

D. All delinquent installments shall, until paid, be subject to an additional charge of twenty percent (20%) levied upon the principal and interest due on such installment or installments.

Section 219. Section 20.04.150 of the Seattle Municipal Code is amended as follows:

20.04.150 Special fund for each district.

The ordinance creating any local improvement district shall also create a special fund to be called "Local Improvement Fund, District No. _____," into which shall be placed all sums from any source intended for use in the prosecution of the work contemplated by such ordinance and, when the assessment roll has been confirmed, all sums paid on account of such assessment, including all interest and penalty thereon, and in the event of sale of bonds by the City, all proceeds of sale and all premiums and accrued interest on bonds issued for such improvement. The moneys in such local improvement district fund derived from assessments shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to pro vide payment for the cost and expense of the improvement. Provided, that if the fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment for the cost and expense of the improvement by check.

ACTING CITY CLERK

Section 220. Subsections C and G of section 20.04.210 of the Seattle Municipal Code are amended as follows:

20.04.210 Contracts -- Requirements generally.

***

C. After the issuance of the estimate by the department head supervising the project, the ((~~City Finance~~)) Director of Executive Administration shall, on or about the twenty-fifth day of the month, deliver to the contractor money or warrants in an amount equal to such estimate less the percentage to be retained therefrom as herein provided. After the expiration of thirty (30) days following the final acceptance of said improvement or work and the expiration of the time for the filing of lien claims as provided by law, said reserve, or all amounts thereof in excess of a sufficient sum to meet and discharge the claims of material men and laborers who have filed their claim as provided by law, together with a sum sufficient to defray the cost of such action, and to pay attorney's fees, shall be paid to said contractor.

***

G. The ((~~City Finance~~)) Director of Executive Administration shall immediately upon receipt of the final estimate for a local improvement, file in the office of the City Clerk a certificate setting forth the total amount of said final estimate, together with accrued interest on warrants issued or to be issued.

***

Section 221. Section 20.04.220 of the Seattle Municipal Code is amended as follows:

20.04.220 Contracts -- To lowest bidders -- Notice -- Check with bid.

All the work to be done in any local improvement district shall be let in one (1) contract or, at the option of the head of the department supervising the project, the work may be subdivided and separate contracts be let for each subdivision thereof. All local improvements to be made by contract shall be let to the lowest and best bidder therefor. Before the award of any such contract, there shall be published for at least two (2) days in the official newspaper of the City a notice, the last publication being at least ten (10) days before the letting of such contract, inviting sealed proposals for such work, and the plans and specifications whereof must, at the time of publication of such notice, be on file in the office of the department head supervising the project, subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same, sealed and filed with the City as specified in the notice, on or before the day and hour named therein. All bids shall be accompanied by a certified check, payable to the order of the ((~~City Finance~~)) Director of Executive Administration, or a surety bond for a sum not less than five percent (5%) of the amount of the bid, and no bid shall be considered unless accompanied by such check or bond. If, in the discretion of the head of the department supervising the project, the work should be done by the City by day labor, and under the management of the department, it is hereby empowered to proceed with the work irrespective of all such bids, and, in such case, all bids shall be rejected; provided, however, the work shall not be done by the City if the determination so to do is in conflict with the provisions of RCW 35.22.620.

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 222. Section 20.04.230 of the Seattle Municipal Code is amended as follows:

20.04.230 Contracts -- Opening bids -- Acceptance, rejection and forfeiture conditions.

At the time and place named, such bids shall be publicly opened and read; no bid shall be rejected for informality but shall be received if it can be understood what is meant thereby. The department head supervising the project shall proceed to determine the lowest and best bidder, and may let such contract to such bidder, or if all bids received exceed by ten percent (10%) preliminary cost estimates prepared by an independent consulting engineer or registered professional engineer retained for that purpose by the City, he or she may reject all of them and re- advertise, or may proceed to do the work under the direction of the department head supervising the project by "day labor," and, in case of rejection of all bids all checks shall be returned to the bidders; but if the contract be let, then, and in such case, all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until the contract be entered into for making such improvement between the bidder and the City, in accordance with such bid, and the duly approved and accepted bond therefor be filed in the office of the City Clerk. If the successful bidder fails to enter into the contract in accordance with his bid within ten (10) days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the City, and the same shall be delivered to the ((~~City Finance~~)) Director of Executive Administration, who pay the same into the City Treasury to the credit of the appropriate Local Improvement District Fund. Neither the department head nor the City Council shall have the power to remit such forfeiture.

Section 223. Subsection 20.04.270H of the Seattle Municipal Code is amended as follows:

20.04.270 Items of cost and expense for estimates.

All estimates of the cost and expense of local improvements shall include the following:

***

H. A charge against each description of property in the following amounts, to wit: in case of "immediate payment," Six Dollars ($6.00) per description; in case of assessment payable in three (3) annual installments, Eighteen Dollars ($18.00) per description; in case of assessment payable in five (5) annual installments, Twenty-six Dollars ($26.00) per description; in case of assessment payable in ten (10) annual installments, Forty-six Dollars ($46.00) per description; in case of assessment payable in fifteen (15) annual installments, Sixty-six Dollars ($66.00) per description; in case of assessment payable in twenty (20) annual installments or more of either principal or interest, Eighty-six Dollars ($86.00) per description; which is the charge of accounting, clerical labor, books and blanks used by the City; provided, however, that when any assessment payable in installments is paid in full within the thirty (30) day period fixed by law for the payment of assessments without interest, the ((~~City Finance~~)) Director of Executive Administration shall allow a rebate of the charge in this subsection in excess of the sum of Six Dollars ($6.00) per description. In all instances wherein the contractor doing the work in any local improvement district deposits cash with the ((~~City Finance~~)) Director of Executive Administration under the terms of his or her contract to cover items of cost shown by the department head supervising the contract in his or her final estimate and specified in this section, the ((~~City Finance~~)) Director of Executive Administration shall transfer the amount of such rebate from the fund in which it has been deposited to the appropriate local improvement fund.

ACTING CITY CLERK

Section 224. Section 20.04.280 of the Seattle Municipal Code is amended as follows:

20.04.280 Segregation of assessments.

A. The ((~~City Finance~~)) Director of Executive Administration is authorized to collect and receive from any owner or owners of any subdivision or subdivisions of any lot, tract or parcel of land, upon which a local improvement assessment has been, or may hereafter be, made, such portion of the assessment or assessments levied or to be levied against such lot, tract or parcel of land in the payment of said local improvement as the Director of Transportation shall certify to be chargeable to such subdivision or subdivisions in accordance with state law.

B. Whenever, on account of the filing of a plat or replat on account of a sale or contract to sell or other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of land assessed for local improvements, it shall appear to be to the best interest of the City to segregate a local improvement district assessment thereupon, the Director of Transportation is authorized to make the proper certification as provided in this chapter, upon the written application of the owner, approved by the ((~~City Finance~~)) Director of Executive Administration, and confirmed by the City Council by resolution, and upon payment of the fee hereinafter provided. In all instances it shall be the duty of the Director of Transportation to submit the necessary Resolution for Segregation for City Council approval. A fee of Sixty Dollars ($60.00) shall be charged for each tract of land for which a segregation is to be made together with a fee of Ten Dollars ($10.00) per description for each description added to the assessment roll, to defray the cost of the engineering and clerical work involved. Such fees shall be paid to the ((~~City Finance~~)) Director of Executive Administration and shall be deposited in the General Fund.

C. Upon receipt of a certified copy of a resolution of the City Council authorizing segregation, the ((~~City Finance~~)) Director of Executive Administration shall enter the segregation, together with the amount of the bonded interest with respect thereto, upon the assessment records and, upon payment thereof, together with any penalties accruing according to law and any additional interest due with respect to the segregated portion, give a proper receipt; provided, that this chapter shall not authorize the segregation of any assessment which has been delinquent for a period of two (2) years or more, or in any case where it appears that the property, when or as already divided according to the requested segregation, is not or would not be of sufficient value, or is not or would not be in such condition or title, as to provide adequate security for the payment of the total amount of the unpaid assessment, penalties, interest and costs charged or chargeable against the undivided whole. In such instance, upon a recommendation by the ((~~City Finance~~)) Director of Executive Administration, the City Council shall determine such question of fact. No segregation of any assessment on unplatted lands or large platted tracts shall be made until a plat thereof has been furnished to the Director of Transportation by the applicant, showing that the proposed segregation of property will conform to the system of streets as platted in adjacent territory. In all such instances, upon a recommendation by the Director of Transportation, the City Council shall determine such question of fact.

Section 225. Section 20.04.290 of the Seattle Municipal Code is amended as follows:

20.04.290 Cancellation of assessment -- Release of assessment lien.

The ((~~City Finance~~)) Director of Executive Administration is authorized to cancel on the books and records of a local improvement district the assessment or an installment of an assessment, interest and penalties imposed by or for the district when:

ACTING CITY CLERK

A. The amount due shown on the district's books and records has been found to be void by a final judgment of a court with jurisdiction over the local improvement district;

B. RCW 35.50.050, which limits the time for commencing foreclosure proceedings, bars a foreclosure action to enforce the payment;

C. King County has resold the property to pay property taxes, the resale is free and clear of the assessment lien, and pursuant to RCW 35.49.160, the City has received or will receive from the proceeds of the county sale such funds as are due to the district; or

D. The City Attorney by written opinion advises the ((~~City Finance~~)) Director of Executive Administration that the assessment, interest or penalty to be cancelled is void or that the law otherwise prevents its collection.

Upon cancellation of an assessment, interest or penalty, the ((~~City Finance~~)) Director of Executive Administration may release the assessment lien upon the property to secure the payment which was cancelled. A release affects only the payment(s) or liens named in the release document and does not release other payments or other liens upon the same property of other local improvement districts respectively.

Section 226. Section 20.08.030 of the Seattle Municipal Code is amended as follows:

20.08.030 Issuance and payment of warrants or checks.

In order to effectuate the purposes of this chapter, the ((~~City Finance~~)) Director of Finance is authorized to from time to time direct the Director of Executive Administration to draw and pay warrants drawing interest at a rate not to exceed six (6) percent on the Local Improvement Guaranty Fund for the purposes contemplated in Section 20.08.010; provided, that such warrants shall at no time exceed five (5) percent of the outstanding bond obligations guaranteed by the fund. Warrants on the Local Improvement Guaranty Fund shall be numbered serially in the order of their issuance. If the Local Improvement Guaranty Fund is solvent at the time payment is ordered, the Director of Executive Administration in consultation with the Director of Finance ((~~Director~~)) may elect to make payment by check.

Section 227. Section 20.12.080 of the Seattle Municipal Code is amended as follows:

20.12.080 Administration by City officials.

A. The City Director of Transportation shall administer the deferral of collection of assessments, except such duties as are assigned by this chapter or by law to other City officials. The City Director of Transportation shall have the power and authority to:

1. Give notice to property owners of the availability of ordinance procedures for deferral of collection of assessments;

2. Accept and process applications for deferral of collection of assessments, and amendments thereof as appropriate;

3. Conclude with the persons responsible for payment of an assessment an agreement setting the terms and conditions consistent with this chapter and state law, including, on request and at his or her discretion, without extra charge, provision for billing and payment of installment on a monthly or quarterly basis;

4. Secure execution and filing of any necessary instruments, and, upon notice from the ((~~City Finance~~)) Director of Executive Administration, note satisfaction thereof;

ACTING CITY CLERK

5. Terminate the deferral of collection of assessments upon occurrence of conditions that render the assessment or installments thereof due and payable;

6. Recommend to the ((~~City Finance~~)) Director of Executive Administration the amounts to be paid from the Local Improvement Guaranty Fund to the fund of such local improvement district upon the making of such deferral;

7. Take such other actions as necessary and appropriate to administer this chapter in accordance with RCW 35.43.250, 35.49.010, 35.50.050, and 35.54.100. The agreement with the person responsible for an assessment setting forth the terms and conditions of deferral of collection of the assessment shall be recorded with the King County Office of Records and Elections and transmitted to the City Clerk, and a copy thereof to the ((~~City Finance~~)) Director of Executive Administration. All records retained by the Director of Transportation containing the application and information received in processing an application shall be kept confidential.

B. The Budget Director shall annually determine the income eligibility criteria, report his or her determination to the City Council, and file a copy thereof with ((~~both~~)) the City Clerk, Director of Executive Administration and the City Director of Transportation.

C. The ((~~City Finance~~)) Director of Executive Administration shall draw such warrants upon the Local Improvement Guaranty Fund as necessary and appropriate to make payments to the local improvement district fund for assessments, the collection of which has been deferred, and shall report annually to the City Council and the Budget Director about the amount of payments made from the Local Improvement Guaranty Fund for assessments or installments deferred pursuant to this chapter and RCW 35.43.250, 35.50.050, and 35.50.100, as now existing or hereafter amended; the current balance in such fund and outstanding obligations guaranteed by such fund. If the Local Improvement Guaranty Fund is solvent at the time payment is ordered, the Director of Executive Administration ((~~Finance Director~~)) may elect to make payment by check..

Section 228. Section 20.38.005 of the Seattle Municipal Code is amended as follows:

20.38.005 Apprentice utilization.

On public works contracts with an estimated cost of One Million Dollars ($1,000,000) or more, the Director ((~~of Finance~~)) is authorized to require that up to fifteen (15) percent of the contract labor hours be performed by apprentices enrolled in training programs approved or recognized by the Washington State Apprenticeship and Training Council (SAC). Furthermore, it is the City's intent that, on public works projects with an apprentice utilization requirement, there shall be a goal that twenty-one (21) percent of the apprentice labor hours be performed by minorities and twenty (20) percent of the apprentice labor hours be performed by women.

Section 229. Subsection 20.38.010B of the Seattle Municipal Code is amended as follows:

20.38.010 Definitions.

When used in this chapter:

***

B. "Director" means the Director of ((~~the Department of Finance~~)) Executive Administration or his or her designee.

***

ACTING CITY CLERK

Section 230. Section 20.38.020 of the Seattle Municipal Code is amended as follows:

20.38.020 Powers.

The Department of ((~~Finance~~)) Executive Administration shall be responsible for the implementation and administration of this chapter and is authorized to develop and adopt rules consistent with the requirements of this chapter. The Department of ((~~Finance~~)) Executive Administration shall establish contract specification language to implement the apprenticeship requirement, which may change from time to time. The Department of ~~((Finance))~~ Executive Administration shall develop and implement a system for monitoring the actual use of apprentices on public works projects. ((~~The Department of Finance shall hire one (1) additional FTE (Civil Rights Analyst) for the purpose of performing monitoring and enforcing the apprentice utilization requirements on public works projects.~~))

Section 231. Section 20.38.030 of the Seattle Municipal Code is amended as follows:

20.38.030 Waivers or reductions of goals.

The Director ((~~of Finance~~)) is authorized to waive or reduce the apprenticeship participation goals on contracts.

Section 232. Section 20.40.010 of the Seattle Municipal Code is amended as follows:

20.40.010 Small public works -- Department authority to execute contracts.

Notwithstanding the provisions of Chapter ((~~3.38~~)) 3.04, the Director of ((~~Finance~~)) Executive Administration may authorize other departments to administer and execute public works contracts that are less than or equal to Five Thousand Dollars ($5,000). Such departments shall comply with all state laws and City ordinances governing public works contracts.

Section 233. Section 20.40.020 of the Seattle Municipal Code is amended as follows:

20.40.020 Small Works Roster.

The ((~~Executive Services~~)) Director of Executive Administration shall establish and administer a Small Works Roster for use on City of Seattle public works projects that meet the requirements of Revised Code of Washington (RCW) 39.04.155 and 35.22.620, as now or hereafter amended. The ((~~Executive Services~~)) Director of Executive Administration shall adopt rules and regulations regarding procedures for the use of the Small Works Roster. The ((~~Executive Services~~)) Director of Executive Administration may also execute interagency agreements or other contractual documents as required to establish such a Small Works Roster.

Section 234. Subsection 20.44.010F of the Seattle Municipal Code is amended as follows:

20.44.010 Definitions.

As used in this subchapter:

***

F. "Director" means the Director of ((~~Finance~~)) Executive Administration or his/her designee.

***

ACTING CITY CLERK

Section 235. Section 20.44.030 of the Seattle Municipal Code is amended as follows:

20.44.030 Franchises, consultant, public improvement and services contracts.

All consultant contracts, franchises, and contracts for public improvements, or services, the estimated cost of which exceeds One Thousand Dollars ($1,000), shall contain the following provisions:

"During the performance of this contract, the contractor agrees as follows:

"The contractor will not discriminate against any employee or applicant for employment because of race, religion, creed, age, color, sex, marital status, sexual orientation, gender identity, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their creed, religion, race, age, color, sex, national origin, marital status, political ideology, ancestry, sexual orientation, gender identity or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"The contractor will, prior to commencement and during the term of this contract, furnish to the Director of ((~~Finance~~)) Executive Administration (as used herein "Director" means the Director of ((~~Finance~~)) Executive Administration or his/her designee) upon his/her request and on such form as may be provided by the Director therefor, a report of the affirmative action taken by the contractor in implementing the terms of these provisions, and will permit access to his/her records of employment, employment advertisements, application forms, other pertinent data and records requested by the Director for the purposes of investigation to determine compliance with this provision.

"If upon investigation the Director finds probable cause to believe that the contractor has failed to comply with any of the terms of these provisions, the contractor and the contracting authority shall be so notified in writing. The contracting authority shall give the contractor an opportunity to be heard, after ten (10) days' notice. If the contracting authority concurs in the findings of the Director, it may suspend the contract and/or withhold any funds due or to become due to the contractor, pending compliance by the contractor with the terms of these provisions.

"Failure to comply with any of the terms of these provisions shall be a material breach of this contract.

"The foregoing provisions will be inserted in all subcontracts for work covered by this contract."

Section 236. Section 20.44.040 of the Seattle Municipal Code is amended as follows:

20.44.040 Lease and concession contracts.

A. All contracts of the City for leases and concessions shall contain the following provisions:

"The lessee (contractor) agrees to comply with all state and local laws prohibiting discrimination with regard to creed, religion, race, age, color, sex, marital status, sexual orientation, gender identity, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap."

B. All contracts of the City for leases and concessions of seven (7) consecutive days' duration or longer and involving employers with three (3) or more employees shall contain the following provisions:

"During the performance of this contract, the lessee (contractor) agrees as follows:

"The lessee (contractor) will not discriminate against any employee or applicant for employment because of creed, religion, race, age, color, sex, marital status, sexual orientation, gender identity, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification. The lessee (contractor) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their creed, religion, race, age, color, sex, national origin, marital status, political ideology, ancestry, sexual orientation, gender identity or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The lessee (contractor) agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause. The lessee (contractor) will take affirmative action to ensure that all of its employees, agents and subcontractors adhere to these provisions; provided, nothing herein shall prevent an employer from giving preference in employment to members of his/her immediate family.

"Lessee (contractor) will, upon the request of the Director (as used herein Director means the Director of ((~~Finance~~)) Executive Administration, or his/her designee) furnish to the Director on such form as may be provided therefor, a report of the affirmative action taken by the lessee (contractor) in implementing the terms of this provision, and will permit access to his records of employment, employment advertisements, application forms, other pertinent data and records requested by the Director for the purpose of investigation to determine compliance with these provisions.

"If, upon investigation, the Director determines that there is probable cause to believe that the lessee (contractor) has failed to comply with any of the terms of these provisions, the lessee (contractor) shall be so notified in writing. The contracting authority shall give the lessee (contractor) an opportunity to be heard, after ten (10) days' notice. If the contracting authority concurs in the findings of the Director, it may suspend or terminate this lease (contract) and evict lessee (terminate the contract) in accordance with law.

"Failure to comply with any of the terms of these provisions shall be material breach of this lease (contract).

"The foregoing provisions will be inserted in all subleases (subcontracts) entered into under this lease (contract)."

Section 237. Section 20.44.060 of the Seattle Municipal Code is amended as follows:

20.44.060 Substitute provisions.

A City contracting authority may substitute in lieu of the contract provisions set forth in Sections 20.44.030, 20.44.040, and 20.44.050 such antidiscrimination or equal opportunity provisions required or requested by the Department of ((~~Finance~~)) Executive Administration, the United States of America or The State of Washington.

Section 238. Section 20.44.090 of the Seattle Municipal Code is amended as follows:

20.44.090 Assistance to contractors.

The Director may offer the services and facilities of the Department of ((~~Finance~~)) Executive Administration to assist contractors desiring to bid on, or having been awarded a City contract, to

ACTING CITY CLERK

comply with the equal opportunity provisions for such contract, and may offer information as to organizations and agencies available to assist such contractor in recruiting, tutoring, training, and/or otherwise preparing potential employees.

Section 239. Subsections C and F of section 20.44.100 of the Seattle Municipal Code are amended as follows:

20.44.100 Employment goals, ranges, or ratios.

***

C. On projects or activities financed with assistance from the United States or The State of Washington, the contracting authority may substitute for such provisions such antidiscrimination or equal employment opportunity provision required or requested by the Department of ((~~Finance~~)) Executive Administration, the United States, or the state.

***

F. Employment goals established by this section are not intended and shall not be taken to diminish the contractor's responsibility and obligation under other sections of this subchapter. A contractor whom the Director ((~~of Finance~~)) has certified to be acting in good faith and making every reasonable effort to comply with the employment goals established shall be deemed in compliance, even though the employment goals are not met.

Section 240. Subsections C and D of section 20.45.010 of the Seattle Municipal Code are amended as follows:

20.45.010 Definitions.

For the purposes of this chapter:

***

C. "Department" means the Department of ((~~Finance~~)) Executive Administration.

D. "Director" means the Director of ((~~Finance~~)) Executive Administration.

***

Section 241. Section 20.45.040 of the Seattle Municipal Code is amended as follows.

20.45.040 Powers and duties of the Director.

The Director of ((~~Finance~~)) Executive Administration shall have the power to:

A. Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Seattle (SMC Chapter 3.02), establishing standards and procedures for effectively carrying out this chapter;

B. Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but not limited to:

1. Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to five (5) years, and

2. Contractual remedies, including, but not limited to, liquidated damages and termination of the contract;

C. Examine contractor's benefit programs covered by this chapter;

D. Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;

ACTING CITY CLERK

E. Allow for remedial action after a finding of noncompliance, as specified by rule;

F. Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

Section 242. Section 20.46A.050 of the Seattle Municipal Code is amended as follows:

20.46A.050 Definitions.

***

J. "Director" means the Director of the Department of ((~~Administrative Services (DAS)~~)) Executive Administration or his or her designee.

***

Section 243. Section 20.46A.300 of the Seattle Municipal Code is amended as follows:

20.46A.300 Participation -- Purchasing contracts.

All contracts awarded by the Director ((~~of Finance~~)) for the purchase of supplies, materials, equipment and services, the estimated cost of which equals or exceeds One Thousand Dollars ($1,000), shall be awarded and administered in accordance with the following standards and procedures and in accordance with rules adopted by the Director ((~~of Finance~~)) to carry out the provisions of this section. The Director ((~~of Finance~~)) shall:

A. Make affirmative efforts to solicit bids from WMBEs qualified to supply supplies, materials, equipment, or services. Such efforts may include, but not be limited to, arranging contracts by size and type of supply, material, equipment, or service to enhance the possibility of participation by WMBEs, and providing information and technical assistance to WMBEs to promote their ability to compete effectively for city contracts;

B. Provide WMBEs every practical opportunity to submit bids. To encourage submission of bids by WMBEs, the Director ((~~of Finance~~)) shall:

1. Rank bidders whose bids are within five (5) percent, or a lower percent as determined by the Director ((~~of Finance~~)), of the bid made by the lowest and best bidder as follows: first, WMBEs; second, non-women's business enterprises and non-minority business enterprises, or,

2. Encourage subcontracting of WMBEs in contracts to be awarded through the request for proposal process. Such encouragement may include awarding bonus evaluation points on the financial element of proposals to proposers who have included women business enterprise and/or minority business enterprise subcontracting participation in their proposals; provided, participation shall become a requirement of the contract awarded to a proposer who has included participation in its proposal and such participation shall be monitored and enforced by the Director ((~~of Finance~~)) per SMC Section 20.46A.180; and

C. Assist City agencies in their utilization of WMBEs in the purchase of supplies, materials, equipment, and services by:

1. Providing information to City agencies about WMBEs qualified to supply supplies, materials, equipment or services,

2. Recommending to the Mayor annual targets for WMBEs by City agencies; and

3. Reporting to City agencies at least annually their utilization of WMBEs.

ACTING CITY CLERK

Section 244. Section 20.48.030 of the Seattle Municipal Code is amended as follows:

20.48.030 Funds to be available before entering into contract.

Before the construction of any public work or improvement, or any part thereof, either by contract or by day labor, is authorized or begun under the direction and general supervision of the Director of ((~~Finance~~)) Executive Administration, said Director shall obtain from the head of the City department for which such work is to be undertaken, such department head's certification that sufficient funds have been appropriated to cover the full cost and expense of completing the desired public work or improvement (which appropriations shall be identified, by ordinance number and, where appropriate, by Capital Improvement Project number, in such certification). No contract shall be entered into, nor shall the construction of such work or improvement, or any part thereof, be undertaken by said Director, unless there is a balance in the appropriation sufficient to cover such cost and expense. For contracts executed pursuant to Chapter 39.10 RCW, the Director or department head is authorized to enter into contracts without such certification, provided that no phase of any public work may be started unless sufficient funds have been appropriated to cover the full cost and expense of completing that phase.

Section 245. Section 20.48.040 of the Seattle Municipal Code is amended as follows:

20.48.040 Filing of statement of contract amount.

Whenever the Director of ((~~Finance~~)) Executive Administration shall award any contract for any public work or improvement, or any part thereof, or shall have determined to make such public work or improvement, or any part thereof, by day labor under such official's management, the Director shall forthwith file a statement of the amount of such contract or the estimated cost of such work, and shall enter such amount upon the books in his or her office as a preliminary charge against the appropriation made to cover the cost and expense of such work or improvement.

Section 246. Section 20.48.060 of the Seattle Municipal Code is amended as follows:

20.48.060 Contracts in violation -- Voidable.

Any contract entered into, or any obligation against the City incurred by the Director of ((~~Finance~~)) Executive Administration in violation of the provisions of Sections 20.48.030, 20.48.040 or 20.48.050 shall be voidable at the option of the City.

Section 247. Section 20.49.020 of the Seattle Municipal Code is amended as follows:

20.49.020 Boost for small economically disadvantaged businesses.

The ((~~Department of Finance ("Department")~~)) Director of Executive Administration shall implement a "Boost" Program under which the City and its contractors have either an incentive or requirement to make use of small economically disadvantaged businesses as prime contractors, subcontractors, and suppliers on City contracts as determined by the Department.

Section 248. Section 20.49.040 of the Seattle Municipal Code is amended as follows:

20.49.040 Definitions.

"Director" means the Director of ((~~Finance~~)) Executive Administration.

"Department" means the Department of Executive Administration.

"Small economically disadvantaged business" means that a business and the person or persons who own and control it are in a financial condition which puts the business at a substantial disadvantage in attempting to compete for public contracts. In assessing these financial conditions, the ((~~Department~~)) Director shall substantially adopt the approach used by the federal Small Business Administration ("SBA"), provided that the SBA dollar ceilings for various standard business classifications shall be adjusted by the Director to account for local market conditions as appropriate.

Section 249. Section 20.76.020 of the Seattle Municipal Code is amended as follows:

20.76.020 Acceptance of awards.

If the City Council shall accept the awards for any improvement, or if the time allowed by law for rejecting the same shall have expired, the ((~~City Finance~~)) Director of Executive Administration shall notify the Clerk of the Superior Court, the County Assessor and the City Attorney of such acceptance or such expiration of time for rejection.

Section 250. Section 20.76.040 of the Seattle Municipal Code is amended as follows:

20.76.040 Mode of "payment by bonds."

In case the City Council shall provide for the payment of special assessments in any such proceeding by the mode of "payment by bonds," it shall specify the term of such bonds, the maximum rate of interest thereon, and shall provide that bonds of such improvement district shall be issued in an amount equal to the sum of the assessments levied for such local improvement, less the amount of such assessments paid in cash into the special fund created for such local improvement during the thirty (30) day period following the date of the first publication of the notice of collection of the ((~~Finance~~)) Director of Executive Administration, and the bonds may be sold and delivered, in such manner as the City Council may by ordinance or resolution direct.

Section 251. Section 20.76.060 of the Seattle Municipal Code is amended as follows:

20.76.060 Payment in installments.

Whenever the City shall have sold bonds of any such local improvement district, either upon bids or at private sale, as in this subchapter, the assessments for such improvement shall be payable in installments, and notice thereof shall be given, and the collection and enforcement thereof had as provided by law and this subchapter. In the case of sale upon bids, the City Clerk shall transmit to the ((~~City Finance~~)) Director of Finance a certified copy of the resolution accepting any such bid, and in the case of sale at private sale the ((~~City Finance~~)) Director of Finance shall certify that such bonds have been sold, pursuant to the resolution of the City Council directing such sale, and in either case the ((~~City Finance~~)) Director of Executive Administration thereupon shall proceed with the collection and enforcement of such assessments under the mode of "payment by bonds." As to assessments payable in ten (10) or less annual installments, the ((~~City Finance~~)) Director of Executive Administration shall annually extend the installments of principal and interest upon the unpaid balance as shown upon such roll, and as to assessments payable in twenty (20) annual installments, the ((~~City Finance~~)) Director of Executive Administration shall for the first ten (10) years annually extend the installments of interest upon such roll, and for the last ten (10) years the ((~~City Finance~~)) Director of Executive Administration shall annually extend the installments of principal and interest upon the unpaid balance as shown upon such roll.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 252. Section 20.76.070 of the Seattle Municipal Code is amended as follows:

20.76.070 Certificates of purchase.

A. Two (2) years after the date of delinquency of an assessment payable by the mode of "immediate payment," or of an installment of an assessment payable by the mode of "payment by bonds," it shall be the duty of the ((~~City Finance~~)) Director of Executive Administration to proceed to sell the property described in any such local assessment roll for the amount of such delinquent assessment, or installment, together with the penalty and interest accruing to date of sale, and for the costs of the sale; provided, it shall be the duty of the ((~~City Finance~~)) Director of Executive Administration in the case of the last installment of an assessment payable by the mode of "payment by bonds" to proceed with the sale provided for in this section at the expiration of twenty-one (21) months from the date of the delinquency of the last installment.

B. Certificates of purchase shall be executed and delivered by the ((~~Finance~~)) Director of Executive Administration to the purchasers at such sale, and assessment deeds shall be executed and delivered by him to the persons thereunto entitled. All steps and proceedings required to be done in connection with such sale, certificates of purchase and assessment deeds shall be had and conducted according to law and this subchapter.

C. When assessments, or installments of assessments, have been delinquent the full period provided by law and ordinances of the City, before which such assessments or installments of assessments are subject to sale, the ((~~City Finance~~)) Director of Executive Administration shall certify that there are delinquent and unpaid assessments or installments thereof, giving the district number and installment thereof, if it be an installment roll, ordinance number under which it was created, street name, nature of the improvement and the date of delinquency.

D. The ((~~City Finance~~)) Director of Executive Administration shall sell all the property described upon the roll upon which assessments are levied to satisfy all such delinquent and unpaid assessments or installments thereof, together with interest, penalties and costs as provided by law.

E. Such warrant, issued for the purpose of making sale of the delinquent property, shall be deemed and taken as an execution against the property for the amount of the assessments or installments thereof, with interest, penalties and costs.

Section 253. Section 20.76.080 of the Seattle Municipal Code is amended as follows:

20.76.080 Special fund.

The City Council shall, by ordinance, create a special fund for each such improvement district to be called "Local Improvement Fund, Condemnation Award, District No. _____," into which shall be placed the proceeds of the sale of bonds for such improvement, all sums paid on account of assessments levied for such improvement including all interest and penalty thereon, and all sums received from rents, profits and income from the property condemned by such proceeding, and from which shall be paid all warrants issued upon transcripts of judgments on awards and all bonds issued for such improvement. Provided, that if the fund is solvent at the time payment is ordered, the Director of Executive Administration in consultation with the Director of Finance ((~~Director~~)) may elect to make payment for the cost and expense of the improvement by check.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 254. Section 20.76.090 of the Seattle Municipal Code is amended as follows:

20.76.090 Issuance of bonds.

At the expiration of thirty (30) days after the date of first publication of the ((~~Finance~~)) Executive Administration Director's notice of any such assessments payable in installments, the ((~~Finance~~)) Director of Executive Administration shall record the total amount of the assessment, the total amount paid to him or her to redeem any lots, tracts, or parcels of land, or other property, from the assessment levied thereon, and the total amount unpaid on such assessment; whereupon the Mayor and ((~~City Finance~~)) Director of Finance shall issue the bonds of such local improvement condemnation award district, in an amount equal to the amount remaining unpaid on the assessment roll as shown by such report. The bonds provided for in this section shall not be issued prior to twenty (20) days after the expiration of the thirty (30) days above-mentioned.

Section 255. Section 20.76.120 of the Seattle Municipal Code is amended as follows:

20.76.120 Warrants or checks -- When issued.

The ((~~City Finance~~)) Director of Finance and the Director of Executive Administration shall issue no warrants or checks for any condemnation awards, interest or costs prior to the acceptance of such awards by the City Council as provided for in Section 20.76.020, but such warrants or checks may be issued at any time thereafter.

Section 256. Section 20.76.130 of the Seattle Municipal Code is amended as follows:

20.76.130 Payment of awards, interest and costs.

The proceeds of the sale of bonds issued therefor, together with the proceeds of the collection of special assessments therefor, made during the thirty (30) day period following the date of the first publication of the ((~~Finance Director's~~)) Director of Executive Administration's notice of collection, shall be applied by the ((~~City Finance~~)) Director of Executive Administration in payment of awards, interest and costs of any judgment in any eminent domain proceedings, and the redemption of any warrants issued in payment of any portion of such judgment. No priority of payment shall exist as between any such warrants and any portion of such judgment, but warrants shall be paid in the order of their issuance; provided, that warrants payable to the General Fund may be held until warrants issued for the payment of awards have been paid. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration in consultation with the Director of Finance may elect to make payment by check.

Section 257. Section 20.76.140 of the Seattle Municipal Code is amended as follows:

20.76.140 Items of cost.

In preparing the assessment roll to pay the cost and expense of any such condemnation improvement as provided in this subchapter, the Board of Eminent Domain Commissioners shall include the costs and expenses of the proceedings up to the time of the filing of the assessment roll, together with the probable further costs and expenses of the proceedings, including therein a charge against each description of property appearing upon any assessment roll in the following sum: In case of "immediate payment" of assessment, One Dollar ($1) per description; in case of assessment payable in five (5) annual installments, the sum of Two Dollars ($2) per description; in case of assessment payable in ten

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

(10) annual installments, the sum of Three Dollars and Fifty Cents ($3.50) per description; in case of assessment payable in fifteen (15) annual installments, Four Dollars and Thirty Cents ($4.30) per description; in case of assessment payable in twenty (20) annual installments of either principal or interest, Five Dollars ($5) per description, which is the charge for accounting, clerical labor, books and blanks used by the ((~~City Finance~~)) Director of Executive Administration; provided, however, that when any assessment payable in installments is paid in full within the thirty (30) day period fixed by law for the payment of assessments without interest, the ((~~City Finance~~)) Director of Executive Administration shall allow a rebate of the ((~~Finance Director's~~)) Director of Executive Administration's charge in this section provided in excess of One Dollar ($1) per description.

Section 258. Section 20.76.200 of the Seattle Municipal Code is amended as follows:

20.76.200 Payment of local improvement assessments against condemned property.

For the purpose of making payment of all local improvement assessments that may exist against any lot, tract or parcel of land which has been condemned for street or other purposes, the ((~~City Finance~~)) Director of Executive Administration, previous to the issuance of any warrant in payment for property condemned in any condemnation proceeding, shall determine the amount of all unpaid local improvement assessments that may exist against the property, and thereupon two (2) warrants in favor of the respondents shall be issued on the condemnation fund, one (1) warrant in the amount of the unpaid assessments which shall be endorsed to the General Fund by the respondents, and one (1) warrant for the amount of the award less the unpaid assessments. The ((~~City Finance~~)) Director of Executive Administration shall draw a warrant on the General Fund in favor of the local improvement district or districts entitled thereto for the amount of the unpaid assessments, the General Fund to be reimbursed for the amounts so paid out when sufficient moneys have been paid into the Condemnation Fund to meet the warrant thereon drawn in favor of the General Fund in payment of the assessments as set forth in this section. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

Section 259. Section 20.76.230 of the Seattle Municipal Code is amended as follows:

20.76.230 Offsetting compensation against damages -- Court certificate.

Any person or persons wishing to offset an award of compensation or damages, or both, against any assessment, as provided in Section 20.76.220 shall receipt upon the execution docket of the court in which such award is made, and make satisfaction, on the execution docket, of the amount so sought to be made an offset; and shall procure from the Clerk of the court and present to the ((~~City Finance~~)) Director of Executive Administration a certificate under the seal of the court specifying the amount of which satisfaction has been made on the execution docket, the date of such satisfaction, the number and a brief title of the proceeding, including the number of the ordinance under which the proceeding was prosecuted.

Section 260. Section 20.76.240 of the Seattle Municipal Code is amended as follows:

20.76.240 Offsetting compensation against damages -- Cancellation of assessment roll.

The ((~~City Finance~~)) Director of Executive Administration, upon receipt of the certificate provided for in Section 20.76.230 is authorized and directed to cancel such assessment upon the

ACTING CITY CLERK

assessment roll, to the amount specified in the certificate, making suitable notation thereof upon the assessment roll.

Section 261. Section 20.76.260 of the Seattle Municipal Code is amended as follows:

20.76.260 Acceptance of condemnation fund warrants in payment of assessments.

Whenever an owner of property, assessed in a condemnation proceeding of the City, shall desire to make full payment of such assessment prior to date of sale of his or her property for the assessment, the ((~~City Finance~~)) Director of Executive Administration is authorized and directed to accept condemnation fund warrants, or parts thereof, in payment of such assessments levied to raise money for the benefit of the particular condemnation fund against or upon which said warrants were issued, and he or she shall treat all of such transactions as cash transactions making proper entry thereof upon City records.

Section 262. Section 20.76.270 of the Seattle Municipal Code is amended as follows:

20.76.270 Acceptance of certificates of purchase for delinquent condemnation award assessments.

The ((~~City Finance~~)) Director of Executive Administration is authorized and directed to accept the redemption of certificates of purchase issued for delinquent condemnation award assessments and installments thereof, and held in trust by the City for the condemnation award districts, where the last installment of the assessment is two (2) or more years delinquent, upon the payment of the principal of the certificates of purchase and interest thereon at the rate of eight percent (8%) per year from date of issuance to date of redemption.

Section 263. Section 20.76.280 of the Seattle Municipal Code is amended as follows:

20.76.280 Segregation of condemnation assessments.

A. The ((~~City Finance~~)) Director of Executive Administration is authorized to collect and receive from any owner or owners of any subdivision or subdivisions of any lot, tract or parcel of land upon which a condemnation assessment has been, or may hereafter, be made, such portion of the assessment or assessments levied or to be levied against such lot, tract or parcel of land in the payment of the condemnation improvement as the City Director of Transportation shall certify to be chargeable to such subdivision or subdivisions in accordance with state law. Upon receipt of a certified copy of a resolution of the legislative authority authorizing such segregation the ((~~City Finance~~)) Director of Executive Administration shall enter such segregation, together with the amount of the bonded interest with respect thereto, upon the assessment records, and upon payment thereof, together with any penalties accruing according to law and any additional interest due with respect to such segregated portion, give a proper receipt; provided that this section shall not authorize the segregation of any assessment which has been delinquent for a period of two (2) years or more, or in any case where it appears that such property, when or as already divided according to the requested segregation, is not or would not be of sufficient value, or is not or would not be in such condition or title, as to provide adequate security for the payment of the total amount of the unpaid assessment, penalties, interest and costs charged or chargeable against the undivided whole. In such instances, upon a recommendation by the ((~~City Finance~~)) Director of Executive Administration, the City Council shall determine such question of fact. No segregation of any assessment on unplatted lands or large platted tracts shall be made until a plat thereof has been furnished the City Director of Transportation by the applicant, showing that the proposed segregation of property

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

will conform to the system of streets as platted in adjacent territory. In all such instances, upon a recommendation by the City Director of Transportation, the City Council shall determine such question of fact.

B. Whenever, on account of the filing of a plat or replat or on account of a sale or contract to sell or other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of land assessed in such improvement district, it shall appear to be to the best interest of the City to segregate such assessments, the City Director of Transportation is authorized to make the proper certification as provided in this section, upon the written application of the owner, approved by the ((~~City Finance~~)) Director of Executive Administration, and confirmed by City Council resolution, and upon payment of the fee hereinafter provided. In all instances it shall be the duty of the City Director of Transportation to submit the necessary resolution for segregation for City Council approval.

C. A fee of Ten Dollars ($10.00) shall be charged for each tract of land for which a segregation is to be made together with a fee of Five Dollars ($5.00) per description for each description added to the assessment roll, to defray the reasonable costs of the reasonable engineering and clerical work involved, by such certificate of the City Director of Transportation, as approved by City Council resolution. Such fees shall be paid to the ((~~City Finance~~)) Director of Executive Administration and shall be deposited in the General Fund.

Section 264. Section 20.80.010 of the Seattle Municipal Code is amended as follows:

20.80.010 Contract for sale of foreclosed property.

The ((~~City Finance~~)) Director of Executive Administration is authorized to enter into contracts from time to time for and on behalf of the City for the sale, at not less than the appraised value thereof, determined as provided in Section 20.80.030 , or at a price not less than enough to pay all taxes and assessments in full of any real property acquired by the City upon foreclosure of local improvement assessments and of any real property which the City may acquire from King County to protect the lien of any such assessments outstanding against such property, or any part thereof. Any such property shall be sold for cash, or on terms providing for the payment of one-fifth (1/5) of the purchase price in cash at the time of execution by the purchaser of the contract of sale and the remainder of such price to be paid in installments over a period not exceeding five (5) years, with interest on deferred payments at the rate of not less than five percent (5%) per year, or on such terms as may be approved by the City Council. No contract for the sale of any such property shall be valid or binding upon the City unless the same has first been authorized by the City Council by ordinance.

Section 265. Section 20.80.020 of the Seattle Municipal Code is amended as follows:

20.80.020 Deposit on purchase of foreclosed property.

The ((~~City Finance~~)) Director of Executive Administration is authorized for and on behalf of the City to accept deposits of money amounting to not less than five percent (5%) of the purchase price of any property proposed to be sold as earnest money and to issue his or her receipt therefor. Any such deposit shall be placed in the Guaranty Deposit Fund, and if the depositor fails, through no fault of the City, to enter into a contract for the purchase of the property involved within ten (10) days after the ((~~Finance~~)) Director of Executive Administration notifies him or her that a duly authorized or approved contract, executed on behalf of the City, is ready for execution on his or her part, such deposit shall be deemed forfeited and become the property of the City, and the amount thereof shall be transferred to the Local Improvement Guaranty Fund. If the depositor enters into such contract within the time mentioned

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

in this section, the amount of the deposit shall be credited upon the purchase price agreed to be paid and shall be transferred to the Fund of the Local Improvement District levying the assessments, and if the district has been closed to the Local Improvement Guaranty Fund. If the City fails, by reason of any fault on its part, to make available for execution by the depositor such contract of sale within sixty (60) days after the receipt of the deposit, the depositor may, at his option, demand the return of his deposit.

Section 266. Section 20.80.030 of the Seattle Municipal Code is amended as follows:

20.80.030 Authority to contract with professional realtors.

The ((~~City Finance~~)) Director of Executive Administration is authorized on behalf of the City to contract from time to time with professional realtors or real estate appraisers to ascertain for purposes of sale the value of City property acquired in the enforcement and for the protection of local improvement assessment liens, and in such connection the ((~~City Finance~~)) Director of Executive Administration is authorized to negotiate the terms of such employment, including the fees therefor, payment of which fees shall be charged to the appropriate item in the annual City budget.

Section 267. Section 20.84.030 of the Seattle Municipal Code is amended as follows:

20.84.030 Definitions.

For the purpose of this chapter and for the purpose of administering and implementing any federal, state or local relocation assistance statute, law, ordinance, rule, regulation, order or program, applicable to any acquisition of real property or any interest therein by the City or to any program or project involving the City or any of its departments:

A. "City Department Head" means the head of the City department (such as the Director of Transportation, Superintendent of Parks and Recreation, Director of ((~~Finance~~))Executive Administration, among others) having authority over and responsibility for the applicable program or project and its costs.

B. The City Department Head, as defined in subsection A, is declared to be "the executive head of the displacing entity" as those or similar terms may be used in state or federal statutes, rules, regulations or orders.

Section 268. Section 21.04.020 of the Seattle Municipal Code is amended as follows:

21.04.020 Connection to water supply system -- Application.

Any person desiring to have premises connected with the water supply system of the City shall present at the office of the Seattle Public Utilities a copy of a building permit or a regular certified copy from the Director of Construction and Land Use, containing his or her name, description of the lot, block and addition and the official house number of the premises on which water is desired, and shall make application therefor upon a printed form to be furnished for that purpose, which application shall contain the description of the premises where such water is desired, and shall specify the size of service pipe required and shall state fully the purposes for which water is to be used, and shall be signed by the owner of the premises to be served or his duly authorized agent, and shall be filed in the office of the Director, and at the time of filing such application the applicant shall pay to the ((~~City Finance~~)) Director of Executive Administration and make his or her receipt therefor, the fees for installation of water service provided in this chapter.

ACTING CITY CLERK

Section 269. Section 21.04.050 of the Seattle Municipal Code is amended as follows:

21.04.050 Connection -- City responsibility.

Upon the presentation at the office of the Director of the ((~~Finance~~)) Director of Executive Administration's receipt for the installation fees and the execution of the contract provided for in Section 21.04.030 , the Director shall cause the premises described in the application, if the same abut upon a street in which there is a City water main, to be connected with the City's water main by a service pipe extending at right angles from the main to the property line, except as provided in Sections 21.04.060, 21.04.070 and 21.04.080. The City connection, which shall include a union placed at the end of pipe, and a stopcock placed within the curbline, shall be maintained by and kept within the exclusive control of the City.

Section 270. Section 21.04.260 of the Seattle Municipal Code is amended as follows:

21.04.260 Accounts to be in name of owner or leaseholder.

A. All accounts for water shall be kept only in the name of the owner of the premises for which service was installed, provided, however, that persons holding under recorded lease may be supplied on their own account, and in such cases the Director may require such deposit of money with the ((~~Finance~~)) Director of Executive Administration of the City as in his or her judgment shall be necessary to protect the City against any and all delinquent and unpaid charges for water or other charges on account of such service. The property owner shall have the right to have water bills mailed to a tenant, or agent, but this shall not relieve the property from liability for water charges incurred.

B. The Director of Seattle Public Utilities may establish and collect charges based on actual costs, for special meter readings ordered in connection with property ownership or occupancy changes.

Section 271. Subsection 21.16.050B of the Seattle Municipal Code is amended as follows:

21.16.050 Connection -- Notice to owner or occupant.

***

B. If such owner or occupant shall fail or neglect to connect the land, buildings, premises or habitable structures to the public sewer system within the time specified, the Director of Health shall notify the Director of Seattle Public Utilities, whereupon the Director of Seattle Public Utilities may make such connection and the connection cost plus fifteen percent (15%) thereof, for engineering design and administrative costs, shall be charged to the owner or occupant, and a bill showing the amount thereof shall be mailed or delivered to the owner or occupant, or posted upon the premises, whereupon the amount shall immediately be paid to the City ((~~Finance~~)) Director of Executive Administration. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by State law.

Section 272. Subsection 21.16.060A of the Seattle Municipal Code is amended as follows:

21.16.060 Registered side sewer contractor -- Qualification -- Insurance -- Bond.

A. To obtain registration from the City as a side sewer contractor, an applicant must:

1. Pay to the City ((~~Finance~~)) Director of Executive Administration an examination fee of Sixty Dollars ($60.00) for each individual who takes the examination required by this subsection;

ACTING CITY CLERK

2. Successfully complete or employ an individual who has successfully completed an oral and written examination administered by the Director of Seattle Public Utilities;

3. Possess a current Washington State Contractor's license;

4. Possess a current City Business and Occupation license;

5. File with the Director of Seattle Public Utilities a certificate of insurance as prescribed by subsection B; and

6. Post a bond as prescribed by subsection C of this section.

Section 273. Section 21.16.110 of the Seattle Municipal Code is amended as follows:

21.16.110 Permit for temporary connection.

The Director of Seattle Public Utilities may, upon receiving an application containing such information as is required by this chapter, issue a permit for a temporary connection to a combined sewer, sanitary sewer, side sewer, storm drain or natural outlet, and may include as a condition to the issuance of a permit a requirement to connect to another combined sewer, sanitary sewer, side sewer, storm drain or natural outlet at some later date. The permit may be revoked by the Director of Seattle Public Utilities at any time upon sixty (60) days' notice posted upon the premises and directed to the owner or occupant of the premises; and in the event the side sewer or drains are not disconnected or reconstructed as required at the expiration of sixty (60) days the Director of Seattle Public Utilities may disconnect the same and reconstruct it as necessary, and charge the cost plus fifteen percent (15%) thereof, for engineering design and administration costs, to the owner or occupant. Such charges shall be immediately payable to the City ((~~Finance~~)) Director of Executive Administration following a written notice of the amount thereof given to such owner or occupant or posted on the premises. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law. The Director of Seattle Public Utilities may require that the applicant record with the King County Department of Records and Elections an acceptable instrument agreeing to reconstruct the side sewer if required to do so, and to save the City harmless from all damage or claims resulting to the City by reason of such temporary connection or disconnection, and exhibit to the Director of Seattle Public Utilities the recording number of said instrument.

Section 274. Section 21.16.160 of the Seattle Municipal Code is amended as follows:

21.16.160 Filling of excavations.

A. For side sewers in King County, all excavations in any public area by a registered side sewer contractor shall be filled and/or covered in such a manner that no significant settlement shall occur for a period of two (2) years.

B. Work within the limits of any public area shall be prosecuted to completion with due diligence, and if any excavation is left open, whether covered or uncovered, beyond a time reasonably necessary to fill the same, the Director of Seattle Public Utilities may cause the same to be backfilled and the public area restored forthwith. Cost incurred by the Director of Seattle Public Utilities in such work plus fifteen percent (15%) for administrative costs shall be charged to the side sewer contractor in charge of such work and shall be immediately payable to the City ((~~Finance~~)) Director of Executive Administration by the contractor upon written notification of the amount thereof given to the contractor or posted on the premises.

Section 275. Section 21.16.180 of the Seattle Municipal Code is amended as follows:

21.16.180 Repair of inoperative or inadequate sewer or drain.

Where it is determined by the Director of Health or the Director of Seattle Public Utilities that a side sewer, drain, ditch, or natural watercourse is obstructed, broken, inoperative or inadequate and is a menace to health, or is liable to cause damage to public or private property, the Director of Health and/or the Director of Seattle Public Utilities may give notice to the owner of the side sewer and, if different than the owner of the side sewer, to the owner or occupant of the property in which such condition exists. The owner or occupant shall correct such condition within the time specified in the written notice. If the owner or occupant shall fail to correct such condition within the time specified in such notice, the Director of Seattle Public Utilities may perform such work as may be necessary to comply with this chapter. The cost of such work done by the Director of Seattle Public Utilities, plus fifteen percent (15%) for administrative costs, shall be charged to the property owner or occupant and shall become immediately payable to the City ((~~Finance~~)) Director of Executive Administration upon written notice of such amount being given to the property owner or occupant or posted upon the premises. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law.

Section 276. Section 21.16.280 of the Seattle Municipal Code is amended as follows:

21.16.280 Restoration of streets and other public areas.

Streets, sidewalks, planting strips, and other public areas except as mentioned in Section 21.16.270 disturbed or altered in the course of any side sewer or drainage work, shall be restored by the side sewer contractor to the original surface condition as approved by the Director of Seattle Public Utilities; and in event of the failure of the contractor to so restore the area the Director of Seattle Public Utilities may make such restoration and charge the cost thereof to the side sewer contractor who shall, upon receiving written notice of the amount thereof or upon posting of such notice at the area make immediate payment thereof to the City ((~~Finance~~)) Director of Executive Administration.

Section 277. Section 21.24.070 of the Seattle Municipal Code is amended as follows:

21.24.070 Fee payment.

The fee shall be paid to the City ((~~Finance~~)) Director of Executive Administration before the permit is issued and the amount of the fee paid shall be shown on the permit and on the record of the side sewer connection maintained in the office of the City Director of Seattle Public Utilities.

Section 278. Section 21.24.090 of the Seattle Municipal Code is amended as follows:

21.24.090 Refund of sewer permit fees.

Whenever a sewer permit has been issued and a fee paid therefor and either no rights are exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for any reason and application is made for refund, the Director of Seattle Public Utilities 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 City ((~~Finance~~)) Director of Executive Administration is authorized to draw and to pay a warrant on the General Fund in the amount of such refund and the necessary appropriations are

ACTING CITY CLERK

hereby made from any surplus in the 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.

Section 279. Section 21.28.010 of the Seattle Municipal Code is amended as follows:

21.28.010 Sewerage system a public utility.

It is necessary for the public health, safety and welfare that the existing sewerage system of the City, in conjunction with the storm and surface water sewers, together with such extensions, additions and improvements thereto as may from time to time be authorized, continue to be maintained, conducted and operated as a public utility of the City within the Seattle Public Utilities. The Seattle Public Utilities shall have jurisdiction over those properties, interests, and physical and intangible rights of every kind and nature owned or held by the City within its boundaries which comprise or relate to storm and surface water sewers, including all facilities constructed and to be constructed with moneys from the Drainage and Wastewater Fund, formerly the Sewer Improvement Fund, but excepting such properties, interests and rights under the jurisdiction of the Parks and Recreation Department, the Seattle Center Department, the City Light Department and the ((~~Executive Services~~)) Department of Fleets and Facilities. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.

Section 280. Section 21.28.020 of the Seattle Municipal Code is amended as follows:

21.28.020 Administration of utility.

The Director of Seattle Public Utilities, through the Seattle Public Utilities, shall operate and administer drainage and wastewater functions and enforce this chapter and there shall be kept a classified system of accounts of revenues and disbursements as pre- scribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City ((~~Finance~~)) Director of Executive Administration, as required by law.

Section 281. Section 21.28.250 of the Seattle Municipal Code is amended as follows:

21.28.250 Wastewater charges -- When payable.

The wastewater charge provided in this chapter shall be payable at the office of the City ((~~Finance~~)) Director of Executive Administration at the same time as the water bill for the premises is payable; and payment for water shall not be accepted unless payment of the wastewater charge is made at the same time.

Section 282. Section 21.28.260 of the Seattle Municipal Code is amended as follows:

21.28.260 Billing and collection of wastewater charges.

The rates and charges set out in this chapter shall be effective and shall be computed and billed monthly or bimonthly by the Director of Seattle Public Utilities, as a separate charge on the water bill, or through a direct invoice, and shall become due and payable to the City ((~~Finance~~)) Director of Executive Administration as stated in such billing; and any wastewater rate or charge which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as

ACTING CITY CLERK

provided by state law. Wastewater charges or any part thereof which become delinquent shall bear interest as authorized by RCW 35.67.200, at the rate of eight (8) percent per year, or such rate as may hereafter be authorized by state law, computed on a monthly basis. Interest shall be added to all wastewater charges that remain unpaid thirty (30) days or more from their billing date and shall continue until such charges are paid. As authorized, RCW 35.67.200 shall have the effect and the City shall have a lien for all delinquent and unpaid wastewater charges, including interest there- on, against any parcel for which the wastewater charges are delinquent. The lien shall have superiority as established by RCW 35.67.200 and shall be foreclosed or otherwise enforced in the manner provided in RCW 35.67.-210 through RCW 35.67.290. In the case of actions to collect delinquencies, the City shall seek also to collect reimbursement of reasonable costs of collection including but not limited to attorney's fees, staff time, and filing fees. As an additional and concurrent method of the collection of any such wastewater rate or charge, the Director of Seattle Public Utilities shall have the authority to cut off the water service or supply from the premises to which such rate or charge for wastewater has attached until such rates and charges are paid.

Section 283. Section 21.28.350 of the Seattle Municipal Code is amended as follows:

21.28.350 Refunds of wastewater charges.

The Director of Seattle Public Utilities is authorized to make refunds where any amount paid for wastewater services is found to be erroneous, or where adjustments have been made by him or her as authorized by this chapter, and the City ((~~Finance~~)) Director of Executive Administration is authorized to draw and to pay the necessary warrants on the Drainage and Wastewater Fund upon certification by the Director of Seattle Public Utilities that the refund is authorized. If the applicable fund is solvent at the time payment is ordered, the Director may elect to make payment by check.

Section 284. Subsection 21.36.087A of the Seattle Municipal Code is amended as follows:

21.36.087 White goods and bulky items.

A. The Director of Seattle Public Utilities may determine from time to time the items eligible for pickup under the Seattle Public Utilities' program for collection of white goods and bulky items, and after consultation with the ((~~Purchasing Agent~~)) Director of Executive Administration, arrange for the disposition of the items collected without regard to the procedures of Section 3.18.824.

***

Section 285. Section 21.40.030 of the Seattle Municipal Code is amended as follows:

21.40.030 Administration.

The Director of Seattle Public Utilities, through the Seattle Public Utilities, shall operate and administer such public utility and enforce this chapter; and there shall be kept by him or her a classified system of accounts of revenues and disbursements as pre- scribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City ((~~Finance~~)) Director of Executive Administration, as required by law in such connection.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 286. Subsection 21.40.120A of the Seattle Municipal Code is amended as follows:

21.40.120 Payment of charges -- Delinquency and lien.

A. Garbage and rubbish collection charges imposed by this chapter shall be payable up to three (3) months in advance at the office of the City ((~~Finance~~)) Director of Executive Administration and at the same time that water utility charges are due and payable with respect to residences or other dwelling units contemporaneously served, and partial payment on any bill will first be credited to amounts due for garbage and rubbish collection services, then to charges for wastewater services, and the balance to outstanding charges for water services. The charges imposed under Sections 21.40.050, 21.40.060, and 21.40.080 shall apply to all residences and other dwelling units, whether occupied or not; provided, however, that where no portion of the premises is being used and occupied as a dwelling place the owner or agent responsible therefor may apply to the Director of Seattle Public Utilities for an adjustment to garbage and rubbish collection charges. In such connection the Director of Seattle Public Utilities may from time to time reduce the liability for such charges upon request therefor whenever he or she is satisfied that the premises are not being used and occupied as a dwelling place. Garbage and rubbish collection charges shall be computed and billed from time to time by the Director of Seattle Public Utilities as a separate charge on the water bill for residences or dwelling units served, and the Director of Seattle Public Utilities shall establish common billing practices and procedures to the extent permitted by law.

***

Section 287. Section 21.72.010 of the Seattle Municipal Code is amended as follows:

21.72.010 Use of City ((~~Finance Director's~~)) Directors' names prohibited.

Statements for the collection of City utility charges shall not use or direct the use of the personal name of the ((~~City Finance~~)) Director of Finance or the Director of Executive Administration for or in connection with the payment of such charges.

Section 288. Section 21.76.060 of the Seattle Municipal Code is amended as follows:

21.76.060 Authority of ((~~Finance~~)) Director of Executive Administration.

A. The ((~~Finance~~)) Director of Executive Administration is authorized to apportion the total amount of utility credits made to bills as provided for in Sections 21.76.010, 21.76.040 and 21.76.050.

B. To reimburse the Light Fund for utility credits made to lighting bills as provided for in Section 21.76.050, the ((~~Finance~~)) Director of Executive Administration is authorized to make the necessary transfers from the Water, Sewer, Solid Waste Fund and Street Utility Sub-Fund in accordance with Section 21.76.040.

Section 289. Subsections C and D of Section 22.208.110 of the Seattle Municipal Code are amended as follows:

22.208.110 Recovery of costs.

***

C. After notice to the owner and other persons with an ownership interest as shown on the litigation guarantee that all or a portion of the costs have not been paid, the Director shall notify the City

ACTING CITY CLERK

((~~Finance~~)) Director of Executive Administration of the amount due and owing, and upon receipt of the notification the City ((~~Finance~~)) Director of Executive Administration shall certify the amount to the King County Financial Management Office for assessment.

D. Upon certification by the City ((~~Finance~~)) Director of Executive Administration of the amount due and owing, the Director of the King County Financial Management Office or designee shall enter the amount of the assessment upon the tax rolls against the real property for the current year to be collected at the same time as the general taxes and with interest at the rates and in the manner provided in RCW 84.56.020 for delinquent taxes. When collected, it shall be deposited in the General Fund of the City and credited to the Housing and Abatement Account provided in Section 22.202.050.

***

Section 290. Subsection 22.220.100C of the Seattle Municipal Code is amended as follows:

22.220.100 Downtown Housing Maintenance Account.

***

C. The moneys in the account are hereby appropriated for the purposes described above and the City ((~~Finance~~)) Director of Executive Administration is authorized to draw and to pay the necessary warrants upon vouchers approved by the Director of Housing from the appropriated account. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

Section 291. Section 22.904.060 of the Seattle Municipal Code is amended as follows:

22.904.060 License applications.

Applications for mobile home park licenses and renewals thereof shall be made to the ((~~Finance~~)) Director of Executive Administration upon forms provided by him/her and shall set forth the name and residence address of the applicant, the location of the mobile home park, and the number of mobile home lots to which such license applies. The ((~~Finance~~)) Director of Executive Administration thereupon shall request the Director of Public Health, the Director of Construction and Land Use and the Fire Chief to inspect the premises therein described and the fixtures and facilities to be used. If the Director of Public Health, Director of Construction and Land Use and Fire Chief find, upon inspection, that such premises, fixtures and facilities are constructed, installed, operated and maintained in compliance with this chapter and other applicable ordinances, they shall approve the application and so notify the ((~~Finance~~)) Director of Executive Administration, who shall issue the license. If the Director of Public Health, Director of Construction and Land Use or Fire Chief shall find that the premises, fixtures or facilities are not constructed, installed, operated or maintained in compliance with this chapter or any other applicable ordinance, he/she shall forthwith disapprove the application and so notify the applicant and the ((~~Finance~~)) Director of Executive Administration, citing the reason therefor. If, after thirty (30) days from date of application for a new license, or, in the case of renewal, upon expiration of an existing license, approval of the Director of Public Health, Director of Construction and Land Use and Fire Chief are not forthcoming, the ((~~Finance~~)) Director of Executive Administration thereupon shall deny the license.

ACTING CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section 292. Section 22.904.070 of the Seattle Municipal Code is amended as follows:

22.904.070 License revocation.

Any mobile home park license may be revoked by the ((~~Finance~~)) Director of Executive Administration in the manner and subject to the procedure provided in the License Code upon the filing with him by the Director of Public Health, the Director of Construction and Land Use or the Fire Chief of a written notice stating the premises licensed or any fixtures or facilities used therein have become or are unsafe or unsanitary, or that otherwise they are not being operated or maintained in compliance with the provisions of this chapter or any other applicable ordinance.

Section 293. Subsection 23.22.066C of the Seattle Municipal Code is amended as follows:

23.22.066 Technical standards for final plat.

***

C. The description, dedication, acknowledgment, certificates of the City ((~~Finance~~)) Director of Executive Administration and County official performing the duties of the County Treasurer, certificates of approval by the Director of Transportation, the City Clerk and the Director, and recording certificate, shall be lettered with india ink or substantially equivalent lettering material and shall be substantially in the form set forth in the Director of Transportation's Subdivision Manual.

Section 294. Subsection 23.45.094A.2.b(9) of the Seattle Municipal Code is amended as follows:

23.45.094 Institutions--Structure width and depth.

A. Maximum Width.

***

2. In order to reach the maximum width permitted in each zone, institutional structures shall be required to reduce the appearance of bulk through one (1) of the following options:

***

b. Landscape Option. Front setbacks and landscaping shall be provided as follows:

***

(9) Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City ((~~Finance~~)) Director of Executive Administration in the amount equal to sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City ((~~Finance~~)) Director of Executive Administration five (5) years from the date of issuance of the covering use permit at the request of the permittee upon presentation of a certificate of compliance from the Director of Design, Construction and Land Use. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements.

***

ACTING CITY CLERK

Section 295. Subsection 23.45.096E.1.c of the Seattle Municipal Code is amended as follows:

23.45.096 Institutions--Setback requirements.

***

E. Landscaping and Screening of Required Setbacks.

1. Institutions shall provide landscaping for setbacks which abut a street. Such setbacks shall be planted with trees, shrubs, grass and/or evergreen ground cover. The planting of street trees shall also be considered as part of the landscaping. Landscape features such as decorative paving, sculptures or fountains are permitted to a maximum of twenty-five (25) percent of each required landscaped area. If the landscaping option of Section 23.45.094 A2b is used, that shall fulfill all the requirements of this section.

***

c. Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City ((~~Finance~~)) Director of Executive Administration in the amount of sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City ((~~Finance~~)) Director of Executive Administration five (5) years from the date of issuance of the covering master use permit at the request of the permittee upon presentation of a certificate of compliance from the Director. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements. This requirement shall not apply to child care facilities locating in existing structures.

Section 296. Subsection 25.05.914D of the Seattle Municipal Code is amended as follows:

25.05.914 SEPA costs and fees.
(See WAC 197-11-914).

***

D. Proceeds from fees and charges imposed pursuant to this subchapter shall be transmitted to the City ((~~Finance~~)) Director of Executive Administration and shall be deposited in the General Fund; provided, that proceeds from fees and charges collected by the Director of Construction and Land Use shall be deposited in the Department of Construction and Land Use Fund.

Section 297. Subsection 25.28.350B of the Seattle Municipal Code is amended as follows:

25.28.350 Abatement.

***

B. The cost of such work shall be paid from amounts appropriate for abatement purposes. Unless the amount of the costs thereof are repaid within sixty (60) days of the completion of the work, they shall be assessed against the real property as to which such costs were incurred. Upon certification by the Superintendent to the City ((~~Finance~~)) Director of Executive Administration of the assessment

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

amount being due and owing, the City ((~~Finance~~)) Director of Executive Administration shall certify the amount to the county official performing the duties of the County Treasurer, who shall enter the amount of such assessment upon the tax rolls against such real property for the current year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected, shall be deposited in the General Fund and credited to the Minimum Maintenance Historic Building Fund as provided in Section 25.28.260. The assessment shall constitute a lien against the property of equal rank with state, county, and municipal taxes.

AMENDMENTS TO UNCODIFIED ORDINANCES

Section 298. 2002 Budget Payments. Subsection 3(h) of Ordinance 120640 is amended as follows:

Section 3.

***

(h) The City's Director of ((~~Finance~~)) Executive Administration is authorized to draw and pay the necessary warrants or checks and to make any necessary transfers among funds and accounts.

***

Section 299. Pacific Place Garage. Sections 2 and 3 of Ordinance 119158, as last amended by Ordinance 120181, are amended as follows:

Section 2. The Fleets and Facilities Department ((~~of Finance~~)) is hereby assigned responsibility for operations of the Garage in accordance with the terms of the Umbrella Agreement and Parking Agreement authorized by Ordinance 118011, as those agreements may be amended or supplemented from time to time, but the rates to be charged for parking in the Garage shall be set by the Director of Finance consistent with that Agreement.

Section 3. The Fleets and Facilities Director ((~~of Finance~~)) is hereby authorized to approve minor changes to the Condominium Declaration authorized by Ordinance 118349. Such changes may include, but are not limited to, transfer of small areas such as stairwells between the units and the establishment of new common areas. No change that would substantially affect the value of the Garage Unit may be made unless approved by ordinance.

Section 300. Non-cash transfer of surplus computer equipment. Sections 1 and 2 of Ordinance 119145 are amended as follows:

Section 1. The ((~~Executive Services~~)) Department of Executive Administration is hereby authorized to develop and implement a program whereby computer equipment no longer needed by City departments may, after being declared surplus to the City as a whole, be made available to the Seattle School District No. 1 (the "School District") and to not-for-profit private or public

ACTING CITY CLERK

community service agencies who will use that equipment to accomplish City goals. Equipment acquired with funding from restricted sources shall be disposed of only in ways permitted by the source of funding; in the case of Seattle Public Utilities and Seattle City Light, surplus computer equipment may be disposed of under this ordinance only after the utility has received from a non-utility source compensation for any true and full value that equipment may have.

Section 2. The ((~~Executive Services~~)) Director of Executive Administration is authorized to enter into an agreement with the School District to transfer to the School District, with or without stated consideration, from time to time, whatever surplus City computer equipment the ((~~Executive Services~~)) Director of Executive Administration determines will support the educational mission of the School District.

Section 301. Local Improvement District No. 6747. Section 5 of Ordinance 117921 is amended as follows:

Section 5. The sum charged against any lot, tract and parcel of land or other property, or any portion thereof, may be paid during the thirty day period allowed for payment of assessments without penalty or interest. In the event that thereafter the effective interest charge has not been determined at the time payment of an assessment is tendered, the Director of ((~~the Department of Finance~~)) Executive Administration is authorized to assume an interest rate based on the estimated local improvement district bond rate if bonds were sold at that time, compute the sum due as if that rate applied, and deposit the amount collected in the local improvement district fund.

Section 302. Local Improvement District No. 6746. Section 5 of Ordinance 117190 is amended as follows:

Section 5. The sum charged against any lot, tract and parcel of land or other property, or any portion thereof, may be paid during the thirty day period allowed for payment of assessments without penalty or interest. In the event that thereafter the effective interest charge has not been determined at the time payment of an assessment is tendered, the Director of ((~~the Department of Finance~~)) Executive Administration is authorized to assume an interest rate based on the estimated local improvement district bond rate if bonds were sold at that time, compute the sum due as if that rate applied, and deposit the amount collected in the local improvement district fund.

Section 303. Acceptance of Debit Card Transactions. Sections 1, 2, and 3 of Ordinance 117524 are amended as follows:

Section 1. Authority to Contract. The ((~~Finance~~)) Director of Executive Administration is hereby authorized for and on behalf of The City of Seattle to execute an agreement or agreements with one or more banks for the use of point of sale terminals for debit card payment by the public of fees, fines, and taxes imposed by the City. The agreement(s) shall provide for acceptance of point of sale terminal transaction cards; may provide for payment by the City for costs incurred for installation of point of sale terminals for accounts of similar size and volume subject to change from time to time; and may provide for use of equipment provided by the bank.

ACTING CITY CLERK

The City reserves the authority to execute agreements with other companies offering point of sale terminal transaction services for the payment of city imposed fines, fees, and taxes.

Section 2. Authority to approve departments and set limits. Effective upon execution of the agreement(s) authorized in Section 1, the ((~~Finance~~)) Director of Executive Administration is authorized, in his or her discretion, to approve a City department or departments to accept debit card transactions for the payment of City-imposed fines, fees, and taxes. No Department shall accept debit cards for the payment of city imposed fines, fees, and taxes without such approval. The ((~~Finance~~)) Director of Executive Administration is further authorized to establish appropriate business practices and set any limitations concerning the acceptance of such transactions on participating departments.

Section 3. Cost. Each department authorized by the ((~~Finance~~)) Director of Executive Administration to accept point of sale "debit card" terminal transactions shall be responsible for any related costs incurred for accepting point of sale "debit card" terminal transaction cards for payment of City-imposed fines, fees, and taxes that it collects or that are collected on its behalf. The ((~~Finance~~)) Department of Executive Administration will deduct any related charges from amounts credited to each department's revenue account.

Section 304. Acceptance of Credit Cards. Sections 1, 2, and 3 of Ordinance 117375 are amended as follows:

Section 1. Authority to Contract. The ((~~Finance~~)) Director of Executive Administration is hereby authorized for and on behalf of The City of Seattle to execute an agreement or agreements with one or more banks for the use of credit cards for payment by the public of fees and fines imposed by the City of Seattle. The agreement shall provide for acceptance of Visa and MasterCard credit cards; may provide for acceptance of other credit cards; may provide for payment by the City of fees in accordance with the bank's schedule of fees for accounts of similar volume subject to change from time to time; and may provide for use of equipment provided by the bank. The City reserves the authority to execute agreements with other companies offering credit card services for the payment of city imposed fees and fines.

Section 2. Authority to approve departments and set limits. Effective upon execution of the agreement authorized in Section 1, the ((~~Finance~~)) Director of Executive Administration is authorized, in his or her discretion, to approve a city department or city departments to accept credit cards for the payment of city imposed fines and fees. No departments shall accept credit cards for the payment of city imposed fines and fees without such approval. The ((~~Finance~~)) Director of Executive Administration is further authorized to establish appropriate business practices and set any limitations concerning the acceptance of credit cards on participating departments.

Section 3. Cost. Each department authorized by the ((~~Finance~~)) Director of Executive Administration to accept credit cards shall be solely responsible for the costs incurred for accepting credit cards for payment of city imposed fines and fees that it collects or that are collected on its behalf. The ((~~Finance~~)) Department of Executive Administration will deduct bank charges from amounts credited to each department's revenue account.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

CITY CLERK

Section 305. Each reference in previously-enacted uncodified ordinances to "Purchasing Agent," "Department of Administrative Services," "Department of Licenses and Consumer Affairs," "Director of Licenses and Consumer Affairs," or "Board of Public Works" 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.

Section 306. Each reference in previously-enacted uncodified ordinances to the role of the Department or Director of Community Development or the Executive Services Department or Director or the Department or Director of Finance in connection with administration of parking and business improvement areas or local improvement districts 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 the Department or Director of Community Development or the Executive Services Department or Director or the Department or Director of Finance is called for by context.

Section 307. Each reference in previously-enacted uncodified ordinances to the authority of the Department or Director of Finance to establish or administer funds, subfunds, accounts, and subaccounts within the City treasury 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 the Department or Director of Finance is called for by context.

REPEAL AND REMOVAL FROM CODIFICATION

Section 308. The following sections or subsections of the Seattle Municipal Code and the corresponding ordinances or sections or parts of sections of ordinances, respectively, are repealed:

3.38.050;
21.101.010;
21.101.020;
21.101.030;
21.101.040;
21.101.050;
21.101.060;
21.101.070;
21.101.080;
21.101.090;
21.101.100.

Section 309. Chapter 20.46 shall be removed from the Seattle Municipal Code, but the ordinances codified therein shall continue to apply to all contracts for which bids or proposals were due prior to May 1, 1994.

ACTING CITY CLERK

MISCELLANEOUS PROVISIONS

Section 310. The Director of Finance, under the authority of the Mayor, shall have the power to make all administrative decisions necessary to carry out the intent of this ordinance.

Section 311. The headings in this ordinance are for reference purposes only. They have no legal effect, and shall not be codified.

Section 312. It is the express intent of the City Council that this ordinance makes only those changes to the Seattle Municipal Code or uncodified ordinances shown by striking out, inside double parentheses, text to be deleted, and underlining text to be added. To this end, errors in showing the pre-existing Seattle Municipal Code or uncodified ordinances are to be disregarded, and no change in the Seattle Municipal Code is intended thereby.

Section 313. The City Clerk shall publish in the City's legal newspaper the title and sections 1 through 9 and 305 through 307 of this ordinance, and a numerical tabulation by Seattle Municipal Code number or ordinance number of the sections or subsections that are redesignated, amended, or repealed by sections 10 through 309 of this ordinance as the summary of this ordinance, and state as part of that publication that the entire text may be examined electronically at http://clerk.ci.seattle.wa.us/ on the Internet, or in paper form at the offices of the City Clerk, First Floor, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104, or will be mailed upon request.

Section 314. It is the express intent of the City Council that, in the event another ordinance has heretofore been enacted that amended any section or subsection of the Seattle Municipal Code amended or recodified herein, that earlier amendment should be effectuated with equal dignity to this ordinance if at all possible in the codification of the Seattle Municipal Code and by the courts, notwithstanding the use in this ordinance of an obsolete version of that part of the Seattle Municipal Code on which to show intended amendments.

Section 315. In the event any section or subsection of the Seattle Municipal Code purported to be amended or recodified herein has heretofore been repealed, that earlier repeal shall be given full effect, and nothing in this ordinance shall be construed to re-enact or preserve that section or subsection.

Section 316. It is the express intent of the City Council that, in the event a subsequent ordinance refers to a position or office that was abolished by this ordinance, that reference shall be deemed to be to the new position or office created by this ordinance, and shall not be construed to resurrect the old position or office unless it expressly so provides by reference to this ordinance.

Section 317. It is the express intent of the City Council that, in the event a subsequent ordinance refers to or amends a section or subsection of the Seattle Municipal Code or a previously enacted ordinance that is amended or recodified herein, but the later ordinance fails to account for the change made by this ordinance, the two sets of amendments should be given effect together if at all possible.

Section 318. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,

SEATTLE CITY CLERK

or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance of the validity of its application to other persons or circumstances.

Section 319. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 320. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by a two-thirds (2/3) vote of all the members of the City Council the 6th day of May, 2002, and signed by me in open session in authentication of its passage this 6th day of May, 2002.

Peter Steinbrunner
President _____ of the City Council

Approved by me this 13 day of May, 2002.

Mayor

Filed by me this 13th day of May, 2002.

Judith E. Pippin
City Clerk

(Seal)

ACTING CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Clausen
3/29/02
reorg_fiscalnote
v. 1

Fiscal Note

Each piece of legislation that appropriates funds, creates position authority, or will create a financial impact through policy direction or otherwise, requires a fiscal note. The fiscal note should be drafted by department staff and should include all relevant financial information. After preparation by departmental staff, the Department of Finance will review and make necessary revisions before transmittal to Council.

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Finance	Diane Clausen 4-8151	Diane Clausen 4-8151

Legislation Title:

AN ORDINANCE reorganizing certain financial and administrative portions of the executive branch of City government; creating a Department of Executive Administration; establishing the duties of the new department; reassigning certain functions currently performed by the Department of Finance; transferring and reclassifying certain positions, some of which are becoming exempt; making provisions for transition, including provisions relating to appropriations in the 2002 adopted budget; repealing or amending obsolete provisions; and amending, repealing, and adding numerous sections throughout the Seattle Municipal Code; all by a two-thirds vote of the City Council.

Summary of the Legislation:

This legislation reorganizes the Department of Finance into two separate agencies: one to focus closely on financial management and the other to oversee the more operational and administrative tasks that are performed by the existing Department of Finance. The new Department of Finance created in this legislation will be responsible for budgeting, debt management, financial policies, and overall financial controls, and will have policy oversight over City taxes, investments, accounting, and related activities. The Department of Executive Administration created in this legislation will be responsible for Citywide accounting, payroll, licensing, revenue collection and processing, animal services, weights and measures, treasury activities, purchasing, construction and consultant contracting, risk management, and the SUMMIT and HRIS data systems.

The proposed reorganization will be accomplished without additional costs and without creating new positions.

Appropriations (in $1,000's):

Department/Fund Name and Number	Line of Business/ Program	2002 Appropriation	2003 Anticipated Appropriation
		0	0
TOTAL		**0**	**0**

Notes: There are no changes to appropriations.

CITY CLERK

Clausen
3/29/02
reorg_fiscalnote
v. 1

Anticipated Revenue/Reimbursement (in $1,000's):

Department/Fund Name and Number	Revenue Source	2002 Revenue	2003 Revenue
		0	0
TOTAL		**0**	**0**

Notes: There are no changes to revenues.

Total FTE Created Through Legislation or Estimated FTE Impacts (TES, etc.):

Department/Fund Name and Number	Position Title	2002 FTE	2003 FTE
		0	0
TOTAL		**0**	**0**

Do positions sunset in the future? (If yes, identify sunset date):

Background (Include brief description which states the purpose and context of legislation and include record of previous legislation and funding history, if applicable):

The reorganization of the Department of Finance proposed in this legislation will strengthen the focus of the City's financial management activities.

The financial cost of not implementing the legislation (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

Possible alternatives to the legislation which could achieve the same or similar objectives (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

Other Issues (including long-term implications of the legislation):

CITY CLERK

City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

April 15, 2002

Honorable Peter Steinbrueck
President,
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

I am pleased to transmit the following ordinance for Council consideration.

As you will recall, my February 20 letter to you described my proposal to reorganize the Department of Finance into two separate agencies: one to focus closely on financial management and the other to oversee the more operational and administrative tasks that are performed by the existing Department of Finance. I believe it is critical for the City to have an agency whose sole focus is to oversee the City's budget and financial management. This is especially true in these difficult financial times. Thus, I propose to create an agency that will be responsible for budgeting, debt management, financial policies, and overall financial controls. The agency will also have policy oversight over City taxes, investments, accounting, and related activities. Consistent with the City Charter, this agency will be known as the Department of Finance. Dwight Dively will retain the title of Director of Finance and lead the new agency, which will have a staff of fewer than 40 employees.

I also believe it is important to have an agency responsible for the critical internal service activities of City government. Thus, I propose to take the remainder of the existing Department of Finance and retitle it as the Department of Executive Administration (DEA). DEA will be responsible for Citywide accounting, payroll, licensing, revenue collection and processing, animal services, weights and measures, treasury activities, purchasing, construction and consultant contracting, risk management, and the SUMMIT and HRIS data systems. I have nominated Ken Nakatsu to be the Director of Executive Administration and will forward Ken's nomination packet for Council consideration under separate cover.

The proposed reorganization will be accomplished without additional costs and without an aggregate addition of new positions. No employees will lose their positions and only a few will see any change in their job duties. I believe this proposal will strengthen the focus of our financial management activities in the coming years, which I know is a goal that is shared by the City Council.

Thank you for your consideration of this legislation. Should you have questions please contact Dwight Dively at 4-5212 or Diane Clausen at 4-8151.

Sincerely,

GREG NICKELS
Mayor of Seattle

600 Fourth Avenue, 12th Floor, Seattle, WA 98104-1873
Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.:va.us
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Clausen:sic
04/15/02
DOFreorgORD.doc
(Ver. 8)

ORDINANCE _____

AN ORDINANCE reorganizing certain financial and administrative portions of the executive branch of City government; creating a Department of Executive Administration; establishing the duties of the new department; reassigning certain functions currently performed by the Department of Finance; transferring and reclassifying certain positions, some of which are becoming exempt; making provisions for transition, including provisions relating to appropriations in the 2002 adopted budget; repealing or amending obsolete provisions; and amending, repealing, and adding numerous sections throughout the Seattle Municipal Code; all by a two-thirds vote of the City Council.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

ESTABLISHMENT OF NEW DEPARTMENT
AND TRANSFER OF FUNCTIONS

Section _. Effective July 1, 2002, a new Department of Executive Administration is created to carry out the administrative functions set out in this ordinance. The Department of Finance shall continue to exercise general supervision over the financial affairs of the City and to carry out its present functions not reassigned to some other department or office by this or another ordinance.

Section _. From and after July 1, 2002, all rules, regulations, notices, and proceedings in effect on that date with respect to activities carried on by the Department of Finance shall continue in effect, unless and until they expire of their own terms or are superseded, but the powers and responsibilities of the Director of Finance thereunder shall be performed by the Director of Executive Administration if and to the extent responsibility for the activity at issue has been transferred to the Department of Executive Administration by this or another ordinance.

Section _. Section 3.38.010 of the Seattle Municipal Code is amended as follows:

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; ((~~administer and enforce laws and ordinances relating to weights, measures, and consumer protection; administer the City's public works contracting processes and execute contracts for public works projects; administer the contractor 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 and animal control;~~)) direct City budgeting, borrowing, revenue forecasting, and economic analysis activities;((,)) and provide policy direction concerning investments and licensing((e)) for ((~~regulation and/or~~)) revenue unless law or ordinance vests such power elsewhere.

CITY CLERK

The head of the Department of Finance shall be the Director of Finance. ((~~As of January 1, 2001, a~~))All references to "Finance Department((~~,~~))" or "Finance Director((~~,~~))" ((~~"Purchasing Agent," "Department of Administrative Services," "Comptroller," "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 Finance" or "Director of Finance" as may be applicable, except where the historical reference to "Finance Department((~~,~~))" or "Finance Director((~~,~~))" ((~~"Purchasing Agent," "Department of Administrative Services," Comptroller" "Department of Licenses and Consumer Affairs," "Director of Licenses and Consumer Affairs," or "Board of Public Works"~~)) 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; ((~~Maintaining the City's financial accounts and records, issuing financial statements on behalf of the City, establishing accounting policies and procedures for City departments, and monitoring departmental compliance therewith;~~))

B. ((~~Producing~~)) 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. ((~~Keeping the City Treasury, receiving and disbursing all money belonging to the City, unless otherwise expressly provided by state law or City ordinance; collecting funds due to the City when the function has not been assigned to another City department; preparing and disbursing the payroll after receiving proper certification from departments; and p~~))Perform((~~ing~~)) the duties assigned by the state statutes listed in this Chapter 3.38 to a city treasurer or comptroller;

D. ((~~Investing funds in excess of the City's current needs, forecasting cash balances and needs, depositing and managing cash, and administering trust accounts that are not assigned to any other department;~~))Sign, manually or by facsimile, warrants and checks drawn by or under the direction of the Director of Executive Administration;

E. Manage((~~ing~~)) City borrowing, execute((~~ing~~)) and issue((~~ing~~)) 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((~~ing~~)) financial and other necessary consultants, keep((~~ing~~)) all necessary registers of creditors, and arrange((~~ing~~)) for repayment of debts; ((~~and overseeing payment of federal and state taxes;~~))

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

((~~G. Selecting qualified public depositories for the deposit of City moneys as contemplated by RCW Chapter 39.58;~~

~~H. Certifying City officers or employees as cashiers for receiving and depositing funds due to the City, establishing criteria for their certification and internal controls for cash management, suspending or withdrawing their certification, and pursuing remedies available at law in the event of loss;~~

~~I. Accepting and depositing donations to the City for its trust accounts, accepting anonymous donations of cash to the City, and accepting unrestricted donations of funds from identified donors in an amount up to One Thousand Dollars ($1,000);~~

~~J. Arranging for withholding and payment of applicable federal and state taxes;~~))

((~~K~~))G. Promulgate((~~ing~~)) rules and regulations in accordance with the City's Administrative Code (Chapter 3.02; Ordinance 102228, as amended) as deemed necessary to carry out the functions in Sections 3.38.010 through ((~~3.38.080~~))3.38.070;

((~~L~~))H. ((~~Performing such other activities as may be assigned by ordinance of delegated by the Executive Services Director from time to time.~~)) 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.

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

((~~N~~))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;

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

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

((~~P. Issue, deny, suspend, and revoke licenses for regulatory or revenue purposes according to law;~~

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

~~R. 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 of 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;~~

~~S. Provide risk management and insurance services;~~

~~T. At his or her discretion or as otherwise authorized by ordinance, delegate any or all of the powers granted in Sections 3.38.010 Q and 3.38.010 R to other departments, including but not limited to the authority to execute or administer classes of or individual portions of contracts.~~))

Section _. Section 3.38.060 of the Seattle Municipal Code is amended as follows:

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**
((~~Treasurer of Municipal Court~~))	((~~RCW 3.46.120~~

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

	~~RCW 3.50.100~~ ~~RCW 3.62.040~~ ~~RCW 35.20.105~~ ~~RCW 35.20.135~~ ~~RCW 35.20.210~~ ~~RCW 35.20.220~~ ~~RCW 35.20.230~~))
((~~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~~ ~~RCW 35A.40.050~~))
((~~Custodian of Retirement System Securities~~))	((~~RCW 35.39.070~~))
((~~Miscellaneous authority~~))	((~~RCW 35A.42.010~~))
((~~Treasurer of local improvement assessments and collector of accounts; custodian of property foreclosed~~))	((~~RCW 35.49.010~~ ~~RCW 35.49.130~~ ~~RCW 35.49.140~~ ~~RCW 35.49.150~~ ~~RCW 35.58.500~~ ~~RCW 36.94.220~~ ~~RCW 84.63.350~~))
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
((~~Treasurer of joint boards~~))	((~~RCW 39.34.030~~))
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
((~~Cancellation of unredeemed warrants~~))	((~~RCW 39.56.040~~))
((~~Selection of City depository and safeguarding of~~	((~~RCW 39.58.010~~

~~funds~~))	~~RCW 39.58.130~~ ~~RCW 39.58.160~~))
((~~Paymaster of Firefighters' Pension Board~~))	((~~RCW 41.16.040 (4), (8)~~))
Member and treasurer of Board of Trustees of Police Pension and Relief Fund	RCW 41.20.010 RCW 41.20.020 ((~~RCW 41.20.030~~ ~~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~~))

Section _. Section 3.38.065 of the Seattle Municipal Code is amended as follows:

3.38.065 Other statutory duties.

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

Function or Activity	**Applicable Statutes**
((~~Drawing warrants for eminent domain commissioners~~))	((~~RCW 8.12.270~~))
Issuing and signing bonds and other certificates of debt	RCW 35.36.010 RCW 35.36.060 RCW 8.12.400
Receipt of valuations by county assessor	RCW 36.21.020
((~~Custodian of retainage on bonds~~))	((~~RCW 39.08.010~~))
Member of Firefighters' Pension Board	RCW 41.16.020

Section _. There is added to Subtitle II of Title 3 of the Seattle Municipal Code a new chapter 3.04 entitled Department of Executive Administration. The new sections that shall be part of chapter 3.04, and along with sections 3.04.060 through 3.04.090 shall constitute Subchapter I of that chapter, are as follows:

CHAPTER 3.04 - DEPARTMENT OF EXECUTIVE ADMINISTRATION

CITY CLERK

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;

CITY CLERK

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 consistent 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.

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.

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.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS THAN CLEAR, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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:

Function or Activity	Applicable Statutes
Treasurer of Municipal Court	RCW 3.46.120 RCW 3.50.100 RCW 3.62.040 RCW 35.20.105 RCW 35.20.135 RCW 35.20.210 RCW 35.20.220 RCW 35.20.230
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 of 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)

CITY CLERK

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

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:

Function or Activity	**Applicable Statutes**
Drawing warrants for eminent domain commissioners	RCW 8.12.270
Custodian of retainage on bonds	RCW 39.08.010

2002 BUDGET

Section _. The City Council intends that, effective July 1, 2002, the departments of Finance and Executive Administration shall have control of and responsibility for the appropriations in the 2002 budget of the Department of Finance that relate to their respective departments. The Director of Executive Administration shall have the authority to expend and the responsibility for the Revenue and Consumer Affairs Line of Business appropriation and those other appropriations within the 2002 budget of the Department of Finance that support the functions and responsibilities of the Department of Executive Administration as set forth in this ordinance. The Director of Finance shall, after consulting with the Director of Executive Administration, determine how much of the appropriations for the Administration and Finance Lines of Business support each department's functions.

POSITIONS

Section _. A. Effective July 1, 2002, the following positions in the Department of Finance are reclassified as shown, and shall remain in the Department of Finance:

Position Number	**New Title**	**Reclassified from**	**Position Newly Exempt from Civil Service?**

CITY CLERK

00016839	Executive 2	Executive 1	
00010424	Executive 2	Strategic Advisor 3, Exempt	
00021399	Executive 2	Strategic Advisor 3, Exempt	
00015087	Executive 2	Strategic Advisor 3, Exempt	
00018170	Executive 2	Strategic Advisor 3, Exempt	
00024234	Strategic Advisor 2, Exempt	Planning and Development Specialist, Senior	Yes
00023662	Strategic Advisor 2, Exempt	Executive Assistant	Yes
00024661	Strategic Advisor 2, Exempt	Management Systems Analyst, Senior	Yes
00022355	Strategic Advisor 2, Exempt	Strategic Advisor 1, Exempt	
00010579	Strategic Advisor 2, Exempt	Strategic Advisor 1, Exempt	
00015082	Strategic Advisor 2, Exempt	Strategic Advisor 1, Exempt	
00010441	Strategic Advisor 2, Exempt	Strategic Advisor 3, Exempt	
00015091	Strategic Advisor 2, Exempt	Strategic Advisor 3, Exempt	

B. The following positions shall remain in the Department of Finance without reclassification:

Position Number	**Title**
00025855	Administrative Specialist I
00017844	Administrative Specialist III
00016933	Administrative Specialist III- Bargaining Unit
00025516	Executive 4
00010891	Public Relations Specialist, Senior
00011227	Strategic Advisor 1, Customer Service, Public Information, and Promotion
00024228	Strategic Advisor 2, Exempt
00020710	Strategic Advisor 2, Exempt
00018167	Strategic Advisor 2, Exempt
00016899	Strategic Advisor 2, Exempt
00017167	Strategic Advisor 2, Exempt
00020498	Strategic Advisor 2, Exempt

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

00024271	Strategic Advisor 2, Exempt
00026825	Strategic Advisor 2, Exempt
00015077	Strategic Advisor 2, Exempt
00020825	Strategic Advisor 2, Exempt
00022054	Strategic Advisor 2, Exempt
00020328	Strategic Advisor 2, Exempt
00015629	Strategic Advisor 2, Exempt
00017165	Strategic Advisor 2, Exempt
00025935	Strategic Advisor 2, Exempt
00022970	Strategic Advisor 2, Exempt
00017015	Strategic Advisor 3, Exempt
To be determined	Strategic Advisor 2, Exempt (Created by Council Bill 114134 for PDA coordination)

Section _. Effective July 1, 2002, the following positions and their incumbents, if any, as of that date are transferred from the Department of Finance to the Department of Executive Administration:

A. Position 00010603 (vacant), which is hereby reclassified from Executive 3 to Strategic Advisor 2, Exempt;

B. Position 00025931 (vacant), which is hereby reclassified from Strategic Advisor 2, Purchasing, Contracting, and Risk Management, to Strategic Advisor 2, Exempt; and

C. All other positions in the Department of Finance except those listed in the immediately preceding section of this ordinance as remaining in the Department of Finance.

CODE SECTIONS AMENDED AND
ADDED TO CHAPTER 3.04

Section _. Sections 3.38.030, 3.38.040, 3.38.070, and 3.38.080 through 3.38.926 inclusive of the Seattle Municipal Code are renumbered, moved and recodified into Chapter 3.04 SMC, and amended as follows, and new sections are added as shown:

((~~3.38.030~~)) 3.04.060 Payment by check or warrant.

The ((~~Finance~~)) Director of Executive Administration is authorized to elect to pay claims against, or other obligations 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

CITY CLERK

issued therefor. The Director of Executive Administration shall issue checks and warrants in the name of the Director of Finance.

((~~3.38.040~~)) 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 ((~~Finance~~)) 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 ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

((~~3.38.070~~))3.04.080 Designation of delegates in City offices and departments.

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

((~~3.38.080~~))3.04.090 Unclaimed property.

The City ((~~Finance~~)) 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 ((~~Finance~~)) 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).

((~~3.38.100~~))3.04.095 Review by the Hearing Examiner of ((~~Contracting Services Division~~)) Recommendation for contract awards ((~~by the Hearing Examiner~~)).

A. The Hearing Examiner shall hear and make a recommendation to the Director of ((~~Finance~~)) Executive Administration with respect to any protest by a bidder in connection with the awarding of a ((~~public works~~)) construction or purchase contract including, but not limited to, a determination by the ((~~Director of Contracting Services~~)) 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; ((~~implementation of SMC Chapters 20.44 (City Contracts~~

CITY CLERK

~~Prevention of Discrimination) and 20.46A (Women's and Minority Business Enterprise Utilization);~~)) and the rejection or disqualification of any bidder.

B. Bid protests shall be heard in an informal manner. Notwithstanding the provisions of SMC Chapter 3.02, the Hearing Examiner shall not act in an appellate capacity with respect to the hearing of any protest, but shall be limited to making an advisory recommendation to the Director of ((~~Finance~~)) 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.

Subchapter II Purchases

((~~3.38.800~~)) 3.04.100 Purchasing powers.

Except as otherwise provided in this subchapter, the Director of ((~~Finance~~)) 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 ((~~Finance~~)) 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 ((~~3.38.806~~))3.04.106.

3.04.101 Definition

As used in this subchapter, "Director" shall mean the Director of Executive Administration.

((~~3.38.802~~)) 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 ((~~of Finance~~)) and no order or contract made contrary to the provisions of the subchapter shall be approved by the Director ((~~of Finance~~)) 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.

((~~3.38.806~~)) 3.04.106 Competitive bidding--Cost over $30,000.

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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 ((~~3.38.910~~))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 ((~~of Finance~~)), 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 ((~~of Finance~~)) 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 ((~~or Finance~~)) and shall be accompanied by surety in such form and amount as shall be prescribed by the Director ((~~or Finance~~)) 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 ((~~of Finance~~)), all bids may be inspected by the competing bidders. The Director ((~~of Finance~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)), 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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 ((~~of Finance~~)) shall take into consideration the tax revenues derived by the City from its business and occupation or utility taxes (Seattle Municipal Code Chapters 5.44 and 5.48) and its sales and use taxes (Seattle Municipal Code Chapter 5.60) from the proposed purchase.

((~~3.38.808~~)) 3.04.108 Zoo animals and specimens.

The Director ((~~of Finance~~)) 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 ((~~of Finance~~)), 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 ((~~of Finance~~)) in cooperation with the Superintendent of Parks and Recreation in accordance with such procedures as may be established by the Director ((~~of Finance~~)).

((~~3.38.810~~)) 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 ((~~of Finance~~)) 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 ((~~3.38.910~~))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 ((~~of Finance~~)) shall consider the life cycle cost in determining the lowest and best bidder in accordance with the Invitation to Bid.

((~~3.38.812~~)) 3.04.112 Open market purchases where bidding is impractical.

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

((~~3.38.814~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)).

CITY CLERK

((~~3.38.816~~)) 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 ((~~of Finance~~)) may enter into "open-end," "blanket-order," or "price-agreement" contracts.

((~~3.38.818~~)) 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 ((~~of Finance~~)), subject, where practicable, to competitive bidding.

((~~3.38.820~~)) 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 ((~~of Finance~~)) may award a contract or contracts to those responsible firms that he or she is convinced can do satisfactory repairing.

((~~3.38.822~~)) 3.04.122 Inspection of deliveries.

A. The Director ((~~of Finance~~)) 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 ((~~of Finance~~)) to make inspections and accept deliveries in accordance with rules and regulations prescribed by the Director ((~~of Finance~~)).

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

((~~3.38.824~~)) 3.04.124 Reports of supplies on hand--Sale or transfer of surplus.

A. All using agencies shall submit to the Director ((~~of Finance~~)), 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 ((~~of Finance~~)) may transfer it to another or other agencies which have need for it, subject to adjustment between the agencies concerned. The Director ((~~of Finance~~)) 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 ((~~of Finance~~)) shall determine competitive bidding to be impracticable.

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

B. Notwithstanding any other provision of this code, the Director ((~~of Finance~~)), 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.

((~~3.38.826~~)) 3.04.126 Testing of samples.

The Director ((~~of Finance~~)) 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 ((~~3.38.908~~))3.04.208. In the performance of such tests, the Director ((~~of Finance~~)) 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.

((~~3.38.830~~)) 3.04.130 Examination of requisition--Brand and trade names.

A. It shall be the duty of the Director ((~~of Finance~~)) 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 ((~~of Finance~~)), 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 ((~~of Finance~~)) 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.

((~~3.38.832~~)) 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 ((~~3.38.806~~))3.04.106, the Director ((~~of Finance~~)) 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.

((~~3.38.840~~)) 3.04.140 Escalation of dollar limits.

A. As of January 1, 1997, all monetary amounts specified in Sections ((~~3.38.806~~)) 3.04.106 and ((~~3.38.810~~)) 3.04.110 shall be annually adjusted hereafter by the Director ((~~of Finance~~)), 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 ((~~3.38.812~~)) 3.04.112 shall be adjusted every five (5) years by the Director ((~~of Finance~~)) 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 ((~~3.38.812~~)) 3.04.112 shall be rounded upwards to the nearest Thousand Dollars ($1,000).

CITY CLERK

Subchapter III Recycled Content Product Procurement Program

((~~3.38.900~~)) 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 ((~~of Finance~~)) with the necessary authority to adopt preferential purchasing policies for recycled content and recyclable products, including price preferences and set-asides.

3.04.201 Definition

As used in this subchapter, "Director" shall mean the Director of Executive Administration.

((~~3.38.902~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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;

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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.

CITY CLERK

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 byproducts of harvesting, extractive or woodcutting processes, or forest residue such as bark.

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

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

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

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

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

((~~3.38.904~~)) 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 ((~~of Finance~~));

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

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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 ((~~of Finance~~)) 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 ((~~of Finance~~)) shall promote the use of recycled content products and recyclable products to potential vendors to the City by publicizing their availability.

F. The Director ((~~of Finance~~)), 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 ((~~of Finance~~)) 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.

((~~3.38.906~~)) 3.04.206 Annual report.

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

B. The Director ((~~of Finance~~)) 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;

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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 ((~~of Finance~~)) by February 1st of each year.

((~~3.38.907~~)) 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.

((~~3.38.908~~)) 3.04.208 Standards for recycled content.

A. The Director ((~~of Finance~~)) 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 ((~~of Finance~~)) 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 o((~~f Finance~~)) 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 ((~~of Finance~~)) 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;

CITY CLERK

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 ((~~of Finance~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) may, at his or her discretion, adopt content standards for products for which standards have not been established by Washington State or the USEPA.

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

((~~3.38.910~~)) 3.04.210 Price preference.

A. The Director ((~~of Finance~~)) shall adopt rules for applying a price preference toward the purchase of recycled-content products identified in SMC Section ((~~3.38.908D~~)) 3.04.208D. The rules shall be applicable to purchases by the Director ((~~of Finance~~)) and all departments for those products identified in SMC Section ((~~3.38.908D~~)) 3.04.208D as well as for other products for which content standards are developed according to SMC Section ((~~3.38.908F~~)) 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 ((~~3.38.902~~)) 3.04.202), unless the Director ((~~of Finance~~)) 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 ((~~3.38.902~~))3.04.202), unless the Director ((~~of Finance~~)) 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

CITY CLERK

responded to the bid. Where the Director ((~~of Finance~~)) determines that the purchase of a recycled-content, recyclable or reusable product is practicable as defined in SMC Section ((~~3.38.904~~)) 3.04.204, a price preference shall not be applied. Upon determination that the purchase of such a product is practicable, the Director ((~~of Finance~~)) 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.

((~~3.38.912~~)) 3.04.212 Requirements for purchase contracts.

A. The Director ((~~of Finance~~)) shall use the standards, procedures, and criteria specified in this chapter in conjunction with other factors as authorized by Charter 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 ((~~of Finance~~)) shall reduce the actual bid amount for each such product by the applicable price preference developed pursuant to SMC Section ((~~3.38.910~~))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 ((~~of Finance~~)) from requiring local recycled content, recycled content or recyclable content as specifications in invitations to bid for any products. The Director ((~~of Finance~~)) 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.

((~~3.38.914~~))3.04.214 Bid notification.

A statement regarding the Director((~~of Finance~~))'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 ((~~of Finance~~)) 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.

((~~3.38.916~~))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 multimaterial products shall verify the percentage and type of postconsumer waste and recycled content by volume contained in the major constituents in the product.

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

((~~3.38.918~~))3.04.218 Rules and regulations for procurement of paper and paper products including the following provisions.

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

A. The Director ((~~of Finance~~)) 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 ((~~of Finance~~)) 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.

((~~3.38.920~~)) 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 ((~~of Finance~~)) 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 ((~~of Finance~~)) that the product qualifies for the purpose of procuring recycled content or recyclable products.

((~~3.38.922~~))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.

((~~3.38.924~~)) 3.04.224 Responsibilities of the Director ((~~of Finance~~)).

The Director ((~~of Finance~~)) 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.

((~~3.38.926~~)) 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 ((~~3.18.908~~)) 3.04.208.

AMENDMENTS TO OTHER MUNICIPAL CODE SECTIONS

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

CITY CLERK

Section _. Subsection 2.04.060K of the Seattle Municipal Code is amended as follows:

2.04.060 Executive Director--Duties.

The Executive Director of the Seattle Ethics and Elections Commission shall be responsible for the management of said office, may in the exercise of such duties consult with the Seattle Ethics and Elections Commission and in that connection is authorized to:

***

K. Keep, for a period of time not less than five (5) years from the date of filing, copies of all official reports, records and statements furnished by the City ((~~Comptroller of~~)) Clerk to the Executive Director for public inspection;

***

Section _. Subsection 3.02.090A of the Seattle Municipal Code is amended as follows:

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 ((~~City Finance~~)) Director <u>of Executive Administration.</u>

***

Section _. Subsection 3.06.055A of the Seattle Municipal Code is amended as follows:

3.06.055 Restricted Set-Asides.

A. The Director of ((~~Finance~~)) <u>Executive Administration</u> 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.

***

Section _. Section 3.14.915B of the Seattle Municipal Code is amended as follows:

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

CITY CLERK

***

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 ((~~Finance~~)) Director of Executive Administration determine to be due. Disbursements shall be made in accordance with Section 3.14.918.

Section _. Section 3.18.180 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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.

Section _. Subsection 3.28.010D of the Seattle Municipal Code is amended as follows:

3.28.010 Disposition of unclaimed property.

***

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

***

Section _. Section 3.28.180 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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 ((~~Finance~~)) Director of Executive Administration; provided, that a City of Seattle employee shall not be required to pay the Ten Dollars ($10).

Section _. Section 3.30.110 of the Seattle Municipal Code is amended as follows:

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 application is made for refund, the Director of Public Health shall certify the facts including the amount of the permit fee and the fund into which the same was paid and his or

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

her approval of the refund, and upon presentation of such certificate to the City ((~~Finance~~)) 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 ((~~Finance~~)) 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.

Section _. Section 3.30.120 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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 ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

Section _. Section 3.33.060 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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.

Section _. Section 3.33.090 of the Seattle Municipal Code is amended as follows:

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

CITY CLERK

other officers of the City and shall execute a penal bond in such sum and with such sureties as the City's legislative authority may direct and, subject to their approval, conditioned for the faithful performance of his or her duties, and that he or she will faithfully account to and pay over to the City ((~~Finance~~)) Director 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.

Section _. Subsection 3.33.160A of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) 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.

***

Section _. Section 3.33.170 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance Director's~~)) Director of Executive Administration's receipt therefor.

Section _. Section 3.42.010 of the Seattle Municipal Code is amended as follows:

3.42.010 City Clerk--Duties.

There is established in the Legislative Department a position of City Clerk to perform the duties of the City Clerk provided in Article VIII, Section 3 of the City Charter((~~, and the duties of the City Comptroller in the City Charter: Article IV, Sections 1 and 13; Article VIII, Section 14; Article XVIII, Section 3; and Article XX, Section 2.1~~)).

Section _. Subsection 3.56.060A of the Seattle Municipal Code is amended as follows:

3.56.060 Deaccessioning and disposition of surplus artworks.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

A. When the Seattle Arts Commission determines that an artwork is surplus to the ((~~the~~)) City's collection of artworks, the Commission may deaccession the same and arrange for its disposition through an exchange of the artwork for one (1) or more other artwork(s) of comparable aggregate value for the City's collection, with the City being responsible for the payment or receipt of any monetary difference between the value of the City's artwork and the aggregate value of such exchanged artwork(s); through a sale by an art gallery or dealer; through a public auction or process inviting bids or proposals from the public and the acceptance of the best response; through the ((~~Purchasing Agent~~)) 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.

***

Section _. Section 3.63.020 of the Seattle Municipal Code is amended as follows:

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 ((~~Finance~~)) Director of Executive Administration shall provide staff and facilities for the Taxi Commission as authorized in the interlocal agreement.

Section _. Subsection 3.70.100H of the Seattle Municipal Code is amended as follows:

3.70.100 Powers and duties.

The Commission shall have the following powers:

***

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 ((~~Finance~~)) Executive Administration and Auditor to assist in auditing compliance with campaign contribution limits and eligibility for campaign matching funds; and

***

Section _. Section 3.90.010 of the Seattle Municipal Code is amended as follows:

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 for official bonds, and be in the following amounts:

Mayor	$ 1,000
Each City Council member	1,000
((~~City Finance~~)) 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 ((~~Finance~~)) 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).

Section _. Section 3.90.050 of the Seattle Municipal Code is amended as follows:

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 ((~~Executive Services~~)) Director of Executive Administration shall set the amount of the bond.

Section _. Section 3.90.060 of the Seattle Municipal Code is amended as follows:

3.90.060 Employees blanket bond -- Call for offers to furnish.

A. The ((~~Purchasing Agent~~)) 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 ((~~Purchasing Agent~~)) 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 ((~~Purchasing Agent~~)) Director of Executive Administration but such term shall not exceed three (3) years. Upon expiration of each such bond the ((~~Purchasing Agent~~)) Director of Executive Administration shall again call for and accept offers for such a bond.

Section _. Section 3.106.010 of the Seattle Municipal Code is amended as follows:

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

CITY CLERK

of such certificate, the ((~~Finance~~)) 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 ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

Section _. Section 3.108.010 of the Seattle Municipal Code is amended as follows:

3.108.010 Permission required.

No City equipment shall be rented or loaned without the consent in writing thereto by the ((~~Purchasing Agent~~)) Director of Executive Administration, and approval of the City Council by resolution, or joint approval by the appropriate City Council committees. The ((~~Purchasing Agent~~)) 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.

Section _. A new subsection E is added to Section 3.114.010 of the Seattle Municipal Code to read as follows:

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:

***

E. "Director" means the Director of Executive Administration.

Section _. Subsection 3.114.030B of the Seattle Municipal Code is amended as follows:

3.114.030 Advertising of need for consultant services.

***

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 ((~~of Finance~~)) shall determine the frequency of the solicitation advertisements for placement on a consultant roster.

Section _. Subsection 3.114.040A of the Seattle Municipal Code is amended as follows:

3.114.040 Consultant selection criteria.

A. The Director ((~~of Finance~~)) 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.

***

Section _. Section 3.114.050 of the Seattle Municipal Code is amended as follows:

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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 ((~~Department of Finance~~)) 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.

Section _. Subsection 3.114.060A of the Seattle Municipal Code is amended as follows:

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 ((~~of Finance~~)) 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.

***

Section _. Section 3.114.090 of the Seattle Municipal Code is amended as follows:

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 ((~~of Finance~~)) immediately following execution by all parties.

Section _. Section 3.114.100 of the Seattle Municipal Code is amended as follows:

CITY CLERK

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 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 ((~~of Finance~~)) 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 ((~~of Finance~~)), who shall file the same in such department's consultant reference file.

Section _. Section 3.114.110 of the Seattle Municipal Code is amended as follows:

3.114.110 Requirements inapplicable under certain conditions.
The provisions of SMC Sections 3.114.020C, 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 ((~~of Finance~~)) 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 under such circumstances shall file a written justification for such action with the Director ((~~of Finance~~)) at least twenty-four (24) hours prior to executing any agreement committing the City to pay for such services.

Section _. Section 3.114.120 of the Seattle Municipal Code is amended as follows:

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 ((~~of Finance~~)) not inconsistent with this chapter.

Section _. Section 3.114.130 of the Seattle Municipal Code is amended as follows:

3.114.130 Audit responsibilities of City Auditor.

CITY CLERK

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 ((~~Finance~~)) Director as well as the affected department or Executive Department office.

Section _. Section 3.114.140 of the Seattle Municipal Code is amended as follows:

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 ((~~of Finance~~)), 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.

Section _. Section 3.114.150 of the Seattle Municipal Code is amended as follows:

3.114.150 Consultant rosters.

Through the process set forth in SMC Section 3.114.160, the ((~~Department of Finance~~))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.

Section _. Subsections 3.114.160A and D of the Seattle Municipal Code are amended as follows:

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 ((~~Department of Finance~~))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

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

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 ((~~Department of Finance~~))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 ((~~Department of Finance~~))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.

***

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 ((~~Department of Finance~~))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.

***

Section _. Section 3.121.020 of the Seattle Municipal Code is amended as follows:

3.121.020 Charge for dishonored check to other departments.

The ((~~City Finance~~)) 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.

Section _. Subsection 3.121.040B of the Seattle Municipal Code is amended as follows:

3.121.040 Waiver of fee.

***

B. A department head, who reduces or waives the handling fee, shall give the ((~~City Finance~~)) Director of Executive Administration notice of the action taken.

***

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section _. Subsection 3.124.040B of the Seattle Municipal Code is amended as follows:

3.124.040 Charitable campaign.

***

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 ((~~Finance~~)) 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.

***

Section _. Section 4.08.150 of the Seattle Municipal Code is amended as follows:

4.08.150 Salary or wages not paid except to those lawfully appointed.

The ((~~Finance~~)) Director of Executive Administration shall not approve, or pay any salary or wages to any person for services as an officer or employee in the Police and Fire Departments unless such person is occupying an office or place of employment according to law and is entitled to payment therefor.

Section _. Section 4.14.100 of the Seattle Municipal Code is amended as follows:

4.14.100 Payment for travel expenses.

When the appointing authority of an employing unit deems it necessary for the successful recruitment of qualified persons for key positions, he or she may, upon the approval of the Director of ((~~Finance~~))Executive Administration and the filing of a claim therefor, authorize payment of reasonable and necessary expenses incurred by applicants from out of the City for traveling to and from Seattle for the purpose of being interviewed for employment by the City in that unit. All authorized travel expenses are subject to the rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee. Payment of authorized expenses may be made in advance by the employing unit for the applicant(s), or the applicant(s) may be reimbursed for authorized expenses paid out of pocket. Authorized expenses shall include lodging, meals, incidentals, and transportation from such applicant's place of residence to Seattle and return to such place of residence, or mileage in accordance with the mileage reimbursement rate established in SMC Chapter 4.70; provided that, payment for mileage shall not exceed the round-trip airfare of a common carrier. No payment shall be authorized for expenses deemed disallowable pursuant to rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee.

Section _. Section 4.14.120 of the Seattle Municipal Code is amended as follows:

4.14.120 Claims for payment of travel expenses.

Authorized claims for payment of expenses other than for mileage and incidentals shall be submitted to the ((~~City Finance~~)) Director of Executive Administration or his/her designee by the employing unit in accordance with ((~~the~~)) that Director's rules, policies, and procedures((~~ set forth by the Executive Services Director or his/her designee.~~))

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section _. Subsection 4.14.150B of the Seattle Municipal Code is amended as follows:

4.14.150 Moving expenses defined.

For purposes of implementing this chapter, the phrase "moving expenses" includes expenses incurred for transportation to Seattle to secure housing, as well as food and lodging expenses for a period not to exceed five (5) days, incurred while engaged in securing housing. In addition, moving expenses shall include all lodging, food, and transportation expenses of family and household goods and personal effects which are incurred solely for the purpose of relocating, from departure of such family and goods from place of current residence until the time that family and possessions arrive in the City, unless such expenses have been otherwise reimbursed; provided, that nothing in this section shall prohibit the payment of other types of moving and related expenses as approved by the appointing authority but in no case shall moving expenses in total exceed the maximum as provided for in subsection A of this section.

***

B. Payment for such reimbursement, when authorized, shall be made from unexpended and unencumbered balances accumulating in the budgets of the employing units which eligible persons head or in which such persons serve, and the ((~~City Finance~~)) Director of Executive Administration is authorized to pay the necessary warrants. If the applicable fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

***

Section _. Section 4.20.110 of the Seattle Municipal Code is amended as follows:

4.20.110 Biweekly pay periods.

Biweekly pay periods for all officers and employees of all departments of the City including the Library are authorized on the following basis:

A. Each biweekly pay period shall end on a Tuesday and except for such advances on earned salary from "Contingent Fund A" as may be specifically authorized by ordinance, warrants or checks shall be delivered to those concerned after three (3:00) p.m. on the day before the payday, which payday shall be one (1) week from the Friday following said Tuesday; provided, that such payday may be advanced to Thursday if Friday is a legal holiday or to Tuesday or Wednesday if Christmas or New Year's Day falls on a Wednesday or Thursday. When payday is advanced, the ((~~Finance~~)) Director of Executive Administration is authorized to distribute the warrant or check, on that advanced payday or the day before payday. Furthermore, the ((~~Finance~~)) Director of Executive Administration is authorized to designate the employees to be paid each week so as to distribute the warrants or checks payable as near equally as possible on the day before each payday.

B. All payrolls shall be subject to ratification, in accordance with Chapter 42.24 RCW, ((~~approval~~)) by ((~~the Auditing Committee and reported by the Committee to~~)) the City Council ((~~at its regular meeting on the following Monday for ratification~~)), and appropriation by ordinance of such funds as may be required.

Section _. Section 4.20.160 of the Seattle Municipal Code is amended as follows:

4.20.160 Personnel Director to check payrolls.

CITY CLERK

The Personnel Director is authorized and directed to check all payrolls of City departments as to the right of each employee to draw the rate of pay, appearing opposite his name on the payroll, and to report the result of such check to the ((~~Auditing Committee~~))City Council. Other payroll audit functions shall be performed by the ((~~City Finance~~)) Director of Executive Administration except that payments from the contingent fund to employees released between pay days shall be made by the Director of Executive Administration only after certification by the Director of Finance of the amount due.

Section _. Subsection 4.20.325A of the Seattle Municipal Code is amended as follows:

4.20.325 Overtime-related meal compensation.

A. Any full-time City officer or employee who, pursuant to specific directions of the head of the employing unit to which such worker is assigned, or of such head's designee, works for a total of two (2) or more consecutive overtime hours beyond either (1) such worker's normal working hours, or (2) a reasonably continuous period of overtime equal to the length of such worker's normal shift, shall be compensated as specified in subsection B, hereof, for one (1) meal that such worker purchased reasonably contemporaneously with such overtime. In the event the head of the employing unit to which such worker is assigned, or his or her designee, has certified in writing, to the ((~~City Finance~~)) Director of Executive Administration, that because of emergency circumstances, the worker was required to work overtime on an immediate and continuous basis without the opportunity to plan and take normal meal breaks, then such worker shall be compensated as specified in subsection B hereof, for such additional number of meals as are indicated in such certification.

Section _. Section 4.20.370 of the Seattle Municipal Code is amended as follows:

4.20.370 Purchase of fare media.

To encourage commuting by municipal employees in other than single occupancy vehicles, and in accordance with the agreements authorized by Section 1 of Ordinance 116682, as a condition of municipal employment, the City shall pay Fifteen Dollars ($15) a month per employee toward the purchase of monthly transit passes, monthly transit/ferry combination passes, and ferry walk-on frequent user books by a City officer or employee. The fare media shall be purchased from the Director of ((~~Finance~~)) Executive Administration for use in commuting to and from work or during working hours, and any incidental personal use thereafter, for so long as an appropriation has been made by ordinance or the City budget to provide for any deficit resulting to the City from such sales. The net price of the fare media to the officer or employee shall be the established rate less the City's Fifteen-Dollar ($15) payment.

Section _. Section 4.20.375 of the Seattle Municipal Code is amended as follows:

4.20.375 Parking of privately-owned motor vehicles by City Officials.

A. For purposes of this section, "City Officials" shall mean Seattle City Councilmembers, elected Seattle Municipal Court judges, and the Seattle City Attorney.

B. City Officials who choose to park privately-owned motor vehicles in the Municipal Building garage, or in any other City-owned parking facilities in which other City officers or employees must pay for the parking of such vehicles, shall pay for such parking. Neither the City nor any of its departments shall pay for, reimburse, or otherwise subsidize such payments made by City Officials. Rates for such parking by City Officials shall be established by the Fleets and Facilities Director pursuant to Seattle

CITY CLERK

Municipal Code Section 3.18.030 (G), and shall be established in an amount that is consistent with fees charged to other City officers and employees for comparable parking privileges. City Officials also shall be eligible for other types of parking permits, including but not limited to carpool parking permits, on the same terms and pursuant to the same rates as are applicable to other City officers and employees; and may request the issuance of occasional City-paid one- day parking passes, on the same basis as those are available to other City officers and employees, when it is necessary to park privately-owned motor vehicles in such garage or facilities for purposes that are solely related to City business. City Officials also are eligible to use City motor-pool vehicles pursuant to Seattle Municipal Code Section 3.18.140.

C. City Council Positions 1, 3, 5, 7 and 9 shall become subject to subsection B of this section at the time of commencement of the next term of office in January, 2000. All other City Council positions shall become subject to subsection B of this section at the time of commencement of the next term of office in January, 2002.

The City Attorney shall become subject to subsection B of this section at the time of commencement of the next term of office in January, 2002.

The elected Seattle Municipal Court judges shall become subject to subsection B of this section at the time of commencement of the next term of office in January, 2003.

Nothing in this section shall be construed so as to prevent City Officials from voluntarily paying for parking privileges in the Municipal Building garage or other City-owned parking facilities in which other City officers or employees must pay for the parking of privately-owned motor vehicles prior to such effective dates, and the ((~~Executive Services~~)) Director of Executive Administration shall be authorized to collect such voluntary payments prior to such effective dates, and to establish a payroll check-off or deduction system to facilitate such collection.

Section _. Section 4.24.080 of the Seattle Municipal Code is amended as follows:

4.24.080 Authority to make rules -- Recordkeeping.

The Personnel Director is authorized to make the necessary rules and regulations to enforce and administer the provisions of this subchapter, to furnish the necessary forms and to keep the necessary records, provided that the ((~~City Finance~~)) Director of Executive Administration shall maintain all records of accumulated sick leave of active officers and employees.

Section _. Section 4.24.090 of the Seattle Municipal Code is amended as follows:

4.24.090 Report on denial of paid sick leave.

The heads of departments shall report as to the final disposition of all cases when an employee has been included on the payroll for paid sick leave which subsequently is denied and shall make such other reports and keep such records as the Personnel Director and the ((~~City Finance~~)) Director of Executive Administration shall require.

Section _. Section 4.28.030 of the Seattle Municipal Code is amended as follows:

4.28.030 Certification to ((~~Finance~~)) Director of Executive Administration.

Upon certification by the appropriate department head that sick leave was allowed to an officer or employee for the purpose of attendance at a funeral in accordance with this chapter, the ((~~Finance~~))

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Director of Executive Administration shall correspondingly reduce such officer's or employee's sick leave balance on the payroll record.

Section _. Subsection 4.36.110B of the Seattle Municipal Code is amended as follows:

4.36.110 Contributions--City matching funds.

***

B. Subject to the provisions of this chapter, the Board of Administration shall adopt rules and regulations governing the making of deductions from the compensation of employees and shall certify to the head of each office or department the normal rate of contribution for each member provided for in subsection A of this section. The head of each department shall apply the rate of contribution to the compensation of each member, exclusive of overtime, and shall certify to the ((~~City Finance~~)) Director of Executive Administration on each and every payroll the amount to be contributed and shall furnish immediately to the Board a copy of each and every payroll; and each of the amounts shall be deducted by the ((~~City Finance~~)) Director of Executive Administration and shall be paid into the retirement fund, provided for in this chapter, and shall be credited by the Board together with regular interest to an individual account of the member for whom the contribution was made.

Every member shall be deemed to consent and agree to the contribution made and provided for in this section, and shall receipt in full for his or her salary or compensation. Payment less said contributions shall be a full and complete discharge of all claims and demands whatsoever for the service rendered by such person during the period covered by such payment, except his or her claim to the benefits to which he or she may be entitled under the provisions of this chapter.

Section _. Subsection 4.36.125D of the Seattle Municipal Code is amended as follows:

4.36.125 Determination of creditable service.

***

D. Creditable service is calculated by an employee's hours or time worked, as certified by the ((~~City Finance~~)) Director of Executive Administration to the retirement system. When payroll records are available, the ((~~City Finance~~)) Director of Executive Administration shall multiply the hours worked by a temporary, interim, seasonal, or provisional worker and a worker in a part-time position of less than twenty (20) hours per week over a one (1) year period by a factor of one and one hundred thirty-five thousandths (1.135) in reporting creditable service to the retirement system, to account for paid leave which was not received and for premium pay which may be substituted for paid leave. The ((~~City Finance~~)) Director of Executive Administration shall reduce the hours or days determined by application of the multiplier by the amount of any paid leave actually provided to the employee and counted in the hours or days worked.

***

Section _. Subsections E and H of section 4.36.130 of the Seattle Municipal Code are amended as follows:

4.36.130 Retirement System Board of Administration.

***

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

E. The Chair of the Finance Committee of the City Council shall be ex officio chair, the Personnel Director ex officio Secretary, and the ((~~City Finance~~)) Director of Executive Administration ex officio Treasurer of the Board.

***

H. The ((~~Finance~~)) Director of Executive Administration shall be the custodian of the retirement fund. All payments from said fund shall be made upon warrant duly ((~~executed~~)) issued by the ((~~Finance~~)) Director of Executive Administration in the name of the City Director of Finance or, if the fund is solvent at the time payment is ordered, by check. As custodian, the City ((~~Finance~~)) Director of Executive Administration with the approval of the Board of Administration, may cause securities of the retirement system to be registered in the name of a nominee and authorize the safekeeping of retirement system securities in the physical custody of the Federal Reserve System, a depository trust company, or a bank as contemplated by RCW 35.39.070.

***

Section _. Section 4.36.135 of the Seattle Municipal Code is amended as follows:

4.36.135 Lending retirement system securities.

The Board of Administration, after consultation with the Investment Advisory Committee and the ((~~City Finance~~)) Director of Executive Administration, is authorized to contract with a bank, which holds securities in its name for the retirement system as contemplated by RCW 35.39.070, for the lending of all or part of these securities to reputable brokers and financial institutions, for a fee, provided that collateral equal to at least one hundred two (102) percent of the market value of the securities loaned is continuously maintained.

Section _. Subsection 4.36.140A of the Seattle Municipal Code is amended as follows:

4.36.140 Powers and duties of Board.

The administration of the Retirement and Death Benefit System is vested in the Board of Administration created in Section 4.36.130. The Board shall exercise the powers and duties conferred upon it by said section, and in addition thereto:

A. The Board shall keep in convenient form such data as shall be necessary for the actuarial valuation of the retirement fund created by this chapter. At the end of the three (3) year period beginning with the year 1974, and at the end of every three (3) year period thereafter, the Board shall cause to be made an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries as defined by this chapter; and shall further cause to be made an actuarial valuation of the assets and liabilities of the retirement fund, and upon the basis of such investigation and valuation and subject to the approval of the City Council, shall:

1. Make any necessary changes in the rate of interest;

2. Adopt for the retirement system such mortality, service, and other tables as shall be necessary;

3. Revise or change the rate of contribution by the City on the basis of such mortality, service and other tables as may be necessary;

4. Establish an investment advisory committee as contemplated by RCW 35.39.080 through 35.39.090. A copy of the investment policy contemplated by RCW 35.39.060 and the recommendation and report of the investment advisory committee required by RCW 35.39.090 shall be

CITY CLERK

filed with the ((~~City Finance~~)) Director of Finance, the Director of Executive Administration, and the City Clerk.

***

Section _. Section 4.40.040 of the Seattle Municipal Code is amended as follows:

4.40.040 Repayment of benefits to which one is not entitled.

Anyone receiving a payment from the City pursuant to this chapter to which he or she is not entitled shall promptly repay the same to the ((~~City Finance~~)) Director of Executive Administration.

Section _. Section 4.44.010 of the Seattle Municipal Code is amended as follows:

4.44.010 Deductions from employee's earnings.

The ((~~City Finance~~)) Director of Executive Administration is authorized and directed to deduct and pay from the earnings of any City employee, in accordance with RCW 41.04.030 and pursuant to written authorization therefor signed by such employee and filed with the ((~~City Finance~~)) Director of Executive Administration in accordance with RCW 41.04.020, such amounts for disability insurance premiums, other than retroactive premiums, to such insurance groups or companies as shall be specifically designated therein; provided, that no deduction or payment shall be made unless:

A. Such insurance group or company shall provide authorization forms without expense to the City, which authorizations shall save the City harmless from any liability in connection with the making or failure to make any deduction or payment, and shall further specifically recognize that the City does not endorse the insurance group or company to which such payment is made and that such deduction and payment does not constitute sponsorship of the program; and

B. As to insurance groups or companies providing such insurance on an individual basis or on a group basis for groups of less than twenty-five (25) individuals, such insurance group or company, for reimbursement to the City of its costs in connection with such deductions and payment, shall pay to the City upon quarterly billings by the ((~~City Finance~~)) Director of Executive Administration, Ten Cents ($.10) for each payroll deduction for each employee who has authorized as provided herein deduction and payment of disability insurance premiums to such insurance group or company.

Section _. Section 4.44.070 of the Seattle Municipal Code is amended as follows:

4.44.070 City's self-insurance program.

The Personnel Director shall administer the City's self- insurance program for worker's compensation; establish rules and procedures for the administration of benefits; in consultation with the Director of ((~~Finance~~))Executive Administration adjust rates of contributions from the respective City departments to reflect their cost experience; contract for consulting services; and, through the Director of ((~~Finance~~))Executive Administration, contract for reinsurance and other services and similar items as may be required to administer such program.

Section _. Section 4.68.140 of the Seattle Municipal Code is amended as follows:

4.68.140 Payroll deductions for automobile insurance.

A. The ((~~City Finance~~)) Director of Executive Administration is authorized and directed to deduct and pay from the earnings of any City employee in accordance with written authorization

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

therefor signed by such employee and filed with the ((~~City Finance~~)) Director of Executive Administration, such amounts for automobile insurance premiums, other than retroactive premiums, to such insurance groups or companies as shall be specifically designated therein; provided that no such deduction or payment shall be made unless:

1. There shall be filed with the ((~~City Finance~~)) Director of Executive Administration not less than four hundred (400) individual written authorizations as to any one (1) insurance group or company;

2. Such insurance group or company shall be licensed by the state and shall have been sponsored by a recognized City employee organization, provided that such sponsorship shall not include or grant any right to the use of City facilities to solicit membership in any insurance program;

3. Such insurance group or company shall provide authorization forms without expense to the City which authorizations shall save the City harmless from any liability in connection with the making or failure to make any deduction or payment, and shall further specifically recognize that the City does not endorse the insurance group or company to which such payment is made and that such deduction and payment does not constitute sponsorship of the program;

4. Such insurance group or company shall guarantee the insurability and noncancelability of all City employees having a valid Washington State driver's license;

5. Such insurance group or company shall pay to the City upon quarterly billings by the ((~~City Finance~~)) Director of Executive Administration Ten Cents ($0.10) for each payroll deduction for each employee who has authorized as provided in this section automobile insurance deductions to such insurance group or company, to reimburse the City its costs in connection with the deductions and payments authorized in this section.

B. In the event the number of written authorizations as to any one insurance group or company shall be reduced to less than four hundred (400) for a period of three (3) months, the deduction and payment authorized in this section shall be discontinued as to such insurance group or company.

Section _. Section 4.72.010 of the Seattle Municipal Code is amended as follows:

4.72.010 Reimbursement for reasonable and necessary expenses.

City officers and employees, and when authorized in writing by the department head before expenses are incurred, volunteers on assignment shall be reimbursed for all reasonable and necessary expenses incurred in the conduct of City business as described below.

A. Expenses Involving Travel Outside the City for Period of Less Than Twenty-four Hours and Not Requiring Overnight Lodging. Reimbursement shall be made for actual expenses for:

1. Registration fees for conventions, seminars and similar events;

2. Transportation to destination and return or mileage in accordance with Ordinance 95751, as amended, provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare of a common carrier;

3. Meals, when travel outside the City is not a routine or normal part of an employee's job; provided that, reimbursement shall not exceed the amount established by the Director of ((~~Finance~~))Executive Administration or his/her designee, by rule as hereafter authorized; and

4. Other reasonably necessary expenses incurred related to the conduct of City business including, but not limited to, writing materials, reading materials and telecommunications.

B. Expenses Involving Travel for Periods Requiring Overnight Lodging. Reimbursement shall be made for actual expenses incurred for:

1. Registration fees for conventions, seminars and similar events;

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

2. Transportation to destination and return or mileage in accordance with Ordinance 957511 as amended, provided that reimbursement for mileage shall not exceed the round-trip coach-class air fare for a common carrier;

3. Automobile rental;

4. Other local ground transportation;

5. Lodging; provided that, the reimbursement shall not exceed the amount established by the Director of ((~~Finance~~))Executive Administration or his/her designee, by rule as hereafter authorized;

6. Meals; provided that, reimbursement shall not exceed the amount established by the Director of Finance or his/her designee by rule as hereafter authorized; and

7. Other reasonably necessary expenses incurred related to the conduct of City business including, but not limited to, writing materials, reading materials and telecommunications.

C. Expenses Within the City Not Involving Travel. Reimbursement shall be made for actual expenses incurred for registration fees for a convention, seminar or similar event. If the sponsor of the event so provides and such registration fee includes as a part of the minimum charge the cost of a meal or meals or if, during the meal or meals, integral parts of the program of such convention, seminar or similar event are conducted, reimbursement shall be made for such meal or meals.

Section _. Subsection 4.72.020A of the Seattle Municipal Code is amended as follows:

4.72.020 Claims for reimbursement--Invoices and receipts.

A. Claims for reimbursement of certain expenses will be permitted in accordance with the rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee.

***

Section _. Section 4.72.050 of the Seattle Municipal Code is amended as follows:

4.72.050 Advance cash allowances--When allowed.

All officers and employees of the City may receive advance cash allowances covering anticipated, reimbursable expenses to be incurred in the course of conducting City business involving travel outside the City. Such advance allowances shall be made upon the prior request of such officers and employees approved by the City Director of ((~~Finance~~))Executive Administration where the nature and duration of travel justifies such advance or failure to make such advance would result in economic inconvenience to such officer or employee. Requests for advances shall be made on such form as shall be prescribed by the City Director of ((~~Finance~~))Executive Administration who shall issue warrants therefor not more than five (5) days prior to commencement of the authorized travel. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~))Executive Administration may elect to make payment by check. Provided, that advances to officers and employees of ((~~the Lighting and Water Departments~~)) Seattle City Light and Seattle Public Utilities may be made by the respective heads of such departments from the appropriate revolving funds.

Section _. Section 4.72.060 of the Seattle Municipal Code is amended as follows:

4.72.060 Advance cash allowances--Accounting or repayment time.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Repayment of advance cash allowances for travel on City business will be subject to the rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee.

Section _. Section 4.72.070 of the Seattle Municipal Code is amended as follows:

4.72.070 Allowable and disallowable expenses.

Allowable and disallowable expenses shall be determined pursuant to the rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee.

Section _. Section 4.72.080 of the Seattle Municipal Code is amended as follows:

4.72.080 Rules and regulations for reimbursement.

The Director of ((~~Finance~~))Executive Administration or his/her designee is authorized to promulgate rules, policies, and procedures, consistent with this chapter. The rules, policies, and procedures promulgated by the Director of ((~~Finance~~))Executive Administration or his/her designee shall be made available from his/her office or from other identified locations.

A. Rates of reimbursement for meals and lodging shall be determined by the ((~~Finance~~)) Director of Executive Administration or his/her designee and shall be identified in the rules, policies, and procedures promulgated by the Director of ((~~Finance~~))Executive Administration or his/her designee. Rates of reimbursement for meals and lodging shall be based upon and not exceed the average cost for meals and lodging (single occupancy) reflected in a national comparative cost index, such as the Runzheimer Meal Lodging Cost Index or the Federal Per Diem Index, for the city visited by the officer or employee requesting reimbursement.

B. When the State Legislature is in session, in lieu of reimbursement for meals and lodging in accordance with the rules, policies, and procedures established by the Director of ((~~Finance~~))Executive Administration or his/her designee, claims approved for employees in the Office of Intergovernmental Relations, shall receive an amount equal to the per diem established for the Washington State Legislature pursuant to RCW 44.04.080, as now or hereafter amended or succeeded. No portion of such funds may be used for promotional hosting.

Section _. Subsection 4.88.010B of the Seattle Municipal Code is amended as follows:

4.88.010 Program adopted.

The City further adopts the following program of awards in recognition of service by officers and employees of the City, including those in the Library Department subject to the approval of the Library Board, in accordance with the following rules and regulations:

***

B. Awards. The award shall consist of an emblem of the City of Seattle Seal with the years-of-service numerically represented upon it. The emblem may be presented as a lapel pin, tie clasp, tie tack, or bracelet charm. The award shall be of gold plate and the years-of-service colors shall be green for five (5), ten (10), and fifteen (15), black for twenty (20) and twenty-five (25), blue for thirty (30), thirty-five (35), and forty (40), and purple for forty-five (45) and fifty (50) years.

In addition to such service emblem those with twenty-five (25), thirty (30), thirty-five (35), forty (40), forty-five (45) and fifty (50) years' service shall be awarded an appropriately worded certificate showing the full period of service, signed by the Mayor and the President of the City Council and

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

certified by the Personnel Director. In conjunction with the presentation of awards and certificates recognizing employees with twenty-five (25) or more years of service, each department may also present individualized awards to such employees. Such awards shall not exceed the cost of the service award itself and shall be consistent with the provisions of this ordinance and the administrative rules of the program. The purchase, storage, and distribution of awards and certificates to the departments shall be the responsibility of the ((~~Executive Services~~)) Department of Executive Administration.

***

Section _. Subsection 4.96.030A of the Seattle Municipal Code is amended as follows:

4.96.030 Refreshments.

A. To assist in performance of assigned activities or to show appreciation of time and service donated or of meritorious compensated service, the heads of City employing units may provide light refreshments to volunteers and, as a condition of employment, to compensated City staff, or any of the same, during or immediately after the performance of their duties if (1) funds are appropriated in the City's annual budget for the employing unit for providing refreshments to volunteers and such staff, or (2) the refreshments are donated to the City for such purposes. For this purpose, the head of a city employing unit may authorize an organization that regularly provides or coordinates volunteers, to maintain furniture, machines and/or equipment for dispensing light refreshment to volunteers and to compensated City staff, and subject to the authorization of the ((~~Purchasing Agent~~))Director of Executive Administration, contract with such an organization for providing volunteers and such staff with light refreshments as authorized in this section.

Section ___. Section 5.04.030 of the Seattle Municipal Code is amended as follows:

5.04.030 Property tax--Transfer from County Comptroller.

The King County Comptroller is authorized and requested to distribute to the ((~~City Director of Finance~~)) Director of Executive Administration for and on behalf of the City all property taxes and abatement liens collected as frequently as daily; and the ((~~City Director of Finance~~)) Director of Executive Administration is authorized to deliver a receipt therefor whenever funds are delivered to the City. Delivery may be in money or as a transfer of an investment authorized by RCW 36.29.020 and made by the King County Comptroller for the City.

Section ___. Section 5.04.040 of the Seattle Municipal Code is amended as follows:

5.04.040 Property tax--Investment by County Comptroller.

The King County Finance Manager is authorized to invest in the investments authorized by RCW 36.29.020 any and all funds which are due to the City and retained in his or her custody pending distribution to the City with residual King County funds and property tax receipts of other jurisdictions in a pooled investment account with an automatic pro rata distribution of the earnings at month end. This includes property taxes and abatement liens collected for the City and retained pending an accounting. Participation in a pooled account is an alternative to immediate transfer of City funds before the statutory disbursement dates under Section 5.04.030, and to making investments under specific instructions of the ((~~City Director of Finance~~)) Director of Executive Administration. If the King County Finance Manager invests funds for the City while in his or her custody, he or she may deduct and retain

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

the investment service fee contemplated by RCW 46.29.020 when the interest earnings become available to the City.

Section ___. Section 5.06.010 of the Seattle Municipal Code is amended as follows:

5.06.010 Investment authority.

A. As contemplated by RCW 35.39.032, the Director of ((~~Finance~~)) Executive Administration, under the supervision of the Mayor and consistent with policy direction given by the Director of Finance, is authorized on behalf of the City to invest all moneys in the City Treasury which in his or her judgment are in excess of current City needs in:

1. United States bonds;
2. United States certificates of indebtedness;
3. Bonds or warrants of this state:
4. General obligation or utility revenue bonds or warrants of the City or of any other city or town in the state;
5. Bonds or warrants of a local improvement or condemnation award district of the City which is within the protection of the local improvement guaranty fund;
6. Repurchase agreements, reverse repurchase agreements, or bankers' acceptances; and
7. Other investments authorized by law. The Director of ((~~Finance~~)) Executive Administration is authorized to hold such investments for the credit of the funds for which purchased.

B. The Director of ((~~Finance~~)) Executive Administration is further authorized to convert any investments within the City Treasury into cash.

Section ___. Section 5.06.030 of the Seattle Municipal Code is amended as follows.

5.06.030 Fund investments--Interfund loans.

The Director of ((~~Finance~~)) Executive Administration, after consulting with the Chair of the Finance Committee of the City Council and with the Director of Finance, may in his or her discretion:

A. Determine which funds shall be invested on an individual fund basis, and which funds shall participate within one (1) or more common investment portfolio(s);

B. Apportion earnings and losses to those funds participating in a common investment portfolio. Those funds listed on Exhibit "A" to Ordinance 117641 ((~~this ordinance~~)), as that exhibit may be amended from time to time by the Director of ((~~Finance~~)) Executive Administration after consulting with the Chair of the Finance Committee of the City Council and with the Director of Finance, and trust or bond funds shall receive a return in proportion to the amount of money earned by each; and the remainder shall be allocated to the general fund, except that investment earnings attributable to the Capital Projects Account of the Cumulative Reserve Subfund shall be deposited in the Unrestricted Subaccount and South Lake Union Property Proceeds Subaccount within that Capital Projects Account, all as authorized by RCW 35.39.034 and Chapter 5.80 SMC;

C. Approve interfund loans for a duration up to ninety (90) days, and establish a rate of interest thereon when appropriate, provided, any extension or renewal of such a loan shall require approval by ordinance;

D. Establish criteria for identifying when a substantial de facto loan from one (1) fund to another occurs (e.g., an extended delay in making reimbursement without valid cause; a continuous overdrawn status) and, when appropriate, establish an interest charge to be paid to the lending fund;

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

E. Make loans to individual funds participating in a common investment portfolio by means of carrying funds in a negative cash position for a period of up to ninety (90) days, or for longer period upon approval by ordinance, to the extent and for as long as (i) such loans can be prudently supported by the common investment portfolio and (ii) the borrowing fund is reasonably expected to be able to repay the loan. The Director of ((~~Finance~~)) Executive Administration may also charge interest at the common investment portfolio's rate of return to the borrowing fund; and

F. ((~~Sell~~)) With the approval of the Director of Finance, sell installment notes to City funds pursuant to Section 20.04.145 in connection with financing local improvement districts.

Section ___. Section 5.06.040 of the Seattle Municipal Code is amended as follows:

5.06.040 Investment policies.

A. The City's common investment portfolio(s) shall be managed to further this financial objective: to preserve principal while maintaining liquidity to meet the City's needs for cash and maximizing income.

B. Investment decisions should further the City's social policies established by ordinance or policy resolutions of the City Council. A City social policy shall take precedence over furthering the City's financial objective when expressly authorized by the City Council resolution or ordinance, except where otherwise provided by law or trust principles.

C. The Director of ((~~Finance~~)) Executive Administration shall be guided by investment policies adopted from time to time by ordinance or resolution of the City Council and by investment direction that may be given by the Director of Finance consistent with City Council policies.

Section ___. Section 5.06.050 of the Seattle Municipal Code is amended as follows:

5.06.050 Reports.

The Director of ((~~Finance~~)) Executive Administration shall file a monthly report with the City Council on the performance of City investments for the preceding month and fiscal year-to-date. Each monthly report shall include a discussion of:

A. The current investment market,

B. Any material change in the City's investment portfolio and practices;

C. The City's investment return as compared to the City's benchmark return, which shall be the rate of return used by the City Council when estimating investment earnings for the purpose of adopting the current year's budget;

D. The average maturity of the City's investment portfolio; and

E. On a quarterly basis, this report will also include, as an attachment, a list of the contents of the City's investment portfolio.

Section ___. Section 5.12.010 of the Seattle Municipal Code is amended as follows:

5.12.010 Authority of ((~~Finance~~)) Director of Executive Administration.

When not otherwise prescribed pursuant to state law, the bookkeeping and accounting in all departments of the municipal government shall be done in the manner and form prescribed by, and subject to the approval of, the ((~~City Finance~~)) Director of Executive Administration.

Section ___. Section 5.12.020 of the Seattle Municipal Code is amended as follows:

CITY CLERK

5.12.020 Monthly report.

Every department of the municipal government keeping financial accounts shall, on or before the tenth day of each and every month, transmit to the ((~~City Finance~~)) Director of Executive Administration, a statement and report, in form to be prescribed by the ((~~City Finance~~)) Director of Executive Administration, showing the financial transactions of the department during the previous month.

Section ___. Section 5.12.030 of the Seattle Municipal Code is amended as follows:

5.12.030 Approval of report before publication.

No statement or report of financial transactions in ((~~Before~~)) any department or office ((~~, or officer thereof, shall give out, publish, or distribute for publication, to the public, any statement or report of financial transactions in such department,~~)) shall constitute the official report of the City unless such statement or report shall first be submitted to, and approved by, the ((~~City Finance~~)) Director of Finance.

Section ___. Section 5.12.040 of the Seattle Municipal Code is amended as follows:

5.12.040 Petty cash accounts--Establishment--Operation and expenditures.

The ((~~City Finance~~)) Director of Executive Administration is authorized to establish petty cash accounts within the operating funds of City departments for the payment of miscellaneous items not payable by voucher and warrant. The establishment of petty cash accounts shall be requested in writing by the head of the department in the form and detail prescribed by the ((~~City Finance~~)) Director of Executive Administration. All expenditures from such accounts shall be made from appropriations and for purposes authorized by the department annual budget. The maximum amount of such accounts shall be set by the ((~~City Finance~~)) Director of Executive Administration in consultation with the City Auditor according to the needs of the petitioning department.

Section ___. Section 5.12.050 of the Seattle Municipal Code is amended as follows:

5.12.050 Petty cash accounts--Administrative rules and regulations.

The ((~~City Finance~~)) Director of Executive Administration shall promulgate rules and regulations, consistent with this chapter and the City Administrative Code, establishing standards and procedures for the proper administration of petty cash accounts.

Section ___. Section 5.14.020 of the Seattle Municipal Code is amended as follows:

5.14.020 Authority in ((~~Finance~~)) Director of Executive Administration.

The ((~~City Finance~~)) Director of Executive Administration is authorized to promulgate rules in accordance with the Seattle Administrative Code, Chapter 3.02, for establishing procedures for the receipt, handling and deposit by City officers and employees of City moneys into the City Treasury; for the method of documentation on all such transactions; for regular reporting to the ((~~City Finance~~)) Director of Executive Administration; for certifying and decertifying by the ((~~Finance~~)) Director of Executive Administration of all City officers and employees who are authorized to receive or handle City moneys in the regular course of their employment or departmental activities; for inspection of departmental cash records, including overages or shortages; for inspection of departmental practices and

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

procedures in handling City moneys; and for contracting with agents to collect City moneys and their collection procedures. The ((~~City Finance~~)) Director of Executive Administration may enforce these rules through on-site inspection; by decertifying any officer or employee who fails to comply with the ((~~Finance~~)) Director((~~'s~~)) of Executive Administration's Rules; and, in the event of noncompliance by a department or office, requiring that payments to personnel be authorized by the ((~~Finance~~)) Director of Executive Administration, or deposited at his or her office.

Section ___. Section 5.14.030 of the Seattle Municipal Code is amended as follows:

5.14.030 Duties of City personnel.

Any City officer or employee, who receives moneys belonging to the City in the scope and course of his or her duties, shall:

A. Immediately deliver the same to the ((~~City Finance~~)) Director of Executive Administration or, when so authorized, deposit the moneys with a City depository designated by the ((~~City Finance~~)) Director of Executive Administration to the credit of the City. The delivery or deposit must be made within twenty-four (24) hours after receipt unless otherwise authorized by the ((~~Finance~~)) Director of Executive Administration;

B. Comply with rules promulgated by the ((~~City Finance~~)) Director of Executive Administration for handling and processing of City moneys and for documentation and dissemination of records, and with departmental internal procedures established in conformity with the ((~~City Finance~~)) Director of Executive Administration's rules; and

C. Notify the Seattle Police Department, the ((~~City Finance~~)) Director of Executive Administration, and the City Auditor of any loss or theft of City money immediately upon discovery. Written notice shall be given to them no later than twenty-four (24) hours after discovery.

Section ___. Section 5.14.040 of the Seattle Municipal Code is amended as follows:

5.14.040 Certification of receivers, cashiers and tellers.

Only persons who are certified by the ((~~City Finance~~)) Director of Executive Administration may receive and handle City moneys on a regular basis in the scope and course of their employment, except that a certification by the ((~~City Treasurer is valid until July 1, 1993,~~)) Director of Finance is valid until July 1, 2003, unless sooner withdrawn by the ((~~Finance~~)) Director of Executive Administration. As a condition to certification or maintenance of a certification, the ((~~City Finance~~)) Director of Executive Administration may require that the officer or employee complete a course of instruction or training and/or pass an examination on the secure processing of moneys, the ((~~Finance~~)) Director((~~'s~~)) of Executive Administration's rules, procedures and applicable departmental rules, and thereafter take refresher instruction or training at periodic intervals or when the need arises.

Section ___. Section 5.14.050 of the Seattle Municipal Code is amended as follows:

5.14.050 Departmental functions.

The head of any City department or office who anticipates receiving City moneys on a regular basis in the course of its activities shall:

A. Contract with the ((~~City Finance~~)) Director of Executive Administration for cash collection services or, after the ((~~Finance~~)) Director((~~'s~~)) of Executive Administration's Rules take effect, assign the

CITY CLERK

NOTICE: IF THE DOCUMENT IS DUE TO THE QUALITY OF THE DOCUMENT.

receiving and handling of City moneys only to those persons who are certified by the ((~~City Finance~~)) Director of Executive Administration for performing those functions;

B. Establish and maintain a system of procedures, documentation and reporting on receipts handling and deposit of City moneys satisfactory to the ((~~City Finance~~)) Director of Executive Administration;

C. Notify the Seattle Police Department, the ((~~City Finance~~)) Director of Executive Administration, and the City Auditor of any loss or theft of City money immediately upon discovery. Written notice shall be given no later than twenty-four (24) hours after discovery;

D. Allow the ((~~City Finance~~)) Director of Executive Administration or an authorized deputy to make on-site inspections and observe the processing of City moneys, and to make inspections of departmental collection records.

Section ___. Section 5.14.050 of the Seattle Municipal Code is amended as follows:

5.14.060 Liability for loss as between department and ((~~Finance~~)) Director of Executive Administration.

A. As between a department and its officers and the ((~~City Finance~~)) Director of Executive Administration, the department has primary responsibility for care and liability for loss of City moneys in its custody until deposited in the City Treasury or entrusted to a cashier certified by the ((~~Finance~~)) Director of Executive Administration; and the ((~~City Finance~~)) Director of Executive Administration thereafter. When deposit is made in an after-hours drop box of the City's public depository, or an armored car service making collection for the City, losses are assigned to the ((~~City Finance~~)) Director of Executive Administration if the ((~~Finance~~)) Director((~~'s~~)) of Executive Administration 's instructions for making deposits have been followed, and to the department otherwise.

B. Compliance with the ((~~City Finance~~)) Director((~~'s~~)) of Executive Administration's rules and procedures approved by the ((~~City Finance~~)) Director of Executive Administration establishes a presumption that a City department or office exercised due care in its custody and care of City moneys.

Section ___. Section 5.16.010 of the Seattle Municipal Code is amended as follows:

5.16.010 Cancellation of warrants.

Any warrant which is not delivered to the payee within one (1) year from the date of issuance shall be cancelled and the amounts for which said warrants are drawn shall be credited to the several funds against which they are drawn. The ((~~Finance~~)) Director of Executive Administration shall keep a record of cancelled warrants.

Section ___. Section 5.16.030 of the Seattle Municipal Code is amended as follows:

5.16.030 ((~~Finance~~)) Director of Executive Administration authorized to establish credit.

As authorized by Section 43.09.2853 RCW, with the advice of the Debt Management Policy Advisory Committee, the ((~~City Finance~~)) Director of Executive Administration is authorized to establish a line of credit for the City with any qualified public depository for cashing City warrants and other financial purposes, to determine the amount of credit extended, to execute written agreements therefor with either a fixed rate of interest adjusted periodically or a fluctuating rate of interest, such rates not greater than eighteen (18) percent annually or the maximum rate allowed by law, whichever is

less, and to pay interest and other finance or service charges. The total of all lines of credit with all qualified public depositories shall not exceed Ten Million Dollars ($10,000,000).

Section ___. Section 5.16.040 of the Seattle Municipal Code is amended as follows:

5.16.040 Lines of credit--Payment.

The line or lines of credit established by the ((~~City Finance~~)) Director of Executive Administration pursuant to Section 5.16.030 shall be a general obligation of the City. The City hereby pledges its full faith, credit and resources to levy and collect taxes and other revenues sufficient for payment of the principal of, and interest on, the lines of credit extended, and to make prompt payment of the obligation, including interest thereon, as the same are due.

Section ___. Section 5.16.050 of the Seattle Municipal Code is amended as follows:

5.16.050 Warrant overdrafts.

Subject to the following terms and conditions, the ((~~City Finance~~)) Director of Executive Administration is authorized to contract with the bank at which the City maintains its principal account for the bank to postpone presentment of City warrants until the City can provide for their full payment:

A. The amount of the warrants for which presentment is so delayed shall be aggregated as a warrant overdraft account;

B. The aggregate of the warrant overdrafts shall not exceed Twenty Million Dollars ($20,000,000);

C. The fee charged by the bank shall not exceed that bank's current prime rate multiplied by 1.5, for the dates for which the credit is outstanding;

D. The Debt Management Policy Advisory Committee shall review the contract with the principal bank and, from time to time, advise the ((~~City Finance~~)) Director of Executive Administration thereon and on the aggregate of warrant overdrafts that may be outstanding;

E. Fees paid for deferment of presentment shall cease and the bank may present outstanding warrants should any other general fund warrant be presented to the ((~~City Finance~~)) Director of Executive Administration for payment and marked as presented but not paid for lack of funds.

Section ___. Section 5.20.010 of the Seattle Municipal Code is amended as follows:

5.20.010 Issuance of bill for labor or material.

When any department of the City shall furnish any labor or material to any person, the department shall render a bill for the labor or material as follows:

A. Bills of each department to be issued in triplicate and to bear consecutive numbers;

B. The original of the bill to be forwarded to the person receiving the labor or material;

C. The duplicate of the bill to be forwarded, forthwith to the ((~~City Finance~~)) Director of Executive Administration;

D. The triplicate of the bill to be retained by the department issuing the same.

Section ___. Section 5.20.020 of the Seattle Municipal Code is amended as follows:

5.20.020 Correction of bill by credit voucher.

CITY CLERK

The head of the department issuing any of the bills described in Section 5.20.010 is authorized to correct the bills at any time prior to their payment by the issuance of credit vouchers directed to the ((~~City Finance~~)) Director of Executive Administration.

Section ___. Section 5.20.030 of the Seattle Municipal Code is amended as follows:

5.20.030 Recordkeeping--Notification of payment.

The ((~~City Finance~~)) Director of Executive Administration is directed to preserve the duplicate bills and render proper accounting therefor and to notify each of the various departments as to the payment of the bills upon request of the department.

Section ___. Section 5.20.040 of the Seattle Municipal Code is amended as follows:

5.20.040 Deduction of credit voucher.

When any credit voucher shall have been issued correcting any of the bills, the ((~~City Finance~~)) Director of Executive Administration is directed to deduct the amount of the credit voucher from the face of the bill and accept the remaining amount thereof as full payment.

Section ___. Section 5.22.010 of the Seattle Municipal Code is amended as follows:

5.22.010 Fee authorized.

The Director of ((~~Finance~~)) Executive Administration or the Director's designee ("Director") is authorized to establish and collect a convenience fee ("fee") that shall apply to the total payment charged to each credit or debit card transaction made via electronic commerce technology. The fee shall only be imposed one (1) time on each credit or debit card used in a transaction. The fee shall be in addition to the total amount of the original fee, fine, or bill owed to the City, plus any applicable interest, penalty, or late charge. The fee shall also be in addition to any transaction charges or fees set by a financial institution that the City decides to collect as a means of recovering the City's cost of having the financial institution process the credit or debit card payments.

Section ___. Section 5.24.005 of the Seattle Municipal Code is amended as follows:

5.24.005 Claims for damages.

A. No action 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. Such a claim must name the claimant, include the claimant's address, specify the date and location of the claimed loss, describe any alleged act or omission on the part of the City and the basis upon which liability is being asserted against the City, identify any known witnesses, detail the nature and extent of the injury or damage sustained and state the amount being claimed. The claim form must be signed by the claimant or an authorized representative prior to its filing.

B. All claims for damages shall be investigated and evaluated by the Department of ((~~Finance~~))Executive Administration with the assistance of the City Attorney. In anticipation of litigation regarding such claims, the Director of ((~~Finance~~)) Executive Administration may request reports from all interested departments concerning any claim and such reports shall be prepared to assist the City Attorney in defense of the City and shall constitute and be treated as ((~~privilged~~)) privileged communications.

CITY CLERK

C. A lawsuit based upon the allegations of a Claim for Damages may not be instituted against the City within ((~~sixy~~)) sixty (60) days of the filing of such claim.

Section ___. Section 5.24.020 of the Seattle Municipal Code is amended as follows:

5.24.020 Payment of judgments.

The City Attorney may authorize payment of any settlement arising out of litigation against the City or any judgment against the City. Prior to authorizing settlement of any litigation for an amount over Five Hundred Thousand Dollars ($500,000), the City Attorney shall brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110. Prior to authorizing a settlement involving significant financial or policy issues, the City Attorney shall consult with the Director of Finance, the Director of Executive Administration, and the head of the relevant department. Upon a presentation by the City Attorney to the Director of ((~~Finance~~)) Executive Administration of either a copy of a Release and Order of Dismissal or a copy of a judgment against the City, entered in an appropriate court, and having attached thereto a statement in writing, signed by the City Attorney, to the effect that the right of appeal from such judgment has been expressly waived, or that the time for an appeal has expired, the Director of ((~~Finance~~)) Executive Administration shall issue a check upon the Judgment/Claims Subfund for the amount of such judgment, and costs if awarded to the claimant by the court.

Section ___. Section 5.24.030 of the Seattle Municipal Code is amended as follows:

5.24.030 Payment of claims.

The Director of ((~~Finance~~)) Executive Administration may authorize payment of any claim against the City, including claims brought in the small claims department of the district court pursuant to RCW Chapter 12.40. Prior to authorizing settlement of any claim for an amount over One Hundred Thousand Dollars ($100,000), the Director of ((~~Finance~~)) Executive Administration and the City Attorney shall brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110. Prior to authorizing a settlement involving significant legal or policy issues, the Director of ((~~Finance~~)) Executive Administration shall consult with the Director of Finance, the City Attorney and the head of the relevant department.

Section ___. Section 5.24.040 of the Seattle Municipal Code is amended as follows:

5.24.040 Advance payments--Grounds for payment.

A. The City Attorney and the Director of ((~~Finance~~)) Executive Administration are authorized to make periodic payments to a claimant pending settlement or other disposition of his claim equivalent to not more than the claimant's pre-injury net take-home pay if the City Attorney or the Director of ((~~Finance~~)) Executive Administration finds the following conditions to exist:

1. The claimant has been physically disabled as a result of an act or omission by the City or its employees and agents and for which the City is legally obligated to respond in damages, which physical disability precludes the claimant from engaging in gainful employment;

2. The claimant's loss of employment results in financial hardship and the claimant is without alternate financial resources to provide for the necessary cost of living;

3. Circumstances exist which preclude the early settlement or other disposition of claimant's claim;

CITY CLERK

4. The best interest of the City and the claimant will be served by making such interim payments.

B. As a condition to commencing such payments, the City Attorney or the Director of ((~~Finance~~)) Executive Administration shall secure from the claimant a written agreement that all payments made pursuant to this section shall be credited to the City against any settlement of the claim which may be arrived at, and shall be credited against any judgment which may be rendered against the City by reason of such claim in any court. The agreement may include such additional terms and conditions as the City Attorney or the Director of ((~~Finance~~)) Executive Administration determines are appropriate to serve the best interests of the City.

C. In addition to the payments covering wage losses, the City Attorney or the Director of ((~~Finance~~)) Executive Administration may, prior to settlement of the claimant's claim or prior to judgment, pay medical costs and provide necessary transportation and other expenses of treatment which the claimant may be required to pay; provided, that all such payments under this chapter shall cease at such time as the City Attorney or the Director of ((~~Finance~~)) Executive Administration shall determine that one (1) or more of the circumstances enumerated above have changed or that the total sum paid the claimant approximates the amount the claimant is likely to recover by reason of his injury.

Section ___. Section of the Seattle Municipal Code is amended as follows:

5.24.060 Litigation expenses.

The City Attorney and the Director of ((~~Finance~~)) Executive Administration are authorized to make payment to private and/or public agencies, firms, and/or individuals who provide services to the City in support of any litigation and/or claim and/or threatened litigation or claim filed or contemplated against the City or where the City is a plaintiff or potential plaintiff in legal action.

Section ___. Subsection (10) of Section 5.30.025 of the Seattle Municipal Code is amended as follows:

5.30.025 Definitions, C-E.

***

10. "Director" means the Director of ((~~Finance~~)) Executive Administration of the City or any officer, agent or employee of the City designated to act on the Director's behalf.

***

Section ___. Subsection (8) of Section 5.30.035 of the Seattle Municipal Code is amended as follows:

5.30.035 Definitions, G-M.

***

8. "Manufacturer," "to manufacture."

a. "Manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from his or her own materials or ingredients any products. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, all or a portion of the materials that become a part or whole of the manufactured product, the Director of Finance shall prescribe equitable rules for determining tax liability. A business not located in this City that is the owner of materials or ingredients

CITY CLERK

processed for it in this City by a processor for hire shall be deemed to be engaged in business as a manufacturer in this City.

b. "To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials or ingredients so that as a result thereof a new, different or useful product of tangible personal property is produced for sale or commercial or industrial use, and shall include:

i. the production of special-made articles or custom-made articles;

ii. the development, production, or duplication of canned software programs including the development, production, or duplication of master copies;

iii. the production of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician;

iv. crushing and/or blending of rock, sand, stone, gravel, or ore; and

v. the producing of articles for sale, or for commercial or industrial use from raw materials or prepared materials by giving such materials, articles, and substances of trade or commerce new forms, qualities, properties or combinations including, but not limited to, such activities as making, fabricating, processing, refining, mixing, slaughtering, packing, aging, curing, mild curing, preserving, canning, and the preparing and freezing of fresh fruits and vegetables.

Section _. Subsection 7 of Section 5.30.060 of the Seattle Municipal Code is amended as follows:

5.30.060 Definitions, T-Z.

***

7. "Value of products, how determined."

a. The value of products, including by-products, extracted or manufactured, shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or by-products by the seller.

b. Where such products, including by-products, are extracted or manufactured for commercial or industrial use; and where such products, including by-products, are shipped, transported or transferred out of the City, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale, the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture, or sale of such products. In the absence of sales of similar products as a guide to value, such value may be determined upon a cost basis. In such cases, there shall be included every item of cost attributable to the particular article or article extracted or manufactured, including direct and indirect overhead costs. The Director of Finance may prescribe uniform and equitable rules for the purpose of ascertaining such values.

***

Section ___. New subsections E and F are added to Section 5.40.010 of the Seattle Municipal Code as follows:

5.40.010 Definitions.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

For the purposes of this chapter, words and terms shall have following meanings:

***

E. "Department" means the Department of Executive Administration of The City of Seattle, or its functional successor.

F. "Director" means the Director o Executive Administration of The City of Seattle, or his or her functional successor, and shall include the Director's authorized representatives.

***

Section ___. Subsection 5.40.028F of the Seattle Municipal Code is amended as follows:

5.40.028 Tax exemption--Human services agencies.

***

F. The exemption in subsection A does not apply unless the nonprofit human services agency, as well as any other person qualified pursuant to subsections C and D to act on behalf of a nonprofit human services agency, are registered with the ((~~Finance~~)) Director pursuant to Sections 5.40.080 and 5.40.085 at least thirty (30) days prior to the event. A person qualifying for exemption under subsection C must register separately for each activity it conducts on behalf of a nonprofit human services agency and must present to the Director a copy of its contract with the nonprofit human services agency in order to register.

***

Section ___. Section 5.40.060 of the Seattle Municipal Code is amended as follows:

5.40.060 Ticket numbering and information.

A. Whenever a charge is made for admission to any place, a serially numbered or reserve seat ticket shall be furnished the person paying such charge unless written approval has been obtained from the ((~~Finance~~)) Director to use a turnstile or other counting device which will accurately count the number of paid admissions. The established price, service charge, City tax and total price at which every such admission ticket or card is sold shall be separately, conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place to which admission is gained. It shall be unlawful for anyone to sell an admission ticket or card on which the name of the person conducting the event and the price is not so printed, stamped or written, or to sell or offer to sell an admission ticket or card at a price in excess of the price printed, stamped or written thereon. The admission tax due shall be based on the total sum of the established price plus any service charge printed on the ticket. When a charge is made for admission, a sign must be posted in a conspicuous place on the entrance or ticket office which breaks down the admission charge as follows:

Established Price . . . . . .
Service Charge (if any) . . . . . .
City Tax . . . . . .
Total Price . . . . . .

It is unlawful to charge a service charge on admission tickets unless the purchaser is fully informed of the purpose of such charge by published or posted notice in advance of the ticket sale.

B. It is unlawful for any person to represent an admission charge or fee for the privilege of entering, attending, or remaining in attendance at any theater, dance, amusement or other place of public performance as a donation or contribution where persons are not admitted or allowed to remain in attendance without payment of such charge or fee.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS THAN CLEAR, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section ___. Section 5.40.070 of the Seattle Municipal Code is amended as follows:

5.40.070 Remittance of tax.

Anyone, including any municipal or quasi-municipal corporation who receives any payment for any admission charge on which a tax is levied under this chapter shall collect the amount of the tax from the person making the admission payment and shall remit the same to the ((~~Finance~~)) Director as provided in this section. The tax required to be collected under this chapter shall be deemed held in trust by the person required to collect the same until remitted to the Director as provided in this section. Anyone required to collect the tax imposed under this chapter who fails to collect the same, or who collects the same but fails to remit the same to the Director in the manner prescribed by this chapter shall be liable to the City for the amount of such tax, and shall, unless the remittance be made as required in this section, be guilty of a violation of this chapter whether such failure be the result of his or its own act or the result of acts or conditions beyond his or its control. The tax imposed under this chapter shall be collected from the person paying the admission charge at the time the admission charge is paid and such taxes shall be remitted by the person collecting the tax to the Director in monthly remittances on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax is collected or received and accompanied by such reports as the Director shall require: Provided, that the Director for good cause shown, may extend the time for making and filing the return and remittance of the tax due. Payment or remittance of the tax collected may be made by check unless payment or remittance is otherwise required by the Director, but payment by check shall not relieve the one collecting the tax from liability for payment and remittance of the tax to the Director unless the check is in the full and correct amount and until the check is honored. Anyone receiving any payment for admissions shall make out a return upon such forms and setting forth such information as the Director may require, showing the amount of the tax upon admissions for which he is liable for the preceding monthly period, and shall sign and transmit the same to the Director with a remittance for said amount: Provided, that the Director may in his or her discretion require verified annual returns from anyone receiving admission payments setting forth such additional information as he or she may deem necessary to determine correctly the amount of tax collected and payable. If the return provided for in this section is not made and the tax is not collected and paid within twenty-five (25) days after the end of the month in which the tax was collected, the Director shall add a penalty of ten percent (10%) of the tax per month or fraction thereof for each month overdue which shall be added to the amount of the tax due, and remitted in the same manner. Whenever any theater, circus, show, exhibition, entertainment or amusement makes an admission charge which is subject to the tax levied in this chapter, and the same is of a temporary or transitory nature or there exists a reasonable question of financial responsibility, of which the Director shall be the judge, the Director may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions or at such other times as he or she shall determine; and failure to comply with any requirement of the Director as to report and remittance of the tax as required shall be a violation of this chapter. Everyone liable for the collection and payment of the tax imposed by this chapter shall keep and preserve for a period of five (5) years all unused tickets, ticket manifests, books and all other records from which can be determined the amount of admission tax which he or she was liable to remit under the provisions of this chapter, and all such tickets, books and records shall be open for examination and audit at all reasonable times by the ((~~Finance~~)) Director or his or her duly authorized agent. Written permission may be granted by the Director to destroy unused tickets prior to the expiration of the five (5) year period.

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section ___. Section 5.40.080 of the Seattle Municipal Code is amended as follows:

5.40.080 Certificate of registration--Required--Application.

Any person conducting or operating any place for entrance to which an admission charge is made shall, on a form prescribed by the ((~~Finance~~)) Director, make application to the Director for issuance of a certificate of registration, the fee for which shall be One Dollar ($1.00), which certificate shall continue valid until December 31st of the year in which the same is issued. Such certificate of registration, or duplicate original copies thereof to be issued without additional charge, shall be posted in a conspicuous place in each ticket or box office where tickets of admission are sold.

Section ___. Subsection 5.40.085.A of the Seattle Municipal Code is amended as follows:

5.40.085 Certificate of exemption--Application, issuance--Cancellation.

A. Any person seeking to secure an exemption from the admission tax pursuant to Section 5.40.026 A shall, for each activity or series of activities as prescribed by the ((~~Finance~~)) Director:

1. Identify the activity or set of activities at which persons paying an admission charge are not to be taxed;

2. Supply sufficient information as well as enable the Director both:

a. To determine the applicability of the tax to the activity or set of activities so identified, and

b. To distinguish the same from other occasions, if any, when taxes are to be collected; and

3. Provide evidence as necessary to show the status of the party performing the activity or set of activities as a college, university, or nonprofit tax-exempt organization as defined in Section 5.40.010. The applicant may be required to notify the Director of any subsequent change in condition from the facts stated or information supplied. If the Director determines that persons paying such admission charge are not subject to the admission tax, the applicant shall receive a certification of such determination for the activity or series of activities, as the case may be.

***

Section ___. Section 5.40.090 of the Seattle Municipal Code is amended as follows:

5.40.090 Certificate of registration--Owner of building to be named.

Whenever the applicant for a certificate of registration, obtained for the purpose of operating or conducting a temporary or transitory amusement, entertainment or exhibition, is not the owner, lessee, or custodian of the buildings, lots or place where the amusement is to be conducted, the tax imposed by this chapter shall be reported and remitted as provided in Section 5.40.070 by the person who is the owner, lessee or custodian, if not paid by the person conducting the amusement, entertainment or exhibition. The applicant for a certificate of registration in any such case shall furnish the ((~~Finance~~)) Director with the application, with the name and address of the owner, lessee or custodian of the premises upon which the amusement is to be conducted, and such owner, lessee or custodian shall be notified by the Director of the issuance of such certificate and of his joint liability for collection and remittance of such tax.

Section ___. Subsection 5.45.100P of the Seattle Municipal Code is amended as follows:

5.45.100 Deductions.

In computing the license fee or tax, the following may be deducted from the measure of tax:

***

P. Radio and television broadcasting - advertising agency fees - national, regional, and network advertising - interstate allocations. In computing tax, there may be deducted from the measure of the tax by radio and television broadcasters amounts representing the following:

1. advertising agencies' fees when such fees or allowances are shown as a discount or price reduction in the billing or that the billing is on a net basis, i.e., less the discount;

2. actual gross receipts from national network, and regional advertising or a "standard deduction" as provided by RCW 82.04.280; and

3. local advertising revenue that represents advertising which is intended to reach potential customers of the advertiser who are located outside the State of Washington.

The Director of Finance may issue a rule that provides detailed guidance as to how these deductions are to be calculated.

***

Section ___. Subsections A6, A7, and A21 of Section 5.48.020 of the Seattle Municipal Code are amended as follows:

5.48.020 Definitions.

A. In construing the provisions of this chapter unless otherwise declared or clearly apparent from the context, the following definitions shall be applied:

***

6. "Department" means the Department of ((Finance))Executive Administration of The City of Seattle, or its functional successor.

7. "Director" means the Director of ((~~Finance~~)) Executive Administration of The City of Seattle, or his or her functional successor.

***

21. "Tax year" or "taxable year" shall mean either the calendar year or the taxpayer's fiscal year when permission is obtained from the Director ((~~of Finance~~)) to use a fiscal year in lieu of the calendar year.

***

Section ___. Subsections C and D of Section 5.52.010 of the Seattle Municipal Code are amended as follows:

5.52.010 Definitions.

Words and terms used in this chapter shall have the same meaning as each has under RCW Chapter 9.46, as now existing or hereafter amended, unless otherwise specifically provided in this chapter, or when the context in which they are used in this chapter clearly indicates that they be given some other meaning.

***

C. "Department" means the Department of ((~~Finance~~)) Executive Administration of The City of Seattle, or its functional successor.

D. "Director" means the Director of ((~~Finance~~)) Executive Administration of The City of Seattle, or his or her functional successor.

***

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section ___. Subsection 5.55.120E of the Seattle Municipal Code is amended as follows:

5.55.120 Cancellation of penalties.

***

E. The Director of Finance shall adopt administrative rules for the cancellation of penalties imposed under this chapter.

Section ___. Subsection 5.55.140 of the Seattle Municipal Code is amended as follows:

5.55.140 Review of Director's Assessment or Denial of Refund.

A. Any person, except one who has failed to provide or to keep and preserve books, records, and invoices as required in this chapter, aggrieved by the amount of the tax, fee, or penalty assessed by the Director ((~~of Finance~~)), or by the denial of a refund by the Director of Finance, may, having paid any tax, fee, interest or penalty owing, except as provided in subsection C below:

1. Appeal the Director's deficiency assessment or refund denial to the Hearing Examiner by filing a petition for review with the Office of the Hearing Examiner; or

2. File a complaint in King County Superior Court for refund of taxes paid.

The petition or complaint shall be filed within thirty (30) days from the date that the assessment or denial notice was mailed to the taxpayer, or within the period covered by any extension of said due date granted in writing by the Director ((~~of Finance~~)). The Director ((~~of Finance~~)) may extend the due date for filing an appeal with the Hearing Examiner or a refund suit with the Superior Court only if the taxpayer, within the thirty (30) day period, makes written application showing good cause why an extension is necessary.

B. The Director's assessment or refund denial shall be regarded as prima facie correct, and the person shall have the burden to prove that the tax assessed or paid by him is incorrect, either in whole or in part, and to establish the correct amount of tax.

C. Except as provided in SMC 5.55.150(B), assessments totaling less than Fifty Thousand Dollars ($50,000) (including penalty and interest) may be appealed to the Hearing Examiner without prior payment.

D. The methods for obtaining review of the Director's assessment or refund denial set forth in this section are exclusive and must be strictly complied with.

Section _. Subsection 5.55.150A of the Seattle Municipal Code is amended as follows:

5.55.150 Appeal to the Hearing Examiner.

A. A person electing to appeal to the Hearing Examiner must provide a copy of the petition to the Director ((~~of Finance~~)) and the City Attorney on or before the date the petition is filed with the Hearing Examiner. If no such petition is filed with the Hearing Examiner and provided to the Director ((~~of Finance~~)) and City Attorney within the thirty (30) day period, and a complaint is not filed, the assessment covered by the notice shall become final and no refund request may be made for the audit period covered in that assessment.

***

Section ___. Section 5.55.165 of the Seattle Municipal Code is amended as follows:

5.55.165 Director of Finance to make rules.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

CITY CLERK

The Director of Finance shall have the power and it shall be his or her duty, from time to time, to adopt, publish and enforce rules and regulations not inconsistent with this chapter, SMC Chapters 5.30, 5.32, 5.40, 5.44, 5.48, 5.52, or with law for the purpose of carrying out the provisions of such chapters, and it shall be unlawful to violate or fail to comply with, any such rule or regulation.

Section ___. Subsection 5.55.200C of the Seattle Municipal Code is amended as follows:

5.55.200 Public disclosure - Confidentiality - Information sharing.

***

C. Tax information may be disclosed to the following:

1. The Mayor, members of the City Council, City Attorney, City Clerk, Director of Finance or their authorized designees, for official purposes;

2. Any agency or officer of the United States of America, the State of Washington, or a tax department of any state, county, city or town, provided that the agency or officer grants substantially similar privileges to the City, and further provided that the agency or officer shall not further disclose the tax information except as authorized in this section.

***

Section ___. Subsection 5.55.230B of the Seattle Municipal Code is amended as follows:

5.55.230 Suspension or Revocation of business license.

***

B. Any licensee may, within thirty (30) days from the date that the suspension or revocation notice was mailed to the licensee, appeal from such suspension or revocation by filing a written notice of appeal ("petition") setting forth the grounds therefor with the Office of the Hearing Examiner. The licensee must provide a copy of the petition to the Director ((~~of Finance~~)) and the City Attorney on or before the date the petition is filed with the Hearing Examiner. The hearing shall be conducted in accordance with the procedures for hearing contested cases in the Seattle Administrative Code (Chapter 3.02 of the Seattle Municipal Code). The Hearing Examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the Hearing Examiner shall, after appropriate findings of fact, and conclusions of law, affirm, modify, or overrule the suspension or revocation and reinstate the license, and may impose any terms upon the continuance of the license which the Hearing Examiner may deem advisable.

No suspension or revocation of a license issued pursuant to the provisions of this chapter shall take effect until thirty (30) days after the mailing of the notice thereof by the Director, and if appeal is taken as herein prescribed the suspension or revocation shall be stayed pending final action by the Hearing Examiner. All licenses which are suspended or revoked shall be surrendered to the City on the effective date of such suspension or revocation.

The decision of the Hearing Examiner shall be final. The licensee and/or the Director may seek review of the decision of the Hearing Examiner to the Superior Court of Washington in and for King County within fourteen (14) days from the date of the decision.

***

Section ___. Section 5.55.260 of the Seattle Municipal Code is amended as follows:

5.55.260 Personal liability of persons in control of admission taxes.

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

In addition to persons liable for tax pursuant to SMC Section 5.40.070:

A. Any individual who is responsible for collecting, accounting for, or paying over the admission tax imposed by SMC Chapter 5.40, and who willfully fails to collect, account for, or pay over such tax, or willfully attempts to evade or defeat such tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to pay the total amount of the tax evaded, not collected, or not accounted for and paid over.

B. An individual is responsible for collecting, accounting for, or paying over the tax if he has control over, or supervision of, the receipt of admissions charges, the filing of returns, or the remittance of the tax.

C. For purposes of this section, "willfully" means that the failure was the result of an intentional, conscious, and voluntary course of action.

D. An individual shall be liable only for taxes which became due during the period he was required to collect, account for, and pay over the tax, plus interest and penalties on the tax.

E. An individual is not liable under this section if the failure to collect, account for, or pay over the tax is due to reasons beyond his control, as determined by rules promulgated by the Director of Finance.

F. The Director shall assess the liability in the same manner as a tax deficiency pursuant to SMC 5.55.095 and the individual shall have the right of review provided by SMC 5.55.140. If not appealed within the time provided in section SMC 5.55.140, the assessment is final and no refund request may be made for the period covered in the assessment.

G. Once established, liability for the tax is joint and several. The Director may collect the total amount of tax, but not more, either from individuals liable under this section or persons liable under SMC 5.40.070, or both. This section does not relieve persons of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

Section ___. Section 5.56.110 of the Seattle Municipal Code is amended as follows:

5.56.110 Collection of tax.

Section 5 of the State Act requires the lessor to collect the tax from the lessee and remit the same to the Department of Revenue. City departments acting as lessors under terms of the State Act shall, effective January 1, 1976, collect the tax as a surcharge upon contract rent in the amount of twelve percent (12%) of taxable rent, as defined in Section 2 of the State Act, or according to such different manner as the Department of Revenue may prescribe in accordance with Section 2 of the State Act. Collections of the tax shall be deposited in the appropriate operating funds of those City departments acting as lessors. The amounts shall be paid by the ((~~City Finance~~)) Director of Executive Administration to the Department of Revenue upon execution of appropriate vouchers by the affected departments and in accordance with such rules as the Department of Revenue may promulgate.

Section ___. Subsection 5.56.130 of the Seattle Municipal Code is amended as follows:

5.56.130 Establishment of subaccounts.

The ((~~City Finance~~)) Director of Executive Administration shall establish such subaccounts in the operating funds of departments required to collect the tax as shall be necessary to permit the separate and appropriate accounting of such tax, and shall inform such departments concerning the identity and coding of such subaccounts.

Section _. Section 5.64.030 of the Seattle Municipal Code is amended as follows:

5.64.030 Deposit and use of tax proceeds.

The King County Comptroller may retain one percent (1%) of the proceeds of the taxes collected for the county current expense fund to defray the costs of collection. All remaining proceeds from City taxes collected shall be paid to the ((~~City Finance~~)) Director of Executive Administration at least monthly and, upon receipt, deposited in the Cumulative Reserve Fund for municipal capital improvements, including those listed in RCW 35.43.040.

Section _. Section 5.78.010 of the Seattle Municipal Code is amended as follows:

5.78.010 Account established--Donations.

A. There is hereby established a Gift Catalogue account in the General Donations and Gift Trust Fund with subaccounts therein for the purposes set forth in the City's Gift Catalogue, and donations shall be credited to the appropriate subaccounts. The City Director of ((~~Finance~~)) Executive Administration is authorized and directed to accept donations for the purposes set forth in the Gift Catalogue and to give his or her receipt, and the City Director of ((~~Finance~~)) Executive Administration shall keep appropriate accounts and subaccounts therefor.

B. "City's Gift Catalogue," as used in this chapter, means the document attached to Ordinance 112137 and such supplemental catalogues as may be issued by the City, with the approval of the Mayor and the City Council by resolution, from time to time.

Section _. Section 5.78.020 of the Seattle Municipal Code is amended as follows:

5.78.020 Expenditures--Seattle Center programs.

The Director of the Seattle Center is authorized to direct expenditures for the donations made to the Seattle Center programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw to pay warrant against the designated program account or subaccount on vouchers approved by The Seattle Center Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.030 of the Seattle Municipal Code is amended as follows:

5.78.030 Expenditures--Seattle Arts Commission.

The Seattle Arts Commission is authorized to direct expenditures for the donations made to the Seattle Arts Commission programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by said Commission as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.040 of the Seattle Municipal Code is amended as follows:

5.78.040 Expenditures--Seattle Transportation programs.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

The Director of Transportation is authorized to direct expenditures for the donations made to Seattle Transportation programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Transportation as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.060 of the Seattle Municipal Code is amended as follows:

5.78.060 Expenditures--Office of Housing.

The Director of Housing is authorized to direct expenditures for the donations made to that Office's programs in the City's Gift Catalogue or for other housing activities as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Housing as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.070 of the Seattle Municipal Code is amended as follows:

5.78.070 Expenditures--Seattle-King County Department of Public Health.

The Director of Public Health is authorized to direct expenditures for the donations made to the Seattle-King County Department of Public Health programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Public Health as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.080 of the Seattle Municipal Code is amended as follows:

5.78.080 Expenditures--Seattle Public Utilities.

The Director of Seattle Public Utilities is authorized to direct expenditures for the donations made to the Seattle Public Utilities programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Seattle Public Utilities as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.090 of the Seattle Municipal Code is amended as follows:

5.78.090 Expenditures--Police Department.

The Chief of Police is authorized to direct expenditures for the donations made to the Police Department programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw to pay warrants against said program accounts or subaccounts on vouchers approved by the Chief as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section _. Section 5.78.100 of the Seattle Municipal Code is amended as follows:

5.78.100 Expenditures--Fire Department.

The Chief of the Fire Department is authorized to direct expenditures for the donations made to the Fire Department programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Chief as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.120 of the Seattle Municipal Code is amended as follows:

5.78.120 Expenditures--Department of Parks and Recreation.

The Superintendent of Parks and Recreation is authorized to direct expenditures for the donations made to the Department of Parks and Recreation programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Superintendent as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director or ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.130 of the Seattle Municipal Code is amended as follows:

5.78.130 Expenditures--Personnel Director.

The Personnel Director is authorized to direct expenditures for the donations made to programs of the Personnel Department or to programs of the former Personnel Division of the Executive Services Department in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Personnel Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.150 of the Seattle Municipal Code is amended as follows:

5.78.150 Expenditures--Director of ((~~Finance~~)) Executive Administration.

The City Director of ((~~Finance~~)) Executive Administration is authorized to direct expenditures for the donations to programs formerly housed in the Department of Finance and to programs of the former Finance Department and to programs of the former Department of Licenses and Consumer Affairs in the City's Gift Catalogue as designated by the donor; and to draw and to pay warrants against said program accounts or subaccounts on vouchers. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.160 of the Seattle Municipal Code is amended as follows:

5.78.160 Expenditures--Department of Design, Construction and Land Use.

CITY CLERK

The Director of Design, Construction and Land Use is authorized to direct expenditures for the donations to the Design, Construction and Land Use Department programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Director of Design, Construction and Land Use as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.170 of the Seattle Municipal Code is amended as follows:

5.78.170 Expenditures--City Clerk's Office.

The City Council is authorized to direct expenditures for the donations to the City Clerk's Office programs in the City's Gift Catalogue as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against such program accounts or subaccounts on vouchers approved by the City Clerk as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.180 of the Seattle Municipal Code is amended as follows:

5.78.180 Expenditures--Department of Neighborhoods.

The Director of the Department of Neighborhoods is authorized to direct expenditures from the donations made to that Department's programs that are in the City's Gift Catalogue, as amended from time to time, or for which an account or subaccount for deposit of donations is established by ordinance. Such expenditures shall be consistent with the designation by the donor. The City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said accounts or subaccounts for such programs, or make appropriate transfers from such accounts or subaccounts, based on vouchers approved by the Director of Neighborhoods as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Section 5.78.190 of the Seattle Municipal Code is amended as follows:

5.78.190 Expenditures--Human Services Department.

The Director of the Human Services Department is authorized to direct expenditures for the donations made to that Department's programs in the City's Gift Catalogue or for other human services activities as designated by the donor; and the City Director of ((~~Finance~~)) Executive Administration is authorized to draw and to pay warrants against said program accounts or subaccounts on vouchers approved by the Human Services Director as to payee and purpose. If the applicable fund is solvent at the time payment is ordered, the Director of ((~~Finance~~)) Executive Administration may elect to make payment by check.

Section _. Subsections A and C of Section 6.02.030 of the Seattle Municipal Code are amended as follows:

6.02.030 Definitions.

For the purpose of this subtitle certain words shall have the meanings specified in this section. Words used in the singular include the plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine.

A. "Complainant" means any person who files a complaint in writing with the Department of ((~~Finance~~))Executive Administration.

B. "Confidential" means not available for public inspection.

C. "Director" means the Director of ((~~Finance~~))Executive Administration of The City of Seattle and shall include the Director's authorized representatives.

***

Section _. Subsection 6.02.040A of the Seattle Municipal Code is amended as follows:

6.02.040 Administration and enforcement.

A. The ((~~Finance~~)) Director of Executive Administration shall have general charge of, and supervision over, the administration and enforcement of this subtitle, and he or she shall exercise all the powers and perform all the duties imposed upon him or her by this subtitle, and all other ordinances relating to licenses issued for regulatory and/or revenue purposes unless administration and enforcement of such ordinance is vested in another officer or department by ordinance.

***

Section _. Section 6.02.050 of the Seattle Municipal Code is amended as follows:

6.02.050 Establishment of rules and regulations.

The ((~~Finance~~)) Director of Executive Administration shall establish administrative rules and regulations consistent with this subtitle for the purpose of enforcing and carrying out the provisions thereof. Such rules and regulations shall be established pursuant to the requirements of the Administrative Code (Ordinance 102228) as now or hereafter amended.

Section _. Section 6.02.060 of the Seattle Municipal Code is amended as follows:

6.02.060 Assistance in enforcement.

The Boiler Inspector shall assist in the enforcement of the provisions hereof relating to stationary engineers and firemen; the Chief of the Fire Department and members of the Fire Department detailed as Inspectors shall assist in the enforcement of the provisions hereof, particularly with reference to gasoline stations; the Plumbing Inspectors of the Department of Public Health shall assist in the enforcement of the provisions hereof relating to master plumbers and journeyman plumbers and it shall be the duty of all department heads and the inspectors thereof to report in writing to the ((~~Finance~~)) Director of Executive Administration and to the Chief of Police and, if a violation of Chapter 6.230 is involved, to the Director of the Department of Construction and Land Use any violations of this subtitle coming to their attention.

Section _. Subsection 6.02.080A of the Seattle Municipal Code is amended as follows:

6.02.080 Hearing -- Procedure.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

A. In all cases in which a hearing is requested or otherwise required in accordance with the provisions of this subtitle the ((~~Finance~~)) Director of Executive Administration shall set a date for hearing before a Hearing Examiner in the Office of Hearing Examiner which date unless otherwise provided in this subtitle shall not be later than fifteen (15) days after receipt of such request. Notice of the date, and summary of the issues involved shall be published and shall be sent by certified mail to the license applicant or licensee and to any complainant.

***

Section _. Section 6.02.090 of the Seattle Municipal Code is amended as follows:

6.02.090 Filing of findings of hearing.

Within twenty (20) days after any such hearing or any continuation thereof, the Hearing Examiner shall file with the ((~~Finance~~)) Director of Executive Administration and with the City Clerk written findings of fact, conclusions and his or her decision. Such decision shall be mailed by certified mail to the license applicant or licensee and to the complainant, if any, and shall be final.

Section _. Section 6.02.120 of the Seattle Municipal Code is amended as follows:

6.02.120 Records to be filed with City Clerk and Director.

Unless otherwise provided in this subtitle, all decisions, orders, rules, regulations, reports and records required by this subtitle to be made or kept, shall be filed with the City Clerk and a copy thereof filed in the office of the ((~~Finance~~)) Director of Executive Administration, and shall be open to public inspection in the office of the City Clerk during normal business hours.

Section _. Section 6.02.150 of the Seattle Municipal Code is amended as follows:

6.02.150 Change of ownership -- Panoram location businesses.

The ((~~Finance~~)) Director of Executive Administration may recognize a change of ownership of any business licensed for "panoram location" upon the filing by the new or prospective owner of applications in the manner and form pre- scribed, and payment of the applicable fee required for original applications for such licenses, and may in granting any such application include the condition that such new or prospective owner assume and pay any lawful indebtedness of the transferor or assignor due to the City in connection with such business.

Section _. Section 6.02.170 of the Seattle Municipal Code is amended as follows:

6.02.170 Business at location other than stated in license.

Unless otherwise specifically provided, no license issued under authority of this subtitle shall entitle the holder thereof to maintain or conduct the business, trade, occupation, calling, exhibition or entertainment, for which he/she had procured such license at any other place or location than that stated in such license except upon the written consent of the ((~~Finance~~)) Director of Executive Administration.

Section _. Section 6.02.190 of the Seattle Municipal Code is amended as follows:

6.02.190 License application -- Form for certain businesses.

A. Application for the granting or renewal of:

CITY CLERK

1. Cabaret licenses;
2. Detective agency licenses;
3. Massage premises and public bathhouse license;
4. Pawnbroker licenses;
5. Merchants patrol agency licenses;

shall be made in the office of the Director on a form prepared by him/her substantially as follows:

"THE CITY OF SEATTLE

((~~Finance~~)) Department of Executive Administration

Application for .....
Expiring ..... ((~~19~~))20___ .....

1. Name of Applicant .....
2. Location of Business .....
Telephone No. .....
3. Place of Business Known as .....
4. Residence Address of applicant .....
Telephone Number .....
5. State whether Individual, Partnership or Corporation. .....
6. If Partnership, state the names of all persons sharing in the profits of the business; If a Corporation, give the names of its officers, directors and shareholders, giving title, residence address and phone number of each .....
7. How long has the applicant (or if a corporation, its officers) resided in the City of Seattle? .....
8. If individual or partnership, state whether applicant is of legal age .....
9. Has the applicant or anyone owning an interest in the business, or proposed business, ever been convicted of violating any law or ordinance relating to the sale of intoxicating liquor, gambling, or any law or ordinance relating to public morality and decency, or for violating any law or ordinance involving an intent to defraud? .....
10. Has the applicant or anyone owning an interest in the business, or proposed business, ever been convicted of violating any law or ordinance relating to the use, sale or possession of narcotic drugs? .....
11. State whether all persons sharing in the profits of the business are citizens of the United States .....
12. Give name of each person sharing in the profits of the business who is not a citizen of the United States .....
13. Do the premises upon which the business or proposed business is to be conducted, comply with the requirements of the Building Code and those relating to health and sanitation? .....
.....
14. (If a Theater) Number of Seats .....
15. Remarks .....

STATE OF WASHINGTON)
COUNTY OF KING) ss.
CITY OF SEATTLE)

CITY CLERK

. . . . . ., being first duly sworn upon oath, deposes and says: I am the above named applicant, and make this affidavit for the purpose of obtaining from the City of Seattle a . . . . . in accordance with the provisions of the License Code. I have personal knowledge of the matter stated in the foregoing application and the statements contained therein are true.

SUBSCRIBED AND SWORN to before me this day of . . . . ., ((~~19~~))20__ . . . .

((~~Finance Director~~)) . . . . . Notary Public in and for the State of Washington, residing at Seattle

Director of Executive Administration

By . . . . . ."

B. If the applicant is a partnership, a partner must sign, if a Washington corporation, an officer thereof must sign, and if a foreign corporation authorized to do business in the state, its local manager or resident agent must sign. All applications must be accompanied by a receipt from the ((~~Finance~~)) Director of Executive Administration showing payment of the required fee. The Director shall, as to applications for a new license, and may as to applications for a renewal license, request the Chief of Police to investigate the truth of the statements in the application and all other matters which might tend to aid the Director in determining whether to issue the license. The Chief of Police shall report to the Director as to reasons he or she may have for objecting to the issuance of the license. If the Director is satisfied that the statements in the application are true, that the applicant and all persons connected with the business are of good character, that the premises in which the activity sought to be licensed will be conducted comply with the requirements of all ordinances relating to buildings, fire, health and sanitation, that such premises are situated in a place where such businesses are not prohibited by the Zoning Ordinance or other law, and that all other requirements and conditions of this subtitle and other ordinances relating to such application and to the business for which such license is sought have been met, the Director shall issue the license; otherwise shall deny the same; provided, however, that if the applicant (or if a corporation, any of its officers) has within ten (10) years of the date of application been convicted of any felony, or any misdemeanor involving moral turpitude or intent to defraud, or has within ten (10) years of the date of application been released from a penal institution or from active supervision on parole as a result of any such conviction, no such license shall be issued; provided, further, however, that the Director may waive not to exceed five (5) years of such period upon satisfactory showing by the applicant of rehabilitation.

C. If any license is denied by the Director, the fee paid by the applicant shall thereupon be returned to him/her.

D. As changes in shareholders, directors and officers of a corporation occur, any application for a license made by or on behalf of such corporation under this section shall be amended by the corporation by notice in writing filed with the Director and failure to comply with such requirement shall be cause for revocation of any license issued to such corporation.

Section _. Section 6.02.200 of the Seattle Municipal Code is amended as follows:

6.02.200 Police Department relieved of duty to investigate applications.

CITY CLERK

The Chief of Police and the Police Department are relieved of the duty to investigate applications for license renewals and all parts of this subtitle (Ordinance 48022) imposing such duty are superseded, provided that this provision shall not preclude the Chief of Police from making such investigation of applicants for license renewal as may be requested by the ((~~Finance~~)) Director of Executive Administration.

Section _. Subsection 6.02.290A of the Seattle Municipal Code is amended as follows:

6.02.290 Suspension or revocation procedure.

A. Actions to suspend or revoke any license shall be commenced by filing in the office of the ((~~Finance~~)) Director of Executive Administration a written complaint setting forth in specific terms the basis therefor. Such complaint may be made by the Director, or by any member of the Finance Department, or by any other person. A copy of such complaint shall be mailed by certified mail to the licensee at his or her last address as shown by the license records of the Director, and shall be accompanied by a notice that such license may be suspended or revoked.

***

Section _. Section 6.14.020 of the Seattle Municipal Code is amended as follows:

6.14.020 License required -- Certain persons prohibited.

It is unlawful for any person, unless duly licensed so to do pursuant to this chapter, to engage in, or to advertise or hold himself or herself out as being engaged in the private detective business; provided, that no license required by Sections 6.14.030 or 6.14.040 shall be granted to any person who within ten (10) years of the date of application for such license has been convicted of any felony, or any misdemeanor involving moral turpitude or intent to defraud, or has within ten (10) years of the date of application been released from a penal institution or from active supervision on parole as a result of any such conviction; provided, further, however, that the ((~~Finance~~)) Director of Executive Administration may waive not to exceed five (5) years of such period upon satisfactory showing by the applicant of rehabilitation.

Section _. Section 6.14.090 of the Seattle Municipal Code is amended as follows:

6.14.090 Surety bond.

Every applicant for a detective agency license at the time the application is made shall furnish to the ((~~Finance~~)) Director of Executive Administration for filing with the City Clerk, a surety company bond running to the City, in a penal sum of Two Thousand Dollars ($2,000.00), conditioned that the licensee will faithfully comply with all the requirements of this title, insofar as they relate to the business of detective or detective agency.

Section _. Section 6.14.100 of the Seattle Municipal Code is amended as follows:

6.14.100 Private guard license -- Fee.

It is unlawful to engage in the occupation of private guard to prevent theft or unlawful taking of goods, wares, and merchandise or to purport to engage therein without a private guard license, the fee for which shall be Thirty Dollars ($30.00) per year and which shall expire October 31st of each year. No private guard shall operate except as an employee under a duly licensed detective agency. Application

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

for such license shall be made to the ((~~Finance~~)) Director of Executive Administration on a similar form and shall follow the same procedure as is provided in Section 6.14.060 hereof for a private detective license; provided, anyone holding a valid merchant's patrol agency license or merchant patrolman's license under Section 6.38.020 of this subtitle shall be exempt from such license requirements.

Section _. Subsections A and C of Section 6.36.020 of the Seattle Municipal Code are amended as follows:

6.36.020 Massage premises, public bathhouse, and reducing salon licenses.

It is unlawful to conduct, manage, operate, or work in any massage premises, public bathhouse, or reducing salon unless such establishment is licensed as provided in this section.

A. Original application for such licenses shall be made and original licenses issued in the manner provided in Sections 6.02.190 and 6.02.210 of this subtitle. All applications for renewal shall be filed with the Director on forms furnished by him/her for such purpose and he/she shall refer the same to the Chief of Police who shall within five (5) days furnish a written report to the Director containing the result of his/her investigation and any other matters which might aid the ((~~Finance~~)) Director of Executive Administration in determining whether or not to issue the license.

B. The fee for a reducing salon or public bathhouse license is Three Hundred Forty Dollars ($340.00) per year; the fee for a massage premises license is Ninety Dollars ($90.00) per year.

C. No such license shall be granted for any massage premises, public bathhouse or reducing salon until inspection and report as to the sanitary condition thereof by the Director of Health to the ((~~Finance~~)) Director of Executive Administration. Massage premises, public bathhouses, and reducing salons must be similarly inspected at least once a year when renewal of a license is requested, and must at all times be open to inspections by the City as to sanitary conditions and to enforce compliance with the provisions of this chapter.

***

Section _. Section 6.36.030 of the Seattle Municipal Code is amended as follows:

6.36.030 Massage practitioner's license.

It is unlawful for any person, except as provided in Section 6.36.060 , to give a massage or other treatment of the body by rubbing, kneading, or manipulation, whether in a massage premises or public bathhouse, or otherwise, without first obtaining a massage practitioner's license, the fee for which is Thirty-five Dollars ($35.00) per year. The license application shall be made in the true name of the applicant and shall be accompanied by evidence that the applicant holds a valid State Massage Practitioner's License. If the ((~~Finance~~)) Director of Executive Administration finds that the information in the application is true and accurate, that the applicant holds a valid State Massage Practitioner's License, and that the applicant has not been convicted of a crime involving or related to prostitution, lewd conduct, or narcotic drugs within the seven (7) years immediately prior to the date of application, the Director shall approve the application and issue the license; otherwise, the Director shall deny the application.

Section _. Section 6.36.040 of the Seattle Municipal Code is amended as follows:

6.36.040 Athletic massage operator's license.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS THAN IT IS DUE TO THE QUALITY OF THE DOCUMENT.

It is unlawful for any person to be employed or work as an athletic massage operator unless such person is licensed as provided in this section:

A. The fee for an athletic massage operator's license is Thirty- five Dollars ($35.00) per year.

B. Application for an athletic massage operator's license or for any renewal thereof shall be made to the ((~~Finance~~)) Director of Executive Administration on forms furnished by him/her for such purpose. It shall state the true name of the applicant, who shall be not less than eighteen (18) years of age, and as to an original application shall be accompanied by references as to the moral character and ability of the applicant from four (4) reputable citizens of the City.

C. If the Director finds the application to be in proper form and upon investigation such references to be authentic, he/she shall transmit the same to the Chief of Police.

D The Chief of Police shall investigate the applicant's reputation and record and transmit such application, his/her written report, and all other reports thereon, to the Director of Health, who shall examine the applicant physically to ascertain if the applicant is free from contagious or infectious disease in a communicable stage and otherwise physically fit to give athletic massages, and shall make a written report thereon.

E. If the Director of Health finds that the applicant is physically competent to give athletic massages he/she shall transmit the application, accompanied by all reports thereon, to the ((~~Finance~~)) Director of Executive Administration. If from the reports the ((~~Finance~~)) Director of Executive Administration deems the applicant a fit and proper person, he/she shall issue the license; otherwise he/she shall deny the license.

Section _. Section 6.38.040 of the Seattle Municipal Code is amended as follows:

6.38.040 Surety bond.

Every applicant for a merchants patrol agency license shall at the time of application furnish to the ((~~Finance~~)) Director of Executive Administration for filing with the City Clerk, a surety company bond running to the City, in a penal sum of Two Thousand Dollars ($2,000.00) conditioned that the licensee will faithfully comply with all the requirements of this title, insofar as they relate to the business of merchant patrolman or merchants patrol agency.

Section _. Section 6.42.010 of the Seattle Municipal Code is amended as follows:

6.42.010 Panoram location license.

It is unlawful to display, exhibit, expose or maintain upon any premises, any manually, mechanically, magnetically, electrically, or electronically operated device commonly known as a "panoram" or "peepshow," which exhibits, displays, projects or illuminates photographed, videotaped or magnetically reproduced images, or exposes live entertainment to the viewer while the viewer is in a booth or stall, without a license to do so, to be designated a "panoram location license"; provided that no license is required if all such devices are contained in a single common area and are not separated by partitions, screens, booths or any other physical barrier or obstruction; provided, further, that no license is required if no fee, membership fee, deposit, purchase or other charge is paid for using or viewing the panoram or peepshow or for entering or remaining upon the premises. Each place of business shall have a separate license and the same shall at all times be conspicuously posted and maintained therein. The ((~~Finance~~)) Director of Executive Administration shall prescribe the form of such license, number the same and shall indicate thereon the number of such devices to be operated thereunder, and the location.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section _. Section 6.42.020 of the Seattle Municipal Code is amended as follows:

6.42.020 Panoram device license.

It is unlawful to own and exhibit or display for use, or to place by lease or otherwise for use, exhibit or display with another, any device described in Section 6.42.010 without a license to be designated a "panoram device license" for each device. Panoram device licenses shall be issued for devices at specific locations only and shall not be transferable. The ((~~Finance~~)) Director of Executive Administration shall prescribe the form of such licenses and number the same. Panoram device licenses shall be securely attached to each such device in a conspicuous place.

Section _. Subsection 6.48.040E of the Seattle Municipal Code is amended as follows:

6.48.040 Signs -- Posting of rates.

***

E. It is unlawful to demand or collect any charge for the parking, keeping or storing of any motor vehicle in a public garage or parking lot unless there is posted and maintained upon the premises of the public garage or parking lot at or near each place of payment, a public notice approved by the ((~~Finance~~)) Director of Executive Administration. Such notice shall contain the following public convenience information:

1. The name and phone number of the licensee and the street address of the garage or lot;
2. Parking rates posted in the same order as listed on the parking sign;
3. The appropriate locations for making payment;
4. The name, address, and telephone number of the person, firm or agent authorized to impound in place or remove vehicles from the garage or lot; and
5. Any other information pertinent to the operation of the public garage or parking lot as specified by administrative regulations promulgated by the ((~~Finance~~)) Director of Executive Administration.

Section _. Section 6.48.050 of the Seattle Municipal Code is amended as follows:

6.48.050 Immobilization of vehicle for delinquent parking fee.

A. It is unlawful for anyone to remove or cause to be removed any part from a motor vehicle to immobilize such motor vehicle in order to secure payment for a delinquent parking fee or charge, and it is unlawful to restrict the movement of or immobilize any motor vehicle parked or stored in a public garage or parking lot in any manner except as provided in this section.

B. For enforcement of a storage lien for parking, keeping or storing such motor vehicle, any licensee, or an employee, agent or contractor of such licensee may immobilize such motor vehicle only by the attachment of such external device or devices, approved by the ((~~Finance~~)) Director of Executive Administration for such purpose, as may be necessary to prevent removal of such vehicle and only if:

1. The person so immobilizing the vehicle shall affix conspicuously to the vehicle a written notice stating the name and address of the person or firm who immobilized the vehicle and the address and telephone number of a person authorized and available to release the vehicle; and
2. The person immobilizing the vehicle, or an agent, employee, or contractor authorized to release the vehicle is accessible at all times at the address and telephone number indicated on the notice; or

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

3. The licensee or an agent, employee, or contractor of such licensee is on the premises authorized and able to release the vehicle within one (1) hour after the vehicle's owner, operator, or person entitled to its possession shall request its release; and

4. The vehicle is released immediately after tender of payment of posted parking charges due and unpaid at the time of the request for release together with the posted impound fee.

Section _. Section 6.48.080 of the Seattle Municipal Code is amended as follows:

6.48.080 Revocation, suspension or refusal to issue license.

In addition to such other grounds as may be provided in this subtitle for refusal to issue, revocation or suspension of the license required by Section 6.48.020 , the ((~~Finance~~)) Director of Executive Administration may refuse to issue, or may revoke or suspend such license upon a finding that a licensee has by defraud or misrepresentation, violated any provision of this chapter or any other law, ordinance, rule or regulation.

Section _. Section 6.102.020 of the Seattle Municipal Code is amended as follows:

6.102.020 License required -- Posting.

It is unlawful to operate a tattoo shop or establishment without a tattoo shop license. Applications for such license shall be made to the ((~~Finance~~)) Director of Executive Administration accompanied by the required fee, and shall be referred to the Chief of Police and the Director of Public Health and shall be returned to the Director within ten (10) days with their report and recommendation. No tattoo shop license shall be issued by the Director except on recommendation of such officers. The tattoo shop license shall at all times be posted in a conspicuous place in the licensed shop.

Section _. Section 6.102.070 of the Seattle Municipal Code is amended as follows:

6.102.070 Recordkeeping.

Permanent records for each patron shall be maintained by the operator of the tattoo shop. Before any tattooing operation starts, the patron shall be required personally to enter on a record form provided for such shop the date, his name, age, serial number if he is a serviceman, and his signature. Such records shall at all times be maintained in the tattoo shop and shall be open at all reasonable times to examination by the Chief of Police and Director of Public Health or the ((~~Finance~~)) Director of Executive Administration. The tattoo operator shall issue a receipt to each patron containing the name and address of the tattoo shop, and the signature of the operator. When the shop is closed by going out of business or by license revocation all such records shall be turned over to the Director of Public Health.

Section _. Section 6.102.090 of the Seattle Municipal Code is amended as follows:

6.102.090 Revocation or suspension of license.

The ((~~Finance~~)) Director of Executive Administration may revoke or suspend for a specified period any license issued under this chapter for violation of any provision thereof; and shall do so upon recommendation of the Director of Public Health for such reason.

Section _. Subsections A6 and A7 of Section 6.202.060 of the Seattle Municipal Code are amended as follows:

CITY CLERK

6.202.060 Definitions.

A. Except as specified otherwise in the new license code, the following definitions apply:

***

6. "Department" means the Department of ((~~Finance~~))Executive Administration of the City.

7. "Director" means the Director of ((~~Finance~~))Executive Administration of the City or his/her designated representative.

***

Section _. Section 6.202.460 of the Seattle Municipal Code is amended as follows:

6.202.460 Liability insurance.

A. In those instances where the new license code requires that the applicant for the license shall provide insurance as a condition of receiving a license the purpose of the requirement is to insure that members of the public and the City will be compensated for losses caused by personal injury or property damage resulting from the tortious acts of the licensee or its agents or employees.

B. Whenever the issuance of a license is conditioned upon an applicant's obtaining liability insurance, each insurance policy:

1. Shall be issued by a company authorized to do business as an insurer in the state pursuant to the provisions of RCW Title 48 as now or hereafter amended; and

2. Shall contain the following recital:

"Should any of the above described policies be canceled before the expiration date thereof, the issuing company will mail twenty (20) days' prior written notice to the ((~~Finance~~)) Director of Executive Administration. The policies shall remain in effect during this twenty (20) day cancellation period."

3. Shall name The City of Seattle as an additional insured;

4. May be approved as to sufficiency and form by the City Attorney at the request of the Director; and

5. Shall be furnished to the Director for filing with the City Clerk.

Section _. Subsections B and C of Section 6.222.010 of the Seattle Municipal Code are amended as follows:

6.222.010 Definitions.

For the purposes of this chapter:

A. "Customer" means any prospective tenant contracting with a rental agency for the performance of such agency's services.

B. "Department" means the Department of ((~~Finance~~))Executive Administration of the City.

C. "Director" means the Director of ((~~Finance~~))Executive Administration of the City or any authorized representative of the Director.

***

Section _. Subsections C and D of Section 6.270.030 of the Seattle Municipal Code are amended as follows:

6.270.030 Definitions.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions are adopted:

***

C. "Department" means the Department of ((~~Finance~~))Executive Administration of The City of Seattle.

D. "Director" means the Director of the Department of ((~~Finance~~))Executive Administration of The City of Seattle and shall include his or her authorized representatives.

***

Section _. Section 6.270.040 of the Seattle Municipal Code is amended as follows:

6.270.040 Adult entertainment premises license.

A. It is unlawful for any person to operate or maintain an adult entertainment premises in The City of Seattle unless the owner, operator or lessee thereof has obtained from the ((~~Finance~~)) Director of Executive Administration a license to do so, to be designated an "adult entertainment premises license."

B. It is unlawful for any entertainer, employee or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of, an unlicensed adult entertainment premises.

Section _. Section 6.270.050 of the Seattle Municipal Code is amended as follows:

6.270.050 License for managers and entertainers.

Commencing December 5, 1988, it shall be unlawful for any person to work as an entertainer or manager at an adult entertainment premises without having first obtained from the ((~~Finance~~)) Director of Executive Administration a license to do so, to be designated as an "adult entertainer's license," or an "adult entertainment manager's license," respectively.

Section _. Subsection 6.270.070A of the Seattle Municipal Code is amended as follows:

6.270.070 License applications.

A. Adult Entertainment Premises License. All applications for an adult entertainment premises license shall be submitted in the name of the person proposing to conduct such adult entertainment on the premises and shall be signed by such person and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the ((~~Finance~~)) Director of Executive Administration, and shall require the following information:

1. The name, residence address, home telephone number, date and place of birth, and social security number of the applicant;

2. The business name, address and telephone number of the establishment;

3. The names, residence addresses, residence telephone numbers, social security numbers and dates of births of any partners, corporate officers and directors;

4. Such information as the Director, by rule, may require concerning the identity of corporate shareholders;

5. Addresses of the applicant for the five (5) years immediately prior to the date of application;

6. A description of the adult entertainment or similar business history of the applicant; whether such person or entity, in previously operating in this or another city, county or state, has had a

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

business license revoked or suspended, the reason therefor, and the activity or occupation subjected to such action, suspension or revocation;

7. A description of the business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application;

8. Such license shall include the name of at least one (1) natural person whose name and mailing address, which shall be an address located within the State of Washington, shall appear on the adult entertainment premises license and who shall receive notices from the Department.

9. A failure to provide information required by this subsection will constitute an incomplete application and will not be processed.

***

Section _. Subsections A and B of Sections 6.294.040 of the Seattle Municipal Code are amended as follows:

6.294.040 Definitions.

For the purpose of this chapter and unless the context plainly requires otherwise the following definitions are adopted:

A. "Director" means the Director of ((~~Finance~~))Executive Administration of The City of Seattle or his or her authorized representative.

B. "Department" means the Department of ((~~Finance~~))Executive Administration of The City of Seattle.

***

Section _. Subsections B and C of Section 6.294.140 of the Seattle Municipal Code are amended as follows:

6.294.140 Indemnification.

***

B. As a condition precedent to obtaining a license, the licensee shall, at no expense to the City, secure and maintain during the full term of this agreement, general comprehensive liability insurance issued by one (1) or more companies authorized to do business in the State of Washington, which insurance shall be subject to the approval of the City Attorney as to company, form, coverage, and which insurance must fully protect the City from any and all claims and risks in connection with any activity performed by the licensee by virtue of this agreement and provide the following minimum coverage:

a. One Million Dollars ($1,000,000.00) per person, per occurrence;

b. One Million Dollars ($1,000,000.00) annual aggregate.

Said policy must specifically name The City of Seattle as an additional insured party thereunder in the following manner:

> The City of Seattle is an additional insured for all coverages provided by this policy of insurance and shall be fully and completely protected by this policy and for any claim, suit, injury, death, damage or loss of any sort sustained by a person, organization or corporation in connection with any activity upon or use or occupancy of establishments regulated by this section.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

The coverages provided by this policy to the City or any other named insured shall not be terminated, reduced, or otherwise changed in any respect without providing at least thirty (30) days prior written notice to the ((~~Finance~~)) Director of Executive Administration of the City of Seattle.

C. The licensee shall deliver to the ((~~Finance~~)) Director of Executive Administration of The City of Seattle a copy of all policies required under this provision and all endorsements thereto or other evidence to the reasonable satisfaction of the ((~~Finance~~)) Director of Executive Administration that the licensee has secured or renewed and is maintaining insurance as required by this section.

The "ACORD" form of Certification of Insurance shall not be submitted as such evidence, and shall not be deemed to be satisfactory evidence unless the following changes are made on such form:

The wording on the top of the form:

This certificate is issued as a matter of information only and confers no rights upon the certificate holder.

shall be deleted in its entirety.

The wording at the bottom of the form:

Should any of the above described policies be canceled before the expiration date thereof, the issuing company will endeavor to mail thirty (30) days' written notice to the below named certificate holder, but failure to mail such notice shall impose no obligation of any kind upon the company.

shall be changed to read:

Should any of the above described policies be canceled, reduced as to coverage, or otherwise changed before the expiration date thereof, the issuing company shall provide written notice of such action to the ((~~Finance~~)) Director of Executive Administration of The City of Seattle.

***

Section _. Subsections G and H of Section 6.310.110 of the Seattle Municipal Code are amended as follows:

6.310.110 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

***

G. "Department" means the Department of ((~~Finance~~))Executive Administration of The City of Seattle, or any department that succeeds to the Department's duties under this chapter.

H. "Director" means the Director of ((~~Finance~~))Executive Administration or the director of any successor department and the Director's authorized designee.

***

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section _. Section 6.315.020 of the Seattle Municipal Code is amended as follows:

6.315.020 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions apply:

***

C. "Department" means the Department of ((~~Finance~~))Executive Administration of The City of Seattle, or any department that succeeds to the Department of ((~~Finance~~))Executive Administration's duties under this chapter.

D. "Director" means the director of the Department of ((~~Finance~~))Executive Administration or any successor department or the director's authorized designee.

***

Section ___. Section 7.04.130 of the Seattle Municipal Code is amended as follows:

7.04.130 Director of Finance designated as City Sealer.

There shall be a City Sealer of Weights and Measures, referred to in this Code as the City Sealer. The Director of ((~~Finance~~)) Executive Administration ("Director") shall be the City Sealer. There shall be such other necessary Deputy Sealers and technical and clerical personnel, as the City Council may from time to time authorize who shall be appointed by the Director of ((~~Finance~~)) Executive Administration subject to Civil Service laws and regulations.

Section ___. Section 7.04.570 of the Seattle Municipal Code is amended as follows:

7.04.570 Weighmaster license -- Application, issuance and fee.

Any person, firm or corporation possessing a scale that complies with the specifications, tolerances, and other technical requirements for weighing devices, together with amendments thereto, as recommended by the National Bureau of Standards and published in National Bureau of Standards Handbook 44, may make application to the City Sealer (((~~Finance~~)) Director of Executive Administration) to be appointed a Licensed City Weighmaster. If the scale is approved by the City Sealer, he or she may in his or her discretion so appoint the applicant and shall issue a City Weighmaster license in accordance with such appointment. The annual fee for such license shall be Forty Dollars ($40.00) which shall accompany the application, and all such licenses shall expire at midnight April 30th of each year, but may be renewed from year to year by the City Sealer upon payment of the annual fee. If the original application for a City Weighmaster's license and/or a City Weigher's license is made within six (6) months of the date fixed for expiration of the annual license, the fee shall be one-half (1/2) the annual fee.

Section ___. Section 7.08.010 of the Seattle Municipal Code is amended as follows:

7.08.010 Purpose of chapter -- Enforcement.

This entire chapter shall be deemed an exercise of the police power of the state and of the City for the protection of the public economic and social welfare, health, peace and morals, and

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

all its provisions shall be liberally construed for the accomplishment of that purpose. It shall be the duty of the ((~~Finance~~)) Director of Executive Administration concurrently with the Chief of Police to enforce this chapter.

Section ___. Subsection 7.20.080B of the Seattle Municipal Code is amended as follows:

7.20.080 Moorage fee increases -- Hearing.

***

B. If at least one-half (1/2) of the floating home moorage site lessees in a floating home moorage, excluding the moorage owner and those who have an ownership interest in the moorage, who are subject to a moorage fee increase in the same percentage amount (plus or minus one percentage point (1%)) believe that the demanded fee increase is unreasonable, they may collectively file a petition for review with the Hearing Examiner. The petition shall be in the form of a sworn statement which shall: (1) be signed by each petitioning moorage site lessee; (2) list separately the name and floating home address of each such moorage site lessee; and (3) include a statement of the intention of each moorage site lessee to contest the proposed moorage fee increase. In determining whether at least half of those affected have petitioned only one signature per moorage site will be counted. The petition shall be filed within fifteen (15) days of receipt of written notification of the moorage fee increase. The person or persons filing a petition for review shall pay a filing fee of Twenty-five Dollars ($25.00) per petitioner, with a maximum fee of Seventy-five Dollars ($75.00), to the City ((~~Finance~~)) Director of Executive Administration, which fee shall be refunded if no hearing is required. The Hearing Examiner may consolidate the petitions contesting moorage fee increases at the same moorage.

***

Section ___. Subsections H and I of Section 9.25.020 of the Seattle Municipal Code are amended as follows:

9.25.020 Definitions -- A -- E.

As used in this chapter, except where a different meaning is plainlyapparent from the context, the following definitions apply:

***

H. "Director" means the Director of ((~~Finance~~)) Executive Administration of The City of Seattle or his/her authorized representative.

I. "Department" means the Department of ((~~Finance~~)) Executive Administration of The City of Seattle.

***

Section ___. Subsection 9.25.025D of the Seattle Municipal Code is amended as follows:

9.25.025 Animal Control Commission.

**

D. The Animal Control Commission shall advise the Mayor, the City Council, and the Director of ((~~Finance~~)) Executive Administration regarding animal control in the City.

Section ___. Subsection 9.25.030A.13 of the Seattle Municipal Code is amended as follows:

CITY CLERK

9.25.030 Authority of the Director.

A. The Director is authorized to:

***

13. Appoint persons experienced in the humane trapping of animals to set and bait a trap or use other devices that do not physically harm an animal trapped, when, in the judgment of the Director, such action will protect the public peace, health, safety and welfare and issue live animal trapping permits as authorized by the Director ((~~of Finance~~)) by rule;

***

Section _. Section 9.25.130 of the Seattle Municipal Code is amended as follows:

9.25.130 Adoption procedures -- Exemption.

The procedures set out in this chapter for the adoption of animals shall be exclusive and the adoption of animals under this chapter shall be exempt from ((~~the authority and control of the City Purchasing Agent~~))all other City ordinances pertaining to disposition of City property.

Section ___. Subsection 10.02.030B of the Seattle Municipal Code is amended as follows:

10.02.030 Authority of Mayor to enter into contracts and incur obligations.

***

B. The City ((~~Finance~~)) Director of Executive Administration shall be authorized to draw and to pay the necessary warrants for expenditures made pursuant to order and authorized by the City Council. If the applicable fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

Section _. Section 10.02.070 of the Seattle Municipal Code is amended as follows:

10.02.070 Emergency purchases of supplies.

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

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

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

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

CITY CLERK

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

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

Section ___. Section 10.02.080 of the Seattle Municipal Code is amended as follows:

10.02.080 Budget Director to review purchases and mutual aid agreements.

The Budget Director, in cooperation with City departments making purchases or expenditures during the existence of an emergency, shall review all such purchases or expenditures for potential reimbursement under appropriate state or federal disaster assistance programs or other available state or federal grant funds. The Budget Director shall also review all mutual aid agreements and services received thereunder by the City during any such civil emergency and shall certify to the City ((~~Finance~~)) Director of Executive Administration the services received and any payment due therefor.

Section ___. Section 11.16.420 of the Seattle Municipal Code is amended as follows:

11.16.420 Official foreign career consul vehicle--Director of Transportation's functions.

The Director of Transportation further shall:

A. Locate and appropriately mark, within two (2) weeks after receiving the Mayor's certification, the parking space mentioned in Sections 11.16.380 and 11.16.400 for the official foreign career consul vehicle;

B. Inform the Seattle Police Department, ((~~the Violations Bureau and the City Finance Director~~)), in writing, of the parking space location and consular corps' license plate number of the certified vehicle and of any change of such location or license plate number;

C. Maintain each such parking space in accordance with the standards provided for in this subtitle; and

D. Furnish to the Mayor, in writing, any information concerning the abuse of any of the privileges provided by Section 11.16.400.

Section ___. Section 11.16.480 of the Seattle Municipal Code is amended as follows:

11.16.480 City Finance Director to collect parking meter revenue.

The coins required to be deposited in parking meters as provided in this subtitle (Chapter 11.76) are levied and assessed as fees to cover the costs of installations, inspection, supervision, regulation and maintenance involved in the control of traffic and parking upon the streets and the duly authorized agents of the City ((~~Finance~~)) Director of Executive Administration shall, from time to time, collect, and deposit the same in the General Fund.

Section ___. Section 11.23.140 of the Seattle Municipal Code is amended as follows:

11.23.140 Refunds for unused permits.

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

CITY CLERK

Whenever an overweight or overload permit has been issued and a fee paid therefor and either no rights are exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for any reason and application is made for refund, the Traffic Engineer 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 City ((~~Finance~~)) Director of Executive Administration is authorized to draw and to pay a warrant on the General Fund in the amount of such refund, and the necessary appropriations are made from any surplus in the fund. If the appropriate fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

Section ___. Section 11.30.220 of the Seattle Municipal Code is amended as follows:

11.30.220 Contract for towing and storage.

A. The ((~~Finance~~)) Director of Executive Administration is authorized and directed to prepare specifications for towing and storage of vehicles, including instructions to bidders, containing such provisions as the Director of Executive Administration shall deem advisable and not in conflict with this chapter. The specifications shall be subject to the review and approval of the Budget Director and the approval of the City Council by resolution passed for such purpose.

B. A call for bids responsive to such specifications shall then be made, and the contract shall be awarded to the lowest and best bidder whose proposal is deemed by the ((~~Finance~~)) Director of Executive Administration to be the most advantageous for the public and the City; provided that, in the event all bids are deemed by the Director of Executive Administration to be too high or irregular, he or she may reject all such bids and make another call for bids or proceed alternatively pursuant to ordinance passed for such purpose.

The Director of Executive Administration shall consider, among other relevant factors, the following:

1. Integrity, skill, and business judgment of the bidder;
2. General experience in providing towing and storage services;
3. Conduct and performance under a previous City towing impound contract demonstrating honesty, promptness, skill, efficiency, and a satisfactory relationship with vehicle owners;
4. Existing availability of equipment, facilities, and personnel; and
5. The bidder's financial ability and willingness to expand or improve available equipment, facilities, and services.

The contract award shall be in accordance with the specifications so approved for towing and storage service necessary for carrying out the provisions of this chapter.

C. Subsequent to the award of the contract, the ((~~Finance~~)) Director of Executive Administration shall file a written statement with the City Clerk giving the name and address of the contractor for towing and storage of vehicles and, if more than one (1) place of storage has been provided, the name and address or location of each storage place. The Director of Executive Administration shall administer and enforce contracts made pursuant to this section.

Section ___. Section 11.30.280 of the Seattle Municipal Code is amended as follows:

11.30.280 Contractor to file monthly claim for services.

The contractor shall, on or before the tenth day of each month, file his or her claim with the Department of ((~~Finance~~))Executive Administration for towing and storage charges accruing to him or

CITY CLERK

her upon vehicles redeemed as provided in this chapter during the preceding month, in accordance with this chapter and with the specifications for the contract authorized in Section 11.30.220, and such claim shall be sworn to by him or her under oath. The Director of ((~~Finance~~))Executive Administration shall audit such claim and any payment thereof at least once annually. A warrant or warrants for payment of such claim shall be drawn and paid by the Director of ((~~Finance~~))Executive Administration from such expenditure allowances as may be provided therefor in the annual budget or from such moneys as may otherwise be appropriated for such purpose. If the appropriate fund is solvent at the time payment is ordered, the Director of ((~~Finance~~))Executive Administration may elect to make payment by check.

Section ___. Subsection 11.30.290D of the Seattle Municipal Code is amended as follows:

11.30.290 Contract for towing and storage--Administrative fee.

***

D. The administrative fee shall be collected by the contractor performing the impound, and shall be remitted to the Department of ((~~Finance~~))Executive Administration in the manner directed by the Director of ((~~Finance~~))Executive Administration and as specified in the contract provided by Section 11.30.220A. The administrative fee shall be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing, and administering the provisions of this chapter and shall be deposited in an appropriate account. The administrative fee shall be set by rule by the Director of ((~~Finance~~))Executive Administration in an amount not to exceed One Hundred Dollars ($100).

Section ___. Section 11.30.320 of the Seattle Municipal Code is amended as follows:

11.30.320 Rules and regulations.

The ((~~Finance~~)) Director of Executive Administration and the Chief of Police are authorized and directed to promulgate rules and regulations consistent with this chapter, the Charter of the City, and the Administrative Code of the City, to provide for the fair and efficient administration of any contract or contracts awarded pursuant to Section 11.30.220 and to provide for the fair and efficient administration of any vehicle impoundment, redemption, or release or any impoundment hearing under this chapter.

Section ___. Section 12A.08.105 of the Seattle Municipal Code is amended as follows:

12A.08.105 Unauthorized manufacture, duplication, use or possession of a key which opens a parking meter.

It is unlawful for any person to knowingly manufacture, duplicate, use or possess a key which opens a parking meter located within the limits of the City, unless authorized to do so by the Director of Engineering or the City Director of ((~~Finance~~))Executive Administration.

Section ___. Section 12A.62.020 of the Seattle Municipal Code is amended as follows:

12A.62.020 Payment authority.

Reimbursements made in accordance with Section 12A.62.010 shall be paid on vouchers approved by the City Attorney on the basis of facts as certified by the Chief of Police consistent with this chapter together with such other evidence as the City Attorney may require to substantiate such medical expenses, and for such purpose the sum of One Thousand Dollars ($1,000) or so much thereof as may be necessary is appropriated from the Emergency Fund and the City Finance Director is

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

authorized to draw and pay the necessary warrants. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

Section ___. Subsection 15.04.040A of the Seattle Municipal Code is amended as follows:

15.04.040 Indemnity deposit -- Escrow -- Surety bond.

A. If the authorizing official determines that there is a substantial risk of injury, damage, or expense to the City or probable City expenditures arising from an applicant's proposed use of any public place, the authorizing official may require the applicant to make an indemnity deposit with the City ((~~Finance~~)) Director of Executive Administration in an amount based on the official's estimate of the injury, damage or expense to the City and/or cost of restoration of the public place if a mishap or accident were to occur. The funds shall be deposited to the credit of the Guaranty Deposit Fund.

***

Section ___. Subsection 15.04.044B of the Seattle Municipal Code is amended as follows:

15.04.044 Surety bond.

***

B. If the application shall be to construct, reconstruct, repair, maintain, or remove any pavement, sewer, water main, storm drain, grading, street lighting, or appurtenance thereto, the applicant shall file with the City ((~~Finance~~)) Director of Executive Administration or such official's functional successor a surety bond approved as to surety and as to form by the City Attorney. The bond shall be conditioned that the applicant shall faithfully complete all portions of the work according to the City's Standard Plans and Specifications, the special plans approved by the authorizing official, and the terms of the permit. The bond shall run for the full period of the permit plus one (1) year after City acceptance of the permitted work. The authorizing official shall set the amount of the bond.

***

Section ___. Section 15.04.050 of the Seattle Municipal Code is amended as follows:

15.04.050 Account or bond for multiple permits.

In the alternative to making an indemnity deposit for each permit under Section 15.04.040, an applicant who anticipates seeking two (2) or more permits from the same department, may establish with the City a subaccount by depositing with the City ((~~Finance~~)) Director of Executive Administration, to the credit of the Guaranty Deposit Fund, a minimum sum of at least Five Hundred Dollars ($500) or the amount fixed for the permit being sought, whichever is greater. On notice from the City, the applicant shall replenish such sum from time to time, whenever the subaccount balance shall have been reduced to the sum of Three Hundred Dollars ($300) or less.

Section ___. Section 15.04.090 of the Seattle Municipal Code is amended as follows:

15.04.090 Refund of permit fee.

Whenever the fee paid for any use or occupation permit shall be erroneous for any reason, and application is made for refund, the authorizing official shall certify the facts justifying such refund, the amount thereof, and his or her approval of such refund, and upon presentation of such certificate to the City ((~~Finance~~)) Director of Executive Administration, a warrant shall be drawn and paid in the amount

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

of such refund. The necessary appropriations are hereby made and authorized. If the appropriate fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment by check.

Section ___. Subsection 15.38.030A of the Seattle Municipal Code is amended as follows:

15.38.030 Sale of impounded property.

A. If, at the expiration of the time set forth in Section 15.38.020 the property has not been released to the owner, the property is surplus to the City's needs, and has a sufficient value for sale, the authorizing official may arrange for its sale at public auction or through the City's Director of ((~~Finance~~)) Executive Administration in conjunction with the sale of surplus City property.

***

Section ___. Section 15.62.110 of the Seattle Municipal Code is amended as follows:

15.62.110 Payment of compensation or conveyance.

Upon securing an appraisal of the value of the street or alley area to be vacated as provided in this chapter, the Director of Transportation shall notify the petitioner of the amount of compensation, deducting therefrom any remaining appraisal fee deposit not previously refunded to petitioner. The payment shall be delivered to the Director of Transportation who, upon receipt of any such payment shall forthwith transmit the same to the City Director of ((~~Finance~~))Executive Administration for deposit in the Cumulative Reserve Fund and shall make a written report of such payment to the City Council. In the event that the petitioner has received approval of delivery of an instrument granting or dedicating to the City a parcel or parcels of land in lieu of a cash payment as contemplated by Section 15.62.090, the Director of Transportation, in his or her discretion, at the applicant's expense shall obtain either a policy of title insurance insuring title thereto in the City, or a certificate of title as to the title thereof, and upon receipt of such policy or certificate shall transmit the same to the City Council for inclusion in the appropriate file.

Section ___. Subsection 16.08.050A of the Seattle Municipal Code is amended as follows:

16.08.050 Waterway Operations and Maintenance Subfund.

A. A restricted subfund designated the "Waterway Operations and Maintenance Subfund" is established in the Transportation Fund to which restricted subfund shall be deposited all fees collected from waterway use and occupation permits issued under this chapter; reimbursements of expenses incurred by the Chief of Police in removal, towing, impoundment of vessels, water sport craft or obstructions in waterways and receipts from sale of such vessels, water sport craft or obstructions; its proportionate share of interest earnings of invested Transportation Fund balances; and any other moneys accruing from activities under this title in waterways or appropriated or budgeted to such fund. If the Waterway Operations and Maintenance Subfund has a credit balance greater than that of the Transportation Fund, the Director of ((~~Finance~~))Executive Administration shall credit interest to the Subfund at the rate of the City's investment earnings for funds of its size.

***

Section ___. Subsection 18.12.080D of the Seattle Municipal Code is amended as follows:

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

18.12.080 Animals running at large prohibited.

***

D. The Superintendent shall review the impacts of off-leash activities at sites described in subsections B7 through B12 of this section after eighteen (18) months of operations at each site. In the case of nonpark sites, this review shall include consultation with the City department with authority over the site. If, based on this review, the Superintendent finds significant problems that cannot be practically corrected, the Superintendent may close the site to off-leash use. In addition to any action taken pursuant to the review described above, the Superintendent is authorized to close to off-leash dog use any area described under subsection B of this section on a temporary or permanent basis if significant problems arise which cannot be resolved jointly by the Department of Parks and Recreation, Seattle Animal Control, and COLA, and if the Superintendent determines that such closure is necessary for the preservation and protection of the natural environment, public health or safety. Prior to closing any off-leash area, the Superintendent shall consult with the Director of ((~~the Executive Services Department~~))Executive Administration. The Superintendent shall state in writing his other reasons for closure.

Prior to any permanent closure, the Superintendent shall give thirty (30) days written notice, to be posted at the site, stating the reason(s) for the closure and shall conduct one (1) or more public hearings on the proposed closure.

Moreover, the Superintendent is authorized to manage all off- leash sites and this authority shall include, but not be limited to, the authority to make minor alterations to site boundaries after reasonable notice to the public, impose operating hours and curtail use at sites as necessary for renovation, repair or for other operational reasons.

Section ___. Section 20.04.040 of the Seattle Municipal Code is amended as follows:

20.04.040 Plans, contract and management of work.

After the legislative authority has provided by ordinance for the making of any local improvement, plans therefor shall be approved, the contract let and the work supervised and accepted or rejected, all in accordance with the provisions of Article VII of the City Charter (((~~Board of Public Works~~))) (Contracting Requirements) and ordinances implementing said provisions.

Section ___. Section 20.04.050 of the Seattle Municipal Code is amended as follows:

20.04.050 Modes of payment.

There shall be two (2) modes of payment for the portion of the cost and expense of any local improvement contemplated by this chapter, and payable by special assessment, to wit: "immediate payment" and "payment by bonds." The mode adopted shall be the mode petitioned for in case the improvement shall be made upon petition. Otherwise, the Director of Executive Administration, in consultation with the Director of Finance, shall make a recommendation to the City Council as to the mode of payment, and the mode shall be the one designated in the ordinance ordering such improvement.

Section ___. Section 20.04.060 of the Seattle Municipal Code is amended as follows:

20.04.060 Preliminary assessment roll.

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

A. After the City has ordered a local improvement and created a local improvement district by ordinance, the Director of Transportation shall prepare, and within fifteen (15) days after the improvement of work has been ordered and a local improvement district created, file with the ((~~City Finance~~)) Director of Executive Administration the following:

1. The title of the improvement;

2. The district number;

3. Copy of a diagram or print showing the boundaries of the district;

4. Preliminary assessment roll or abstract thereof showing the lots, tracts and parcels of land that will be especially benefited;

5. The estimated cost and expense of such improvement to be borne by each such lot, tract or parcel; and

6. The name of the owner thereof, if known, but in no case shall a mistake in the name of the owner affect the validity of any assessment when the description of the property is correct.

B. The ((~~City Finance~~)) Director of Executive Administration shall immediately post the proposed assessment roll upon his or her index of local improvement district assessments against the properties affected.

Section ___. Section 20.04.120 of the Seattle Municipal Code is amended as follows:

20.04.120 Confirmation by ordinance -- Procedure.

The ordinance confirming any assessment roll shall levy and assess against each lot, tract, or parcel of land, or other property appearing upon such roll, the amount charged against the same. Upon the enactment of the ordinance, the roll shall be delivered to the City Clerk, together with a list containing the lots and the names of the owners thereof upon which the collection of local improvement district assessments will be deferred pursuant to RCW 35.43.250. The City Clerk shall forthwith transmit the same to the ((~~City Finance~~)) Director of Executive Administration, with his or her certificate that the same has been duly approved by ordinance, and annually thereafter, in the case of assessments payable by the mode of "payment of bonds," the ((~~City Finance~~)) Director of Executive Administration shall extend the installments of principal and interest upon any unpaid balance as shown upon said approved roll. Interest shall be at the rate fixed by the ordinance confirming the assessment roll.

Section ___. Section 20.04.130 of the Seattle Municipal Code is amended as follows:

20.04.130 Mode of "immediate payment."

A. Whenever the cost and expense of any improvement shall be payable by the mode of "immediate payment," the ((~~City Finance~~)) Director of Executive Administration, upon receipt of the assessment roll as confirmed by ordinance, shall publish a notice in the official newspaper of the City once a week for two (2) consecutive weeks that the roll is in his or her hands for collection, and that all or any portion of the assessment may be paid within thirty (30) days from the date of the first publication of the notice without penalty, interest or cost, and that unless payment be made within such time, the assessment or unpaid portion thereof will become delinquent. Within fifteen (15) days of the first newspaper publication, the ((~~City Finance~~)) Director of Executive Administration shall notify each owner or reputed owner whose name appears on the assessment roll, at the address shown on the tax rolls of the County Comptroller for each item of property described on the assessment roll, of the nature of the assessment, of the amount of his or her property subject to such assessment, of the total amount of

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

the assessment due, and of the time during which such assessment may be paid without penalty, interest or costs. In the case of assessments the collection of which has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100, as now existing or hereafter amended, the notice shall also state that the assessment shall be paid within the period of deferral and that unless the assessment the collection of which has been deferred is paid within such period of deferral, the assessment or any unpaid portion thereof will become delinquent. Reference to deferred collection assessments may be omitted from the notice when there is no provision for deferred collection in the ordinance creating the district.

B. Upon delinquency a penalty of twenty percent (20%) of the assessment shall attach to, and become part of all assessments. Delinquent assessments shall bear interest until paid at a percentage rate to be fixed by the ordinance confirming the assessment roll. Delinquent assessments, penalties and interest shall forthwith be collected and the lien thereof enforced in the manner provided by statute, the City Charter(Note 1) and ordinances of the City.

Section ___. Section 20.04.140 of the Seattle Municipal Code is amended as follows:

20.04.140 Mode of "payment by bonds."

A. Whenever the cost and expense of any improvement shall be payable by the mode of "payment by bonds," the ((~~City Finance~~)) Director of Executive Administration, upon receipt of the assessment roll as confirmed by ordinance, shall publish a notice in the official newspaper of the City once a week for two (2) consecutive weeks that the roll is in his or her hands for collection and that all or any portion of the assessment may be paid within thirty (30) days from the date of the first publication of the notice without penalty, interest or cost. Within fifteen (15) days of the first newspaper publication, the ((~~City Finance~~)) Director of Executive Administration shall notify each owner or reputed owner whose name appears on the assessment roll, at the address shown on the tax rolls of the County Comptroller for each item of property described on the assessment roll, of the nature of the assessment, of the amount of his or her property subject to such assessment, of the total amount of the assessment due, and of the time during which such assessment may be paid without penalty, interest or costs. In the case of assessments or of any installment thereof the collection of which has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100, as existing or hereafter amended, the notice shall also state that the assessment or any installment shall be paid within such period of deferral and that unless the assessments or installments, the collection of which have been deferred are paid within such period of deferral, such assessment or unpaid portion or installment thereof will become delinquent.

B. Unless collection of an assessment has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100 as now existing or hereafter amended, the first installment of principal and interest of any assessment payable under the mode of "payment by bonds" shall become due and payable during the thirty (30) day period succeeding a date one (1) year after the date of first publication of the notice by the ((~~City Finance~~)) Director of Executive Administration that the assessment roll is in his or her hands for collection, and annually thereafter each succeeding installment of principal or interest shall be- come due and payable in like manner. All installments must be paid in sequential order. Whenever an installment shall become due and payable, the ((~~City Finance~~)) Director of Executive Administration shall mail a notice thereof to the owner of the property assessed, when the post office address of such owner is known, but failure to mail the same shall not affect the validity of the assessment lien. Any such installment not paid prior to the expiration of the thirty (30) day period during which such installment is due and payable shall thereupon become delinquent.

C. Whenever the collection of an installment of an assessment has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100 as existing or hereafter amended, the installment of principal or

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

CITY CLERK

interest shall become due and payable upon expiration of the period of such deferral and each succeeding installment of principal or interest shall become due and payable in like manner. Any such installment not paid within thirty (30) days after expiration of the period of such deferral shall thereupon become delinquent.

D. All delinquent installments shall, until paid, be subject to an additional charge of twenty percent (20%) levied upon the principal and interest due on such installment or installments.

Section ___. Section 20.04.150 of the Seattle Municipal Code is amended as follows:

20.04.150 Special fund for each district.

The ordinance creating any local improvement district shall also create a special fund to be called "Local Improvement Fund, District No. _____," into which shall be placed all sums from any source intended for use in the prosecution of the work contemplated by such ordinance and, when the assessment roll has been confirmed, all sums paid on account of such assessment, including all interest and penalty thereon, and in the event of sale of bonds by the City, all proceeds of sale and all premiums and accrued interest on bonds issued for such improvement. The moneys in such local improvement district fund derived from assessments shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to pro vide payment for the cost and expense of the improvement. Provided, that if the fund is solvent at the time payment is ordered, the ((~~Finance~~)) Director of Executive Administration may elect to make payment for the cost and expense of the improvement by check.

Section ___. Subsections C and G of section 20.04.210 of the Seattle Municipal Code are amended as follows:

20.04.210 Contracts -- Requirements generally.

***

C. After the issuance of the estimate by the department head supervising the project, the ((~~City Finance~~)) Director of Executive Administration shall, on or about the twenty-fifth day of the month, deliver to the contractor money or warrants in an amount equal to such estimate less the percentage to be retained therefrom as herein provided. After the expiration of thirty (30) days following the final acceptance of said improvement or work and the expiration of the time for the filing of lien claims as provided by law, said reserve, or all amounts thereof in excess of a sufficient sum to meet and discharge the claims of material men and laborers who have filed their claim as provided by law, together with a sum sufficient to defray the cost of such action, and to pay attorney's fees, shall be paid to said contractor.

***

G. The ((~~City Finance~~)) Director of Executive Administration shall immediately upon receipt of the final estimate for a local improvement, file in the office of the City Clerk a certificate setting forth the total amount of said final estimate, together with accrued interest on warrants issued or to be issued.

***

Section ___. Section 20.04.220 of the Seattle Municipal Code is amended as follows:

20.04.220 Contracts -- To lowest bidders -- Notice -- Check with bid.

CITY CLERK

All the work to be done in any local improvement district shall be let in one (1) contract or, at the option of the head of the department supervising the project, the work may be subdivided and separate contracts be let for each subdivision thereof. All local improvements to be made by contract shall be let to the lowest and best bidder therefor. Before the award of any such contract, there shall be published for at least two (2) days in the official newspaper of the City a notice, the last publication being at least ten (10) days before the letting of such contract, inviting sealed proposals for such work, and the plans and specifications whereof must, at the time of publication of such notice, be on file in the office of the department head supervising the project, subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same, sealed and filed with the City as specified in the notice, on or before the day and hour named therein. All bids shall be accompanied by a certified check, payable to the order of the ((~~City Finance~~)) Director of Executive Administration, or a surety bond for a sum not less than five percent (5%) of the amount of the bid, and no bid shall be considered unless accompanied by such check or bond. If, in the discretion of the head of the department supervising the project, the work should be done by the City by day labor, and under the management of the department, it is hereby empowered to proceed with the work irrespective of all such bids, and, in such case, all bids shall be rejected; provided, however, the work shall not be done by the City if the determination so to do is in conflict with the provisions of RCW 35.22.620.

Section ___. Section 20.04.230 of the Seattle Municipal Code is amended as follows:

20.04.230 Contracts -- Opening bids -- Acceptance, rejection and forfeiture conditions.

At the time and place named, such bids shall be publicly opened and read; no bid shall be rejected for informality but shall be received if it can be understood what is meant thereby. The department head supervising the project shall proceed to determine the lowest and best bidder, and may let such contract to such bidder, or if all bids received exceed by ten percent (10%) preliminary cost estimates prepared by an independent consulting engineer or registered professional engineer retained for that purpose by the City, he or she may reject all of them and re- advertise, or may proceed to do the work under the direction of the department head supervising the project by "day labor," and, in case of rejection of all bids all checks shall be returned to the bidders; but if the contract be let, then, and in such case, all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until the contract be entered into for making such improvement between the bidder and the City, in accordance with such bid, and the duly approved and accepted bond therefor be filed in the office of the City Clerk. If the successful bidder fails to enter into the contract in accordance with his bid within ten (10) days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the City, and the same shall be delivered to the ((~~City Finance~~)) Director of Executive Administration, who pay the same into the City Treasury to the credit of the appropriate Local Improvement District Fund. Neither the department head nor the City Council shall have the power to remit such forfeiture.

Section ___. Subsection 20.04.270H of the Seattle Municipal Code is amended as follows:

20.04.270 Items of cost and expense for estimates.

All estimates of the cost and expense of local improvements shall include the following:

***

H. A charge against each description of property in the following amounts, to wit: in case of "immediate payment," Six Dollars ($6.00) per description; in case of assessment payable in three (3)

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

annual installments, Eighteen Dollars ($18.00) per description; in case of assessment payable in five (5) annual installments, Twenty-six Dollars ($26.00) per description; in case of assessment payable in ten (10) annual installments, Forty-six Dollars ($46.00) per description; in case of assessment payable in fifteen (15) annual installments, Sixty-six Dollars ($66.00) per description; in case of assessment payable in twenty (20) annual installments or more of either principal or interest, Eighty-six Dollars ($86.00) per description; which is the charge of accounting, clerical labor, books and blanks used by the City; provided, however, that when any assessment payable in installments is paid in full within the thirty (30) day period fixed by law for the payment of assessments without interest, the ((~~City Finance~~)) Director of Executive Administration shall allow a rebate of the charge in this subsection in excess of the sum of Six Dollars ($6.00) per description. In all instances wherein the contractor doing the work in any local improvement district deposits cash with the ((~~City Finance~~)) Director of Executive Administration under the terms of his or her contract to cover items of cost shown by the department head supervising the contract in his or her final estimate and specified in this section, the ((~~City Finance~~)) Director of Executive Administration shall transfer the amount of such rebate from the fund in which it has been deposited to the appropriate local improvement fund.

Section ___. Section 20.04.280 of the Seattle Municipal Code is amended as follows:

20.04.280 Segregation of assessments.

A. The ((~~City Finance~~)) Director of Executive Administration is authorized to collect and receive from any owner or owners of any subdivision or subdivisions of any lot, tract or parcel of land, upon which a local improvement assessment has been, or may hereafter be, made, such portion of the assessment or assessments levied or to be levied against such lot, tract or parcel of land in the payment of said local improvement as the Director of Transportation shall certify to be chargeable to such subdivision or subdivisions in accordance with state law.

B. Whenever, on account of the filing of a plat or replat on account of a sale or contract to sell or other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of land assessed for local improvements, it shall appear to be to the best interest of the City to segregate a local improvement district assessment thereupon, the Director of Transportation is authorized to make the proper certification as provided in this chapter, upon the written application of the owner, approved by the ((~~City Finance~~)) Director of Executive Administration, and confirmed by the City Council by resolution, and upon payment of the fee hereinafter provided. In all instances it shall be the duty of the Director of Transportation to submit the necessary Resolution for Segregation for City Council approval. A fee of Sixty Dollars ($60.00) shall be charged for each tract of land for which a segregation is to be made together with a fee of Ten Dollars ($10.00) per description for each description added to the assessment roll, to defray the cost of the engineering and clerical work involved. Such fees shall be paid to the ((~~City Finance~~)) Director of Executive Administration and shall be deposited in the General Fund.

C. Upon receipt of a certified copy of a resolution of the City Council authorizing segregation, the ((~~City Finance~~)) Director of Executive Administration shall enter the segregation, together with the amount of the bonded interest with respect thereto, upon the assessment records and, upon payment thereof, together with any penalties accruing according to law and any additional interest due with respect to the segregated portion, give a proper receipt; provided, that this chapter shall not authorize the segregation of any assessment which has been delinquent for a period of two (2) years or more, or in any case where it appears that the property, when or as already divided according to the requested segregation, is not or would not be of sufficient value, or is not or would not be in such condition or title, as to provide adequate security for the payment of the total amount of the unpaid assessment, penalties,

CITY CLERK

interest and costs charged or chargeable against the undivided whole. In such instance, upon a recommendation by the ((~~City Finance~~)) Director of Executive Administration, the City Council shall determine such question of fact. No segregation of any assessment on unplatted lands or large platted tracts shall be made until a plat thereof has been furnished to the Director of Transportation by the applicant, showing that the proposed segregation of property will conform to the system of streets as platted in adjacent territory. In all such instances, upon a recommendation by the Director of Transportation, the City Council shall determine such question of fact.

Section ___. Section 20.04.290 of the Seattle Municipal Code is amended as follows:

20.04.290 Cancellation of assessment -- Release of assessment lien.

The ((~~City Finance~~)) Director of Executive Administration is authorized to cancel on the books and records of a local improvement district the assessment or an installment of an assessment, interest and penalties imposed by or for the district when:

A. The amount due shown on the district's books and records has been found to be void by a final judgment of a court with jurisdiction over the local improvement district;

B. RCW 35.50.050, which limits the time for commencing foreclosure proceedings, bars a foreclosure action to enforce the payment;

C. King County has resold the property to pay property taxes, the resale is free and clear of the assessment lien, and pursuant to RCW 35.49.160, the City has received or will receive from the proceeds of the county sale such funds as are due to the district; or

D. The City Attorney by written opinion advises the ((~~City Finance~~)) Director of Executive Administration that the assessment, interest or penalty to be cancelled is void or that the law otherwise prevents its collection.

Upon cancellation of an assessment, interest or penalty, the ((~~City Finance~~)) Director of Executive Administration may release the assessment lien upon the property to secure the payment which was cancelled. A release affects only the payment(s) or liens named in the release document and does not release other payments or other liens upon the same property of other local improvement districts respectively.

Section ___. Section 20.08.030 of the Seattle Municipal Code is amended as follows:

20.08.030 Issuance and payment of warrants or checks.

In order to effectuate the purposes of this chapter, the ((~~City Finance~~)) Director of Finance is authorized to from time to time to direct the Director of Executive Administration to draw and pay warrants drawing interest at a rate not to exceed six (6) percent on the Local Improvement Guaranty Fund for the purposes contemplated in Section 20.08.010; provided, that such warrants shall at no time exceed five (5) percent of the outstanding bond obligations guaranteed by the fund. Warrants on the Local Improvement Guaranty Fund shall be numbered serially in the order of their issuance. If the Local Improvement Guaranty Fund is solvent at the time payment is ordered, the Director of Executive Administration in consultation with the Director of Finance ((~~Director~~)) may elect to make payment by check.

Section ___. Section 20.12.080 of the Seattle Municipal Code is amended as follows:

20.12.080 Administration by City officials.

CITY CLERK

A. The City Director of Transportation shall administer the deferral of collection of assessments, except such duties as are assigned by this chapter or by law to other City officials. The City Director of Transportation shall have the power and authority to:

1. Give notice to property owners of the availability of ordinance procedures for deferral of collection of assessments;

2. Accept and process applications for deferral of collection of assessments, and amendments thereof as appropriate;

3. Conclude with the persons responsible for payment of an assessment an agreement setting the terms and conditions consistent with this chapter and state law, including, on request and at his or her discretion, without extra charge, provision for billing and payment of installment on a monthly or quarterly basis;

4. Secure execution and filing of any necessary instruments, and, upon notice from the ((~~City Finance~~)) Director of Executive Administration, note satisfaction thereof;

5. Terminate the deferral of collection of assessments upon occurrence of conditions that render the assessment or installments thereof due and payable;

6. Recommend to the ((~~City Finance~~)) Director of Executive Administration the amounts to be paid from the Local Improvement Guaranty Fund to the fund of such local improvement district upon the making of such deferral;

7. Take such other actions as necessary and appropriate to administer this chapter in accordance with RCW 35.43.250, 35.49.010, 35.50.050, and 35.54.100. The agreement with the person responsible for an assessment setting forth the terms and conditions of deferral of collection of the assessment shall be recorded with the King County Office of Records and Elections and transmitted to the City Clerk, and a copy thereof to the ((~~City Finance~~)) Director of Executive Administration. All records retained by the Director of Transportation containing the application and information received in processing an application shall be kept confidential.

B. The Budget Director shall annually determine the income eligibility criteria, report his or her determination to the City Council, and file a copy thereof with ((~~both~~)) the City Clerk, Director of Executive Administration and the City Director of Transportation.

C. The ((~~City Finance~~)) Director of Executive Administration shall draw such warrants upon the Local Improvement Guaranty Fund as necessary and appropriate to make payments to the local improvement district fund for assessments, the collection of which has been deferred, and shall report annually to the City Council and the Budget Director about the amount of payments made from the Local Improvement Guaranty Fund for assessments or installments deferred pursuant to this chapter and RCW 35.43.250, 35.50.050, and 35.50.100, as now existing or hereafter amended; the current balance in such fund and outstanding obligations guaranteed by such fund. If the Local Improvement Guaranty Fund is solvent at the time payment is ordered, the Director of Executive Administration ((~~Finance Director~~)) may elect to make payment by check.

Section ___. Section 20.38.005 of the Seattle Municipal Code is amended as follows:

20.38.005 Apprentice utilization.

On public works contracts with an estimated cost of One Million Dollars ($1,000,000) or more, the Director ((~~of Finance~~)) is authorized to require that up to fifteen (15) percent of the contract labor hours be performed by apprentices enrolled in training programs approved or recognized by the Washington State Apprenticeship and Training Council (SAC). Furthermore, it is the City's intent that, on public works projects with an apprentice utilization requirement, there shall be a goal that twenty-one

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

(21) percent of the apprentice labor hours be performed by minorities and twenty (20) percent of the apprentice labor hours be performed by women.

Section ___. Subsection 20.38.010B of the Seattle Municipal Code is amended as follows:

20.38.010 Definitions.

When used in this chapter:

***

B. "Director" means the Director of ((~~the Department of Finance~~)) Executive Administration or his or her designee.

***

Section ___. Section 20.38.020 of the Seattle Municipal Code is amended as follows:

20.38.020 Powers.

The Department of ((~~Finance~~)) Executive Administration shall be responsible for the implementation and administration of this chapter and is authorized to develop and adopt rules consistent with the requirements of this chapter. The Department of ((~~Finance~~)) Executive Administration shall establish contract specification language to implement the apprenticeship requirement, which may change from time to time. The Department of ((~~Finance~~)) Executive Administration shall develop and implement a system for monitoring the actual use of apprentices on public works projects. ((~~The Department of Finance shall hire one (1) additional FTE (Civil Rights Analyst) for the purpose of performing monitoring and enforcing the apprentice utilization requirements on public works projects.~~))

Section ___. Section 20.38.030 of the Seattle Municipal Code is amended as follows:

20.38.030 Waivers or reductions of goals.

The Director ((~~of Finance~~)) is authorized to waive or reduce the apprenticeship participation goals on contracts.

Section ___. Section 20.40.010 of the Seattle Municipal Code is amended as follows:

20.40.010 Small public works -- Department authority to execute contracts.

Notwithstanding the provisions of Chapter ((~~3.38~~)) 3.04, the Director of ((~~Finance~~)) Executive Administration may authorize other departments to administer and execute public works contracts that are less than or equal to Five Thousand Dollars ($5,000). Such departments shall comply with all state laws and City ordinances governing public works contracts.

Section ___. Section 20.40.020 of the Seattle Municipal Code is amended as follows:

20.40.020 Small Works Roster.

The ((~~Executive Services~~)) Director of Executive Administration shall establish and administer a Small Works Roster for use on City of Seattle public works projects that meet the requirements of Revised Code of Washington (RCW) 39.04.155 and 35.22.620, as now or hereafter amended. The ((~~Executive Services~~)) Director of Executive Administration shall adopt rules and regulations regarding

CITY CLERK

procedures for the use of the Small Works Roster. The ((~~Executive Services~~)) Director of Executive Administration may also execute interagency agreements or other contractual documents as required to establish such a Small Works Roster.

Section ___. Subsection 20.44.010F of the Seattle Municipal Code is amended as follows:

20.44.010 Definitions.

As used in this subchapter:

***

F. "Director" means the Director of ((~~Finance~~)) Executive Administration or his/her designee.

***

Section ___. Section 20.44.030 of the Seattle Municipal Code is amended as follows:

20.44.030 Franchises, consultant, public improvement and services contracts.

All consultant contracts, franchises, and contracts for public improvements, or services, the estimated cost of which exceeds One Thousand Dollars ($1,000), shall contain the following provisions:

"During the performance of this contract, the contractor agrees as follows:

"The contractor will not discriminate against any employee or applicant for employment because of race, religion, creed, age, color, sex, marital status, sexual orientation, gender identity, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their creed, religion, race, age, color, sex, national origin, marital status, political ideology, ancestry, sexual orientation, gender identity or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"The contractor will, prior to commencement and during the term of this contract, furnish to the Director of ((~~Finance~~)) Executive Administration (as used herein "Director" means the Director of ((~~Finance~~)) Executive Administration or his/her designee) upon his/her request and on such form as may be provided by the Director therefor, a report of the affirmative action taken by the contractor in implementing the terms of these provisions, and will permit access to his/her records of employment, employment advertisements, application forms, other pertinent data and records requested by the Director for the purposes of investigation to determine compliance with this provision.

"If upon investigation the Director finds probable cause to believe that the contractor has failed to comply with any of the terms of these provisions, the contractor and the contracting authority shall be so notified in writing. The contracting authority shall give the contractor an opportunity to be heard, after ten (10) days' notice. If the contracting authority concurs in the findings of the Director, it may suspend the contract and/or withhold any funds due or to become due to the contractor, pending compliance by the contractor with the terms of these provisions.

"Failure to comply with any of the terms of these provisions shall be a material breach of this contract.

"The foregoing provisions will be inserted in all subcontracts for work covered by this contract."

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section ___. Section 20.44.040 of the Seattle Municipal Code is amended as follows:

20.44.040 Lease and concession contracts.

A. All contracts of the City for leases and concessions shall contain the following provisions:

"The lessee (contractor) agrees to comply with all state and local laws prohibiting discrimination with regard to creed, religion, race, age, color, sex, marital status, sexual orientation, gender identity, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap."

B. All contracts of the City for leases and concessions of seven (7) consecutive days' duration or longer and involving employers with three (3) or more employees shall contain the following provisions:

"During the performance of this contract, the lessee (contractor) agrees as follows:

"The lessee (contractor) will not discriminate against any employee or applicant for employment because of creed, religion, race, age, color, sex, marital status, sexual orientation, gender identity, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap, unless based upon a bona fide occupational qualification. The lessee (contractor) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their creed, religion, race, age, color, sex, national origin, marital status, political ideology, ancestry, sexual orientation, gender identity or the presence of any sensory, mental or physical handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The lessee (contractor) agrees to post in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause. The lessee (contractor) will take affirmative action to ensure that all of its employees, agents and subcontractors adhere to these provisions; provided, nothing herein shall prevent an employer from giving preference in employment to members of his/her immediate family.

"Lessee (contractor) will, upon the request of the Director (as used herein Director means the Director of ((~~Finance~~)) Executive Administration, or his/her designee) furnish to the Director on such form as may be provided therefor, a report of the affirmative action taken by the lessee (contractor) in implementing the terms of this provision, and will permit access to his records of employment, employment advertisements, application forms, other pertinent data and records requested by the Director for the purpose of investigation to determine compliance with these provisions.

"If, upon investigation, the Director determines that there is probable cause to believe that the lessee (contractor) has failed to comply with any of the terms of these provisions, the lessee (contractor) shall be so notified in writing. The contracting authority shall give the lessee (contractor) an opportunity to be heard, after ten (10) days' notice. If the contracting authority concurs in the findings of the Director, it may suspend or terminate this lease (contract) and evict lessee (terminate the contract) in accordance with law.

"Failure to comply with any of the terms of these provisions shall be material breach of this lease (contract).

"The foregoing provisions will be inserted in all subleases (subcontracts) entered into under this lease (contract)."

Section ___. Section 20.44.060 of the Seattle Municipal Code is amended as follows:

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

20.44.060 Substitute provisions.

A City contracting authority may substitute in lieu of the contract provisions set forth in Sections 20.44.030, 20.44.040, and 20.44.050 such antidiscrimination or equal opportunity provisions required or requested by the Department of ((~~Finance~~)) Executive Administration, the United States of America or The State of Washington.

Section ___. Section 20.44.090 of the Seattle Municipal Code is amended as follows:

20.44.090 Assistance to contractors.

The Director may offer the services and facilities of the Department of ((~~Finance~~)) Executive Administration to assist contractors desiring to bid on, or having been awarded a City contract, to comply with the equal opportunity provisions for such contract, and may offer information as to organizations and agencies available to assist such contractor in recruiting, tutoring, training, and/or otherwise preparing potential employees.

Section ___. Subsections C and F of section 20.44.100 of the Seattle Municipal Code are amended as follows:

20.44.100 Employment goals, ranges, or ratios.

***

C. On projects or activities financed with assistance from the United States or The State of Washington, the contracting authority may substitute for such provisions such antidiscrimination or equal employment opportunity provision required or requested by the Department of ((~~Finance~~)) Executive Administration, the United States, or the state.

***

F. Employment goals established by this section are not intended and shall not be taken to diminish the contractor's responsibility and obligation under other sections of this subchapter. A contractor whom the Director ((~~of Finance~~)) has certified to be acting in good faith and making every reasonable effort to comply with the employment goals established shall be deemed in compliance, even though the employment goals are not met.

Section ___. Subsections C and D of section 20.45.010 of the Seattle Municipal Code are amended as follows:

20.45.010 Definitions.

For the purposes of this chapter:

***

C. "Department" means the Department of ((~~Finance~~)) Executive Administration.

D. "Director" means the Director of ((~~Finance~~)) Executive Administration.

***

Section ___. Section 20.45.040 of the Seattle Municipal Code is amended as follows:

20.45.040 Powers and duties of the Director.

The Director of ((~~Finance~~)) Executive Administration shall have the power to:

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

A. Adopt rules and regulations, in accordance with this chapter and the Administrative Code of The City of Seattle (SMC Chapter 3.02), establishing standards and procedures for effectively carrying out this chapter;

B. Determine and impose appropriate sanctions and/or liquidated damages for violation of this chapter by contractors including, but not limited to:

1. Disqualification of the contractor from bidding on or being awarded a City contract for a period of up to five (5) years, and

2. Contractual remedies, including, but not limited to, liquidated damages and termination of the contract;

C. Examine contractor's benefit programs covered by this chapter;

D. Impose other appropriate contractual and civil remedies and sanctions for violations of this chapter;

E. Allow for remedial action after a finding of noncompliance, as specified by rule;

F. Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

Section _. Section 20.46A.050 of the Seattle Municipal Code is amended as follows:

20.46A.050 Definitions.

***

J. "Director" means the Director of the Department of ((~~Administrative Services (DAS)~~)) Executive Administration or his or her designee.

***

Section ___. Section 20.46A.300 of the Seattle Municipal Code is amended as follows:

20.46A.300 Participation -- Purchasing contracts.

All contracts awarded by the Director ((~~of Finance~~)) for the purchase of supplies, materials, equipment and services, the estimated cost of which equals or exceeds One Thousand Dollars ($1,000), shall be awarded and administered in accordance with the following standards and procedures and in accordance with rules adopted by the Director ((~~of Finance~~)) to carry out the provisions of this section. The Director ((~~of Finance~~)) shall:

A. Make affirmative efforts to solicit bids from WMBEs qualified to supply supplies, materials, equipment, or services. Such efforts may include, but not be limited to, arranging contracts by size and type of supply, material, equipment, or service to enhance the possibility of participation by WMBEs, and providing information and technical assistance to WMBEs to promote their ability to compete effectively for city contracts;

B. Provide WMBEs every practical opportunity to submit bids. To encourage submission of bids by WMBEs, the Director ((~~of Finance~~)) shall:

1. Rank bidders whose bids are within five (5) percent, or a lower percent as determined by the Director ((~~of Finance~~)), of the bid made by the lowest and best bidder as follows: first, WMBEs; second, non-women's business enterprises and non-minority business enterprises, or,

2. Encourage subcontracting of WMBEs in contracts to be awarded through the request for proposal process. Such encouragement may include awarding bonus evaluation points on the financial element of proposals to proposers who have included women business enterprise and/or minority business enterprise subcontracting participation in their proposals; provided, participation shall become

CITY CLERK

a requirement of the contract awarded to a proposer who has included participation in its proposal and such participation shall be monitored and enforced by the Director ((~~of Finance~~)) per SMC Section 20.46A.180; and

C. Assist City agencies in their utilization of WMBEs in the purchase of supplies, materials, equipment, and services by:

1. Providing information to City agencies about WMBEs qualified to supply supplies, materials, equipment or services,

2. Recommending to the Mayor annual targets for WMBEs by City agencies; and

3. Reporting to City agencies at least annually their utilization of WMBEs.

Section ___. Section 20.48.030 of the Seattle Municipal Code is amended as follows:

20.48.030 Funds to be available before entering into contract.

Before the construction of any public work or improvement, or any part thereof, either by contract or by day labor, is authorized or begun under the direction and general supervision of the Director of ((~~Finance~~)) Executive Administration, said Director shall obtain from the head of the City department for which such work is to be undertaken, such department head's certification that sufficient funds have been appropriated to cover the full cost and expense of completing the desired public work or improvement (which appropriations shall be identified, by ordinance number and, where appropriate, by Capital Improvement Project number, in such certification). No contract shall be entered into, nor shall the construction of such work or improvement, or any part thereof, be undertaken by said Director, unless there is a balance in the appropriation sufficient to cover such cost and expense. For contracts executed pursuant to Chapter 39.10 RCW, the Director or department head is authorized to enter into contracts without such certification, provided that no phase of any public work may be started unless sufficient funds have been appropriated to cover the full cost and expense of completing that phase.

Section ___. Section 20.48.040 of the Seattle Municipal Code is amended as follows:

20.48.040 Filing of statement of contract amount.

Whenever the Director of ((~~Finance~~)) Executive Administration shall award any contract for any public work or improvement, or any part thereof, or shall have determined to make such public work or improvement, or any part thereof, by day labor under such official's management, the Director shall forthwith file a statement of the amount of such contract or the estimated cost of such work, and shall enter such amount upon the books in his or her office as a preliminary charge against the appropriation made to cover the cost and expense of such work or improvement.

Section ___. Section 20.48.060 of the Seattle Municipal Code is amended as follows:

20.48.060 Contracts in violation -- Voidable.

Any contract entered into, or any obligation against the City incurred by the Director of ((~~Finance~~)) Executive Administration in violation of the provisions of Sections 20.48.030, 20.48.040 or 20.48.050 shall be voidable at the option of the City.

Section ___. Section 20.49.020 of the Seattle Municipal Code is amended as follows:

20.49.020 Boost for small economically disadvantaged businesses.

CITY CLERK

The ((~~Executive Services Department ("ESD")~~)) Director of Executive Administration shall implement a "Boost" Program under which the City and its contractors have an incentive to make use of small economically disadvantaged businesses as prime contractors, subcontractors, and suppliers on City contracts.

Section ___. Section 20.49.040 of the Seattle Municipal Code is amended as follows:

20.49.040 Definitions.

"Area economically benefiting the City" means the area located within King County.

"Director" means the Director of ((~~the Executive Services Department~~)) Executive Administration.

"Located within" the City or an area economically benefiting the City means that a business at least:

1. Has its primary offices or distribution points (other than residential or post office box) physically within the relevant boundaries; and
2. Lists the address on a valid business permit as being within the relevant boundaries; and
3. Has been doing business within the relevant boundaries for at least twelve (12) months; and
4. Submits other proof as required by the Director.

"Small economically disadvantaged business" means that a business and the person or persons who own and control it are in a financial condition which puts the business at a substantial disadvantage in attempting to compete for public contracts. In assessing these financial conditions, ((~~ESD~~)) the Director shall substantially adopt the approach used by the federal Small Business Administration ("SBA"), provided that the SBA dollar ceilings for various standard business classifications and levels for owners' personal net worth shall be adjusted by the Director to account for local market conditions.

Section ___. Section 20.49.060 of the Seattle Municipal Code is amended as follows:

20.49.060 Certification process.

((~~ESD~~)) The Director is authorized to develop a process for certifying businesses for participation in the Boost Program. If feasible, ((~~ESD~~)) the Director shall arrange, or contract for, a coordinated certification agency in cooperation with other agencies that may adopt compatible programs.

Section ___. Section 20.76.020 of the Seattle Municipal Code is amended as follows:

20.76.020 Acceptance of awards.

If the City Council shall accept the awards for any improvement, or if the time allowed by law for rejecting the same shall have expired, the ((~~City Finance~~)) Director of Executive Administration shall notify the Clerk of the Superior Court, the County Assessor and the City Attorney of such acceptance or such expiration of time for rejection.

Section ___. Section 20.76.040 of the Seattle Municipal Code is amended as follows:

20.76.040 Mode of "payment by bonds."

In case the City Council shall provide for the payment of special assessments in any such proceeding by the mode of "payment by bonds," it shall specify the term of such bonds, the maximum

CITY CLERK

rate of interest thereon, and shall provide that bonds of such improvement district shall be issued in an amount equal to the sum of the assessments levied for such local improvement, less the amount of such assessments paid in cash into the special fund created for such local improvement during the thirty (30) day period following the date of the first publication of the notice of collection of the ((~~Finance~~)) Director of Executive Administration, and the bonds may be sold and delivered, in such manner as the City Council may by ordinance or resolution direct.

Section ___. Section 20.76.060 of the Seattle Municipal Code is amended as follows:

20.76.060 Payment in installments.

Whenever the City shall have sold bonds of any such local improvement district, either upon bids or at private sale, as in this subchapter, the assessments for such improvement shall be payable in installments, and notice thereof shall be given, and the collection and enforcement thereof had as provided by law and this subchapter. In the case of sale upon bids, the City Clerk shall transmit to the ((~~City Finance~~)) Director of Finance a certified copy of the resolution accepting any such bid, and in the case of sale at private sale the ((~~City Finance~~)) Director of Finance shall certify that such bonds have been sold, pursuant to the resolution of the City Council directing such sale, and in either case the ((~~City Finance~~)) Director of Executive Administration thereupon shall proceed with the collection and enforcement of such assessments under the mode of "payment by bonds." As to assessments payable in ten (10) or less annual installments, the ((~~City Finance~~)) Director of Executive Administration shall annually extend the installments of principal and interest upon the unpaid balance as shown upon such roll, and as to assessments payable in twenty (20) annual installments, the ((~~City Finance~~)) Director of Executive Administration shall for the first ten (10) years annually extend the installments of interest upon such roll, and for the last ten (10) years the ((~~City Finance~~)) Director of Executive Administration shall annually extend the installments of principal and interest upon the unpaid balance as shown upon such roll.

Section ___. Section 20.76.070 of the Seattle Municipal Code is amended as follows:

20.76.070 Certificates of purchase.

A. Two (2) years after the date of delinquency of an assessment payable by the mode of "immediate payment," or of an installment of an assessment payable by the mode of "payment by bonds," it shall be the duty of the ((~~City Finance~~)) Director of Executive Administration to proceed to sell the property described in any such local assessment roll for the amount of such delinquent assessment, or installment, together with the penalty and interest accruing to date of sale, and for the costs of the sale; provided, it shall be the duty of the ((~~City Finance~~)) Director of Executive Administration in the case of the last installment of an assessment payable by the mode of "payment by bonds" to proceed with the sale provided for in this section at the expiration of twenty-one (21) months from the date of the delinquency of the last installment.

B. Certificates of purchase shall be executed and delivered by the ((~~Finance~~)) Director of Executive Administration to the purchasers at such sale, and assessment deeds shall be executed and delivered by him to the persons thereunto entitled. All steps and proceedings required to be done in connection with such sale, certificates of purchase and assessment deeds shall be had and conducted according to law and this subchapter.

C. When assessments, or installments of assessments, have been delinquent the full period provided by law and ordinances of the City, before which such assessments or installments of

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

assessments are subject to sale, the ((~~City Finance~~)) Director of Executive Administration shall certify that there are delinquent and unpaid assessments or installments thereof, giving the district number and installment thereof, if it be an installment roll, ordinance number under which it was created, street name, nature of the improvement and the date of delinquency.

D. The ((~~City Finance~~)) Director of Executive Administration shall sell all the property described upon the roll upon which assessments are levied to satisfy all such delinquent and unpaid assessments or installments thereof, together with interest, penalties and costs as provided by law.

E. Such warrant, issued for the purpose of making sale of the delinquent property, shall be deemed and taken as an execution against the property for the amount of the assessments or installments thereof, with interest, penalties and costs.

Section ___. Section 20.76.080 of the Seattle Municipal Code is amended as follows:

20.76.080 Special fund.

The City Council shall, by ordinance, create a special fund for each such improvement district to be called "Local Improvement Fund, Condemnation Award, District No. _____," into which shall be placed the proceeds of the sale of bonds for such improvement, all sums paid on account of assessments levied for such improvement including all interest and penalty thereon, and all sums received from rents, profits and income from the property condemned by such proceeding, and from which shall be paid all warrants issued upon transcripts of judgments on awards and all bonds issued for such improvement. Provided, that if the fund is solvent at the time payment is ordered, the Director of Executive Administration in consultation with the Director of Finance ((~~Director~~)) may elect to make payment for the cost and expense of the improvement by check.

Section ___. Section 20.76.090 of the Seattle Municipal Code is amended as follows:

20.76.090 Issuance of bonds.

At the expiration of thirty (30) days after the date of first publication of the ((~~Finance~~)) Executive Administration Director's notice of any such assessments payable in installments, the ((~~Finance~~)) Director of Executive Administration shall record the total amount of the assessment, the total amount paid to him or her to redeem any lots, tracts, or parcels of land, or other property, from the assessment levied thereon, and the total amount unpaid on such assessment; whereupon the Mayor and ((~~City Finance~~)) Director of Finance shall issue the bonds of such local improvement condemnation award district, in an amount equal to the amount remaining unpaid on the assessment roll as shown by such report. The bonds provided for in this section shall not be issued prior to twenty (20) days after the expiration of the thirty (30) days above-mentioned.

Section ___. Section 20.76.120 of the Seattle Municipal Code is amended as follows:

20.76.120 Warrants or checks -- When issued.

The ((~~City Finance~~)) Director of Finance and the Director of Executive Administration shall issue no warrants or checks for any condemnation awards, interest or costs prior to the acceptance of such awards by the City Council as provided for in Section 20.76.020, but such warrants or checks may be issued at any time thereafter.

Section ___. Section 20.76.130 of the Seattle Municipal Code is amended as follows:

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

20.76.130 Payment of awards, interest and costs.

The proceeds of the sale of bonds issued therefor, together with the proceeds of the collection of special assessments therefor, made during the thirty (30) day period following the date of the first publication of the ((~~Finance Director's~~)) Director of Executive Administration's notice of collection, shall be applied by the ((~~City Finance~~)) Director of Executive Administration in payment of awards, interest and costs of any judgment in any eminent domain proceedings, and the redemption of any warrants issued in payment of any portion of such judgment. No priority of payment shall exist as between any such warrants and any portion of such judgment, but warrants shall be paid in the order of their issuance; provided, that warrants payable to the General Fund may be held until warrants issued for the payment of awards have been paid. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration in consultation with the Finance Director may elect to make payment by check.

Section ___. Section 20.76.140 of the Seattle Municipal Code is amended as follows:

20.76.140 Items of cost.

In preparing the assessment roll to pay the cost and expense of any such condemnation improvement as provided in this subchapter, the Board of Eminent Domain Commissioners shall include the costs and expenses of the proceedings up to the time of the filing of the assessment roll, together with the probable further costs and expenses of the proceedings, including therein a charge against each description of property appearing upon any assessment roll in the following sum: In case of "immediate payment" of assessment, One Dollar ($1) per description; in case of assessment payable in five (5) annual installments, the sum of Two Dollars ($2) per description; in case of assessment payable in ten (10) annual installments, the sum of Three Dollars and Fifty Cents ($3.50) per description; in case of assessment payable in fifteen (15) annual installments, Four Dollars and Thirty Cents ($4.30) per description; in case of assessment payable in twenty (20) annual installments of either principal or interest, Five Dollars ($5) per description, which is the charge for accounting, clerical labor, books and blanks used by the ((~~City Finance~~)) Director of Executive Administration; provided, however, that when any assessment payable in installments is paid in full within the thirty (30) day period fixed by law for the payment of assessments without interest, the ((~~City Finance~~)) Director of Executive Administration shall allow a rebate of the ((~~Finance Director's~~)) Director of Executive Administration's charge in this section provided in excess of One Dollar ($1) per description.

Section ___. Section 20.76.200 of the Seattle Municipal Code is amended as follows:

20.76.200 Payment of local improvement assessments against condemned property.

For the purpose of making payment of all local improvement assessments that may exist against any lot, tract or parcel of land which has been condemned for street or other purposes, the ((~~City Finance~~)) Director of Executive Administration, previous to the issuance of any warrant in payment for property condemned in any condemnation proceeding, shall determine the amount of all unpaid local improvement assessments that may exist against the property, and thereupon two (2) warrants in favor of the respondents shall be issued on the condemnation fund, one (1) warrant in the amount of the unpaid assessments which shall be endorsed to the General Fund by the respondent, and one (1) warrant for the amount of the award less the unpaid assessments. The ((~~City Finance~~)) Director of Executive Administration shall draw a warrant on the General Fund in favor of the local improvement district or

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

districts entitled thereto for the amount of the unpaid assessments, the General Fund to be reimbursed for the amounts so paid out when sufficient moneys have been paid into the Condemnation Fund to meet the warrant thereon drawn in favor of the General Fund in payment of the assessments as set forth in this section. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

Section ___. Section 20.76.230 of the Seattle Municipal Code is amended as follows:

20.76.230 Offsetting compensation against damages -- Court certificate.

Any person or persons wishing to offset an award of compensation or damages, or both, against any assessment, as provided in Section 20.76.220 shall receipt upon the execution docket of the court in which such award is made, and make satisfaction, on the execution docket, of the amount so sought to be made an offset; and shall procure from the Clerk of the court and present to the ((~~City Finance~~)) Director of Executive Administration a certificate under the seal of the court specifying the amount of which satisfaction has been made on the execution docket, the date of such satisfaction, the number and a brief title of the proceeding, including the number of the ordinance under which the proceeding was prosecuted.

Section ___. Section 20.76.240 of the Seattle Municipal Code is amended as follows:

20.76.240 Offsetting compensation against damages -- Cancellation of assessment roll.

The ((~~City Finance~~)) Director of Executive Administration, upon receipt of the certificate provided for in Section 20.76.230 is authorized and directed to cancel such assessment upon the assessment roll, to the amount specified in the certificate, making suitable notation thereof upon the assessment roll.

Section ___. Section 20.76.260 of the Seattle Municipal Code is amended as follows:

20.76.260 Acceptance of condemnation fund warrants in payment of assessments.

Whenever an owner of property, assessed in a condemnation proceeding of the City, shall desire to make full payment of such assessment prior to date of sale of his or her property for the assessment, the ((~~City Finance~~)) Director of Executive Administration is authorized and directed to accept condemnation fund warrants, or parts thereof, in payment of such assessments levied to raise money for the benefit of the particular condemnation fund against or upon which said warrants were issued, and he or she shall treat all of such transactions as cash transactions making proper entry thereof upon City records.

Section ___. Section 20.76.270 of the Seattle Municipal Code is amended as follows:

20.76.270 Acceptance of certificates of purchase for delinquent condemnation award assessments.

The ((~~City Finance~~)) Director of Executive Administration is authorized and directed to accept the redemption of certificates of purchase issued for delinquent condemnation award assessments and installments thereof, and held in trust by the City for the condemnation award districts, where the last installment of the assessment is two (2) or more years delinquent, upon the payment of the principal of the certificates of purchase and interest thereon at the rate of eight percent (8%) per year from date of issuance to date of redemption.

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section ___. Section 20.76.280 of the Seattle Municipal Code is amended as follows:

20.76.280 Segregation of condemnation assessments.

A. The ((~~City Finance~~)) Director of Executive Administration is authorized to collect and receive from any owner or owners of any subdivision or subdivisions of any lot, tract or parcel of land upon which a condemnation assessment has been, or may hereafter, be made, such portion of the assessment or assessments levied or to be levied against such lot, tract or parcel of land in the payment of the condemnation improvement as the City Director of Transportation shall certify to be chargeable to such subdivision or subdivisions in accordance with state law. Upon receipt of a certified copy of a resolution of the legislative authority authorizing such segregation the ((~~City Finance~~)) Director of Executive Administration shall enter such segregation, together with the amount of the bonded interest with respect thereto, upon the assessment records, and upon payment thereof, together with any penalties accruing according to law and any additional interest due with respect to such segregated portion, give a proper receipt; provided that this section shall not authorize the segregation of any assessment which has been delinquent for a period of two (2) years or more, or in any case where it appears that such property, when or as already divided according to the requested segregation, is not or would not be of sufficient value, or is not or would not be in such condition or title, as to provide adequate security for the payment of the total amount of the unpaid assessment, penalties, interest and costs charged or chargeable against the undivided whole. In such instances, upon a recommendation by the ((~~City Finance~~)) Director of Executive Administration, the City Council shall determine such question of fact. No segregation of any assessment on unplatted lands or large platted tracts shall be made until a plat thereof has been furnished the City Director of Transportation by the applicant, showing that the proposed segregation of property will conform to the system of streets as platted in adjacent territory. In all such instances, upon a recommendation by the City Director of Transportation, the City Council shall determine such question of fact.

B. Whenever, on account of the filing of a plat or replat or on account of a sale or contract to sell or other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of land assessed in such improvement district, it shall appear to be to the best interest of the City to segregate such assessments, the City Director of Transportation is authorized to make the proper certification as provided in this section, upon the written application of the owner, approved by the ((~~City Finance~~)) Director of Executive Administration, and confirmed by City Council resolution, and upon payment of the fee hereinafter provided. In all instances it shall be the duty of the City Director of Transportation to submit the necessary resolution for segregation for City Council approval.

C. A fee of Ten Dollars ($10.00) shall be charged for each tract of land for which a segregation is to be made together with a fee of Five Dollars ($5.00) per description for each description added to the assessment roll, to defray the reasonable costs of the reasonable engineering and clerical work involved, by such certificate of the City Director of Transportation, as approved by City Council resolution. Such fees shall be paid to the ((~~City Finance~~)) Director of Executive Administration and shall be deposited in the General Fund.

Section _. Section 20.80.010 of the Seattle Municipal Code is amended as follows:

20.80.010 Contract for sale of foreclosed property.

The ((~~City Finance~~)) Director of Executive Administration is authorized to enter into contracts from time to time for and on behalf of the City for the sale, at not less than the appraised value thereof,

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

determined as provided in Section 20.80.030 , or at a price not less than enough to pay all taxes and assessments in full of any real property acquired by the City upon foreclosure of local improvement assessments and of any real property which the City may acquire from King County to protect the lien of any such assessments outstanding against such property, or any part thereof. Any such property shall be sold for cash, or on terms providing for the payment of one-fifth (1/5) of the purchase price in cash at the time of execution by the purchaser of the contract of sale and the remainder of such price to be paid in installments over a period not exceeding five (5) years, with interest on deferred payments at the rate of not less than five percent (5%) per year, or on such terms as may be approved by the City Council. No contract for the sale of any such property shall be valid or binding upon the City unless the same has first been authorized by the City Council by ordinance.

Section _. Section 20.80.020 of the Seattle Municipal Code is amended as follows:

20.80.020 Deposit on purchase of foreclosed property.

The ((~~City Finance~~)) Director of Executive Administration is authorized for and on behalf of the City to accept deposits of money amounting to not less than five percent (5%) of the purchase price of any property proposed to be sold as earnest money and to issue his or her receipt therefor. Any such deposit shall be placed in the Guaranty Deposit Fund, and if the depositor fails, through no fault of the City, to enter into a contract for the purchase of the property involved within ten (10) days after the ((~~Finance~~)) Director of Executive Administration notifies him or her that a duly authorized or approved contract, executed on behalf of the City, is ready for execution on his or her part, such deposit shall be deemed forfeited and become the property of the City, and the amount thereof shall be transferred to the Local Improvement Guaranty Fund. If the depositor enters into such contract within the time mentioned in this section, the amount of the deposit shall be credited upon the purchase price agreed to be paid and shall be transferred to the Fund of the Local Improvement District levying the assessments, and if the district has been closed to the Local Improvement Guaranty Fund. If the City fails, by reason of any fault on its part, to make available for execution by the depositor such contract of sale within sixty (60) days after the receipt of the deposit, the depositor may, at his option, demand the return of his deposit.

Section _. Section 20.80.030 of the Seattle Municipal Code is amended as follows:

20.80.030 Authority to contract with professional realtors.

The ((~~City Finance~~)) Director of Executive Administration is authorized on behalf of the City to contract from time to time with professional realtors or real estate appraisers to ascertain for purposes of sale the value of City property acquired in the enforcement and for the protection of local improvement assessment liens, and in such connection the ((~~City Finance~~)) Director of Executive Administration is authorized to negotiate the terms of such employment, including the fees therefor, payment of which fees shall be charged to the appropriate item in the annual City budget.

Section _. Section 20.84.030 of the Seattle Municipal Code is amended as follows:

20.84.030 Definitions.

For the purpose of this chapter and for the purpose of administering and implementing any federal, state or local relocation assistance statute, law, ordinance, rule, regulation, order or program, applicable to any acquisition of real property or any interest therein by the City or to any program or project involving the City or any of its departments:

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

A. "City Department Head" means the head of the City department (such as the Director of Transportation, Superintendent of Parks and Recreation, Director of ((~~Finance~~))Executive Administration, among others) having authority over and responsibility for the applicable program or project and its costs.

B. The City Department Head, as defined in subsection A, is declared to be "the executive head of the displacing entity" as those or similar terms may be used in state or federal statutes, rules, regulations or orders.

Section _. Section 21.04.020 of the Seattle Municipal Code is amended as follows:

21.04.020 Connection to water supply system -- Application.

Any person desiring to have premises connected with the water supply system of the City shall present at the office of the Seattle Public Utilities a copy of a building permit or a regular certified copy from the Director of Construction and Land Use, containing his or her name, description of the lot, block and addition and the official house number of the premises on which water is desired, and shall make application therefor upon a printed form to be furnished for that purpose, which application shall contain the description of the premises where such water is desired, and shall specify the size of service pipe required and shall state fully the purposes for which water is to be used, and shall be signed by the owner of the premises to be served or his duly authorized agent, and shall be filed in the office of the Director, and at the time of filing such application the applicant shall pay to the ((~~City Finance~~)) Director of Executive Administration and make his or her receipt therefor, the fees for installation of water service provided in this chapter.

Section _. Section 21.04.050 of the Seattle Municipal Code is amended as follows:

21.04.050 Connection -- City responsibility.

Upon the presentation at the office of the Director of the ((~~Finance~~)) Director of Executive Administration's receipt for the installation fees and the execution of the contract provided for in Section 21.04.030 , the Director shall cause the premises described in the application, if the same abut upon a street in which there is a City water main, to be connected with the City's water main by a service pipe extending at right angles from the main to the property line, except as provided in Sections 21.04.060, 21.04.070 and 21.04.080. The City connection, which shall include a union placed at the end of pipe, and a stopcock placed within the curbline, shall be maintained by and kept within the exclusive control of the City.

Section _. Section 21.04.260 of the Seattle Municipal Code is amended as follows:

21.04.260 Accounts to be in name of owner or leaseholder.

A. All accounts for water shall be kept only in the name of the owner of the premises for which service was installed, provided, however, that persons holding under recorded lease may be supplied on their own account, and in such cases the Director may require such deposit of money with the ((~~Finance~~)) Director of Executive Administration of the City as in his or her judgment shall be necessary to protect the City against any and all delinquent and unpaid charges for water or other charges on account of such service. The property owner shall have the right to have water bills mailed to a tenant, or agent, but this shall not relieve the property from liability for water charges incurred.

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

B. The Director of Seattle Public Utilities may establish and collect charges based on actual costs, for special meter readings ordered in connection with property ownership or occupancy changes.

Section _. Subsection 21.16.050B of the Seattle Municipal Code is amended as follows:

21.16.050 Connection -- Notice to owner or occupant.

***

B. If such owner or occupant shall fail or neglect to connect the land, buildings, premises or habitable structures to the public sewer system within the time specified, the Director of Health shall notify the Director of Seattle Public Utilities, whereupon the Director of Seattle Public Utilities may make such connection and the connection cost plus fifteen percent (15%) thereof, for engineering design and administrative costs, shall be charged to the owner or occupant, and a bill showing the amount thereof shall be mailed or delivered to the owner or occupant, or posted upon the premises, whereupon the amount shall immediately be paid to the City ((~~Finance~~)) Director of Executive Administration. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by State law.

Section _. Subsection 21.16.060A of the Seattle Municipal Code is amended as follows:

21.16.060 Registered side sewer contractor -- Qualification -- Insurance -- Bond.

A. To obtain registration from the City as a side sewer contractor, an applicant must:

1. Pay to the City ((~~Finance~~)) Director of Executive Administration an examination fee of Sixty Dollars ($60.00) for each individual who takes the examination required by this subsection;

2. Successfully complete or employ an individual who has successfully completed an oral and written examination administered by the Director of Seattle Public Utilities;

3. Possess a current Washington State Contractor's license;

4. Possess a current City Business and Occupation license;

5. File with the Director of Seattle Public Utilities a certificate of insurance as prescribed by subsection B; and

6. Post a bond as prescribed by subsection C of this section.

Section _. Section 21.16.110 of the Seattle Municipal Code is amended as follows:

21.16.110 Permit for temporary connection.

The Director of Seattle Public Utilities may, upon receiving an application containing such information as is required by this chapter, issue a permit for a temporary connection to a combined sewer, sanitary sewer, side sewer, storm drain or natural outlet, and may include as a condition to the issuance of a permit a requirement to connect to another combined sewer, sanitary sewer, side sewer, storm drain or natural outlet at some later date. The permit may be revoked by the Director of Seattle Public Utilities at any time upon sixty (60) days' notice posted upon the premises and directed to the owner or occupant of the premises; and in the event the side sewer or drains are not disconnected or reconstructed as required at the expiration of sixty (60) days the Director of Seattle Public Utilities may disconnect the same and reconstruct it as necessary, and charge the cost plus fifteen percent (15%) thereof, for engineering design and administration costs, to the owner or occupant. Such charges shall be immediately payable to the City ((~~Finance~~)) Director of Executive Administration following a written notice of the amount thereof given to such owner or occupant or posted on the premises. The amount of

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law. The Director of Seattle Public Utilities may require that the applicant record with the King County Department of Records and Elections an acceptable instrument agreeing to reconstruct the side sewer if required to do so, and to save the City harmless from all damage or claims resulting to the City by reason of such temporary connection or disconnection, and exhibit to the Director of Seattle Public Utilities the recording number of said instrument.

Section _. Section 21.16.160 of the Seattle Municipal Code is amended as follows:

21.16.160 Filling of excavations.

A. For side sewers in King County, all excavations in any public area by a registered side sewer contractor shall be filled and/or covered in such a manner that no significant settlement shall occur for a period of two (2) years.

B. Work within the limits of any public area shall be prosecuted to completion with due diligence, and if any excavation is left open, whether covered or uncovered, beyond a time reasonably necessary to fill the same, the Director of Seattle Public Utilities may cause the same to be backfilled and the public area restored forthwith. Cost incurred by the Director of Seattle Public Utilities in such work plus fifteen percent (15%) for administrative costs shall be charged to the side sewer contractor in charge of such work and shall be immediately payable to the City ((~~Finance~~)) Director of Executive Administration by the contractor upon written notification of the amount thereof given to the contractor or posted on the premises.

Section _. Section 21.16.180 of the Seattle Municipal Code is amended as follows:

21.16.180 Repair of inoperative or inadequate sewer or drain.

Where it is determined by the Director of Health or the Director of Seattle Public Utilities that a side sewer, drain, ditch, or natural watercourse is obstructed, broken, inoperative or inadequate and is a menace to health, or is liable to cause damage to public or private property, the Director of Health and/or the Director of Seattle Public Utilities may give notice to the owner of the side sewer and, if different than the owner of the side sewer, to the owner or occupant of the property in which such condition exists. The owner or occupant shall correct such condition within the time specified in the written notice. If the owner or occupant shall fail to correct such condition within the time specified in such notice, the Director of Seattle Public Utilities may perform such work as may be necessary to comply with this chapter. The cost of such work done by the Director of Seattle Public Utilities, plus fifteen percent (15%) for administrative costs, shall be charged to the property owner or occupant and shall become immediately payable to the City ((~~Finance~~)) Director of Executive Administration upon written notice of such amount being given to the property owner or occupant or posted upon the premises. The amount of said costs or any portion thereof which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law.

Section _. Section 21.16.280 of the Seattle Municipal Code is amended as follows:

21.16.280 Restoration of streets and other public areas.

Streets, sidewalks, planting strips, and other public areas except as mentioned in Section 21.16.270 disturbed or altered in the course of any side sewer or drainage work, shall be restored by the

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

side sewer contractor to the original surface condition as approved by the Director of Seattle Public Utilities; and in event of the failure of the contractor to so restore the area the Director of Seattle Public Utilities may make such restoration and charge the cost thereof to the side sewer contractor who shall, upon receiving written notice of the amount thereof or upon posting of such notice at the area make immediate payment thereof to the City ((~~Finance~~)) Director of Executive Administration.

Section _. Section 21.24.070 of the Seattle Municipal Code is amended as follows:

21.24.070 Fee payment.

The fee shall be paid to the City ((~~Finance~~)) Director of Executive Administration before the permit is issued and the amount of the fee paid shall be shown on the permit and on the record of the side sewer connection maintained in the office of the City Director of Seattle Public Utilities.

Section _. Section 21.24.090 of the Seattle Municipal Code is amended as follows:

21.24.090 Refund of sewer permit fees.

Whenever a sewer permit has been issued and a fee paid therefor and either no rights are exercised pursuant thereto and such permit is surrendered or the fee charged is erroneous for any reason and application is made for refund, the Director of Seattle Public Utilities 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 City ((~~Finance~~)) Director of Executive Administration is authorized to draw and 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 the 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.

Section _. Section 21.28.010 of the Seattle Municipal Code is amended as follows:

21.28.010 Sewerage system a public utility.

It is necessary for the public health, safety and welfare that the existing sewerage system of the City, in conjunction with the storm and surface water sewers, together with such extensions, additions and improvements thereto as may from time to time be authorized, continue to be maintained, conducted and operated as a public utility of the City within the Seattle Public Utilities. The Seattle Public Utilities shall have jurisdiction over those properties, interests, and physical and intangible rights of every kind and nature owned or held by the City within its boundaries which comprise or relate to storm and surface water sewers, including all facilities constructed and to be constructed with moneys from the Drainage and Wastewater Fund, formerly the Sewer Improvement Fund, but excepting such properties, interests and rights under the jurisdiction of the Parks and Recreation Department, the Seattle Center Department, the City Light Department and the ((~~Executive Services~~)) Department of Fleets and Facilities. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of the City by its officers, employees or agents.

Section _. Section 21.28.020 of the Seattle Municipal Code is amended as follows:

21.28.020 Administration of utility.

CITY CLERK

The Director of Seattle Public Utilities, through the Seattle Public Utilities, shall operate and administer drainage and wastewater functions and enforce this chapter and there shall be kept a classified system of accounts of revenues and disbursements as pre- scribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City ((~~Finance~~)) Director of Executive Administration, as required by law.

Section _. Section 21.28.250 of the Seattle Municipal Code is amended as follows:

21.28.250 Wastewater charges -- When payable.

The wastewater charge provided in this chapter shall be payable at the office of the City ((~~Finance~~)) Director of Executive Administration at the same time as the water bill for the premises is payable; and payment for water shall not be accepted unless payment of the wastewater charge is made at the same time.

Section _. Section 21.28.260 of the Seattle Municipal Code is amended as follows:

21.28.260 Billing and collection of wastewater charges.

The rates and charges set out in this chapter shall be effective and shall be computed and billed monthly or bimonthly by the Director of Seattle Public Utilities, as a separate charge on the water bill, or through a direct invoice, and shall become due and payable to the City ((~~Finance~~)) Director of Executive Administration as stated in such billing; and any wastewater rate or charge which becomes delinquent shall immediately become a lien upon the premises and such lien may be foreclosed by the City as provided by state law. Wastewater charges or any part thereof which become delinquent shall bear interest as authorized by RCW 35.67.200, at the rate of eight (8) percent per year, or such rate as may hereafter be authorized by state law, computed on a monthly basis. Interest shall be added to all wastewater charges that remain unpaid thirty (30) days or more from their billing date and shall continue until such charges are paid. As authorized, RCW 35.67.200 shall have the effect and the City shall have a lien for all delinquent and unpaid wastewater charges, including interest there- on, against any parcel for which the wastewater charges are delinquent. The lien shall have superiority as established by RCW 35.67.200 and shall be foreclosed or otherwise enforced in the manner provided in RCW 35.67.-210 through RCW 35.67.290. In the case of actions to collect delinquencies, the City shall seek also to collect reimbursement of reasonable costs of collection including but not limited to attorney's fees, staff time, and filing fees. As an additional and concurrent method of the collection of any such wastewater rate or charge, the Director of Seattle Public Utilities shall have the authority to cut off the water service or supply from the premises to which such rate or charge for wastewater has attached until such rates and charges are paid.

Section _. Section 21.28.350 of the Seattle Municipal Code is amended as follows:

21.28.350 Refunds of wastewater charges.

The Director of Seattle Public Utilities is authorized to make refunds where any amount paid for wastewater services is found to be erroneous, or where adjustments have been made by him or her as authorized by this chapter, and the City ((~~Finance~~)) Director of Executive Administration is authorized to draw and to pay the necessary warrants on the Drainage and Wastewater Fund upon certification by the Director of Seattle Public Utilities that the refund is authorized. If the applicable fund is solvent at the time payment is ordered, the Director may elect to make payment by check.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section _. Subsection 21.36.087A of the Seattle Municipal Code is amended as follows:

21.36.087 White goods and bulky items.

A. The Director of Seattle Public Utilities may determine from time to time the items eligible for pickup under the Seattle Public Utilities' program for collection of white goods and bulky items, and after consultation with the ((~~Purchasing Agent~~)) Director of Executive Administration, arrange for the disposition of the items collected without regard to the procedures of Section 3.18.824.

***

Section _. Section 21.40.030 of the Seattle Municipal Code is amended as follows:

21.40.030 Administration.

The Director of Seattle Public Utilities, through the Seattle Public Utilities, shall operate and administer such public utility and enforce this chapter; and there shall be kept by him or her a classified system of accounts of revenues and disbursements as pre- scribed by the State Auditor, Division of Municipal Corporations, in conjunction with the City ((~~Finance~~)) Director of Executive Administration, as required by law in such connection.

Section _. Subsection 21.40.120A of the Seattle Municipal Code is amended as follows:

21.40.120 Payment of charges -- Delinquency and lien.

A. Garbage and rubbish collection charges imposed by this chapter shall be payable up to three (3) months in advance at the office of the City ((~~Finance~~)) Director of Executive Administration and at the same time that water utility charges are due and payable with respect to residences or other dwelling units contemporaneously served, and partial payment on any bill will first be credited to amounts due for garbage and rubbish collection services, then to charges for wastewater services, and the balance to outstanding charges for water services. The charges imposed under Sections 21.40.050, 21.40.060, and 21.40.080 shall apply to all residences and other dwelling units, whether occupied or not; provided, however, that where no portion of the premises is being used and occupied as a dwelling place the owner or agent responsible therefor may apply to the Director of Seattle Public Utilities for an adjustment to garbage and rubbish collection charges. In such connection the Director of Seattle Public Utilities may from time to time reduce the liability for such charges upon request therefor whenever he or she is satisfied that the premises are not being used and occupied as a dwelling place. Garbage and rubbish collection charges shall be computed and billed from time to time by the Director of Seattle Public Utilities as a separate charge on the water bill for residences or dwelling units served, and the Director of Seattle Public Utilities shall establish common billing practices and procedures to the extent permitted by law.

***

Section _. Section 21.72.010 of the Seattle Municipal Code is amended as follows:

21.72.010 Use of City ((~~Finance Director's~~)) Directors' names prohibited.

Statements for the collection of City utility charges shall not use or direct the use of the personal name of the ((~~City Finance~~)) Director of Finance or the Director of Executive Administration for or in connection with the payment of such charges.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section _. Section 21.76.060 of the Seattle Municipal Code is amended as follows:

21.76.060 Authority of ((~~Finance~~)) Director of Executive Administration.

A. The ((~~Finance~~)) Director of Executive Administration is authorized to apportion the total amount of utility credits made to bills as provided for in Sections 21.76.010, 21.76.040 and 21.76.050.

B. To reimburse the Light Fund for utility credits made to lighting bills as provided for in Section 21.76.050, the ((~~Finance~~)) Director of Executive Administration is authorized to make the necessary transfers from the Water, Sewer, Solid Waste Fund and Street Utility Sub-Fund in accordance with Section 21.76.040.

Section _. Subsections C and D of Section 22.208.110 of the Seattle Municipal Code are amended as follows:

22.208.110 Recovery of costs.

***

C. After notice to the owner and other persons with an ownership interest as shown on the litigation guarantee that all or a portion of the costs have not been paid, the Director shall notify the City ((~~Finance~~)) Director of Executive Administration of the amount due and owing, and upon receipt of the notification the City ((~~Finance~~)) Director of Executive Administration shall certify the amount to the King County Financial Management Office for assessment.

D. Upon certification by the City ((~~Finance~~)) Director of Executive Administration of the amount due and owing, the Director of the King County Financial Management Office or designee shall enter the amount of the assessment upon the tax rolls against the real property for the current year to be collected at the same time as the general taxes and with interest at the rates and in the manner provided in RCW 84.56.020 for delinquent taxes. When collected, it shall be deposited in the General Fund of the City and credited to the Housing and Abatement Account provided in Section 22.202.050.

***

Section _. Subsection 22.220.100C of the Seattle Municipal Code is amended as follows:

22.220.100 Downtown Housing Maintenance Account.

***

C. The moneys in the account are hereby appropriated for the purposes described above and the City ((~~Finance~~)) Director of Executive Administration is authorized to draw and to pay the necessary warrants upon vouchers approved by the Director of Housing from the appropriated account. If the applicable fund is solvent at the time payment is ordered, the Director of Executive Administration may elect to make payment by check.

Section _. Section 22.904.060 of the Seattle Municipal Code is amended as follows:

22.904.060 License applications.

Applications for mobile home park licenses and renewals thereof shall be made to the ((~~Finance~~)) Director of Executive Administration upon forms provided by him/her and shall set forth the

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

name and residence address of the applicant, the location of the mobile home park, and the number of mobile home lots to which such license applies. The ((~~Finance~~)) Director of Executive Administration thereupon shall request the Director of Public Health, the Director of Construction and Land Use and the Fire Chief to inspect the premises therein described and the fixtures and facilities to be used. If the Director of Public Health, Director of Construction and Land Use and Fire Chief find, upon inspection, that such premises, fixtures and facilities are constructed, installed, operated and maintained in compliance with this chapter and other applicable ordinances, they shall approve the application and so notify the ((~~Finance~~)) Director of Executive Administration, who shall issue the license. If the Director of Public Health, Director of Construction and Land Use or Fire Chief shall find that the premises, fixtures or facilities are not constructed, installed, operated or maintained in compliance with this chapter or any other applicable ordinance, he/she shall forthwith disapprove the application and so notify the applicant and the ((~~Finance~~)) Director of Executive Administration, citing the reason therefor. If, after thirty (30) days from date of application for a new license, or, in the case of renewal, upon expiration of an existing license, approval of the Director of Public Health, Director of Construction and Land Use and Fire Chief are not forthcoming, the ((~~Finance~~)) Director of Executive Administration thereupon shall deny the license.

Section _. Section 22.904.070 of the Seattle Municipal Code is amended as follows:

22.904.070 License revocation.

Any mobile home park license may be revoked by the ((~~Finance~~)) Director of Executive Administration in the manner and subject to the procedure provided in the License Code upon the filing with him by the Director of Public Health, the Director of Construction and Land Use or the Fire Chief of a written notice stating the premises licensed or any fixtures or facilities used therein have become or are unsafe or unsanitary, or that otherwise they are not being operated or maintained in compliance with the provisions of this chapter or any other applicable ordinance.

Section _. Subsection 23.22.066C of the Seattle Municipal Code is amended as follows:

23.22.066 Technical standards for final plat.

***

C. The description, dedication, acknowledgment, certificates of the City ((~~Finance~~)) Director of Executive Administration and County official performing the duties of the County Treasurer, certificates of approval by the Director of Transportation, the City Clerk and the Director, and recording certificate, shall be lettered with india ink or substantially equivalent lettering material and shall be substantially in the form set forth in the Director of Transportation's Subdivision Manual.

Section _. Subsection 23.45.094A.2.b(9) of the Seattle Municipal Code is amended as follows:

23.45.094 Institutions--Structure width and depth.

A. Maximum Width.

***

2. In order to reach the maximum width permitted in each zone, institutional structures shall be required to reduce the appearance of bulk through one (1) of the following options:

***

CITY CLERK

b. Landscape Option. Front setbacks and landscaping shall be provided as follows:

***

(9) Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City ((~~Finance~~)) Director of Executive Administration in the amount equal to sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City ((~~Finance~~)) Director of Executive Administration five (5) years from the date of issuance of the covering use permit at the request of the permittee upon presentation of a certificate of compliance from the Director of Design, Construction and Land Use. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements.

***

Section _. Subsection 23.45.096E.1.c of the Seattle Municipal Code is amended as follows:

23.45.096 Institutions--Setback requirements.

***

E. Landscaping and Screening of Required Setbacks.

1. Institutions shall provide landscaping for setbacks which abut a street. Such setbacks shall be planted with trees, shrubs, grass and/or evergreen ground cover. The planting of street trees shall also be considered as part of the landscaping. Landscape features such as decorative paving, sculptures or fountains are permitted to a maximum of twenty-five (25) percent of each required landscaped area. If the landscaping option of Section 23.45.094 A2b is used, that shall fulfill all the requirements of this section.

***

c. Authorization of the use shall be subject to the posting by the applicant of a cash deposit or the pledge of an interest-bearing account with the City ((~~Finance~~)) Director of Executive Administration in the amount of sixty (60) percent of the estimated cost of the landscaping, guaranteeing compliance. The deposit shall be refunded or the pledge released by the City ((~~Finance~~)) Director of Executive Administration five (5) years from the date of issuance of the covering master use permit at the request of the permittee upon presentation of a certificate of compliance from the Director. The deposit or pledge account shall be forfeited to the City if the landscaping requirements have not been complied with by the end of the five (5) year period, and the proceeds shall be used by the Director to effect compliance; provided, that such forfeiture shall not relieve the permittee from compliance with the landscaping requirements. This requirement shall not apply to child care facilities locating in existing structures.

Section _. Subsection 25.05.914D of the Seattle Municipal Code is amended as follows:

25.05.914 SEPA costs and fees.

(See WAC 197-11-914).

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

***

D. Proceeds from fees and charges imposed pursuant to this subchapter shall be transmitted to the City ((~~Finance~~)) Director of Executive Administration and shall be deposited in the General Fund; provided, that proceeds from fees and charges collected by the Director of Construction and Land Use shall be deposited in the Department of Construction and Land Use Fund.

Section _. Subsection 25.28.350B of the Seattle Municipal Code is amended as follows:

25.28.350 Abatement.

***

B. The cost of such work shall be paid from amounts appropriate for abatement purposes. Unless the amount of the costs thereof are repaid within sixty (60) days of the completion of the work, they shall be assessed against the real property as to which such costs were incurred. Upon certification by the Superintendent to the City ((~~Finance~~)) Director of Executive Administration of the assessment amount being due and owing, the City ((~~Finance~~)) Director of Executive Administration shall certify the amount to the county official performing the duties of the County Treasurer, who shall enter the amount of such assessment upon the tax rolls against such real property for the current year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected, shall be deposited in the General Fund and credited to the Minimum Maintenance Historic Building Fund as provided in Section 25.28.260. The assessment shall constitute a lien against the property of equal rank with state, county, and municipal taxes.

AMENDMENTS TO UNCODIFIED ORDINANCES

Section _. 2002 Budget Payments. Subsection 3(h) of Ordinance 120640 is amended as follows:

Section 3.

***

(h) The City's Director of ((~~Finance~~))of Executive Administration is authorized to draw and pay the necessary warrants or checks and to make any necessary transfers among funds and accounts.

***

Section _. Pacific Place Garage. Sections 2 and 3 of Ordinance 119158, as last amended by Ordinance 120181, are amended as follows:

Section 2. The Fleets and Facilities Department ((~~of Finance~~)) is hereby assigned responsibility for operations of the Garage in accordance with the terms of the Umbrella Agreement and Parking Agreement authorized by Ordinance 118011, as those agreements may be amended or supplemented from time to time, but the rates to be charged for parking in the Garage shall be set by the Director of Finance consistent with that Agreement.

CITY CLERK

Section 3. The Fleets and Facilities Director ((~~of Finance~~)) is hereby authorized to approve minor changes to the Condominium Declaration authorized by Ordinance 118349. Such changes may include, but are not limited to, transfer of small areas such as stairwells between the units and the establishment of new common areas. No change that would substantially affect the value of the Garage Unit may be made unless approved by ordinance.

Section _. Non-cash transfer of surplus computer equipment. Sections 1 and 2 of Ordinance 119145 are amended as follows:

Section 1. The ((~~Executive Services~~)) Department of Executive Administration is hereby authorized to develop and implement a program whereby computer equipment no longer needed by City departments may, after being declared surplus to the City as a whole, be made available to the Seattle School District No. 1 (the "School District") and to not-for-profit private or public community service agencies who will use that equipment to accomplish City goals. Equipment acquired with funding from restricted sources shall be disposed of only in ways permitted by the source of funding; in the case of Seattle Public Utilities and Seattle City Light, surplus computer equipment may be disposed of under this ordinance only after the utility has received from a non-utility source compensation for any true and full value that equipment may have.

Section 2. The ((~~Executive Services~~)) Director of Executive Administration is authorized to enter into an agreement with the School District to transfer to the School District, with or without stated consideration, from time to time, whatever surplus City computer equipment the ((~~Executive Services~~)) Director of Executive Administration determines will support the educational mission of the School District.

REPEAL AND REMOVAL FROM CODIFICATION

Section _. The following sections or subsections of the Seattle Municipal Code and the corresponding ordinances or sections or parts of sections of ordinances, respectively, are repealed:

3.38.050;
21.101.010;
21.101.020;
21.101.030;
21.101.040;
21.101.050;
21.101.060;
21.101.070;
21.101.080;
21.101.090;
21.101.100.

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

Section _. Chapter 20.46 shall be removed from the Seattle Municipal Code, but the ordinances codified therein shall continue to apply to all contracts for which bids or proposals were due prior to May 1, 1994.

MISCELLANEOUS PROVISIONS

Section _. The Director of Finance, under the authority of the Mayor, shall have the power to make all administrative decisions necessary to carry out the intent of this ordinance.

Section __. The headings in this ordinance are for reference purposes only. They have no legal effect, and shall not be codified.

Section ___. It is the express intent of the City Council that this ordinance makes only those changes to the Seattle Municipal Code or uncodified ordinances shown by striking out, inside double parentheses, text to be deleted, and underlining text to be added. To this end, errors shown in the pre-existing Seattle Municipal Code or uncodified ordinances are to be disregarded, and no change in the Seattle Municipal Code is intended thereby.

Section __. The City Clerk shall publish in the City's legal newspaper the title and sections 1 through _____ of this ordinance, and a numerical tabulation by Seattle Municipal Code number or ordinance number of the sections or subsections that are redesignated, amended, or repealed by sections ____ through _ ____ of this ordinance as the summary of this ordinance, and state as part of that publication that the entire text may be examined electronically at http://clerk.ci.seattle.wa.us/ on the Internet, or in paper form at the offices of the City Clerk, First Floor, Seattle Municipal Building, 600 Fourth Avenue, Seattle, WA 98104, or will be mailed upon request.

Section __. It is the express intent of the City Council that, in the event another ordinance has heretofore been enacted that amended any section or subsection of the Seattle Municipal Code amended or recodified herein, that earlier amendment should be effectuated with equal dignity to this ordinance if at all possible in the codification of the Seattle Municipal Code and by the courts, notwithstanding the use in this ordinance of an obsolete version of that part of the Seattle Municipal Code on which to show intended amendments.

Section __. In the event any section or subsection of the Seattle Municipal Code purported to be amended or recodified herein has heretofore been repealed, that earlier repeal shall be given full effect, and nothing in this ordinance shall be construed to re-enact or preserve that section or subsection.

Section __. It is the express intent of the City Council that, in the event a subsequent ordinance refers to a position or office that was abolished by this ordinance, that reference shall be deemed to be to the new position or office created by this ordinance, and shall not be construed to resurrect the old position or office unless it expressly so provides by reference to this ordinance.

Section __. It is the express intent of the City Council that, in the event a subsequent ordinance refers to or amends a section or subsection of the Seattle Municipal Code or a previously enacted

CITY CLERK

NOTICE: IF THE DOCUMENT IN THIS FRAME IS LESS CLEAR THAN THIS NOTICE IT IS DUE TO THE QUALITY OF THE DOCUMENT.

ordinance that is amended or recodified herein, but the later ordinance fails to account for the change made by this ordinance, the two sets of amendments should be given effect together if at all possible.

Section __. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance of the validity of its application to other persons or circumstances.

Section __. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section __. ***Sections ____ through _____ of this ordinance shall take effect July 1, 2002.***

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

Passed by a two-thirds (2/3) vote of all the members of the City Council the _____ day of _____, 2002, and signed by me in open session in authentication of its passage this _____ day of _____, 2002.

_____
President _____ of the City Council

Approved by me this _____ day of _____, 2002.

_____
Mayor

Filed by me this _____ day of _____, 2002.

_____
City Clerk

(Seal)

CITY CLERK

IT IS DUE TO THE QUALITY OF THE DOCUMENT.

STATE OF WASHINGTON – KING COUNTY

--ss.

145250 No. ORDINANCE IN FULL
City of Seattle,Clerk's Office

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:ORD#120794

was published on

5/24/2002

Subscribed and sworn to before me on

5/24/2002

Notary public for the State of Washington,
residing in Seattle

NOTARY PUBLIC STATE OF WASHINGTON OLIVAREZ COMMISSION EXPIRES OCT 1, 2004

Affidavit of Publication