

Ordinance No. 121424

Council Bill No. 114835

AN ORDINANCE relating to opinion-gathering activities undertaken by certain departments and offices in the City of Seattle; authorizing the use of funds appropriated for 2004 for certain kinds of opinion-gathering activities; establishing a process for City Council approval of opinion-gathering activities and related expenditures; and adding a new chapter to Title 5 of the Seattle Municipal Code.

# The City of Seattle Council Bill/Ordinance

*(Handwritten initials)*

*Approved*

CF No. \_\_\_\_\_

3-22-04 *Pa*

Date Introduced: <u>MAR 8 - 2004</u>		
Date 1st Referred: <u>MAR 8 - 2004</u>	To: (committee)	<u>Finance &amp; Budget</u>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>3-22-04</u>	Full Council Vote: <u>8-0</u>	
Date Presented to Mayor: <u>3-23-04</u>	Date Approved: <u>3/29/04</u>	
Date Returned to City Clerk: <u>3/29/04</u>	Date Published: <u>11 pp</u>	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

*Law Department*

Law Dept. Review



**ORDINANCE** 121424

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AN ORDINANCE relating to opinion-gathering activities undertaken by certain departments and offices in the City of Seattle; authorizing the use of funds appropriated for 2004 for certain kinds of opinion-gathering activities; establishing a process for City Council approval of opinion-gathering activities and related expenditures; and adding a new chapter to Title 5 of the Seattle Municipal Code.

WHEREAS, in 2002 and 2003, certain City departments and offices spent at least \$508,097 from various funding sources on polls, surveys, focus groups and other forms of opinion gathering; and

WHEREAS, the budgets for those City departments and offices do not have line items of business for opinion-gathering activities, increasing the likelihood of misuse of appropriated funds and making it impossible for the Council to determine whether funds are being spent as Council intends; and

WHEREAS, in approving the 2004 City Budget, the City Council included a proviso (Tab 011, Action ID 1, Option B, Version 3) limiting the use of funds appropriated for 2004 on opinion-gathering activities by requiring certain departments and offices to submit questions and supporting materials to the relevant City Council Committee Chairperson before spending any funds on opinion-gathering activity, and requiring an ordinance authorizing the expenditure of appropriated funds in excess of \$2,500 on opinion-gathering activities; and

WHEREAS, the proviso has been a source of confusion for, and has been interpreted differently by, various departments and offices; and

WHEREAS, the City Council wishes to eliminate that confusion by establishing a process for approval of expenditures related to opinion-gathering activities going forward beyond the 2004 budget year, and to authorize the expenditure of funds appropriated for 2004 on certain kinds of such activities; and

WHEREAS, as an interim measure, the President of the City Council has provided the Director of the Department of Finance with a letter clarifying the process for complying with the proviso, until such time as the City Council adopts an ordinance setting forth a permanent process;

NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**



1 Section 1.

2 A. Expenditures of 2004 appropriated funds on opinion-gathering activities,  
3 as defined in the 2004 budget proviso on polls and surveys (Tab 011, Action ID 1, Option B,  
4 Version 3), and on consultant contracts related thereto, that a department or office identified in  
5 writing to the Chairperson of the relevant standing committee of the City Council prior to the  
6 effective date of this ordinance, are hereby authorized, ratified and confirmed, so long as the  
7 department or office (1) presents the questions and supporting materials to the Chairperson of the  
8 relevant standing committee of the City Council before undertaking such activity and (2)  
9 commits to present the results as described in the 2004 budget proviso at the conclusion of such  
10 activity.  
11

12 B. In addition, funds appropriated for 2004 to each of the City departments  
13 and offices listed in the 2004 budget proviso on polls and surveys, if not already authorized for  
14 expenditure in accordance with subsection A of this section, may be spent on opinion-gathering  
15 activities and consultant contracts related thereto in accordance with the provisions of Section 2  
16 of this ordinance.  
17

18 Section 2. A new chapter is added to Seattle Municipal Code Title 5 to read as follows:  
19

20 **Chapter 5.09**

21 **OPINION-GATHERING ACTIVITIES**

22 **5.09.010 Purpose.**

23 The general purpose of this chapter is to establish a process that enables the Council to  
24 oversee the expenditures of appropriated funds on Opinion-gathering Activities so that such  
25 funds are being spent in a manner consistent with Council's intent, and that gives Departments a  
26



1 clear and consistent process for planning for, obtaining approval for, and administering Opinion-  
2 gathering Activities.

3 **5.09.020 Definitions.**

4 As used in this chapter:

5 A. "Chairperson" means, for each Relevant Committee, the chairperson identified in  
6 the then-current resolution establishing the Committee.

7 B. "City" means the City of Seattle.

8 C. "Committee" means each of the Council standing committees established by  
9 Council resolution.

10 D. "Cost" means the total cost of an Opinion-gathering Activity, including but not  
11 limited to the costs of consultant contracts, costs (including, if known, costs of employee time) of  
12 developing and administering the questions or instrument, and costs (including, if known, costs  
13 of employee time) of preparing and reporting the Results, to all Departments, and over every  
14 year in the case of a multi-year Opinion-gathering Activity, but excludes:

15 1. the value of time spent by City employees in preparing and presenting an  
16 outline of a Department's Opinion-gathering Activities in accordance with Subsections

17 5.09.030(A)(1)-(3);

18 2. the value of time spent by City employees in obtaining the approvals  
19 contemplated in Subsection 5.09.030(B); and

20 3. the value of time spent by City employees in reporting Results pursuant to  
21 Subsection 5.09.030(C).

22 E. "Council" means the Seattle City Council.



1 F. "Department" means each of the following departments, offices, or other entities:  
2 the Department of Executive Administration, Department of Finance, Department of Information  
3 Technology, Department of Neighborhoods, Department of Parks and Recreation, Department of  
4 Planning and Development, Fleets and Facilities Department, Human Services Department, Law  
5 Department, Legislative Department, Office of Arts and Cultural Affairs, Office of Economic  
6 Development, Office of Housing, Office of Intergovernmental Relations, Office of Policy and  
7 Management, Office of Sustainability and Environment, Office of the Mayor, Personnel  
8 Department, Seattle Center, Seattle City Light, Seattle Fire Department, Office for Civil Rights,  
9 Seattle Police Department, Seattle Public Utilities and Seattle Department of Transportation. If  
10 the name of any Department is changed, or if a function or functions of any Department are  
11 transferred to another entity within City government, then the term "Department" shall also  
12 include the renamed Department and the entity taking over the function or functions.  
13

14 G. "Letter" means that letter dated February 27, 2004, from the President of the City  
15 Council to the Director of the Department of Finance, clarifying the interim process for  
16 complying with the Proviso.  
17

18 H. "Members" means, for each Relevant Committee, the members identified in the  
19 then-current resolution establishing the Committee.  
20

21 I. "Opinion-gathering Activities" include, but are not limited to, public and  
22 internal/employee polls, surveys, questionnaires, focus groups, telephone calling, automated  
23 telephone calling, or other mechanisms the primary purpose of which is to gather opinions or  
24 data from at least 10 persons, and includes all consultant and other contracts related thereto, but  
25 excludes:  
26





1 L. "Results" means the findings, results, data, analysis, report or other product of an  
2 Opinion-gathering Activity, an explanation of how the findings, results, data, analysis, report or  
3 other product will be used, and a description of any possible actions to be undertaken as a result  
4 of the Opinion-gathering Activity.

5 **5.09.030 Restriction; Approval Process.**

6 No Department may spend or encumber appropriated funds on Opinion-gathering  
7 Activities unless the Department has complied with the process set forth in this chapter and  
8 received approval from the Chairperson, in consultation with Members, to proceed with the  
9 Opinion-gathering Activity. For each Opinion-gathering Activity approved pursuant to this  
10 chapter, no Department may spend or encumber more appropriated funds than the maximum  
11 estimated Cost of that Opinion-gathering Activity indicated in the matrix as approved by the  
12 Chairperson.  
13  
14

15 A. Initial Approval.

16 1. Each Department shall submit a description of anticipated Opinion-  
17 gathering Activities using the matrix format shown below, along with supporting materials for  
18 each Opinion-gathering Activity, to the Chairperson and each Member.  
19  
20

21

DATE & TIMELINE	DIVISION/ PROJECT NAME & MANAGER	SCOPE, PURPOSE AND/OR LOST OPPORTUNITY	TARGET AUDIENCE	TYPE OF RESULTS EXPECTED	RANGE OF ESTIMATED COSTS

22  
23  
24

25 2. Departments are encouraged to plan Opinion-gathering Activities on a  
26 yearly basis and to bring all proposed Opinion-gathering Activities for a calendar year to the  
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1 Chairperson and Members in one matrix during the first quarter of that budget year. In addition,  
2 a Department may submit to the Chairperson and Members a second matrix in the first quarter,  
3 one additional matrix in the second quarter, and one final matrix no later than August 31<sup>st</sup> of the  
4 third quarter, for a total of no more than 4 matrices per year. A Department may ask the  
5 Chairperson to grant an exception to the quantity and timing requirements of this subsection,  
6 which the Chairperson may grant if s/he believes that an exception is warranted and will not  
7 unduly burden the Committee.  
8

9           3.       The Chairperson and Members will review the proposed Opinion-  
10 gathering Activities and may request from the Department additional information about each  
11 proposed Opinion-gathering Activity until the Chairperson, in consultation with the Members,  
12 determines that s/he should approve or reject each Opinion-gathering Activity and its associated  
13 range of estimated Costs set forth in the matrix. During the initial approval stage, a Department  
14 will provide a Committee briefing on a proposed Opinion-gathering Activity only at the request  
15 of the Chairperson or a Member.  
16

17           4.       After the Chairperson communicates approval of an Opinion-gathering  
18 Activity, the Department may proceed to expend appropriated funds to develop or have  
19 developed the instrument or questions needed to undertake the Opinion-gathering Activity, but  
20 may not expend appropriated funds to administer the instrument or questions except as in  
21 described in subsection B of this section.  
22

23           5.       If the Chairperson communicates a rejection of an Opinion-gathering  
24 Activity, the Department may not expend appropriated funds to develop, have developed,  
25 administer, or otherwise proceed with the instrument or questions of the Opinion-gathering  
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1 Activity. The Chairperson, in consultation with the Members, may, but is not required to,  
2 reconsider a rejection or consider a modification to a rejected Opinion-gathering Activity upon  
3 the request of the Department.

4 B. Final Approval.

5 1. Prior to administering the instrument or questions, the Department shall  
6 submit the Opinion-gathering Activity instrument or questions to the Chairperson and Members  
7 for their review.  
8

9 2. The Chairperson and Members may request and suggest changes to the  
10 instrument or questions.

11 3. If the Chairperson gives final approval of the instrument or questions, the  
12 Department may spend or encumber appropriated funds up to the maximum Cost estimated in  
13 the matrix and may administer the Opinion-gathering Activity as described to the Chairperson  
14 and Members.  
15

16 4. If the Chairperson rejects the instruments or questions, the Department  
17 shall not spend or encumber appropriated funds on the Opinion-gathering Activity.  
18

19 5. A Department shall not spend or encumber appropriated funds for  
20 expenses in excess of the maximum Cost estimated in the matrix for an Opinion-gathering  
21 Activity unless the Department has first provided the Chairperson and Members with a  
22 justification for the excess expenditures and the Chairperson has approved the excess Cost.  
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1 C. Reporting of Results.

2 1. The Department shall transmit to the Chairperson and Members the Cost  
3 and a written copy of the Results of each Opinion-gathering Activity, within 30 days of  
4 preparing or receiving the final Results.

5 2. After transmitting the final Results, the Department may request an  
6 opportunity to brief the Relevant Committee. In addition, the Department shall provide an oral  
7 briefing upon the request of the Chairperson or a Member.  
8

9 D. Exceptions.

10 1. A Department may undertake an Opinion-gathering Activity with a Cost  
11 below \$2500 without obtaining the approvals required in subsections A and B of this section.  
12 Departments are encouraged to include Opinion-gathering Activities with a Cost below \$2500 in  
13 the matrices they submit to the relevant Committee, even though Committee approval of such  
14 Opinion-gathering Activities is not required.  
15

16 2. At the conclusion of any Opinion-gathering Activity undertaken pursuant  
17 to subsection 1 of this section, the Department must notify the Chairperson and Members in  
18 writing of the Cost and Results of each such Opinion-gathering Activity, and, if the Opinion-  
19 gathering Activity was never included in a matrix, describe its nature and scope. Opinion-  
20 gathering Activities that do not involve the expenditure of appropriated funds are exempt from  
21 the provisions of this subsection 2.  
22

23 E. Changes to Approved Opinion-gathering Activities.

24 1. A Department shall not change the scope, purpose, target audience, range  
25 of estimated costs, or other aspect of an Opinion-gathering Activity for which the Chairperson  
26



1 has communicated initial approval pursuant to Section 5.09.030(A) of this chapter without first  
2 receiving the Chairperson's approval of such change.

3           2.       Once an Opinion-gathering Activity has received final approval from the  
4 Chairperson pursuant to Section 5.09.030(B) of this chapter, a Department shall not change the  
5 substance of the instrument or add, remove, or modify questions without first receiving the  
6 Chairperson's approval of such change, addition, removal, or modification.  
7

8           **5.09.040       Opinion-gathering Required by Ordinance, Contract, Collective**  
9           **Bargaining Agreement, or Law.**

10           Even though opinion-gathering activities required by ordinance, or by a contract or  
11 collective bargaining agreement approved by City ordinance, or otherwise required by law, are  
12 excluded from the definition of Opinion-gathering Activity pursuant to Section 5.09.020(I)(6)  
13 and are therefore not subject to the approval requirements of this chapter, no Department may  
14 spend or encumber appropriated funds on opinion-gathering activities that fall within Section  
15 5.09.020(I)(6) without transmitting to the Chairperson and Members a written copy of the  
16 findings, results, data, analysis, report or other product of such opinion-gathering activity within  
17 30 days of preparing or receiving them, along with a statement of the costs of the activity.  
18

19           **5.09.050       Noncompliance.**

20           A Chairperson may report any instances of noncompliance with this chapter to the  
21 Council President and to the Chairperson of the Finance and Budget Committee. Any such  
22 instances may be taken into consideration as part of the Council budget process.  
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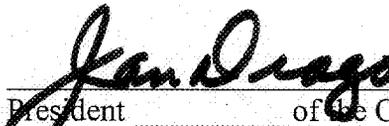
**5.09.060 Duration And Evaluation.**

The Council will reexamine this chapter in 2007 and determine whether the chapter should be amended or repealed.

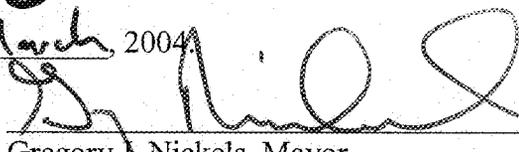
Section 3. Any act consistent with the authority of this ordinance taken after Council passage of this ordinance is hereby ratified and confirmed.

Section 4. 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.

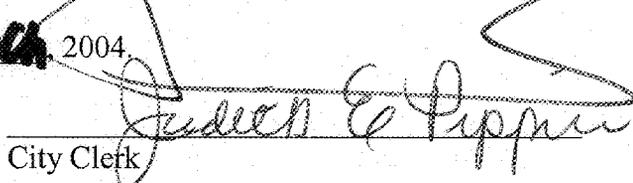
Passed by the City Council the 22<sup>nd</sup> day of March, 2004, and signed by me in open session in authentication of its passage this 22<sup>nd</sup> day of March, 2004.

  
\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this 29 day of March, 2004

  
\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this 29 day of March, 2004

  
\_\_\_\_\_  
City Clerk

(Seal)



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Various (see list below)	Amy Weissman/615-1675	Dwight Dively/684-5200

**Legislation Title:**

AN ORDINANCE relating to opinion-gathering activities undertaken by certain departments and offices in the City of Seattle; authorizing the use of funds appropriated for 2004 for certain kinds of opinion-gathering activities; establishing a process for City Council approval of opinion-gathering activities and related expenditures; and adding a new chapter to Title 5 of the Seattle Municipal Code.

• **Summary of the Legislation:**

A 2004 budget proviso prevents certain departments and offices from spending more than \$2500 of 2004 appropriated funds on polls and surveys without a future ordinance. This legislation constitutes the future ordinance required by the proviso. It authorizes the expenditure of funds appropriated for 2004 for certain opinion-gathering activities if certain procedural requirements are met. In addition, it sets forth a procedure on a going-forward basis for Council oversight and approval, via committees and committee chairpersons, of poll and survey-related activity, and narrows the types of activity that are affected. That procedure will be codified in a new Chapter 5.09 in the Seattle Municipal Code. Finally, the ordinance directs Council to reexamine the chapter in 2009.

• **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

As part of the 2004 budget process, the Council adopted a proviso, applicable to most but not all City departments and offices, mandating that: (1) no money shall be spent on polls and surveys before the department submits the questions and supporting materials to the Chairperson of the relevant Council Committee; and (2) no more than \$2,500 of funds appropriated for 2004 shall be spent on polls and surveys without a future ordinance. The proviso was adopted due to Council's concern with the exorbitant expenditures in 2002 and 2003 on polls and surveys across the City, with the use of department funds for seemingly inappropriate surveys, and with the lack of Council oversight or involvement of these expenditures.

In attempting to comply with the proviso, departments have found it difficult to follow, in part because they have interpreted the proviso inconsistently and in some cases erroneously. In addition, departments fear that the proviso will force them to prepare, and the Council to consider and vote on, many, many ordinances related to polls and surveys. The legislation is



intended to address these concerns while respecting Council's intention to increase oversight of funds spent on opinion-gathering activities.

- Please check one of the following:

**This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

**This legislation has financial implications.** (Please complete all relevant sections that follow.)

**Anticipated Revenue/Reimbursement: Resulting From This Legislation:** This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Fund Name and Number	Department	Revenue Source	2004 Revenue	2005 Revenue
<b>TOTAL</b>	<b>\$0</b>			

Notes: **NONE**

**Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE Impact:** This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Position Title and Department*	Fund Name	Fund Number	Part-Time/Full Time	2004 Positions	2004 FTE	2005 Positions**	2005 FTE**
<b>TOTAL</b>	<b>0</b>						

\* List each position separately

\*\* 2005 positions and FTE are total 2005 position changes resulting from this legislation, not incremental changes. Therefore, under 2005, please be sure to include any continuing positions from 2004

Notes: **No FTE changes.**

- **Do positions sunset in the future?** (If yes, identify sunset date): N/A



**Spending/Cash Flow:** This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.

Fund Name and Number	Department	Budget Control Level*	2004 Expenditures	2005 Anticipated Expenditures
<b>TOTAL</b>				

\* See budget book to obtain the appropriate Budget Control Level for your department.

Notes: N/A

- **What is 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.)

If the legislation is not implemented, departments and office may have to commit significant resources to preparing and presenting ordinances authorizing the expenditure of appropriated 2004 funds on polls and surveys. This cost is difficult to quantify, but the amount of employee time necessary may be substantial, particularly for departments like Seattle City Light and SPU.

It is also possible that failing to enact the legislation may lead departments to avoid doing some polls and surveys in 2004. However, it is not clear that any cost savings would result because departments would likely use their appropriated funds on other expenses.

Finally, if the legislation is not implemented, the Council may feel it necessary to reconsider during the budget process each year whether to proviso expenditures of appropriated funds related to polls and surveys.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** (Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)

The City could keep the proviso in place and do nothing else. This would achieve the Council's objective of increasing oversight over expenditures on polls and surveys, but it would only do so for 2004. Moreover, it would not achieve the goal of making the survey approval process less onerous for departments, and may make it very difficult for departments to conduct surveys, even when those surveys might be important to their business.



The City could also create a BCL for polls and surveys in certain departments. Such a BCL would assist Council in seeing where departmental funds are being spent. However, this would not give Council oversight of particular surveys, and would likely not be a good solution from the departments' perspective.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)*

No.

- **Other Issues** *(including long-term implications of the legislation):*

This legislation will authorize departments to spend money in 2004 that has already been appropriated to them. It is difficult at this point to estimate how large that expense might be. However, regardless of how much is spent on polls and surveys in 2004, the net financial effect of this legislation is probably \$0 because departments would likely use those appropriated funds on other expenses if they were not permitted to spend them on polls and surveys.

This legislation may require departments to devote some employee time to complying with the procedural requirements for survey approval. However, departments would likely have to devote substantially more time under the 2004 proviso if the legislation is not adopted. It is not clear how this will play out in future years. The proviso is in effect only in 2004, while the legislation would be in effect through at least 2009; however, if Council were inclined to adopt a proviso similar to the 2004 proviso in future years, there might still be a net reduction in the amount of employee time needed for compliance. In addition, as the procedure becomes familiar to departments and Council over time, all parties involved will likely use the process more efficiently, further reducing the amount of time devoted to compliance.

Finally, since the legislation calls for Council to reexamine the situation in 2009, it is possible that after 5 years of oversight, there will no longer be a need for Council to examine polls and surveys if the legislation succeeds in encouraging departments to use appropriated funds wisely and in a manner consistent with their departmental charge.

**Please list attachments to the fiscal note below:**

None.

**ORDINANCE** \_\_\_\_\_

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8 WHEREAS, in 2002 and 2003, certain City departments and offices spent at least \$508,097 from  
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10 gathering; and

11 WHEREAS, the budgets for these City departments and offices do not have line items of  
12 business for opinion-gathering activities, increasing the likelihood of misuse of  
13 appropriated funds and making it impossible for the Council to determine whether funds  
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16 WHEREAS, in approving the 2004 City Budget, the City Council included a proviso (Tab 011,  
17 Action ID 1, Option B, Version 3) limiting the use of funds appropriated for 2004 on  
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19 questions and supporting materials to the relevant City Council Committee Chairperson  
20 before spending any funds on opinion-gathering activity, and requiring an ordinance  
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24 WHEREAS, the proviso has been a source of confusion for, and has been interpreted differently  
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WHEREAS, as an interim measure, the President of the City Council has provided the Director  
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**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**



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18 Section 2. A new chapter is added to Seattle Municipal Code Title 5 to read as follows:  
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1 F. "Department" means each of the following departments, offices, or other entities:  
2 the Department of Executive Administration, Department of Finance, Department of Information  
3 Technology, Department of Neighborhoods, Department of Parks and Recreation, Department of  
4 Planning and Development, Fleets and Facilities Department, Human Services Department, Law  
5 Department, Legislative Department, Office of Arts and Cultural Affairs, Office of Economic  
6 Development, Office of Housing, Office of Intergovernmental Relations, Office of Policy and  
7 Management, Office of Sustainability and Environment, Office of the Mayor, Personnel  
8 Department, Seattle Center, Seattle City Light, Seattle Fire Department, Office for Civil Rights,  
9 Seattle Police Department, Seattle Public Utilities and Seattle Transportation. If the name of any  
10 Department is changed, or if a function or functions of any Department are transferred to another  
11 entity within City government, then the term "Department" shall also include the renamed  
12 Department and the entity taking over the function or functions.  
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15 G. "Letter" means that letter dated February 27, 2004, from the President of the City  
16 Council to the Director of the Department of Finance, clarifying the interim process for  
17 complying with the Proviso.  
18

19 H. "Members" means, for each Relevant Committee, the members identified in the  
20 then-current resolution establishing the Committee.

21 I. "Opinion-gathering Activities" include, but are not limited to, public and  
22 internal/employee polls, surveys, questionnaires, focus groups, telephone calling, automated  
23 telephone calling, or other mechanisms the primary purpose of which is to gather opinions or  
24 data from at least 10 persons, and includes all consultant and other contracts related thereto, but  
25 excludes:  
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1. Public hearings that have been advertised in accordance with law;
2. Public forums at which the general public is welcome;
3. Public workshops at which the general public is welcome;
4. Department newsletters for which the general public is able to sign up;
5. Citizen input, whether received through letters, e-mails, faxes, phone calls, or in-person contacts, that (a) has not been solicited by the posing of questions by the City or any agent of the City, or (b) is offered in response to a question posed by the City or any agent of the City that is incidental to a communication, an activity, a discussion, or informational material the primary purpose of which is not opinion-gathering, data-gathering, or the providing of opinions or data;
6. Opinion-gathering Activity required by ordinance, or by a contract or collective bargaining agreement approved by City ordinance, or otherwise required by law;
7. Input on policy issues requested by a Department manager from other managers within the same Department; and
8. Employee and citizen input, whether received through letters, e-mails, faxes, phone calls, or in-person contacts, concerning evaluations of training programs and routine department administrative matters (for example, placement of office equipment and scheduling of events).

J. "Proviso" means that proviso adopted by the City Council as part of the approved 2004 City Budget at Tab 011, Action ID 1, Option B, Version 3.

K. "Relevant Committee" means the Committee with duties most closely related to a particular Opinion-gathering Activity as determined by the Council President.

1 L. "Results" means the findings, results, data, analysis, report or other product of an  
2 Opinion-gathering Activity.

3 **5.09.030 Restriction; Approval Process.**

4 No Department may spend or encumber appropriated funds on Opinion-gathering  
5 Activities unless the Department has complied with the process set forth in this chapter and  
6 received approval from the Chairperson, in consultation with Members, to proceed with the  
7 Opinion-gathering Activity. For each Opinion-gathering Activity approved pursuant to this  
8 chapter, no Department may spend or encumber more appropriated funds than the maximum  
9 estimated Cost of that Opinion-gathering Activity indicated in the matrix as approved by the  
10 Chairperson.  
11

12 A. Initial Approval.

13  
14 1. Each Department shall submit a description of anticipated Opinion-  
15 gathering Activities using the matrix format shown below, along with supporting materials for  
16 each Opinion-gathering Activity, to the Chairperson and each Member.  
17

18

19 DATE & TIMELINE	DIVISION/ PROJECT NAME & MANAGER	SCOPE, PURPOSE AND/OR LOST OPPORTUNITY	TARGET AUDIENCE	TYPE OF RESULTS EXPECTED	RANGE OF ESTIMATED COSTS
20					
21					

22 2. Departments are encouraged to plan Opinion-gathering Activities on a  
23 yearly basis and to bring all proposed Opinion-gathering Activities for a calendar year to the  
24 Chairperson and Members in one matrix during the first quarter of that budget year. In addition,  
25 a Department may submit to the Chairperson and Members a second matrix in the first quarter,  
26  
27  
28



1 one additional matrix in the second quarter, and one final matrix no later than August 31<sup>st</sup> of the  
2 third quarter, for a total of no more than 4 matrices per year. A Department may ask the  
3 Chairperson to grant an exception to the quantity and timing requirements of this subsection,  
4 which the Chairperson may grant if s/he believes that an exception is warranted and will not  
5 unduly burden the Committee.

6  
7 3. The Chairperson and Members will review the proposed Opinion-  
8 gathering Activities and may request from the Department additional information about each  
9 proposed Opinion-gathering Activity until the Chairperson, in consultation with the Members,  
10 determines that s/he should approve or reject each Opinion-gathering Activity and its associated  
11 range of estimated Costs set forth in the matrix. During the initial approval stage, a Department  
12 will provide a Committee briefing on a proposed Opinion-gathering Activity only at the request  
13 of the Chairperson or a Member.

14  
15 4. After the Chairperson communicates approval of an Opinion-gathering  
16 Activity, the Department may proceed to expend appropriated funds to develop or have  
17 developed the instrument or questions needed to undertake the Opinion-gathering Activity, but  
18 may not expend appropriated funds to administer the instrument or questions except as in  
19 described in subsection B of this section.

20  
21 5. If the Chairperson communicates a rejection of an Opinion-gathering  
22 Activity, the Department may not expend appropriated funds to develop, have developed,  
23 administer, or otherwise proceed with the instrument or questions of the Opinion-gathering  
24 Activity. The Chairperson, in consultation with the Members, may, but is not required to,  
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1 reconsider a rejection or consider a modification to a rejected Opinion-gathering Activity upon  
2 the request of the Department.

3 B. Final Approval.

4 1. Prior to administering the instrument or questions, the Department shall  
5 submit the Opinion-gathering Activity instrument or questions to the Chairperson and Members  
6 for their review.

7 2. The Chairperson and Members may request and suggest changes to the  
8 instrument or questions.

9 3. If the Chairperson gives final approval of the instrument or questions, the  
10 Department may spend or encumber appropriated funds up to the maximum Cost estimated in  
11 the matrix and may administer the Opinion-gathering Activity as described to the Chairperson  
12 and Members.

13 4. If the Chairperson rejects the instruments or questions, the Department  
14 shall not spend or encumber appropriated funds on the Opinion-gathering Activity.

15 5. A Department shall not spend or encumber appropriated funds for  
16 expenses in excess of the maximum Cost estimated in the matrix for an Opinion-gathering  
17 Activity unless the Department has first provided the Chairperson and Members with a  
18 justification for the excess expenditures and the Chairperson has approved the excess Cost.

19 C. Reporting of Results.

20 1. The Department shall transmit to the Chairperson and Members the Cost  
21 and a written copy of the Results of each Opinion-gathering Activity, within 30 days of  
22 preparing or receiving the final Results.  
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Section 3. Any act consistent with the authority of this ordinance taken after Council passage of this ordinance is hereby ratified and confirmed.

Section 4. 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 the City Council the \_\_\_\_ day of \_\_\_\_\_, 2004, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
City Clerk

(Seal)



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STATE OF WASHINGTON – KING COUNTY

–SS.

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170387  
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE TITLE ONLY

**Affidavit of Publication**

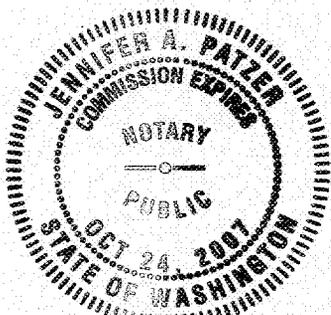
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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 12<sup>th</sup> 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:121422-425 TITLE ONLY

21424  
was published on

4/1/2004



Affidavit of Publication

*Mel Dorf*

Subscribed and sworn to before me on

4/1/2004

*Jennifer A. Patzer*

Notary public for the State of Washington,  
residing in Seattle

## State of Washington, King County

### City of Seattle

#### TITLE-ONLY PUBLICATION

The full text of the following ordinances passed by the City Council on March 22, 2004 and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-8344.

#### ORDINANCE NO. 121425

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

#### ORDINANCE NO. 121424

AN ORDINANCE relating to opinion-gathering activities undertaken by certain departments and offices in the City of Seattle; authorizing the use of funds appropriated for 2004 for certain kinds of opinion-gathering activities; establishing a process for City Council approval of opinion-gathering activities and related expenditures; and adding a new chapter to Title 5 of the Seattle Municipal Code.

#### ORDINANCE NO. 121423

AN ORDINANCE relating to the Fleets and Facilities Department; authorizing the negotiation of agreements with other public agencies for the purchase and provision of any and all services for which the Fleets and Facilities Department is responsible; and authorizing the Fleets and Facilities Director to execute any such agreement for and on behalf of the City.

#### ORDINANCE NO. 121422

AN ORDINANCE relating to the Fleets and Facilities Department, authorizing the conveyance of Fire Pumper Truck #319 to Mr. Galen K. Thomaier subject to certain conditions.

Publication ordered by JUDITH PIPPIN,  
City Clerk.

Date of publication in the Seattle Daily  
Journal of Commerce, April 1, 2004.

4/1(170327)