ORDINANCE \[23182\]


BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2010, the Office of Policy and Management in the Executive Department is abolished.

Section 2. Effective January 1, 2010, Sections 3.14.502 through 3.14.530 of the Seattle Municipal Code, which currently read as follows, are repealed:

((3.14.502—Office-established—Purpose.)

There is established in the Executive Department an Office of Policy and Management. The purposes of the Office of Policy and Management are as follows:

A. To assist the Mayor and City Council in the development and analysis of high-level Citywide policies on major issues including, but not limited to, public safety, transportation alternatives and mobility, urban development, urban sustainability and the natural environment; social equity, community health and human needs;

B. To coordinate and lead major Citywide initiatives and projects that cut across the roles and responsibilities of multiple City departments, including, but not limited to, complex real estate development projects that require the participation of a variety of disciplines;

C. To develop partnerships that will further Citywide goals, and utilize the many talents and resources of the full community;
D. To monitor and, if possible, influence critical external factors that affect Seattle's economic vitality, jobs and demographics and recommend appropriate strategies;

E. To assist the Mayor in developing accountability agreements with departments and to work with departments to ensure progress on priority projects;

F. To facilitate the process of developing City policy between the Mayor and City Council by identifying joint priorities and helping to resolve differences.


The Director of the Office of Policy and Management shall be appointed by the Mayor, subject to confirmation by a majority vote of all members of the City Council, and may be removed by the Mayor upon filing a statement of his or her reasons therefor with the City Council.


Under the direction of the Mayor, the duties of the Director of the Office of Policy and Management are as follows:

A. Oversee and manage the functions of the Office of Policy and Management as set forth in Section 3.14.502; and

B. Develop an annual work plan that is based on a joint City Council-Mayor Annual Citywide Policy Priorities Resolution or ordinance. The target date for the completion of such resolution or ordinance will be by the end of the first quarter of each calendar year beginning in 2004. The 2002 and 2003 workplans shall be based on Section 2 of Ordinance 120890. The annual resolution or ordinance will reflect the major issues and priorities the City Council and Mayor want to address during the coming year and will provide the basis for the Office of Policy and Management work program as it relates to policy development. Furthermore, the Director of the
Office of Policy and Management will confer with the City Council President and Committee Chairs on the approach to the work undertaken by the Office of Policy and Management.


In order to carry out office functions, the Director of the Office of Policy and Management shall have the power to:

A. Appoint, remove, assign, supervise, and control officers and employees in the Office of Policy and Management in accordance with the applicable ordinances and rules;

B. Manage the preparation of the proposed budget for the Office of Policy and Management, authorize appropriate expenditures and carry out the adopted budget and supervise the maintenance of adequate accounting systems and procedures; develop and manage programs; and undertake authorized activities;

C. Execute and enforce contracts (including agreements for expert and consultant services) subject to applicable purchasing and bidding ordinances; apply for grants and donations for office programs; execute interdepartmental agreements and, as authorized by ordinances, intergovernmental agreements; arrange for places for public meetings; and solicit and use volunteer services; and

D. Promulgate rules and regulations to carry out office activities pursuant to the Administrative Code, SMC Chapter 3.02.)
Section 3. Effective January 1, 2010, Section 3.14.540 of the Seattle Municipal Code, enacted by Ordinance 122441, is renumbered, recodified, and amended as follows:


There is established an Immigrant and Refugee Advisory Board. The Department of Neighborhoods ((Office of Policy and Management)) shall provide staff and meeting space to the Board, and shall maintain its records.

Section 4. Effective January 1, 2010, Section 3.14.550 of the Seattle Municipal Code, enacted by Ordinance 122441, is renumbered and recodified as follows:

3.35.100 ((3.14.550)) Immigrant and Refugee Advisory Board—Purpose and Duties.

The Immigrant and Refugee Advisory Board shall act in an advisory capacity, and shall have the following purposes and duties:

A. To advise the Mayor, City Council and other departments and offices on ways to enhance and improve access to City services and resources for immigrants and refugees, as well as strengthen opportunities for immigrants and refugees to participate in the civic life of the City;

B. To advise the City concerning the successful implementation of the Immigrant and Refugee Action Plan and on future updates to the plan;

C. To advise all departments and offices of the City in matters affecting immigrants and refugees, as appropriate; and

D. To encourage understanding between and among the various immigrant and refugee communities and the larger Seattle community.

Section 5. Effective January 1, 2010, Section 3.14.560 of the Seattle Municipal Code, enacted by Ordinance 122441, is renumbered and recodified as follows:
3.35.110 ((3.14.560)) Immigrant and Refugee Advisory Board--Appointments, Membership and Terms.

A. The Immigrant and Refugee Advisory Board shall consist of fifteen (15) members. Seven (7) members shall be appointed by the City Council; and eight (8) members shall be appointed by the Mayor. All appointments are subject to confirmation by a majority of the City Council. The appointing body shall provide written public notice for a vacant position(s).

B. In making appointments to the Board, the goal should be to maintain the gender balance and reflect the diversity of the immigrant and refugee community in Seattle, and attempts should be made to include two (2) members from the Asian/Pacific Islander Community, two (2) members from the Latino Community, two (2) members from the African Community, and two (2) members from the European/Middle East Community. At least, two (2) members should be youth or young adults under the age of 25 or represent youth issues. At least two-thirds (2/3) of the members should be immigrants and refugees themselves. All members shall demonstrate experience or expertise with immigrant issues as well as commitment to all immigrant and refugee communities. The Mayor and Council will coordinate appointments to help achieve the representation goals in this Subsection.

C. Each Immigrant and Refugee Advisory Board member shall serve for a term of two (2) years; provided, however, that three (3) of the initial Mayoral appointees and three (3) of the initial City Council appointees shall serve initial terms of one (1) year, to provide for staggered terms. The initial terms shall begin no later than January 2008 following the passage of this legislation creating the Board. No member of the Board shall serve more than two consecutive terms. Any vacancy shall be filled for the unexpired term in the same manner as originally appointed. If a person is appointed to fill the duration of an unexpired term, then that term shall qualify as one (1) of the two (2) consecutive terms only if the portion of the unexpired term actually served is one (1) year or more. If
the appointing authority fails to appoint or re-appoint a person to fill a Board position before the
incumbent Board member's term has expired, then the incumbent may remain in his or her position
for a period not to exceed ninety (90) days until such appointment or re-appointment is made. The
authority that appointed a Board member may remove that Board member at will. The Board may, by
majority vote, recommend to the appointing authority, removal from office of a Board member who
is absent without excuse from three (3) Board meetings during any one (1)-year period. The Board
shall select a chair, and may adopt, promulgate, amend and rescind administrative rules and
regulations for its own conduct. No employee of the City of Seattle shall serve on the Board.

enacted by Ordinance 122441, is renumbered and recodified as follows:

3.35.120 ((3.14.570)) Annual Work Plan.

The Immigrant and Refugee Advisory Board will develop an Annual Workplan for the
coming year and an Annual Report on the previous year's work. The Annual Report will include a
summary of Board accomplishments and challenges, as well as recommendations on how the City
can continue to facilitate access to City services and programs and strengthen the City's Immigrant
and Refugee Action Plan. The Board will brief the Mayor's Executive Team and the City Council on
the Annual Workplan and Annual Report.

Code, the sections of which have been either repealed, or renumbered and recodified, by prior
sections of this ordinance, is relabeled as follows:

Subchapter III Reserved ((Office-of-Policy-and-Management))
Section 8. Effective January 1, 2010, Section 4.13.010 of the Seattle Municipal Code, last amended by Ordinance 122591, is amended as follows:

4.13.010 Exemptions from the Civil Service and Public Safety Civil Service Systems.

In addition to those positions exempted by statute, City Charter, or other ordinance provision (elected officers, officers appointed pursuant to the City Charter, assistant City attorneys, heads of employing units, members of boards and commissions established by the City Charter, members of boards and commissions established by ordinance, positions excluded from the Public Safety Civil Service System pursuant to SMC Section 4.08.060, system-wide exemptions provided for in SMC Section 4.13.020, and library employees), the positions of City employment listed in the subsections of this section requiring a particularly high degree of professional responsiveness and individual accountability, or requiring a confidential or fiduciary relationship with the appointing authority, or being judicial positions requiring insulation as a third branch of government, are hereby declared to be exempt from the Seattle Municipal Code Chapters 4.04, 4.08, and the rules of City Personnel, the Civil Service Commission, and the Public Safety Civil Service Commission regarding examination, selection, discipline, termination, and appeals.

<table>
<thead>
<tr>
<th>Employment Unit</th>
<th>Titles of Exempt Positions</th>
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<tr>
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<td>* * *</td>
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<tr>
<td>6. Executive</td>
<td>Administrative Staff Assistant (OED) (PosNo. 00024286)</td>
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<tr>
<td></td>
<td>Administrative Staff Assistant (OIR) (PosNo. 00015325)</td>
</tr>
<tr>
<td></td>
<td>Administrative Staff Assistant (OOH) (PosNo. 00017417)</td>
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<tr>
<td></td>
<td>All directors of offices in the Executive Department</td>
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<td></td>
<td>All positions in the Office of the Mayor</td>
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<td></td>
<td>((All positions in the Office of Policy and Management))</td>
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<tr>
<td></td>
<td>Executive Assistant (OCR) (PosNo. 00024628)</td>
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<tr>
<td></td>
<td>Paralegal (OCR) (PosNo. 00025294)</td>
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Section 9. 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 23rd day of November, 2009, and signed by me in open session in authentication of its passage this 23rd day of November, 2009.

[Signature]
President of the City Council

Approved by me this _____ day of ____________, 2009.

[Signature]
Returned Unsigned by Mayor
Gregory J. Nickels, Mayor

Filed by me this 3rd day of December, 2009.

[Signature]
City Clerk

(Seal)
FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department: Legislative
Contact Person/Phone: Meg Moorehead, 4-8929
DOF Analyst/Phone: 

Legislation Title:


- Summary of the Legislation:

This legislation would abolish the Office of Policy and Management (OPM) and transfer staffing responsibility for the Immigrant and Refugee Advisory Board from OPM to the Department of Neighborhoods (DON), which currently provides staff support to the Board. It is Council’s intent that this legislation be considered in conjunction with 2010 budget green sheets that would transfer 11 of OPM’s 15 positions to the Mayor’s Office (MO) and 1 position to the Legislative Department.

- Background:

This legislation eliminates OPM to reduce General Subfund (GSF) expenditures and thus help to address revenue constraints in 2010 and beyond. Budget green sheets are being considered in conjunction with this legislation as part of the Council’s 2010 budget review. Those green sheets would transfer most OPM positions and a portion of OPM’s proposed 2010 non-personnel expenditures to the MO and Legislative Department. Eliminating OPM would reduce overall costs while increasing the staff directly available to the support the Mayor and Legislative Department. A summary of budget green sheet (GS) changes includes:

<table>
<thead>
<tr>
<th></th>
<th>OPM Proposed Budget</th>
<th>OPM-Related Changes (GS 123-1-A)</th>
<th>Other Exec Dept Changes (GS 123-2-A)</th>
<th>Net GS change</th>
</tr>
</thead>
<tbody>
<tr>
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<td>FTE</td>
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<td>FTE</td>
<td>$</td>
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<tr>
<td>OPM revised</td>
<td>15</td>
<td>$2,117</td>
<td>(15)</td>
<td>($2,117)</td>
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<tr>
<td>MO revised</td>
<td>-</td>
<td>-</td>
<td>11</td>
<td>$1,537</td>
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<tr>
<td>Leg Dept revised</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>$205</td>
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</table>

1/ in thousands of dollars
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.)

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

Appropriations:

<table>
<thead>
<tr>
<th>Fund Name and Number</th>
<th>Department</th>
<th>Budget Control Level</th>
<th>2009 Appropriation</th>
<th>2010 Anticipated Appropriation</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
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</table>

Notes:
This legislation abolishes OPM but does not eliminate the 2010 appropriation for OPM. Budget green sheets being considered in conjunction with the legislation would eliminate OPM 2010 appropriations and increase MO and Legislative Department appropriations as shown in the Background section above.

Anticipated Revenue/Reimbursement: Resulting From This Legislation:

<table>
<thead>
<tr>
<th>Fund Name and Number</th>
<th>Department</th>
<th>Revenue Source</th>
<th>2009 Revenue</th>
<th>2010 Revenue</th>
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</thead>
<tbody>
<tr>
<td>N/A</td>
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</tbody>
</table>

Notes:

Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact:

<table>
<thead>
<tr>
<th>Position Title and Department</th>
<th>Position # for Existing Positions</th>
<th>Fund Name &amp; #</th>
<th>PT/FT</th>
<th>2009 Positions</th>
<th>2009 FTE</th>
<th>2010 Positions*</th>
<th>2010 FTE*</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
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Notes:
This legislation eliminates OPM as it is currently established in the Seattle Municipal Code, with the intent that most of OPM’s staff and functions would be transferred to the MO and Legislative Department as shown in the Background section above.
• **Do positions sunset in the future?** *(If yes, identify sunset date):*

**Spending/Cash Flow:**

<table>
<thead>
<tr>
<th>Fund Name &amp; #</th>
<th>Department</th>
<th>Budget Control Level*</th>
<th>2009 Expenditures</th>
<th>2010 Anticipated Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td></td>
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<tr>
<td>TOTAL</td>
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**Notes:**

• **What is the financial cost of not implementing the legislation?**

If the legislation is not implemented, cost savings from eliminating OPM would be not be achieved and 2010 appropriations would need to be made for OPM. Those appropriations could be made at the Mayor-proposed $2,117,492 level, or different level.

• **Does this legislation affect any departments besides the originating department?**

DON would have staffing responsibility for the Immigrant and Refugee Advisory Board. DON already provides the primary staff support for the Board, and no additional resources are anticipated to be needed to fulfill this function.

In addition, if budget green sheets associated with this legislation are approved, the MO and the Legislative Department would receive additional expenditure authority and positions transferred from OPM.

• **What are the possible alternatives to the legislation that could achieve the same or similar objectives?**

Although other budget cuts could achieve similar GSF savings to address revenue shortfalls, they would not achieve the benefits of transferring OPM positions to the MO and Legislative Department.

• **Is the legislation subject to public hearing requirements:**

No.

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

• **List attachments to the fiscal note below:** *(Please include headers with version numbers on all attachments, as well footers with the document’s name (e.g., DOF Property Tax Fisc Att A)*
On December 3, 2009, Mayor Nickels returned Council Bill No. 116721 and Council Bill No. 116725 to this office without his signature of approval. CB 116721 is a bill relating to City Light rates, and CB 116725 abolishes the Office of Policy and Management.

I have attached to this memo the Mayor's letters of explanation regarding his decision. The absence of the Mayor's signature indicates neither his approval nor disapproval of the Council Bill, as addressed in Seattle Municipal Code 1.04.020 and City Charter Article IV, Section 12.

However, a Bill returned by the Mayor unsigned is considered "approved" for purposes of the Bill becoming an Ordinance, and therefore law, within the City of Seattle.

No further action on the part of Council is required.
December 1, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am returning Council Bill 116725 without my signature. This Bill eliminates the Office of Policy and Management (OPM).

I believe it is important for the City to have an office that provides research and analysis to develop innovative policies and programs. Since its inception OPM has been at the forefront of many major policy initiatives for the city. From climate change to community development, education to human capital, federal stimulus to homeless housing, and transportation alternatives to criminal justice, OPM helped achieve results for our city that have received national recognition.

In addition, OPM is responsible for administering critical ongoing activities, including management of the City’s jail population, oversight of the indigent defense contracts, coordination and reporting of federal stimulus funds, oversight of public development authorities, and production of geographic information system materials for Executive departments and the City Council. These are critical and necessary functions that belong in an agency such as OPM.

A new administration may propose a different structure for policy and program development, however I believe it would have been more appropriate to leave OPM in existence until that determination was made to prevent the uncertainty your actions has created that will inevitably interrupt the important ongoing work of the staff who were once part of OPM.

Sincerely,

Greg Nickels
Mayor of Seattle

cc Honorable Members of the Seattle City Council