

Ordinance No. 123182

Council Bill No. 116725

AN ORDINANCE abolishing the Office of Policy and Management; transferring to the Department of Neighborhoods the responsibility to provide staff and meeting space for the Immigrant and Refugee Advisory Board; repealing Sections 3.14.502 through 3.14.530 of the Seattle Municipal Code; renumbering, recodifying, and amending Section 3.14.540; renumbering and recodifying Sections 3.14.550 through 3.14.570; and amending Section 4.13.010.

Related Legislation File:

Date Introduced and Referred: <u>11-30-09</u>	To: (committee): <u>Budget</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>11-23-09</u>	Date Presented to Mayor: <u>11-23-09</u>
Date Signed by Mayor: <b>Returned Unsigned by Mayor</b>	Date Returned to City Clerk: <u>12.3.09</u>
Published by Title Only	Date Vetoed by Mayor:
Published in Full Text <input checked="" type="checkbox"/>	Date Passed Over Veto:
Date Veto Published:	Date Returned Without Signature:

# The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Gadden

## Committee Action:

Date	Recommendation	Vote
<u>11-12-09</u>	<u>Pass</u>	<u>JG, TB, SC, RC, JD, BH, DL, RM, TR</u>

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

## Full Council Action:

Date	Decision	Vote
<u>11-23-09</u>	<u>Passed</u>	<u>9-0</u>



1           D. ~~To monitor and, if possible, influence critical external factors that affect Seattle's~~  
2 economic vitality, jobs and demographics and recommend appropriate strategies;

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

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

7  
8 **~~3.14.510 Director of the Office of Policy and Management Appointment Removal.~~**

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

12  
13 **~~3.14.521 Director Duties.~~**

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

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

18           B. ~~Develop an annual work plan that is based on a joint City Council Mayor Annual~~  
19 Citywide Policy Priorities Resolution or ordinance. The target date for the completion of such  
20 resolution or ordinance will be by the end of the first quarter of each calendar year beginning in  
21 22004. The 2002 and 2003 workplans shall be based on Section 2 of Ordinance 120890. The annual  
22 resolution or ordinance will reflect the major issues and priorities the City Council and Mayor want  
23 to address during the coming year and will provide the basis for the Office of Policy and  
24 Management work program as it relates to policy development. Furthermore, the Director of the  
25  
26



1 Office of Policy and Management will confer with the City Council President and Committee Chairs  
2 on the approach to the work undertaken by the Office of Policy and Management.

3 **3.14.530 Director Ancillary duties.**

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

6  
7 A. ~~Appoint, remove, assign, supervise, and control officers and employees in the Office of~~  
8 ~~Policy and Management in accordance with the applicable ordinances and rules;~~

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

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

17 D. ~~Promulgate rules and regulations to carry out office activities pursuant to the~~  
18 ~~Administrative Code, SMC Chapter 3.02.))~~



1           **Section 3.** Effective January 1, 2010, Section 3.14.540 of the Seattle Municipal Code,  
2 enacted by Ordinance 122441, is renumbered, recodified, and amended as follows:

3           **3.35.090 ((~~3.14.540~~)) Immigrant and Refugee Advisory Board Established.**

4           There is established an Immigrant and Refugee Advisory Board. The Department of  
5 Neighborhoods ((~~Office of Policy and Management~~)) shall provide staff and meeting space to the  
6 Board, and shall maintain its records.  
7

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

10           **3.35.100 ((~~3.14.550~~)) Immigrant and Refugee Advisory Board--Purposes and Duties.**

11           The Immigrant and Refugee Advisory Board shall act in an advisory capacity, and shall have  
12 the following purposes and duties:  
13

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

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

19           C. To advise all departments and offices of the City in matters affecting immigrants and  
20 refugees, as appropriate; and  
21

22           D. To encourage understanding between and among the various immigrant and refugee  
23 communities and the larger Seattle community.  
24

25           **Section 5.** Effective January 1, 2010, Section 3.14.560 of the Seattle Municipal Code,  
26 enacted by Ordinance 122441, is renumbered and recodified as follows:  
27



1 **3.35.110 ((~~3.14.560~~)) Immigrant and Refugee Advisory Board--Appointments, Membership**  
2 **and Terms.**

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

8 B. In making appointments to the Board, the goal should be to maintain the gender balance  
9 and reflect the diversity of the immigrant and refugee community in Seattle, and attempts should be  
10 made to include two (2) members from the Asian/Pacific Islander Community, two (2) members  
11 from the Latino Community, two (2) members from the African Community, and two (2) members  
12 from the European/Middle East Community. At least, two (2) members should be youth or young  
13 adults under the age of 25 or represent youth issues. At least two-thirds ( 2/3) of the members should  
14 be immigrants and refugees themselves. All members shall demonstrate experience or expertise with  
15 immigrant issues as well as commitment to all immigrant and refugee communities. The Mayor and  
16 Council will coordinate appointments to help achieve the representation goals in this Subsection.  
17

18 C. Each Immigrant and Refugee Advisory Board member shall serve for a term of two (2)  
19 years; provided, however, that three (3) of the initial Mayoral appointees and three (3) of the initial  
20 City Council appointees shall serve initial terms of one (1) year, to provide for staggered terms. The  
21 initial terms shall begin no later than January 2008 following the passage of this legislation creating  
22 the Board. No member of the Board shall serve more than two consecutive terms. Any vacancy shall  
23 be filled for the unexpired term in the same manner as originally appointed. If a person is appointed  
24 to fill the duration of an unexpired term, then that term shall qualify as one (1) of the two (2)  
25 consecutive terms only if the portion of the unexpired term actually served is one (1) year or more. If  
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1 the appointing authority fails to appoint or re-appoint a person to fill a Board position before the  
2 incumbent Board member's term has expired, then the incumbent may remain in his or her position  
3 for a period not to exceed ninety (90) days until such appointment or re-appointment is made. The  
4 authority that appointed a Board member may remove that Board member at will. The Board may, by  
5 majority vote, recommend to the appointing authority, removal from office of a Board member who  
6 is absent without excuse from three (3) Board meetings during any one (1)-year period. The Board  
7 shall select a chair, and may adopt, promulgate, amend and rescind administrative rules and  
8 regulations for its own conduct. No employee of the City of Seattle shall serve on the Board.  
9

10 **Section 6.** Effective January 1, 2010, Section 3.14.570 of the Seattle Municipal Code,  
11 enacted by Ordinance 122441, is renumbered and recodified as follows:  
12

13 **3.35.120 ((~~3.14.570~~)) Annual Work Plan.**

14 The Immigrant and Refugee Advisory Board will develop an Annual Workplan for the  
15 coming year and an Annual Report on the previous year's work. The Annual Report will include a  
16 summary of Board accomplishments and challenges, as well as recommendations on how the City  
17 can continue to facilitate access to City services and programs and strengthen the City's Immigrant  
18 and Refugee Action Plan. The Board will brief the Mayor's Executive Team and the City Council on  
19 the Annual Workplan and Annual Report.  
20

21 **Section 7.** Effective January 1, 2010, Subchapter III of Chapter 3.14 of the Seattle Municipal  
22 Code, the sections of which have been either repealed, or renumbered and recodified, by prior  
23 sections of this ordinance, is relabeled as follows:  
24

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

3           **4.13.010 Exemptions from the Civil Service and Public Safety Civil Service Systems.**

4           In addition to those positions exempted by statute, City Charter, or other ordinance provision  
5 (elected officers, officers appointed pursuant to the City Charter, assistant City attorneys, heads of  
6 employing units, members of boards and commissions established by the City Charter, members of  
7 boards and commissions established by ordinance, positions excluded from the Public Safety Civil  
8 Service System pursuant to SMC Section 4.08.060, system-wide exemptions provided for in SMC  
9 Section 4.13.020, and library employees), the positions of City employment listed in the subsections  
10 of this section requiring a particularly high degree of professional responsiveness and individual  
11 accountability, or requiring a confidential or fiduciary relationship with the appointing authority, or  
12 being judicial positions requiring insulation as a third branch of government, are hereby declared to  
13 be exempt from the Seattle Municipal Code Chapters 4.04, 4.08, and the rules of City Personnel, the  
14 Civil Service Commission, and the Public Safety Civil Service Commission regarding examination,  
15 selection, discipline, termination, and appeals.  
16  
17  
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19

Employment Unit	Titles of Exempt Positions
	* * *
6. Executive	Administrative Staff Assistant (OED) (PosNo. 00024286)
	Administrative Staff Assistant (OIR) (PosNo. 00015325)
	Administrative Staff Assistant (OOH) (PosNo. 00017417)
	All directors of offices in the Executive Department
	All positions in the Office of the Mayor
	<del>((All positions in the Office of Policy and Management))</del>
	Executive Assistant (OCR) (PosNo. 00024628)
	Paralegal (OCR) (PosNo. 00025294)
	* * *

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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

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

**Legislation Title:**

AN ORDINANCE abolishing the Office of Policy and Management; transferring to the Department of Neighborhoods the responsibility to provide staff and meeting space for the Immigrant and Refugee Advisory Board; repealing Sections 3.14.502 through 3.14.530 of the Seattle Municipal Code; renumbering, recodifying, and amending Section 3.14.540; renumbering and recodifying Sections 3.14.550 through 3.14.570; and amending Section 4.13.010.

• **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:

	OPM Proposed Budget		OPM-Related Changes (GS 123-1-A)		Other Exec Dept Changes (GS 123-2-A)		Net GS change	
	FTE	\$ 1/	FTE	\$	FTE	\$	FTE	\$
OPM revised	15	\$2,117	(15)	(\$2,117)	-	-	(15)	(\$2,117)
MO revised	-	-	11	\$1,537	(5)	(\$520)	6	\$1,017
Leg Dept revised	-	-	1	\$205	-	-	1	\$205

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.)

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

**Appropriations:**

Fund Name and Number	Department	Budget Control Level*	2009 Appropriation	2010 Anticipated Appropriation
N/A				
<b>TOTAL</b>				

**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:**

Fund Name and Number	Department	Revenue Source	2009 Revenue	2010 Revenue
N/A				
<b>TOTAL</b>				

**Notes:**

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

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2009 Positions	2009 FTE	2010 Positions*	2010 FTE*
N/A							
<b>TOTAL</b>							

**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:**

Fund Name & #	Department	Budget Control Level*	2009 Expenditures	2010 Anticipated Expenditures
N/A				
<b>TOTAL</b>				

***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)*





**Legislative Department  
Office of City Clerk  
Memorandum**

**Date:** December 4, 2009  
**To:** Councilmembers  
**From:** Laurel Humphrey   
**Subject:** Mayor's Return of Council Bill Nos. 116721 and 116725, **Unsigned**

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.

Attachment



Gregory J. Nickels  
Mayor of Seattle

December 1, 2009

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

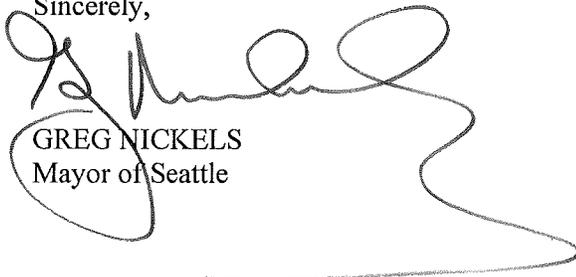
I am returning Council Bill 116725 without my signature. This Bill eliminates the Office of Policy and Management (OPM).

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