

RESOLUTION No. 30898

11

Peter Steinbrueck

A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Section 3 of Article IV of the Charter of the City of Seattle to clarify the number from which a quorum of City Councilmembers is calculated; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

Introduced:	JUL 17 2006	By:	STEINBRUECK
Referred:	JUL 17 2006	To:	Special Committee on Charter Amendments
Referred:		To:	
Reported:	7-31-06		
Passed:	7-31-06	Signed:	
Filed:	7/31/06	Published:	Full 3pp dgg

US5171

(Sms)
As amended
Pass 4-0

*Steinbrueck
Licata
McIver
Goddard*

*7-24-06 Held 1 week
7-31-06 Adopted 8-0 (Clerk not voting)*

Law Department

(Signature)

RESOLUTION

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WHEREAS, Section 3 of Article IV of the City Charter currently provides that "a majority of all [City Council] members shall constitute a quorum"; and

WHEREAS, the definition of a Council quorum in Section 3 of Article IV of the City Charter is ambiguous, and could arguably be read to mean either a majority of members holding all nine council seats, or a majority of those members actually serving on the Council if fewer than nine; and

WHEREAS, if the Charter is read to mean a majority of all nine Councilmembers, it is possible that during an emergency there might not be sufficient Councilmembers to establish a quorum and conduct business, including appointing interim Councilmembers to fill vacancies; and

WHEREAS, it is critical that the Council be able to conduct business during an emergency;
NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon Section 3 of Article IV of the Charter of the City of Seattle is amended as follows:

Article IV. Legislative Department

* * *

Section 3. QUORUM:

Subsection A. IN GENERAL:

(1) ~~((A majority of all members shall constitute a quorum, but a less number))~~ A quorum shall consist of a majority of all nine Councilmembers, except as set forth in Subsection B of this

Section 3.

(2) Less than a quorum of Councilmembers may adjourn from day to day, or until the next regular meeting, and may compel the attendance of absent members in such a manner and under such penalties as the Council shall prescribe.

Subsection B. SPECIAL CIRCUMSTANCES: Under any of the following circumstances, a quorum shall be determined under this Subsection B:

(1) Except when Subsection B(2) applies, in order to select a person to fill a vacancy on the City Council under Article XIX of this Charter, a quorum shall consist of a majority of those Councilmembers holding office at the time the Council makes the selection, and for such purpose a majority of such members holding office at the time the Council makes the selection shall constitute a majority of the Council.

(2) During a declared emergency under Article V, Section 2 of this Charter, a quorum shall for all purposes consist of a majority of all those Councilmembers who are available to participate in Council meetings and are capable of performing the duties of office, and a majority of such members available to participate in Council meetings and capable of performing the duties of office shall constitute a majority of the Council.

* * *

Section 2. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 3. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

Adopted by the City Council the 31st day of July, 2006, and signed by me in open session in authentication of its adoption this 31st day of July, 2006.



President _____ of the City Council

Filed by me this 1 day of August, 2006.



City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Rebecca Herzfeld/615-1674	Not Applicable

Legislation Title:

A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Section 3 of Article IV of the Charter of the City of Seattle to clarify the number from which a quorum of City Councilmembers is calculated; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

• **Summary of the Legislation:**

This Resolution proposes putting a Charter amendment before the voters in November 2006 that would clarify the number from which a quorum of the City Council is calculated in three situations: under regular circumstances, when there is a vacancy on the Council, and when the Mayor declares an emergency.

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

Currently, the Charter states in Article IV, Section 3, that "A majority of all members shall constitute a quorum". However, this phrase is ambiguous, and could be read to mean a majority of all nine council members, or a majority of those remaining on the Council. If it is read to mean a majority of all nine council members, it is possible that during an emergency there might not be sufficient Councilmembers (CMs) to establish a quorum and conduct business, including appointing interim CMs to fill vacancies.

- *Please check one of the following:*

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



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WHEREAS, Section 3 of Article IV of the City Charter currently provides that "a majority of all [City Council] members shall constitute a quorum"; and

WHEREAS, the definition of a Council quorum in Section 3 of Article IV of the City Charter is ambiguous, and could arguably be read to mean either a majority of members holding all nine council seats, or a majority of those members actually serving on the Council if fewer than nine; and

WHEREAS, if the Charter is read to mean a majority of all nine Councilmembers, it is possible that during an emergency there might not be sufficient Councilmembers to establish a quorum and conduct business, including appointing interim Councilmembers to fill vacancies; and

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Subsection A. IN GENERAL:

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(2) Less than a quorum of Councilmembers may adjourn from day to day, or until the next regular meeting, and may compel the attendance of absent members in such a manner and under such penalties as the Council shall prescribe.

Subsection B. SPECIAL CIRCUMSTANCES: Under any of the following circumstances, a quorum shall be determined under this Subsection B:

(1) Except when Subsection B(2) applies, in order to select a person to fill a vacancy on the City Council under Article XIX of this Charter, a quorum shall consist of a majority of those Councilmembers holding office at the time the Council makes the selection, and for such purpose a majority of such members holding office at the time the Council makes the selection shall constitute a majority of the Council.

(2) During a declared emergency under Article V, Section 2 of this Charter, a quorum shall for all purposes consist of a majority of all those Councilmembers who are immediately available to participate in Council meetings and are capable of performing the duties of office, and a majority of such members immediately available to participate

1 in Council meetings and capable of performing the duties of office shall constitute a
2 majority of the Council.

3 * * *

4
5 Section 2. The King County Director of Records and Elections, as ex officio
6 supervisor of elections, is hereby requested to call a special election and is directed to submit the
7 charter amendment proposed herein to the qualified electors of the City at the election on
8 November 7, 2006.
9

10
11 Section 3. The City Clerk shall certify to the Director of the Department of Records
12 and Elections of King County as Supervisor of Elections the charter amendment proposed herein
13 in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and
14 shall certify a copy of the proposed Charter amendment, and the same shall be published by the
15 City Clerk in accordance with state law.
16
17

18
19 Adopted by the City Council the ____ day of _____, 2006, and signed by me
20 in open session in authentication of its adoption this ____ day of _____, 2006.
21

22 _____
23 President _____ of the City Council

24 Filed by me this ____ day of _____, 2006.
25

26 _____
27 City Clerk
28

(Seal)

STATE OF WASHINGTON – KING COUNTY

--SS.

201143
CITY OF SEATTLE, CLERKS OFFICE

No.

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.

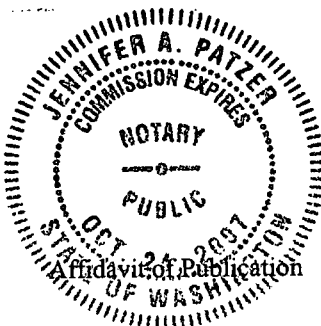
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:30898 RESOLUTION

was published on

08/03/06

The amount of the fee charged for the foregoing publication is the sum of \$ 158.70, which amount has been paid in full.



Subscribed and sworn to before me on

08/03/06

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

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