

City of Seattle
COMPREHENSIVE PLAN AMENDMENT APPLICATION

Use this application to propose an amendment to the goals, policies, Future Land Use Map, appendices, or other components of the adopted City of Seattle Comprehensive Plan.

Applications are due to the Seattle City Council (sent electronically to: compplan@seattle.gov) no later than 5:00 p.m. on May 15th for consideration in the next annual review cycle. Any proposals received after May 15th will be considered in the review process for the following year. *(Please Print or Type)*

Applicant: Chris Leman

Date: 5/15/20

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City: Seattle

State: WA

Zip: 98102-3310

Phone: 206-322-5463

Contact person (if not the applicant): none

Name of general area, location, or site that would be affected by this proposed amendment (attach additional sheets if necessary):

Seattle as a whole

If the application is approved for further consideration by the City Council, the applicant may be required to submit a State Environmental Policy Act (SEPA) checklist.

Acceptance of this application does not guarantee final approval.

Applicant Signature:



Date: 5/15/20

REQUIRED QUESTIONNAIRE: Comprehensive Plan Amendment Application

1. *Provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish. Include the name(s) of the Comprehensive Plan Element(s) (Land Use, Transportation, etc.) you propose to amend.*

This amendment would create a new section or appendix of the Comprehensive Plan. This new element or appendix would be entitled, "Open and Participatory Government." It would include goals, objectives, and policies covering government overall, including but not limited to the other elements of the Comprehensive Plan.

The purpose of any plan is to provide goals and a strategy and a system of steps to move in that direction. The Comprehensive Plan contains plans for Seattle's physical and cultural development, but it lacks any plan for Seattle's democratic development. Open government depends importantly on public officials' provision of open public meetings and the disclosure of public records, and success in these efforts has been limited even in the best of times. But these democratic essentials have been dramatically cut back during the coronavirus emergency, with the City also has closing down most other ways for citizens and government to reach out to each other. The City was caught unprepared for continuing these functions.

Never was it clearer that the City needs a systematic and proactive plan for open and participatory government. Seattle government must as one of its foremost functions be open to its citizens and stakeholders, making it easy for the public to be informed about and to participate in the decisions being made in the public's name. And it should be proactive--not just wait for the public to ask it for information or hope that they will pay attention to what it is doing.

It should be a mission of Seattle's Comprehensive Plan to empower the public to find out about what their government is doing and how they can participate. Seattle should proactively plan for timely and quality public access to its documents, meetings, and other activities. The plan for open and participatory government should outline goals, objectives, and policies for decision processes that maximize the possibility of public input before decisions are made.

Following are best practices suggested for the new "Open and Participatory Government" element or appendix of Seattle's Comprehensive Plan. These suggestions are only illustrative. The Mayor and City Council are encouraged of course to select from these suggestions, but also to develop their own lists, for goals and policies that would be adopted in the new Open and Participatory Government element or appendix of the Comprehensive Plan.

Mayor and executive branch

- The Mayor shall work jointly with the City Council in promoting open and participatory government, including in developing the Comp Plan's provisions for open and participatory government.

- Executive branch personnel shall feel free to respond to questions from the public and the press, without need for permission from superiors or political appointees
- The City web site shall post the schedules of the Mayor and key appointees
- Manage the “paper cuts” program in a way that does not deny paper posters, notices, and mailings from members of the public who otherwise would not receive a notice or announcement
- The Department of Neighborhoods, Department of Information Technology, Seattle Department of Transportation, and other agencies should not (as they do currently) require applicants for funds to file on-line. According to the City’s own figures, a significant proportion of potential applicants and recipients are not equipped with the technology and skills to do so
- Ensure that public-private partnerships do not become a substitute for public planning
- Prohibit City non-political personnel from lobbying for legislation with the City Council on City time or with City resources

Legislative Department

- Involve the City Councilmembers and staff the City Clerk’s office at all stages in writing and approving the new "Open and Participatory Government" element or appendix of the Comprehensive Plan
- Publicize meetings of the City Council and its committees widely, well beyond what is minimally required by state law
- Well in advance of meetings of the Council and its committees, provide on the web site, as links to the agenda, those documents that will be discussed, including amendments likely to be offered
- Make it clear in publicity that “retreats” and similar gatherings are official public meetings. Preferably, avoid use of the word “retreat,” which makes the public feel that it is not welcome to observe.
- Legislative “retreats” will always be regarded as public meetings under the Open Public Meetings Act, will be held in City buildings within the City of Seattle, and will be audio and/or video recorded
- Audio record all executive (closed) sessions of the City Council, with independent legal review to ensure that the public was excluded only in compliance with the Open Public Meetings Act
- Without a declaration by the City Council that the matter justifies a departure from this practice, the Council will not take action either (1) on the same day as a hearing, (2) soon after a committee recommendation, or (3) on a measure that has not been referred to a committee for its consideration
- Offer paper copies (at least for inspection purposes) at meetings of the Council and its committees so that members of the public have the full text of all proposals that are being discussed or acted upon
- Accompany all legislation with a clear written explanation of what is being proposed
- For each quarterly budget adjustment, do public outreach and hold at least one public meeting outside of business hours

- Assign open and participatory government as the named mission of a City Council committee that makes recommendations for legislation and for the City Council's own practices
- Prohibit legislative staff from lobbying City Councilmembers for legislation (such a prohibition has long been in place in the Washington state legislature)
- Require disclosure of efforts to lobby the City Council by members of the executive branch and by other governmental entities (currently these lobbying efforts are exempted from the City's lobby disclosure ordinance)

City Attorney

- As was done for much Seattle's first century, work with the Mayor and City Council to release to the public the legal advice that has been provided to them, in instances where there are no pending legal proceedings
- Issue public opinions on legal matters for public review, including on questions posed by the public (as is done by the state Attorney General)
- Advise the executive branch and City Council on proactive ways to be open and participatory that go beyond the minimal legal requirements of state law

Municipal Court

- Post all court-related documents (except those whose disclosure could unfairly affect a pending case) on web sites for free access by the public
- Expand the telecast and webcast of courtroom proceedings

Hearing Examiner

- Allow all filings to be made electronically (not just those that are short in length)
- Webcast all hearings

Advisory boards and commissions

- On the City web site, provide full information about all City boards and commissions, such as about their procedures and how their members are selected
- Widely publicize the meetings of City boards and commissions, and hold them in rooms large enough and at locations convenient for the public to attend
- Declare board and commission meetings to be public meetings, whether or not this is required under the Open Public Meetings Act (which applies to advisory committees only if they were created by ordinance or charter)
- Make it clear in publicity that "retreats" and similar gatherings are official public meetings. Preferably, avoid use of the word "retreat," as it may make the public feel unwelcome.
- Webcast the meetings of boards and commissions
- Adopt ethical boundaries for agencies and public officials regarding what is appropriate and inappropriate in their efforts to influence a decision by an advisory board or commission

- Allow each board or commission to select its own leadership, by-laws, procedures and agenda, subject to the following requirements:
- Operate by Robert's Rules of Order, but strive for consensus
- Circulate the draft agenda prior to each meeting and adopt it (with any revisions) at the beginning of the meeting
- Distribute the draft minutes well before the meeting at which they will be approved, in order to allow time for board or commission members, and members of the public, to suggest revisions
- Those present who are not board or commission members should be provided a reasonable opportunity to comment at meetings. This opportunity should normally be at the outset of the meeting or agenda item, not after the board or commission has acted or at the end of the meeting. Alternatively, provide members of the public the informal opportunity to participate in discussion throughout the meeting.
- Quickly post on the web site the draft agenda, draft and final minutes, and other documents
- Decision documents being referred to during a meeting shall be available in the meeting room in paper form, at least for inspection purposes, to members of the public who are in attendance, prior to any public comment period
- Where possible, materials relating to agenda items will be posted on the web site some days prior to the meeting in order to allow board and commission members, and the public, to read and consider them beforehand
- When decision documents are provided to committee members prior to the meeting, place them on the web site so that members of the public may review them beforehand

Seattle Channel

- Ensure that City Council meeting rebroadcasts again occur around the clock, especially during prime time and daytime hours. Restore the previous practice, in addition to live broadcast of the meetings of the City Council and its committees, of rebroadcasting these meetings on weekday evenings and in the daytime on Saturdays and Sundays. Create a separate TV cable channel for arts programming, to restore to Channel 21 the rebroadcast of the meetings of the City Council and its committees that were lost some years ago when Arts coverage was greatly expanded.
- Greatly increase the broadcast, rebroadcast, and webcast of meetings of City boards and commissions
- Provide closed captioning for City Council meetings

City web site(s)

- Ensure that in the agendas for all meetings of the City Council and its committees, one click will take the reader straight to the text of the proposed legislation and any proposed amendments (the new system of legislative information that became effective in February 2015 has made it more difficult for members of the public to access the text of proposed legislation)
- Prohibit by any City vendor the copyrighting of any part of the Municipal Code, regulations, and other official City documents.

- Include with proposed or adopted legislation, and in a timely way, all attachments that are referred to in the legislation; and include all staff reports that were shared with the City Councilmembers
- For proposed or adopted legislation and in a timely way, post all drafts and proposed amendments and all attachments that are referred to in the legislation
- Keep web sites up to date (prompt posting of meeting announcements and of documents that are referred to at the meetings)
- Include on the City web site many documents that the public is likely to request, thereby greatly reducing the burden on the public and on the government of public records requests
- Allow access by the public to Seattle's "inweb" (internal web site). Withhold internet access to the "inweb" only for documents that are legally exempt under the Public Records Act. Provide access for the public to the many manuals and other documents that are on the inweb.
- Publish the Applied Program Interface (API) of the City web site, making it easier to move content to other web sites and applications
- Provide custom feeds such as RSS (Really Simple Syndication) that update a user on his or her preferred topics
- Facilitate social and interactive features
- Enable advanced search that goes beyond text matching (e.g. multidimensional search, searches for ranges of dates or other values, and searches based on complex and/or logical queries)
- Enable access by all technologies, (e.g. smart phones, desktops, analog phones). Always provide fully public alternatives to proprietary social media such as Facebook, Twitter, Google groups, etc.

Public documents

- Archive all electronic documents for at least six years (the normal statute of limitations for felonies). Stop destroying most e-mails after 45 or 60 days.
- Never assign to those who created a document the sole decision on deleting it; allow them to designate the documents they propose to delete, but have that decision made by someone without a potential conflict of interest
- Proactively provide paper copies (e.g. newsletters, posters) for those people who have limited or no access to a computer
- Preserve all public documents, including instant messages, text messages, voice mails, and social media postings
- Save documents in the original format, including metadata. If portable document format (PDF) is used, save from the digital version rather than by scanning, which loses the original formatting and greatly reduces the possibilities or search and analysis and eliminates the original document's metadata.
- Do not deliberately record over backup tapes or other backup media; use them as a backup for archival systems
- Digitize legislation and other documents that date from a period before electronic records existed. Electronic versions of most Seattle ordinances, resolutions, and clerk files are still unavailable. City Clerk/Archives should have a plan and timetable for

digitization, and should make progress every year, as well as be ready for massive progress such as via federal stimulus funds.

- Create and maintain indexes to public documents, and post the indexes on the City web site. Post many documents on the City web site, thus relieving the public of having to request them, and reducing the time needed for City staff to respond to requests.
- Proactively provide documents quickly when requested; do not force such requests into needing to invoke the Public Records Act, which can slow down or stop access and invade the requester's privacy.
- Post on the City web site the documents that have been produced as a result of public requests (but without listing the requester's name); or provide an index to these documents
- Do not withhold documents just because legally they can be; decide this on a case-by-case basis
- Release the requested documents quickly; don't take the maximum allowable time

2. For amendments to goals and policies only: Describe how the issue is currently addressed in the Comprehensive Plan. Why is a change needed?

A small step toward the goals of this application was made with the 2016 Comp Plan amendments, which added to the Citywide Planning element a five-page section on Community Involvement. However, this new section is devoted almost entirely to “community and neighborhood planning”—plans that focus on particular City areas or communities. The new section has just over a page on other forms and purposes of involvement, with a primary focus on improving inclusiveness and equity for marginalized communities, and thus not even setting forth a program of goals and policies for improving the openness and participation of future amendments to the Comprehensive Plan itself, much less the goals and policies that would make the bulk of Seattle's governmental processes more transparent to its citizens, or would make it easy for them to participate directly in its decisions that affect them.

Planning for democracy is just as important as planning for physical or cultural development. The consequences of a failure to plan are as severe for the City's democratic development as for its physical or cultural development. Openness in government, and the opportunity for the public to participate directly in government decision-making, are important contributors to wise decisions. They are also essential means by which government earns the public's trust.

Unlike Seattle, some other cities' comprehensive plans have an element or appendix regarding open and participatory government that goes beyond improving how the comprehensive plan itself is developed. For example, the City of Spokane's Comprehensive Plan (2012) has a 13-page chapter on “Leadership, Governance, and Citizenship.”

3. Describe why the proposed change meets the criteria adopted in Resolution 31402 which sets criteria for Council to consider an amendment to the Comprehensive Plan.

Specific legislative history strongly recommends that this proposal be considered in the 2020 amendment process. That is because Resolution 31049 (adopted by the City Council on April 16, 2008) committed the City Council to "develop a coordinated plan and policy on open and

participatory government outside of the Comprehensive Plan." Although the City Council unanimously passed Res. 31049 in the very first year that something like the present Comp Plan amendment was first proposed, it is now over twelve years since the resolution, but the required "plan and policy on open and participatory government" are not ready, even in draft (indeed, drafts have not even begun), nor has the general public yet been asked for its input on the plan, nor has a public meeting for that specific purpose been held.

Res. 31049 also stated that "The Council's review will include consideration of possible Comprehensive Plan policies for the 2009 Comprehensive Plan amendment cycle." However, neither the 2009 Comprehensive Plan amendment cycle, nor any Comp Plan amendment cycle since, has included such consideration of Comprehensive Plan policies regarding open and participatory government, which never have been included in the docket for City Council consideration. In fairness to the City Council's 2008 commitments in Res. 31049, it is essential that the present proposal for a new element or appendix to the Comprehensive Plan be considered in the 2020 amendment process.

A major reason for adopting these improvements within the Comprehensive Plan is precisely because, under state law, there are greater protections for due process, participation, and implementation regarding the Comprehensive Plan than there are for free-form "planning" process that, so far, has left as empty words the express commitment of Res. 31049 that the Council would develop a "coordinated plan and policy on open and participatory government outside of the Comprehensive Plan."

The City Council's abject failure to carry out the requirements of Res. 31049 shows that planning for open and participatory government will not occur unless it is done within the framework of the Comprehensive Plan. If the City Council continues to backslide on its well-documented commitment to develop such a plan outside of the Comprehensive Plan, it has no reasonable choice than to proceed with developing such a plan within the Comprehensive Plan.

4. What other options are there for meeting the goal or objectives of the amendment? Why is a Comprehensive Plan amendment needed to meet the goals or objectives?

It might seem logical that the goal and objective of this Comp Plan amendment could be achieved through a free-standing Open and Participatory Government Plan, entirely outside of the Comprehensive Plan. However, as outlined above in section 3 just above, that is exactly what a City Council Res. 31049 promised in 2008 when the present proposal was originally submitted as a Comprehensive Plan amendment. For the City to offer as an alternative a freestanding Open and Participatory Government Plan is a possible alternative, but such a plan would not be enforceable as the Comprehensive Plan is. In any case, a reasonable person who studies the policy history outlined in section 3 above would tend to agree that by its failure (in the past twelve long years and still today) to make good on its 2008 promise, the City Council offers no viable alternative to studying this proposal as a 2019 Comp Plan amendment.

Despite amendments made in 2016, the current Comprehensive Plan is out of balance in that it still lacks an element or appendix on Open and Participatory Government. The community

vision statements, goals, objectives and policies of the Comprehensive Plan (and of the City Charter, ordinances, resolutions, regulations, and other plans and policies) cannot be fully realized unless government has adopted a plan to operate openly and to allow and encourage the public to participate actively with it in the governance process.

5. What do you anticipate will be the impacts of the proposed amendment, including impacts to the geographic area affected? Why will the proposed change result in a net benefit to the community? Please include any data, research, or analysis that supports the proposed amendments.

Adoption of a new element or appendix on Open and Participatory Government will positively affect all areas of the City, and all issues that City government addresses. The new Comp Plan element or appendix, and the goals, objectives, and policies that are a part of it, will bring to government the benefit of public input. Members of the public will feel that government wants to hear from them and has listened to their views. Government officials also will benefit from this renewed partnership. They will, themselves, have better access to documents, they will reduce their staff's time currently devoted to responding to public records requests, and they will also benefit from high-quality public input--which after all, is free.

The social science literature widely supports the finding that open government, and public participation in government decision-making, encourage better decisions, and earn higher trust from the public.

6. How does the proposed amendment support the existing goals and policies of the Comprehensive Plan? If the proposal would change existing goals and policies or add new goals and policies to the Comprehensive Plan, describe how the proposed amendment is consistent with the Washington State Growth Management Act (<http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A>), the Puget Sound Regional Council's Vision 2040 (<http://www.psrc.org/growth/vision2040/>), and the King County Countywide Planning Policies (<http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/CPPs.aspx>).

The proposed policy amendment would give meaning to the Comprehensive Plan as a document that plans not just for physical and cultural development, but also for democratic development. The amendment is completely consistent with the Washington State Growth Management Act, the Puget Sound Regional Council's Vision 2040, and the King County Countywide Planning Policies—from institutions which have experiences and methods to contribute to Seattle as it develops its own plan for open and participatory government.

7. Is there public support for this proposed amendment? If the amendment would change the Future Land Use Map or a Neighborhood Plan, please list any meetings that you have held with the community about the amendment. If the amendment would have a citywide impact, please list any organizations that you have discussed the amendment with. Notes: You may attach letters of support for the amendment. The City will provide public notice and opportunity for public comment, and environmental review for all applications.

Yes, there is broad public support for establishing Open and Participatory Government as a new element or appendix of the Comprehensive Plan, along with adopting goals and policies to carry out this element or appendix. There would also be broad public support for Seattle developing, as, an alternative to this proposed Comp Plan amendment, a freestanding Open and Participatory Government Plan, as the 2008 Res. 31049 commits the City to do, but which the City Council and Mayor have not even begun, eleven years later.

8. Has the proposed amendment been considered before by the Council? If so, when was it considered and what was the outcome? If the amendment has been previously rejected, please explain either:

- *How the proposal has changes since it was last rejected, or*
- *Changed circumstances since the proposal was last considered that support reconsideration of the proposal*

While various forms of this proposal (but never identical to it) have been submitted in the past, the City Council has never docketed it for study in the Comp Plan amendment process; and public records requests have not found any evidence that it has received actual study by City Councilmembers or the City Council staff. See the history in item 3 above for good reasons to believe that there is no alternative to a true and full consideration of this proposal within the Comprehensive Plan annual amendment process.

For further background on this proposal, see <http://public-interest.oo.net/>