

ORDINANCE No. 118397

COUNCIL BILL No. 111469

INDEXED

Oversight

The City of Seattle--Legisla

Council Bill No. 111469. AN ORDINANCE relating to centralized administrative services; creating a new department responsible for centralized administrative services by combining the functions of the Finance Department, the Personnel Department, and the Department of Administrative Services, and moving certain other functions to the new department; amending, repealing adding, and recodifying an array of provisions throughout the Seattle Municipal Code in connection therewith; and making provisions for transition and transfer.

REPORT OF COMMITTEE

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill No. \_\_\_\_\_ report that we have considered the same and respectfully recommend

COMPTROLLER FILE No.

Introduced: SEP 30 1996	By: CHOE
Referred: SEP 30 1996	To: Budget
Referred:	To:
Referred:	To:
Reported: NOV 10 1996	Second Reading: NOV 10 1996
Third Reading: NOV 10 1996	Signed: NOV 10 1996
Presented to Mayor: NOV 19 1996	Approved: NOV 26 1996
Returned to City Clerk: NOV 25 1996	Published: Full 1996
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Council vote 8-0

Committee Chair

NO DUW

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ORDINANCE 118397

AN ORDINANCE relating to centralized administrative services; creating a new department responsible for centralized administrative services by combining the functions of the Finance Department, the Personnel Department, and the Department of Administrative Services, and moving certain other functions to the new department; amending, repealing, adding, and recodifying an array of provisions throughout the Seattle Municipal Code in connection therewith; and making provision for transition and transfer.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

CONSOLIDATION AND TRANSFER OF FUNCTIONS

Section 1. Effective January 1, 1997, the Department of Administrative Services is abolished. From and after that date, except as provided elsewhere in this or another ordinance, all the functions, responsibilities, agreements, obligations, authorizations, powers, equipment, records, appropriations, assets, and liabilities of the Department of Administrative Services shall belong to the Executive Services Department and the Executive Services Director is authorized to perform all responsibilities, duties, and obligations and exercise all powers heretofore belonging to the Director of Administrative Services.

Section 2. Effective January 1, 1997, the Finance Division of the Executive Services Department shall supersede the Finance Department and shall be the Department of Finance called for in the City Charter. From and after that date, except as provided elsewhere in this or another ordinance, all the functions, responsibilities, agreements, obligations, authorizations, powers, equipment, records, appropriations, assets, and liabilities of the Finance Department shall belong to the Finance Division of the Executive Services Department and the director of that division, who shall be known as the Finance Director, is authorized, under the direction of the Executive Services Director, to perform all responsibilities, duties, and obligations and exercise all powers heretofore belonging to the Finance Director when the Finance Director was the head of the Finance Department. All references elsewhere to the Director of Finance or the Finance Director shall refer to the director of the Finance Division of the Executive Services Department except as may be otherwise provided by this or other ordinance.

Section 3. Effective January 1, 1997, the Personnel Department is abolished. From and after that date, except as provided elsewhere in this or another ordinance, all the functions, responsibilities,

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2 agreements, obligations, authorizations, powers, equipment, records, appropriations, assets, and  
3 liabilities of the Personnel Department shall belong to the Executive Services Department and the  
4 Personnel Director, under the direction of the Executive Services Director, is authorized to perform all  
5 responsibilities, duties and obligations and exercise all powers heretofore belonging to the Personnel  
6 Director when the Personnel Director was the head of the Personnel Department. All references  
7 elsewhere to the Personnel Director shall refer to the director of the Personnel Division of the Executive  
8 Services Department except as may be otherwise provided by this or other ordinance.

9  
10 Section 4. Effective January 1, 1997, the Executive Services Department shall succeed to the  
11 functions and duties of the Department of Finance, and of the Finance Department, under chapters 5.40,  
12 5.44, 5.48, 5.52, and 6.310 of the Seattle Municipal Code, and under any other chapters related to  
13 licensing for revenue and/or regulation, and the Executive Services Director shall succeed to the  
14 functions and duties of the Finance Director under those chapters.

15 Section 5. From and after January 1, 1997, all rules, regulations, notices, and proceedings in  
16 effect on that date with respect to activities carried on by the Department of Administrative Services, the  
17 Finance Department, or the Personnel Department shall continue in effect, unless and until they expire  
18 of their own terms or are superseded, but the powers and responsibilities of the Director of  
19 Administrative Services, the Finance Director, and the Personnel Director thereunder shall be performed,  
20 respectively, by the Executive Services Director, the Finance Director under the direction of the  
21 Executive Services Director, and the Personnel Director under the direction of the Executive Services  
22 Director, unless otherwise provided by this or another ordinance.

23  
24 Section 6. Effective January 1, 1997, the Executive Services Director shall have the power to  
25 appoint, assign, supervise, and control all the officers and employees in the Executive Services  
26 Department, except that the Finance Director and the Personnel Director may be appointed and removed  
27 only as provided in the City Charter. The incumbent serving as Finance Director on the date of passage  
28 of this ordinance is hereby confirmed as the Finance Director in the new Executive Services Department.  
29 The incumbent serving as Personnel Director on the date of passage of this ordinance is hereby  
30 confirmed under section 4.04.040 of the Seattle Municipal Code, as it shall be amended by this  
31 ordinance, as the Personnel Director in the new Executive Services Department.  
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2 Section 7. Except as set forth in this ordinance, the 1997 City Budget or other action by  
3 ordinance shall determine the establishment and the organization of positions in the Executive Services  
4 Department and the reassignment of positions from other departments and offices.

5  
6 ESTABLISHMENT OF DEPARTMENT AND DIVISIONS

7 Section 8. There is added to the Seattle Municipal Code a new chapter 3.24 entitled Executive  
8 Services Department, comprised of new sections and a recodified and amended section. The new  
9 sections that shall be part of chapter 3.24 are as follows:

10 **CHAPTER 3.24 EXECUTIVE SERVICES DEPARTMENT**

11 **3.24.010 Department created - Powers**

12 There is established an Executive Services Department for managing municipal property, the  
13 City's motor pool and vehicular fleet, its information technology resources; for providing office services,  
14 storage, and printing and duplicating; for administering the City's public works contracting processes  
15 and contracts for public works projects; managing the procurement of all supplies, material, equipment  
16 and services (other than expert and consultant services) required by City agencies, and the disposition of  
17 property, equipment, supplies, and material other than art works that are surplus to the City's needs;  
18 administering and enforcing laws and City ordinances relating to contract compliance, information  
19 technology including communications, weights, measures, consumer protection, animal control, and  
20 licensing for regulation and/or revenue unless law or ordinance vests such power elsewhere; exercising,  
21 through its Finance Division, general supervision over the financial affairs of the City; administering the  
22 City's personnel system; and performing other functions assigned by ordinance. The head of the  
23 Executive Services Department shall be the Executive Services Director.

24  
25 **3.24.020 Director - Appointment and removal**

26 The Executive Services Director shall be appointed by the Mayor and confirmed by a majority of  
27 the City Council. The Mayor, at any time, may remove the Executive Services Director upon filing a  
28 statement of reasons therefor with the City Council. The Executive Services Director may also serve as  
29 the director of one of the divisions or units within the Executive Services Department, but in that event  
30 shall receive only the higher of the salaries for the two positions.

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32 **3.24.030 Divisions - Managers**  
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2 A. The Executive Services Department shall consist of the following divisions, and such other  
3 divisions and units as may be created from time to time by the Executive Services Director or by  
4 ordinance: the Finance Division, managed by the Finance Director; and the Personnel Division,  
5 managed by the Personnel Director.

6 B. The Finance Director shall be appointed by the Mayor, subject to confirmation  
7 of the City Council, and may be removed by the Mayor upon filing a statement of reasons  
8 therefor with the City Council. The Finance Director shall, under the direction of the Executive Services  
9 Director, exercise general supervision over the financial affairs of the City as provided by chapter 3.38  
10 and other ordinances, and shall have the power to promulgate rules and regulations in accordance with  
11 the City's Administrative Code (chapter 3.02) as deemed necessary and proper to carry out this function.

12 C. The Personnel Director shall be appointed by the Mayor, such appointment to be effective  
13 only upon confirmation by the City Council passed by a majority of all its members. The Personnel  
14 Director may be removed for cause by the Mayor upon filing a statement of his or her reasons therefor  
15 with the City Council; provided that upon the resignation of the Personnel Director in response to the  
16 Mayor's request, the Mayor shall file with the City Council a statement of his or her reasons for making  
17 such request. The Personnel Director shall, under the direction of the Executive Services Director,  
18 administer the personnel system, and shall have those duties as are set forth in chapter 4.04.

19 D. The Executive Services Director shall carry out the functions of the Executive Services  
20 Department through its divisions and units.

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22  
23 **3.24.040 Director - Functions, Powers, and Duties**

24 The Executive Services Director shall manage the Executive Services Department and shall have  
25 the following powers and perform the following functions:

26 A. Subject to the City's personnel ordinances and rules, appoint, assign, supervise and control all  
27 officers and employees in the Department, except that the appointment and removal of the Finance  
28 Director and the Personnel Director shall be as provided by section 3.24.030;

29 B. Promulgate rules and regulations in accordance with the City's Administrative Code (Chapter  
30 3.02, as it may be amended or succeeded) as deemed necessary and proper;

31 C. Consistent with this title and as otherwise authorized by ordinance, execute contracts  
32 (including agreements for expert and consultant services and for insurance) for and on behalf of the City,  
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2 and interdepartmental agreements on behalf of the Executive Services Department; solicit offers or  
3 proposals; and administer and enforce agreements made;

4 D. Manage the preparation of the annual budget for the Department under guidance from the  
5 Budget Director; authorize appropriate expenditures and carry out the adopted budget; develop and  
6 manage programs; and undertake authorized activities;

7 E. Strategically manage the City's real estate portfolio, excluding those properties outside of  
8 Seattle, those used for power or water distribution or for drainage or wastewater purposes, and properties  
9 for which the City Charter or state law requires management by another department. Strategic  
10 management includes planning and development, acquisition, disposal, analysis, development of policy  
11 and procedure, and general administration.

12 F. Develop, promulgate, and implement City-wide printing, photocopy, and graphic services and  
13 determine the most effective ways to provide those services using City or contracted services.

14 G. Establish a system of prices and rates and charge City departments for goods and services  
15 furnished by the Executive Services Department and the use of City facilities and equipment;

16 H. Assign space in municipal buildings to City departments and agencies;

17 I. Establish rates of fees to be charged for parking privately owned vehicles of City officers,  
18 employees, agents and other persons on City premises and implement policies and procedures to  
19 administer a City facility parking program consistently with policy developed by the City Council. The  
20 Director shall establish a payroll check-off or deduction system to facilitate the collection of parking fees  
21 from City officers and employees authorized to park privately owned vehicles on City premises. The  
22 revenues generated from such parking fees shall be deposited in the General Fund and the cost of  
23 administering the program shall be provided in the annual budget of the Department.

24 J. Negotiate, execute, and administer agreement(s) for the furnishing or delivery (or both) of  
25 natural gas or any alternative form of energy to or for a Seattle Center facility including but not limited  
26 to the Parking Garage and Monorail System; provided, that all such activity shall be at the cost of the  
27 Seattle Center Department, which shall reimburse the Executive Services Department's direct costs  
28 therefor upon the Director's invoice;

29 K. Perform functions similar to those identified in this chapter for other public agencies and  
30 charge those agencies for goods and services furnished. Prices and rates for goods and services and rents  
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2 for use of property when feasible may include allowances for administrative and other indirect costs and  
3 accumulating reserves;

4 L. Participate in financial planning and policy development;

5 M. Provide coordination and oversight of the City's grants management;

6 N. Provide strategic financial analysis, including debt management, economic forecasting, and  
7 special analyses of trends and events, as well as risk management;

8 O. Oversee the City's risk management, advise on the City's insurance needs, and secure official  
9 and fidelity bonds for City purposes;

10 P. Administer and enforce City ordinances relating to weights and measures, consumer  
11 protection, animal control, and licenses issued for regulatory and/or revenue purposes unless such power  
12 is vested elsewhere by ordinance;

13 Q. Issue, deny, suspend, and revoke licenses for regulatory and/or revenue purposes according to  
14 law;

15 R. Perform other functions and execute such other powers as may be prescribed by ordinance;  
16  
17 and

18 S. Perform other activities necessary or proper for accomplishing the foregoing tasks.

19 **3.24.200 Chief Technology Officer - Authority**

20 There shall be a Chief Technology Officer appointed by the Mayor and confirmed by a majority  
21 of the City Council, subject to review after eighteen (18) months. Upon confirmation, the Chief  
22 Technology Officer shall serve at the pleasure of the Executive Services Director. The Chief  
23 Technology Officer shall be responsible for management of the City's information technology resources,  
24 which includes computing and communications hardware, software, and services, including planning,  
25 procurement, and operations, and for providing the City with strategic planning and leadership in the use  
26 of information technology. No City officer or employee shall acquire, through purchase, lease, or any  
27 form of contract, any information technology resources for the City except through, or in accordance  
28 with, policies, guidelines, standards, and procedures established by the Chief Technology Officer.

29 **3.24.210 Chief Technology Officer - Specific duties**

30 The duties of the Chief Technology Officer, under the direction of the Executive Services  
31 Director, shall include:  
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- 2 A. prepare and update annually a strategic information technology planning agenda for the City;
- 3 B. develop, promulgate and implement City-wide policies and standards governing the
- 4 acquisition, management, and disposition of information technology resources;
- 5 C. develop policies and standards for the management, maintenance and operation of City
- 6 information technology resources;
- 7 D. develop and oversee an information technology training program for the City;
- 8 E. develop priorities and guidelines to direct City departments in preparing their annual
- 9 operating and capital information technology budgets;
- 10 F. review City department budget submittals to ensure that information technology budget
- 11 priorities and guidelines are appropriately addressed in proposed budget allocations, and that all
- 12 proposed uses of technology resources are consistent with the City's policies and standards;
- 13 G. make recommendations to the Mayor and City Council on changes to department information
- 14 technology budget submittals for consistency with the City's policies, standards, and technology agenda;
- 15 H. determine the most effective ways of providing information technology resources, including
- 16 services and the management thereof, using City or contracted sources, to City departments;
- 17 I. establish and regularly update an information technology architecture for the City.
- 18
- 19

20 **3.24.220 Information Technology Board**

21 An Information Technology Board, comprised of six department heads appointed by the Mayor  
22 and chaired by the Chief Technology Officer shall assist the Chief Technology Officer in carrying out  
23 his or her responsibilities. Department heads appointed to the Board may not delegate participation in  
24 Board meetings to alternates. The Board shall meet no more than four times per year.

25 **3.24.300 - Asset management - Real Property**

26 A. The Executive Services Director shall be responsible for centrally managing City-owned  
27 properties, with the exception of those properties outside of Seattle, those properties used for power or  
28 water distribution or for drainage or wastewater purposes, those properties under the jurisdiction of the  
29 Seattle Center Department, and those properties for which the City Charter or state law requires control  
30 by another department, and for providing Citywide planning and leadership to ensure the most effective  
31 use of the City's real property resources and compliance with City objectives and goals. City  
32 Departments shall comply with policies, guidelines, and standards established by the Executive Services  
33 Director when considering or proposing the acquisition or disposition of real property.  
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2 B. No City department may grant a leasehold interest in City real property, other than those  
3 properties outside of Seattle, those properties used for power or water distribution or for drainage or  
4 wastewater purposes, those properties under the jurisdiction of the Seattle Center Department, and those  
5 properties for which the City Charter or state law requires control by another department. for a term that  
6 exceeds or may exceed, at the sole option of the lessee, three (3) years except:

- 7 1. by specific ordinance approving the leasing of a specific property;  
8 2. with the written approval of the Executive Services Director, on terms consistent with  
9 section 3.18.160; or  
10 3. as permitted by rules adopted by the Executive Services Director and filed with the  
11 City Council at least sixty (60) days prior to their effective date, setting forth terms and standard  
12 provisions to be included in such leases.  
13

14 C. No City department may acquire a leasehold interest in any real property, other than property  
15 to be used for power or water distribution or for drainage or wastewater purposes and property for which  
16 the City Charter or state law requires control by a department other than the Executive Services  
17 Department, for a lease term that exceeds or may exceed, at the sole option of the lessor, three (3) years  
18 except:

- 19 1. by specific ordinance approving the leasing of a specific property; or  
20 2. as permitted by rules adopted by the Executive Services Director and filed with the  
21 City Council at least sixty (60) days prior to their effective date, setting forth terms and standard  
22 provisions to be included in such leases.  
23

24 D. The Executive Services Director may, by rule approved by the City Council by resolution,  
25 exempt specified types of leases from the requirements of this section.

26 E. Any lease entered into in violation of this section is voidable at the City's option, unless and  
27 until ratified by ordinance or approved in writing by the Executive Services Director.

28 F. Nothing in this section shall adversely affect the validity of any lease entered into prior to the  
29 effective date of this section, nor limit the authority of any City department to acquire a leasehold  
30 interest, or property subject to a lease, by foreclosure under a judgment or security interest or by deed in  
31 lieu thereof.  
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33 Section 9. Section 3.18.070 of the Seattle Municipal Code is amended as follows and reclassified  
34 as part of chapter 3.24:

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2 ~~((3.18.070))~~ **3.24.070 Director's right to subpoena witnesses and take testimony**

3 A. In the performance of his or her duties in connection with Chapters 21.60, 20.44, 20.46, and  
4 20.46A, the Exec. e Services Director ~~((of the Department of Administrative Services))~~ shall have the  
5 authority to sign and issue subpoenas requiring the attendance of witnesses, the production of evidence  
6 including but not limited to books, records, correspondence or documents in the possession or under the  
7 control of the person subpoenaed, or access to evidence for the purpose of examination and copying. The  
8 Executive Services Director ~~((of Administrative Services))~~ shall also have the authority to conduct  
9 discovery procedures, including but not limited to the issuance of interrogatories and taking of  
10 depositions.  
11

12 B. In case of refusal to obey a subpoena or other process or discovery issued to any person, the  
13 Executive Services Director ~~((of the Department of Administrative Services))~~ may invoke the aid of the  
14 City Attorney who may apply to the appropriate court for an order or other court action necessary to  
15 secure enforcement of the subpoena.  
16

17 **COMMITTEE MEMBERSHIPS**

18 Section 10. Section 3.76.010 of the Seattle Municipal Code is amended as follows:

19 **3.76.010 Committee established-Membership.**

20 There is established a Debt Management Policy Advisory Committee ("Committee" in this chapter)  
21 for the City composed ~~((of five (5) members. Four (4) members shall be ex officio permanent members))~~  
22 as follows:

- 23 A. The City Finance Director, who shall be its Chair;  
24 B. The Chair of the City Council Finance Committee;  
25 C. The ~~((Budget))~~ Director of the Office of Management and Planning;  
26 D. The Superintendent of City Light ;  
27 E. The Director of Seattle Public Utilities; and  
28 F. The Executive Services Director if the Finance Director is not also the Executive Services  
29 Director.

30  
31 ~~((One (1) other member shall be appointed by the Mayor to serve for one (1) calendar year~~  
32 ~~commencing each January 1st, who shall be another department head.))~~ The President of the City  
33 Council is authorized to designate an alternate member to serve in the event of the absence or incapacity  
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2 of the Chair of the Finance Committee, and the Mayor is authorized to designate alternate members to  
3 serve in the event of the absence or incapacity of the other members of the Committee or for such other  
4 reason as may be deemed sufficient. The City Attorney or his or her legal representative shall meet with  
5 and provide legal advice and assistance to the Committee in the conduct of its duties.

6  
7 AMENDMENTS TO OTHER CODE SECTIONS

8 Section 11. Chapter 3.18 of the Seattle Municipal Code is renamed "Executive Services" and  
9 Subchapter I thereof is redesignated as "Reserved."

10 Section 12. Section 3.18.060 of the Seattle Municipal Code shall become part of a new  
11 Subchapter II, entitled Recycling Program, and is amended as follows:

12 **3.18.060 Recycling program.**

13 The (~~Director of Administrative~~) Executive Services Director shall manage and maintain the  
14 City's program for recycling waste paper products, including office paper, computer paper, tab cards,  
15 and other paper products, and for such purpose the Director is hereby authorized to promulgate such  
16 rules, in accordance with the Administrative Code (Ordinance 102228), as are necessary to manage and  
17 maintain the paper recycling program in an efficient, economic and environmentally sound manner.  
18 Revenues from the sale of paper products collected under the recycling program shall be deposited in the  
19 Administrative Services Fund.

20  
21 Section 13. Section 3.18.140 of the Seattle Municipal Code is amended as follows:

22 **3.18.140 City motor vehicle fleet.**

23 A. Municipal Use. City owned or leased motor vehicles shall be used exclusively for the  
24 conduct of municipal business, except as provided in subsection D of this section.

25 B. Assigned Vehicles. Where the normal operations of a City department extend beyond  
26 established work headquarters and work hours, and based on the substantial needs of such department  
27 for adequate supervision or job performance, such vehicles may be assigned on the following basis:

28 1. Assignment of motor vehicles for a period of one (1) year, corresponding to the  
29 annual budget period, or assignment for other specified periods of time, to City officials and employees  
30 who because of the nature of their work should have vehicles assigned to them, shall be by the (~~Director~~  
31 ~~of Administrative~~) Executive Services Director (called the "Director" in this section), pursuant to  
32 resolution of the City Council.  
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2. The Director shall submit on or before the fifteenth day of December of each year a list of the officials and employees to whom a vehicle should be assigned for the next succeeding annual budget period in accordance with the following criteria:

a. The relative cost of having an employee provide his own transportation (whether in automobile reimbursement or lost productive man hours) is greater than the cost associated with overnight vehicle use; or

b. Employees who, on a continuous basis, have primary supervisory responsibility (first called out) in case of an emergency and whose immediate response is required to save life or property, including employees and officials who have responsibilities of implementing the City's disaster plan; or

c. Employees who, on a continuous basis, are on call in case of an emergency and who require special tools and equipment carried in their assigned vehicles in order to perform their emergency duties.

3. Except as provided in subsection D of this section, such assigned vehicles shall be used in the conduct of municipal business only, and when authorized in such assignment may be garaged during nonworking hours at the residence of the individual to whom assigned.

4. When an assigned vehicle is not needed or likely to be used, the officer or employee assigned the vehicle shall make it available for other departmental uses. If the assigned vehicle is not needed for other departmental uses, it shall be offered to the Director for use on a pool basis. The officer or employee may recall the assigned vehicle at any time in case of need.

C. Pool Vehicles. All other such vehicles shall be available on a pool basis for the conduct of municipal business to officers and employees who have a valid Washington State driver's license, under such rules and regulations as the Director may prescribe.

D. Private Use Prohibited. Nothing herein shall imply, nor shall any permission be granted to use any City owned or leased motor vehicle for personal purposes, and the transportation of passengers in any such vehicle is prohibited except in the furtherance of municipal business, provided that City employees may ride in an assigned vehicle when the person to whom the vehicle is assigned and the riding employees are registered with Seattle ((Engineering)) Transportation Department as a carpool.

E. Administration of Motor Pool.

1. The Director shall review quarterly the assignment and use of all City owned or leased motor vehicles to City department heads, officers and employees, and shall submit a written report on the subject to the Mayor and the City Council.

2. To assist the Director in such review, each City department head shall submit to the Director, not later than fifteen (15) calendar days after the end of each quarterly period, a report on such forms and providing information regarding the use of motor vehicles assigned to persons in his or her department as may be prescribed by the Director.

Section 14. Section 3.18.160 of the Seattle Municipal Code is amended as follows:

**3.18.160 Authority to negotiate and execute leases.**

Except as provided in Section 3.18.180, the ~~((Director of Administrative))~~ Executive Services Director is authorized to negotiate and to enter into new interim leases or subleases and extensions or modifications of existing leases or subleases ~~((for all))~~ of any property ~~((heretofore acquired for various City programs and projects, and))~~ now or hereafter owned by or leased to the City that is under the management of the Executive Services Department ~~((of Administrative Services and))~~ or is under the management of another department that has requested that the Executive Services Director lease or sublease such property. The Executive Services Director is authorized to execute and deliver for and on behalf of the City all ~~((necessary))~~ documents he or she shall deem necessary or appropriate in connection with any lease or sublease authorized in this section. The authority in this section is limited as follows ~~((in connection therewith; provided that))~~:

A. The new leases shall be substantially in the form of the agreement identified as "LEASE AGREEMENT" and codified at the end of this chapter; and

B. The total term of any new lease together with all extensions of the initial term thereof, and the total term of any existing lease together with all extensions of the term thereof, shall not exceed three (3) years in duration; provided, however, that this limitation shall not restrict the authority of the ~~((Director of Administrative))~~ Executive Services Director to negotiate and to enter into new leases for the same property with the same tenant upon terms and conditions different from any earlier lease pertaining to such property; and

C. The consideration to be paid to the City for the leases and lease term extensions shall be in the form of legal tender of the United States of America or services rendered to or for the benefit of

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2 the City, or a combination thereof, in such amounts or value as shall be reasonable under the  
3 circumstances considering the negotiated terms of the occupancy or use, condition of the premises, and  
4 current rental rates for similar property in the vicinity.

5 Section 15. Section 3.18.180 of the Seattle Municipal Code is amended as follows:

6 **3.18.180 Reimbursement of Administrative Services Fund.**

7 To provide for the reimbursement of the Administrative Services Fund for expenses incurred in  
8 the maintenance, repair, and administration of the property leased pursuant to the authority of this  
9 subchapter, the City Finance Director is authorized and directed to deduct from the rental payments  
10 received from the leasing of such property amounts equal to such expenses of the Executive Services  
11 Department (~~(of Administrative Services)~~), to deposit such amounts in the Administrative Services  
12 Fund, and to deposit the remainder of such funds (if any) in a fund from which money was expended  
13 to acquire said property.  
14

15 Section 16. Section 3.18.260 of the Seattle Municipal Code is amended as follows:

16 **3.18.260 Rental payments-Annual adjustment.**

17 Any rental payment specified in any lease may be made subject to an annual adjustment based  
18 upon the expenditure class "Rent, residential" in the Urban Wage Earners and Clerical Workers (1967 =  
19 100) of the Consumer Price Index for the Seattle area as compiled by the Bureau of Labor Statistics,  
20 United States Department of Labor, and any rent which is so adjusted may exceed the limits imposed by  
21 Section 3.18.240 hereof upon rental payments provided in leases entered into by the (~~Director of~~  
22 ~~Administrative~~) Executive Services Director pursuant to the authority granted in Section 3.18.200  
23

24 Section 17. Section 3.18.280 of the Seattle Municipal Code is amended as follows:

25 **3.18.280 Department or agency responsibility.**

26 No lease shall be executed by the (~~Director of Administrative~~) Executive Services Director  
27 pursuant to the authority of Section 3.18.200 of this chapter unless the department or agency which is  
28 to occupy the premises to be leased shall have available to it funds which it is duly authorized to use to  
29 pay the Executive Services Department (~~(of Administrative Services)~~) for its anticipated billing for the  
30 use of such space during the balance of the current budget year. Funds paid by the departments and  
31 agencies using space leased by the (~~Director of Administrative~~) Executive Services Director pursuant  
32 to the authority of Section 3.18.200 of this chapter shall be deposited in the Administrative Services  
33 Fund.  
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Section 18. Section 3.18.800 of the Seattle Municipal Code is amended as follows:

**3.18.800 Purchasing powers.**

Except as otherwise provided in this subchapter, the ~~((Director of Administrative))~~ Executive Services Director shall purchase, sell or transfer, contract for, rent or lease all supplies, materials, equipment, and services other than expert and consultant services needed by various departments of the City government, referred to in this subchapter as "using" agencies; provided, that the ~~((Director of Administrative))~~ Executive Services Director is authorized to enter into cooperative and/or joint agreements with any state or any governmental agency or subdivision thereof, or any other governmental unit or any public benefit non-profit corporation for the purchase of such supplies, materials and equipment and services under the purview of this chapter, provided further that such public benefit non-profit corporation is an agency that is receiving local, state, or federal funds wither directly or through a public agency; provided, further, that purchases made pursuant to any such agreement shall be separately invoiced to the respective purchasers in accordance with the purchases made by each; and provided, further, that each such purchaser shall be responsible for payment for its own purchases only. Purchases made for the City under a purchasing contract executed by the state, or agency or subdivision thereof, or by another governmental unit or public benefit non-profit corporation shall be exempt from the competitive bidding and related requirements of Section 3.18.806 .

Section 19. Section 3.18.802 of the Seattle Municipal Code is amended as follows:

**3.18.802 Compliance by City officers and employees-Exceptions.**

No city officer or employee shall have the authority to order or contract for the purchase of any supplies, materials, equipment, or service within the purview of this subchapter except through, or in accordance with rules and regulations prescribed by the ~~((Director of Administrative))~~ Executive Services Director and no order or contract made contrary to the provisions of the subchapter shall be approved by the ~~((Director of Administrative))~~ Executive Services Director or any subordinate thereof or be binding upon the City; provided, that contracts for services in connection with public works and construction, or by consultants pursuant to SMC Chapter 3.114 , and all contracts for services in connection with the acquisition of real property and property rights, processing of claims and all litigation of the City or in which the City or any of its departments may be interested, shall be exempt from the requirements of this section.

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Section 20. Section 3.18.806 of the Seattle Municipal Code is amended as follows:

**3.18.806 Competitive bidding-Cost over \$30,000.00.**

A. Except in emergencies provided for in this subchapter, all expenditures for supplies, materials, equipment, and services within the purview of this subchapter the estimated cost of which is in excess of Thirty Thousand Dollars (\$30,000.00) per requisition shall be made on written contract entered into upon the basis of competitive bids and are subject to the preferences provided by SMC Section 3.18.910 . Notices inviting sealed competitive bids shall be published at least once in the City official newspaper, and at least five (5) calendar days must intervene between the date of the last publication and the final date for submitting the bids; provided, that purchases of patented or proprietary items available from a single source, or purchases or contracts for services within the purview of this subchapter where competitive bidding is deemed impracticable by the ~~((Director of Administrative))~~ Executive Services Director, shall be exempt from the competitive bidding requirements of the section; provided, further, that the purchase of supplies, materials, and equipment to be resold by the using agency may be negotiated for by the ~~((Director of Administrative))~~ Executive Services Director when, in his or her judgment, the lowest and best price can be obtained by such negotiation.

B. All such bids shall be submitted sealed to the ~~((Director of Administrative))~~ Executive Services Director and shall be accompanied by surety in such form and amount as shall be prescribed by the ~~((Director of Administrative))~~ Executive Services Director in the notice inviting bids.

C. The bids shall be opened in public at the time and place stated in the notice inviting bids. No bids will be considered which arrive at the place of bid opening at any time later than the time specified in the notice inviting bids. After examination and tabulation by the ~~((Director of Administrative))~~ Executive Services Director, all bids may be inspected by the competing bidders. The ~~((Director of Administrative))~~ Executive Services Director may reject any or all bids, or part of bids, and shall state in writing and keep a record of the reason or reasons for such rejection, which record shall be open to public inspection. Otherwise the ~~((Director of Administrative))~~ Executive Services Director shall award the contract to the lowest and best bidder, or in the case of multiple awards to the lowest and best bidders. In determining the lowest and best bidder, the ~~((Director of Administrative))~~ Executive Services Director may consider such factors, among others, as quality, delivery terms, and service reputation of the vendor.

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2 D. An Invitation to Bid may specify that life cycle costing will be used either as the exclusive  
3 basis for evaluating bids or on an alternative basis. If sufficient life cycle cost information is readily  
4 available, the ~~((Director of Administrative))~~ Executive Services Director shall consider the life cycle  
5 cost in determining the lowest and best bid in accordance with the Invitation to Bid. "Life cycle cost"  
6 means the total cost to the City of the supplies, materials, or equipment procured over its estimated  
7 useful life, including costs of selection, acquisition, operation, maintenance, and where applicable,  
8 disposal as far as these costs can be reasonably determined, minus the salvage value at the end of its  
9 estimated useful life. The "estimated useful life" means the estimated time from the date of acquisition  
10 to the date of replacement or disposal, determined in a reasonable manner.

11  
12 E. When in the judgment of the ~~((Director of Administrative))~~ Executive Services Director,  
13 bids require further information and analysis for the purpose of determining the lowest and best bidder,  
14 he/she may request that bidders provide pertinent information, and on receipt thereof may negotiate with  
15 one (1) or more bidders and award such contract to the lowest and best bidder as determined by such  
16 negotiation.

17 F. When two (2) or more low bids received are for the same total amount or unit price, the  
18 ~~((Director of Administrative))~~ Executive Services Director may allow such tied bidders to offer a lower  
19 price or may make such purchase in the open market at a price not exceeding such bid price.  
20

21 G. The ~~((Director of Administrative))~~ Executive Services Director may require, before any  
22 contract is executed, that the successful bidder furnish a performance bond in such amount as said  
23 official shall find reasonable and necessary, which requirement shall be stated in the notice inviting bids.  
24 All surety bonds shall be subject to approval as to form by the City Attorney. If the successful bidder  
25 does not enter into a contract and file any required surety within ten (10) days after the award, such  
26 bidder shall forfeit the surety which accompanied its bid. A copy of each contract covering a term of  
27 three (3) months or more together with any required surety for performance thereof, shall be filed with  
28 the City Clerk.

29 H. As authorized by RCW 39.30.040, for determining the lowest and best bidder, the  
30 ~~((Director of Administrative))~~ Executive Services Director shall take into consideration the tax revenues  
31 derived by the City from its business and occupation or utility taxes (Seattle Municipal Code Chapters  
32 5.44 and 5.48) and its sales and use taxes (Seattle Municipal Code Chapter 5.60) from the proposed  
33 purchase.  
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2 Section 21. Section 3.18.808 of the Seattle Municipal Code is amended as follows:

3 **3.18.808 Zoo animals and specimens.**

4 The ((~~Director of Administrative~~)) Executive Services Director shall effect acquisition or  
5 disposal by sale, purchase, trade, exchange, or loan, of all zoo animals and other zoo specimens and  
6 where competitive bidding is deemed impracticable by the ((~~Director of Administrative~~)) Executive  
7 Services Director, such acquisition or disposal shall be exempt from the competitive bidding  
8 requirements of this subchapter and the same may be effected by negotiated agreements by the  
9 ((~~Director of Administrative~~)) Executive Services Director in cooperation with the Superintendent of  
10 Parks and Recreation in accordance with such procedures as may be established by the ((~~Director of~~  
11 ~~Administrative~~)) Executive Services Director.

12  
13 ✓ Section 22. Section 3.18.810 of the Seattle Municipal Code is amended as follows:

14 **3.18.810 Expenditures under \$30,000.00.**

15 All expenditures for supplies, materials, equipment, and services within the purview of this  
16 subchapter, the estimated cost of which will not exceed Thirty Thousand Dollars (\$30,000.00) per  
17 requisition may be made in the open market; provided, that to the extent possible, the ((~~Director of~~  
18 ~~Administrative~~)) Executive Services Director or his or her designated representative shall endeavor to  
19 obtain from prospective vendors at least three (3) competitive bids, and shall award such purchase to the  
20 lowest and best bidder, subject to the preferences provided by SMC Section 3.18.910. The Director or  
21 his or her designated representative may, in his or her discretion, determine the lowest and best bidder  
22 for expenditures under Thirty Thousand Dollars (\$30,000.00) per requisition by the same criteria as used  
23 for larger purchases. When the Invitation to Bid so specifies, and if sufficient life cycle cost information  
24 is readily available, the ((~~Director of Administrative~~)) Executive Services Director shall consider the life  
25 cycle cost in determining the lowest and best bidder in accordance with the Invitation to Bid.

26  
27 Section 23. Section 3.18.812 of the Seattle Municipal Code is amended as follows:

28 **3.18.812 Open market purchases where bidding is impractical.**

29 The ((~~Director of Administrative~~)) Executive Services Director or his or her designated  
30 representative may secure in the open market without bids any supplies, materials, equipment, or  
31 services within the purview of this subchapter, the cost of which will not exceed Five Thousand Dollars  
32 (\$5,000.00) per item, when the delay and expense of handling bids on small purchases would not be  
33 advantageous to the City.  
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2 Section 24. Section 3.18.814 of the Seattle Municipal Code is amended as follows:

3 **3.18.814 Emergency purchases.**

4 In case of an emergency which requires immediate purchase of supplies, materials, equipment, or  
5 services within the purview of this subchapter the ((Director of Administrative)) Executive Services  
6 Director or such other City officers or employees authorized by ordinance or rule to act in such event  
7 may make such purchases in the open market without advertisement at the best obtainable price  
8 regardless of the amount of the expenditure; and in determining the best price, such factors, among  
9 others, as quality, delivery terms, and service reputation of the vendor, may be considered; provided, that  
10 expenditures amounting to more than Ten Thousand Dollars (\$10,000.00) per requisition shall be based  
11 on written contract; and provided, further, that a full explanation of the circumstances of such emergency  
12 shall be filed by the using agency with the ((Director of Administrative)) Executive Services Director.

13  
14 Section 25. Section 3.18.816 of the Seattle Municipal Code is amended as follows:

15 **3.18.816 Items purchased by published price list.**

16 In the purchase of supplies, materials, equipment or services needed continuously or repeatedly,  
17 including catalog or standard production items, the price of which is determined by published price lists,  
18 the ((Director of Administrative)) Executive Services Director may enter into "open-end," "blanket-  
19 order," or "price-agreement" contracts.

20  
21 Section 26. Section 3.18.818 of the Seattle Municipal Code is amended as follows:

22 **3.18.818 Leasing or rental of equipment.**

23 The leasing and renting of equipment by the using agencies shall be contracted for by the ((Director of  
24 Administrative)) Executive Services Director, subject, where practicable, to competitive bidding.

25 Section 27. Section 3.18.820 of the Seattle Municipal Code is amended as follows:

26 **3.18.820 Repair or maintenance of equipment.**

27 In the repairing or maintenance of City equipment where the City is not equipped or able to perform the  
28 work, and when it is impossible to estimate the repairs necessary until such equipment is dismantled, the  
29 ((Director of Administrative)) Executive Services Director may award a contract or contracts to those  
30 responsible firms that he or she is convinced can do satisfactory repairing.

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32 Section 28. Section 3.18.822 of the Seattle Municipal Code is amended as follows:

33 **3.18.822 Inspection of deliveries.**

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2 for public use or that may have become unsuitable for public use; provided, that any such sale shall be  
3 based on competitive bids in the same manner required for purchases unless the ((Director of  
4 Administrative)) Executive Services Director shall determine competitive bidding to be impracticable.

5 Section 30. Section 3.18.826 of the Seattle Municipal Code is amended as follows:

6 **3.18.826 Testing of samples.**

7 The ((Director of Administrative)) Executive Services Director may prescribe chemical and physical  
8 tests of samples submitted with bids and samples of deliveries to determine their quality and  
9 conformance with the City's specifications. These tests may include tests which evaluate a product's  
10 ability to meet recycled content standard product specifications established in SMC Section 3.18.908 .  
11 In the performance of such tests, the ((Director of Administrative)) Executive Services Director may use  
12 private testing laboratories. The costs of such tests shall be charged to the appropriate budget allowance  
13 of the using agency on whose behalf such test is made.

14  
15 Section 31. Section 3.18.830 of the Seattle Municipal Code is amended as follows:

16 **3.18.830 Examination of requisition-Brand and trade names.**

17 A. It shall be the duty of the ((Director of Administrative)) Executive Services Director to examine each  
18 requisition and specification submitted by any using agency and determine whether the same is clear and  
19 may be readily understood by prospective bidders and provides a sound basis for competitive bidding.

20 When, in the judgment of the ((Director of Administrative)) Executive Services Director, any requisition  
21 or specification is vague, ambiguous or unduly restricts competitive bidding, he or she shall return the  
22 same to the using agency for clarification or modification.

23  
24 B. The ((Director of Administrative)) Executive Services Director shall avoid, to all practicable extent,  
25 the use of brand or trade names as criteria for procurement of supplies, materials, equipment and  
26 services when, in his or her judgment, such purchases can be accomplished to the greater advantage of  
27 the City through use of general specifications.

28 Section 32. Section 3.18.832 of the Seattle Municipal Code is amended as follows:

29 **3.18.832 Contracting with sheltered workshops-Exemption.**

30 Pursuant to and in accordance with RCW 39.23.005 and RCW 39.23.020, and notwithstanding the  
31 provisions of SMC Section 3.18.806 , the ((Director of Administrative)) Executive Services Director is  
32 hereby authorized to directly negotiate, and without competitive bidding, to contract with qualified  
33 sheltered workshops for purchase of products manufactured or provided by sheltered workshops and  
34

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2 programs and for the provision of janitorial services for City-owned facilities. Such purchases shall be at  
3 the fair market price of such product and services as determined by the City.

4       Section 33. Section 3.18.840 of the Seattle Municipal Code is amended as follows:

5               **3.18.840 Escalation of Dollar Limits**

6           A. As of January 1, 1997, all monetary amounts specified in Sections 3.18.806 and 3.18.810  
7 shall be annually adjusted hereafter by the Executive Services Director (~~(of Administrative Services)~~),  
8 consistent with the formula described in SMC 3.114.140 for adjustment of the consultant selection  
9 threshold, so that the thresholds for competitive bidding for purchases and the consultant selection  
10 threshold are maintained at the same amount.

11           B. As of January 1, 1997, the monetary amounts specified in Section 3.18.812 shall be adjusted  
12 every five years by the Executive Services Director (~~(of Administrative Services)~~), immediately  
13 following publication of the preceding year's annual Consumer Price Index for all urban consumers  
14 Seattle-Tacoma metropolitan area, All Items (1982-84 = 100), as determined by the U.S. Department of  
15 Labor, Bureau of Labor Statistics, to eliminate the effects of inflation or deflation on purchasing power  
16 and the authority granted by this subchapter. Such monetary amount, as adjusted, in Section 3.18.812  
17 shall be rounded upwards to the nearest Thousand Dollars (\$1,000.00).

18       Section 34. Section 3.18.900 of the Seattle Municipal Code is amended as follows:

19               **3.18.900 Purpose.**

20           The purpose of this program is to:

21           A. Substantially increase the procurement of reusable products, recycled content products and  
22 recyclable products by all departments, providing a model to encourage comparable commitment by  
23 Seattle citizens and businesses in their purchasing practices;

24           B. Target procurement of products made from recycled materials for which there are significant market  
25 development needs or that may substantially contribute to the use of locally recycled materials;

26           C. Provide content standards for recycled content and recyclable products for use in procurement  
27 programs by all departments;

28           D. Provide the (~~(Director of Administrative))~~ Executive Services Director with the necessary authority  
29 to adopt preferential purchasing policies for recycled content and recyclable products, including price  
30 preferences and set-asides.  
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2 Section 35. Subsections 1, 7, 12 and 19 of section 3.18.902 of the Seattle Municipal Code are  
3 amended as follows:

4 **3.18.902 Definitions.**

5 1. "Building insulation" means a material, primarily designed to resist heat flow, which is installed  
6 between the conditioned volume of a building and adjacent unconditioned volumes or the outside. This  
7 term includes but is not limited to insulation products such as blanket, board, spray-in-place, and loose-  
8 fill insulation that are used as ceiling, floor, foundation, and wall insulation. This term also includes  
9 insulation products used to improve the thermal effectiveness of building envelopes, but does not apply  
10 to insulation for air-handling units, insulation for acoustic purposes, or cold-storage insulation unless  
11 otherwise designated by the (~~Director of Administrative~~) Executive Services Director or his or her  
12 predecessor.

13  
14 7. "Content standard" means standards set or adopted by the (~~Director of Administrative~~) Executive  
15 Services Director or his or her predecessor specifying the minimum content of recycled materials,  
16 whether post-consumer waste or secondary waste, in a product necessary for the product to qualify as a  
17 recycled content product. Content standards may also specify that a product be made in whole or in part  
18 from recyclable materials, and the maximum level of hazardous substances allowable in a product.

19  
20 12. "Hazardous substance" means any hazardous substance listed as a hazardous substance pursuant to  
21 Section 313 of Title III of the Superfund Amendments and Reauthorization Act, all ozone-depleting  
22 compounds as defined by the Montreal Protocol of October 1987, and such other substances adopted by  
23 rule by the (~~Director of Administrative~~) Executive Services Director or his or her predecessor as  
24 presenting a threat to human health or the environment.

25  
26 19. "Purchase order" means any contract or order which is duly authorized and awarded or entered into  
27 by the (~~Director of Administrative~~) Executive Services Director or department for the purchase of  
28 tangible goods.

29 Section 36. Subsections A, D, E, F, and G of section 3.18.904 of the Seattle Municipal Code are  
30 amended as follows:

31 **3.18.904 Policies.**

32 A. All departments shall use, where practicable, reusable products, recycled content products and  
33 recyclable products. The term "practicable" shall mean:  
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2 1. The recycled content product meets product specifications established by the ((~~Director of~~  
3 ~~Administrative~~)) Executive Services Director;

4 2. The recycled content product is available from at least one vendor in sufficient quantity to meet  
5 City needs.

6 D. The ((~~Director of Administrative~~)) Executive Services Director shall use recycled material content as  
7 a factor in determining the lowest and best bid in its procurement of goods and materials.

8 E. The ((~~Director of Administrative~~)) Executive Services Director shall promote the use of recycled  
9 content products and recyclable products to potential vendors to the City by publicizing their  
10 availability.

11 F. The ((~~Director of Administrative~~)) Executive Services Director, through the procedures set forth in  
12 SMC Chapter 3.02, is authorized to establish guidelines and/or rules to further the intent of this section  
13 and ordinance.

14 G. All terms, conditions and requirements of this section shall apply equally to the ((~~Director of~~  
15 ~~Administrative~~)) Executive Services Director and any department when it acts to acquire any aspects of  
16 public works for the City.

17  
18 Section 37. Section 3.18.906 of the Seattle Municipal Code is amended as follows:

19 **3.18.906 Annual report.**

20  
21 A. Beginning March 15, 1994, the ((~~Director of Administrative~~)) Executive Services  
22 Director shall provide an annual report to the City Council on or before March 15th of each year on the  
23 progress of implementation of the Recycled Content Product Program required in Resolution 28556. The  
24 ((~~Director of Administrative~~)) Executive Services Director may require periodic reporting by other  
25 departments to the Executive Services Department ((~~of Administrative Services~~)) for the purpose of  
26 developing this report.

27 B. The ((~~Director of Administrative~~)) Executive Services Director shall compile records of  
28 purchases by departments for inclusion in the annual report. The report shall include all purchases in  
29 excess of One Thousand Dollars (\$1,000.00). At a minimum, the report will include the following  
30 components:

31  
32 1. The percentage of post-consumer and/or secondary waste in any recycled-content  
33 products actually purchased;

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