

ORDINANCE No. 118957

Law Department

COUNCIL BILL No. 112109

The City

AN ORDINANCE relating to filling appointive City offices; amending Seattle Municipal Code section 3.40.010 to clarify provisions governing the length of the term of the City Auditor; and amending Seattle Municipal Code section 3.92.010 to encompass vacancies in the office of the City Auditor.

OK

Honorable President:

Your Committee on

to which was referred the within report that we have considered the

passed 4-0

Maxwell

4-6-98 Full Council

COMPTROLLER FILE No.

Introduced: <u>MAR 30 1998</u>	By: <u>CHOE</u>
Referred: <u>MAR 30 1998</u>	To: <u>Finance & Budget Committee</u>
Referred:	To:
Referred:	To:
Reported:	Second Reading:
Third Reading: <u>4-6-98</u>	Signed: <u>4-6-98</u>
Presented to Mayor: <u>4-6-98</u>	Approved: <u>4-6-98</u>
Returned to City Clerk: <u>4-15-98</u>	Published: <u>FT 2</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

City President:

Committee on _____

_____ was referred the within Council Bill No. _____

_____ that we have considered the same and respectfully recommend that the same:

4-0
Markus Chase

9-8 Fall Council Action: Passed 9-0

Committee Chair

ORDINANCE 118957

1
2 AN ORDINANCE relating to filling appointive City offices; amending Seattle Municipal Code section
3 3.40.010 to clarify provisions governing the length of the term of the City Auditor; and amending
4 Seattle Municipal Code section 3.92.010 to encompass vacancies in the office of the City
Auditor.

5 WHEREAS, in 1991 the voters of Seattle amended the City Charter to provide for an independent City
6 Auditor, appointed by the chair of the City Council Finance Committee for a six-year term and
subject to confirmation by and removal for cause by a majority of the City Council; and

7 WHEREAS, the City Council adopted legislation in 1992 to specify that the term of the first City
8 Auditor would commence upon that Auditor's confirmation by the City Council; and

9 WHEREAS, Nora Masters was confirmed as the first City Auditor under that Charter provision
effective February 8, 1993, and resigned effective February 2, 1998; and

10 WHEREAS, the City Charter is not explicitly clear as to whether a new City Auditor would be
11 appointed during 1998 only to fill the remainder of the six years since Ms. Masters' confirmation
or whether the new City Auditor would commence a full six-year term from the date of his or her
confirmation; and

12 WHEREAS, the City Council believes it was the intent of the voters of Seattle to provide for a full six-
13 year term for each newly appointed City Auditor in order to provide the most independence for
the Auditor consistent with the oversight role of the City Council; and

14 WHEREAS, the independence of an incumbent City Auditor seeking reappointment is best assured
15 through an early decision by the City Council on the possible reappointment; and

16 WHEREAS, in other situations where City Code has provided for appointive officers' terms of a definite
17 number of years, appointees replacing a departing incumbent part-way through the prior
incumbent's term have been appointed for a new full term (such as with the former Water
Superintendent confirmed in January 1995); and

18 WHEREAS, Chapter 3.92 of the Seattle Municipal Code provides for the temporary performance of the
19 duties of Charter officers appointed by the Mayor when those offices are vacant, but needs to be
20 updated to provide for the temporary performance of the duties of the City Auditor, who is the
only Charter officer appointed by the Legislative department of City government;

21 NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

22 Section 1. Section 3.40.010 of the Seattle Municipal Code is amended as follows:
23
24

1 **3.40.010 City Auditor-Duties-Appointment.**

2 A. There is established in the Legislative Department an office of City Auditor to perform the
3 duties provided in Article VIII, Section 2 of the City Charter. The City Auditor shall have a term of six
4 (6) years, and shall be appointed by the Chair of the Finance Committee, subject to confirmation by a
5 majority of the City Council, and may be removed for cause by a majority of the City Council.

6 B. The first term of the City Auditor shall commence upon the effective date of confirmation by
7 the City Council. Succeeding terms that are not consecutive terms for the same individual shall
8 commence for six years upon confirmation of the new City Auditor, regardless of the length of term
9 served by the preceding City Auditor. Consecutive terms for the same individual shall commence for
10 six additional years from the date that individual's previous term expires if the incumbent is reappointed
11 and reconfirmed within ninety (90) days before or ninety (90) days after the expiration of the previous
12 term; otherwise the successive term shall commence upon reconfirmation. If an incumbent seeks
13 reappointment, the Chair of the Finance Committee should propose action, and the City Council should
14 act upon a proposal, at least forty-five (45) days before the expiration of the incumbent's term.

15 Section 2. Section 3.92.010 of the Seattle Municipal Code is amended as follows:

16 **3.92.010 Filling of vacant position.**

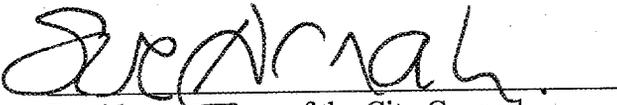
17 A. If any appointive Charter office to be filled by mayoral appointment or the position of
18 department or office head in any department or office created by ordinance becomes vacant, to ensure that
19 the department or office functions and the interest of the public is protected pending the filling of such
20 vacancy under Charter Article XIX, Section 6, or applicable ordinance, the highest-ranking unsubordinated
21 officer or employee in such department or office shall perform, in addition to his/her regular duties, the
22 duties of such appointive office unless the Mayor determines, and the President of the City Council and the
23
24

1 Chair of the City Council Finance Committee concur, and so indicate their concurrence in writing filed
2 with the City Clerk, that the interests of the City would be better served by the designation of another
3 person of the Mayor's choosing to serve as acting head of such department or office.

4 B. If the appointive Charter office of City Auditor becomes vacant, to ensure that the office
5 functions and the interest of the public is protected pending the filling of such vacancy, the highest-ranking
6 unsubordinated officer or employee in the City Auditor's office shall perform, in addition to his/her regular
7 duties, the duties of such appointive office unless the Chair of the City Council Finance Committee
8 determines, and the President of the City Council concurs, and so indicates his/her concurrence in writing
9 filed with the City Clerk, that the interests of the City would be better served by the designation of another
10 identified person to serve as acting head of such office.

11 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its
12 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
13 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

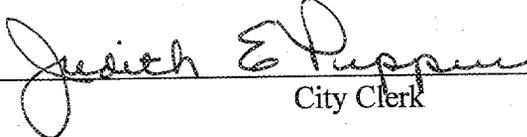
14 Passed by the City Council the 6th day of April, 1998, and signed by me in open
15 session in authentication of its passage this 6th day of April, 1998.

16 
17 _____
President _____ of the City Council

18 Approved by me this 6th day of April, 1998.

19 
20 _____ Mayor Proxmire

21 Filed by me this 15 day of April, 1998.

22 
23 _____
City Clerk

(Seal)

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Maxine Chase

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

92489
City of Seattle, City Clerk

STATE OF WASHINGTON - KING COUNTY

—ss.

No. _____
ORDINANCE IN

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:ORD 118957

was published on
04/30/98

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

H. Patterson

04/30/98 Subscribed and sworn to before me on

McClintock

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 118957

AN ORDINANCE relating to filling appointive City offices; amending Seattle Municipal Code section 3.49.010 to clarify provisions governing the length of the term of the City Auditor; and amending Seattle Municipal Code section 3.92.010 to encompass vacancies in the office of the City Auditor.

WHEREAS, in 1991 the voters of Seattle amended the City Charter to provide for an independent City Auditor, appointed by the chair of the City Council Finance Committee for a six-year term and subject to confirmation by and removal for cause by a majority of the City Council; and

WHEREAS, the City Council adopted legislation in 1992 to specify that the term of the first City Auditor would commence upon that Auditor's confirmation by the City Council; and

WHEREAS, Nora Masters was confirmed as the first City Auditor under that new Charter provision effective February 8, 1993, and resigned effective February 2, 1998; and

WHEREAS, the City Charter is not explicitly clear as to whether a new City Auditor would be appointed during 1998 only to fill the remainder of the six years since Ms. Masters' confirmation or whether the new City Auditor would commence a full term on the date of his or her appointment;

to his/her regular duties, the duties of such appointive office unless the Chair of the City Council Finance Committee determines, and the President of the City Council concurs, and so indicates in writing, that the interests of the City would be better served by the designation of another identified person to serve as acting head of such office.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 6th day of April, 1998, and signed by me in open session in authentication of its passage this 6th day of April, 1998.

SUE DONALDSON,
President of the City Council.
Approved by me this 6th day of April, 1998.

SUE DONALDSON,
Mayor Pro Tem.
Filed by me this 16th day of April, 1998.
(Seal) JUDITH E. PIPPIN,
City Clerk.
Publication ordered by JUDITH PIPPIN,
City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, April 30, 1998. (3092468)

- Burns Donald E. Allen
- 98-2-09890-2 Unlaw Detainer S
- Ventures dba Sandpaper Apis v
- Preston Donald E. Allen
- 98-2-09891-1 Unlaw Detainer v
- Sharna v Dwayne Butlum Pro se
- 98-2-09896-1 Unlaw Detainer
- Properties dba Hampton Bay Apis
- Siva, Harold Cheryl, Howard Jos M
- 98-2-09897-0 Unlaw Detainer
- Properties dba Loma Lake Apis v
- Dicksen, Howard Jos Marcus
- 98-2-10031-1 Misc. Michael W
- Burlington Northern Santa Fe Rail
- Mary Elizabeth Van Gerner
- 98-2-10037-1 Misc. Planned Pa
- of Western Washington v Tym
- Roberta N. Riley
- 98-2-10047-8 Dom. Viol. Sp
- McCoy v Sam Mitchell
- 98-2-10048-6 Unlaw Detainer
- Auth of Seattle v Clifton Anders
- Chess-Prentice
- 98-2-10049-4 Unlaw Detainer
- Auth of Seattle v Yolanda L. Part
- Chess-Prentice
- 98-2-10068-1 Dom. Viol. John
- Till, Christina L. Till, Jennifer J. Till
- L. Till
- 98-2-10069-9 Foreign Judgment
- Skiba-Kwanikowski v Dami Kwa
- Stephen Alexander Bernheim
- 98-2-10077-0 Trans Judgment Writ
- Real Estate v Luc A Green, Jacqui
- Wendmeyer Reak Estate
- 98-2-10078-8 Unlaw Detainer
- Real Estate Svcs dba Ellington
- Lynch Robinson Evan Lee Loeffler
- 98-2-10080-0 Tax, State Rev v
- Ballard
- 98-2-10081-8 Tax, State Rev v