

Ordinance No. 119091

Council Bill No. 112246

AN ORDINANCE relating to the Executive Services Department; amending SMC 3.18.160, 3.18.200, 3.24.040 and 3.24.300 to modify leasing and other real property management authority.

The City of Seattle  
Council Bill/Ordinance

*passed as amended 4-0*  
7-20-98 Full  
(Exec)

CF No. \_\_\_\_\_

Date Introduced: <u>JUL 6 - 1998</u>	
Date 1st Referred: <u>JUL 6 - 1998</u>	To: (committee) <u>Finance &amp; Budget Committee</u>
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: <u>7-20-98</u>	Full Council Vote: <u>7-0</u>
Date Presented to Mayor: <u>7-20-98</u>	Date Approved: <u>JUL 22 1998</u>
Date Returned to City Clerk: <u>JUL 22 1998</u>	Date Published: <u>7/29</u>
Date Vetted by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

This file is complete and ready

*Law Department*

Law Dept. Review

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: CHOE  
Councilmember

## Committee Action:

*passed as amended 4-0*

*7-20-98 Full Council Action: Passed 7-0  
(Excused: Choe, Licata)*

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_  
(Initial/Date)

*Leg Department*

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed
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ORDINANCE

119091

AN ORDINANCE relating to the Executive Services Department; amending SMC 3.18.160, 3.18.200, 3.24.040 and 3.24.300 to modify leasing and other real property management authority.

WHEREAS, the Executive Services Department has authority under SMC 3.18.200 to enter into lease agreements for up to five (5) years, for the municipal use of property that is not City-owned, and should be authorized to grant leases of City-owned real property under SMC 3.18.160 for an equal length of time; and

WHEREAS, Seattle Municipal Code sections regarding the real property management role of the Executive Services Department should be amended to clarify and correct some unintended inconsistencies created when the Executive Services Department was created; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.18.160 of the Seattle Municipal Code, which was last amended by Ordinance 118397, is further amended as follows:

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

~~((Except as provided in Section 3.18.180, t))~~The 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 of any property now or hereafter owned by or leased to the City that is under the management of the Executive Services Director 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 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:

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))~~ The Executive Services Director shall use a standard lease form or forms prepared with the assistance or advice of the City Attorney or, contingent upon prior consultation with the City Attorney regarding the differences between the

1 standard and any non-standard form, such non-standard form lease; and

2 B. The total term of any new lease together with all extensions of the initial term thereof,  
3 and the total term of any existing lease together with all extensions of the term thereof, shall not  
4 exceed ~~((three (3)))~~ five (5) years in duration; provided, however, that this limitation shall not restrict  
5 the authority of the Executive Services Director to negotiate and to enter into new leases for the same  
6 property with the same tenant upon terms and conditions different from any earlier lease pertaining to  
7 such property; and

8 C. The consideration to be paid to the City for the leases and lease term extensions shall  
9 be in the form of legal tender of the United States of America or services rendered to or for the benefit  
10 of the City, or a combination thereof, in such amounts or value as shall be reasonable under the  
11 circumstances considering the negotiated terms of the occupancy or use, condition of the premises, and  
12 current rental rates for similar property in the vicinity.

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14 Section 2. Section 3.18.200 of the Seattle Municipal Code, which was last amended by  
15 Ordinance 115429, is further amended as follows:

16 **SMC 3.18.200 Authority to execute leases-Standard form.**

17 A. The ~~((Director of Administrative Services))~~ Executive Services Director is authorized  
18 to negotiate and execute for and on behalf of the City, real property leases for the purpose of acquiring  
19 necessary facilities for use by City departments and agencies to carry out authorized functions and  
20 programs. The term of any such lease shall not exceed sixty (60) consecutive calendar months.

21 B. ~~((When appropriate, the Director of Administrative Services))~~ The Executive Services  
22 Director shall use a standard lease form or forms prepared with the assistance or advice of ~~((and~~  
23 approved by)) the City Attorney ~~((—Execution of any lease not in the standard form shall be))~~ or,  
24 contingent upon ((approval by)) prior consultation with the City Attorney ~~((, who shall review all such~~  
25 nonstandard leases, indicate approval or disapproval as to form, and return the same to the Department  
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1 of Administrative Services within seventy-two (72) hours of receipt)) regarding the differences  
2 between the standard and any non-standard form, such non-standard form lease.

3 Section 3. Subsection 3.24.040E of the Seattle Municipal Code, which was adopted by  
4 Ordinance 118397, is amended as follows:

5 **SMC 3.24.040 Director-Functions, powers, and duties.**

6 The Executive Services Director shall manage the Executive Services Department and shall  
7 have the following powers and perform the following functions:

8 \* \* \*

9 E. Strategically manage the City's real estate portfolio, excluding those properties outside  
10 of Seattle, those used for power or water distribution or for drainage or wastewater purposes, those  
11 under the jurisdiction of the Seattle Center Department, those leased for the City by the Director of  
12 Neighborhoods pursuant to SMC 3.35.080 for use as a P-Patch community garden or another similar  
13 open space purpose, and those properties for which the City Charter or state law requires management  
14 by another department. Strategic management includes planning and development, acquisition,  
15 disposal, analysis, development of policy and procedures, and general administration;

17 \* \* \*

18 Section 4. Section 3.24.300 of the Seattle Municipal Code, which was adopted by  
19 Ordinance 118397, is amended as follows:

20 **SMC 3.24.300 Asset management-Real property.**

21 A. The Executive Services Director shall be responsible for centrally managing City-  
22 owned properties((:)) with the exception of those properties outside of Seattle, those properties used  
23 for power or water distribution or for drainage or wastewater purposes, those properties under the  
24 jurisdiction of the Seattle Center Department, those properties leased for the City by the Director of  
25 Neighborhoods pursuant to SMC 3.35.080 for use as a P-Patch community garden or another similar  
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1 open space purpose, and those properties for which the City Charter or state law requires control by  
2 another department(~~(:)~~); and for providing City-wide planning and leadership to ensure the most  
3 effective use of the City's real property resources and compliance with City objectives and goals.

4 Whether or not real property is centrally managed by the Executive Services Department, the  
5 acquisition, reuse or disposal of real property or any interest therein is subject to policies adopted by  
6 the City Council and ((City Departments shall comply with policies, guidelines, and standards  
7 established)) rules adopted by the Executive Services Director pursuant to SMC Ch. 3.02((when  
8 considering or proposing the acquisition or disposition of real property.

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10 B. ~~((No City department may grant a leasehold interest in City real property, other than~~  
11 ~~those properties outside of Seattle, those properties used for power or water distribution or for~~  
12 ~~drainage or wastewater purposes, those properties under the jurisdiction of the Seattle Center~~  
13 ~~Department, and those properties for which the City Charter or state law requires control by another~~  
14 ~~department, for a term that exceeds or may exceed, at the sole option of the lessee, three (3) years~~  
15 ~~except:)) For those City-owned properties that are to be centrally managed by the Executive Services  
16 Department pursuant to the authority granted in SMC 3.24.300A, only the Executive Services Director,  
17 pursuant to and consistent with the authority granted in SMC 3.18.160, may grant a leasehold interest  
18 in such City-owned real property, unless:~~

19  
20 1. The City's legislative authority has adopted a ((By)) specific ordinance  
21 approving the leasing of a specific property and authorizing another department or official to negotiate  
22 and grant a leasehold interest on behalf of the City; or

23  
24 2. A City department or official obtains ((With)) the written approval of the  
25 Executive Services Director for such action, and the ((on)) terms of the proposed lease are consistent  
26 with the restrictions contained in ((Section))SMC 3.18.160, ((; or

27 3. As permitted by rules adopted by the Executive Services Director and filed  
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1 with the City Council at least sixty (60) days prior to the effective date, setting forth terms and  
2 standard provisions to be included in such leases.))

3 C. Except for ((No City department may acquire a leasehold interest in any real property  
4 other than)) property to be used for power or water distribution or for drainage or wastewater purposes,  
5 those properties under the jurisdiction of the Seattle Center Department, property leased for the City by  
6 the Director of Neighborhoods pursuant to SMC 3.35.080 for use as a P-Patch community garden or  
7 another similar open space purpose, and property for which the City Charter or state law requires  
8 control by a department other than the Executive Services Department after acquisition, only the  
9 Executive Services Director, pursuant to the authority granted under SMC 3.18.200, may acquire a  
10 leasehold interest in any real property on behalf of the City unless((for a lease term that exceeds or  
11 may exceed, at the sole option of the lessor, three (3) years except)):

13 1. The City's legislative authority has adopted a ((By))specific ordinance  
14 approving the leasing of a specific property and authorizing another department or official to negotiate  
15 and acquire a leasehold interest on behalf of the City; or

17 2. A City department or official receives the written approval of the Executive  
18 Services Director for such action, and the terms of the proposed lease are consistent with the  
19 restrictions contained in SMC 3.18.200. ((As permitted by rules adopted by the Executive Services  
20 Director and filed with the City Council at least sixty (60) days prior to their effective date, setting  
21 forth terms and standard provisions to be included in such leases.))

22 D. The Executive Services Director may, consistent with the Director's leasing authority  
23 under SMC 3.18.160 and 3.18.200, by rule adopted pursuant to SMC Ch. 3.02, ((approved by the City  
24 Council by resolution, exempt)) grant blanket approval for departments or officials designated by him  
25 or her to enter into certain specified types of leases, so long as the lease is of the type described in the  
26 rule and the lease terms are substantially in the form of the form lease approved by the rule ((from the  
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1 ~~requirements of this section~~)). Execution of any lease not in the form approved by rule shall be  
2 contingent on approval by the Executive Services Director after consultation with the City Attorney  
3 regarding the differences between the form of the lease proposed for execution and the form approved  
4 by the rule.

5 E. Any lease entered into in violation of this section is voidable at the City's option unless  
6 and until ratified by ordinance or, if the violation of this section is merely a failure to obtain the  
7 approval of the Executive Services Director, if approved in writing by the Executive Services Director.

8 F. Nothing in this section shall adversely affect the validity of any lease entered into prior  
9 to the effective date of this section, nor limit the authority of any City department to acquire a leasehold  
10 interest, or property subject to a lease, by foreclosure under a judgment or security interest or by deed in  
11 lieu thereof.

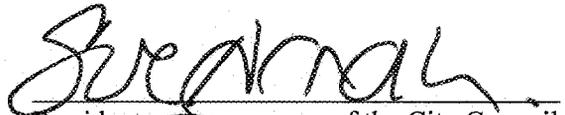
12 Section 5. The several provisions of this ordinance are declared to be separate and  
13 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or  
14 portion of this ordinance, or the invalidity of the application thereof to any person or circumstances,  
15 shall not affect the validity of the remainder of this ordinance or the validity of its application to other  
16 persons or circumstances.

17 Section 6. Any act consistent with the authority and prior to the effective date of this  
18 ordinance is hereby ratified and confirmed.

19 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after  
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1 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
2 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

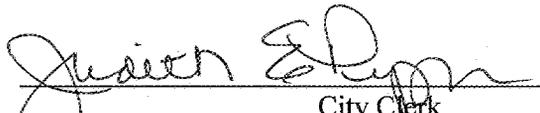
3  
4 Passed by the City Council the 20<sup>th</sup> day of July, 1998, and signed by me in  
5 open session in authentication of its passage this 20<sup>th</sup> day of July, 1998.

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President \_\_\_\_\_ of the City Council

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10 Approved by me this 22<sup>nd</sup> day of July, 1998.

11   
12 Mayor

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14 Filed by me this 22<sup>nd</sup> day of July, 1998.

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16 City Clerk

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19 (Seal)  
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# City of Seattle

Paul Schell, Mayor

## Executive Services Department

Dwight D. Dively, Director

### MEMORANDUM

**Date:** July 2, 1998

**To:** Honorable Sue Donaldson, President, Seattle City Council

**From:** Dwight D. Dively, Director, Executive Services Department  
*K.A. [Signature]*

**Subject:** AN ORDINANCE relating to the Executive Services Department; amending SMC 3.18.160, 3.18.200, 3.24.040 and 3.24.300 to modify leasing and other real property management authority.

The proposed legislation amends Seattle Municipal Code 3.18.160, 3.18.200, 3.24.040 and 3.24.300 to modify leasing and other real property management authority. These amendments will make sections of the SMC consistent with respect to the term (5 years) of lease agreements for non-City property, and replace the requirement for use of the previously adopted standardized lease with a requirement that the City Attorney advise the Executive Services Director regarding differences between the City's standard form lease and any other lease form proposed for execution. In addition, these amendments clarify and correct some unintended inconsistencies with respect to the types of property excepted from the ESD Director's authority, and simplify the provisions of the Municipal Code with respect to the review and approval of leases.

If you have any questions, or would like additional information about this legislation, please feel free to call Hillary Hamilton, Real Property Asset Manager, at 4-0421.

Attachments: Proposed Ordinance

cc: Honorable Martha Choe  
Real Estate Oversight Committee

ORDINANCE \_\_\_\_\_

1  
2 AN ORDINANCE relating to the Executive Services Department; amending SMC 3.18.160, 3.18.200,  
3 3.24.040 and 3.24.300 to modify leasing and other real property management authority.

4  
5 WHEREAS, the Executive Services Department has authority under SMC 3.18.200 to enter into lease  
6 agreements for up to five (5) years, for the municipal use of property that is not City-owned, and  
7 should be authorized to grant leases of City-owned real property under SMC 3.18.160 for an  
8 equal length of time; and

9 WHEREAS, Seattle Municipal Code sections regarding the real property management role of the  
10 Executive Services Department should be amended to clarify and correct some unintended  
11 inconsistencies created when the Executive Services Department was created; Now, Therefore,

12 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

13 Section 1. Section 3.18.160 of the Seattle Municipal Code, which was last amended by  
14 Ordinance 118397, is further amended as follows:

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

16 ~~((Except as provided in Section 3.18.180.4))~~ The Executive Services Director is authorized to  
17 negotiate and to enter into new interim leases or subleases and extensions or modifications of existing  
18 leases or subleases of any property now or hereafter owned by or leased to the City that is under the  
19 management of the Executive Services Director or is under the management of another department that  
20 has requested that the Executive Services Director lease or sublease such property. The Executive  
21 Services Director is authorized to execute and deliver, for and on behalf of the City, all documents he  
22 or she shall deem necessary or appropriate in connection with any lease or sublease authorized in this  
23 section. The authority in this section is limited as follows:

24 A. ~~((The new leases shall be substantially in the form of the agreement identified as  
25 "LEASE AGREEMENT" and codified at the end of this chapter))~~ The Executive Services Director  
26 shall use a standard lease form or forms prepared with the assistance or advice of the City Attorney or,  
27 contingent upon prior consultation with the City Attorney regarding the differences between the  
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standard and any non-standard form, such non-standard form lease; and

1  
2 B. The total term of any new lease together with all extensions of the initial term thereof,  
3 and the total term of any existing lease together with all extensions of the term thereof, shall not  
4 exceed ~~((three (3)))~~ five (5) years in duration; provided, however, that this limitation shall not restrict  
5 the authority of the Executive Services Director to negotiate and to enter into new leases for the same  
6 property with the same tenant upon terms and conditions different from any earlier lease pertaining to  
7 such property; and

8  
9 C. The consideration to be paid to the City for the leases and lease term extensions shall  
10 be in the form of legal tender of the United States of America or services rendered to or for the benefit  
11 of the City, or a combination thereof, in such amounts or value as shall be reasonable under the  
12 circumstances considering the negotiated terms of the occupancy or use, condition of the premises, and  
13 current rental rates for similar property in the vicinity.

14 Section 2. Section 3.18.200 of the Seattle Municipal Code, which was last amended by  
15 Ordinance 115429, is further amended as follows:

16 **SMC 3.18.200 Authority to execute leases-Standard form.**

17  
18 A. The ~~((Director of Administrative Services))~~ Executive Services Director is authorized  
19 to negotiate and execute for and on behalf of the City, real property leases for the purpose of acquiring  
20 necessary facilities for use by City departments and agencies to carry out authorized functions and  
21 programs. The term of any such lease shall not exceed sixty (60) consecutive calendar months.

22 B. ~~((When appropriate, the Director of Administrative Services))~~ The Executive Services  
23 Director shall use a standard lease form or forms prepared with the assistance or advice of ~~((and~~  
24 ~~approved by))~~ the City Attorney ~~((— Execution of any lease not in the standard form shall be))~~ or,  
25 contingent upon ((approval by)) prior consultation with the City Attorney ~~((, who shall review all such~~  
26 ~~nonstandard leases, indicate approval or disapproval as to form, and return the same to the Department~~

1 of Administrative Services within seventy two (72) hours of receipt)) regarding the differences  
2 between the standard and any non-standard form, such non-standard form lease.

3 Section 3. Subsection 3.24.040E of the Seattle Municipal Code, which was adopted by  
4 Ordinance 118397, is amended as follows:

5 **SMC 3.24.040 Director-Functions, powers, and duties.**

6 The Executive Services Director shall manage the Executive Services Department and shall  
7 have the following powers and perform the following functions:

8 \* \* \*

9 E. Strategically manage the City's real estate portfolio, excluding those properties outside  
10 of Seattle, those used for power or water distribution or for drainage or wastewater purposes, those  
11 under the jurisdiction of the Seattle Center Department, those leased for the City by the Director of  
12 Neighborhoods pursuant to SMC 3.35.080 for use as a P-Patch community garden or another similar  
13 open space purpose, and those properties for which the City Charter or state law requires management  
14 by another department. Strategic management includes planning and development, acquisition,  
15 disposal, analysis, development of policy and procedures, and general administration;

17 \* \* \*

18 Section 4. Section 3.24.300 of the Seattle Municipal Code, which was adopted by  
19 Ordinance 118397, is amended as follows:

20 **SMC 3.24.300 Asset management-Real property.**

21 A. The Executive Services Director shall be responsible for centrally managing City-  
22 owned properties((s)) with the exception of those properties outside of Seattle, those properties used  
23 for power or water distribution or for drainage or wastewater purposes, those properties under the  
24 jurisdiction of the Seattle Center Department, those properties leased for the City by the Director of  
25 Neighborhoods pursuant to SMC 3.35.080 for use as a P-Patch community garden or another similar  
26 open space purpose, and those properties for which the City Charter or state law requires control by  
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1 another department~~((s))~~; and for providing City-wide planning and leadership to ensure the most  
2 effective use of the City's real property resources and compliance with City objectives and goals.  
3 City Departments shall comply with ~~((policies, guidelines, and standards established))~~ rules adopted by  
4 the Executive Services Director pursuant to SMC Ch. 3.02 and with policies adopted by the City  
5 Council by resolution when considering or proposing the acquisition, reuse, or ~~((disposition))~~ disposal  
6 of real property or any interest therein, whether or not such real property or any interest therein is  
7 centrally managed by the Executive Services Department.

8 B. ~~((No City department may grant a leasehold interest in City real property, other than~~  
9 ~~those properties outside of Seattle, those properties used for power or water distribution or for~~  
10 ~~drainage or wastewater purposes, those properties under the jurisdiction of the Seattle Center~~  
11 ~~Department, and those properties for which the City Charter or state law requires control by another~~  
12 ~~department, for a term that exceeds or may exceed, at the sole option of the lessee, three (3) years~~  
13 ~~except:))~~ For those City-owned properties that are to be centrally managed by the Executive Services  
14 Department pursuant to the authority granted in SMC 3.24.300A, only the Executive Services Director,  
15 pursuant to and consistent with the authority granted in SMC 3.18.160, may grant a leasehold interest  
16 in such City-owned real property, unless:

17 1. The City's legislative authority has adopted a ~~((By))~~ specific ordinance  
18 approving the leasing of a specific property and authorizing another department or official to negotiate  
19 and grant a leasehold interest on behalf of the City; or

20 2. A City department or official obtains ~~((With))~~ the written approval of the  
21 Executive Services Director for such action, and the ~~((on))~~ terms of the proposed lease are consistent  
22 with the restrictions contained in ~~((Section))~~ SMC 3.18.160, ~~((or~~

23 3. ~~As permitted by rules adopted by the Executive Services Director and filed~~  
24 ~~with the City Council at least sixty (60) days prior to the effective date, setting forth terms and~~  
25

1 ~~standard provisions to be included in such leases.))~~

2 C. ~~Except for ((No City department may acquire a leasehold interest in any real property~~  
3 ~~other than)) property to be used for power or water distribution or for drainage or wastewater purposes,~~  
4 ~~those properties under the jurisdiction of the Seattle Center Department, property leased for the City by~~  
5 ~~the Director of Neighborhoods pursuant to SMC 3.35.080 for use as a P-Patch community garden or~~  
6 ~~another similar open space purpose, and property for which the City Charter or state law requires~~  
7 ~~control by a department other than the Executive Services Department after acquisition, only the~~  
8 ~~Executive Services Director, pursuant to the authority granted under SMC 3.18.200, may acquire a~~  
9 ~~leasehold interest in any real property on behalf of the City unless((for a lease term that exceeds or~~  
10 ~~may exceed, at the sole option of the lessor, three (3) years except)):~~

12 1. ~~The City's legislative authority has adopted a ((By))specific ordinance~~  
13 ~~approving the leasing of a specific property and authorizing another department or official to negotiate~~  
14 ~~and acquire a leasehold interest on behalf of the City; or~~

15 2. ~~A City department or official receives the written approval of the Executive~~  
16 ~~Services Director for such action, and the terms of the proposed lease are consistent with the~~  
17 ~~restrictions contained in SMC 3.18.200. ((As permitted by rules adopted by the Executive Services~~  
18 ~~Director and filed with the City Council at least sixty (60) days prior to their effective date, setting~~  
19 ~~forth terms and standard provisions to be included in such leases.))~~

21 D. ~~The Executive Services Director may, consistent with the Director's leasing authority~~  
22 ~~under SMC 3.18.160 and 3.18.200, by rule adopted pursuant to SMC Ch. 3.02, ((approved by the City~~  
23 ~~Council by resolution, exempt)) grant blanket approval for departments or officials designated by him~~  
24 ~~or her to enter into certain specified types of leases, so long as the lease is of the type described in the~~  
25 ~~rule and the lease terms are substantially in the form of the form lease approved by the rule ((from the~~  
26 ~~requirements of this section)). Execution of any lease not in the form approved by rule shall be~~

1 contingent on approval by the Executive Services Director after consultation with the City Attorney  
2 regarding the differences between the form of the lease proposed for execution and the form approved  
3 by the rule.

4 E. Any lease entered into in violation of this section is voidable at the City's option unless  
5 and until ratified by ordinance or, if the violation of this section is merely a failure to obtain the  
6 approval of the Executive Services Director, if approved in writing by the Executive Services Director.

7 F. Nothing in this section shall adversely affect the validity of any lease entered into prior  
8 to the effective date of this section, nor limit the authority of any City department to acquire a leasehold  
9 interest, or property subject to a lease, by foreclosure under a judgment or security interest or by deed in  
10 lieu thereof.

11  
12 Section 5. The several provisions of this ordinance are declared to be separate and  
13 severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or  
14 portion of this ordinance, or the invalidity of the application thereof to any person or circumstances,  
15 shall not affect the validity of the remainder of this ordinance or the validity of its application to other  
16 persons or circumstances.

17  
18 Section 6. Any act consistent with the authority and prior to the effective date of this  
19 ordinance is hereby ratified and confirmed.

20 Section 7. This ordinance shall take effect and be in force thirty (30) days from and after  
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1 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
2 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

3  
4 Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 1998, and signed by me in  
5 open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

6  
7  
8 \_\_\_\_\_  
9 President \_\_\_\_\_ of the City Council

10 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

11  
12 \_\_\_\_\_  
13 Mayor

14 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

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16 \_\_\_\_\_  
17 City Clerk

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19 (Seal)  
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TIME AND DATE STAMP

**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:

*Martha Chen*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRESIDENT'S SIGNATURE

\_\_\_\_\_

TIME AND DATE STAMP

**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*

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**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

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**PRESIDENT'S SIGNATURE**

**STATE OF WASHINGTON - KING COUNTY**

95834  
City of Seattle, City Clerk

—ss.

No. ORD IN FULL

**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

CTORD:119091

was published on

07/28/98

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

*[Handwritten signature]*

Subscribed and sworn to before me on

07/28/98

*[Handwritten signature]*

Notary Public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 119001

AN ORDINANCE relating to the Executive Services Department; amending SMC 3.18.160, 3.18.200, 3.24.040 and 3.24.300 to modify leasing and other real property management authority.

WHEREAS, the Executive Services Department has authority under SMC 3.18.200 to enter into lease agreements for up to five (5) years, for the municipal use of property that is not City-owned, and should be authorized to grant leases of City-owned real property under SMC 3.18.160 for an equal length of time; and

WHEREAS, Seattle Municipal Code sections regarding the real property management role of the Executive Services Department should be amended to clarify and correct some unintended inconsistencies created when the Executive Services Department was created; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.18.160 of the Seattle Municipal Code, which was last amended by Ordinance 118397, is further amended as follows:

### SMC 3.18.160 AUTHORITY TO NEGOTIATE AND EXECUTE LEASES

(Except as provided in Section 3.18.160, (b)) The 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 of any property now or hereafter owned by or leased to the City that is under the management of the Executive Services Director 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 documents he or she shall deem necessary.

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- 1-18034-0 Donn Viol Frances Thor
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- 1-18032-3 Donn Viol Comm Dec
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other than the Executive Services Department after acquisition, only the Executive Services Director, pursuant to the authority granted under SMC 3.18.200, may acquire a leasehold interest in any real property on behalf of the City unless (b) for a lease term that exceeds or may exceed, at the sole option of the lessor, three (3) years excepted).

1. The City's legislative authority has adopted a (City) specific ordinance approving the leasing of a specific property and authorizing another department or official to negotiate and acquire a leasehold interest on behalf of the City; or

2. A City department or official receives the written approval of the Executive Services Director for such action, and the terms of the proposed lease are consistent with the restrictions contained in SMC 3.18.200. (As permitted by rules adopted by the Executive Services Director and filed with the City Council at least sixty (60) days prior to their effective date, setting forth terms and standard provisions to be included in such leases.)

D. The Executive Services Director may, consistent with the Director's leasing authority under SMC 3.18.160 and 3.18.200, by rule adopted pursuant to SMC Ch. 122, (approved by the City Council by resolution, exempt) grant blanket approval for departments or officials designated by him or her to enter into certain specified types of leases, so long as the lease is of the type described in the rule and the lease terms are substantially in the form of the form lease approved by the rule (from the requirements of this section). Execution of any lease not in the form approved by rule shall be contingent on approval by the Executive Services Director after consultation with the City Attorney regarding the differences between the form of the lease proposed for execution and the form approved by the rule.

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

F. Nothing in this section shall adversely affect the validity of any lease entered into prior to the effective date of this section, nor limit the authority of any City department to acquire a leasehold interest, or property subject to a lease, by foreclosure under a judgment or security interest or by deed in lieu thereof.

G. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances, shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 6. Any act not consistent with the provisions of this ordinance which are in effect on the date of the passage of this ordinance are hereby null and void.

Section 7. This ordinance shall take effect and be in force thirty (30) days after its passage and 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 in Municipal Code Section 1.04.020.

Passed by the City Council on the 20th day of July, 1998, and signed by me in the presence of the undersigned, this 22nd day of July, 1998.

**DAVID DONALDSON**  
President of the City Council

Approved by me this 22nd day of July, 1998.

**PAUL SCHELL**  
Mayor

Filed by me this 22nd day of July, 1998.  
(Seal) **JUDITH E. PIPPIN**  
City Clerk

Publication ordered by **JUDITH PIPPIN**  
City Clerk

(Holdface denotes deletion.)

Date of official publication in Daily Journal of Commerce, Seattle, July 27, 1998.