

Ordinance No. 120845

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The City of Seattle
Council Bill/Ordinance

Council Bill No. 114219

AN ORDINANCE relating to the Civil Service Commission, providing for the selection of a temporary Commissioner, and adding a new Section to Chapter 4.04 of the Seattle Municipal Code in connection therewith

Re Pass 1-0

7-8-02 Pas

CF No. _____

Date Introduced: <u>JUL 1 - 2002</u>	DRAGO ;	
Date 1st Referred: <u>JUL 1 - 2002</u>	To: (committee)	<u>DRAGO ;</u>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage: <u>7-8-02</u>	Full Council Vote: <u>8-0</u>	
Date Presented to Mayor: <u>7-9-02</u>	Date Approved: <u>7/11/02</u>	
Date Returned to City Clerk: <u>7/15/02</u>	Date Published: <u>3pp</u>	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoes 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: Jan Pease
Council Member

Committee Action:

As Pass 1-0, 100

7802 Passed 8-0 (Excused: N. Castro)

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

Law Department

Law Dept. Review

OMP
Review


City Clerk
Review


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ORDINANCE 170845

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3 AN ORDINANCE relating to the Civil Service Commission, providing for the selection of a temporary
4 Commissioner, and adding a new Section to Chapter 4.04 of the Seattle Municipal Code in
connection therewith.

5 WHEREAS, Ordinance 119554, which was ratified by a vote of the electorate at the November 2, 1999
6 election, amended Article XVI, Section 5 of the Seattle City Charter to provide for the selection
7 of a temporary member should a member of the Commission be unable for any reason to perform
any of his or her Commission duties; and,

8 WHEREAS, the Charter change provides that the method of selection of a temporary member shall be
set forth by ordinance; NOW, THEREFORE

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

10 **Section 1.** Chapter 4.04 of the Seattle Municipal Code is amended by adding a new Section
11 4.04.265 as follows:

12 **4.04.265 Selection of Temporary Commission Member**

13 A. When the Civil Service Commission is acting in an adjudicative capacity and a commission seat is
14 either vacant or a regular member is unable, for any reason, to participate in a proceeding involving
15 a particular matter, the Commission may choose to act as a quorum of two members, or it may vote
16 to appoint a temporary member to participate in the proceedings involving a particular matter.

17
18 B. When the Civil Service Commission is acting in a non-adjudicative capacity and a Commission seat
19 is either vacant or a regular member is unable, for any reason, to participate in a proceeding
20 involving a particular matter, the Commission may choose to act as a quorum of two members, or it
21 may vote to appoint a temporary member to participate in the proceedings involving a particular
22 matter. The Commission may not appoint a pro tem commissioner to hear internal Civil Service
23 Commission personnel issues.
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C. Should the temporary member be serving in place of a regular member, the member who is being replaced may not participate in the vote that determines which candidate is selected to serve as the temporary member.

D. After a candidate for temporary commissioner has been selected by vote, the Commission shall enter a written order identifying the name of the appointee and the scope and duration of the temporary appointment. The temporary member shall have the full speaking and voting rights of a regular member with respect to the particular matter for which the appointment is made. The temporary member shall not have any speaking or voting rights outside of the matter to which he or she was appointed.

E. To be considered for appointment as a temporary commissioner, all candidates must meet the eligibility requirements established in SMC 4.04.250(B), and the Commission may establish a roster of eligible names candidates from which appointees may be selected.



1 F. The Commission's proceedings with a temporary member shall be valid to all intents and purposes.

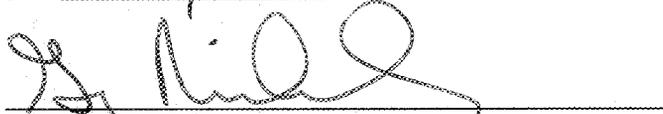
2 The appointment of a temporary member shall not reduce the rights or privileges of the regular
3 member, who is excused from acting on the particular matter, with respect to any other proceedings or
4 matters of Commission business.

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

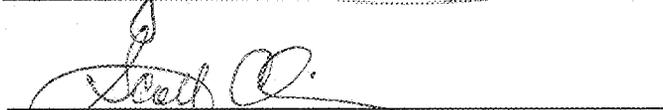
8 Passed by the City Council the 8th day of July, 2002, and signed by me in open
9 session in authentication of its passage this 8th day of July, 2002.

10 
11 _____
12 President _____ of the City Council

13 Approved by me this 11 day of July, 2002.

14 
15 _____
16 Mayor

17 Filed by me this 15th day of July, 2002.

18 
19 _____
20 City Clerk

21 (Seal)



FISCAL NOTE

Department: Civil Service Commission	Contact Person/Phone: Miriam Israel Moses (206) 684-0223	DOF Analyst/Phone: Elise Downer 684-8076
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Legislation Title: **ORDINANCE 4.04.265** **Selection of Temporary Commissioner**

Summary of the Legislation:

An amendment to Article XVI, Section 5 of the Charter, which was ratified by a vote of the electorate at the November 2, 1999 general election, effective January 1, 2002, allows the Civil Service Commission to appoint a temporary member in a manner to be set forth in legislation.

The proposed legislation fulfills the requirement and provides for the appointment of a pro tem Commissioner by the sitting Commissioners if a Commissioner is unable, for any reason to fulfill the duties of a Commissioner. As presented, the legislation provides that such an appointment only occur when the Commission is operating in an adjudicative capacity, but it also allows the Commission to expand the role of a pro tem Commissioner should it choose to do so.

The proposed ordinance does not require a pro tem appointment and notes that the Commissioners may, under such circumstances, also choose to act as a quorum of two. The ordinance also defines the scope of duties which may be performed by the pro tem, establishes certain specific limitations on the authorities of a pro tem and, while maintaining these limitations, provides authority for the Commission to expand the role of the temporary member.

Background (Include justification for the legislation and funding history, if applicable):

The Charter amendment requires the Commission to establish by ordinance the method for such appointment. The proposed legislation establishes this method.

Public Private Partnership Review Status:

Is the project referenced in the legislation subject to P4 review? If yes, identify P4 review to date.

N/A

Is the legislation subject to public hearing requirements? If yes, what public hearings have been held to date?

N/A

Fiscal Sustainability Issues (related to grant awards): N/A



Estimated Expenditure Impacts:

FUND (List # and/or Account)	2002	2003	2004
General*	0.00	0.00	0.00
TOTAL	0.00	0.00	0.00

One-time \$ _____

On-going \$ _____

* Proposed legislation does not provide for the compensation of a pro tem Commissioner. It has been the Commission's position that the matter of stipends should be taken up in separate legislation. The matter of compensation for a Commissioner pro tempore would be addressed in that legislation. Currently, a Commissioner pro tempore is to be considered a volunteer.

Estimated Revenue Impacts:

FUND (List # and/or Account)	2002	2003	2004
N/A			
TOTAL			

One-time \$ _____

On-going \$ _____

Estimated FTE Impacts:

FUND (List # and/or Account)	2002	2003	2004
N/A			
TOTAL			

Full Time _____

Part Time _____

TES _____

Do positions sunset in the future? If yes, identify sunset date?

No.

Other Issues (including long-term implications of the legislation):

There may be established legislation in the future wherein a pro tem Commissioner may receive a pro-rated stipend. This stipend would have no budget impact if there were no sitting Commissioner at the time of the appointment. If there were a sitting Commissioner who was for some reason recused from participation in a given Commissioner proceeding, but still acting in the capacity of a Commissioner in all other matters, the regular Commissioner would continue to receive the regular stipend. The fiscal impact of such an occurrence is estimated to be no more than \$800.00 in any given year and is expected to be absorbed by the Commission's budget.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

June 11, 2002

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

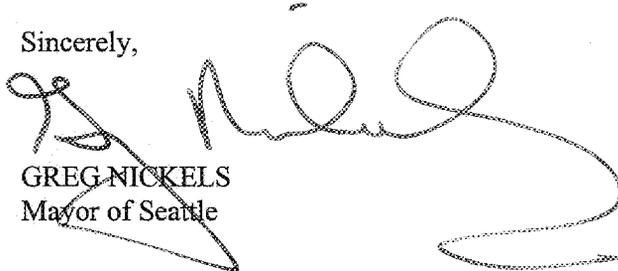
Dear Council President Steinbrueck:

I am transmitting the attached ordinance for Council consideration.

A change to Article XVI, Section 5 of the Charter which was passed in the general election held on November 2, 1999, effective January 1, 2000, allows the Civil Service Commission to appoint a temporary member if, for any reason, a regular Commissioner is unable to fulfill the duties of a Commissioner. The Charter amendment also requires that the manner for such appointment be set forth in legislation. The proposed legislation fulfills that requirement and sets forth the method of appointment.

Thank you for your consideration of this legislation. Should you have questions please contact Miriam Israel Moses at 684-0223.

Sincerely,



GREG NICKELS
Mayor of Seattle

600 Fourth Avenue, 12th Floor, Seattle, WA 98104-1873

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us
equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



STATE OF WASHINGTON – KING COUNTY

--SS.

147436
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

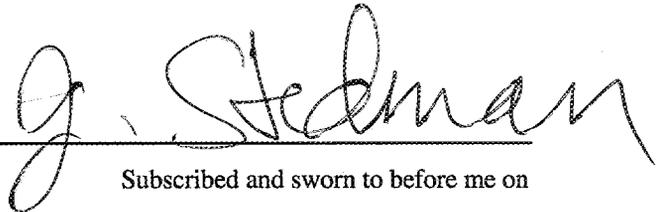
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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

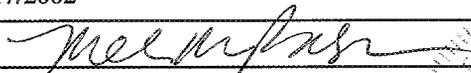
CT:ORDINANCE #120845

was published on

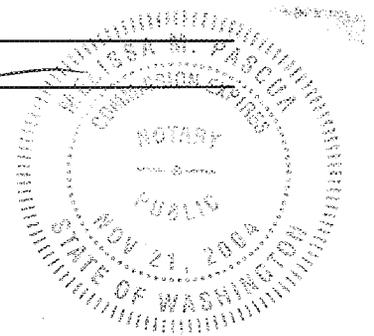
7/17/2002


Subscribed and sworn to before me on

7/17/2002


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 120845

AN ORDINANCE relating to the Civil Service Commission, providing for the selection of a temporary Commissioner, and adding a new Section to Chapter 4.04 of the Seattle Municipal Code in connection therewith.

WHEREAS, Ordinance 119654, which was ratified by a vote of the electorate at the November 2, 1999 election, amended Article XVI, Section 5 of the Seattle City Charter to provide for the selection of a temporary member should a member of the Commission be unable for any reason to perform any of his or her Commission duties; and,

WHEREAS, the Charter change provides that the method of selection of a temporary member shall be set forth by ordinance; NOW, THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Chapter 4.04 of the Seattle Municipal Code is amended by adding a new Section 4.04.265 as follows:

4.04.265 SELECTION OF TEMPORARY COMMISSION MEMBER

A. When the Civil Service Commission is acting in an adjudicative capacity and a commission seat is either vacant or a regular member is unable, for any reason, to participate in a proceeding involving a particular matter, the Commission may choose to act as a quorum of two members, or it may vote to appoint a temporary member to participate in the proceedings involving a particular matter.

B. When the Civil Service Commission is acting in a non-adjudicative capacity and a Commission seat is either vacant or a regular member is unable, for any reason, to participate in a proceeding involving a particular matter, the Commission may choose to act as a quorum of two members, or it may vote to appoint a temporary member to participate in the proceedings involving a particular matter. The Commission may not appoint a pro-tem commissioner to hear internal Civil Service Commission personnel issues.

C. Should the temporary member be serving in place of a regular member, the member who is being replaced may not participate in the vote that determines which candidate is selected to serve as the temporary member.

D. After a candidate for temporary commissioner has been selected by vote, the Commission shall enter a written order identifying the name of the appointee and the scope and duration of the temporary appointment. The temporary member shall have the full speaking and voting rights of a regular member with respect to the particular matter for which the appointment is made. The temporary member shall not have any speaking or voting rights outside of the matter to which he or she was appointed.

E. To be considered for appointment as a temporary commissioner, all candidates must meet the eligibility requirements established in SMC 4.04.250(B), and the Commission may establish a roster of eligible names candidates from which appointees may be selected.

F. The Commission's proceedings with a temporary member shall be valid to all intents and purposes. The appointment of a temporary member shall not reduce the rights or privileges of the regular member, who is excused from acting on the particular matter, with respect to any other proceedings or matters of Commission business.

SECTION 2. 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 1.04.010.