

Ordinance No. 121530

Council Bill No. 14944

The City of Seattle  
Council Bill/Ordinance

AN ORDINANCE relating to the Seattle Ethics and Elections Commission; making the service of the Executive Director of the Commission terminable at will; establishing a term for that position; and Seattle Municipal Code Section 3.70.150.

Do Pass 30

7-12-04 Pass  
AS  
Amend

CF No.

Date Introduced:	JUN 28 2004	
Date 1st Referred:	JUN 28 2004	To: (committee) Government Affairs & Labor
Date Re- Referred:		To: (committee)
Date Re- Referred:		To: (committee)
Date of Final Passage:	7-12-04	Full Council Vote: 9-0
Date Presented to Mayor:	7-13-04	Date Approved: 7-10-04
Date Returned to City Clerk:	7-10-04	Date Published: 3 T.O. <input checked="" type="checkbox"/> P.T. <input checked="" type="checkbox"/>
Date Vetted by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

This file is complete and ready

Law Dept. Review

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: DRAGO  
Councilmember

## Committee Action:

Do Pass 3-0 JM, RM, JC

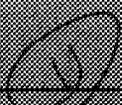


7-12-04 Passed 9-0  
AS Amended

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

Law Dept. Review

OMP  
Review

  
City Clerk  
Review

  
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ORDINANCE 121530

AN ORDINANCE relating to the Seattle Ethics and Elections Commission; making the service of the Executive Director of the Commission terminable at will; establishing a term for that position; and amending Seattle Municipal Code Section 3.70.150.

WHEREAS, the City of Seattle is well-served by the independence and integrity of the Seattle Ethics and Elections Commission (the "Commission"); and

WHEREAS, since its inception the Commission has chosen exceptional individuals to be its Executive Directors; and

WHEREAS, the Commission and the citizens of the City are best served when the Commission has complete confidence in its Executive Director; and

WHEREAS, the Commission should therefore be able to freely terminate the services of its Executive Director at any time; and

WHEREAS, the Commission should be encouraged to periodically decide whether to publicly confirm its continued confidence in its Executive Director, and this can be achieved by establishing a term of office for that position; NOW, THEREFORE,

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

Section 1. Section 3.70.150 of the Seattle Municipal Code is amended as follows:

**3.70.150 Executive Director.**

A. There shall be an Executive Director, appointed by the Commission(~~(, subject to confirmation by the City Council)~~). The position of Executive Director shall be exempt from the classified civil service. The term for the Executive Director position is six years.



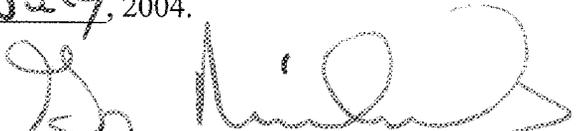


1 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
3 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.  
4

5  
6 Passed by the City Council the 12<sup>th</sup> day of July, 2004, and signed by me in open  
7 session in authentication of its passage this 12<sup>th</sup> day of July, 2004.  
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10 President \_\_\_\_\_ of the City Council

11 Approved by me this 16 day of July, 2004.

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13 \_\_\_\_\_  
14 Gregory J. Nickels, Mayor

15 Filed by me this 16 day of July, 2004.

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18 \_\_\_\_\_  
19 City Clerk

20 (Seal)  
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**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Barbara Clemons 4-8801	N/A

**Legislation Title:**

AN ORDINANCE relating to the Seattle Ethics and Elections Commission; making the service of the Executive Director of the Commission terminable at will; establishing a term for that position; and amending Seattle Municipal Code Section 3.70.150.

• **Summary of the Legislation:**

This legislation makes two changes in the SMC with respect to the SEEC Executive Director by:

1. allowing the SEEC to dismiss the director "at will" at any time,
2. instituting a 6-year term of office for the Executive Director of the Seattle Ethics and Elections Commission (SEEC).

• **Background:**

In 1991, legislation established the Seattle Ethics and Elections Commission to replace the Fair Campaign Practices Commission and the Board of Ethics and replaced the half-time Elections Administrators and half-time Ethics Investigator who each had a 7-year term of office, with a full-time Executive Director, appointed by the Commission and subject to City Council confirmation. The legislation made no provision for any term of office; it provided that the Commission could remove its Executive Director for cause upon a majority vote of its membership. The other two independent City officers that have duties somewhat comparable to that of the SEEC Executive Director, the City Auditor and the Hearing Examiner, have finite terms of office (six years and four years, respectively) and are subject to confirmation by the City Council both at their initial appointment and any subsequent reappointment.

This legislation institutes a 6-year term of office for the SEEC Executive Director, but provides for Council confirmation only upon initial appointment. If the Commission decides to reappoint at the conclusion of the 6-year term, it does so without the City Council reconfirming. **Thus, the City Council's role in the appointment process does not differ from its current role in that appointment process.** Instituting this term of office merely provides the SEEC a formal process by which to gauge the performance of its Executive Director. This legislation also provides that the SEEC, during this 6-year term, may dismiss the Executive Director **at will** upon a majority vote of its membership. This represents a change from the current code that provides for removal of the Executive Director for cause upon a majority vote of the SEEC membership. These two changes are intended to provide the SEEC greater authority and flexibility in its relationship with its Executive Director

- *Please check one of the following:*

**This legislation does not have any financial implications.**





1           B. Each Executive Director's initial appointment is subject to confirmation by the City  
2 Council. Reappointment of an Executive Director to successive terms by the Commission is not  
3 subject to Council confirmation. If an individual who previously served as Executive Director is  
4 again appointed after a different individual was confirmed as Executive Director by the City  
5 Council, that new appointment is subject to City Council confirmation as an initial appointment.  
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8           C. If an individual is reappointed to a successive term as Executive Director within 60  
9 days prior to or 60 days after the expiration of that individual's term, the ensuing term begins on  
10 the date the prior term expired. If an individual is reappointed to a successive term as Executive  
11 Director more than 60 days prior to or 60 days after the expiration of that individual's term, the  
12 new term begins on the date of reappointment by the Commission unless the Commission  
13 chooses, at the time of reappointment, to make the new term begin on the date the prior term  
14 expires or expired.  
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18           D. ((The)) Notwithstanding anything else in this section, the Commission may remove its  
19 Executive Director at any time ((for cause)) upon a majority vote of its membership.  
20

21           Section 2. The amendments made in Section 1 shall apply to all Executive Directors of  
22 the Seattle Ethics and Elections Commission who are confirmed to an initial term on or after  
23 June 1, 2004.  
24



1 Section 3. This ordinance shall take effect and be in force thirty (30) days from and after  
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days  
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7

8  
9 \_\_\_\_\_  
10 President \_\_\_\_\_ of the City Council

11 Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.  
12

13 \_\_\_\_\_  
14 Gregory J. Nickels, Mayor

15 Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.  
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17 \_\_\_\_\_  
18 City Clerk

19 (Seal)  
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STATE OF WASHINGTON – KING COUNTY

--SS.

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174842  
CITY OF SEATTLE, CLERKS 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 12<sup>th</sup> 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:121530 ORD IN FULL

was published on

7/21/2004

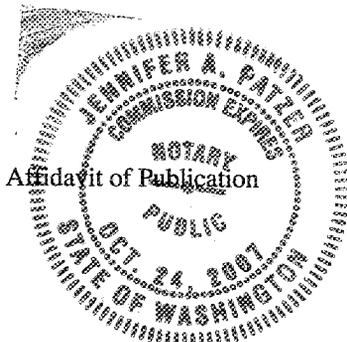
*Melvin Del*

Subscribed and sworn to before me on

7/21/2004

*Jennifer K. Patton*

Notary public for the State of Washington,  
residing in Seattle



# State of Washington, King County

## City of Seattle

### ORDINANCE 121530

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WHEREAS, the Commission should be encouraged to periodically decide whether to publicly confirm its continued confidence in its Executive Director, and this can be achieved by establishing a term of office for that position; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS: Section 1. Section 3.70.150 of the Seattle Municipal Code is amended as follows:

#### 3.70.150 Executive Director.

A. There shall be an Executive Director, appointed by the Commission (~~subject to confirmation by the City Council~~). The position of Executive Director shall be exempt from the classified civil service. ~~The term for the Executive Director position is six years.~~

B. ~~Each Executive Director's initial appointment is subject to confirmation by the City Council. Reappointment of an Executive Director to successive terms by the Commission is not subject to Council confirmation. If an individual who previously served as Executive Director is again appointed after a different individual was confirmed as Executive Director by the City Council, that new appointment is subject to City Council confirmation as an initial appointment.~~

C. ~~If an individual is reappointed to a successive term as Executive Director within 60 days prior to or 60 days after the expiration of that individual's term, the ensuing term begins on the date the prior term expired. If an individual is reappointed to a successive term as Executive Director more than 60 days prior to or 60 days after the expiration of that individual's term, the new term begins on the date of reappointment by the Commission unless the Commission chooses, at the time of reappointment, to make the new term begin on the date the prior term expires or expired.~~

D. ~~(The) Notwithstanding anything else in this section, the Commission may remove its Executive Director for cause upon a majority vote of its membership.~~

Section 2. The amendments made in Section 1 shall apply to all Executive Directors of the Seattle Ethics and Elections Commission who are confirmed to an initial term on or after June 1, 2004. **it**

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 12th day of July, 2004, and signed by me in open session in authentication of its passage this 12th day of July, 2004.

Jan Drago