

#13

CITY OF SEATTLE

ORDINANCE _____
COUNCIL BILL 117727

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AN ORDINANCE related to the creation of the Office of the Community Police Commission within the Executive Department; amending Ordinance 124058 by establishing a budget control level, position authority and appropriations for the 2013 fiscal year; amending Section 1 of Ordinance 124021; creating new sections in Chapter 3.14 of the Seattle Municipal Code; and amending Section 4.13.010 of the Seattle Municipal Code to exempt a position from the Civil Service system; all by a 2/3 vote of the City Council.

WHEREAS, on July 27, 2012, the United States Department of Justice (DOJ) and the City of Seattle entered into a settlement agreement (Agreement) and memorandum of understanding (MOU) (collectively Agreements) related to ensuring police services are delivered to the people of Seattle in a manner consistent with the Constitution and laws of the United States; and

WHEREAS, on August 30, 2012, the United States District Court for the Western District of Washington provisionally approved the Agreement and ordered that the deadlines in the Agreement would run from August 27, 2012; and

WHEREAS, the Seattle Police Department (SPD) and the elected leadership of the City are committed to providing effective and constitutional policing for all of Seattle's residents and value the role of community input and participation to enhance and promote public safety; and

WHEREAS, the Agreements outline a substantive and meaningful role for the newly created Community Police Commission (CPC) to provide ongoing community input regarding the reform process; and

WHEREAS, on October 9, 2012, the Mayor issued Executive Order 02-2012 outlining the parameters for creating the CPC in order to begin the application process for selecting members; and

WHEREAS, City Council by Ordinance 124021 established the CPC and its purposes and duties, consistent with and complementary to the Agreement and MOU regarding the role of the CPC in order to provide additional clarity to CPC members and transparency for members of the public; and

1 WHEREAS, on March 12, 2013, the Court approved the Monitoring Plan that envisions the CPC
2 as “a powerful, independent policymaking body that proceeds carefully based upon
3 evidence and whose conclusions and recommendations have great integrity and
4 persuasive power”; and

5 WHEREAS, the City will provide the staff support necessary for the CPC to perform all of the
6 duties and responsibilities outlined in this ordinance and the Agreements; NOW,
7 THEREFORE,

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

9 Section 1. **Budget Control Level.** The 2013 Adopted Budget is amended with the
10 creation of the Office of the Community Police Commission budget control level (BCL) in the
11 Executive Department added to Attachment A of Ordinance 124058 as follows:

12 Item	Fund	Department	BCL Code	BCL Name	BCL Purpose
13 1.1	14 General Subfund	15 Executive Department	16 X1P00	17 Office of the Community Police Commission	18 The purpose of the Office of the Community Police Commission BCL is to leverage the ideas, talents, experience, and expertise of the community to provide ongoing community input into the development of Seattle Police Department reforms, the establishment of police priorities, and facilitation of police/community relationships necessary to promote public safety.

19 Termination of this BCL may not occur prior to the termination of the settlement
20 agreement between the United States and the City.

21 Section 2. **2013 Funding Appropriation.** The appropriations for the following items in
22 the 2013 Budget are modified, as follows:

Item	Fund	Department	Budget Control Level	Amount
2.1	General Subfund (00100)	Executive Department	Office of the Community Police Commission (X1P00)	\$362,865
2.2	General Subfund (00100)	Finance General	Reserves (2QD00)	(\$362,865)
Total				\$0

Funding in future years will be appropriated through the annual budget process.

Section 3. **Position Authority.** To carry out the purposes of the appropriation in Item 2.1, the following new positions, which are exempt from Civil Service and Public Safety Civil Service rules and laws, are created in the Executive Department – Office of the Community Police Commission:

Item	Department	Position Title	Position Status	Number
3.1	Executive Department	Strategic Advisor 3, Exempt	Full-time	1.0
3.2	Executive Department	Strategic Advisor 2, Exempt	Full-time	1.0
3.3	Executive Department	Administrative Staff Assistant	Full-time	1.0

These positions are created upon the effective date of this Ordinance.

Section 4: Section 1 of Ordinance 124021 is amended as follows:

Section 1. Commission Established. The City of Seattle hereby establishes the Community Police Commission. The CPC will consist of 15 members and remain in existence until terminated by the City, but this termination may not occur prior to the termination of the settlement agreement between the United States and the City of Seattle. Within six months of the termination of the settlement agreement by the Federal Court, the Mayor and City Council will assess the need for continuation of the CPC and the Office of the Community Police Commission.

1 Section 5. A new Subchapter IX to Chapter 3.14 is added to the Seattle Municipal Code
as follows:

2 Subchapter IX

3 Office of the Community Police Commission

4 3.14.981 Background. On July 27, 2012, the United States Department of Justice and The City
5 of Seattle entered into a Settlement Agreement and Memorandum of Understanding (collectively
6 Agreements) related to ensuring police services provided by the Seattle Police Department are
7 delivered to the people of Seattle in a manner consistent with the Constitution and laws of the
8 United States. The Agreements outline a substantive and meaningful role for a newly created
9 Community Police Commission.

10 3.14.982 Office created -- Purpose.

11 There is created within the Executive Department an Office of the Community Police
12 Commission, under the direction of the Mayor. The purpose of the Office of the Community
13 Police Commission is to provide staff support to the Community Police Commission created by
14 Executive Order 02-2012 and Ordinance 124021. It is intended that if the Community Police
Commission is terminated, this staff support will be eliminated.

15 3.14.983 Executive Director -- Appointment and Removal.

16 A. The Executive Director of the Office of the Community Police Commission shall be
17 appointed by the Mayor, subject to confirmation by a majority vote of all members of the
18 City Council and the Commission, and may be removed by the Mayor at any time upon filing
a statement of reason with the City Council and the Commission.

19 B. In case of a vacancy, the Mayor may appoint an interim Executive Director for a period
20 not to exceed 120 days from the date of appointment. The Mayor shall appoint an Executive
21 Director before the end of the interim appointment for confirmation by the City Council.

22 3.14.984 Executive Director -- Duties.

23 The duties of the Executive Director of the Office of the Community Police Commission are as
24 follows:

1 A. Oversee and manage the functions of the Office of the Community Police Commission to
2 advance the mission of the Office and perform other duties as the Commission may
3 prescribe;

4 B. Appoint, remove, supervise and control officers and employees in the Office of the
5 Community Police Commission;

6 C. Manage the preparation of the proposed budget of the Office of the Community Police
7 Commission, authorize necessary expenditures and enter into contracts for professional and
8 expert services in accordance with the adopted budget, develop and manage programs, and
9 undertake authorized activities;

10 D. Execute, administer, modify and enforce such agreements and instruments as he or she
11 shall deem reasonably necessary to implement programs and carry out the responsibilities,
12 functions, and activities of the Office of the Community Police Commission; apply for grants
13 and donations for department programs; and solicit and use volunteer services;

14 E. Serve, in conjunction with other affected Department heads, as the City's representative to
15 boards, commissions, and organizations engaged in issues pertaining to Constitutional
16 policing;

17 F. Exercise such other and further powers and duties as shall be prescribed by ordinance; and

18 H. Report to the Commission, Mayor, City Council, Monitor, and public on the City's efforts
19 to advance the mission of the Office of the Community Police Commission.

20 Section 6. Section 4.13.010 of the Seattle Municipal Code, last amended by Ordinance
21 124092 is amended as follows:

22 4.13.010 Exemptions from the Civil Service and Public Safety Civil Service Systems.

Employment Unit	Titles of Exempt Positions
1. All Employing Units	Administrative Secretary Assistant to the Superintendent All legal advisors and associate legal advisors to employing units Apprentice Executive 1 Executive 2

- Executive 3
- Executive 4
- IT Professional A, Exempt
- IT Professional B, Exempt
- IT Professional C, Exempt
- Manager 1, Exempt
- Manager 2, Exempt
- Manager 3, Exempt
- Office/Maintenance Aide
- Strategic Advisor 1, Exempt
- Strategic Advisor 2, Exempt
- Strategic Advisor 3, Exempt

In addition to the Titles of Exempt Positions in All Employing Units the positions listed below are exempt from civil service in the specified departments.

- 2. Arts and Cultural Affairs, Office of None
- 3. Auditor, Office of the City All positions in the Office of the City Auditor except clerical positions classified in the Administrative Support class series
- 4. City Budget Office Admin Staff Analyst (PosNo. 00017844)
Executive Assistant (PosNo. 00016933)
- 5. City Light City Light Superintendent
Power Marketer
Electric Utility Executive 3, Officer
Electric Utility Executive 3, Director (not Officer level)
Electric Utility Executive 2
Electric Utility Executive 1
Finance Analyst, Senior (PosNo. 10004697)
- 6. Civil Service Commission Administrative Staff Assistant (PosNo. 00025687)
- 7. Executive Administrative Staff Assistant (OCPC)
Administrative Staff Assistant (OED) (PosNo. 10002037)
Administrative Staff Assistant (OOH) (PosNo. 00017417)
Administrative Staff Analyst (OSE) (PosNo.

- 1 10004696)
2 All directors of offices in the Executive Department
3 All positions in the Office of the Mayor
4 Community Development Specialist (OED) (PosNo.
5 10004691)
6 Executive Assistant (OED) (PosNo. 00025562)
7 8. Department of Finance and Administrative Services
8 Claims Adjuster - FAS
9 Investments/Debt Director
10 Investments/Debt Director, Assistant
11 9. Fire
12 All positions included in the Public Safety Civil
13 Service are exempt from Chapters 4.04 and the rules of
14 City Personnel and the Civil Service Commission
15 regarding examination, selection, discipline,
16 termination and appeals.
17 Executive Assistant, Senior (PosNo. 00007594)
18 10. Hearing Examiner, Office of
19 All positions in the Office of Hearing Examiner, except
20 clerical positions classified in the Administrative
21 Support and Accounting Support class series
22 11. Human Services
23 Executive Assistant, Senior (PosNo. 00011390)
24 12. Information Technology,
25 Department of
26 Executive Assistant, Senior (PosNo. 00026709)
27 13. Law
28 All positions in the Law Department, except clerical
positions classified in the Administrative Support and
Accounting Support class series
14. Legislative
All positions in the Legislative Department, except
clerical positions classified in the Administrative
Support and Accounting Support class series
15. Municipal Court
All Municipal Judges, Magistrates, and Court
Commissioners
All positions in the Probation Counselor class series
Administrative Specialist III (PosNo. 00023563)
Research and Evaluation Assistant (PosNo. 00011478)
Bailiff
Bailiff, Chief
Executive Assistant (PosNo. 00016207)
Executive Assistant, Senior (PosNo. 00011524)
Municipal Court Marshal

1		Municipal Court Marshal, Senior
2	16. Neighborhoods	Administrative Staff Assistant (PosNo. 10004293) Executive Assistant, Senior (PosNo. 00022313)
3	17. Parks and Recreation	Administrative Staff Assistant (PosNo. 00010227)
4	18. Personnel	Administrative Staff Assistant (PosNo. 00025346)
5	19. Planning and Development, Department of	Administrative Staff Assistant (PosNo. 00014435)
6	20. Police	All positions included in the Public Safety Civil Service are exempt from Chapter 4.04 and the rules of City Personnel and the Civil Service Commission regarding examination, selection, discipline, termination and appeals. Administrative Staff Assistant (PosNo. 10002374) Executive Assistant, Senior (PosNo. 00006333) Management Systems Analyst (PosNo. 10004666) Police Chief, Assistant Police Chief, Deputy Victim Advocate (PosNo. 10004665)
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13	21. Public Safety Civil Service Commission	None
14	22. Retirement	Administrative Staff Analyst (PosNo. 10004468)
15	23. Seattle Center	Executive Assistant, Senior (PosNo. 10001213)
16	24. Seattle Ethics and Elections Commission	All positions in the office of the Seattle Ethics and Elections Commission
17	25. Seattle Public Utilities	None
18	26. Transportation	Executive Assistant (PosNo. 00007689) Administrative Specialist II (PosNo. 00007744) Paralegal (PosNo. 10003513)
19		
20	27. Seattle Firefighter's Pension Board	All positions of the Seattle Firefighter's Pension Board
21		

22
23 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
24 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
25 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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Passed by a 2/3 vote of all the members of the City Council the ____ day of _____, 2013, and signed by me in open session in authentication of its passage this ____ day of _____, 2013.

President _____ of the City Council

Approved by me this ____ day of _____, 2013.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

Monica Martinez Simmons, City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Executive	Glenn Harris/233-5199	Candice Livingston/233-7274

Legislation Title:

AN ORDINANCE related to the creation of the Office of the Community Police Commission within the Executive Department; amending Ordinance 124058 by establishing a budget control level, position authority and appropriations for the 2013 fiscal year; amending Section 1 of Ordinance 124021; creating new sections in Chapter 3.14 of the Seattle Municipal Code; and amending Section 4.13.010 of the Seattle Municipal Code to exempt a position from the Civil Service system; all by a 2/3 vote of the City Council.

Summary of the Legislation:

This legislation creates the structure and staffing in support of the Community Police Commission (CPC) established and defined by Executive Order 02-2012 and Ordinance 124021 per the United States Department of Justice (DOJ) and the City of Seattle settlement agreement and memorandum of understanding filed with the United States District Court: Western District of Washington. It also amends a related Ordinance and Section of the Seattle Municipal Code.

Background:

On July 27, 2012, the DOJ and the City of Seattle entered into a Settlement Agreement (Agreement) and Memorandum of Understanding (MOU) filed with the United States District Court: Western District of Washington, related to ensuring police services are delivered to the people of Seattle in a manner consistent with the Constitution and laws of the United States. These documents outline a substantive and meaningful role for a newly created CPC to provide ongoing community input regarding the reform process. The CPC was to be created within 90 days of the August 30, 2012 court filing of the Agreements.

On October 9, 2012, the Mayor issued Executive Order 02-2012 outlining the parameters for creating the CPC in order to begin the application process for selecting members. In addition, the City Council through Ordinance 124021, provided additional guidance consistent with and complementary to the Agreement and MOU regarding the role of the CPC in order to provide additional clarity to commission members and transparency for members of the public.

The City of Seattle is committed to providing the staff support necessary for the CPC to perform all of the duties and responsibilities outlined in this ordinance and the Agreements. The creation of the Office of the Community Police Commission (OCPC) Budget Control Level (BCL), authorization of positions, and appropriation of funding helps accomplish this task.



This action will not impact net 2013 Budget appropriations. It moves \$362,865 from the Finance General reserve to a new BCL in the Executive Department. This leaves a remaining balance of approximately \$532,000 in the reserve for miscellaneous implementation costs that may emerge as the work plan is developed. As required in the proviso in the 2013 Adopted Budget, the amount that remains in reserve may only be accessed if authorized through Council-approved legislation.

Below is a summary of Finance General reserve uses including this legislation:

Action	Amount
Creation of the OCPC	\$362,865
Finance General amount required to pay for the monitor and initial OCPC set-up costs	\$925,000
SPD – new positions and funding in 2013	\$2,767,110
Remaining Reserve	\$532,525
	\$4,587,500

This action also amends Section 1 of Council Ordinance 124021, indicating that the Mayor and City Council will assess the need for continuation of the Commission, staffing, and funding within six months of the termination of the settlement agreement.

Please check one of the following:

This legislation does not have any financial implications.
 (Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

This legislation has financial implications.
 (If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)

Appropriations:

Fund Name and Number	Department	Budget Control Level*	2013 Appropriation	2014 Anticipated Appropriation
General Fund 00100	Executive	Office of the Community Police Commission - X1P00	\$362,865	\$433,051
General Fund 00100	Finance General	Reserve - 2QD00	(\$362,865)	(\$433,051)
TOTAL			\$0	\$0

*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes:

This appropriation provides for three positions and expense funding for the operation of the CPC. The 2013 appropriation is for 10 months of operations. The 2014 anticipated appropriation is for 12 months of operations plus anticipated cost increases.



Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2012 Revenue	2013 Revenue
N/A				
TOTAL				

Revenue/Reimbursement Notes:

None.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2012 Positions	2012 FTE	2013 Positions*	2013 FTE*
StratAdvsr3, Exempt Executive	N/A	General Fund 00100	FT	0	0	1	1
StratAdvsr2, Exempt Executive	N/A	General Fund 00100	FT	0	0	1	1
Admin Staff Asst, Exempt Executive	N/A	General Fund 00100	FT	0	0	1	1
TOTAL						3	3

** 2013 positions and FTE are total 2013 position changes resulting from this legislation, not incremental changes. Therefore, under 2013, please be sure to include any continuing positions from 2012.*

Position Notes:

None.

Do positions sunset in the future?

No

Spending/Cash Flow:

Fund Name & #	Department	Budget Control Level*	2012 Expenditures	2013 Anticipated Expenditures
TOTAL				

** See budget book to obtain the appropriate Budget Control Level for your department.*

Spending/Cash Flow Notes:

None.



Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No
- b) **What is the financial cost of not implementing the legislation?**
None, however, the CPC would not have staff or financial support.
- c) **Does this legislation affect any departments besides the originating department?**
Office of the Community Police Commission
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** There are no alternatives that would achieve similar objectives. This Office cannot share staff with other smaller commissions or offices due to the amount of workload expected.
- e) **Is a public hearing required for this legislation?**
No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No.
- g) **Does this legislation affect a piece of property?**
No.
- h) **Other Issues:**

List attachments to the fiscal note below:



City of Seattle
Office of the Mayor

February 12, 2012

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that creates an Office of the Community Police Commission (CPC) within the Executive Department and provides positions and funding to respond to requirements in the U. S. Department of Justice (DOJ) Memorandum of Understanding (MOU) signed July 27, 2012. This Council Bill creates three new exempt positions and transfers \$362,865 from Finance General to a newly created Commission Budget Control Level. It also amends City Council Ordinance 124021 to ensure that review of the continuation of the CPC will occur within six months of the termination of the Settlement Agreement with DOJ.

On July 27, 2012, the DOJ and the City of Seattle entered into a Settlement Agreement and MOU (collectively Agreements) related to ensuring police services are delivered to the people of Seattle in a manner consistent with the Constitution and laws of the United States. The Agreements outline a substantive and meaningful role for a newly created CPC to provide ongoing community input regarding the reform process.

On October 9, 2012, Executive Order 02-2012 outlined the parameters for creating the CPC as called for in the MOU in order to begin the application process for selecting members. This Executive Order was released in collaboration with the City Council which approved Ordinance 124021 to provide additional guidance consistent with and complementary to the Agreement and MOU regarding the role of the CPC in order to provide additional clarity to commission members and transparency for members of the public.

The City is committed to provide the staff support necessary for the CPC to perform all of its duties. As the work of the CPC progresses, we will continue to evaluate the CPC's workload to ensure the CPC has the appropriate staffing levels.

Thank you for your consideration of this legislation. Should you have any questions, please contact Candice Livingston at 206-233-7274.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

