Seattle City Council

The Seattle City Council is the City's elected legislature. The nine members determine City policy through the enactment of ordinances and the adoption of resolutions. The Council authorizes public improvements and expenditures, provides for public safety and health, adopts regulations, levies taxes, controls the finances and property of the City and performs many related legislative tasks. All ordinances enacted by the Council are subject to Mayoral veto, which may be overridden by a vote of six Councilmembers.

City Councilmembers typically run for election to a four-year term in odd-numbered years. In 2006, however, a vacancy occurred in Council Position No. 9. The City Charter requires an election this year to fill the remainder of the term. City Council Position No. 9 will appear on the ballot again in 2007 to elect a candidate to the four-year term.

Working on a Candidate or Ballot Issue Campaign

If you are interested in working on a City candidate or ballot issue campaign, please call us or visit our web site www.seattle.gov/elections for campaign contact information.

Making Campaign Contributions

The following City and State regulations apply to campaign contributions for City candidate and City ballot issue committees:

- Committees must report the receipt of both monetary and in-kind contributions.
- Candidate committees have a contribution limit of $700 per contributor per election cycle. Ballot issue committees do not have contribution limits except during the final 21 days before the election, when they may not accept contributions of greater than $5,000 from any one contributor.
- Individuals who contribute more than $100 to a committee are required to disclose the name, city and state of their employer, and their occupation.
- Committees may not accept cash contributions of more than $60. Contributions of more than $60 in the aggregate must be made by check, money order, or credit card.

Contact Information
Polly Grow, Compliance Auditor
Seattle Ethics and Elections Commission
(206) 615-1248
polly.grow@seattle.gov

Stan Lippmann — *Nonpartisan*

2033 6th Ave., Suite 920
Seattle, WA 98121

(206) 372-7594
stan@stanforcity.org
www.stanforcity.org

Dear Seattle Voter,

My background is in alternative energy research. I was inspired as a child of the 60's by the space program and the promise of nuclear power. I was influenced by the environmentalist movement, and took to heart the negative impacts of burning fossil fuels on human health and planet Earth. Then came the oil crises and the anti-nuclear movement of the 70's. By pursuing my doctorate in physics, I embraced the challenge of developing nuclear fusion, which is a cleaner and unlimited source of power. But by the mid-nineties, it seemed that fusion would not be ready in time to avert the global crisis over fossil fuels, and that renewable energy had been neglected. Although there are technical solutions to our resource and environmental problems, the politics of energy have so far prevented a serious national policy.

I came to Seattle in 1995 to attend the UW Law School, thinking that these issues were more political then technical. Shortly after arriving here in Seattle, I was nearly fatally injured by a mandatory vaccine at UW. Since then, I have felt compelled to spread the word about dangerous vaccine mandates by running for office. For example, people should be aware that the flu shot given to six-month-old infants contains 1600 times as much mercury as a can of tuna.

Whether it's from big pharma or big oil, we cannot count on the federal government to protect us. We need a local energy plan. In my 1999 campaign for City Council, I warned that City Light lacked a secure supply and that we needed to start building wind farms capable of generating for 5 cents/kWhr. Nothing was done in time and we lost $600 million during the subsequent electricity crisis. City Light now has a pilot wind farm, and overall is generating a profit of about $130 million a year. But the Mayor wants to roll back rates rather than making needed investments. The Mayor is ignoring that the cheap Bonneville hydro contract is going to expire in 2011, at which the price of hydro could double or triple. Here's what I'll deliver if elected: for $4 billion, we'll develop 4 GW of Seattle owned wind turbines east of the Cascades. At $75 MWhr, this will produce $750 million worth of electricity per year, generating $400 million in profit for our needs, and make Seattle a 100% green city.

Sally Clark — *Nonpartisan*

People for Sally Clark
P. O. Box 2041, Seattle, WA 98111

www.ElectSallyClark.com

Elect Sally Clark

"It is an honor to serve you on the City Council where I am working hard to address the major issues we face. My goal is to bring experienced new leadership, common sense decision making and a focus on affordability and economic diversity of our city.

I am proud of the steps we have taken so far, but there is a lot of work to be done.

My door is always open to you, and I appreciate your insight and support as we work to together to build a great future for Seattle."

Let's Keep Sally Clark Working For Us!

...For Our Neighborhoods

A former official with the Department of Neighborhoods and now Chair of the Economic Development and Neighborhoods Committee, Sally Clark is an advocate for safe, diverse and affordable residential communities.

…For Our Schools, Parks and Community Centers

Sally Clark knows that our schools, parks and playfields are critical to our quality of life. She is working with leaders across Seattle to adequately fund and enhance these critical resources.

...For Affordable Housing and a Diverse Economy

Sally Clark is working with business and labor leaders, former colleagues in human services, community leaders and other experts to diversify our job and housing base and protect Seattle's middle class from skyrocketing home prices, building a great future for Seattle.

…For Efficient Transportation and Transit

Sally Clark supports expanding light rail to Northgate and increasing bus service—especially in neighborhoods like Ballard and West Seattle that will be impacted by Viaduct closure.

Sally will work with neighborhoods to make sure the new State Route 520 replacement protects homes and actually improves local traffic.

…For Strong Human Services

A former leader at Lifelong Aids Alliance, Sally understands the need to protect critical services for the vulnerable in our society. That is why she is working with leaders in the human services community to protect, expand, and where possible, streamline services to target needs and help improve quality of life for the most vulnerable members of our community.

Elect Sally Clark

Endorsed by neighborhood, small business and community leaders throughout Seattle; King County Labor Council; Women's Political Caucus; Cascade Bicycle Club; Allied Arts of Seattle.

The candidates provided these statements and are solely responsible for their content.

Seattle Municipal Court Judge

POSITION 1

Edsonya Charles — *Nonpartisan*

My name is Edsonya Charles, and it has been my privilege to serve as your Seattle Municipal Court Judge since 2004.

Access to Justice - I dedicate myself to the principle of open access to justice for all. The Municipal Court is the "people's court," where average people are most likely to encounter the justice system. Everyone who comes before the court will have a free and open hearing. Not all will agree with what I decide at the end of the day, but they will know they were heard.

I have the depth of experience citizens expect from their judges.

After I earned my law degree from the University of Washington, I was a federal prosecutor, focusing on economic fraud cases. My proudest achievements including receiving the United States Department of Justice Special Achievement Award and twice receiving Al Gore's Government Reinvention Hammer Award for my work in prosecuting criminals who lied and stole from working people.

Before being named to the bench, I advised Mayor Nickels on public safety and human service issues, and served as his deputy legal counsel.

Knowing the Law and the Challenges of Daily Life - In addition to knowing the law, I understand the tough issues confronting people in their daily lives. Before obtaining my law degree, I was executive director of the Seattle Human Services Coalition, a multi-racial, multi-cultural group committed to meeting the basic needs of Seattle-King County residents. In the past, I served on boards of organizations dedicated to the welfare of our city's most vulnerable citizens. I currently serve as president of the Mount Zion Housing Development Council.

Protecting Society and Individual Rights - I currently preside over the Mental Health Court, a therapeutic court addressing the unique needs of mentally ill defendants. The world is not simply divided into victims and accused persons. It takes a compassionate mind as well as a legal mind to find the best resolution. On the court, I have worked to protect the safety of the public and the rights of the individual. My experience, my compassion, and my relentless pursuit of the truth serve me well in this work.

Let me continue to work for you. I am asking for your vote so I can continue to serve you as your Seattle Municipal Court Judge.

Unopposed

POSITION 2

Photo Not Provided

C. Kimi Kondo — *Nonpartisan*

Judge C. Kimi Kondo was appointed to the Seattle Municipal Court Bench in 1990 by Mayor Norm Rice. She was appointed by Mayor Greg Nickels to Position Two in March 2002 after Position Twelve was abrogated due to budget constraints. The City Council unanimously confirmed her and she ran unopposed in 2002 and 2006.

Judge Kondo is a senior trial judge. In the past three years she has presided over more trials each year than any other judge on the Municipal Court Bench. She has written several legal opinions regarding complex DUI issues and is committed to interpreting the law fairly and carefully.

"I am very concerned that many young people, and more women are facing DUI charges. Since the breath/blood alcohol limit has been lowered to .08, increasing numbers of people are facing driving under the influence charges. The public must be mindful of the public safety consequences as well as the devastating personal effects that can result from abuse of alcohol and drugs".

Judge Kondo has rotated through all court calendars a number of times and was instrumental in persuading the court to adopt the individualized calendering system that will be implemented in 2007. She serves as the court's jury judge and works on internal court committees. She has served on the State Gender and Justice Commission and promoted judicial education programs addressing domestic violence and bias toward women of color in the court system.

For the past three years, Judge Kondo has coordinated the Northwest Regional Thomas Tang Moot Court Competition for the National Asian Pacific American Bar Association. She has recruited fellow Asian Bar Association of Washington attorneys and other attorneys and judges who are interested in educating the next generation of young lawyers. This year, Judge Kondo is also the National Coordinator of the Thomas Tang competition that will be held in Philadelphia on November 9-12, 2006.

Judge Kondo was the first Asian American woman judge in the State of Washington. She was endorsed by the Women's Political Caucus in 2006. Judge Kondo enjoys paddling with her dragon boat club and has participataed in races in Washington and Canada. She also rows at Mount Baker and loves sculling on Lake Washington as the sun rises to reveal the beauty of Mt. Rainier.

Judge Kondo urges the public to support an independent judiciary uninfluenced by special interest groups.

Unopposed

The candidates provided these statements and are solely responsible for their content.

POSITION 3

Ron A. Mamiya — *Nonpartisan*

ron_mamiya@yahoo.com **(206) 459-5622**

"Thank you for the privilege and opportunity to continue to serve the citizens of our City. I look forward to the challenges ahead." Ron, a third generation Seattleite, has a vested interest in our community, the welfare of this City and its inhabitants. Ron Mamiya attended Seattle's Franklin High School, graduating from the University of Washington and Gonzaga School of Law. Involved in community and legal activities for over 30 years, he has been appointed by the State Supreme Court to numerous commissions and boards including the Minority and Justice Commission, and State Court Interpreter Commission. He is also an active participant in a variety of non-profit civic boards and organizations, including the Northwest School for Hearing Impaired Children, Seattle's Nikkei Concerns and is president of the Nikkei Heritage Association of Washington.

The Municipal Court of Seattle, "the people's court," is the busiest court in the State. Composed of 8 judges and more than 240 employees, it adjudicates over 50% of the misdemeanors and gross misdemeanors in King County. With ever increasing demands upon its resources, the Municipal Court is a leader in the use of technology and progressive management techniques to provide efficient and effective access to its services.

The Municipal Court of Seattle's large caseload, urban setting and diverse population presents unique challenges. As a skilled trial judge, Ron's work ethic, commitment to equal justice, and understanding of human nature provide him with all the tools necessary to meet the future needs of this complex court. Substantial judicial experience, common sense, fairness and integrity are qualities that make him well qualified for this position.

Judge Mamiya is proud to be a member of the most diverse bench in the state. Such diversity is a substantial step toward restoring public confidence that everyone will be provided "equal justice under the law."

Ron enjoys coaching football, fishing, golf, bonsai, and spending time with his wife and sons.

Unopposed

POSITION 4

Judith Montgomery Hightower — *Nonpartisan*

P. O. Box 28706
Seattle, WA 98118-8706

Thank you for the opportunity to continue working for you as Municipal Court Judge. A native Seattleite, I enjoy working for the citizens of this City. You first elected me by write-in votes in 1990. I strive to meet the promise I made to you then to be fair, tough and impartial. With fifteen years judicial experience, I continue to grow in my role as judge.

As an attorney, I tired of seeing people recycle through the system. Rather than complain, I sought a judicial position to work within the criminal justice system to reduce the number of repeat offenders. Seattle Municipal Court is now a leader in addressing this difficult task. I now have access to greater resources for fashioning appropriate sanctions and conditions for each crime and person that comes before me at sentencing.

Our Judges work hard to develop relationships with our equal justice partners to continue to improve the Court's ability to meet our public safety and access to justice needs. Our work continues and I am gratified to be a part of court improvement.

An important role of judges is to educate our community about our laws and the criminal justice system. I speak in our community and in every level of our schools about the courts and the law. I am on the Advisory Board for the Seattle University Law School's Access to Justice Institute. An Institute program I am most proud of is the Community Justice Centers that assist our citizens in gaining access to our justice system to address their legal needs.

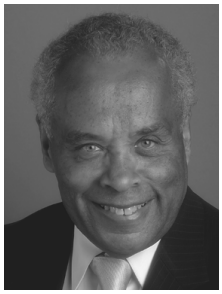
Another important aspect of work within the judiciary is judicial education. I have been actively engaged in judicial education for many years as a member of our District and Municipal Judges Association Education Committee, the Access to Justice Board's Education Committee, our Statewide Judicial Conference Committee, as well as our State Judicial College Board of Trustees.

Finally, I continue to be involved in our community and have been a member of various boards over the years including Park Lake Boys and Girls Club, Girl Scouts Totem Council, Farestart, The Matt Talbot Center, Hate Free Zone Washington, and Seattle University Law School Alumni Board of Governors. I enjoy singing with St. Therese Jubilations Choir, reading and jewelry making. I appreciate your continued vote of confidence.

Unopposed

The candidates provided these statements and are solely responsible for their content.

POSITION 5



George W. Holifield — *Nonpartisan*

Judge George W. Holifield is the son of a pioneer Seattle family. He was born and raised in Seattle. He attended T.T. Minor Elementary, Meany Junior High and Garfield High School. He received his Bachelor of Arts Degree from Whitman College and his law degree from American University School of Law. While he was in law school, he worked full time as a staff assistant to Senator Warren G. Magnuson, in Washington D.C. Subsequently, he worked as an Underwriter for Safeco Insurance Company, as an in-house attorney for the Boeing Company, as well as a Supervisor with the Washington State Human Rights Commission. He also worked as an attorney for the Public Defender Association and as Director of Personnel for the Washington State Department of Social Health Services (the largest agency in state government). In addition, he has extensive civil and criminal trial experience.

Judge Holifield has served in a number of community activities. He was chairman of the Washington State Personnel Board, Board of Directors for the Seattle Urban League, the Board of Overseers of Whitman College, and numerous other boards, commissions and agencies.

Judge Holifield has served on the Bench for the Seattle Municipal Court for 26 years and has been elected 6 times.

Unopposed

POSITION 6

Photo Not Provided

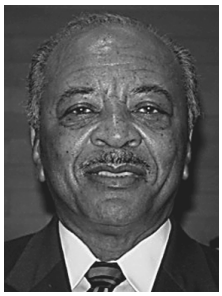
Michael Salvador Hurtado — *Nonpartisan*

Statement not provided

Unopposed

The candidates provided these statements and are solely responsible for their content.

POSITION 7



Fred Bonner — *Nonpartisan*

Presiding Judge Fred Bonner is seeking re-election to the judgeship of Seattle Municipal Court, Position No.7. Serving on the Municipal Court Bench since 1989, Judge Bonner is superbly prepared for this post.

Completing his second two-year term as Presiding Judge, Fred Bonner has earned the respect of prosecutor and defense attorneys who have rated him in the top 20% of sitting judges. Judge Bonner brings to the Bench judicial experience, decisiveness, dignity, integrity and vision. As Presiding Judge, he conscientiously works with elected officials, the City Attorney, Defense Bar, law enforcement, jail officials, business leaders, and various Municipal, District and Superior Court Judges and their staff, to improve the operating efficiency of the Seattle Municipal Court.

Building upon successful collaboration, Judge Bonner has given the community a voice in criminal justice policy, and has gained funding support for further development of thoughtful new approaches to criminal justice processes. Judge Bonner created the first Community Court in Washington State; implemented a Municipal Court Day Reporting Center to hold low level offenders accountable, while reducing unnecessary incarceration costs; established a Court Resource Center to help offenders fulfill their court obligations by addressing the underlying issues driving repeat criminal behavior (untreated alcohol and drug addiction, mental illnesses, unemployment, and poverty); and, partnering with the award winning Children's Home Society of Washington, instituted the second court-based childcare in Washington State. These programs have proven to be more effective than traditional criminal justice processes in addressing the criminal behaviors and social service needs of "high system users" – offenders, who do not pose a public safety risk, yet repeatedly commit low-level offenses and use inordinate amounts of jail, hospital emergency room, sobering and detoxification center, and other social service resources.

As a South Seattle resident, Judge Bonner has first hand knowledge of the issues facing our community. His promise to the citizens of Seattle is to continue to diligently work to enhance your safety, security and well being.

Unopposed

POSITION 10

Jean Rietschel — *Nonpartisan*

Judge Rietschel is a well-respected member of the judiciary. She has consistently been highly rated by attorney evaluation polls throughout her career. Over the past two years, she has instituted and presided over the Domestic Violence Court. The domestic violence court serves to keep all cases involving the same parties before the same judge during the entire case. She serves on the Judicial Ethics Committee, the Trial Court Coordinating Committee and the Executive Committee of Seattle Municipal Court. She also is a Board member of the Seattle Counseling Service. She has been a speaker this year on Issues in Criminal Law Practice, Judicial Ethics and Domestic Violence. She lives with her partner, Lois Thetford in the Leschi area of Seattle.

Unopposed

The candidates provided these statements and are solely responsible for their content.

Seattle Initiative 91

Official Ballot Title

Seattle Initiative Measure Number 91 concerns property, goods, and services Seattle provides to for-profit professional sports.

If enacted the measure would require that for-profit professional sports organizations pay the City at least "fair value" for goods, services, real property, or facilities the City provides or leases to them, either directly or through another public entity or a non-profit organization. The measure defines "fair value," based in part on the rate of return for 30-year U.S. Treasury Bonds. Any Seattle resident would have standing to file a lawsuit challenging City acts that allegedly violated the measure.

Should this measure be enacted into law?

Yes .....

No .....

City Attorney's Explanatory Statement

1. The law as it presently exists

The Seattle Municipal Code contains no requirement that the City receive any specific amount or return for goods, services, real property or facilities that it provides or leases to for-profit professional sports organizations.

2. The effect of the initiative if approved

A new provision would be added to the municipal code, requiring that for-profit professional sports organizations pay the City at or above "fair value" for goods, services, real property or facilities that the City provides or leases to them.

Other public entities or non-profit organizations would also be required to pay the City at or above "fair value" for goods, services, real property or facilities that they in turn provide to for-profit professional sports organizations.

Statement For

"Yes on 91" says there are more important things than a new stadium for wealthy, out-of-state Sonics owners, such as keeping schools open, affordable housing, health care, lower taxes, roads and transit, and real economic development.

"Yes on 91" is supported by the King County Democrats; Citizens for More Important Things; 24,000 I-91 signers from every Seattle neighborhood; 43rd District Democrats; SEIU 775, the long-term care workers union; and many others.

"Yes on I-91" means the Sonics pay their own way. That after all expenses, including tax subsidies, the City of Seattle receives 'fair value' on its stadium investments. The last owners earned about 72% on their Sonics investment. Shouldn't taxpayers at least earn 'fair value' on ours?

"Yes on I-91" sends a powerful message to politicians in Seattle, King County, and Olympia that voters are fed up with tax subsidies for new stadiums.

"Yes on I-91" helps economic development. Studies show that the Sonics have a limited economic impact on Seattle, that most money spent at pro-sports games is discretionary and would otherwise be spent elsewhere in our region. With "fair value" rent, the Sonics contribute positively to the economy.

"Yes on I-91" means the City can negotiate with professional sports teams. The Washington State Constitution forbids the lending of public funds to private, for-profit enterprises. Recent Supreme Court rulings allow such investment, provided the City obtains 'fair value', which "Yes on I-91" simply defines.

"Yes on 91" stops pro-sports tax subsidies. Sonics player earnings average $3.2 million per year, yet the team says it is losing money, demands a new KeyArena, then threatens to leave town. As it is, many of us cannot afford to take our families to Sonics games. Regardless, "Yes on 91" simply requires 'fair value' for taxpayers.

"Yes on 91" makes sure team owners don't leave Seattle taxpayers with another stadium bill. Even if the Sonics leave, Seattle taxpayers must pay the remaining debt for the last rebuild of KeyArena, a remodel the Sonics demanded. "Yes on I-91" says simply, never again.

The Four Most Important Reasons to Vote "Yes on I-91"

"Yes on I 91" stops tax subsidies for pro-sports teams.

"Yes on I-91" makes the Sonics pay their own way.

"Yes on I-91" says education, health care, and transportation are more important than a new stadium.

"Yes on I-91" says voters are fed up with tax subsidies for pro-sports stadiums.

STATEMENT SUBMITTED BY: Nick Licata, Seattle City Councilmember; David Rolf, President, SEIU Local 775; Susan Sheary, Chair, King County Democratic Central Committee.

Rebuttal of Statement Against

Yes on I-91 will change the way pro-sports are played in Seattle, back to the way they used to be played. Remember when Barry Ackerley owned the Sonics, and paid 'fair value' rent, at KeyArena?

Yes on I-91 simply means pro-sports teams must once again pay 'fair value' rent, pay their own 'fair value' share of costs.

Yes on I-91 says elected officials can't negotiate away the store, chasing phony 'economic impact' dollars. National economists have long since shown that money spent on entertainment does not boost local economies. Rather, it just transfers economic activity from one part of our community to another.

Yes on I 91 stops pro-sports tax subsidies.

Yes on I-91 means pro-sports teams pay real cash dollars, 'fair value' dollars, into the economy. *That is very good for the future of hard-working Seattle taxpayers.*

REBUTTAL SUBMITTED BY: Mark Baerwaldt & Chris Van Dyk, Co-Chairs, Citizens for More Important Things

For more information contact:
Yes on I-91
Citizens for More Important Things
PO Box 4473 • Seattle, WA 98194 • 206-854-6127
info@citizensformoreimportantthings.org
www.citizensformoreimportantthings.org

The above statements were written by the ballot committees, who are solely responsible for their contents.

City Attorney's Explanatory Statement *(continued)*

The initiative defines "fair value" as not less than the rate of return on a 30-year U.S. Treasury bond at the time the City began to provide the goods, services or real property, or entered into the lease in question.

According to the initiative, the return to the City for transactions subject to the "fair value" requirement would be computed as "the net cash on cash return, after interest and any financing costs, on the depreciated value of the cash investment of the City of Seattle in such goods, services, real property or facility…" The computation of return to the City would specifically exclude "all intangible, indirect, non-cash items such as goodwill, cultural or general economic benefits to the City," as well as "unsecured future cash returns."

The initiative states that any Seattle resident would have standing to bring an action in King County Superior Court to challenge any act, lease, ordinance or resolution that allegedly violated the "fair value" requirement. The initiative also states that a resident who brought such an action would be entitled to an injunction without having to post a bond, as long as the elements necessary to obtain an injunction under state law were established to the Court's satisfaction.

The initiative also states that (aside from the "fair value" requirement regarding for-profit professional sports organizations) it does not prevent the City from leasing or providing goods, services, real property or facilities to non-profit organizations for the "direct benefit of the health, welfare, or safety of the people of the City of Seattle."

Statement Against

Imagine Seattle without the Seahawks, Sonics, Storm or Mariners. This initiative would forever change the future of sports in Seattle, and maybe even lead to a future without professional sports. It would change the way Seattle could attract, retain, or negotiate sport contracts and dramatically restrict the city's ability to keep economically viable teams in Seattle.

But it doesn't stop there. Because of flawed language, this initiative could reach beyond professional franchises and affect any organization that has "professional" athletes. This could potentially include athletes like race car drivers or even hydroplane racers. Any potential sporting event hosted in Seattle that involves professional athletes could be impacted.

Professional sports are a unique form of community that many of us experience every Sunday with the Seahawks, and weekdays with the Mariners, Sonics, and Storm. They generate hundreds of millions in economic benefits and jobs for Seattle, give us priceless national and international visibility and create a better quality of life for all.

Don't handcuff our future decisions with this ill conceived initiative. Vote no on Initiative 91 to keep professional sports alive in Seattle!

Rebuttal of Statement For

This initiative will do much more damage than proponents lead you to believe. This initiative puts the Seahawks, Mariners, Sonics, Storm, Sounders, and other Seattle sports team's futures at risk. The initiative language clearly states that it will impact:
"...professional sports organizations."

The proponents of this initiative want you to believe that sports teams take money away from education, health care, affordable housing, and transportation. Let's focus on the facts. The reality is that the City of Seattle does not fund education, the state does, the city does not provide health care, the Federal Government does, the city is deeply committed to affordable housing, and transportation is a top priority for all in the region.

Read the fine print. This initiative's vague and poorly written language could close the door on sports in our city.

STATEMENTS SUBMITTED BY: Ralph Morton, Executive Director of the Seattle Sports Commission

Seattle Referendum Measure No. 1

Official Ballot Title

The Seattle City Council passed Ordinance Number 121952 concerning the licensing and regulation of adult entertainment. Voters filed a sufficient referendum petition to refer the ordinance to a public vote.

Among other things, Ordinance Number 121952 would: (1) add new provisions concerning license issuance, suspension and revocation; (2) prohibit adult entertainers from performing within four feet of customers, or directly accepting gratuities; (3) require specific lighting levels at adult-entertainment premises; (4) prohibit entertainment that is not visible from all public areas within the premises; (5) require premises to allow announced City inspections during business hours; and (6) allow the city attorney to file nuisance actions against adult-entertainment premises that violate the law.

Should this ordinance be:

Approved …..
Rejected …..

City Attorney's Explanatory Statement

1. Ordinance Number 121952 and the referendum process

In 2005 the city council passed and the mayor signed Ordinance Number 121952. The Ordinance would add new provisions to and amend some present provisions of Municipal Code Chapter 6.270 governing adult-entertainment establishments.

Article IV Section 1 of the city charter provides for a referendum petition process. If the required number of Seattle voters (at least eight percent of the total number of votes cast for the office of mayor in the most recent City election) sign referendum petitions regarding an ordinance, the ordinance does not take effect and instead is referred to City voters for their approval or rejection.

The required number of voters signed referendum petitions to refer Ordinance Number 121952 to a public vote.

2. The law as it presently exists

The Seattle Municipal Code currently contains provisions governing adult entertainment (Municipal Code Chapter 6.270). The code includes requirements concerning both licensing and conduct. Among other things the existing code:

- Requires persons to obtain a license from the City before they operate adult-entertainment premises, or work as a manager or entertainer at these premises.
- Requires prospective licensees to provide certain information to the City in their license applications. For example, a person who wishes to obtain an adult-entertainment premises license must supply information that includes items such as the identities of all prospective business partners, whether Seattle or another jurisdiction has denied, suspended or revoked the applicant's adult-entertain-

Statement For

Vote YES on Referendum 1.

Make no mistake. This is not about "freedom of speech". Ordinance #121952 is a common sense regulation for a high crime industry. Your YES vote sends a clear message to these business owners that uncontrolled, unmonitored growth of the sex industry in Seattle is *not* acceptable.

Why should you care? Seattle's 17-year moratorium preventing new strip clubs from opening was recently struck down. The Mayor and City Council responded by passing Ordinance #121952 to protect our communities. In a last ditch effort, *three* individuals financed this referendum petition. They know the stakes. If Ordinance #121952 is repealed, the *only* regulation Seattle has to effectively police current strip clubs and discourage new clubs from opening near you *would be gone*.

Do you want this in *your* neighborhood? Gunfire, burglaries, vandalism, public urination, assault, prostitution, drunken fighting, and used condoms, broken bottles and drug paraphernalia thrown in backyards - all reported impacts at current clubs. In one two year period Vice reported *144 criminal incidents* at just ONE strip club.

These clubs open during school hours and much of this activity occurs in club parking lots, spilling over onto neighborhood streets. *Over 10,000* of our children go to school within walking distance of *current* clubs. Do *you* want your children to witness such activities?

What happens in these clubs is *very* close to prostitution. As the Seattle PI reported, "Although touching is supposedly forbidden, in the less-lighted recesses of at least two of the clubs, men reported seeing 'dancers' opening patrons' pants, putting on condoms and, at the very least, rubbing private parts through men's clothing to the point of some tough laundry stains." (10Dec03). Without Ordinance #121952, the *only* way detectives can establish whether a violation has occurred is literally to pay for a dance. **Do *you* want to *continue* spending your tax dollars on lap dances?**

A **YES vote** on Referendum 1 will minimize these problems. It's a common sense law that can be enforced visually, save tax dollars and bring Seattle up to neighboring city standards. Bellevue, Federal Way, Tukwila, Shoreline and SeaTac all have similar regulations.

What about free speech and First Amendment rights? They are preserved. These laws have been well tested judicially. **U.S. courts have determined that proximity and touching in the context of nude dancing are *not* protected speech.**

Help our Police. Protect your Community. Vote YES on Referendum 1.

Rebuttal of Statement Against

Don't be fooled. This referendum isn't about "protecting your rights." It's about wealthy businessmen protecting *their* revenue source - *illegal* sexual contact.

There is *no question* these clubs are magnets for drinking and criminal activity.

Ordinance #121952 is common sense regulation that allows police to enforce the law visually. Policing is easier when there are no dark, private rooms and officers don't have to purchase lap dances.

Washington and U.S. Supreme Courts have made it clear that Ordinance #121952 does not violate free speech rights. It *does not* prohibit strip clubs, but it does set reasonable limits on behavior and make those limits enforceable.

Don't support the convicted felons who brought us "Strippergate." Without Ordinance #121952 there is *nothing* to discourage new strip clubs from opening immediately adjacent to residential housing.

Keep Seattle livable. Help our police. Back the Mayor. Support the City Council majority. **Vote YES on Referendum 1.**

STATEMENTS SUBMITTED BY: Vic Webbeking, Committee for Reasonable Regulations, www.WeAreMoreThanOneAndWeTellTheTruth.org

The above statements were written by the ballot committees, who are solely responsible for their contents.

City Attorney's Explanatory Statement *(continued)*

ment license within the last three years, and whether the applicant has been convicted of a crime within the last five years.

- Requires certain standards of conduct at adult-entertainment premises. For example, the code prohibits nudity except on a stage set above the floor level and at least six feet from the nearest patron. Certain sexual acts or touching are also prohibited. In addition, lighting must be sufficient to make "plainly visible" those parts of the premises that are open to the public, and entertainment cannot be offered behind locked doors.
- Allows the City to suspend or revoke the licenses of violators.

3. The effect of Ordinance 121952 if approved by the voters

Ordinance 121952 would make a number of changes to the City's adult-entertainment laws. Among other things the Ordinance:

- Would change a number of provisions governing adult-entertainment licenses issued by the City. For example, it would require license applicants to submit additional information, and would establish deadlines for the City to issue or deny a license.
- Would expand the circumstances in which the City could suspend or revoke licenses, including for conduct by other persons of which the owner or manager knew or should have known.
- Would add new provisions governing the conduct of adult entertainers and the operation of adult-entertainment premises. For example, it would prohibit entertainers from performing within four feet of customers, or from directly accepting gratuities. It also would prohibit entertainers from performing in enclosed areas that were not visible from all parts of the premises, and would require that stages have railings to separate performers from customers. It also would establish specific minimum lighting levels.
- Would require the City to promulgate regulations governing the conduct of members of the public while they are at adult entertainment premises, and enforcement of these standards by adult-entertainment premises licensees. It also would require adult-entertainment premises licensees to display and enforce the standard of conduct.
- Would require adult-entertainment premises to permit City licensing officials and police officers to conduct announced inspections.
- Would declare that adult-entertainment premises operated in violation of the law are public nuisances, and allow the city attorney to file lawsuits to abate those nuisances.

4. The effect of this referendum vote

If a majority of voters casting ballots in this referendum vote to **approve** Ordinance 121952, then it will become law and the changes that it would make to the City's Municipal Code will take effect. If a majority of voters casting ballots in this referendum vote to **reject** the Ordinance, then it will not become law, and the Municipal Code provisions governing adult entertainment will remain as they are.

Statement Against

No Unnecessary Regulations! Vote NO! On Referendum 1

Instead of dealing with more important issues, the City Council, on a 5-4 vote, passed unnecessary and unreasonably restrictive regulations on strip clubs. These include requiring 4 feet between dancers and customers; forbidding dancers from receiving direct tips for their performances; and requiring bright lighting throughout the club.

These Regulations Will Overburden Seattle Police

Seattle police would have to be in the clubs on a regular basis to enforce these restrictions. Surely they have more important duties to perform than monitoring adult customers and dancers. Do we really want to add rulers and light meters to the arsenal of weapons that police carry?

The clubs are at their busiest on weekends when the police are most needed to protect citizens from serious and violent crimes, like car theft, burglaries and DUI's. Asking the police to enforce these regulations will limit their ability to respond where and when they are needed most.

Their Agenda Is To Shut Down the Clubs

The intended purpose for passing these 'nanny" laws - that regulate legal choices of consenting adults - is to shut the strip clubs down. One Council member stated the goal was to "lower profits and thereby make them less lucrative."

These clubs have been part of the Seattle community for decades. They cater only to adults, serve no liquor and have no history of violence, prostitution or illegal drug use. They are licensed, pay taxes, and are already subject to strict regulations.

These Clubs Serve No Alcohol

Compared to many nightclubs that do serve alcohol, Seattle strip clubs currently require much less police oversight and have dramatically fewer incidents of criminal activity. In the past 5 years, there have been no convictions for prostitution or drug use in any Seattle club.

The City Council Should Not Be Our Moral Nanny

The Seattle City Council should focus on more important issues and should not be adding unnecessary burdens to an already overworked police force.

Follow the lead of Council members Jean Godden, Nick Licata, Peter Steinbrueck, and Tom Rasmussen. Reject this referendum.

Vote NO vote on Referendum 1.

Rebuttal of Statement For

Committee for Reasonable Regulations? This one-man committee has a long history of trying to shut down strip clubs in Seattle. Let's check the facts: in the last five years there have been no convictions at any of the Seattle clubs for drug dealing or prostitution. ZERO. Adult nightclubs have no greater impact on neighborhoods than other businesses with nighttime hours. Don't just take our word; this was the finding of the Seattle Planning Commission. By comparison, Fred Meyer on Lake City Way has several times more police calls than Ricks, and recent studies show no negative impact on property values near these clubs. The proposed new regulations impose unreasonable restrictions on clubs that are already well-regulated and give the City an easy pretext to arbitrarily shut them down. This is censorship pure and simple. As one Council member commented "we can be prudent without being prudes." Reject Referendum 1!

STATEMENTS SUBMITTED BY: Jack Burns, Gil Levy, Tim Killian

The above statements were written by the ballot committees, who are solely responsible for their contents.

Seattle Charter Amendment No. 6

Official Ballot Title

The city council has proposed an amendment to Article IV Section 6 of the city charter concerning council meeting locations in case of an emergency or disaster.

This amendment would change the charter to allow the city council to meet at locations other than its regular meeting place when permitted by state law in the event of an emergency or disaster.

Should this charter amendment be

Approved .....
Rejected .....

City Attorney's Explanatory Statement

1. The proposal

This amendment would allow the city council to meet in alternate locations in the event of certain emergencies or disasters.

2. The charter as it currently exists

Article IV Section 6 of the city charter governs city council meetings. That section states among other things that regular council meetings must be held only at the council's regular meeting place. The council has adopted rules establishing its regular meeting place as City Hall. The charter currently has no provisions that explicitly allow alternate meeting locations for regular council meetings.

State law, however, allows a city council to meet in locations other than its regular meeting place under certain circumstances. For example, the state Open Public Meetings Act allows a city

Statement For

In an attack, earthquake, or other emergency situation, damage to the access roads or to City Hall itself could make it impossible for the Council to meet at City Hall to make emergency decisions. This amendment makes it possible for the Council to meet at an alternative location (such as a library or community center) in an emergency situation.

This Charter amendment was recommended by a consultant study of the City's emergency preparedness. In New Orleans during Hurricane Katrina there were some significant delays in governmental action. If a catastrophe of that magnitude took place in Seattle, Councilmembers may need to meet at an alternative location in order to ensure that emergency decisions can be made, and this amendment would make that possible.

STATEMENT SUBMITTED BY: Richard Conlin, Seattle City Councilmember; Barb Graff

Rebuttal of Statement Against

No Statement Submitted.

The above statements were written by the ballot committees, who are solely responsible for their contents.

City Attorney's Explanatory Statement *(continued)*

council to meet at an alternate location if there is need for quick action to deal with an emergency. The state Continuity of Government Act allows a city council to meet at emergency temporary locations if a natural disaster, attack or imminent attack makes it inexpedient to conduct meetings at the regular meeting place.

3. The effect of this amendment if approved

Article IV Section 6 of the charter would be amended to allow the city council to meet in locations other than its regular meeting place when permitted by state law in the event of an emergency or disaster.

The city council has passed a resolution, which will take effect only if the voters approve this charter amendment. The resolution provides that regular meetings of the full council are normally to be held at City Hall, but would allow regular council meetings at another location if necessary to deal with an emergency; or if an emergency, disaster, attack or imminent attack makes it imprudent, inexpedient or impossible to meet at City Hall.

Statement Against

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.

Seattle Charter Amendment No. 7

Official Ballot Title

The city council has proposed an amendment to Article IV Section 3 of the city charter concerning how a quorum of the city council is determined.

This amendment would change the charter to state that a council quorum is a majority of all nine councilmembers, with two exceptions: (1) To choose a person to fill a council vacancy, a quorum would be a majority of councilmembers holding office when the council chooses the new member; and (2) during declared emergencies, a quorum for all purposes would be a majority of councilmembers available to participate in council meetings and capable of performing their official duties.

Should this charter amendment be

Approved .....
Rejected .....

City Attorney's Explanatory Statement

1. The proposal

This amendment would provide more specific quorum requirements for the city council.

2. The charter as it currently exists

Article IV of the city charter deals with the legislative department, including the city council. The charter provides that the city council consists of nine members, and Section 3 of Article IV states that a quorum of the city council consists of a "majority of all members." The charter provides that the council may pass an ordinance only when at least a "majority of all members" vote in its favor. The charter also requires a majority vote of the council to take other specified actions, such as filling certain vacancies or confirming certain mayoral appointees.

Under most circumstances there are nine persons on the council and a quorum consists of five councilmembers—a majority of nine. However, the charter does not specify how a quorum is de-

Statement For

In an emergency situation like an earthquake or influenza epidemic, some Councilmembers may be unable to attend emergency meetings of the City Council due to death, illness, or injury. This amendment allows the remaining members of the Council to meet and make emergency decisions, and to fill the vacancies on the Council until an election can be held.

This Charter amendment was recommended by a consultant study of the City's emergency preparedness. In New Orleans during Hurricane Katrina there were some significant delays in governmental action. If a catastrophe of that magnitude took place in Seattle, Councilmembers who are capable of performing the duties of office must be able to make emergency decisions, and this amendment would make that possible.

STATEMENT SUBMITTED BY: Richard Conlin, Seattle City Councilmember; Barb Graff

Rebuttal of Statement Against

No Statement Submitted.

The above statements were written by the ballot committees, who are solely responsible for their contents.

City Attorney's Explanatory Statement (continued)

termined if there are fewer than nine persons on the council at a particular time—for example, if a councilmember has resigned and a replacement has not yet been chosen. The charter also does not specify how a quorum is determined if some members cannot participate in council business during an emergency. The charter does not explicitly state whether under those circumstances a "majority of all members" means a majority of the nine council seats, or a majority of members then on the council, or a majority of members capable of participating in council business.

3. The effect of this amendment if approved

Article IV Section 3 of the charter would be amended to explicitly state that a quorum of the city council consists of a majority of all nine members, with two exceptions.

The first exception would be non-emergency situations in which there is a vacancy on the council. When a council vacancy occurs, the remaining councilmembers choose a person to fill the vacancy until an election is held. The amendment to Article IV Section 3 would provide that in such situations a quorum for purposes of choosing a person to fill the vacancy would consist of a majority of councilmembers holding office at the time the council chooses the new member.

The second exception would be during emergencies declared by the mayor under the authority granted by the charter. Article IV Section 3 would be amended to provide that during such emergencies a council quorum for all purposes would consist of a majority of those councilmembers available to participate in council meetings and capable of performing the duties of office.

Statement Against

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.

Seattle Charter Amendment No. 8

Official Ballot Title

The city council has proposed amendments to Article VIII Section 1, Article XI Section 1, and Article XVI Section 1 of the city charter, and addition of a new section to Article XXII of the city charter, concerning a requirement for council reconfirmation of certain City department heads.

These amendments would require that the heads of the Finance Department, Parks Department and Personnel Department be subject to reappointment by the mayor and reconfirmation by the city council every four years. The heads of these three departments in office when these charter amendments take effect would first be subject to council reconfirmation on February 1, 2011.

Should these charter amendments be

Approved .....
Rejected .....

City Attorney's Explanatory Statement

1. The proposal

These amendments would change the charter so that the heads of three City departments established by the charter would be subject to reappointment by the mayor and reconfirmation by the city council every four years.

2. The charter as it currently exists

The charter establishes a number of City departments. It also provides that the heads of five of these departments are to be appointed by the mayor, subject to confirmation by the city council; these five departments are: the Finance Department, the Fire Department, the Parks Department, the Personnel Department, and the Police Department. The heads of these departments do not have specified terms of office and are not subject to reconfirmation

Statement For

This charter amendment provides consistency among department heads by subjecting the Director of Finance, the Superintendent of Parks, and the Personnel Director to reappointment and reconfirmation every four years. The heads of the Department of Neighborhoods, City Light, the Department of Planning and Development, Seattle Public Utilities and the Department of Transportation already undergo this process of public performance evaluation.

The arguments that recruitment will be more difficult if people can be fired after only four years, or that there will be confusion as to whom they report, are specious. Five department heads are already subject to reconfirmation. There has been no shortage of extremely well-qualified candidates nor of incumbents in these positions. Professionals frequently report to more than "one boss." For example, an architect must satisfy the needs of a client while meeting demands from his firm's principals, etc. If department heads do their jobs, reconfirmation is not be an obstacle to continuing.

The amendment balances City government between the Executive and the Legislative branches. The Legislative branch-City Council-is more responsive to voters than the Executive-every two years, half of that body has to face the voters!

This amendment effectively adds public accountability to the job description of the three department heads affected. Currently these individuals report only to the Mayor. The amendment provides City Council and the public an opportunity to review the department head's accomplishments, visions, goals, priorities, challenges and decision-making approach. City Council needs to be able to address situations in which the mayor may seek to retain a department head who has not performed satisfactorily. Such was the case with the Superintendent of City Light a few years ago.

By requiring a public reappointment process, these department heads will be more responsive to the community, the citizens, and the voters. It is a good-government measure that will promote citizen confidence in the operations of our city. Twenty-two citizen and community groups around the city support this amendment.

STATEMENT SUBMITTED BY: Gail Chiarello, Progressive Democratic Caucuses of Washington 46th District (PDCW46), P. O. Box 51164, Seattle, WA 98115. E-mail gailchiarello@comcast.net

Rebuttal of Statement Against

No Statement Submitted.

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City Attorney's Explanatory Statement *(continued)*

by the council.

The Seattle Municipal Code establishes a number of other City departments whose heads are appointed by the mayor, subject to council confirmation. The heads of ten of these departments are also subject to reconfirmation by the council every four years. The departments whose heads are subject to reconfirmation are City Light, the Department of Executive Administration, the Department of Information Technology, the Department of Neighborhoods, the Department of Planning and Development, the Department of Transportation, the Fleets and Facilities Department, the Human Services Department, the Seattle Center, and Seattle Public Utilities.

3. The effect of these amendments if approved

Article VIII Section 1, Article XI Section 1, and Article XVI Section 1 of the charter would be amended so that the heads of the Finance Department, the Parks Department, and the Personnel Department would be subject to reappointment by the mayor and reconfirmation by the city council every four years. In addition, a new section would be added to Article XXII of the charter to provide that the heads of these three departments who are in office when the charter amendment takes effect will first be subject to reappointment and council reconfirmation on February 1, 2011.

Statement Against

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.

Seattle Charter Amendment No. 9

Official Ballot Title

The city council has proposed an amendment to Article VIII Section 2 of the city charter concerning the city auditor's appointment and length of term in office.

This amendment would change the charter to provide that: (1) the auditor would be appointed by a majority of the city council, rather than by the chair of the council finance committee subject to confirmation by a majority of the council, and (2) the auditor would serve a term of four years in office, rather than six years in office.

Should this charter amendment be

Approved .....
Rejected .....

Statement For

This proposed charter amendment changes the manner of appointment of the City Auditor and reduces this person's term from six to four years. Currently the Chair of Seattle City Council's Finance Committee appoints the City Auditor.

The City Auditor no longer does exclusively financial audits. The bulk of the City's fiscal audits are handled by the State Auditor. The primary job of the City Auditor's is to conduct internal performance audits of city agencies and departments, such as the very recently completed audit of the Parks Department's public process, or earlier audits of City Light and the Seattle Public Library.

It is preferable that a majority of City Council, rather than a sole Councilmember, appoint the city auditor, in order to avoid possible bias in this person's selection. A four-year term for this individual provides consistency with the terms of other department heads.

Rebuttal of Statement Against

Is the independence of the Auditor enhanced or reduced by this ballot measure?

The amendment does two things: (1) requires a majority of Council, rather than the Finance Committee Chair, to appoint the Auditor; and (2) creates a four- rather than six-year term.

The argument that a four-year term puts the Auditor on the same cycle as Council is flawed. This cycle is subject to change for a variety of causes. The 2005 resignation of Councilmember no. 9 forces two back-to-back elections for this seat—in 2006 and in 2007. In addition, the Auditor's independence is enhanced by requiring appointment by a majority of Council. If this individual were inclined to respond to political pressure, a single person—the Finance Chair—could exert extraordinary pressure. The selection by entire Council of an Auditor of great personal integrity—such as the incumbent—protects against political pressures. This measure should be supported.

STATEMENTS SUBMITTED BY: Gail Chiarello, Progressive Democratic Caucuses of Washington 46th District (PDCW46), P. O. Box 51164, Seattle, WA 98115. E-mail gailchiarello@comcast.net

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Seattle Charter Amendment No. 9

City Attorney's Explanatory Statement

1. The proposal

This amendment would change the appointing authority for the city auditor and the length of the auditor's term in office.

2. The charter as it currently exists

Article VIII Section 2 of the city charter creates the office of the city auditor. The charter states that the auditor is to "examine and verify the accuracy of the accounts and records of the City; inspect the receipt, safekeeping and disbursement of public funds;" and perform other duties prescribed by law. The charter provides that the auditor is appointed by the chair of the city council's finance committee, subject to confirmation by a majority of the city council. The charter also provides that the auditor serves a six-year term.

3. The effect of this amendment if approved

Article VIII Section 2 of the city charter would be changed so that the auditor would be appointed by a majority of the city council, and would serve a four-year term.

Statement Against

This amendment could compromise the independence of the City Auditor from political pressures. A four-year term puts the auditor on the same cycle as the election cycle of the Councilmembers who appoint her/him. For at least the last year or two, there could be pressure on an Auditor who seeks reappointment to avoid issues that may be politically uncomfortable for members of the Council. A six-year term gives more independence from this political cycle, and was chosen for that reason.

The appointed Auditor was created in the 1990's to replace the City Treasurer and Comptroller, who were independently elected officials who monitored and reviewed the performance of the Mayor and Council. The State of Washington has an independently elected Auditor. While the Auditor is chosen by the Council, s/he is given a fixed term to preserve as much independence as possible. Reducing the term to four years reduces that independence.

As a Councilmember, I want the Auditor to be a fearless critic who can take on investigations without fear or favor. Even this modest reduction in independence would be a mistake.

Rebuttal of Statement For

The change in appointment authority is technical in nature—since the appointment requires Council confirmation, the Finance Committee Chair does not actually have sole authority. If this were the only change, there would be no problem with the amendment. However, the change in length of term is the critical issue, and will potentially compromise the independence of whoever is appointed.

STATEMENTS SUBMITTED BY: Richard Conlin, Seattle City Councilmember

Seattle Charter Amendment No. 10

Official Ballot Title

The city council has proposed an amendment to Article XIV Sections 1 and 2 of the city charter concerning the appointment and removal of the City's planning commission members.

This amendment would: (1) delete existing language giving the mayor the authority to appoint and remove planning commission members, subject to city council confirmation; and (2) provide instead that planning commission members are appointed in a manner determined by ordinance.

Should this charter amendment be

Approved .....
Rejected .....

City Attorney's Explanatory Statement

1. The proposal

This amendment would change charter provisions concerning the appointment and removal of City planning commission members.

2. The charter as it currently exists

Article XIV of the city charter deals with the City's planning commission. Article XIV Section 1 provides among other things that commission members are to be appointed by the mayor, subject to confirmation by the city council. Article XIV Section 2 provides that the mayor may remove any planning commission member, subject to council confirmation of the removal.

Statement For

The current provision in the City Charter allows the mayor to appoint all 15 members of the Seattle Planning Commission. Under this amendment, the appointing authority would be shared 50:50 between the mayor and City Council, with each appointing seven members. The Commission itself would designate the 15th representative.

The Seattle Planning Commission advises both the mayor and City Council on land use issues, especially growth management and zoning. Its recommendations are often closely linked to pending legislation. It is appropriate that both the executive and legislative branches of government share in the selection of its members. Broadening the appointing authority will provide broader representation on the Seattle Planning Commission and greater accountability from this body.

Submitted by: Gail Chiarello, Progressive Democratic Caucuses of Washington 46th District (PDCW46), P. O. Box 51164, Seattle, WA 98115. E-mail gailchiarello@comcast.net

Rebuttal of Statement Against

No Statement Submitted.

The above statements were written by the ballot committees, who are solely responsible for their contents.

City Attorney's Explanatory Statement (continued)

3. The effect of this amendment if approved

Article XIV Sections 1 and 2 would be amended to delete the current provision concerning appointment and removal of planning commission members by the mayor, subject to confirmation by the city council. Article XIV Section 1 instead would provide that planning commission members are to be appointed in a manner to be provided by ordinance.

The city council has passed an ordinance specifying how planning commission members are to be appointed if the voters approve this charter amendment. The ordinance provides that of 15 planning commission members, the city council would appoint seven, the mayor would appoint seven subject to confirmation by the city council, and the planning commission itself would appoint one member. The ordinance would take effect only if the voters approve this charter amendment.

This charter amendment and Seattle Charter Amendment No. 16 amend different provisions of Article XIV Section 2 of the charter. Each amendment is independent of the other. If the voters approve either amendment at the November 7 election, then that amendment will be given effect. If the voters approve both amendments at the November 7 election, then both amendments will be given effect.

Statement Against

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.

Seattle Charter Amendment No. 11

Official Ballot Title

The city council has proposed amendments to Article IV Section 1F and Article XX Sections 1 and 2 of the city charter concerning when initiatives and charter amendments take effect following voter approval.

These amendments would change the deadline for the mayor to issue and publish a proclamation putting an initiative or charter amendment into effect following its approval by the voters. The charter currently requires the mayor to issue and publish the proclamation within five days after the election. Under the amendments, the mayor would be required to issue and publish the proclamation within five days after the election results have been certified.

Should these charter amendments be

Approved .....
Rejected .....

City Attorney's Explanatory Statement

1. The proposal

These charter amendments would change the date for an initiative or charter amendment to take effect after it has been approved by the voters.

2. The charter as it currently exists

City charter Article IV Section 1F governs when an initiative takes effect after the voters have approved it. That section states that an initiative becomes law when the mayor issues a proclamation to that effect; the mayor's proclamation must be issued and published in the City's official newspaper within five days after the election at which the voters approve the initiative.

City charter Article XX Sections 1 and 2 contain similar provisions concerning when a charter amendment takes effect after it

Statement For

No Statement Submitted.

Rebuttal of Statement Against

No Statement Submitted.

The above statements were written by the ballot committees, who are solely responsible for their contents.

City Attorney's Explanatory Statement *(continued)*

has been approved by the voters. Those sections require the mayor to issue a proclamation that the amendment is part of the charter; as with initiatives, the mayor's proclamation must be issued and published in the City's official newspaper within five days after the election at which the voters approve the charter amendment.

State laws govern the counting of ballots and the certification of election results. Under state law, the counties are responsible for these functions. Under procedures established by state law, certifying election results may occur more than five days after an election. This means that city charter provisions concerning the effective date for initiatives and charter amendments potentially conflict with state law.

3. The effect of these amendments if approved

Article IV Section 1F and Article XX Sections 1 and 2 of the city charter would be amended to change the deadline for the mayor to issue and publish a proclamation placing an initiative or a charter amendment into effect; the proclamation would have to be issued and published in the City's official newspaper within five days after election results have been certified. These amendments would effectively change the time that initiatives and charter amendments take effect, and would make city charter provisions consistent with state law.

This charter amendment and Seattle Charter Amendment No. 12 amend different provisions of Article XX Section 1 of the charter. Each amendment is independent of the other. If the voters approve either amendment at the November 7 election, then that amendment will be given effect. If the voters approve both amendments at the November 7 election, then both amendments will be given effect.

Statement Against

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.

Seattle Charter Amendment No. 12

Official Ballot Title

The city council has proposed an amendment to Article XX Section 1 of the city charter concerning which city council members may vote to propose charter amendments.

This charter amendment would eliminate the provision that only "elected" council members may vote on whether to propose amendments to the city charter. This would allow a council member who had been selected to fill a vacant council position until the next election to vote on whether to propose charter amendments to the voters.

Should this charter amendment be

Approved ……
Rejected ……

City Attorney's Explanatory Statement

1. The proposal

This amendment would allow a councilmember who had been selected to fill a vacant council position, but had not been elected by the voters, to vote on whether to propose charter amendments to the voters.

2. The charter as it currently exists

Article XX of the Seattle City Charter governs how the charter may be amended. Under Article XX, a charter amendment may be proposed either by the voters or by the city council. The charter states that the city council may propose a charter amendment if a majority of all "elected" councilmembers agree to do so. The proposed charter amendment must then be approved by the voters to become effective.

Statement For

No Statement Submitted.

Rebuttal of Statement Against

No Statement Submitted.

The above statements were written by the ballot committees, who are solely responsible for their contents.

City Attorney's Explanatory Statement *(continued)*

City councilmembers are elected to serve four-year terms. However, if a councilmember leaves office before the end of his or her term, the city council selects a person to fill the vacant council position until an election is held.

Because Article XX Section 1 of the charter states that charter amendments may be proposed by a majority of "elected" city councilmembers, a councilmember who has been selected by other councilmembers to fill a vacant council seat until an election is held may not vote on whether to propose a charter amendment to the voters.

3. The effect of this amendment if approved

Article XX Section 1 of the charter would be changed to eliminate the provision that only "elected" city councilmembers may vote on whether to propose charter amendments. This would allow a councilmember who had been selected to fill a vacant position to vote on whether to propose charter amendments to the voters.

This charter amendment and Seattle Charter Amendment No. 11 amend different provisions of Article XX Section 1 of the charter. Each amendment is independent of the other. If the voters approve either amendment at the November 7 election, then that amendment will be given effect. If the voters approve both amendments at the November 7 election, then both amendments will be given effect.

Statement Against

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.

Seattle Charter Amendment No. 13

Official Ballot Title

The city council has proposed an amendment to Article XVIII Section 3 of the city charter concerning advance notice requirements for certain ballot measures.

This amendment would change Article XVIII Section 3 to eliminate the provision that the city clerk must have advance notice of these ballot measures posted, and published in full in the City's official newspaper for 30 days before the date of the election. Instead, the clerk would have to have notice published in full in the City's official newspaper in accordance with state law.

Should this charter amendment be

Approved .....
Rejected .....

Statement For

No Statement Submitted.

Rebuttal of Statement Against

No Statement Submitted.

The above statements were written by the ballot committees, who are solely responsible for their contents.

Seattle Charter Amendment No. 13

City Attorney's Explanatory Statement

1. The proposal

This amendment would change advance notice requirements for certain ballot measures.

2. The charter as it currently exists

Article XVIII of the city charter concerns elections. Section 3 of Article XVIII specifies how a ballot measure is to be submitted to the voters in cases where the method of submitting that measure is not specifically provided by another part of the charter or by the general laws. Among other things, Section 3 requires the city clerk to prepare a notice containing the ballot measure in full; the clerk must have the notice posted, and published in the City's official newspaper in full for 30 days before the date of the election.

State law also contains provisions about required notice for elections. Among other things, those provisions state that the county auditor or other official conducting the election must publish notice of the election at least once in a newspaper of general circulation. The notice is to be published not less than three or more than 10 days before the election, and must include the ballot titles of all measures to be voted upon. As an alternative to this notice, a voters' pamphlet may be mailed to each residence.

3. The effect of this amendment if approved

Article XVIII Section 3 would be amended to eliminate the provision that, in cases where the method of submitting a measure isn't specifically provided elsewhere, the city clerk must have advance notice of a ballot measure posted, and published in full in the City's official newspaper for 30 days before the date of the election. Instead, the clerk would be required to have notice published in full in the City's official newspaper in accordance with state law.

Statement Against

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.

Seattle Charter Amendment No. 14

Official Ballot Title

The city council has proposed an amendment to Article IV Subsection 13B of the city charter concerning the city clerk's duty to compile ordinances.

This amendment would eliminate the current requirement that the city clerk each January compile certain ordinances enacted during the previous year and have multiple copies of those ordinances printed, indexed and bound in books with "substantial covers" for use by elected officials, department heads and the general public. Under the amendment, the clerk instead would be required to maintain a compilation of all ordinances enacted each year, to be available to the public at no cost.

Should this charter amendment be

Approved ……
Rejected ……

Statement For

No Statement Submitted.

Rebuttal of Statement Against

No Statement Submitted.

The above statements were written by the ballot committees, who are solely responsible for their contents.

Seattle Charter Amendment No. 14

City Attorney's Explanatory Statement

1. The proposal

This charter amendment would change the requirements concerning the city clerk's duty to compile and make available ordinances that have been enacted.

2. The charter as it currently exists

Article IV Subsection 13B of the city charter requires the city clerk each January to compile certain ordinances that were enacted during the previous year. The clerk must also have copies of the compiled ordinances printed, indexed and bound in books with "substantial covers." The clerk is required to provide enough copies of these books for all City elected officials and department heads; at least 100 more copies are to be made available for distribution at cost to the general public.

3. The effect of this amendment if approved

The amendment would change Article IV Section 13B to eliminate the requirement that the city clerk compile ordinances each January and have multiple copies of those compilations printed, indexed and bound into books with "substantial covers." Instead, the city clerk would be required to maintain a compilation of all ordinances enacted each year, to be available to the public at no cost.

Statement For

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.

Seattle Charter Amendment No. 15

Official Ballot Title

The city council has proposed amendments to Article IV Subsections 1D and 1J, and Article VIII Section 16 of the city charter concerning outdated references to the former office of the city comptroller.

These amendments would re-assign two functions from the city comptroller—an office that no longer exists—to the city clerk. Specifically, the amendments would (1) make the city clerk rather than the city comptroller responsible for taking charge of initiatives for their submittal to voters, and (2) require that referendum petitions be filed with the city clerk rather than with the city comptroller. The city council could further re-assign these functions by ordinance.

Should these charter amendments be

Approved .....
Rejected .....

City Attorney's Explanatory Statement

1. The proposal

These charter amendments would eliminate outdated references to the city comptroller, a position that no longer exists in the City.

2. The charter as it currently exists

In 1991 Seattle voters approved amendments to the city charter that among other things eliminated the elective offices of city comptroller and city treasurer. The 1991 amendments also consolidated the City's financial-management functions in a Department of Finance, and allowed for the reassignment of various functions, responsibilities and procedures that had previously been assigned to the comptroller and treasurer.

In 1999 voters approved additional charter amendments that eliminated outdated references to the comptroller and treasurer.

Statement For

No Statement Submitted.

Rebuttal of Statement Against

No Statement Submitted.

The above statements were written by the ballot committees, who are solely responsible for their contents.

City Attorney's Explanatory Statement (continued)

However, two charter references to the comptroller were overlooked during the 1999 amendments. These references concern responsibilities now performed by the city clerk.

3. The effect of these amendments if approved

Two parts of the city charter would be amended to re-assign functions from the city comptroller (a position that no longer exists) to the city clerk.

Article IV Subsection 1D of the charter would be changed to make the city clerk rather than the city comptroller responsible for taking charge of initiatives for submittal to the voters as directed by the city council. (The clerk, under the council's direction, forwards initiatives to King County for placement on the ballot.)

Article IV Subsection 1J of the charter would also be changed to require that referendum petitions be filed with the city clerk rather than with the city comptroller, and to make the clerk rather than the comptroller responsible for verifying referendum petition signatures.

Finally, Article VIII Section 16 of the charter would be amended to allow the city council to further re-assign the above two functions by ordinance. Former comptroller functions that were re-assigned by the 1999 charter amendments already are permitted to be re-assigned by ordinance.

Statement Against

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.

Seattle Charter Amendment No. 16

Official Ballot Title

The city council has proposed amendments to Article XIV Section 2 and Article XIX Section 4 of the charter concerning obsolete references to another charter section that no longer exists.

These amendments would delete references in these sections to former Article XIX Section 10, which was repealed by the voters in 1973.

Should these charter amendments be

Approved .....
Rejected .....

Statement For

No Statement Submitted.

Rebuttal of Statement Against

No Statement Submitted.

The above statements were written by the ballot committees, who are solely responsible for their contents.

Seattle Charter Amendment No. 16

City Attorney's Explanatory Statement

1. The proposal

These amendments would eliminate obsolete references to a charter section that no longer exists.

2. The charter as it currently exists

Article XIX of the city charter sets out general rules concerning City officers, including both elected and appointed officials. Article XIX contains several sections that include provisions about things such as qualifications for officers, their terms in office, and filling vacancies.

The voters repealed section 10 of Article XIX in 1973. However, two other places in the charter still refer to this former section despite its repeal. These outdated references are found in Article XIX Section 4 concerning officers' oaths and bonds, and in Article XIV Section 2 concerning the city's planning commission.

3. The effect of these amendments if approved

Article XIX Section 4 and Article XIV Section 2 would be amended to delete the obsolete references to Article XIX Section 10, which no longer exists.

This charter amendment and Seattle Charter Amendment No. 10 amend different provisions of Article XIV Section 2 of the charter. Each amendment is independent of the other. If the voters approve either amendment at the November 7 election, then that amendment will be given effect. If the voters approve both amendments at the November 7 election, then both amendments will be given effect.

Statement Against

No Statement Submitted.

Rebuttal of Statement For

No Statement Submitted.

Seattle Proposition No. 1

Official Ballot Title

The City of Seattle's Proposition No. 1 concerns allowing increased property taxes for nine years for transportation improvements.

If approved, this proposition would fund facilities and services, including: street and bridge maintenance; enhanced transit services; bicycle, pedestrian and safety programs; and a neighborhood street fund, under Ordinance 122232. It would authorize regular property taxes higher than RCW 84.55 limits, allowing collection of up to $36,650,000 in additional taxes in 2007 and up to $365,000,000 over nine years. The 2007 total regular tax limit would be $3.69/$1,000 assessed value, including approximately $0.36 additional taxes.

Should this levy lid lift be approved?

Levy, Yes
Levy, No

City Attorney's Explanatory Statement

Proposition No. 1 would approve a nine-year property tax increase for transportation purposes.

If approved, this proposition would fund facilities and services, including: street and bridge maintenance; enhanced transit services; bicycle, pedestrian and safety programs; and a neighborhood street fund. The levy lid lift would authorize regular property taxes higher than RCW 84.55 limits, allowing collection of up to $36,650,000 in additional taxes in 2007 and up to $365,000,000 in additional taxes over the nine-year duration of the levy. The 2007 total regular tax limit would be $3.69/$1,000 assessed value, including approximately $0.36 additional taxes.

The funding provided through Proposition No. 1 would be spent in four categories, consistent with the following limitations:

1. **Neighborhood Street Fund**. The first $1,500,000 each year would be appropriated for the Neighborhood Street Fund to fund the planning, design, and construction of new facilities or major maintenance projects that enhance pedestrian mobility or safety. (Examples are projects such as sidewalks, walkways, traffic calming devices, and pedestrian crossing improvements.)

Statement For

Keep Seattle Moving — vote YES on Proposition 1.

Seattle residents rely on a safe and efficient transportation network.

Over the past 10 years Seattle has lost more than 66% ($25 million per year) of our dedicated transportation revenue, mostly due to Tim Eyman-led state-wide initiatives. The Mayor and City Council tripled General Fund revenues allocated to transportation, but this funding cannot keep pace with a growing maintenance backlog (estimated at $500 million) nor fund the improvements asked for by neighborhood groups.

Proposition 1 will improve all forms of transportation in Seattle.

Proposition 1 will:
Repave and upgrade over 360 lane miles of local streets to make them work better for all users, and allocate an additional $1.5 million to the Neighborhood Street Fund for projects to be determined by our neighborhoods.

Repair Seattle's most vital bridges by funding key maintenance, repairs and seismic upgrades—improving safety and mobility for freight and transit.

Increase pedestrian safety and provide Safe Routes to Schools with new sidewalks, better crosswalks and other improvements on routes to schools, libraries, business districts, and recreational facilities.

Complete the Urban Bicycle Network by supporting new and upgraded bike trails and on-street routes including the Burke-Gilman, Mountains-to-Sound, Duwamish and Chief Sealth trails.

Improve transit reliability throughout Seattle by establishing "Bus Rapid Transit" (BRT) routes in West Seattle, Ballard, and Aurora**,** and securing 45,000 additional Metro bus hours throughout Seattle.

Proposition 1 is supported by groups and individuals who use our streets, bridges, sidewalks, crosswalks, bike paths and bike lanes every day. This coalition includes the Sierra Club, Transportation Choices Coalition, business and neighborhood leaders, bicycle and pedestrian advocates, and many of our neighbors.

Proposition 1 is affordable. This is NOT a never-ending tax. This tax will expire after nine years. Seattle voters will decide whether or not to renew the levy.

Vote YES on Proposition 1 and Keep Seattle Moving.

Rebuttal of Statement Against

Tim Eyman and the other opponents are lying to voters:

1. Proposition 1 will NOT fund the Viaduct replacement. City Ordinance #122232 explicitly prohibits this.
2. Proposition 1 is a nine year package that does NOT remove voter-approved 1% limits, and is NOT a never-ending tax. In fact, Prop. 1 is subject to strict citizen oversight and accountability, and cannot be renewed without a public vote.
3. Proposition 1 is needed because Seattle lost millions in dedicated transportation maintenance dollars primarily because of Eyman-led initiatives that were forced on us even though Seattle voters overwhelmingly voted against them.

Proposition 1 WILL address a backlog of critical street and bridge maintenance, bike and pedestrian programs, and transit investments.

Proposition 1 is an affordable, accountable solution to Seattle's growing transportation problem.

Join transit and pedestrian advocates, neighborhood and business leaders, unions and conservationists in support of Proposition 1, and Keep Seattle Moving.

STATEMENTS SUBMITTED BY: Michael McGinn – Sierra Club, Jessyn Schor – Transportation Choices Coalition, Chuck Ayers – Cascade Bicycle Club

The above statements were written by the ballot committees, who are solely responsible for their contents.

City Attorney's Explanatory Statement *(continued)*

After that, the amounts collected during the nine-year duration of the levy would be spent as follows:

2. **Maintenance.** Not less than 67% for Maintenance, which includes Street Maintenance (such as arterial maintenance and replacement, and sidewalks, trails, and walkways), Bridges and Structures (such as bridge maintenance and replacement, bridge seismic improvements, and stairways and structures maintenance), Traffic Management (such as signs and markings; signals, controllers, and Intelligent Transportation Systems; and safety and equipment), and Urban Forestry (such as landscaping maintenance and tree maintenance).

3. **Bicycle, Pedestrian, and Safety Programs.** Not less than 18% for Bicycle Programs, Pedestrian Programs, and Safety Programs.

4. **Transit Service Enhancements**. No more than 15% for System Additions/Enhancements, which would include Transit Corridor Projects and Transit Operations and Capital.

The City adopted a 20-year spending plan in Resolution 30915. Subject to the constraints set out above, the City Council and Mayor will decide on the particular projects and services to fund, after considering any recommendations from an Oversight Committee.

None of the additional taxes that would be allowed by Proposition No. 1 could be used to fund the major repair of the Alaskan Way Viaduct or the seawall located to the west of Alaskan Way, or to fund any replacement for the Alaskan Way Viaduct or the seawall.

Proposition No. 1 approves the entire regular City property tax levy and if passed could exempt the City's property tax from future statewide tax-cutting initiatives.

Ordinance 122232, which placed Proposition No. 1 on the ballot, is reprinted in full in this voters' pamphlet. Resolution 30915 may be obtained from the City Clerk's Office. **The City Clerk's legislative web page (for both ordinances and resolutions) is: clerk.ci.seattle.wa.us/~public/leghome.htm.**

Statement Against

FIXING ROADS IS A CORE FUNCTION OF GOVERNMENT AND SHOULD BE PAID WITH EXISTING REVENUES

Voter-approved special levies should be for extras, not essential services.

Seattle government is taking a basic, essential service - road maintenance – something citizens expect to be funded from their existing tax burden - and telling voters they won't get it unless they vote for a special levy. That is horrible public policy. It forces voters to pay twice for basic services.

A Seattle Times columnist said voters were being played for "chumps."

If we vote yes, City Hall will see it as a "green light" to put other essential services on the ballot. It's a Pandora's box that shouldn't be opened.

THEY'LL USE THESE FUNDS TO FILL THE FUNDING GAP FOR THE VIADUCT/TUNNEL

Nickels and the Council broke their promise to have a public vote on the viaduct/tunnel after cost estimates radically increased. They say they won't use this levy for the viaduct/tunnel but why should we believe them? They're billions short, not including financing and cost overruns (Boston's Big Dig Tunnel cost $15 billion).

This levy will be a slush fund for the viaduct/tunnel.

LARGEST TAX INCREASE (LEVY-LID LIFT) IN SEATTLE HISTORY

Property taxes are skyrocketing even with voter-approved limits. This unprecedented proposal removes these voter-approved limits and compounds every year with increases over six times higher than current law allows, HURTING BOTH RENTERS AND HOMEOWNERS.

Even with voter-approved limits, Seattle's crushing property tax burden is forcing working-class folks and fixed-income senior citizens to leave the city. This massive increase will drive away more.

SEATTLE SHOULD BE A CITY FOR EVERYONE, NOT JUST RICH PEOPLE

Seattle's citizens already pay billions each year in regular taxes. On top of those, voters have approved special levies for schools, libraries, and parks. More tax increases are coming, including a $14 billion regional tax.

Tax-increase proponents say "it only costs $160 yearly for the average homeowner." What they don't say is the average Seattle family already pays $37,000 in taxes every year, a whopping 44% of family income.

Seattle's citizens are generous but don't have bottomless wallets.

CITY HALL CAN'T PLEAD POVERTY

In 1996, the city spent $44 million for transportation; in 2006, they spent $177 million. That's a 302% increase, almost 10 times higher than inflation. They've got the money; they just need to make fixing roads a priority.

DON'T BE BLACKMAILED INTO PAYING TWICE

Vote NO.

Rebuttal of Statement For

WE ALREADY PAID FOR THIS ESSENTIAL SERVICE - WE SHOULDN'T BE FORCED TO PAY TWICE

Telling voters they won't get a basic, essential service unless they vote for a special levy is horrible public policy. We can't let them get away with it.

City Hall can't claim poverty. Seattle's government spent over $2.9 billion for government services this year but only $177 million went for transportation. They've got the money; they just need to make transportation a priority.

Property taxes are skyrocketing even with voter-approved limits. This unprecedented proposal eliminates those limits, making Seattle even more unafforable for middle- and lower-income taxpayers.

The Mayor and Council broke their promise for a public vote on the viaduct/tunnel. This levy will be used as a slush fund for its multi-billion-dollar gap.

Seattle's citizens want essential servies to be funded with existing revenues—we shouldn't be forced to pay twice. Please vote No.

Vote NO on the Never-Ending Tax Committee

STATEMENTS SUBMITTED BY: Jim Coombes, 39-year resident of Seattle, Al Rousseau, 78-year-old grandfather, lived in Seattle all my life, Albert Pong, 16-year resident of Seattle's Rainier Valley

The above statements were written by the ballot committees, who are solely responsible for their contents.

Complete Text of City of Seattle Initiative 91

AN ORDINANCE to Prohibit the City of Seattle from Providing or Leasing Facilities or other Goods, Services, or Real Property to Professional Sports Organizations at Below Fair Value, and Providing A Method to Enforce this Restriction

Whereas, from time to time, the City of Seattle may lease or otherwise provide facilities or services to for-profit professional sports organizations and,

Whereas, the Supreme Court of the State of Washington has determined that such provision of facilities or other goods or services by a jurisdiction of the State of Washington may be for consideration of any value provided that such value be agreed to by an appropriate legislative authority, and the terms of such are not subject to judicial review; and,

Whereas, the City of Seattle in the past has experienced a return below fair value for some goods or services it has provided or leased to professional sports teams; and,

Whereas, the Charter of the City of Seattle expressly reserves legislative authority for the City of Seattle to the People of the City of Seattle;

Now, Therefore, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

A new provision of the Seattle Municipal Code is added to read as follows:

Sec. 1. Consideration for the value of goods, services, real property or facilities provided or leased by the City of Seattle to for-profit professional sports organizations or to any other public entity, or non-profit organization, which may in turn provide such goods, services, real property or facilities to a for-profit professional sports organization, must be at or above the fair value of the goods, services, real property or facility being provided or leased.

Sec. 2. Fair value is defined herein as no less than the rate of return on a U.S. Treasury Bond of thirty years duration at the time of inception of any such provision of goods or services, real property or lease; and further, such return shall be computed as the net cash on cash return, after interest and any financing costs, on the depreciated value of the cash investment of the City of Seattle in such goods, services, real property or facility, and shall exclude all intangible, indirect, non-cash items such as goodwill, cultural or general economic benefit to the City, and shall also exclude unsecured future cash revenues.

Sec. 3. Nothing in this resolution shall prevent the leasing or providing of goods, services, real property or facilities to not-for-profit organizations, other than as limited by Section 1 above, for the direct benefit of the health, welfare, or safety of the people of the City of Seattle.

Sec. 4. Notwithstanding any of the language contained in sections 1 through 3 of this initiative, nothing in this resolution shall be interpreted or applied so as to limit or restrict any Washington State legislative or constitutional grant of power to the legislative authority or other officer of the City of Seattle, and the reach of this initiative is expressly circumscribed and limited by any such legislative or constitutional grant of power.

Sec. 5. Any resident of the City of Seattle shall, by virtue of his/her status as a taxpayer in the City, have legal standing to challenge, in King County Superior Court, any act, lease, ordinance, or resolution taken, entered into, or enacted by the City of Seattle which allegedly violates this initiative, within ninety (90) days of such act, lease, ordinance or resolution; such a resident shall be entitled to injunctive relief preventing said act, lease, ordinance, or resolution from becoming effective, without the necessity of any bond being posted, so long as the elements necessary to obtain injunctive relief pursuant to RCW 7.40.020 are established to the satisfaction of the Court.

Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

The above text is an exact reproduction of the text submitted by the sponsor. The Ethics and Elections Commission has no editorial authority.

Referendum No. 1
Complete Text of City of Seattle Ordinance No. 121952

ORDINANCE 121952 was passed by the City Council and ordered referred by petition.
Date passed: October 3, 2005
Yeas 5; Nays 4

AN ORDINANCE relating to regulation of adult entertainment; adding new sections to the Seattle Municipal Code; and amending Sections 6.202.280, 6.202.310, 6.270.010, 6.270.030, 6.270.040, 6.270.050, 6.270.060, 6.270.070, 6.270.090, 6.270.100, 6.270.120, and 6.270.150 of the Seattle Municipal Code.

WHEREAS, the operation of adult entertainment businesses has historically and regularly been accompanied by secondary effects, including prostitution and other criminal behavior, that are detrimental to the public health, safety, and general welfare of the citizens of Seattle; and

WHEREAS, resources available for responding to problems associated with adult entertainment businesses are limited and will be more efficiently and effectively utilized through improved regulations of adult entertainment premises; and

WHEREAS, amendments to the City's adult entertainment regulations are necessary to protect the public health, safety, and general welfare of the citizens of Seattle; and

WHEREAS, nothing in these amendments is intended to authorize activities that do not comply with other requirements of the Seattle Municipal Code, including Title 23, the Land Use Code, or other applicable law; and

WHEREAS, a Clerk's File, Number 307550, has been opened as a depository for the documents, statements and other written materials received by the Council related to this ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 6.270.010 of the Seattle Municipal Code is amended as follows:

6.270.010 Findings of fact.

Based on public testimony and other evidence and information before it, the Seattle City Council makes the following findings of fact:

A. Certain conduct occurring on premises offering adult entertainment is detrimental to the public health, safety, and general welfare of the citizens of the City and therefore, such conduct must be regulated as provided herein.

B. Regulation of the adult entertainment industry is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred.

C. It is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors; to ensure that each such entertainer is an adult; and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.

D. It is necessary to have a licensed manager on the premises of an establishment during the establishment's hours of operation so that there will at all necessary times be an individual responsible for the overall operation of the establishment, including the actions of ((~~patrons~~)) members of the public, entertainers and other employees.

E. The license fees required herein are nominal fees imposed as necessary regulatory measures designed to help defray the substantial expenses incurred by the City in regulating the adult entertainment industry.

F. Businesses providing adult entertainment are increasingly associated with ongoing prostitution, disruptive conduct and other criminal activity which is currently not subject to effective regulation and which constitutes an immediate threat to the public peace, health and safety.

G. The City Council makes the following additional findings of fact based upon public testimony and other evidence, information, documents and other materials received by the City Council and included in the legislative record of Council Bill 115326. The City Council also makes such findings having taken legislative notice of the evidence of conduct occurring in and around adult entertainment businesses located in other jurisdictions, which the council hereby deems to be relevant to the experience in Seattle, as reported in judicial opinions including but not limited to *Ino Ino, Inc. v. City of Bellevue*, 132 Wn.2d 103 (1997); *DCR, Inc. v. Pierce County*, 92 Wn. App. 660 (1998); *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986), and *Colacurcio v. City of Kent*, 163 F.3d 545 (9th Cir. 1998) and as reported in previous studies of the City of Seattle and the findings of other city and county legislative bodies that have also adopted ordinances regulating adult entertainment businesses, including, but not limited to, the counties of King and Snohomish and the cities of Bellevue, Burien, Des Moines, Everett, Federal Way, Kent, Lake Forest Park, Lynnwood, Renton, Shoreline and Tukwila.

1. The operation of adult entertainment businesses has historically and regularly been accompanied by secondary effects which are detrimental to the public health, safety, morals and general welfare of the citizens of Seattle. Such secondary effects include significant criminal conduct, and activities injurious to the public health, safety, morals and general welfare of the community, detrimental effects on nearby businesses and residential areas and a decline in property values in the area around adult entertainment businesses. This history of criminal and injurious activity includes prostitution, narcotics and liquor law violations, breaches of the peace, assaults, sexual conduct between customers and entertainers, and the opportunity for the spread of sexually-transmitted diseases.

2. Proximity between entertainers and customers in adult clubs facilitates sexual conduct, prostitution, transactions involving controlled substances and other crimes. To deter such conduct and assist law enforcement in detecting it, Seattle has required that an adult entertainer exposing nudity must be separated from customers by performing on a stage at least eighteen inches above the floor

and at least six feet from the nearest patron. Additionally, Seattle has historically prohibited entertainers performing "lap" or "table" dances from engaging in sexual contact with customers. There is substantial evidence that such prohibitions are ineffective. Lap and table dances typically involve exposure of nudity or sexual conduct between entertainers and customers, or both, and may also include acts of prostitution, transactions involving controlled substances and other crimes. To effectively deter such conduct and assist law enforcement in detecting it, it is necessary that dances and performances by adult entertainers mingling with the public be at least four feet from the nearest member of the public. Such a requirement is in effect in the City of Bellevue and in other Washington cities and has been upheld by the Washington Supreme Court as a constitutional regulation that furthers the governmental interest in preventing sexual conduct and other criminal conduct while still allowing an entertainer to convey an erotic expression (see *Ino Ino, Inc. v. City of Bellevue*, 132 Wn.2d 103 (1997)).

3. To prevent sexual conduct from occurring between entertainers and customers, customers must be prohibited from passing tips, gratuities or other payments directly to entertainers. Such a prohibition is in effect in King County, the City of Kent and the City of Bellevue and has been upheld as a constitutional regulation that furthers the governmental interest in preventing sexual contact and other criminal conduct while still allowing an entertainer to perform (see *Ino Ino, Inc. v. City of Bellevue*, 132 Wn.2d 103, 937 P.2d 154 (1997) and *DCR, Inc v. Pierce County*, 92 Wn. App 660. (1998)).

4. Adult entertainment businesses have historically attempted to prevent law enforcement and licensing officials from detecting sexual conduct, prostitution, sale and distribution of controlled substances and other violations of law occurring on the premises by employing warning systems, maintaining low light levels and other techniques. Some adult entertainment businesses have erected barriers or installed seating or lounge areas which provide visual barriers that screen activities between entertainers and members of the public. For effective enforcement of this ordinance and protection of the public health, safety, and general welfare, it is necessary to require that adult entertainment businesses maintain minimum light levels and contain no barriers which would hinder law enforcement from monitoring the activities between adult entertainers and members of the public.

5. Resources available for responding to problems associated with adult entertainment businesses are limited and will be more efficiently and effectively utilized through regulations which will deter sexual contact between adult entertainers and members of the public, including regulations requiring minimum distance requirements between dancers and members of the public, the absence of visual barriers, minimum lighting requirements and tipping restrictions.

Section 2. Section 6.270.030 of the Seattle Municipal Code is amended as follows:

6.270.030 Definitions.

For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions are adopted:

A. "Adult entertainment" means any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who:

1. Is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals; or

2. Touches, caresses or fondles the breasts, buttocks, anus, genitals or pubic region of another person, or permits the touching, caressing or fondling of his/her own breasts, buttocks, anus, genitals or pubic region by another person, with the intent to sexually arouse or excite another person.

B. "Adult entertainment premises" means any premises to which any member of the public((~~, patrons or members are~~)) is invited or admitted and wherein an entertainer provides adult entertainment to any member of the public((~~, a patron, or a member~~)); but does not include that portion of an establishment licensed or required to be licensed as a "panoram" or "peepshow" under the provisions of Seattle Municipal Code Chapter 6.42.

C. "Department" means the Department of Executive Administration of The City of Seattle.

D. "Director" means the Director of the Department of Executive Administration of The City of Seattle and shall include his or her authorized representatives.

E. "Employee" means any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to, the operation of an adult entertainment premises.

F. "Entertainer" means any person who provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment.

G. "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance.

H. "Manager" means any person who manages, directs, administers, or is in charge of, the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult entertainment premises.

I. "Member of the public" means any customer, patron, club member, or person, other than an employee as defined in this section, who is invited or admitted to an adult entertainment premises.

((~~I~~))J. "Natural person" means any individual.

((~~J~~))K. "Operator" means any person operating, conducting or maintaining an adult entertainment business. "Operator" also means any person to whom an adult entertainment premise license is issued pursuant to this chapter.

((~~K~~))L. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

((~~L~~))M. "Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

((~~M. "Reckless" or "recklessly" means a person knows of and~~

The above text is an exact reproduction of the text submitted by the sponsor. The Ethics and Elections Commission has no editorial authority.

~~disregards a substantial risk that a wrongful act may occur and his or her disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.~~))

Section 3. Section 6.270.040 of the Seattle Municipal Code is amended as follows:

6.270.040 Adult entertainment premises license.

A. It is unlawful for any person to operate or maintain an adult entertainment premises in The City of Seattle unless the owner, operator or lessee thereof has obtained from the Director ((~~of Executive Administration~~)) a license to do so, to be designated an "adult entertainment premises license."

B. It is unlawful for any person to knowingly allow the use of his or her property for the operation of an adult entertainment premises that is not licensed under this chapter.

C. It is unlawful for any entertainer, employee or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of, an unlicensed adult entertainment premises.

Section 4. Section 6.270.050 of the Seattle Municipal Code is amended as follows:

6.270.050 License for managers and entertainers.

((~~Commencing December 5, 1988, it shall be~~)) A. It is unlawful for any person to work as an entertainer ((~~or manager~~)) at an adult entertainment premises without having first obtained from the Director ((~~of Executive Administration~~)) a license to do so, to be designated as an "adult entertainer's license((~~,~~))"(~~ or an "adult entertainment manager's license," respectively~~)).

B. It is unlawful for any person to work as a manager at an adult entertainment premises without having first obtained from the Director a license to do so, to be designated as an "adult entertainment manager's license."

Section 5. Section 6.270.060 of the Seattle Municipal Code is amended as follows:

6.270.060 License fees.

The license year for adult entertainment premises licenses and adult entertainment manager's licenses ((~~all fees~~)) required under this chapter shall be from January 1st to December 31st. The license year for adult entertainer's licenses required under this chapter shall be from August 1st to July 31st. All license fees shall be payable on an annual basis, which fees shall be as follows:

A. Adult entertainment premises license, Seven Hundred Twenty Dollars ($720.00) per year;

B. Adult entertainer's license, One Hundred Forty-five Dollars ($145.00) per year;

C. Adult entertainment manager's license, One Hundred Forty-five Dollars ($145.00) per year.

Any adult entertainer's license issued pursuant to this chapter which is in effect prior to August 1, 2005 shall, unless suspended or revoked, continue to be in effect until December 31, 2005 and may, unless suspended or revoked, be renewed for the period January 1, 2006 to July 31, 2006, subject to the provisions of this chapter and payment of a proportional license fee for such period in the amount of Eighty-four Dollars and Fifty Cents ($84.50).

Section 6. A new section is added to the Seattle Municipal Code as follows:

6.270.065 License prohibited to certain classes.

No license authorized under this chapter shall be issued to:

A. A natural person who has not attained the age of eighteen (18) years.

B. A partnership, unless all of the members thereof are individually qualified to obtain a license as provided by this chapter. Such license shall be issued to the manager of the partnership.

C. A corporation, unless all of the officers and directors thereof are individually qualified to obtain a license as provided by this chapter.

Section 7. Section 6.270.070 of the Seattle Municipal Code is amended as follows:

6.270.070 License applications.

A. Adult Entertainment Premises License. All applications for an adult entertainment premises license shall be submitted in the name of the person proposing to conduct such adult entertainment on the premises and shall be signed by such person and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the Director ((~~of Executive Administration~~)), and shall require the following information:

1. The name, residence address, home telephone number, date and place of birth, and social security number of the applicant;
2. The business name, address and telephone number of the establishment;
3. The names, residence addresses, residence telephone numbers, social security numbers and dates of births of any partners, corporate officers and directors;
4. Such information as the Director, by rule, may require concerning the identity of corporate shareholders;
5. Addresses of the applicant for the five (5) years immediately prior to the date of application;
6. A description of the adult entertainment or similar business history of the applicant; whether such person or entity, in previously operating in this or another city, county or state, has had a business license revoked or suspended, the reason therefor, and the activity or occupation subjected to such action, suspension or revocation;
7. A description of the business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application;

8. ((~~Such license shall include t~~))The name of at least one (1) natural person whose name and mailing address, which shall be an address located within the State of Washington, shall appear on the adult entertainment premises license and who shall receive notices from the Department.

9. Whether the applicant has had a license under this chapter or an adult entertainment-related license issued by another jurisdiction, denied, suspended or revoked within the three (3) years immediately preceding the date of the application: and, if so, the name and location of the adult entertainment business to which the denied, suspended or revoked license pertained, the date of the action, the jurisdiction that took such action, the reason for the action, and the status of any appeal of the action.

10. Whether the applicant has been the subject of a bail forfeiture, adverse finding or conviction with local, state, or federal criminal law, other than a parking offense or traffic infraction, within the five (5) years preceding the date of the application; and, if so, the nature of the crime and the date, location and nature of the judicial action taken.

11. A failure to provide information required by this subsection will constitute an incomplete application and will not be processed.

B. Manager's or Entertainer's License. All applications for an adult entertainment manager's license or adult entertainer's license shall be signed by the applicant and notarized or certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the Director, and shall require the following information:

1. The applicant's name, home address, home telephone number, date and place of birth, social security number, and any stage names or nicknames used in entertaining;

2. The name and address of each business at which the applicant intends to work as a manager or entertainer;

3. The applicant shall present documentation that he or she has attained the age of eighteen (18) years. Any of the following shall be accepted as documentation of age:

a. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth,

b. A state-issued identification card bearing the applicant's photograph and date of birth,

c. An official passport issued by the United States of America,

d. An immigration card issued by the United States of America,

e. Any other picture identification bearing the applicant's photograph and date of birth issued by a governmental agency, or

f. Such other form of identification as the Director deems, by rule, to be acceptable;

4. Whether the applicant has had a license under this chapter or an adult entertainment-related license issued by another jurisdiction denied, suspended or revoked within the three (3) years immediately preceding the application; and, if so, the name and location of the adult entertainment business to which the denied, suspended or revoked license pertained, the jurisdiction that took such action, the reason for the action, the date of the action and the status of any appeal of the action;

5. Whether the applicant has been the subject of a bail forfeiture, adverse finding or conviction in connection with local, state or federal criminal law, other than a parking offense or traffic infraction, within the five (5) years immediately preceding the date of the application; and if so, the nature of the crime and the date, location, and nature of the judicial action taken; and

6. Failure to provide information required by this subsection will constitute an incomplete application and will not be processed.

C. Duty to Supplement. Each license applicant for, or holder of, a license issued under this chapter shall modify, or supplement application information, on file with the Director, within ten (10) days of a change if the information changes materially from what is stated on the applicant or holder's license application.

Section 8. Section 6.270.090 of the Seattle Municipal Code is amended as follows:

6.270.090 Issuance of licenses.

A. Adult Entertainment Premises License. Within thirty (30) days of receipt by the Director of a complete application for an adult entertainment premises license, including all submittals and information required by this chapter, the Director shall issue or deny the adult entertainment premises license. If the Director fails to issue or deny the license within the thirty-day (30) period, the license is deemed issued on the last day of the thirty-day (30) period and the applicant may operate the adult entertainment premises for which the license was sought, subject to all other provisions of this chapter.

B. ((~~After an investigation, t~~))The Director shall deny ((~~issue~~)) the ((~~applicable~~)) adult entertainment premises license ((~~or licenses authorized by this chapter~~)) for any of the following reasons, and shall notify the applicant in writing of the reasons for the denial and the opportunity to appeal, if the Director finds:

1. The application does not meet the requirements of this chapter. ((~~That the business for which a license is required herein will not be conducted in a building, structure and location which complies with the requirements and meets the standards of the applicable health, zoning, building, fire and safety laws of the State, the ordinances of the City, as well as the requirements of this chapter;~~))

2. ((~~That t~~))The applicant, his or her employee, agent, partner, director, officer, ((~~stockholder~~)) or manager has ((~~not~~)) knowingly made any false, misleading or fraudulent omission or statement of material fact in the application for a license, or in any report or record required to be filed with the Director;

3. ((~~That t~~))The applicant, and all employees, agents, partners, directors, officers, or managers of the applicant have not attained the age of eighteen (18) years or issuance of a license is prohibited by SMC Section 6.270.065((~~.~~));

4. The applicant or his or her partner, director, or officer is currently the subject of a final adult entertainment premises license suspension order or is the subject of an adult entertain-

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ment premises license revocation order issued pursuant to this chapter which became final less than one (1) year prior to the pending application.

C. Adult Entertainment Manager's and Adult Entertainer's Licenses.

The Director shall issue or deny an adult entertainment manager's license or an adult entertainer's license on the same business day in which a complete application, including all submittals and information required by this chapter, is received.

D. The Director shall deny an application for an adult entertainment manager's license or an adult entertainer's license for any of the following reasons, and shall notify the applicant in writing of the grounds for the denial and the opportunity to appeal, if the Director finds:

1. The applicant is less than eighteen (18) years old;

2. The applicant has failed to provide any of the submittals or information required to be supplied according to this chapter;

3. The applicant has knowingly made any false, misleading or fraudulent statement or omission of material fact in the application for a license; or

4. The applicant is currently the subject of a final license suspension order issued pursuant to this chapter or is the subject of a license revocation order issued pursuant to this chapter which became final less than one (1) year before the pending application.

E. If the Director denies an adult entertainment manager's license or an adult entertainer's license authorized by this chapter, and if the applicant files a timely notice of appeal pursuant to SMC Section 6.270.160, the Director shall, upon receipt of a copy of such notice of appeal, immediately issue the applicant a temporary license which shall authorize the applicant to perform as a manager or entertainer in the same manner and subject to the same requirements as if the license had been granted, pending the final outcome of the appeal. A license applicant must pay the fee for an adult entertainment manager's license or an adult entertainer's license as set forth in SMC Section 5.270.060 at the time the temporary license is issued. The holder of a temporary license is subject to all requirements, standards and penalty provisions of this chapter. Nothing in this section is intended to authorize activities that do not comply with other requirements of the Seattle Municipal Code or other applicable law.

Section 9. Section 6.270.100 of the Seattle Municipal Code is amended as follows:

6.270.100 Standards of conduct and operation.

A. The following standards of conduct must be adhered to by employees of any adult entertainment premises:

1. No employee or entertainer shall be unclothed, clothed in less than opaque attire, or shall move or remove such attire, or allow such attire to be moved or removed so as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage as defined in SMC Section 6.270.100 B4 ((~~at least eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest patron~~)).

2. No employee or entertainer shall perform acts of or acts which simulate:

a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

b. The touching, caressing or fondling of the breasts, buttocks or genitals; or

c. The displaying of the pubic region, anus, vulva or genitals; except as provided for in subdivision 1 of this subsection.

3. No employee or entertainer mingling with members of the ((~~patrons~~)) public shall:

a. ((~~b~~))Be unclothed or in less than opaque and complete attire, costume or clothing as described in subdivision 1 of this subsection;((~~.~~))

b. Conduct any dance, performance or exhibition unless such dance, performance or exhibition is performed at a distance of at least four (4) feet from the nearest member of the public; or

c. Conduct any dance, performance or exhibition in any area described in SMC Section 6.270.100 B3.

4. No employee or entertainer shall knowingly:

a. Touch, caress or fondle the breast, buttocks, anus, genitals or pubic region of another person; or

b. Permit the touching, caressing or fondling of his or her own breasts, buttocks, anus, genitals or pubic region by another person; or

c. Permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, genitals or pubic region of another person.

5. No manager or operator shall knowingly permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, genitals or pubic region of another person.

6. No employee or entertainer shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva or genitals, anus, buttocks, or any portion of the pubic region.

7. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.

8. No entertainer of any adult entertainment premises shall be visible from any public place during the hours of his or her employment, or apparent hours of his or her employment, on the premises.

9. No entertainer shall solicit, demand or receive any payment or gratuity from any ((~~patron~~)) member of the public for any act prohibited by this chapter.

10. No entertainer shall demand or collect any payment or gratuity from any ((~~patron~~)) member of the public for entertainment before its completion. No entertainer shall accept any form of gratuity offered directly to the entertainer by any member of the public. Any gratuity offered to any entertainer must be placed into a receptacle for receipt of gratuities provided by the adult entertainment establishment or offered through a manager on

duty on the premises.

11. ((~~A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows: THIS ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY THE CITY OF SEATTLE. ENTERTAINERS ARE:~~

~~a. Not permitted to engage in any type of sexual conduct;~~

~~b. No employee or entertainer shall be unclothed, clothed in less than opaque attire, or shall move or remove such attire, or allow such attire to be moved or removed so as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least eighteen inches (18") above the immediate floor level and removed at least six feet (6') from the nearest patron.~~

~~c. Not permitted to demand or collect any payment or gratuity from any patron for entertainment before its completion.~~))

((~~12.~~)) No manager or operator shall knowingly ((~~or recklessly~~)) permit or allow any employee or entertainer to violate any provision of this chapter.

B. At any adult entertainment premises, the following are required:

1. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals and/or anus may be visible outside of the adult entertainment premises.

2. Sufficient lighting shall be provided ((~~in~~)) and equally distributed throughout ((~~about~~)) the parts of the premises which are open to and used by the public so that all objects are plainly visible at all times. A minimum lighting level of thirty (30) lux horizontal, measured at thirty (30) inches from the floor and on ten (10)-foot centers, is hereby established for all parts of the premises which are open to and used by the public.

3. No entertainment shall be provided in any area((~~s~~)) from which any other person may be prevented from entering, whether by a locking door or in any other manner and no entertainment shall be provided in any area which is enclosed or partially enclosed by interior walls, dividers, barricades, curtains or other means or in any area in which the dance, performance or exhibition is not clearly visible from all public areas inside the adult entertainment premises.

4. A stage, for any performance described in SMC Section 6.270.100 A1. Such stage shall be at least eighteen (18) inches in elevation above the level of the patron seating areas and shall be separated by a distance of at least six (6) feet from all areas of the premises to which the members of the public have access. A continuous railing, at least three (3) feet in height and located at least six (6) feet from all points of the stage, shall separate the stage from seating areas for members of the public.

5. The stage must be visible immediately upon entering the premise's seating area, and, at all times, be visible to a manager. Visibility shall not be blocked or obstructed by a door, curtain, drape or any other obstruction.

6. A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

THIS ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY THE CITY OF SEATTLE.

a. Entertainers are not permitted to engage in any type of sexual conduct;

b. No employee or entertainer shall be unclothed, clothed in less than opaque attire, or shall move or remove such attire, or allow such attire to be moved or removed so as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest member of the public.

c. Entertainers are not permitted to demand or collect any payment or gratuity from any member of the public for entertainment before its completion.

d. Entertainers are not permitted to accept any form of gratuity directly from a member of the public. Any gratuity offered to any entertainer must be placed into a receptacle for receipt of gratuities provided by the adult entertainment establishment or offered through a manager on duty on the premises.

e. Entertainers mingling with the public may not conduct any dance, performance or exhibition unless such dance, performance or exhibition is performed at a distance of at least four (4) feet from the nearest member of the public.

7. Each adult entertainment premises licensee and each adult entertainment manager shall have a duty to ensure that all standards of conduct and facilities requirements set forth in this section and all other requirements of this chapter regarding the operation of adult entertainment premises are complied with at all times.

8. Each adult entertainment premises licensee shall conspicuously display and enforce a standard of conduct applicable to members of the public while they are on the premises. The Director shall promulgate implementing regulations, including required content of the standard of conduct, required content and method of the display, and the required manner of enforcement of the standard of conduct by adult entertainment premises licensees.

C. This chapter shall not be construed to prohibit protected expression, such as:

1. Plays, operas, musicals, or other dramatic works that are not obscene;

2. Classes, seminars and lectures held for serious scientific or educational purposes that are not obscene; or

3. Exhibitions, performances, expressions or dances that are not obscene.

D. For purposes of this chapter, an activity is "obscene" if:

1. Taken as a whole by an average person applying contemporary community standards the activity appeals to a prurient interest in sex;

2. The activity depicts patently offensive representations, as measured against community standards, of:

a. Ultimate sexual acts, normal or perverted, actual or

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simulated, or

b. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and

3. The activity taken as a whole lacks serious literary, artistic, political, or scientific value.

E. No manager, owner, entertainer or employee shall operate or maintain any warning procedures or device, of any nature or kind, for the purpose of warning any other person that police officers or City health, fire, licensing or building inspectors are approaching or have entered the adult entertainment premises.

((~~F. It is unlawful for any person to violate any of the provisions of this Section 6.270.100.~~))

Section 10. A new section is added to the Seattle Municipal Code as follows:

6.270.115 Unlawful Acts

It is unlawful for any person to violate any of the provisions of this chapter.

Section 11. Section 6.270.120 of the Seattle Municipal Code is amended as follows:

6.270.120 Manager on premises.

A. A licensed manager shall be on duty at an adult entertainment premises during the adult entertainment premises' hours of operation. The name of the manager on duty shall be prominently posted during business hours.

B. Any adult entertainment premises found to be operating without a manager on duty shall be immediately closed until a licensed manager arrives for duty at the adult entertainment premises pursuant to Section 6.270.120 A.

C. The manager shall verify that each entertainer performing while the manager is on duty possesses a current and valid entertainer's license, as required by this chapter. The manager shall verify that such adult entertainment license is posted in the manner required by Section 6.270.110.

D. A manager shall not perform as an entertainer on days during which he or she acts as manager on duty at an adult entertainment establishment.

Section 12. A new section is added to Chapter 6.270 of the Seattle Municipal Code as follows:

6.270.125 Permission to Inspect.

An adult entertainment premises licensee and its manager shall permit the Director and personnel from the Seattle Police Department to conduct announced inspections, during hours that the adult entertainment premises is open to the public, of all exterior and interior areas of the premises open to and used by members of the public and of all books and records required to be kept under this chapter. The purpose of such inspections is to determine whether the premises are being operated in compliance with the provisions of this chapter.

Section 13. A new section is added to Chapter 6.270 of the Seattle Municipal Code as follows:

SMC 6.270.135 Nonpublic Areas.

No member of the public shall be permitted to enter into any of the nonpublic portions of the adult entertainment establishment, which shall include but are not limited to: the dressing rooms of entertainers or other rooms provided for the benefit of employees, and the kitchen and storage areas; except that persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the premises or equipment on the premises may be permitted into nonpublic areas to the extent required to perform their job duties.

Section 14. Section 6.270.150 of the Seattle Municipal Code is amended as follows:

6.270.150 Suspension or revocation of ((~~premises~~)) license.

((~~In addition to the reasons set forth in SMC Section 6.202.230 as now or hereafter amended, an adult entertainment premises license may be suspended or revoked upon a finding that:~~

~~A. The premises licensee permitted or authorized his or her employees, agents, entertainers or managers to violate any of the provisions of this chapter; or~~

~~B. The adult entertainment manager permitted or authorized any violation of any of the provisions of this chapter by any person.~~))

A. The Director may suspend or revoke a license issued under this chapter in accordance with the following:

1. If a licensee obtained or renewed a license through a false, misleading or fraudulent omission or statement of material fact either on the application for the license or the license renewal, the license shall be revoked;

2. If a licensee violates any other provision of this chapter, the license shall be:

a. Suspended for thirty (30) days for a first violation.

b. Suspended for ninety (90) days for a second violation within any twenty-four (24) month period.

c. Revoked for a third violation within any twenty-four (24) month period.

3. Time spent serving a suspension is not counted in determining the twenty-four (24) month period referred to in subsection A2 of this section.

4. For an adult entertainment premises licensee, a violation for which an adult entertainment premises license may be suspended or revoked includes a violation of this chapter by a manager, employee, agent, entertainer or any other person, occurring on the premises when the adult entertainment premises licensee knew of or should have known of the violation.

5. For an adult entertainment manager licensee, a violation for which an adult entertainment manager's license may be suspended or revoked includes a violation of this chapter by an adult entertainer or other person when the adult entertainment manager knew of or should have known of the violation.

6. If a licensee is convicted of committing a crime or offense involving one of the following occurring on the premises of an adult entertainment establishment, the license shall be revoked:

a. A violation of RCW 9A.88 030, 9A.88.070, 9A.88.080 or 9A.88.090;

b. A violation of SMC Sections 12A.10.020 or 12A.10.060;

c. A transaction involving a controlled substance as defined in chapter 69.50 RCW: or

d. A violation of chapter 9A.44 RCW, Sex Offenses or chapter 9.68A RCW, Sexual Exploitation of Children.

B. For an adult entertainment premises licensee, a conviction for which the adult entertainment premises license may be revoked includes the conviction of a manager, employee, agent or entertainer for a crime or offense listed in subsection A6 of this section occurring on the premises of the adult entertainment establishment when the adult entertainment premises licensee knew of or should have known of the crime or offense.

C. For an adult entertainment manager licensee, a conviction for which the adult entertainment manager's license may be revoked includes the conviction of an employee or entertainer for a crime or offense listed in subsection A6 of this section occurring on the premises of the adult entertainment establishment when the adult entertainment manager licensee knew of or should have known of the crime or offense.

D. A licensee whose license has been revoked is not eligible to reapply for any license authorized by this chapter for one year following the date the decision to revoke is final.

E. On receipt of a notice of suspension or revocation, the license holder shall promptly deliver the license to the Director unless an appeal is pending under this chapter. Upon expiration of a license suspension, the Director shall return the license to the license holder.

F. For purposes of this section, a person "should have known" of a crime or offense or violation of this chapter, when the person has information which would lead a reasonable person to believe that a crime or offense or violation of this chapter is occurring or will occur.

G. If the Director determines that a condition exists on an adult entertainment premises which constitutes a threat of immediate serious injury or damage to a person or property, the Director may immediately suspend an adult entertainment premises license. The Director shall issue a notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to a person or property.

Section 15. A new section is added to Chapter 6.270 if the Seattle Municipal Code as follows:

6.270.170 Public Nuisance.

An adult entertainment premises operated, conducted or maintained in violation of this chapter or any law of the City of Seattle or the State of Washington shall be, and the same is, declared to be unlawful and a public nuisance. The City Attorney may, in addition to, or in lieu of, any other remedies set forth in this chapter, commence an action to enjoin, remove or abate such nuisance and may take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from operating, conducting or maintaining an adult entertainment premises contrary to the provisions of this chapter.

Section 16. Section 6.202.280 of the Seattle Municipal Code is amended as follows:

6.202.280 Continuation of business while complaint hearing decision pending

A. Except in the case of summary suspension or revocation, whenever a timely request for hearing on a complaint is filed, a licensee or an applicant for license renewal may engage in the activity for which the license is required, pending decision by the Hearing Examiner. An applicant not licensed in the preceding license year may not engage in the activity for which the license is required pending decision by the Hearing Examiner. Nothing in this section is intended to authorize activities that do not comply with other requirements of the Seattle Municipal Code or other applicable law.

B. If the Department denies an adult entertainment license governed by SMC Chapter 6.270, and if the license applicant files a notice of appeal with the Hearing Examiner, the Director shall immediately issue the license applicant a temporary license. The temporary license shall authorize the license applicant to operate an adult entertainment establishment or perform as a manager or entertainer, in the same manner as if the license had been granted, pending the Hearing Examiner's decision.

1. If the Hearing Examiner affirms the Director's license denial, the temporary license shall remain in effect pending a motion for reconsideration before the Hearing Examiner and, in addition (a) if the license applicant does not timely file for judicial review, then only until the expiration of the time allowed to file an application for a writ of review under Chapter 7.16 RCW; or (b) if the license applicant does timely file an application for a writ of review, then only until the court either issues a writ or denies the writ application.

2. If the Hearing Examiner dismisses the adult entertainment license denial with prejudice, the Department shall immediately issue an adult entertainment license.

3. If the Hearing Examiner dismisses the adult entertainment denial without prejudice, the temporary license shall remain in effect for five (5) additional business days, at the end of which time the Department must either reissue

a denial or issue an adult entertainment license. If the Director reissues the denial, then the temporary license will continue in effect according to the procedures set forth in subsection B of this section.

4. Notwithstanding SMC Section 6.202.210, if a license applicant is issued a temporary license, the license applicant shall pay the fee charged for an adult entertainment license under SMC Section 6.270.060 at the time the applicant receives the temporary license. If the temporary license issued under this subsection is still in effect at the end of a calendar year, then the license applicant must pay the fee charged for an adult entertainment license under SMC Section 6.270.060 for the next calendar year.

Section 17. Effective Dates for Specified Provisions.

A. The following provisions of Section 9 of this ordinance shall take effect as provided in this section—provisions that would amend SMC Section 6.270.100 by:

1. adding new Subsections A.3.b and A.3.c;
2. amending Subsection A.10;
3. amending Subsection B.2;
4. amending Subsection B.3;
5. adding new Subsections B.4 and B.5;
6. adding new Subsections B.6.d and B.6.e; and,
7. adding a new Subsection B.8.

B. The provisions identified above shall take effect 150 days after the effective date of this ordinance, or 30 days after the Chair of the City Council Urban Development and Planning Committee certifies to the City Clerk that the Executive has transmitted to the City Council proposed legislation to amend the Land Use Code provisions regarding adult entertainment premises, whichever is later. In order to be so certified, such proposed legislation shall include an identification of zones in which the use is permitted, and location criteria including provisions such as minimum proposed distances between licensed adult entertainment premises and single family residential zones, schools, churches, and other licensed adult entertainment premises.

Section 18. 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.

Complete Text of City of Seattle Charter Amendment No. 6

Resolution No. 30888

A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Section 6 of Article IV of the Charter of the City of Seattle to provide for an alternate meeting location for the City Council due to an emergency or disaster; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

WHEREAS, Section 6 of Article IV of the City Charter currently provides that all regular Council meetings be held in the Council's regular meeting place; and

WHEREAS, the City Council's Rules and Procedures designate City Hall as the Council's regular meeting place; and

WHEREAS, the Charter currently does not clearly allow regular Council meetings to be held at an alternative location if City Hall is not available due to a disaster or emergency; and

WHEREAS, Washington State law (RCW 42.30.070, part of the Open Public Meetings Act) allows the Council to meet at an alternative location when necessary to take quick action to deal with certain emergencies; and

WHEREAS, Washington State law (RCW 42.14.075, part of the Continuity of Government Act) allows the Council to meet at an alternative location when it is impractical to meet at City Hall due to an attack or a natural disaster; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Section 6 of Article IV of the Charter of the City of Seattle is amended as follows:

Article IV. Legislative Department

* * *

Section 6. REGULAR MEETINGS: Regular meeting dates shall be set by the Council by rule. All sessions shall be public and the Council shall not ~~adjourn to~~ meet in any other place than its regular place of meeting except when permitted by state law in the event of an emergency or disaster.

SPECIAL MEETINGS: The Mayor, the President of the City Council, or any three Councilmembers, may call a special meeting of the Council.

* * *

Section 2. The King County Director of Records and Elections,

Complete Text of City of Seattle Charter Amendment No. 6

(Continued)

as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 3. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

Complete Text of City of Seattle Charter Amendment No. 7

Resolution No. 30898

A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Section 3 of Article IV of the Charter of the City of Seattle to clarify the number from which a quorum of City Councilmembers is calculated; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

WHEREAS, Section 3 of Article IV of the City Charter currently provides that "a majority of all [City Council] members shall constitute a quorum"; and

WHEREAS, the definition of a Council quorum in Section 3 of Article IV of the City Charter is ambiguous, and could arguably be read to mean either a majority of members holding all nine council seats, or a majority of those members actually serving on the Council if fewer than nine; and

WHEREAS, if the Charter is read to mean a majority of all nine Councilmembers, it is possible that during an emergency there might not be sufficient Councilmembers to establish a quorum and conduct business, including appointing interim Councilmembers to fill vacancies; and

WHEREAS, it is critical that the Council be able to conduct business during an emergency; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon Section 3 of Article IV of the Charter of the City of Seattle is amended as follows:

Article IV. Legislative Department

* * *

Section 3. QUORUM:

Subsection A. IN GENERAL:

(1) ~~A majority of all members shall constitute a quorum, but a less number~~ A quorum shall consist of a majority of all nine Councilmembers, except as set forth in Subsection B of this Section 3.

(2) Less than a quorum of Councilmembers may adjourn from day to day, or until the next regular meeting, and may compel the attendance of absent members in such a manner and under such penalties as the Council shall prescribe.

Subsection B. SPECIAL CIRCUMSTANCES: Under any of the following circumstances, a quorum shall be determined under this Subsection B:

(1) Except when Subsection B(2) applies, in order to select a person to fill a vacancy on the City Council under Article XIX of this Charter, a quorum shall consist of a majority of those Councilmembers holding office at the time the Council makes the selection, and for such purpose a majority of such members holding office at the time the Council makes the selection shall constitute a majority of the Council.

(2) During a declared emergency under Article V, Section 2 of this Charter, a quorum shall for all purposes consist of a majority of all those Councilmembers who are available to participate in Council meetings and are capable of performing the duties of office, and a majority of such members available to participate in Council meetings and capable of performing the duties of office shall constitute a majority of the Council.

* * *

Section 2. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 3. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

The above text is an exact reproduction of the text submitted by the sponsor. The Ethics and Elections Commission has no editorial authority.

Complete Text of City of Seattle Charter Amendment No. 8

Resolution No. 30894
A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend a section in each of Article VIII, Article XI, and Article XVI, and add a section in Article XXII of the Charter of the City of Seattle to provide for the reappointment and reconfirmation of certain City department heads every four years; calling on the City Clerk to certify the proposed amendments to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendments.

WHEREAS, the City Charter provides that the heads of certain departments are appointed by the Mayor, subject to confirmation by the City Council, but does not provide for periodic reappointment and reconfirmation of those department heads; and

WHEREAS, the Seattle Municipal Code does provide for periodic reappointment and reconfirmation of several other department heads; and

WHEREAS, periodic reappointment and reconfirmation of department heads affords the City Council and the public an opportunity to review a department head's accomplishments, vision, goals, priorities, challenges, and decision-making approach; and

WHEREAS, periodic reappointment and reconfirmation provides an orderly system of public accountability for the City's department heads; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, a section in each of Article VIII, Article XI, and Article XVI of the Charter of the City of Seattle is amended, and a new section is added to Article XXII as follows:

ARTICLE VIII. Financial and Clerical

Section 1. DEPARTMENT OF FINANCE: There shall be a Department of Finance to exercise general supervision over the financial affairs of the City, with such powers and duties as may be prescribed by ordinance. The Director of Finance shall be appointed by the Mayor, subject to confirmation by a majority of the City Council, shall be subject to reappointment and reconfirmation every four years, and may be removed by the Mayor upon filing a statement of his or her reasons therefor with the City Council.

ARTICLE XI. Department of Parks

Section 1. DEPARTMENT OF PARKS AND RECREATION: There shall be a Department of Parks and Recreation, the head of which shall be the Superintendent of Parks and Recreation, who shall have responsibility for the management and control of the park and recreation system of the City. Such Superintendent shall appoint under civil service laws and rules, supervise and control all officers and employees in the Department of Parks and Recreation, and shall have such further powers and perform such other duties as may be prescribed by ordinance. The Superintendent of Parks and Recreation shall be appointed by the Mayor, subject to confirmation by a majority of the City Council, shall be subject to reappointment and reconfirmation every four years, and may be removed for cause by the Mayor upon filing with the City Council a statement of his or her reasons therefor; provided that upon the resignation of the Superintendent of Parks and Recreation in response to the Mayor's request, the Mayor shall file with the City Council a statement of his or her reasons for making such request.

* * *

ARTICLE XVI. Personnel System and Civil Service

Section 1. PERSONNEL SYSTEM: A personnel system for the City shall be established by ordinance. The system shall be administered by the Personnel Director, who shall be appointed by the Mayor, such appointment to be effective only upon confirmation by the City Council passed by a majority of all its members, and shall be subject to reappointment and reconfirmation every four years. The Personnel Director may be removed for cause by the Mayor upon filing a statement of his or her reasons therefor with the City Council; provided that upon the resignation of the Personnel Director in response to the Mayor's request, the Mayor shall file with the City Council a statement of his or her reasons for making such request. The ordinance shall establish uniform procedures for recruitment, selection, development, and maintenance of an effective and responsible work force, including but not limited to, job advertising, training, job classification, examinations, appointments, transfers within the system, career development, salary administration, labor negotiations, safety, employee benefits, grievance procedures, discipline, discharge, layoff and recall, regulation of political activity, and other personnel matters.

* * *

NEW SECTION:

ARTICLE XXII. Miscellaneous Subjects

Sec. 14. CERTAIN INCUMBENTS IN OFFICE: Incumbents, if any, holding the offices of Director of Finance, Superintendent of Parks and Recreation, and Personnel Director on the effective date of the 2006 amendments to Articles VIII, XI, and XVI shall first be subject to reappointment and reconfirmation on February 1, 2011.

Section 2. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendments proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 3. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendments proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendments, and the same shall be published by the City Clerk in accordance with state law.

Complete Text of City of Seattle Charter Amendment No. 9

Resolution No. 30896
A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Section 2 of Article VIII of the Charter of the City of Seattle to change the appointment authority and term of office of the City Auditor; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

WHEREAS, Section 2 of Article VIII of the City Charter and Section 3.40.010 of the Seattle Municipal Code currently provide that the Chair of the City Council Finance Committee shall appoint the City Auditor, subject to confirmation by a majority of the City Council, and that the term for the City Auditor is six years; and

WHEREAS, the scope of audits conducted by the City Auditor is much broader than just financial audits and therefore it is more appropriate to have a majority of the entire City Council appoint the City Auditor; and

WHEREAS, a term of office of four years for the City Auditor is more consistent with the terms of other City department heads;

WHEREAS, if the voters approve this proposed Charter amendment, then a companion ordinance (C.B. 115643) will take effect to amend the Seattle Municipal Code to be consistent with the Charter amendment; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Section 2 of Article VIII of the Charter of the City of Seattle is amended as follows:

ARTICLE VIII. Financial and Clerical

* * *

Section 2. CITY AUDITOR: There shall be a City Auditor who shall examine and verify the accuracy of the accounts and records of the City; inspect the receipt, safekeeping, and disbursement of public funds; and perform such other duties as are prescribed by law. The City Auditor shall have a term of four ~~six~~ years and shall be appointed by ~~the Chair of the Finance Committee, subject to confirmation by~~ a majority of the City Council and may be removed for cause by a majority of the City Council.

* * *

Section 2. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 3. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

Complete Text of City of Seattle Charter Amendment No. 10

Resolution No. 30897
A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Section 1 and Section 2 of Article XIV of the Charter of the City of Seattle so that the manner of appointment and removal of Planning Commission members may be determined by ordinance; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

WHEREAS, Section 1 of Article XIV of the City Charter currently provides that the Mayor shall appoint Planning Commission members, subject to confirmation by the City Council; and

WHEREAS, Section 2 of Article XIV of the City Charter currently provides that the Mayor may remove any member of the Planning Commission, also subject to confirmation by the City Council; and

WHEREAS, for a number of other City boards and commissions, the Council and Mayor share appointment authority, each appointing roughly half the members of the board or commission; and

WHEREAS, sharing appointment authority for members of boards and commissions between the Council and Mayor provides for broader representation and greater accountability; and

WHEREAS, the Seattle Municipal Code is a more appropriate place than the City Charter to specify the details about appointment of members of boards and commissions, and in fact most boards and commissions are described and regulated via the Seattle Municipal Code and not via the Charter; and

WHEREAS, the City Council has passed Council Bill 115644 as a companion to this proposed Charter amendment, and if the voters approve the Charter amendment, then this Council Bill will take effect and will add language to the Seattle Municipal Code providing that the City Council and the Mayor will each appoint seven members of the Planning Commission and the fifteenth member shall be appointed by the Commission as constituted; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Section 1 and Section 2 of Article XIV of the Charter of the City of Seattle are amended

 The above text is an exact reproduction of the text submitted by the sponsor. The Ethics and Elections Commission has no editorial authority.

Complete Text of City of Seattle Charter Amendment No. 10

(Continued)

as follows:

ARTICLE XIV. City Planning Commission

Section 1. There shall be a City Planning Commission composed of such number of members, with such qualifications and serving such terms of office as shall be provided by ordinance. The manner in which members of such Commission shall be appointed shall be provided by ordinance. ~~Appointment shall be by the Mayor, subject to the confirmation by a majority of the City Council.~~

Section 2. ~~The Mayor may remove any member of the City Planning Commission subject to like confirmation.~~ Members shall receive no compensation for service on said Commission as such. Such membership shall not constitute a violation of Article XIX, Sec. 10 of this Charter.

* * *

Section 2. If the amendment to Section 2 of Article XIV submitted by Resolution 30892 is also approved by voters, both changes to Section 2 of Article XIV shall be incorporated into the Charter.

Section 3. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 4. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

Complete Text of City of Seattle Charter Amendment No. 11

Resolution No. 30893

A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Subsection 1.F of Article IV, and Section 1 and Section 2 of Article XX of the Charter of the City of Seattle to change the effective date for successful ballot measures to five days after election results are certified; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

WHEREAS, Subsection 1.F of Article IV of the City Charter currently provides that, upon voter approval of citizen initiative measures, the Mayor shall publish a proclamation proclaiming the ordinance subject to such initiative to be in full force and effect, and to do so within five days of the election; and

WHEREAS, Section 1 and Section 2 of Article XX of the City Charter currently provide that, upon voter approval of proposed amendments to the City Charter, the Mayor shall publish a proclamation proclaiming the amendment(s) to become a part of the City Charter, and to do so within five days of the election; and

WHEREAS, election results are not official until the results are certified; and

WHEREAS, amending the City Charter to specify that the Mayor proclaim the effectiveness of the approved measures within five days after "certification of the results" of the election would bring the Charter into conformity with state law; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Subsection 1.F of Article IV and Section 1 and Section 2 of Article XX of the Charter of the City of Seattle are each amended as follows:

ARTICLE IV. Legislative Department

Section 1.

* * *

F. MEASURES ADOPTED TO BECOME ORDINANCES, WHEN: Any measure thus submitted to the vote of the people, which shall receive in its favor a majority of all the votes cast for and against the same, shall become an ordinance, and be in full force and effect from and after proclamation by the Mayor, which shall be made, and published in the City official newspaper, within five (5) days after certification of the results of the election. Provided that if such adopted ordinance contemplates any expenditure which is not included in the current budget, or which is not to be paid from an existing bond issue or which eliminates or reduces an existing revenue; such expenditure or elimination shall not be lawful until after the next succeeding budget shall take effect; Provided, further, that the above restriction shall not be operative when less than Twenty Thousand ($20,000.00) Dollars is involved.

* * *

ARTICLE XX. Charter Amendments

Section 1. PROPOSED BY COUNCIL: Any amendment or amendments to this Charter may be proposed in the City Council, and if the same be agreed to by a majority of all the members elected, such proposed amendment or amendments shall be entered upon the journal with the yeas and nays of the members voting thereon. Upon the passage of any such amendment or amendments, the same shall be submitted to electors of the City for their ratification at the next general state or municipal election, which shall be at least sixty days after the adoption of such proposed amendment in the council; and if at such election any such amendment shall be ratified by a majority of the qualified electors voting thereon, the same shall thereby become a part of this Charter, and within five days after certification of the results of such election shall be by the Mayor by proclamation published in the City official newspaper and proclaimed a part thereof: Provided, that if more than one amendment be submitted at the same general state or municipal election the same shall be submitted at such election

Complete Text of City of Seattle Charter Amendment No. 11

(Continued)

in such manner that each proposed amendment may be voted on separately without prejudice to others; and provided further, that after the passage of such proposed amendments through the Council the same shall be published in accordance with state law by the City Clerk prior to the day of submitting the same to the electors for their approval.

Sec. 2. PROPOSED BY VOTERS: Whenever fifteen percent in number of the registered voters of the City voting at the last preceding election for the office of Mayor shall file with the City Council a petition for a specified Charter amendment, which shall be set forth in full in such petition, it shall be the duty of the City Council to submit said amendment to the voters of the City for their ratification or rejection at the next general municipal election occurring at least sixty days after the filing of such petition; such amendment shall be submitted in the manner provided by law for the submission of propositions to the voters of the City, provided: That when such petition is filed with the City Council it shall be the duty of the City Clerk to convey the signed petitions to the officer responsible for verification of the sufficiency of signatures under state law, and to convey to the City Council any report received as to the number of valid signatures contained in such petition. The Council shall provide by ordinance a penalty for affixing to any such petition any false signature. If at the general municipal election at which such amendment is submitted, a majority of the lawful voters voting thereon shall by their vote ratify any amendment so submitted, the same shall thereby become a part of the Charter and within five days after certification of the results of such election it shall, by proclamation of the Mayor, which shall be published in the city official newspaper, be so proclaimed, provided: That if more than one amendment be petitioned for and submitted at the same election such amendments shall be submitted in such manner that the electors may vote for or against each amendment separately, and provided further; That, after submission by the City Council, every such amendment shall be published by the City Clerk in accordance with state law prior to such election and such other notice shall be given as may be required by state law for the submission of propositions to the voters of the City for their ratification or rejection.

Section 2. If the amendment to Section 1 of Article XX submitted by Resolution 30895 is also approved by voters, both changes to Section 1 of Article XX shall be incorporated into the Charter.

Section 3. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 4. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

Complete Text of City of Seattle Charter Amendment No. 12

Resolution No. 30895

A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Section 1 of Article XX of the Charter of the City of Seattle to delete "elected" in reference to members of the Council for purposes of proposing Charter amendments; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

WHEREAS, Section 1 of Article XX of the City Charter currently provides that a majority of all the City Councilmembers "elected" may agree to place proposed amendments to the City Charter before the voters; and

WHEREAS, Subsection 6.B and Subsection 6.C of Article XIX of the City Charter provide for the seated Councilmembers to select persons to fill vacant Councilmember positions; and

WHEREAS, from time to time a vacancy does occur on the City Council, because of a Councilmember's resignation or other situation, resulting in one or more Councilmembers having been selected rather than "elected"; and

WHEREAS, a Councilmember filling a vacant Councilmember position has all of the same rights to vote on issues before the Council as does an elected Councilmember; and

WHEREAS, modifying the City Charter to eliminate the word "elected" in Section 1 of Article XX would make it clear that Councilmembers selected to fill vacancies can participate in the voting process for placing proposed charter amendments before the voters; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Section 1 of Article XX of the Charter of the City of Seattle is amended as follows:

ARTICLE XX. Charter Amendments

Section 1. PROPOSED BY COUNCIL: Any amendment or amendments to this Charter may be proposed in the City Council, and if the same be agreed to by a majority of all the members ~~elected~~, such proposed amendment or amendments shall be entered upon the journal with the yeas and nays of the members voting thereon. Upon the passage of any such amendment or amendments, the same shall be submitted to electors of the City for their ratification at the next general state or municipal election, which shall be at least sixty days after the adoption of such proposed amendment in the council; and if at such election any such amendment shall be ratified by a majority of the qualified electors voting thereon, the same shall thereby become a part of this Charter, and within five days after such election shall be by the Mayor by

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Complete Text of City of Seattle Charter Amendment No. 12

(Continued)

proclamation published in the City official newspaper and proclaimed a part thereof: Provided, that if more than one amendment be submitted at the same general state or municipal election the same shall be submitted at such election in such manner that each proposed amendment may be voted on separately without prejudice to others; and provided further, that after the passage of such proposed amendments through the Council the same shall be published in accordance with state law by the City Clerk prior to the day of submitting the same to the electors for their approval.

* * *

Section 2. If the amendment to Section 1 of Article XX submitted by Resolution 30893 is also approved by voters, both changes to Section 1 of Article XX shall be incorporated into the Charter.

Section 3. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 4. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

Complete Text of City of Seattle Charter Amendment No. 13

Resolution No. 30890
A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Section 3 of Article XVIII of the Charter of the City of Seattle to bring this section of the Charter into conformity with the other sections of the Charter dealing with publication of ballot measures; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

WHEREAS, Section 3 of Article XVIII of the City Charter currently directs that certain ballot measures be "posted" and published for thirty days prior to the election at which the measures will appear on the ballot; and

WHEREAS, Section 3 of Article XVIII of the City Charter is worded exactly the same today as it was in 1946 when the current version of the City Charter was adopted, and there is evidence that the same wording existed prior to the 1946 Charter; and

WHEREAS, since 1946 other methods of notifying the public about ballot measures have become the norm - methods such as voters' pamphlets and wide-spread and widely accessible media coverage; and

WHEREAS, in November 2002 the City of Seattle placed Charter Amendment No. 2 on the ballot, asking voters to approve amendments to Section 1 and Section 2 of Article XX of the City Charter; and

WHEREAS, City of Seattle voters approved November 2002 Charter Amendment No. 2; and

WHEREAS, Charter Amendment No. 2 allowed the City to modify the pre-1946 publication provision and publish certain future ballot measures in accordance with state law; and

WHEREAS, Section 3 of Article XVIII contains the same publication requirement that was changed in Section 1 and Section 2 of Article XX in November 2002, and should have been included on the ballot at that time; and

WHEREAS, amending Section 3 of Article XVIII would allow the City to publish other future ballot measures in accordance with publishing requirements set forth in state law, reduce publication costs, and bring Section 3 of Article XVIII into conformity with the Article and Sections likewise amended in 2002; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Section 3 of Article XVIII of the Charter of the City of Seattle is amended as follows:

ARTICLE XVIII. Elections

* * *

Sec. 3. SUBMITTING QUESTIONS TO VOTERS: Whenever any question is to be submitted to the electors of the City and the method of such submission is not specially provided by this Charter or by general law, the same may be submitted at either a general or special election, and the method of submission shall be substantially as follows: The City Clerk shall prepare a notice containing the proposition in full, and shall cause the same to be ~~posted, and to be~~ published in full in the City official newspaper in accordance with state law, ~~for thirty days next preceding the day of election~~ and the ballots at such election shall contain such statement of the proposition as shall be prescribed by ordinance.

* * *

Section 2. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 3. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

Complete Text of City of Seattle Charter Amendment No. 14

Resolution No. 30891
A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Subsection 13.B of Article IV of the Charter of the City of Seattle to change the manner of compiling passed ordinances for public access; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

WHEREAS, Subsection 13.A of Article IV of the Seattle City Charter directs the City Clerk to annually print one hundred bound books with "substantial covers" containing the text of ordinances that were published in the newspaper that year ("Compilations"), and to make them available to the public at no cost; and

WHEREAS, in 1993 the City Clerk became aware that large numbers of those one hundred "Compilations" produced each year were undistributed, resulting in wasted paper, and unnecessary use of valuable storage space and City funds for printing; and

WHEREAS, the City Clerk conducted surveys from 1994 to 2000, of previous recipients of the "Compilations" to determine whether they actually wanted and/or used the "Compilation" they received each year and determined that there was virtually no interest in receiving the "Compilation"; and

WHEREAS, in 1996 the City Clerk's Office began to realize great success providing accurate and complete records of the same information in electronic databases accessible via the Internet; and

WHEREAS, an electronic equivalent of the "Compilation" is now provided, which allows easy access to the same information as was contained in the printed "Compilation"; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Subsection 13.B of Article IV of the Charter of the City of Seattle is amended as follows:

ARTICLE IV. Legislative Department.

* * *

Section 13.A. RECORD AND PUBLICATION OF ORDINANCES AND RESOLUTIONS: All ordinances and resolutions shall be deposited with the City Clerk, who shall record the same. Notice of all ordinances of a general, public or permanent nature, and those imposing a fine, penalty or forfeiture, shall be published in accordance with state law within three days after the same shall have become a law; Provided, that the publication of notice of all ordinances granting any franchise or private privilege or approving or vacating any plat shall be at the expense of the applicant therefor.

B. ~~Annually in January of each year at the expense of the City, the~~ The City Clerk shall maintain a compilation of ~~compile~~ all ordinances enacted ~~in the preceding~~ each year, such compilation to be accessible to the public at no cost. ~~which are required to be published as set out in the preceding paragraph herein, and he or she shall also cause copies of same to be printed, indexed and bound in books with substantial covers. There shall be provided a sufficient number of such books for all elected City officials and department heads, and at least one hundred copies shall be made available for general distribution at cost to the general public.~~

* * *

Section 2. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 3. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

Complete Text of City of Seattle Charter Amendment No. 15

Resolution No. 30889
A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Subsection 1.D and Subsection 1.J of Article IV and Section 16 of Article VIII of the Charter of the City of Seattle to change "City Comptroller" to "City Clerk" and to bring the assignment of duties assigned to the City Clerk by this amendment into conformity with prior Charter amendments; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

WHEREAS, in 1991 and 1999 City of Seattle voters approved charter amendments that eliminated the position of City Comptroller and transferred certain duties of the Comptroller to the City Clerk; and

WHEREAS, Subsection 1.D and Subsection 1.J of Article IV of the City Charter were overlooked during these previous charter amendments, and those sections continue to refer to "Comptroller" rather than "City Clerk" as was intended; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Subsection 1.D and Subsection 1.J of Article IV and Section 16 of Article VIII of the Charter of the City of Seattle are each amended as follows:

Complete Text of City of Seattle Charter Amendment No. 15

(Continued)

ARTICLE IV. Legislative Department

Section 1.D. WHEN REJECTED MEASURE AND SUBSTITUTE SUBMITTED TO PEOPLE; GENERAL AND SPECIAL ELECTIONS: If the City Council rejects any initiative measure, or shall during forty-five (45) days after receipt thereof have failed to take final action thereon, or shall have passed a different measure dealing with the same subject, the said rejected initiative measure and such different measure dealing with the same subject, if any has been passed, shall be taken in charge by the City Clerk, ~~Comptroller~~ and the City Council shall order the measure submitted to the qualified electors for approval or rejection at the next regularly scheduled election, irrespective of whether it is a state or municipal election or a primary or general election; but the City Council may in its discretion designate submission be at a general election rather than a primary or call an earlier special election.

Section 1.J. REFERENDUM BY PETITION; EFFECT OF; VERIFICATION OF SIGNATURES: The referendum may be invoked by petition bearing the signatures of the required percentage of qualified voters as to any non-emergency law or ordinance or any section, item or part of any such law or ordinance, which petition shall be filed with the City Clerk ~~Comptroller~~ before the day fixed for the taking effect of the said law or ordinance, which shall in no case be less than thirty (30) days after the final favorable action thereon by the Mayor and City Council, acting in their usual prescribed manner as the ordinary legislative authority of the City, and the filing of such referendum petition as to any such ordinance or section, item or part thereof, shall operate to suspend the taking effect of the same, or any further action thereon, except as herein provided, viz: The City Clerk ~~Comptroller~~ shall verify the sufficiency of the signatures to the petition and transmit it, together with his or her report thereon, to the City Council, at a regular meeting not less than twenty (20) days after the filing of the petition.

ARTICLE VIII. Financial and Clerical

Sec. 16. CERTAIN DUTIES AND FUNCTIONS MAY BE REASSIGNED: The terms "City Comptroller" and "City Treasurer" as may be used outside this Charter shall refer to the Director of Finance, except as the Council may by ordinance re-assign those functions. The duties and functions of the former City Comptroller and City Treasurer assigned by this or another contemporaneous 1999 charter amendment, or by the 2006 amendment to Subsections 1.D and 1.J of Article IV of this Charter, also may be re-assigned by ordinance.

Section 2. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 3. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

Complete Text of City of Seattle Charter Amendment No. 16

Resolution No. 30892

A RESOLUTION submitting a proposition to the qualified electors of the City, at an election to be held on November 7, 2006, to amend Section 2 of Article XIV and Section 4 of Article XIX of the Charter of the City of Seattle to delete obsolete references to Section 10 of Article XIX; calling on the City Clerk to certify the proposed amendment to the Director of the Department of Records and Elections of King County and requesting and directing such Director to call a special election and submit the proposition to City voters; and providing for the publication of such proposed amendment.

WHEREAS, Section 2 of Article XIV and Section 4 of Article XIX of the City Charter each make reference to "Section 10" of Article XIX; and

WHEREAS, Section 10 of Article XIX was repealed in 1973; and

WHEREAS, removal of references to a section of the Charter that no longer exists can eliminate confusion on the part of readers of the Charter; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subject to the approval of a proposition by a majority of the qualified electors casting votes thereon, Section 2 of Article XIV and Section 4 of Article XIX of the Charter of the City of Seattle are amended as follows:

ARTICLE XIV. City Planning Commission

* * *

Sec. 2. The Mayor may remove any member of the City Planning Commission subject to like confirmation. Members shall receive no compensation for service on said Commission as such. ~~Such membership shall not constitute a violation of Article XIX, Sec. 10 of this Charter.~~

* * *

ARTICLE XIX. Officers; Terms and Vacancies

* * *

Sec. 4. OATH OF OFFICE; OFFICIAL BOND: Every Councilmember and every other officer of the City and the head of every department, before entering upon the duties of his or her office, shall take and subscribe an oath or affirmation that he or she possesses all the qualifications prescribed for his or her office, by this Charter; that he or she will support the Constitution of the United States, and of the State of Washington, and the Charter and ordinances of The City of Seattle; ~~that he or she will faithfully comply with and abide by all the requirements of Section 10 of this Article,~~ and that he or she will faithfully conduct himself or herself in office. Every officer, when so required by law or ordinance, shall, before entering upon the duties of his or her office, and within ten days after his or her election or appointment, give bond to the City in such sum as shall be designated by ordinance or otherwise, conditioned for the faithful performance of his or her duties, and that he or she will pay over all moneys belonging to the City, as provided by law. If any person elected or appointed to any office

Complete Text of City of Seattle Charter Amendment No. 16

(Continued)

shall fail to take or subscribe such oath or affirmation, or to give bond, as herein required, his or her office shall be deemed vacant.

* * *

Section 2. If the amendment to Section 2 of Article XIV submitted by Resolution 30897 is also approved by voters, both changes to Section 2 of Article XIV shall be incorporated into the Charter.

Section 3. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to call a special election and is directed to submit the charter amendment proposed herein to the qualified electors of the City at the election on November 7, 2006.

Section 4. The City Clerk shall certify to the Director of the Department of Records and Elections of King County as Supervisor of Elections the charter amendment proposed herein in the form of a ballot title prepared by the City Attorney pursuant to RCW 29A.36.071, and shall certify a copy of the proposed Charter amendment, and the same shall be published by the City Clerk in accordance with state law.

Complete Text of City of Seattle Proposition No. 1

Ordinance 122232

AN ORDINANCE relating to regular property taxes; providing for the submission to the qualified electors of the City at an election to be held on November 7, 2006, a proposition authorizing the City to levy regular property taxes for up to nine years in excess of the limitation on levies in Chapter 84.55 RCW for the purpose of providing City facilities and services, including transportation improvements, both capital and operating; and creating an oversight committee.

WHEREAS, the City of Seattle, Washington (the "City") owns and operates a transportation system that is critical to the safety and social and economic well-being of the people and businesses of Seattle and the Puget Sound region; and

WHEREAS, the City is steward to over 1,500 lane-miles of arterial streets, 150 bridges, 22 miles of retaining walls, 480 stairways, 1,000 signalized intersections, 120,000 signs, 2,000 miles of sidewalks, and 30,000 street trees representing an economic asset of over $8 billion; and

WHEREAS, most of Seattle's 150 bridges were built to last 60 years and the average age of the bridges is 55 years with 46% in poor or fair condition; and

WHEREAS, eight of the City's bridges have weight restrictions because they no longer meet structural standards, creating safety concerns for users and limited route choices for freight haulers and buses; and

WHEREAS, according to national standards, 29 percent of the City's arterial streets are in either poor or fair condition; and

WHEREAS, the backlog of maintenance work was estimated two years ago to cost $500 million and has since become larger; and

WHEREAS, the Washington State Supreme Court in 1995 declared the City's residential street utility charge unconstitutional, reducing City revenue for transportation projects by $13 million per year; and

WHEREAS, voters statewide approved Initiative 776 in 2002, which eliminated the Vehicle License Fee that provided $5 million per year to the City for transportation purposes; and

WHEREAS, State-shared gas tax revenues for Seattle do not keep up with inflation due to annexations and incorporations; and

WHEREAS, addressing the deteriorating condition of Seattle's transportation infrastructure will require an annual dedication of substantial resources beyond those currently available and a considerable period of time; and

WHEREAS, in 2005 the City adopted Resolution 30790, approving the Transportation Strategic Plan with key themes of improving safety, preserving and maintaining transportation infrastructure, and providing mobility and access through transportation choices; and

WHEREAS, the Alaskan Way Viaduct is scheduled to be closed to traffic within the next five years, and closing it will put an added stress on the various alternative routes into and through the City; and

WHEREAS, a Citizens Advisory Panel has reviewed the funding required to address the identified maintenance backlog and recommended a variety of additional improvements to provide a more efficient and safer flow of pedestrians, bicycles, vehicles, transit services and freight movement within and through Seattle; and

WHEREAS, in April and May of 2006, the City sponsored five public information meetings with roundtable discussion groups in order to garner public input on transportation issues; and

WHEREAS, the City has developed a funding proposal to address the deteriorating condition of Seattle's transportation infrastructure and provide targeted system enhancements, which combines revenues generated from property taxes, a commercial parking tax and a business transportation tax; and

WHEREAS, the City has determined that the proposed funding plan can be best achieved through a phased approach with the initial phase providing funding for the 9-year period from 2007 through 2015;

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Definitions. As used in this ordinance, the following words when capitalized have the following meanings:

A. "City" means The City of Seattle.

B. "Director" means the Director of Finance.

C. "Levy Proceeds" means that portion of regular property taxes levied and collected as authorized by voter approval pursuant to this ordinance that are above the growth limit on levies in RCW 84.55.010, and all interest and other earnings thereon, and, if the City issues bonds, notes, or other evidences of indebtedness payable wholly or in part from the additional taxes authorized under this ordinance, as permitted by Section 4 of this ordinance, then Levy Proceeds also includes the proceeds of those bonds, notes, or other evidences of indebtedness.

D. "Transportation Improvements" means the categories and program areas referred to in Section 6, with such modifications as the City may from time to time authorize by ordinance.

Section 2. Levy of Regular Property Taxes - Submittal. The City hereby submits to the qualified electors of the City a proposition as authorized by RCW 84.55.050 to exceed the levy limitation on regular property taxes contained in RCW 84.55.010 for property taxes levied in 2006 through 2014 for collection in

The above text is an exact reproduction of the text submitted by the sponsor. The Ethics and Elections Commission has no editorial authority.

Complete Text of City of Seattle Proposition No. 1 (Continued)

2007 through 2015, respectively, solely for the purpose of raising up to $365,000,000 in aggregate over a period of up to nine (9) years for transportation purposes. The proposition shall be limited so that the City shall not levy more than Thirty Six Million Six Hundred and Fifty Thousand Dollars ($36,650,000) in the first year, in addition to the maximum amount of regular property taxes it could have levied consistent with Chapter 84.55 RCW in the absence of this ordinance. Pursuant to RCW 84.55.050(4), the maximum regular property taxes that may be levied in 2015 for collection in 2016 and in later years shall be computed as if the limit on regular property taxes had not been increased under this ordinance.

Section 3. Deposit of Levy Proceeds. All Levy Proceeds shall be placed in and segregated within the Transportation Fund. The Levy Proceeds may be temporarily deposited or invested in such manner as may be lawful for the investment of City money and all investment earnings shall be deposited in the Transportation Fund. The Director of Executive Administration is authorized to create other subfunds or accounts as may be needed to implement the purposes of this ordinance.

Section 4. Bond and Notes. To the extent permitted by applicable law the City may issue bonds, notes, or other evidences of indebtedness payable wholly or in part from the additional taxes authorized under this ordinance, and may pledge and may apply such taxes to the payment of principal of, interest on, and premium (if any) on such bonds, notes, or other evidences of indebtedness and to the payment of costs associated with them.

Section 5. Use of Levy Proceeds. The Levy Proceeds shall be used solely for Transportation Improvements in accordance with the provisions in Section 6 and in accordance with RCW 84.55.050, and shall not supplant existing funds used for these purposes. No Levy Proceeds shall be used to fund the major repair or replacement, including but not limited to replacement with a waterfront tunnel, of the Alaskan Way Viaduct or the seawall located to the west of Alaskan Way.

Section 6. Transportation Improvements. Transportation Improvements will occur in four categories: Maintenance; Enhanced Transit Services; Bicycle, Pedestrian and Safety Programs; and Neighborhood Street Fund Program. For any year in which the City collects $1.5 million or more in Levy Proceeds, not less than $1.5 million of Levy Proceeds shall be appropriated for the Neighborhood Street Fund /Cumulative Reserve Fund (NSF/CRF) Neighborhood Program (project #TC365770) as described in the Seattle Department of Transportation's 2006-2011 Capital Improvement Program, and shall be used to fund the planning, design and construction of new facilities or major maintenance projects that enhance pedestrian mobility or safety. Having accounted for the appropriations to the NSF/CRF Neighborhood Street Fund, remaining Levy Proceeds shall be allocated on a cumulative basis as follows:

1. not less than 67% will be appropriated for Maintenance;
2. not less than 18% will be appropriated for Bicycle, Pedestrian and Safety Programs; and
3. no more than 15% will be appropriated for Enhanced Transit Services.

The City anticipates that appropriations of Levy Proceeds will be consistent with the 20-year spending plan adopted in Resolution 30915. Actual appropriations will be determined in annual budgets or in separate ordinances, subject to the restrictions imposed in Section 5 and the second and third sentences of this Section and after considering any recommendations that may have been made by the Oversight Committee established in Section 7.

Transportation Improvements shall be undertaken in the following numbered program areas within each of the four categories. The projects listed under the numbered program areas are representative of the activities that might be undertaken within each category:

A. Maintenance

1. Street Maintenance

• Arterial Maintenance and Replacement
• Sidewalks, Trails & Walkway

2. Bridges and Structures

• Bridge Maintenance & Replacement
• Bridge Seismic Improvements
• Stairways & Structures Maintenance

3. Traffic Management

• Signs & Markings
• Signals, Controllers and Intelligent Transportation Systems
• Safety & Equipment

4. Urban Forestry (Trees & Landscaping)

• Landscaping Maintenance
• Tree Maintenance

B. Enhanced Transit Services

1. Transit Corridor Projects
2. Transit Operations & Capital

C. Bicycle, Pedestrian and Safety Programs

1. Safety Programs
2. Pedestrian Programs
3. Bicycle Programs

D. Neighborhood Street Fund Program

1. Sidewalks
2. Walkways
3. Traffic calming devices
4. Pedestrian crossing improvements

The City will seek to maximize the potential of the Levy Proceeds by pursuing complementary grant funds, by engaging in partnerships with other agencies, and by identifying improvements in efficiencies and effectiveness.

Section 7. Oversight Committee. Conditioned upon voter approval of the ballot proposition submitted by this ordinance, there is established an Oversight Committee to monitor revenues, expenditures, and program and project implementation, and to advise the City Council, the Mayor and the Seattle Department of Transportation on responding to program and project cost savings or overruns. The Committee would also annually review the Seattle Department of Transportation's program and project priorities, spending and revised financial plans. The Oversight Committee may make recommendations to the Mayor and City Council regarding the spending of Levy Proceeds.

The Oversight Committee shall consist of fifteen (15) members: a City Council member (the Chair of the City Council's Transportation Committee or its successor committee with responsibility for transportation), the City Director of Finance, one representative each chosen by and from among the respective members of the Seattle Pedestrian Advisory Board, Seattle Bicycle

Complete Text of City of Seattle Proposition No. 1 (Continued)

Advisory Board and Seattle Freight Advisory Committee, five (5) Seattle residents appointed by the City Council and five (5) Seattle residents appointed by the Mayor.

The ten appointed members shall be appointed to four (4) year staggered terms subject to reappointment, except that two of them (one mayoral appointee and one Council appointee) shall be initially appointed for a two year term, four (two mayoral appointees and two Council appointees) for a three (3) year term, and four (two mayoral appointees and two Council appointees) for a four (4) year term. Upon the resignation, retirement, death, incapacity or removal of an Oversight Committee member, the authority appointing such member may appoint a replacement for the balance of the term. All five members appointed by the Mayor shall be subject to confirmation by the City Council.

The Oversight Committee may adopt rules for its own procedures, including quorum requirements and the frequency of meetings. Meetings of the Oversight Committee will be open to the public unless, had the Oversight Committee been subject to Chapter 42.30 RCW, that law would not have required that the meeting or portion of the meeting be open to the public. The Oversight Committee members shall select a Chair.

The Oversight Committee will make annual reports to the Mayor and City Council and will prepare a triennial report to the citizens of Seattle. Between January 1 and July 31 of 2015, the Oversight Committee is requested to make a recommendation to the Mayor and City Council regarding (1) the advisability of proposing to the voters of Seattle another levy to authorize additional property taxes for implementation of the 20-year spending plan adopted in Resolution 30915 and the appropriate magnitude of such a levy, and (2) any recommended adjustments to the remaining period of the proposed 20-year spending plan. The factors to be considered by the Oversight Committee in making any such recommendations will include, but are not limited to: (a) the City's success in project implementation, including its ability to manage and control project costs; (b) the availability of alternative revenue sources that provide a more direct link between the tax or fee paid and the use of the City's transportation system; and (c) the underlying need for funding to support the uses identified in Section 6. The Mayor and the Council will consider any timely recommendations that may have been made by the Oversight Committee.

The Seattle Department of Transportation shall provide staff and logistical support for the Oversight Committee. Members shall serve without pay, but may be reimbursed for their expenses, including payments for child care while attending meetings. The Oversight Committee shall continue in existence through December 31, 2015, and thereafter if so provided by ordinance.

Section 8. Contracting Outreach. The City will, when soliciting businesses for goods or services agreements, perform outreach to small, economically disadvantaged businesses, including those owned by women and minorities. City agreements with other public entities will encourage those entities to actively solicit bids for the subcontracting of any goods or services, when such subcontracting is required or appropriate, from qualified small businesses, including those owned by women and minorities. City agreements with businesses for goods and services and with other public entities and non-profits will encourage these entities to employ a workforce reflective of the region's diversity. All City agreements for goods and services will require the contracting entities to comply with all then-applicable requirements for non-discrimination in employment in federal, state, and City of Seattle laws and regulations.

Section 9. Reporting. The Director of Transportation will prepare and submit to the City Council, the Mayor and the Oversight Committee biennial progress reports on the implementation of the Transportation Improvements covering each of the program areas defined in Section 6 or as modified by ordinance. The Director of Transportation will also annually revise and deliver to the City Council, the Mayor and the Oversight Committee a Transportation Improvements financial plan.

Section 10. Election - Ballot Title. The King County Director of Records and Elections, as ex officio supervisor of elections, is hereby requested to conduct a special election, which the City hereby calls pursuant to RCW 84.55.050, to be held in conjunction with the state-wide general election on November 7, 2006, and to submit to the qualified electors of the City the proposition set forth herein.

The City Clerk is directed promptly to certify to the Director of Records and Elections of King County, Washington, as ex officio Supervisor of Elections, a copy of this ordinance and the proposition to be submitted at the November 7, 2006, special election in the form of a ballot title as follows, or as modified by the City Attorney pursuant to his duties under RCW 29A.36.071:

CITY OF SEATTLE
PROPOSITION NO. 1

The City of Seattle's Proposition 1 concerns allowing increased property taxes for nine years for transportation improvements.

If approved, this proposition would fund facilities and services, including: street and bridge maintenance; enhanced transit services; bicycle, pedestrian and safety programs; and a neighborhood street fund, under Ordinance 122232. It would authorize regular property taxes higher than RCW 84.55 limits, allowing collection of up to $36,650,000 in additional taxes in 2007 and up to $365,000,000 over nine years.

The 2007 total regular tax limit would be $3.69/$1,000 assessed value, including approximately $0.36 additional taxes.

Should this levy lid lift be approved?

Levy, Yes
Levy, No

Section 11. Ratification. Certification of such proposition by the City Clerk to the King County Director of Records and Elections in accordance with law prior to the date of such election on November 7, 2006, and any other act consistent with the authority and prior to the effective date of this ordinance, are hereby ratified and confirmed.

Section 12. Severability. In the event any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect any other provision of this ordinance or the levy of the taxes authorized herein, but this ordinance and the authority to levy those taxes shall be construed and enforced as if such invalid provisions had not been contained herein; and any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 13. Effective Date. This ordinance shall take effect and be in force immediately upon its approval by the Mayor or, if not approved and returned by the Mayor within ten (10) days after presentation, then on the eleventh (11th) day after its presentation to the Mayor or, if vetoed by the Mayor, then immediately after its passage over his veto.

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Seattle's Form of Government

Seattle is a Charter City with a Mayor-Council form of government. The Mayor is directly elected by the voters, as are the nine City Councilmembers, all of whom are elected at-large. The other elected position is the City Attorney, who is also elected at-large. The regular term of all offices is four years.

Candidates for these offices must be U.S. Citizens, registered voters in the City of Seattle at the time they file their declaration of candidacy, and able to read and write the English language.

All City office elections are non-partisan, which means the top two vote-getters in the primary election are placed on the general election ballot. This is true regardless of whether or not one candidate receives a majority of the primary vote. If fewer than three candidates file declarations of candidacy for any of these offices, that office does not appear on the primary election ballot, but does appear on the general election ballot. In non-partisan elections, parties do not nominate candidates to appear on the ballot and the ballots do not identify the candidates by party. Parties can and do endorse and support certain candidates, but play no other role in nominating candidates or determining who is placed on the primary or general election ballot.

The following table lists each office and the year in which that office is next scheduled to appear on the ballot.

Mayor	2009
City Attorney	2009
Council Position 1	2007
Council Position 2	2009
Council Position 3	2007
Council Position 4	2009
Council Position 5	2007
Council Position 6	2009
Council Position 7	2007
Council Position 8	2009
Council Position 9	2006

For additional information about City government go to www.seattle.gov