



Seattle City Council

Central Staff - Memorandum

Date: May 25, 2016
To: Members of the Education, Equity & Governance Committee
From: Aly Pennucci, Council Central Staff
Subject: Council Bill (CB) 118694 – Hearing Examiner Filing Fees

CB 118694 would amend subsection 3.02.125.A of the Seattle Municipal Code (SMC) related to the Hearing Examiner filing fees. The proposed changes add exemptions for appeals filed in City actions taken to enforce: SMC Chapter 14.07, concerning the requirements for all gender single occupant restrooms; SMC Chapter 6.500, concerning marijuana business regulations; SMC Chapter 14.19, concerning minimum wage requirements, and Chapter 14.20, concerning payment of compensation and tips owed to employees. Any appeal to the Hearing Examiner is subject to an \$85 filing fee unless a specific exemption is provided. Current exceptions include appeals from actions taken by the City to enforce certain Code requirements, such as appeals from a Director's Order related to Paid Sick/Safe Leave (SMC Chapter 14.16) and from SDOT citations (SMC Chapter 15.91).

Several changes to the SMC that have occurred over the last few years have included an appeal process to the Hearing Examiner but the filing fees were not addressed. Consistent with other similar processes, the proposed changes would amend Subsection 3.02.125 to provide an exception from the standard Hearing Examiner filing fee for each of the following types of appeals:

- 1) Ordinance 124829, adopted in 2015, establishes requirements for single-occupant restrooms in places of public accommodation, and authorizes the Director of the Office for Civil Rights to enforce the ordinance through issuance of notices of violation, which may be appealed to the Hearing Examiner (SMC Chapter 14.07);
- 2) Ordinance 124807, adopted in 2015, establishes business license regulations for marijuana businesses, and authorizes the Director of Finance and Administrative Services to enforce the ordinance through issuance of citations, which may be appealed to the Hearing Examiner (SMC Chapter 6.500);
- 3) Ordinance 124490, adopted in 2014, establishes minimum wage and compensation rates for employees performing work in the City, and authorizes the Division Director of the Office of Labor Standards to enforce the ordinance through Director's Orders, which may be appealed to the Hearing Examiner (SMC Chapter 14.19); and

- 4) Ordinance 124645, adopted in 2014, establishes requirements for payment of wage and tip compensation, and authorizes the Division Director of the Office of Labor Standards to enforce the ordinance through Director's Orders, which may be appealed to the Hearing Examiner (SMC Chapter 14.20).