



City of Seattle
Mayor Jenny A. Durkan

August 23, 2020

Monica Martinez Simmons
Seattle City Clerk
600 4th Avenue, 3rd Floor
Seattle, WA 98124

Dear Ms. Martinez Simmons,

I have received Council's adopted legislative package related to the rebalanced 2020 budget (Council Bills 119818-25, 119860-63, and Resolutions 31953-54).

I am grateful that Council approved the majority of the budget legislation I transmitted without amendment. However, there are three bills amended or introduced by Council about which I voiced significant concerns that went unheeded. These three bills risk the City's financial outlook and could implicate the health and safety of Seattle communities by cutting public safety and community resources without implementing any alternative plan. In total, I am vetoing:

- Council Bill 119825, which amends the City's adopted 2020 Budget.
- Council Bill 119862, which appropriates \$3 million to the Legislative Department.
- Council Bill 119863, which borrows over \$13 million from a City department to support new spending.

These bills either spend money that we currently do not have, further depletes our Rainy Day fund or make changes to the Seattle Police Department and Human Services Department that are not advisable at this time. More detailed reasons for vetoing these bills are outlined below.

This past week, I have been able to discuss and reach agreement with Council members on spending related to Ordinance 126119, which I vetoed and returned to you on July 31. As originally passed by Council, that law would have spent \$86 million this year from our Rainy Day and Emergency funds, leaving us insufficient reserves as we face an unprecedented deficit for the 2021 budget year. This week we reached agreement so only \$20 million would be spent this year.

While I am vetoing the bills below now within the required 10-day window to return legislation to the City Clerk, I have been and remain committed to working with Council to resolve these issues. Together with Council and the people of Seattle I am hopeful we can chart a new course for the future of policing and community safety in Seattle, and move the City forward with a balanced, progressive, and sustainable budget.

Council Bill 119825

If enacted, the changes made to the budgets of the Seattle Police Department and Human Services Department in CB 119825 will negatively impact public safety in Seattle and our ability to provide services to people experiencing homelessness or to relocate encampments that pose a public safety or public health threat. The bill also potentially jeopardizes compliance with the federal consent decree. Additionally, several of the Council's provisos seem to impermissibly tie the City budget to actions of outside non-City actors or infringe on the Charter authority of the Chief of Police to manage the Police Department.

Like many members of the community, I was disappointed that Council did not meaningfully engage with Chief Carmen Best about SPD's budget. She is not only charged by the City Charter to manage the department, her wisdom, career, and life experience were invaluable for charting a better course for policing in our city. I share the Chief's significant concerns with the manner the Council majority initially approached the Seattle Police Department's budget by promising to slash 50% of the budget without having a plan for how we reimagine policing and provide community safety. Four concerns that stand out most, which were made known to council prior passage:

1. If Council wanted to actually seek salary savings for this year or fully realize layoffs, it would require us to cut sworn officers, which would mean losing our newest and most diverse hires that we have worked so hard to bring on board (37% are diverse), particularly when we had been consistently advised by legal counsel and the City's Labor Relations Director that cutting these officers could not be avoided by "out of order" layoffs by November, as the legislation assumes;
2. The effective elimination of our ability to provide services and outreach and to move any homeless encampments, even those posing a public health or safety risk, by cutting the Navigation Team. The ordinance cut not just specially-trained SPD officers, but also cut the City employees in the Human Services Department that conduct outreach and connect people experiencing homelessness to critical human and social services. There is no question we can and should improve our work to prevent homelessness and to bring people inside and get them housing. Our creation of a new Regional Homeless Authority, centered on the experience of those who are unhoused, will move us forward. Reverting to approaches going back to the pre-2017 model where encampments proliferated across the City will not;
3. Cuts to the salaries of the Chief of Police and her leadership team, the only Department leadership targeted by Council and which was done by amendment after the Chief criticized Council's proposed budget actions. Chief Best is a recognized national leader in policing and she has assembled one of the most diverse leadership teams in the country. Many in the command staff worked their way up the ranks during a time when doing so was extraordinary for women, LGBTQ+ people, and officers of color. It is not permissible to impair or invalidate valid contracts

through legislative action. The City Charter also mandates that I enforce and honor all valid contracts and agreements, and I will do so here; and

4. Cuts and changes to SPD that could implicate the City's obligations under the federal consent decree, such as cuts to training, data analytics and performance measurements, transparency and public outreach, and supervision and training critical to the reduction of the use of force and the reduction of racial disparities in policing (including the elimination of implicit bias training). I believe we need to change SPD's crowd control management and less lethal tools policies, procedures, and training and asked our independent civilian led Accountability partners to review and make recommendations to those policies. I previously refused to sign Ordinance 126102, in part because I cautioned it could violate the Consent Decree, and because I believed we should allow our Accountability partners to complete their review and recommendations. After Council's vote, federal Judge Robart entered an order enjoining the ordinance until Council's actions could be reviewed and considered by the Accountability partners, Department of Justice, federal monitor and the court. The Judge also noted recently, all of the City's budget actions regarding SPD must be mindful of the City's obligations under the consent decree. By putting the City in violation of the consent decree, the Council could simultaneously increase costs, prolong federal oversight and delay the reforms and transformations we all want to see.

Council Bill 119862

Council Bill 119862 appropriates \$3 million of new spending to the Legislative Department from the Rainy Day funds. This further depletes our ability to meet looming budget deficits, and represents a 17% increase in Council's budget at a time City departments have had to make millions of dollars in cuts, including funding for transportation, parks, libraries, community centers, and public safety.

I believe a community-based process is necessary to chart the future course of community safety and policing in Seattle. My office continues to work with Council to create a joint outreach and participatory budget process that centers the most impacted communities and engages all residents and businesses of Seattle. I am hopeful we can do so, and that we also will agree to a budget and RFP process to implement this community engagement process. I support having community-based organizations lead some key parts of the research and process. However, some of the work can be done by Executive departments and the Legislative branch for much less money.

Also, I do not agree, as Council's fiscal note states, that the community led process should presume the City process would "create a roadmap to life without policing."

Council Bill 119863

Previously, Council proposed spending these funds from the Rainy Day fund, essentially zeroing it out. With Council Bill 119863 they instead borrow over \$13 million from the Constructions and Inspections

Fund to support new spending the City Council approved during a time most City departments are scrambling to find efficiencies and cuts in existing resources.

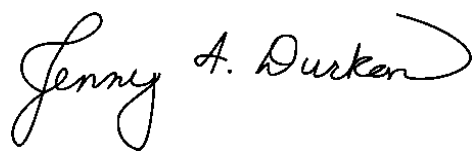
Unfortunately, this spending comes from money we simply do not have at this time. The Council has proposed borrowing over \$13 million to be to be repaid from General Fund resources next year. However, the City's future revenues face an unprecedented level of uncertainty, and at the same time we are facing a global public health crisis that has required the City to fund an unprecedented set of public services and support. In this context, borrowing against the future to support this additional new spending is not prudent or sustainable.

In addition, this bill ignores the reality that the City cannot feasibly get this money to the people that need it in 2020. Structuring and implementing a competitive Request for Proposals (RFP) process that is easily accessible to community takes time and requires some deliberation and care. I welcome a conversation with Council on how to expand these types of investments in our 2021 budget, so there is sufficient lead time to develop and implement spending investments of this scale.

Conclusion

For the reasons described above, acting under my authority in Article IV, Section 12 of the Seattle City Charter, I respectfully veto Council Bills 119825, 119862, and 119863. However, I look forward to continuing conversations with councilmembers on how we can partner to make needed changes to this legislation in a consistent, thoughtful, and deliberate manner.

Sincerely,

A handwritten signature in black ink that reads "Jenny A. Durkan". The signature is written in a cursive, flowing style.

Jenny A. Durkan
Mayor of Seattle