



# CITY OF SEATTLE

## City Council

### Agenda

**Monday, June 22, 2020**

**2:00 PM**

**Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.**

**M. Lorena González, President**

**Lisa Herbold, Member**

**Debora Juarez, Member**

**Andrew J. Lewis, Member**

**Tammy J. Morales, Member**

**Teresa Mosqueda, Member**

**Alex Pedersen, Member**

**Kshama Sawant, Member**

**Dan Strauss, Member**

**Chair Info: 206-684-8809; [Lorena.González@seattle.gov](mailto:Lorena.González@seattle.gov)**

**[Watch Council Meetings Live](#) [View Past Council Meetings](#)**

**Council Chamber Listen Line: 206-684-8566**

**For accessibility information and for accommodation requests, please call 206-684-8888 (TTY Relay 7-1-1), email [CouncilAgenda@Seattle.gov](mailto:CouncilAgenda@Seattle.gov), or visit <http://seattle.gov/cityclerk/accommodations>.**



# CITY OF SEATTLE

## City Council Agenda

**June 22, 2020 - 2:00 PM**

### **Meeting Location:**

Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.

### **Committee Website:**

<http://www.seattle.gov/council>

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*In-person attendance is currently prohibited per Washington State Governor's Proclamation No. 20-28.5 until July 1, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.*

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at

<http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the City Council meeting will begin two hours before the 2:00 p.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to all Councilmembers at

[Council@seattle.gov](mailto:Council@seattle.gov)

Sign-up to provide Public Comment at the meeting at

<http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at

<http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 206-684-8566

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PRESENTATIONS**

**D. APPROVAL OF THE JOURNAL**[Min 286](#)

June 15, 2020

**Attachments:** [Minutes](#)**E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR**

*Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.*

[IRC 260](#)

June 22, 2020

**Attachments:** [Introduction and Referral Calendar](#)**F. APPROVAL OF THE AGENDA****G. PUBLIC COMMENT**

*Members of the public may sign up to address the Council for up to 2 minutes on matters on this agenda; total time allotted to public comment at this meeting is 20 minutes.*

*Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at <http://www.seattle.gov/council/committees/public-comment>.*

*Online registration to speak at the City Council meeting will begin two hours before the 2:00 p.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.*

**H. PAYMENT OF BILLS**

*These are the only Bills which the City Charter allows to be introduced and passed at the same meeting.*

[CB 119809](#)

AN ORDINANCE appropriating money to pay certain audited claims for the week of June 8, 2020 through June 12, 2020 and ordering the payment thereof.

**I. COMMITTEE REPORTS**

*Discussion and vote on Council Bills (CB), Resolutions (Res),  
Appointments (Appt), and Clerk Files (CF).*

**CITY COUNCIL:**

1.     [CB 119802](#)     AN ORDINANCE relating to the Office of Housing and the Department of Finance and Administrative Services; authorizing the acceptance of a transfer of real property near the Mount Baker light rail station from the University of Washington for the purpose of development of affordable housing and other potential educational, research, and clinical uses by the University, including an early learning facility, and for general municipal purposes; placing the property under the jurisdiction of the Office of Housing; authorizing the Department of Finance and Administrative Services to take custodial management of the property, including leasing, collection of rents, payment of expenses, and other property management duties; and ratifying and confirming certain prior acts.

**Attachments:**   [Ex A - Deed for UW Properties](#)

**Supporting  
Documents:**   [Summary and Fiscal Note](#)  
                          [Summary Ex 1 – Map of UW Sites](#)

2.     [CB 119807](#)     AN ORDINANCE relating to the City's criminal code; removing the crime of drug traffic loitering and associated references in the Seattle Municipal Code; amending Section 10.09.010 of the Seattle Municipal Code and repealing Section 12A.20.050 of the Seattle Municipal Code.

**Supporting  
Documents:**   [Summary and Fiscal Note](#)

3.     [CB 119808](#)     AN ORDINANCE relating to the City's criminal code; removing the crime of prostitution loitering and associated references in the Seattle Municipal Code; amending Sections 12A.10.070 and 12A.10.100 and repealing Section 12A.10.010 of the Seattle Municipal Code.

**Supporting  
Documents:**   [Summary and Fiscal Note](#)

**J. ADOPTION OF OTHER RESOLUTIONS**

**K. OTHER BUSINESS**

**L. ADJOURNMENT**



## Legislation Text

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**File #:** Min 286, **Version:** 1

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June 15, 2020

# SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor  
Seattle, WA 98104



## Journal of the Proceedings of the Seattle City Council

Monday, June 15, 2020

2:00 PM

Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.

### City Council

*M. Lorena González, President*

*Lisa Herbold, Member*

*Debora Juarez, Member*

*Andrew J. Lewis, Member*

*Tammy J. Morales, Member*

*Teresa Mosqueda, Member*

*Alex Pedersen, Member*

*Kshama Sawant, Member*

*Dan Strauss, Member*

Chair Info: 206-684-8809; [Lorena.González@seattle.gov](mailto:Lorena.González@seattle.gov)

*In-person attendance is currently prohibited per Washington State Governor's Proclamation No. 20-28.4 until June 17, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.*

## A. CALL TO ORDER

The City Council of The City of Seattle met remotely pursuant to Washington State Governor Inslee's Proclamation 20-28.4 and guidance provided by the Attorney General's Office, on June 15, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:04 p.m., with Council President González presiding.

## B. ROLL CALL

**The following Councilmembers were present and participating electronically:**

**Present:** 8 - González , Herbold, Juarez, Morales, Mosqueda, Pedersen, Sawant, Strauss

**Late Arrival:** 1 - Lewis

## C. PRESENTATIONS

There were none.

## D. APPROVAL OF THE JOURNAL

[Min 285](#)

**June 8, 2020**

**Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote, and the President signed the Minutes:**

**In Favor:** 8 - González , Herbold, Juarez, Morales, Mosqueda, Pedersen, Sawant, Strauss

**Opposed:** None

## E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 259](#)

**June 15, 2020**

**Motion was made, duly seconded and carried, to adopt the proposed Introduction and Referral Calendar (IRC) by the following vote:**



**In Favor:** 8 - González , Herbold, Juarez, Morales, Mosqueda, Pedersen,  
Sawant, Strauss

**Opposed:** None

**F. APPROVAL OF THE AGENDA**

Motion was made, duly seconded and carried, to adopt the proposed  
Agenda.

**G. PUBLIC COMMENT**

By unanimous consent, the Council Rules were suspended to provide a 60 minute Public Comment period.

*Councilmember Lewis joined the meeting at 2:06 p.m.*

Joe Kunzler addressed the Council regarding a non-Agenda item.

Mariah Mitchell addressed the Council regarding Agenda item 1, Council Bill 119799.

Aisling Cooney addressed the Council regarding Agenda item 3, Council Bill 119805.

Meagan Murphy addressed the Council regarding Agenda item 3, Council Bill 119805.

Howard Gale addressed the Council regarding a non-Agenda item.

Logan Swan addressed the Council regarding Agenda item 3, Council Bill 119805.

Mark Taylor-Canfield addressed the Council regarding Agenda item 3, Council Bill 119805.

Robert Cruz addressed the Council regarding Agenda item 3, Council Bill 119805.

Thomas Meeks addressed the Council regarding Agenda item 3, Council Bill 119805.

Mairi Dulaney addressed the Council regarding a non-Agenda item.

Deepa Sivaraian addressed the Council regarding Agenda item 3, Council Bill 119805.

Elizabeth Slabaugh addressed the Council regarding Agenda item 3, Council Bill 119805.

Aubrey Johnson addressed the Council regarding Agenda item 3, Council Bill 119805.

Amin Amos addressed the Council regarding Agenda item 3, Council Bill 119805.

Emily McArthur addressed the Council regarding Agenda item 3, Council Bill 119805.

Robert Kulick addressed the Council regarding Agenda item 1, Council Bill 119799.

Aspen Blain addressed the Council regarding Agenda item 3, Council Bill 119805.

Andy Wen addressed the Council regarding Agenda item 3, Council Bill 119805.

Sophie Taylor addressed the Council regarding Agenda item 3, Council Bill 119805.

Shenaya Birkel addressed the Council regarding Agenda item 1, Council Bill 119799.

CJ Williamson addressed the Council regarding Agenda item 3, Council Bill 119805.

G. Laster addressed the Council regarding Agenda item 3, Council Bill 119805.

Kevin Bryan addressed the Council regarding Agenda item 3, Council Bill 119805.

Meg Barchasch addressed the Council regarding a non-Agenda item.

Michael Wolfe addressed the Council regarding Agenda item 1, Council Bill 119799.

Brandon Vella addressed the Council regarding Agenda item 3, Council Bill 119805.

Richa Dubey addressed the Council regarding Agenda item 3, Council Bill 119805.

Jason Fields addressed the Council regarding Agenda item 3, Council Bill 119805.

Colleen Kinerk addressed the Council regarding Agenda item 1, Council

Bill 119799.

Alexander Abramson addressed the Council regarding Agenda item 3, Council Bill 119805.

Addie Smith addressed the Council regarding Agenda item 3, Council Bill 119805.

Rachel Kay addressed the Council regarding Agenda item 1, Council Bill 119799.

Savannah Sly addressed the Council regarding Agenda item 3, Council Bill 119805.

Jill Muscatel addressed the Council regarding Agenda item 3, Council Bill 119805.

Kate Simpson addressed the Council regarding Agenda item 3, Council Bill 119805.

Amanda Harvey addressed the Council regarding Agenda item 3, Council Bill 119805.

Angela Basta addressed the Council regarding Agenda item 3, Council Bill 119805.

Aaron Whitlatch addressed the Council regarding Agenda item 3, Council Bill 119805.

Srivandass Adidass addressed the Council regarding Agenda item 3, Council Bill 119805.

Sam Mogs addressed the Council regarding Agenda item 3, Council Bill 119805.

Prashant Nema addressed the Council regarding Agenda item 3, Council Bill 119805.

Holly Chisa addressed the Council regarding Agenda item 1, Council Bill 119799.

Brendan McGovern addressed the Council regarding Agenda item 1, Council Bill 119799.

Tealshawn Turner addressed the Council regarding Agenda item 3,

Council Bill 119805.

David Johnson addressed the Council regarding Agenda item 3, Council Bill 119805.

Eva Metz addressed the Council regarding Agenda item 3, Council Bill 119805.

Adriana Maestas addressed the Council regarding Agenda item 3, Council Bill 119805.

Leah Lucid addressed the Council regarding Agenda item 3, Council Bill 119805.

Karen Winter addressed the Council regarding Agenda item 3, Council Bill 119805.

Andrew Brady addressed the Council regarding Agenda item 3, Council Bill 119805.

Marjorie Hendrix addressed the Council regarding Agenda item 3, Council Bill 119805.

Bettina McKelvey addressed the Council regarding Agenda item 3, Council Bill 119805.

Erich Ackermann addressed the Council regarding Agenda item 3, Council Bill 119805.

By unanimous consent, the Council Rules were suspended to extend the Public Comment period to allow a few more speakers to address the Council.

Nicholas Ponvert addressed the Council regarding Agenda item 3, Council Bill 119805.

Daniel Wang addressed the Council regarding Agenda item 3, Council Bill 119805.

Amanda Aquino addressed the Council regarding Agenda item 3, Council Bill 119805.

Laurel Schandelemir addressed the Council regarding Agenda item 3, Council Bill 119805.

Allison Grant addressed the Council regarding Agenda item 3, Council Bill 119805.

#### H. PAYMENT OF BILLS

[CB 119806](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of June 1, 2020 through June 5, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119806.

**The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:**

**In Favor:** 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

**Opposed:** None

#### I. COMMITTEE REPORTS

##### CITY COUNCIL:

1. [CB 119799](#) **AN ORDINANCE relating to gig workers in Seattle; establishing labor standards requirements for premium pay for gig workers working in Seattle; amending Sections 3.02.125 and 6.208.020 of the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.**

ACTION 1:

Motion was made and duly second to pass Council Bill 119799.

ACTION 2:

Motion was made by Councilmember Lewis and duly seconded, to amend Council Bill 119799, by substituting version 4 for version 2a.

The Motion carried by the following vote:

In favor: 8 - González, Herbold, Juarez, Lewis, Morales, Mosqueda,  
Pedersen, Strauss

Opposed: 1 - Sawant

ACTION 3:

Motion was made by Councilmember Morales, duly seconded and carried, to amend Council Bill 119799, as shown in Attachment 1 to the Minutes.

ACTION 4:

Motion was made and duly seconded to pass Council Bill 119799 as amended.

**The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:**

**In Favor:** 9 - González, Herbold, Juarez, Lewis, Morales, Mosqueda,  
Pedersen, Sawant, Strauss

**Opposed:** None

2.     [CB 119804](#)     **AN ORDINANCE relating to the Seattle Police Department; prohibiting the use of chokeholds by officers; amending Section 12A.04.200 of, and adding a new Section 3.28.145 to, the Seattle Municipal Code.**

ACTION 1:

Motion was made and duly seconded to pass Council Bill 119804.

ACTION 2:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 119804, as shown in Attachment 2 to the Minutes.

ACTION 3:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 119804, by adding a new Section 4, and renumbering the remaining sections accordingly, as shown in underlined language below:

Section 4. Council will engage with the Labor Relations Director and staff as they work with the City's labor partners in the implementation of this prohibition.

ACTION 4:

Motion was made and duly seconded to pass Council Bill 119804 as amended.

**The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:**

**In Favor:** 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda,  
Pedersen, Sawant, Strauss

**Opposed:** None



3. [CB 119805](#) **AN ORDINANCE relating to the Seattle Police Department; banning the ownership, purchase, rent, storage, or use of crowd control weapons; and adding a new Section 3.28.146 to the Seattle Municipal Code.**

ACTION 1:

Motion was made and duly seconded to pass Council Bill 119805.

ACTION 2:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 119805, as shown in Attachment 3 to the Minutes.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119805 as amended.

**The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:**

**In Favor:** 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

**Opposed:** None

4. [CB 119803](#) **AN ORDINANCE requiring that certain uniformed peace officers do not cover with a mourning band the serial number that is engraved on their badge; amending Section 3.28.130 of the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.**

Motion was made and duly seconded to pass Council Bill 119803.

**The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:**

**In Favor:** 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

**Opposed:** None

## **J. ADOPTION OF OTHER RESOLUTIONS**

There were none.

**K. OTHER BUSINESS**

There was none.

**L. ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 5:13 p.m.

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**Jodee Schwinn, Deputy City Clerk**

**Signed by me in Open Session, upon approval of the Council, on June 25, 2020.**

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**M. Lorena González, Council President of the City Council**

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**Monica Martinez Simmons, City Clerk**

**Att 1 - Action 3 of Council Bill 119779**

**Att 2 - Action 2 of Council Bill 119804**

**Att 3 - Action 2 of Council Bill 119805**

Att 1 – Action 3 of CB 119799

On page 15, after line 19, amend the following Section as shown below:

**100.027 Gig worker and consumer protections**

A. No hiring entity shall, as a result of this ordinance going into effect, take any of the following actions:

1. Reduce or otherwise modify the areas of the City that are served by the hiring entity;
2. Reduce a gig worker's compensation; or
3. Limit a gig worker's earning capacity, including but not limited to restricting access to online orders.
4. Add customer charges to online orders for delivery of groceries.

B. It shall be a violation of this Section 100.027 if this ordinance going into effect is a motivating factor in a hiring entity's decision to take any of the actions in subsection 100.027.A unless the hiring entity can prove that its decision to take the action(s) would have happened in the absence of this ordinance going into effect.

On page 26, after line 15, amend the following Section as shown below:

**100.200 Remedies**

\*\*\*

D. A respondent found to be in violation of gig worker and consumer protections under subsection 100.027.A.1 or 100.027.A.4 shall be subject to the penalties and fines established by this Section 100.200; such penalties and fines shall be payable only to the Agency. The Director is not authorized to assess unpaid compensation due under subsection 100.200.B or 100.200.C. for violations of subsection 100.027.A.1 or 100.027.A.4. All remedies are available for violations of subsection 100.027.A.2 or 100.027.A.3.

Renumber sections and correct any internal references accordingly.

Att 2 – Action 2 of CB 119804

Underline indicates new language

~~Strikethrough~~ indicates deleted language

**1. Amend Section 1 as follows:**

Section 1. A new Section 3.28.145 of the Seattle Municipal Code is added to Subchapter I of Chapter 3.28 as follows:

**3.28.145 Prohibition of the use of chokeholds**

A. Officers of the Seattle Police Department are prohibited from using chokeholds in the discharge of their duties, including neck restraints or carotid restraints.

B. As used in this Section 3.28.145, “carotid restraint” means any technique applied in an effort to control or disable a subject by applying pressure to the carotid artery, jugular vein, or sides of the neck with the purpose, intent, or effect of controlling a subject’s movement or rendering a subject unconscious by constricting the flow of blood to and from the brain.

C. As used in this Section 3.28.145, “neck restraint” means any technique involving the use of an arm or other firm object to attempt to control or disable a subject by applying pressure against the windpipe, or the frontal area of the neck with the purpose, intent, or effect of controlling a subject’s movement or rendering a subject unconscious by blocking the passage of air through the windpipe.

D. A person shall have a right of action against the City for injuries proximately caused by violations of subsection 3.28.145.A that occur after the effective date of this ordinance.

E. Absent evidence establishing a greater amount of damages, the damages payable to an individual for injuries proximately caused in violation of subsection 3.28.145.A shall be \$100,000, added to attorney fees and court fees.

**2. Add a new Section 3 as follows and renumber sections as needed:**

Section 3. In accordance with *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR), during the pendency of the consent decree Council requests that notice of this action be submitted by the City Attorney to the Department of Justice, the Court, and the Monitor.

Att 3 – Action 2 of CB 119805

Underline indicates new language  
~~Strikethrough~~ indicates deleted language

**1. Amend recitals as follows:**

WHEREAS, testimony from protestors and other protest witnesses, along with ~~video~~  
~~evidence~~ complaints filed with the Office of Police Accountability has shown suggests that some  
~~the~~ SPD officers were instigating and escalating violent confrontations with these protests; and

**2. Add recital as follows:**

WHEREAS, the Office of the Inspector General in a June 12, 2020 Report, Attachment 1 to  
this ordinance, notes “In its preliminary research, OIG did not find credible external sources  
advocating a blanket ban,” and that “This summary is a preliminary report, as OIG is continuing  
to gather and synthesize information about use of crowd management tools by SPD. Analysis of  
the sufficiency and appropriateness of SPD policy and training related to crowd management  
will be a forthcoming product”; and

**3. Amend Section 1 as follows:**

Section 1. A new Section 3.28.146 of the Seattle Municipal Code is added to Subchapter  
I of Chapter 3.28 as follows:

**3.28.146 Prohibition of the use of crowd control weapons**

A. Unless exempted or excepted, no City department shall own, purchase, rent, store, or  
use crowd control weapons.

B. Law enforcement agencies operating under mutual aid agreements are prohibited from  
using crowd control weapons while rendering aid to the Seattle Police Department. ~~or acting in~~

~~an official capacity within Seattle.~~ Seattle Police Department mutual aid agreements for crowd control must prohibit other law enforcement agencies from using crowd control weapons for the purpose of crowd dispersal.

C. As used in this Section 3.28.146, “crowd control weapons” means kinetic impact projectiles, chemical irritants, acoustic weapons, directed energy weapons, water cannons, disorientation devices, ultrasonic cannons, or any other device that is designed to be used on multiple individuals for crowd control and ~~has the potential~~ is designed to cause pain or discomfort.

D. Oleoresin capsicum (OC) spray is not a crowd control weapon for purposes of owning, purchasing, renting, or storing under subsection 3.28.146.A. Use of OC spray is prohibited under subsection 3.28.146.A if:

1. It is used in a demonstration, rally, or other First Amendment-protected event;  
or

2. When used to subdue an individual in the process of committing a criminal act or presenting an imminent danger to others, it lands on anyone other than that individual.

E. A person shall have a right of action against the City for physical or emotional injuries proximately caused by the use of crowd control weapons ~~for crowd dispersal against that person.~~ that occur after this ordinance takes effect.

F. Absent evidence establishing a greater amount of damages, the damages payable to an individual for injuries proximately caused in violation of this Section 3.28.146 shall be \$10,000, added to attorney fees and court fees. This does not preclude any other legal recovery or process available to a person under federal and state law.



**4. Add a new Section 2 as follows and renumber sections as needed:**

Section 2. Consistent with the advisory roles established in the Accountability Ordinance (Ord. 125315), subsection 3.29.030.B, the Office of the Inspector General for Public Safety, the Office of Police Accountability, and the Community Police Commission are each requested to make a formal recommendation to the City Council on whether the Seattle Police Department should be reauthorized to use less-lethal weapons for crowd dispersal purposes. The recommendation shall include: 1) suggested policy revisions to the Seattle Police Department manual for use of less-lethal weapons for the purpose of crowd dispersal; and 2) identification of a crowd dispersal authorization process that requires Executive approval and reflects best practices in policing to minimize harm to protesters. The recommendation shall be provided no later than August 15, 2020.

**5. Add a new Section 3 as follows and renumber sections as needed:**

Section 3. In accordance with United States of America v. City of Seattle, 12 Civ. 1282 (JLR), during the pendency of the consent decree Council requests that notice of this action be submitted by the City Attorney to the Department of Justice, the Court, and the Monitor.

**6. Add a new Section 4 as follows and renumber sections as needed:**

Section 4. Council will engage with the Labor Relations Director and staff as they work with the City's labor partners in the implementation of this prohibition.

**7. Add Attachment 1: Less Lethal Weapons in Protests, Office of the Inspector General for Public Safety, June 12, 2020**

Att 1 – Action 3 of CB 119799

On page 15, after line 19, amend the following Section as shown below:

**100.027 Gig worker and consumer protections**

A. No hiring entity shall, as a result of this ordinance going into effect, take any of the following actions:

1. Reduce or otherwise modify the areas of the City that are served by the hiring entity;
2. Reduce a gig worker's compensation; or
3. Limit a gig worker's earning capacity, including but not limited to restricting access to online orders.
4. Add customer charges to online orders for delivery of groceries.

B. It shall be a violation of this Section 100.027 if this ordinance going into effect is a motivating factor in a hiring entity's decision to take any of the actions in subsection 100.027.A unless the hiring entity can prove that its decision to take the action(s) would have happened in the absence of this ordinance going into effect.

On page 26, after line 15, amend the following Section as shown below:

**100.200 Remedies**

\*\*\*

D. A respondent found to be in violation of gig worker and consumer protections under subsection 100.027.A.1 or 100.027.A.4 shall be subject to the penalties and fines established by this Section 100.200; such penalties and fines shall be payable only to the Agency. The Director is not authorized to assess unpaid compensation due under subsection 100.200.B or 100.200.C. for violations of subsection 100.027.A.1 or 100.027.A.4. All remedies are available for violations of subsection 100.027.A.2 or 100.027.A.3.

Renumber sections and correct any internal references accordingly.

Att 2 – Action 2 of CB 119804

Underline indicates new language

~~Strikethrough~~ indicates deleted language

**1. Amend Section 1 as follows:**

Section 1. A new Section 3.28.145 of the Seattle Municipal Code is added to Subchapter I of Chapter 3.28 as follows:

**3.28.145 Prohibition of the use of chokeholds**

A. Officers of the Seattle Police Department are prohibited from using chokeholds in the discharge of their duties, including neck restraints or carotid restraints.

B. As used in this Section 3.28.145, “carotid restraint” means any technique applied in an effort to control or disable a subject by applying pressure to the carotid artery, jugular vein, or sides of the neck with the purpose, intent, or effect of controlling a subject’s movement or rendering a subject unconscious by constricting the flow of blood to and from the brain.

C. As used in this Section 3.28.145, “neck restraint” means any technique involving the use of an arm or other firm object to attempt to control or disable a subject by applying pressure against the windpipe, or the frontal area of the neck with the purpose, intent, or effect of controlling a subject’s movement or rendering a subject unconscious by blocking the passage of air through the windpipe.

D. A person shall have a right of action against the City for injuries proximately caused by violations of subsection 3.28.145.A that occur after the effective date of this ordinance.

E. Absent evidence establishing a greater amount of damages, the damages payable to an individual for injuries proximately caused in violation of subsection 3.28.145.A shall be \$100,000, added to attorney fees and court fees.

**2. Add a new Section 3 as follows and renumber sections as needed:**

Section 3. In accordance with *United States of America v. City of Seattle*, 12 Civ. 1282 (JLR), during the pendency of the consent decree Council requests that notice of this action be submitted by the City Attorney to the Department of Justice, the Court, and the Monitor.

Att 3 – Action 2 of CB 119805

Underline indicates new language  
~~Strikethrough~~ indicates deleted language

**1. Amend recitals as follows:**

WHEREAS, testimony from protestors and other protest witnesses, along with ~~video~~  
evidence complaints filed with the Office of Police Accountability has shown suggests that some  
~~the~~ SPD officers were instigating and escalating violent confrontations with these protests; and

**2. Add recital as follows:**

WHEREAS, the Office of the Inspector General in a June 12, 2020 Report, Attachment 1 to  
this ordinance, notes “In its preliminary research, OIG did not find credible external sources  
advocating a blanket ban,” and that “This summary is a preliminary report, as OIG is continuing  
to gather and synthesize information about use of crowd management tools by SPD. Analysis of  
the sufficiency and appropriateness of SPD policy and training related to crowd management  
will be a forthcoming product”; and

**3. Amend Section 1 as follows:**

Section 1. A new Section 3.28.146 of the Seattle Municipal Code is added to Subchapter  
I of Chapter 3.28 as follows:

**3.28.146 Prohibition of the use of crowd control weapons**

A. Unless exempted or excepted, no City department shall own, purchase, rent, store, or  
use crowd control weapons.

B. Law enforcement agencies operating under mutual aid agreements are prohibited from  
using crowd control weapons while rendering aid to the Seattle Police Department. ~~or acting in~~

~~an official capacity within Seattle.~~ Seattle Police Department mutual aid agreements for crowd control must prohibit other law enforcement agencies from using crowd control weapons for the purpose of crowd dispersal.

C. As used in this Section 3.28.146, “crowd control weapons” means kinetic impact projectiles, chemical irritants, acoustic weapons, directed energy weapons, water cannons, disorientation devices, ultrasonic cannons, or any other device that is designed to be used on multiple individuals for crowd control and ~~has the potential~~ is designed to cause pain or discomfort.

D. Oleoresin capsicum (OC) spray is not a crowd control weapon for purposes of owning, purchasing, renting, or storing under subsection 3.28.146.A. Use of OC spray is prohibited under subsection 3.28.146.A if:

1. It is used in a demonstration, rally, or other First Amendment-protected event;  
or
2. When used to subdue an individual in the process of committing a criminal act or presenting an imminent danger to others, it lands on anyone other than that individual.

E. A person shall have a right of action against the City for physical or emotional injuries proximately caused by the use of crowd control weapons ~~for crowd dispersal against that person.~~ that occur after this ordinance takes effect.

F. Absent evidence establishing a greater amount of damages, the damages payable to an individual for injuries proximately caused in violation of this Section 3.28.146 shall be \$10,000, added to attorney fees and court fees. This does not preclude any other legal recovery or process available to a person under federal and state law.

**4. Add a new Section 2 as follows and renumber sections as needed:**

Section 2. Consistent with the advisory roles established in the Accountability Ordinance (Ord. 125315), subsection 3.29.030.B, the Office of the Inspector General for Public Safety, the Office of Police Accountability, and the Community Police Commission are each requested to make a formal recommendation to the City Council on whether the Seattle Police Department should be reauthorized to use less-lethal weapons for crowd dispersal purposes. The recommendation shall include: 1) suggested policy revisions to the Seattle Police Department manual for use of less-lethal weapons for the purpose of crowd dispersal; and 2) identification of a crowd dispersal authorization process that requires Executive approval and reflects best practices in policing to minimize harm to protesters. The recommendation shall be provided no later than August 15, 2020.

**5. Add a new Section 3 as follows and renumber sections as needed:**

Section 3. In accordance with United States of America v. City of Seattle, 12 Civ. 1282 (JLR), during the pendency of the consent decree Council requests that notice of this action be submitted by the City Attorney to the Department of Justice, the Court, and the Monitor.

**6. Add a new Section 4 as follows and renumber sections as needed:**

Section 4. Council will engage with the Labor Relations Director and staff as they work with the City's labor partners in the implementation of this prohibition.

**7. Add Attachment 1: Less Lethal Weapons in Protests, Office of the Inspector General for Public Safety, June 12, 2020**





## Legislation Text

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**File #:** IRC 260, **Version:** 1

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June 22, 2020



## Introduction and Referral Calendar

List of proposed Council Bills (CB), Resolutions (Res), Appointments (Appt) and Clerk Files (CF) to be introduced and referred to a City Council committee

Record No.	Title	Committee Referral
<b><u>By: Mosqueda</u></b>		
1. <a href="#">CB 119809</a>	AN ORDINANCE appropriating money to pay certain audited claims for the week of June 8, 2020 through June 12, 2020 and ordering the payment thereof.	City Council
<b><u>By: No Sponsor Required</u></b>		
2. <a href="#">CF 314452</a>	Full unit lot subdivision of Willow Investment, LLC, to subdivide one development site into 12 unit lots, at 6931 42nd Ave S. (Project No. 3036675; Type III).	City Council
<b><u>By: Mosqueda, González , Herbold, Strauss</u></b>		
3. <a href="#">CB 119810</a>	AN ORDINANCE relating to taxation; imposing a payroll expense tax on persons engaging in business in Seattle; adding a new Chapter 5.38 to the Seattle Municipal Code; and amending Sections 5.30.010, 5.30.060, 5.55.010, 5.55.040, 5.55.060, 5.55.150, 5.55.165, 5.55.220, 5.55.230, and 6.208.020 of the Seattle Municipal Code.	Select Budget Committee
<b><u>By: Mosqueda, González , Herbold, Strauss</u></b>		
4. <a href="#">CB 119811</a>	AN ORDINANCE establishing a spending plan for proposed use of the proceeds generated from the payroll expense tax authorized by the ordinance introduced as Council Bill 119810 establishing an oversight committee; and adding a new Section 3.35.100 to the Seattle Municipal Code.	Select Budget Committee
<b><u>By: Mosqueda, González , Herbold, Strauss</u></b>		
5. <a href="#">CB 119812</a>	AN ORDINANCE amending Ordinance 126000, which adopted the 2020 Budget; making appropriations from the Emergency Fund for public assistance during the COVID-19 civil emergency; making an appropriation from the General Fund for public assistance during the civil emergency; and making appropriations from the Revenue Stabilization Fund for public assistance during the civil emergency; all by a 3/4 vote of the City Council.	Select Budget Committee



## Legislation Text

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**File #:** CB 119809, **Version:** 1

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### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

### COUNCIL BILL \_\_\_\_\_

AN ORDINANCE appropriating money to pay certain audited claims for the week of June 8, 2020 through June 12, 2020 and ordering the payment thereof.

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

Section 1. Payment of the sum of \$16,546,664.20 on PeopleSoft 9.2 mechanical warrants numbered 4100346635 - 4100348585 plus manual or cancellation issues for claims, E-Payables of \$58,217.73 on PeopleSoft 9.2 9100006490 - 9100006536 and Electronic Financial Transactions (EFT) in the amount of \$41,730,673.21 are presented for ratification by the City Council per RCW 42.24.180.

Section 2. Payment of the sum of \$55,169,147.57 on City General Salary Fund mechanical warrants numbered 51335181- 51335328 plus manual warrants, agencies warrants, and direct deposits numbered 250001 - 252710 representing Gross Payrolls for payroll ending date June 9, 2020 as detailed in the Payroll Summary Report for claims against the City which were audited by the Auditing Committee and reported by said committee to the City Council June 18, 2020 consistent with appropriations heretofore made for such purpose from the appropriate Funds, is hereby approved.

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby ratified and confirmed.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by

Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 22nd day of June 2020, and signed by me in open session in authentication of its passage this 22nd of June 2020.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)



## Legislation Text

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**File #:** CB 119802, **Version:** 1

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### CITY OF SEATTLE

#### ORDINANCE \_\_\_\_\_

#### COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to the Office of Housing and the Department of Finance and Administrative Services; authorizing the acceptance of a transfer of real property near the Mount Baker light rail station from the University of Washington for the purpose of development of affordable housing and other potential educational, research, and clinical uses by the University, including an early learning facility, and for general municipal purposes; placing the property under the jurisdiction of the Office of Housing; authorizing the Department of Finance and Administrative Services to take custodial management of the property, including leasing, collection of rents, payment of expenses, and other property management duties; and ratifying and confirming certain prior acts.

WHEREAS, consistent with Section 7038 of Chapter 413 of the 2019 Laws of Washington, as amended by Section 7009 of Engrossed Substitute Senate Bill 6248 (2020) (“State Budget Bill”), the University of Washington is transferring to The City of Seattle three real property parcels opposite the Mount Baker Link light rail transit station that were previously used for the University of Washington Consolidated Laundry Services, known as the “UW Laundry site”; and

WHEREAS, the State Budget Bill states the transfer is for the purposes of developing affordable housing, including supportive housing, for households at or below 80 percent of the area median income, and for other potential educational, research, and clinical uses by the University of Washington, including an early learning facility; and

WHEREAS, The City of Seattle will receive the parcels at no cost; and

WHEREAS, the State Budget Bill states that the City shall seek to maximize the affordable housing development potential of the property consistent with transit-oriented development principles and that liabilities existing on the property at the time of transfer will transfer with the property; and

WHEREAS, consistent with the State Budget Bill, the deed transferring ownership of the property, to be substantially in the form attached to this ordinance as Exhibit A (the “Deed”), includes an indemnity of the University with regards to any environmental liabilities; and

WHEREAS, the Deed transferring the property includes a provision that allows the University to reacquire ownership if the property is not developed for affordable housing or other transit-oriented development within ten years, provided that any reversionary interest will terminate at the time of development of affordable housing or any transit-oriented development and the ten-year deadline will be extended if the City is making diligent efforts to develop the property and delays are the result of actions and events outside of the City’s reasonable control, all as more specifically described in the Deed; and

WHEREAS, the Office of Housing expects to release a Request for Qualifications for the redevelopment of the UW Laundry site, which is approximately 3 acres; and

WHEREAS, there are very limited opportunities to develop affordable housing at this scale within Seattle; and

WHEREAS, the Office of Housing has a track record of investing in affordable housing, including supportive housing and mixed-used affordable housing buildings with ground floor non-residential uses; and

WHEREAS, development of affordable housing near high capacity transit exhibits good transit-oriented development principles and complies with the Seattle 2035 Comprehensive Plan and regional planning policy; and

WHEREAS, affordable housing near high capacity transit provides increased access for low-income households to opportunities in Seattle and reduces existing disparities; and

WHEREAS, the Seattle 2035 Comprehensive Plan also identified the Mount Baker station area as a high risk of displacement area, and the development of affordable housing can help stabilize displacement pressures;  
NOW, THEREFORE,

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

Section 1. The Director of the Office of Housing or designee (“OH Director”) is authorized on behalf of

The City of Seattle to accept the following described real property (“Property”), situated in the City of Seattle, County of King, State of Washington identified as King County parcel numbers 308500-2100, 713830-0015, and 713880-0025 together with all rights, privileges, and other property pertaining thereto, for the purpose of developing affordable housing, including supportive housing, for households at or below 80 percent of area median income and for other potential educational, research, and clinical uses by the University of Washington, including an early learning facility, and for general municipal purposes:

Parcel 308500-2100,  
Parcel A of Lot Boundary Adjustment No. 2400996 recorded under Recording Number 20040331900021, records of King County, Washington;  
Except that portion conveyed to Central Puget Sound Regional Transit Authority under Recording Number 20110901000445, which is a re-recording of Recording Number 20050331002461.  
Containing 144,680 square feet, more or less.

Parcel 713830-0015  
Lots 3 through 6, inclusive, Block 1 of Rainier Valley Addition to the City of Seattle, according to the plat thereof recorded in Volume 12 of Plats, page 97, in King County, Washington.  
Containing 13,680 square feet, more or less.

Parcel 713880-0025  
Lots 3 through 14, inclusive, Block 6, Rainier Valley 2nd Addition to the City of Seattle, as recorded in Volume 13 of Plats, Page 77, in King County, Washington;

Except the South 30 feet of said Lots 3 through 8, inclusive, condemned for street purposes in King County Superior Court Case No. 83253, as provided for under Ordinance No. 25148 of the City of Seattle;  
Together with the vacated East and West alley adjoining said Lots in said Block as vacated by Ordinance No. 82793 of the City of Seattle;  
Also Together with that portion of vacated 27th Avenue South that would attach by order of law, as vacated by Ordinance No. 91132 of the City of Seattle, lying Southerly of the South margin of South Stevens Street and Northerly of the North margin of South Winthrop Street as established in King County Superior Court Cause No. 83253, as provided for under Ordinance No. 25148 of the City of Seattle;  
Except that portion conveyed to Central Puget Sound Regional Transit Authority under Recording Number 20110901000445, which is a re-recording of Recording Number 20050331002461.  
Containing 20,732 square feet, more or less.

The deed is to be substantially in the form attached to this ordinance as Exhibit A.

Section 2. The OH Director is authorized, on behalf of The City of Seattle, to execute such documents as deemed necessary to accept the Property from the University of Washington, including but not limited to an

assignment and assumption of leases and contracts, and upon acceptance the Property shall be under the jurisdiction of the Office of Housing.

Section 3. The Director of the Department of Finance and Administrative Services or designee is authorized, in consultation with the OH Director, to provide custodial management of the Property including leasing, collection of rents, payments of expenses, and other property management duties, and will be reimbursed for net expenses from the Office of Housing on a yearly basis.

Section 4. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 5. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.



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Monica Martinez Simmons, City Clerk

(Seal)

Exhibits:

Exhibit A - Deed for UW Properties

**Name & Return Address:**

City of Seattle Office of Housing

PO Box 94725, Seattle WA 98124-4725

Attention: Laurie Olson

**Washington State Recorder's Cover Sheet** (RCW 65.04) Please print legibly or type information.

<b>Document Title(s)</b> BARGAIN AND SALE DEED
<b>Grantor(s)</b> BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON  ____ Additional Names on Page ____ of Document
<b>Grantee(s)</b> CITY OF SEATTLE  ____ Additional Names on Page ____ of Document
<b>Legal Description</b> (Abbreviated: i.e., lot, block & subdivision name or number OR section/township/range and quarter/quarter section) PARCEL A: LBA NO. 2400966 REC. NO. 20040331900021; PARCEL B: LOTS 3-14 BLK 6 RAINIER VALLEY END ADD VOL. 13 PG 77; PARCEL C: LOTS 3-6 BLK 1 RAINIER VALLEY ADD VOL. 12 PG 97 Complete Legal Description on Page <u>2</u> of Document
<b>Auditor's Reference Number(s)</b>
<b>Assessor's Property Tax Parcel/Account Number(s)</b> 308500-2100; 713880-0025; 713830-0015
<b>Non Standard Fee \$50.00</b> <b>By signing below, you agree to pay the \$50.00 non standard fee.</b> I am requesting an emergency non standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.  _____ <b>Signature of Party Requesting Non Standard Recording</b> NOTE: Do not sign above or pay additional \$50.00 fee if document meets margin/formatting requirements.  The Auditor/Recorder will rely on the information provided on this cover sheet. Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

BARGAIN AND SALE DEED

**THE GRANTOR**, the **BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON**, a state institution of higher education and an agency of the State of Washington for and in consideration of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration in hand paid, bargains, sells, and conveys to **CITY OF SEATTLE**, a municipal corporation of the State of Washington, situated in the County of King, State of Washington:

Abbreviated Legal:

PARCEL A LBA NO. 2400966 REC. NO. 20040331900021,  
PARCEL B LOTS 3-14 BLK 6 RAINIER VALLEY END ADD VOL. 13 PG 77,  
PARCEL C LOTS 3-6 BLK 1 RAINIER VALLEY ADD VOL. 12 PG 97  
Additional legal on Exhibit A

Tax Parcel Number(s): 308500-2100, 713880-0025, 713830-0015

**Subject to:** Exceptions listed in Exhibit B, Covenant described in Exhibit C, and Conditional Reversion described in Exhibit D, attached hereto and incorporated herein.

**Dated:** June \_\_\_\_\_, 2020

**Board of Regents of the University of Washington**,  
a state institution of higher education and an agency  
of the State of Washington

By: \_\_\_\_\_  
Jeanette L. Henderson  
Executive Director of Real Estate

STATE OF WASHINGTON        )  
COUNTY OF KING            )

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared **Jeanette L. Henderson**, to me known as the **Executive Director of Real Estate of the University of Washington**, who on oath stated that she was authorized to execute this instrument and acknowledged it to be the free and voluntary act and deed of said University of Washington as approved by the **BOARD OF REGENTS OF THE UNIVERSITY OF WASHINGTON**, a state institution of higher education and an agency of the state of Washington, for the uses and purposes mentioned in the instrument.

Signature: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public in and for the State of Washington  
Residing at: \_\_\_\_\_  
My Commission expires on: \_\_\_\_\_

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**Parcel A:** 2901 27<sup>th</sup> Ave S, Seattle WA 98144 (Tax Parcel # 308500-2100)

Parcel A of Lot Boundary Adjustment No. 2400996 recorded under Recording Number 20040331900021, records of King County, Washington;

Except that portion conveyed to Central Puget Sound Regional Transit Authority under Recording Number 20110901000445, which is a re-recording of Recording Number 20050331002461.

**Parcel B:** 2700 S Winthrop St, Seattle WA 98144 (Tax Parcel # 713880-0025)

Lots 3 through 14, inclusive, Block 6, Rainier Valley 2nd Addition to the City of Seattle, as recorded in Volume 13 of Plats, Page 77, in King County, Washington;

Except the South 30 feet of said Lots 3 through 8, inclusive, condemned for street purposes in King County Superior Court Case No. 83253, as provided for under Ordinance No. 25148 of the City of Seattle;

Together with the vacated East and West alley adjoining said Lots in said Block as vacated by Ordinance No. 82793 of the City of Seattle;

Also Together with that portion of vacated 27th Avenue South that would attach by order of law, as vacated by Ordinance No. 91132 of the City of Seattle, lying Southerly of the South margin of South Stevens Street and Northerly of the North margin of South Winthrop Street as established in King County Superior Court Cause No. 83253, as provided for under Ordinance No. 25148 of the City of Seattle;

Except that portion conveyed to Central Puget Sound Regional Transit Authority under Recording Number 20110901000445, which is a re-recording of Recording Number 20050331002461.

**Parcel C:** 2600 S Forest St, Seattle WA 98144 (Tax Parcel # 713830-0015)

Lots 3 through 6, inclusive, Block 1 of Rainier Valley Addition to the City of Seattle, according to the plat thereof recorded in Volume 12 of Plats, page 97, in King County, Washington;

ALL SITUATE IN THE CITY OF SEATTLE, COUNTY OF KING, STATE OF WASHINGTON

**EXHIBIT B**  
**PERMITTED EXCEPTIONS**

10. Side Sewer Easement  
Recording Date: September 30, 1963  
[Recording No.: 5644400](#)  
Width: 6 feet  
Affects: An undisclosed portion of said Land along the line as constructed in Parcel A
11. Agreement  
Recording Date: September 30, 1963  
[Recording No.: 5644401](#)  
Regarding: Temporary permit to construct a side sewer in Parcel A
12. Memorandum of Drainage Control Plan  
Recording Date: August 10, 1983  
[Recording No.: 8308100859](#)  
  
Affects: Parcels A and B
13. Public Place Indemnity Agreement  
Recording Date: June 17, 1992  
[Recording No.: 9206171145](#)  
  
Affects: Parcel C
14. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document:  
Reserved by: Central Puget Sound Regional Transit Authority  
Purpose: Light rail system  
Recording Date: March 31, 2005  
[Recording No.: 20050331002460](#)  
Affects: Portion of Parcel C
15. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Central Puget Sound Regional Transit Authority  
Purpose: Guideway  
Recording Date: March 31, 2005  
[Recording No.: 20050331002462](#)  
Affects: Portion of Parcel A
16. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document:  
Reserved by: Central Puget Sound Regional Transit Authority  
Purpose: Light rail system  
Recording Date: March 31, 2005  
[Recording No.: 20050331002463](#)  
Affects: Portion of Parcels A and B
17. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document:  
Reserved by: Central Puget Sound Regional Transit Authority  
Purpose: Ingress and egress  
Recording Date: December 10, 2009  
[Recording No.: 20091210000419](#)  
Affects: Portion of Parcel A
18. An unrecorded "Master Implementation Agreement for Sound Transit at University Medical Center Consolidation Laundry" with certain terms, covenants, conditions and provisions set forth therein as disclosed by the document:  
  
Entitled: Statutory Warranty Deed  
By and between: The Board of Regents of the University of Washington and Central Puget Sound Regional Transit Authority, dba Sound Transit  
Recording Date: September 1, 2011  
[Recording No.: 20110901000445](#)  
  
Said deed is a rerecording of deed recorded under recording number 20050331002461.
19. Any unrecorded leaseholds, right of vendors and holders of security interests on personal property installed upon the Land and rights of tenants to remove trade fixtures at the expiration of the terms.

**EXHIBIT C**  
**COVENANT**  
**REGARDING ENVIRONMENTAL CONDITIONS**

The Property is conveyed AS-IS, WHERE-IS, WITH-ALL-FAULTS, AND WITHOUT ANY REPRESENTATION OR WARRANTY WHATSOEVER, EXPRESS OR IMPLIED, AS TO ITS CONDITION, ENVIRONMENTAL OR OTHERWISE, OR ITS SUITABILITY OR SUFFICIENCY FOR THE GRANTEE'S INTENDED USES AND PURPOSES. Grantee acknowledges that adverse physical, economic or other conditions (including without limitation, adverse environmental soils and ground-water conditions), either latent or patent, may exist on the Property and assumes Grantor's responsibility for all environmental conditions of the Property, known or unknown, including but not limited to responsibility, if any, for investigation, removal or remediation actions relating to the presence, release or threatened release of any Hazardous Substance or other environmental contamination relating to the Property. Grantee also releases, covenants not to sue, and shall indemnify, defend, and hold Grantor and its past, present and future officials, employees, and agents, harmless from and against any and all claims, demands, penalties, fees, damages, losses, expenses including but not limited to fees and costs of regulatory agencies, attorneys, contractors and consultants, and liabilities arising out of, or in any way connected with, the condition of the Property including but not limited to any alleged or actual past, present or future presence, release or threatened release of any Hazardous Substance in, on, under or emanating from the Property, or any portion thereof or improvement thereon, from any cause whatsoever; it being intended that Grantee shall so indemnify Grantor and such personnel without regard to any fault or responsibility of Grantor or Grantee. The obligation to complete all environmental investigation, removal or remediation of the Property and the acknowledgements, releases and covenants herein touch and concern the Property, restrict the use of the Property and are intended to run with the land and bind Grantee and Grantee's heirs, successors and assigns, and inure to the benefit of Grantor and its successors and assigns.

For purposes of this Covenant, the term "Hazardous Substance" shall mean petroleum products and compounds containing them; lead, flammable materials; radioactive materials; polychlorinated biphenyls ("PCBs") and compounds containing them; asbestos or asbestos-containing materials in any friable form; underground or above-ground storage tanks; and any substance or material that is now or hereafter becomes regulated under any federal, state, or local statute, ordinance, rule, regulation, or other law relating to environmental protection, contamination or cleanup.

Grantee's release and covenant not to sue shall include both claims by Grantee against Grantor and any cross-claims, third-party claims or other claims against Grantor by Grantee based upon claims made against Grantee by any third parties. The obligation to indemnify and defend shall include, but not be limited to, any liability of Grantor to any and all federal, state or local regulatory agencies or other persons or entities for remedial action costs and natural resources damages claims. This Covenant means that Grantee accepts the Property "as-is, where-is and with-all-faults," and that Grantee assumes all responsibility of Grantor to investigate, remove and remediate any environmental conditions on the Property and has no recourse against Grantor or any of its officers, employees or agents for any claim or liability with respect to the Property.

This Covenant shall apply regardless of whether or not Grantee is culpable, negligent or in violation of any law, ordinance, rule or regulation. This Covenant is not intended, nor shall it, release, discharge or affect any rights or causes of action that Grantor or Grantee may have against any other person or entity, except as otherwise expressly stated herein, and each of the parties reserves all such rights including, but not limited to, claims for contribution or cost recovery relating to any Hazardous Substance in, on, under or emanating from the Property.

**EXHIBIT D**  
**CONDITIONAL REVERSION**

**Condition Subsequent / Power of Termination.** This conveyance is subject to the following condition and power of termination which shall be binding on the Grantee and its successors and assigns:

1. Condition Subsequent. The real property described as Parcels A and B on Exhibit A of this Deed (“Potential Reversionary Parcels”) hereto and all rights of Grantee hereunder to the Potential Reversionary Parcels are subject to a condition subsequent upon the occurrence of which Grantor shall have the right, subject to the limitations and releases set forth below, to terminate, by notice to Grantee, the estate conveyed under this deed to such property and all rights of all persons claiming by or through Grantee, whereupon fee simple title to the Potential Reversionary Parcels (or portions thereof not previously released) shall revert entirely in Grantor. The condition subsequent shall have occurred unless the following shall have occurred on or before June 30, 2030 (“Affordable Housing Construction Financing Deadline”): Grantee or its successor or assign shall have obtained and committed funds (which may include construction loan funds and other types of financing typical for affordable housing transactions) to facilitate commencement of construction of affordable housing.
2. Parcel No. 713830-0015. Notwithstanding anything to the contrary, Grantor shall not have any reversionary rights or condition subsequent rights to Parcel 713830-0015 described as Parcel C on Exhibit A of this Deed.
3. The Affordable Housing Construction Financing Deadline shall be extended if and to the extent that Grantor’s actions result in delays to the development of affordable housing on the Potential Reversionary Parcels, including but not limited to if Grantor causes delays in Grantee’s request for proposals/request for qualifications process. The Affordable Housing Construction Financing Deadline shall also be extended if and to the extent that Grantee is making diligent efforts to cause the Potential Reversionary Parcels to be developed for affordable housing, and actions and events outside of Grantee’s reasonable control result in delays, including but not limited to lawsuits, earthquake or other acts of God, strikes, acts of public enemy, riots, insurrections, epidemics or pandemics, or economic or other events significantly impacting the ability to develop affordable housing in Seattle. In order to qualify for an extension under this Section 3, Grantee shall provide notice to Grantor within thirty (30) days of any such action or event resulting in delays.
4. Phased Development and Boundary Line Adjustments. Grantee may cause the Potential Reversionary Parcels to be developed in phases and may subject the Potential Reversionary Parcels to one or more boundary line adjustments, may declare a condominium, and or may subdivide the Potential Reversionary Parcels without any need for Grantor’s approval. In case of any change to the boundaries or legal descriptions of the Potential Reversionary Parcels, the reversionary rights described in Section 1 above shall continue in effect as to the real property legally described as Parcels A and B on Exhibit A of this Deed. If Grantee causes the Potential Reversionary Parcels to be developed in phases, the reversionary rights described in Section 1 above shall be released from any portion of the Potential Reversionary Parcels being developed for affordable housing at the earlier of (1) commencement of construction of any affordable housing improvements exceeding One Million Dollars in anticipated costs to construct, (2) closing of construction financing of any affordable housing improvements, or (3) transfer of the property to a developer by way of deed or long-term ground lease for affordable housing construction purposes, provided that construction is reasonably anticipated to occur within 90 days of such transfer. Development for affordable housing may include other uses consistent with transit-oriented development purposes, including but not limited to commercial, institutional, transit, community spaces and other public spaces and public benefits such as greenspace, parking, sidewalks, storage, etc. In case of development of affordable housing which includes other uses consistent with transit-oriented development, the reversionary rights described in Section 1 shall also be released from any portion of the Potential Reversionary Parcels being developed for the other uses.
5. Transit-Oriented Developments Other Than Affordable Housing. Provided that Grantee is seeking to maximize the affordable housing development potential of the property consistent with transit-oriented development principles, Grantor shall release its reversionary rights described in Section 1 above from any real property being developed for any transit-oriented development improvements at the earlier of (1) commencement of construction of any transit oriented development improvements exceeding One Million Dollars in anticipated costs to construct, (2) closing of financing of any transit

oriented development improvements, or (3) transfer of the property to a developer by way of deed or long-term ground lease for transit-oriented development construction, provided that construction is reasonably anticipated to occur within 90 days of such transfer. Such improvements may include, but are not limited to, right of way improvements, utility improvements, and parks and recreation improvements.

6. Termination of Reversionary Rights Upon Completion of Minimum Affordable Housing Units. In addition to the termination of reversionary rights set forth in Sections 4 and 5 above, any Grantor reversionary rights still existing with respect to any remaining portion of the Potential Reversionary Parcels shall terminate upon issuance of certificate(s) of occupancy for at least 200 units of affordable housing constructed on the Potential Reversionary Parcels, and any reversionary rights shall be held in abeyance during construction of such units.
7. Termination of Reversionary Rights and Confirmation of Release by Quit Claim Deed. Grantor's reversionary rights shall (i) upon satisfaction of any of the conditions described in Sections 4 and 5 above, automatically terminate as to that portion of the property being developed, and (ii) upon satisfaction of the condition described in Section 6 above, automatically terminate entirely. In addition, and in order to clear any cloud upon the title of the property, upon request of Grantee, Grantor shall provide a quit claim deed to confirm the release its reversionary rights (i) as to any applicable portion of the real property being developed at the time of the condition being satisfied in Sections 4 and 5 above, and (ii) as to the entirety of the property at the time of the condition being satisfied in Section 6 above.
8. Affordable housing shall mean housing that is affordable for rental or homeowner purposes to households at or below eighty percent of the area median income.



## **SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Office of Housing	Steven Shain 206-684-8211	Lisa Gaccione 206-684-5339

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### **1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to the Office of Housing and the Department of Finance and Administrative Services; authorizing the acceptance of a transfer of real property near the Mount Baker light rail station from the University of Washington for the purpose of development of affordable housing and other potential educational, research, and clinical uses by the University, including an early learning facility, and for general municipal purposes; placing the property under the jurisdiction of the Office of Housing; authorizing the Department of Finance and Administrative Services to take custodial management of the property, including leasing, collection of rents, payment of expenses, and other property management duties; and ratifying and confirming certain prior acts.

**Summary and background of the Legislation:** The legislation will transfer three real properties from the University of Washington (UW) to the City of Seattle for the purpose of developing affordable housing, including supportive housing, for households at or below 80% of the area median income and for other potential educational, research, and clinical uses by the University of Washington, including an early learning facility.

Section 7038 of Chapter 413 of the 2019 Laws of Washington, as amended by Section 7009 of Engrossed Substitute Senate Bill 6248 (2020) identifies a University of Washington transfer of three real property parcels to the City of Seattle. The properties were previously used for the University of Washington Consolidated Laundry Services and are opposite the Mount Baker Link light rail transit station.

The UW Laundry building is located on parcel 308500-2100 (“UW Laundry site”). Parcel 713880-0025 is adjacent to the UW Laundry site and was used as a parking lot for the UW Laundry site. Parcel 713830-0015 is located north of the UW Laundry site underneath the Link light rail guideway and was also used as a parking lot.

The City of Seattle will receive the properties at no cost, and the property will be placed under jurisdiction of the Office of Housing.

Potential environmental contamination at the properties will be addressed in accordance with standard City policies and procedures.

The Office of Housing will seek to maximize the affordable housing developed on the property, consistent with transit-oriented development principles. The Office of Housing

will conduct a competitive process to designate a development entity for the redevelopment of the UW Laundry site.

The Department of Finance and Administrative Services will provide custodial management of the property until it is transferred to the designated development entity.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ☐ Yes ☒ No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The Department of Finance and Administrative Services (FAS) estimates up to \$250,000 per year of Operation and Maintenance costs for security and ongoing holding costs for the UW Laundry site before the property is transferred to the designated developer for redevelopment. OH will reimburse FAS on an annual basis for net expenses.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Not implementing legislation would be in opposition to Engrossed Substitute Senate Bill 6248 (2020). In addition, Office of Housing would lose the opportunity to develop affordable housing, including supportive housing, at these sites.

## 4. OTHER IMPLICATIONS

**a. Does this legislation affect any departments besides the originating department?**

Yes. FAS will be responsible for security and ongoing holding costs for the UW Laundry site until the property is transferred to the designated developer for redevelopment. FAS is considering various interim uses of the UW Laundry Site building and adjacent King's Hall building.

**b. Is a public hearing required for this legislation?**

No.

**c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

No.

**d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No publication is required for this legislation.

**e. Does this legislation affect a piece of property?**

Yes. It affects these three properties in the Mount Baker neighborhood:

- 2901 27<sup>th</sup> Ave S (Parcel 308500-2100)
- 2700 S Winthrop St (713880-0025)
- 26<sup>th</sup> Ave S and S Forest St (713830-0015)

A map of these three properties are provided as Exhibit 1 to this Summary and Fiscal Note.

**f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

There are no direct impacts on vulnerable or historically disadvantaged communities. The properties will be redeveloped as affordable housing, which may be an indirect disproportional benefit to members of vulnerable or historically disadvantaged communities.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

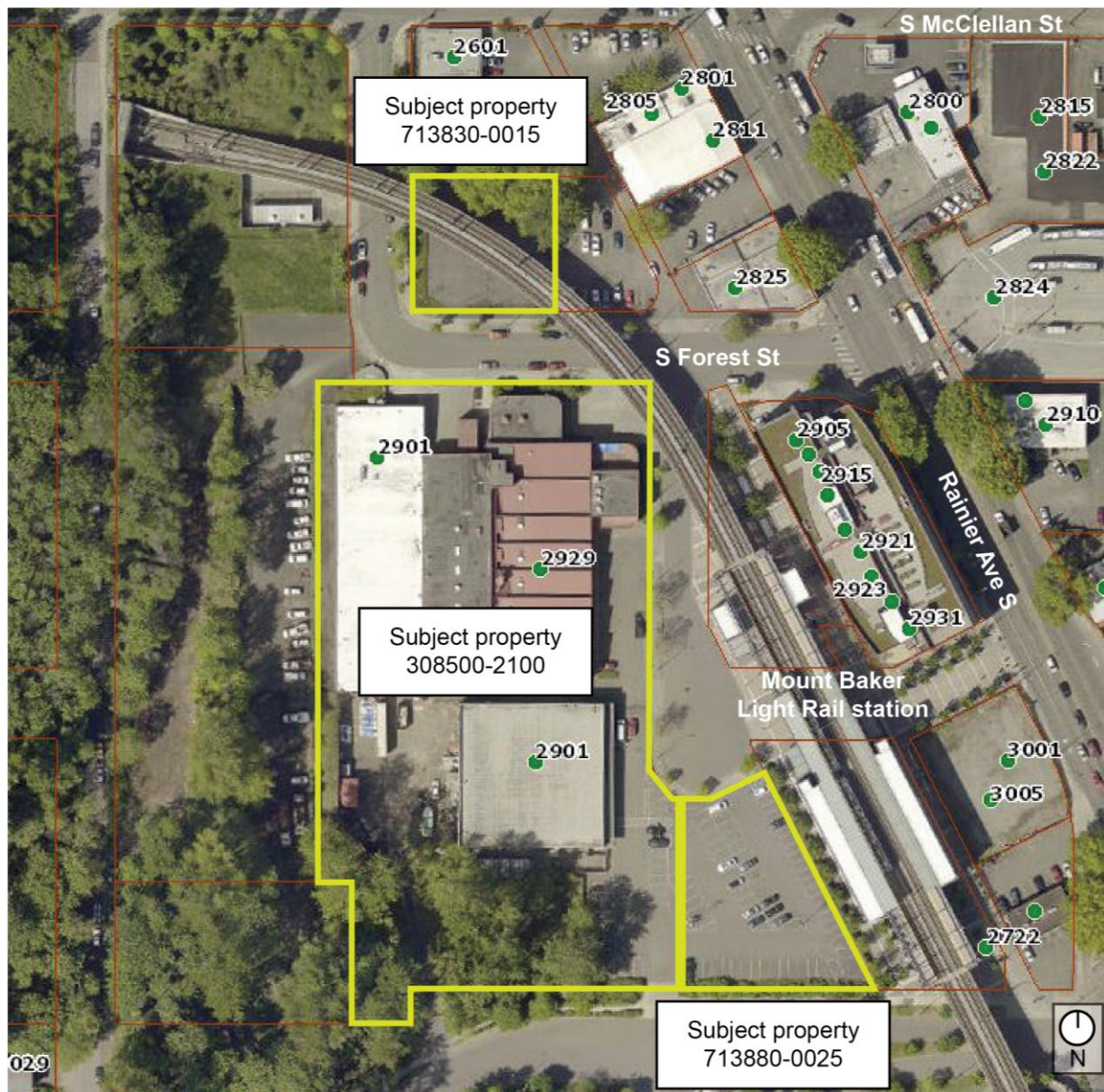
N/A

**List attachments/exhibits below:**

Summary Exhibit 1 – Map of UW Sites

**Exhibit 1**  
**Map of 2901 27<sup>th</sup> Ave S, 2700 S Winthrop S, and 26<sup>th</sup> Ave S and S Forest St**

University of Washington properties (“UW Laundry Site”) to be transferred to the City of Seattle



This map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.



## Legislation Text

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**File #:** CB 119807, **Version:** 1

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### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

### COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to the City’s criminal code; removing the crime of drug traffic loitering and associated references in the Seattle Municipal Code; amending Section 10.09.010 of the Seattle Municipal Code and repealing Section 12A.20.050 of the Seattle Municipal Code.

WHEREAS, the crime of drug traffic loitering was added to the Seattle Municipal Code in 1990, during the

“War on Drugs,” an effort to stop illegal drug use and trafficking; and

WHEREAS, the approach of the “War of Drugs” was to criminalize more behaviors, increase arrests, and

require mandatory minimum sentences; and

WHEREAS, while those strategies increased arrest and incarceration rates, they did not proportionately

decrease the prevalence of drug use and trade; and

WHEREAS, since that time, the “War on Drugs” has been shown to have deeply disproportionate impacts on

communities of color; and

WHEREAS, while people of color already experience discrimination at all stages of the criminal justice

system, discrimination is particularly clear in the case of drug law violations, with nearly 80 percent of

people in federal prison and nearly 60 percent of people in state prison for drug offenses are Black or

Latinx; and

WHEREAS, research has shown that there is double the likelihood that prosecutors pursue mandatory

minimum sentences for Black people than for white people charges with the same offense; and

WHEREAS, in 2015, the Council passed Resolution 31637, creating a workgroup to examine how the City

could assist formerly incarcerated persons “reenter” their communities; and

WHEREAS, the Reentry Workgroup released its final report in October 2018, which included seven strategies and recommendations to reduce barriers for people living with criminal history; and

WHEREAS, one of the strategies to reduce incarceration costs and system involvement is to decriminalize; and

WHEREAS, the Reentry Workgroup “recommends the City move away from reliance on the criminal legal system to address behaviors related to poverty, illness, and oppression...[and] aim to reduce the criminalization of poverty and the disproportionate representation of Black and Indigenous individuals, other targeted communities of color, and people with disabilities within Seattle’s criminal legal system” and “instead develop responses that do not burden individuals with criminal history or the trauma of incarceration;” and

WHEREAS, among the specific recommendations within a decriminalizing strategy is to repeal the crime of drug traffic loitering; and

WHEREAS, in response to the concerns raised by the Reentry Workgroup, the City Attorney decided to decline to prosecute drug traffic loitering; and

WHEREAS, while declining to prosecute is an important first step, as long as the crime still exists in the Seattle Municipal Code, a change in leadership or policy in the City Attorney’s Office could result in renewed prosecution of drug traffic loitering; and

WHEREAS, to remedy an outdated approach to drug enforcement, prevent future prosecution of drug traffic loitering, and eliminate the opportunity for further disproportionality in the criminal legal system, removing drug traffic loitering from the Seattle Municipal Code is a key next step; NOW,  
THEREFORE,

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

Section 1. Section 10.09.010 of the Seattle Municipal Code, enacted by Ordinance 123188, is amended as follows:

**10.09.010 Definitions.**

For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

\* \* \*

5. "Nuisance activity" includes:

- a. a "most serious offense" as defined in ch. RCW 9.94A;
- b. a "drug related activity" as defined in RCW 59.18.130;
- c. any of the following activities, behaviors or criminal conduct:

1. Assault, Fighting, Menacing, Stalking, Harassment or Reckless Endangerment, as defined in SMC Chapter 12A.06;

2. Promoting, advancing or profiting from prostitution as defined in Chapter 9A.88 RCW;

3. Prostitution, as defined in SMC 12A.10.020;

4. Permitting Prostitution, as defined in SMC 12A.10.060;

5. Obstructing pedestrian or vehicular traffic, as defined in SMC 12A.12.015(4);

6. Failure to Disperse, as defined in SMC 12A.12.020;

7. Weapons violations, as defined in SMC Chapter 12A.14; or

8. ~~((Drug Traffic Loitering, as defined in SMC 12A.20.050(B); or~~

9.)) Gang related activity, as defined in RCW 59.18.030(16).

\* \* \*

Section 2. Section 12A.20.050 of the Seattle Municipal Code, enacted by Ordinance 116307, is repealed:

**~~((12A.20.050 Drug-traffic loitering.~~**

~~A. As used in this Section 12A.20.050:~~

~~"Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW, or the equivalent provisions of any federal statute, state statute, or ordinance of any political subdivision of this state, and~~

includes a verdict of guilty, a finding of guilty and an acceptance of a plea of guilty.

"Drug paraphernalia" means drug paraphernalia as the term is defined in the Uniform Controlled Substance Act, RCW 69.50.102, excluding, however, items obtained from or exchanged at any needle exchange program sponsored by Seattle King County Public Health, and hypodermic syringes or needles in the possession of a confirmed diabetic or a person directed by his or her physician to use such items.

"Illegal drug activity" means unlawful conduct contrary to any provision of chapter 69.41, 69.50, or 69.52 RCW, or the equivalent federal statute, state statute, or ordinance of any political subdivision of this state.

"Known drug trafficker" means a person who has, within the knowledge of the arresting officer, been convicted within the last two years in any court of any felony illegal drug activity.

"Public place" is an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, transit stations, shelters and tunnels, automobiles visible to public view (whether moving or not), and buildings, including those that serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

B. A person is guilty of drug traffic loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to engage in unlawful conduct contrary to chapter 69.41, 69.50, or 69.52 RCW.

C. The following circumstances do not by themselves constitute the crime of drug traffic loitering. Among the circumstances that may be considered in determining whether the actor intends such prohibited conduct are that he or she:

1. Is seen by the officer to be in possession of drug paraphernalia; or
2. Is a known drug trafficker (provided, however, that being a known drug trafficker, by itself, does not constitute the crime of drug traffic loitering); or
3. Repeatedly beckons to, stops or attempts to stop passersby, or engages passersby in



conversation; or

4. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms, or any other bodily gesture; or

5. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or

6. Is the subject of any court order, which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving illegal drug activity; or

7. Has been evicted as the result of his or her illegal drug activity and ordered to stay out of a specified area affected by drug-related activity.

D. No person may be arrested for drug traffic loitering unless probable cause exists to believe that he or she has remained in a public place and has intentionally solicited, induced, enticed, or procured another to engage in unlawful conduct contrary to chapter 69.41, 69.50, 69.52 RCW.

E. A person convicted of drug traffic loitering shall be guilty of a gross misdemeanor and punished in accordance with Chapter 12A.02.))

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_

President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

## **SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Venkataraman/4-5382	

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### **1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to the City’s criminal code; removing the crime of drug traffic loitering and associated references in the Seattle Municipal Code; amending Section 10.09.010 of the Seattle Municipal Code and repealing Section 12A.20.050 of the Seattle Municipal Code.

**Summary and background of the Legislation:** The crime of drug traffic loitering was added to the Seattle Municipal Code in 1992 during the War on Drugs. Since that time, such laws have been shown to have a disproportionate impact on communities of color and negatively impact already vulnerable populations without improving public safety. The City Attorney has declined to prosecute these crimes since 2018, and repeal will make permanent the inability to use loitering as a basis for arrest or future prosecution.

### **2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?** \_\_\_ Yes \_\_X\_\_ No

### **3. SUMMARY OF FINANCIAL IMPLICATIONS**

**Does this legislation amend the Adopted Budget?** \_\_\_ Yes \_\_X\_\_ No

**Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.

Fewer crimes in the code will mean lower costs in the criminal legal system associated with arrest, booking, prosecution, court proceedings, and incarceration.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.

No.

#### 4. OTHER IMPLICATIONS

**a. Does this legislation affect any departments besides the originating department?**

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

It removes a basis for arrest for the Seattle Police Department, review and prosecution of cases in the City Attorney's Office, proceedings at Seattle Municipal Court and bookings into King County jail.

**b. Is a public hearing required for this legislation?**

If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned/required in the future?

No

**c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

If yes, please describe the measures taken to comply with RCW 64.06.080.

No

**d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

No.

**e. Does this legislation affect a piece of property?**

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

No

**f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities. If any aspect of the legislation involves communication or outreach to the public, please describe the plan for communicating with non-English speakers.

Because of the disproportionate impact on communities of color, particularly Black and Latinx communities, of drug traffic loitering laws, repeal of this crime from the code will mean one less charge as potential to create disproportionality in the criminal legal system.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

This answer should highlight measurable outputs and outcomes.

No

List attachments/exhibits below:



## Legislation Text

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**File #:** CB 119808, **Version:** 1

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### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

### COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to the City’s criminal code; removing the crime of prostitution loitering and associated references in the Seattle Municipal Code; amending Sections 12A.10.070 and 12A.10.100 and repealing Section 12A.10.010 of the Seattle Municipal Code.

WHEREAS, sex workers are a population that is at high risk of trafficking, abuse, and exploitation, consisting largely of marginalized women; and

WHEREAS, this status has been recognized through characterization of sex workers involved in the criminal legal system as victim-defendants; and

WHEREAS, despite identification as a vulnerable population, research about similar ordinances in other jurisdictions has shown that these laws are enforced in an arbitrary and discriminatory way and have a disproportionate impact on women of color, both cis- and transgender; and

WHEREAS, involvement in the criminal legal system exacerbates already unmet needs; and

WHEREAS, the harms of arrest and incarceration exposes sex workers to physical and sexual harm as well as further trauma; and

WHEREAS, the understanding and recognition of sex work as a legitimate form of work is continually evolving; and

WHEREAS, in 2015, the Council passed Resolution 31637, creating a workgroup to examine how the City could assist formerly incarcerated persons “reenter” their communities; and

WHEREAS, the Reentry Workgroup released its final report in October 2018, which included seven strategies and recommendations to reduce barriers for people living with criminal history; and

WHEREAS, one of the strategies to reduce incarceration costs and system involvement is to decriminalize; and

WHEREAS, the Reentry Workgroup “recommends the City move away from reliance on the criminal legal system to address behaviors related to poverty, illness, and oppression....[and] aim to reduce the criminalization of poverty and the disproportionate representation of Black and Indigenous individuals, other targeted communities of color, and people with disabilities within Seattle’s criminal legal system” and “instead develop responses that do not burden individuals with criminal history or the trauma of incarceration;” and

WHEREAS, among the specific recommendations within a decriminalizing strategy is to repeal the crime of prostitution loitering; and

WHEREAS, in response to the concerns raised by the Reentry Workgroup, the City Attorney decided to decline to prosecute prostitution loitering; and

WHEREAS, while declining to prosecute is an important first step, as long as the crime still exists in the Seattle Municipal Code, a change in leadership or policy in the City Attorney’s Office could result in renewed prosecution of prostitution loitering; and

WHEREAS, to prevent future prosecution of prostitution loitering and eliminate the opportunity for further disproportionality and harm in the criminal legal system, removing prostitution loitering from the Seattle Municipal Code is a key next step; NOW, THEREFORE,

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

Section 1. Section 12A.10.010 of the Seattle Municipal Code, last amended by Ordinance 120887, is repealed:

**~~((12A.10.010 Prostitution loitering.~~**

~~A. As used in this section:~~

~~1. "Commit prostitution" means to engage in sexual conduct for money but does not include sexual conduct engaged in as part of any stage performance, play or other entertainment open to the public.~~

~~2. "Known prostitute or procurer" means a person who within one (1) year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted in Seattle Municipal Court of an offense involving prostitution.~~

~~3. "Public place" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.~~

~~B. A person is guilty of prostitution loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to commit prostitution.~~

~~C. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he or she:~~

- ~~1. Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation; or~~
- ~~2. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or~~
- ~~3. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or~~
- ~~4. Is a known prostitute or procurer; or~~
- ~~5. Inquires whether a potential patron, procurer or prostitute is a police officer, searches for articles that would identify a police officer, or requests the touching or exposing of genitals or female breasts to prove that the person is not a police officer.))~~

Section 2. Section 12A.10.070 of the Seattle Municipal Code, last amended by Ordinance 125881, is amended as follows:

**12A.10.070 Mandatory fee for defendant convicted of or entering into a diversion agreement or deferred prosecution for a prostitution-related offense or indecent exposure; forfeiture of funds used as part of**

**prostitution-related offenses**

\* \* \*

E. The fee assessed and collected under subsection 12A.10.070.A shall be collected by the clerk of the court and remitted and subject to the use and distribution conditions of RCW 9A.88.120(4). Any fee assessed under subsection 12A.10.070.B and the portion of any fine imposed upon a defendant convicted of a violation of Section ((12A.10.010,)) 12A.10.020((5)) or 12A.10.060, or RCW 9A.88.110 under Section 12A.09.020, that is retained by the City shall be collected by the clerk of the court or the Director of Probation Services and shall be deposited in the Sex Industry Victims Fund. Monies forfeited under subsection 12A.10.070.D shall be deposited in the Vice Enforcement/Money Laundering Forfeiture Account.

Section 3. Section 12A.10.100 of the Seattle Municipal Code, last amended by Ordinance 116896, is amended as follows:

**12A.10.100 - Urinating in public((5))**

\* \* \*

B. "Public place" as used in this Section 12A.10.100 ~~((has the meaning defined in Section 12A.10.010 A3))~~ means an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those that serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

\* \* \*

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and signed by



me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

## **SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Venkataraman/4-5382	

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### **1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to the City’s criminal code; removing the crime of prostitution loitering and associated references in the Seattle Municipal Code; amending Sections 12A.10.070 and 12A.10.100 and repealing Section 12A.10.010 of the Seattle Municipal Code.

**Summary and background of the Legislation:** The crime of prostitution loitering targets populations that are already at high risk of trafficking, abuse, and exploitation and has been shown to have a disproportionate impact on women of color, both cis- and transgender. The City Attorney has declined to prosecute these crimes since 2018, and repeal will make permanent the inability to use loitering as a basis for arrest or future prosecution.

### **2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?** \_\_\_ Yes \_\_\_X\_\_\_ No

### **3. SUMMARY OF FINANCIAL IMPLICATIONS**

**Does this legislation amend the Adopted Budget?** \_\_\_ Yes \_\_\_X\_\_\_ No

**Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.

Fewer crimes in the code will mean lower costs in the criminal legal system associated with arrest, booking, prosecution, court proceedings, and incarceration.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.

No.

### **4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

If so, please list the affected department(s) and the nature of the impact (financial, operational, etc.).

It removes a basis for arrest for the Seattle Police Department, review and prosecution of cases in the City Attorney’s Office, proceedings at Seattle Municipal Court and bookings into King County jail.

**b. Is a public hearing required for this legislation?**

If yes, what public hearing(s) have been held to date, and/or what public hearing(s) are planned/required in the future?

No

**c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

If yes, please describe the measures taken to comply with RCW 64.06.080.

No

**d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

For example, legislation related to sale of surplus property, condemnation, or certain capital projects with private partners may require publication of notice. If you aren't sure, please check with your lawyer. If publication of notice is required, describe any steps taken to comply with that requirement.

No.

**e. Does this legislation affect a piece of property?**

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

No

**f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

If yes, please explain how this legislation may impact vulnerable or historically disadvantaged communities. Using the racial equity toolkit is one way to help determine the legislation's impact on certain communities. If any aspect of the legislation involves communication or outreach to the public, please describe the plan for communicating with non-English speakers.

Because of the disproportionate impact on women of color, repeal of this crime from the code will mean one less charge as potential to create disproportionality in the criminal legal system.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

This answer should highlight measurable outputs and outcomes.

No

**List attachments/exhibits below:**