

# SEATTLE CITY COUNCIL

## Council Briefing

January 8, 2024 - 2:00 PM

### Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

### Committee Website:

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

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Please Note: Times listed are estimated. Submit written comments to all Councilmembers at [Council@seattle.gov](mailto:Council@seattle.gov)

#### 1. Approval of the Minutes

#### Council Briefing Minutes (2023)

[December 11, 2023](#)

#### 2. President's Report

2:00 p.m. - 2:05 p.m.

#### 3. State Legislative Session Update (2024)

2:05 p.m. - 2:25 p.m.

**Presenter:** Gael Tarleton, Director, Samir Junejo, and Anna Johnson, Office of Intergovernmental Relations (OIR)

#### 4. City Powers and How They Are Exercised

2:25 p.m. - 3:05 p.m.

[Presentation](#)

**Presenters:** Esther Handy, Director, and Ketil Freeman, Council Central Staff; and Lauren Henry, Legislative Legal Counsel

**5. Vacancy Process Next Steps**

3:05 p.m. - 3:25 p.m.

[Presentation](#)

**Presenters:** Esther Handy, Director of Council Central Staff; Scheereen Dedman, City Clerk; Dana Robinson-Slote, Director of Council Communications; and Lauren Henry, Legislative Legal Counsel

**6. Signing of Letters and Proclamations**

3:25 p.m. - 3:30 p.m.

**7. Preview of City Council Actions, Council and Regional Committees**

3:30 p.m. - 4:20 p.m.



Legislation Text

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**File #:** Inf 2215, **Version:** 1

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Council Briefing Minutes (2023)



Council Chamber, City Hall  
600 4th Avenue  
Seattle, WA 98104

# Seattle Council Committee Report Council Briefing

**Monday, December 11, 2023, 2:00 PM**

**Meeting Start Time:** 2:02 p.m.

**Presiding Officer:** Council President Juarez

**Present:** 6 - Debora Juarez, Andrew Lewis, Tammy Morales, Sara Nelson, Alex Pedersen, Dan Strauss

**Excused:** 1 - Kshama Sawant

**Late Arrival:** 2 - Lisa Herbold, Teresa Mosqueda

## 1. Approval of the Minutes

**Inf 2215** Council Briefing Minutes (2023)

The December 4, 2023 Council Briefing Minutes were approved.

## 2. President's Report

## 3. Signing of Letters and Proclamations

4. **Inf 2366** Resolution 32120 - proposed City of Seattle's 2024 State Legislative Agenda

The Information Item (Inf) was heard in Committee.

## 5. Preview of City Council Actions, Council and Regional Committees

**Inf 2216** City Council Agenda (2023)

The Information Item (Inf) was heard in Committee.

**Meeting Adjournment Time:** 3:59 p.m.

**Prepared by:** Jodee Schwinn, Deputy City Clerk



Legislation Text

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**File #:** Inf 2370, **Version:** 1

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State Legislative Session Update (2024)



Legislation Text

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**File #:** Inf 2373, **Version:** 1

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City Powers and How They Are Exercised



SEATTLE CITY COUNCIL  
**CENTRAL STAFF**

# City Powers and How They Are Exercised

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ESTHER HANDY, DIRECTOR, KETIL FREEMAN, LEGISLATIVE ANALYST & LAUREN HENRY, LEGISLATIVE LEGAL COUNSEL

COUNCIL BRIEFING  
JANUARY 8, 2024

# Central Staff Briefing Series

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1. City Powers and How They Are Exercised (January 8)
2. Role of Committees (January 22)
3. Race and Social Justice in the Policymaking Process (February)
4. The Council and the Budget (February)



# Modes of Municipal Power

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- *Power to provide general governmental services*, such as roads, parks, and fire protection
- *Police Power*, power to regulate activities to protect the public health, safety, and welfare, such as zoning laws and regulatory licenses
- *Proprietary Power*, power associated with sale of commodities or services, such as rate-setting for electricity, water, and sewer services
- **Corporate Power**, procedural authority to exercise the other powers through action like hiring, contracting, and managing property

# Outline for Today

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- Modes of Municipal Power
- Seattle as a Charter City
- Powers Reserved to the Council
- Examples of How Those Powers are Exercised
- Exercising Those Powers Transparently
- Limitations on Those Powers
- Giving Those Powers Away

# Seattle as Charter City – State RCW Framework

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- Washington has three categories for municipal corporations: first-class cities, second-class cities, and towns. First-class cities are those with a population over 10,000 and a charter approved by the city's electors. [Ch. 35.01 RCW](#).
- Powers for first-class cities are broad and set out in [Ch. 35.22 RCW](#).
- Form of government for first-class cities are established by charter.
- Seattle is a first-class city with a Mayor-Council form of government established in the [Charter of the City of Seattle](#).

# Other Elected Offices

Office	Powers and Duties
<b>Mayor</b>	<p>“The Mayor shall see that the laws in the City are enforced, and shall direct and control all subordinate officers of the City, except in so far as such enforcement, direction and control is by this Charter reposed in some other officer or board, and shall maintain peace and order in the City.” <a href="#">Article V, Section 2.</a></p>
<b>City Attorney</b>	<p>“The City Attorney shall have full supervisory control of all the litigation of the City, or in which the City or any of its departments are interested, and shall perform such other duties as are or shall be prescribed by ordinance.” <a href="#">Article XIII, Section 3.</a></p>
<b>Municipal Court Judges</b>	<ul style="list-style-type: none"> <li>• “[T]he purpose of the Court is to try violations of City ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances and perform such other duties as may be authorized by law.” <a href="#">SMC 3.33.010.</a></li> <li>• Seven elected judges.</li> </ul>

# Powers Reserved to the Council by the Charter, RCW, or Other Authority

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Eighteen Powers Enumerated in the Charter, [Article IV, Section 14](#):

- Authority to appoint officers, organize the City departments, and exercise powers vested by the Charter
- Authority to assess and collect taxes, borrow money, and create local improvement districts
- Authority to acquire and dispose of property, including vacating rights-of-way
- Authority to construct and operate public utilities
- Authority to make laws to protect the public health safety and welfare
- Other authority that is primarily historical: acquisition of quarries, changing road grades, cemeteries, sanitoriums...

# Powers Reserved to the Council by the Charter, RCW, or Other Authority, contd.

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- All powers otherwise exercised by similar municipal corporations or granted by the state, [Article IV, Section 15](#).
- Council authority is enumerated and does not include enforcement and administration. Mayor's Charter-authority is limited to enforcement and implementation. Further authority to the Mayor, consistent with the Charter and state law, is granted by ordinance.
- Council's budget authority is enumerated in the Charter but functionally constrained by state law, which has provisions that are unique to Seattle. [Ch. 35.32A RCW](#). See Central Staff Presentation on the Council and the Budget.

# Example 1: Community Assisted Response and Engagement (CARE) and Alternative 911 Response

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- ***What it is:*** Department created “to improve public health and safety services by unifying and aligning the City’s community-focused, non-police public safety investments and services to address behavioral abuse, substance abuse, and non-emergent, low-risk calls for service through diversified programs that are equitable, innovative, evidence-based, compassionate, and effective.”
  - Contains City’s 911 dispatch function, and 911 Community Responders, formerly called the Community Safety Communications Center
  - Created by [Ordinance 126233](#) and renamed in [Ordinance 120707](#)
- ***Mode of Power:*** Corporate power – creation of a new City department
- ***Source of Authority:*** “The Legislative Authority of the City may by ordinance create, consolidate and reorganize the departments, divisions and offices of the City for the conduct of municipal functions except as such creation, consolidation or reorganization shall be precluded by other provisions of this Charter.” [Article III, Section 1.](#)

## Example 2: Jumpstart Payroll Expense Tax

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- **What it is:** A tax on business payrolls of \$7 million or more with different rates determined by the size of the business and levels of compensations. Created to fund affordable housing, equitable development projects, economic resilience programs, and Green New Deal projects.
  - Tax Created by [Ordinance 126108](#). Spending plan created by [Ordinance 126109](#).
- **Mode of Power:** Power to provide general governmental services
- **Source of Authority:** Excise tax on business derived from multiple state statutory authorities, [RCW 35.22.280\(32\)](#), [RCW 35A.82.020](#), and [RCW 35A.11.020](#).



## Example 3: Minimum Wage

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- ***What it is:*** Increased Seattle's minimum wage to \$15 / per hour phased in over time and required inflationary adjustments
  - Labor standard created by [Ordinance 124490](#).
  - Response to SeaTac minimum wage initiated by the voters
  - Developed by the Mayor and Council
- ***Mode of Power:*** Police Power
- ***Source of Authority:*** Charter and police power authority granted to first-class cities by Ch. 35.22 RCW

# Exercising Those Powers Publicly and Transparently

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- ***The Council Conducts its Business in Public***
  - Council meetings are subject to the Open Public Meetings Act (OPMA), deliberation and voting must occur in public. [Ch. 42.30 RCW](#).
  - Councilmember communications are disclosable under the Public Records Act. [Ch. 42.56 RCW](#).
- ***Exercise of Legislative Power Must be Transparent***
  - Single subject requirement for legislation. [Article IV, Section 7](#).
  - Agenda posting and circulation of amendments. Council Rules.

# Limitations on Those Powers

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- ***State Constitutional Limitations***

- Examples – lending of credit and gifts of public funds

- ***State pre-emption***

- Examples – residential rent control, statutory maximum on levy lid lifts

- ***Initiatives and referenda***

- People reserve to themselves the authority to initiate policy and refer for a vote legislative actions of the City

# Giving Those Powers Away

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## *Delegation:*

- Council can delegate rulemaking authority for some legislative actions to departments.
- Director's Rules have the effect of Law and must be promulgated pursuant to the City's administrative code with notice and opportunity for public comment.
- For the delegation to be effective it cannot be vague or overbroad.

## *Civil Emergencies:*

- Can be declared by the Mayor when social upheaval or natural disaster “occurs in the City and results in or threatens to result in the death or injury of persons or the destruction of property or the disruption of local government to such extent as to require...extraordinary measures to prevent the death or injury of persons and to protect the public peace, safety, and welfare, and alleviate damage, loss, hardship, or suffering.” [SMC 10.02.010](#).
- Mayor assumes powers otherwise reserved to the Council.
- Council can terminate a civil emergency by resolution adopted with 2/3 vote of all members.

# Takeaways

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- Four modes of municipal power
- Council has broad authority to exercise those powers through legislation, subject to some limitations
- When and how those modes are exercised by the Council depends on authority derived from the Charter, state statute, and the state constitution
- Council's exercise of power must occur in public and be transparent
- The Council can give some power away to the Mayor through delegation
- The Mayor can assume some Council-power in case of emergencies, subject to supermajority termination

# Questions?



Legislation Text

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**File #:** Inf 2374, **Version:** 1

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Vacancy Process Next Steps



# Position 8 Vacancy Appointment

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SCHEEREN DEDMAN, CITY CLERK; DANA ROBINSON SLOTE, COMMUNICATIONS DIRECTOR  
ESTHER HANDY, CENTRAL STAFF DIRECTOR; LAUREN HENRY, LEGISLATIVE LEGAL COUNSEL

COUNCIL BRIEFING  
JANUARY 8, 2024



# Vacancy Initiated

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- Councilmember Mosqueda resigned from her position, to join the King County Council, creating a vacancy effective January 3
- Vacancy appointment process is 20 days, guided by City Charter and SMC 3.93.010
- Appointed Councilmember will serve until Special Election in November 2024
- Position 8 Committee Assignment: Sustainability, City Light, Arts & Culture
- Public Information available: <http://www.seattle.gov/cityclerk/council-vacancy>

# Accepting Applications

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Applications accepted via email to: [councilvacancy@seattle.gov](mailto:councilvacancy@seattle.gov) until 5 p.m. PST on January 9. Applications must include:

- Cover Letter
- Resume
- Financial Interest Form

By Charter, candidates must be:

- a citizen of the United States
- able to read and write the English language
- a qualified elector of the State of Washington; and
- a registered voter of the City of Seattle at least 120 days prior to filing the declaration of candidacy.

# Public Forum & Community Entities

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Community entities that wish to participate in developing or hosting the public forum may submit a letter of interest to [councilvacancy@seattle.gov](mailto:councilvacancy@seattle.gov) by 5 p.m. January 9, indicating:

- Capacity
- Relevant prior experience

Community entities who wish to share general feedback can complete the [online form](#) by 5 p.m. PST on January 9, including:

- Recommendations for forum structure
- questions posted to candidates; or
- accessibility considerations.

# Council Deliberation

<b>Wednesday, January 10</b>	Councilmembers receive applications and may begin their review including meeting individually with any applicant.
<b>Friday, January 12</b>	Special City Council Meeting to select community entity/entities to host community forum and, if necessary, to select finalist candidates; discussion in executive session and selections in open session.
<b>Wednesday or Thursday, January 17 or 18</b>	Community Forum
<b>Monday, January 22</b>	Special City Council meeting to accept public comment, interview applicants in open session, and discuss qualifications in executive session.
<b>Tuesday, January 23</b>	City Council vote on appointment.

# Questions?