



## Legislation Details (With Text)

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<b>Type:</b>	Ordinance (Ord)	<b>Status:</b>	Passed	<b>In control:</b>	City Clerk
<b>On agenda:</b>	11/23/2015				
<b>Final Action:</b>	12/1/2015	<b>Ord. No.</b>	Ord 124920		
<b>Title:</b>	AN ORDINANCE relating to certain functions of the executive branch of City government; creating a Seattle Information Technology Department; establishing the powers and duties of the new department; abolishing the Department of Information Technology and transferring functions currently performed by that department; transferring functions currently performed by other departments in the executive branch; making provisions for transition; adding Chapter 3.23; repealing Chapters 3.22 and 18.14; and amending Sections 3.39.020, 4.13.010, 5.09.020, 10.02.060, 15.32.300, and 21.60.040 of the Seattle Municipal Code.				
<b>Sponsors:</b>	Nick Licata				
<b>Indexes:</b>					
<b>Attachments:</b>	1. CB 118529 Att A - Positions Transferring to Seattle IT, 2. CB 118529 Att B - Repealed Chapter 3.pdf, 3. CB 118529 Att C - Repealed Chapter 18.pdf, 4. Summary and Fiscal Note, 5. Signed Ord 124920				

Date	Ver.	Action By	Action	Result
12/1/2015	1	City Clerk	attested by City Clerk	
12/1/2015	1	Mayor	returned	
12/1/2015	1	Mayor	Signed	
11/30/2015	1	City Clerk	submitted for Mayor's signature	
11/23/2015	1	City Council	passed	Pass
11/16/2015	1	Select Budget Committee	pass	Pass
10/26/2015	1	City Council	referred	
10/20/2015	1	City Clerk	sent for review	
9/28/2015	1	Mayor	Mayor's leg transmitted to Council	

## CITY OF SEATTLE

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

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

AN ORDINANCE relating to certain functions of the executive branch of City government; creating a Seattle Information Technology Department; establishing the powers and duties of the new department; abolishing the Department of Information Technology and transferring functions currently performed by that department; transferring functions currently performed by other departments in the executive branch; making provisions for transition; adding Chapter 3.23; repealing Chapters 3.22 and 18.14; and amending Sections 3.39.020, 4.13.010, 5.09.020, 10.02.060, 15.32.300, and 21.60.040 of the Seattle Municipal Code.

WHEREAS, technology is essential to providing City services and transparent access to and communication

with the public, enabling digital equity across the City, and is therefore required for Seattle to achieve its vision of an affordable, safe, vibrant, innovative, and connected city; and

WHEREAS, the powerful reach and efficiency of information technology tools increases the harm caused when they are compromised or misused, and the City therefore requires ever heightened vigilance to protect the data and the systems entrusted to it by the public and other stakeholders; and

WHEREAS, the City makes substantial investment in its information technology program through the decentralized and often duplicative effort of many City departments; and

WHEREAS, information technology is evolving at such a rapid pace that no one current City department has the scale to stay ahead of, seize opportunities created by, and mitigate risks associated with technology changes; and

WHEREAS, new governance bodies have been established to allow department directors to provide strategic direction and input on the provision of information technology services and projects; and

WHEREAS, the Mayor has proposed a reorganization of City government that centralizes planning and delivery of information technology services in a new Seattle Information Technology Department in order to make more efficient use of existing technology resources, make strategic decisions to meet technology needs through fewer, more robust platforms, increase technology security across City departments, and provide broader opportunities for expert consultation, training, and career advancement for information technology professionals; and

WHEREAS, the deliberate pace of the proposed reorganization calls for the abolishment of the Department of Information Technology effective April 6, 2016, and revision of the Seattle Municipal Code to reflect the proposed reorganization;

NOW, THEREFORE,

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

ESTABLISHMENT OF NEW DEPARTMENT

## AND TRANSFER OF FUNCTIONS

Section 1. A new Seattle Information Technology Department is created to carry out the administration and oversight of City information technology services as set forth in this ordinance. The incumbent Chief Technology Officer and Director of the Department of Information Technology shall be the first head of the department, who shall continue to serve the remainder of the term through December 31, 2017.

Section 2. Chapter 3.22 of the Seattle Municipal Code, Department of Information Technology, last amended by Ordinance 124736 and that currently reads as shown in Attachment B to this ordinance, is repealed, and the Department of Information Technology is abolished.

Section 3. All rules, regulations, notices, and proceedings in effect on the effective date of this ordinance with respect to activities carried out by the Department of Information Technology shall continue in effect under the authority of the Seattle Information Technology Department, unless and until they expire of their own terms or are superseded, and the powers, duties, obligations, and responsibilities of the Chief Technology Officer and Director of the Department of Information Technology shall be vested in and performed by the Chief Technology Officer and Director of the Seattle Information Technology Department, unless otherwise provided by this or another ordinance.

Section 4. Except as provided for in this or another ordinance, all the functions, responsibilities, agreements, obligations, authorization, powers, equipment, records, appropriations, funds, assets, and liabilities of the Department of Information Technology shall belong to and be executed by the Seattle Information Technology Department.

Section 5. The functions, responsibilities, agreements, obligations, authorization, powers, equipment, records, appropriations, funds, assets, and liabilities related to information technology activities in the Office of the Arts and Culture, Seattle Center Department, the Office for Civil Rights, Department of Neighborhoods, Department of Planning and Development, the Department of Finance and Administrative Services, the Human Services Department, the Office of Housing, the Parks and Recreation Department, the Seattle City Light

Department, the Seattle Department of Transportation, the Seattle Fire Department, the Seattle Police Department, and the Seattle Public Utilities Department shall be met, performed or directed by the Seattle Information Technology Department. The Chief Technology Officer, in the Officer's capacity as the Director of the Seattle Information Technology Department, is authorized to perform and exercise all City responsibilities, duties, obligations, and powers related to information technology theretofore belonging to the directors of those departments, including without limitation any such responsibilities, duties, obligations, and powers that may be created by ordinance after the passage of this ordinance, unless expressly stated in the later ordinance.

Section 6. For purposes of this ordinance, unless the context otherwise clearly requires, "information technology" shall mean telecommunications, data, and supporting physical infrastructure, including the telephone system, radio system, and fiber optic network; applications and application infrastructure, computer engineering and operations, data centers, servers, storage, and backup equipment; desktop, mobile, and printing devices; cloud services including, but not limited to, Software, Infrastructure, and Platform as a Service (SaaS, IaaS, PaaS) as defined by the National Institute of Standards and Technology; digital engagement services, including, but not limited to, cable franchises, citizen engagement portals, other public-facing technology services, internal websites, City-sponsored television channel operations, and central video; and the services to provide, maintain, and support the above for the City. "Information technology" does not include supervisory control and data acquisition ("SCADA") systems. The Chief Technology Officer shall interpret the definition of "information technology" in this Section 6, and such interpretation shall be final. Nothing in this Section 6 prohibits the Seattle Information Technology Department from operating a SCADA system for itself or for another department.

Section 7. The Chief Technology Officer shall have the power to appoint, assign, supervise, and control all the officers and employees in the Seattle Information Technology Department.

Section 8. The Chief Technology Officer, under the authority of the Mayor, shall have the power to make all administrative decisions necessary to carry out the intent of this ordinance.

Section 9. A new Chapter 3.23 is added to the Seattle Municipal Code as follows:

### **Chapter 3.23 Seattle Information Technology Department**

Section 10. A new Section 3.23.010 is added to the Seattle Municipal Code as follows:

#### **3.23.010 Department established - Purpose**

There is established a Seattle Information Technology Department for managing the City's information technology resources, which shall include: telecommunications, data, and supporting physical infrastructure, including the telephone system, radio system, and fiber optic network; applications and application infrastructure, computer engineering and operations, data centers, servers, storage, and backup equipment; desktop, mobile, and printing devices; cloud services including, but not limited to, Software, Infrastructure, and Platform as a Service (SaaS, IaaS, PaaS) as defined by the National Institute of Standards and Technology; digital engagement services, including, but not limited to, cable franchises, citizen engagement portals, other public-facing technology services, internal websites, City-sponsored television channel operations, and central video; and the services to provide, maintain, and support the above for the City.

Section 11. A new Section 3.23.020 is added to the Seattle Municipal Code as follows:

#### **3.23.020 Director of the Seattle Information Technology Department - Appointment and removal**

There shall be a Chief Technology Officer to be appointed by the Mayor, confirmed by a majority of the City Council and subject to reappointment and reconfirmation every four years. The Mayor, at any time, may remove the Chief Technology Officer upon filing a statement of reason therefor with the City Council.

Section 12. A new Section 3.23.030 is added to the Seattle Municipal Code as follows:

#### **3.23.030 Director of the Seattle Information Technology Department - Functions and powers**

The Chief Technology Officer shall be the head of the Seattle Information Technology Department, shall be responsible for the administration of the Department, and shall:

A. Appoint, remove, supervise, and control officers and employees in the Seattle Information Technology Department in accordance with Civil Service Rules and regulations;

B. Prepare and update annually a strategic information technology planning agenda for the City;

C. Develop, promulgate, and implement City policies and standards governing the acquisition, management, and disposition of information technology resources;

D. Develop policies and standards for the management, maintenance and operation of City information technology resources;

E. Develop and oversee an information technology training program for the City;

F. Develop priorities and guidelines to assist City departments in preparing their annual operating and capital information technology budgets;

G. Review City department budget submittals to ensure that information technology budget priorities and guidelines are appropriately addressed in proposed budget allocations, and that all proposed uses of technology resources are consistent with the City's policies, standards and technology agenda;

H. Make recommendations to the Mayor and City Council on changes to department information technology budget submittals for consistency with the City's policies, standards, and technology agenda;

I. Determine the most effective ways of providing information technology resources to City departments, including services and the management thereof, using City or contracted sources;

J. Establish and regularly update an information technology architecture for the City;

K. Manage the preparation of the proposed annual budget of the Seattle Information Technology Department, authorize necessary expenditures and enter into contracts for professional and expert services in accordance with the annual budget; develop and manage programs, and supervise development and maintenance, of adequate managerial and accounting systems and procedures;

L. Execute, administer, modify, and enforce such agreements and instruments as the Chief Technology Officer shall deem both reasonably necessary to implement programs consistent with all applicable laws and ordinances and appropriate for carrying out the responsibilities, functions, and activities of the Department; apply for grants and donations for departmental programs; and solicit and use volunteer services;

M. Create, lead, and facilitate one or more advisory groups designed to provide customer and professional recommendations on City information technology issues, including the operations of the Seattle Information Technology Department, budget allocation, policies, and standards for the acquisition, management, and disposition of information technology assets, and the most effective ways of providing information technology resources to support the missions of City departments;

N. Establish a system of prices, rates and allocations, and charge City departments and other users for services furnished by the Department;

O. Make rules and regulations to carry out departmental activities pursuant to Chapter 3.02; and

P. Establish and oversee a privacy program, including the promulgation of a city-wide privacy policy, governing the collection, use, and management of data collected from the public.

Section 13. A new Section 3.23.040 is added to the Seattle Municipal Code as follows:

**3.23.040 Acquisition of technology resources**

No City officer or employee shall acquire, through purchase, lease, or any form of contract, any information technology resources for the City except through, or in accordance with, policies, guidelines, standards, and procedures established by the Chief Technology Officer.

Section 14. A new Section 3.23.050 is added to the Seattle Municipal Code as follows:

**3.23.050 Agreements for data center colocation space and services**

A. The Chief Technology Officer is authorized to execute, for and on behalf of the City and its departments, agreements providing for the City's use and occupancy of data center colocation facilities and services, including lease and license agreements for technical space, warehouse and office space; and agreements for related on-site support services. The Chief Technology Officer shall consult with the City Attorney on the language of such agreements. No City officer other than the Chief Technology Officer shall enter into agreements for City use of data center colocation facilities unless those agreements are made through and in accordance with policies and procedures established by the Chief Technology Officer.

B. The Chief Technology Officer's authority to enter into agreements under this Section 3.23.050 is limited to agreements with an initial term of no more than ten years. The Chief Technology Officer may extend the term of an agreement for up to an additional five years, provided that the extension must be at the option of the Chief Technology Officer. The Chief Technology Officer shall give written notice to the chair and members of the City Council committee with technology oversight at least 30 days in advance of any agreement with a term of more than five years.

Section 15. A new Section 3.23.060 is added to the Seattle Municipal Code as follows:

**3.23.060 Seattle Community Technology Advisory Board (CTAB) - Membership and duties**

A. There is a Community Technology Advisory Board (CTAB) consisting of ten members.

1. CTAB has one member representing public access to information and communications technology, one member representing education, seven at-large members, and one young adult member from the Get Engaged: City Boards and Commissions program, governed by Chapter 3.51. Members must live or work at an address in the City.

2. Six members are appointed by the Mayor, subject to confirmation by the City Council, including the public access, education, and Get Engaged members. Four at-large members are appointed by the City Council.

3. With the exception of the Get Engaged program position, whose term is governed by Chapter 3.51, the term of a member is two years. A member is eligible for reappointment to one additional two-year term. A member may serve again after a hiatus of at least four years. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment. If a person is appointed to fill the duration of an unexpired term, then that term shall count as one of the two consecutive terms only if the portion of the unexpired term actually served is at least one year. A member whose term is ending may continue on an interim basis as a member with voting rights until such time as a successor for that position has been appointed or confirmed by the City Council.



4. All members serve without compensation.

B. The duties of CTAB are as follows:

1. To study and make recommendations to the Mayor, the Seattle Information Technology Department, and the City Council on issues referred to CTAB by the Mayor or Councilmembers relating to information and communications technology. CTAB members may also bring forward for consideration other issues of community-wide interest relating to information and communications technology if doing so does not conflict with issues referred by the Mayor, the Seattle Information Technology Department, or City Council;
2. Regarding information and communications technology issues, to conduct research, hearings, and workshops, to make written recommendations, and to report its findings and recommendations to the Mayor and City Council; and
3. To perform such other duties as may from time to time be appropriate and approved by resolution of the City Council.

C. CTAB shall be staffed by an employee of the Seattle Information Technology Department or other designee of the Chief Technology Officer who shall serve as Secretary to the Board.

Section 16. It is the express intent of the City Council that the recodification of the CTAB identified in Section 15 of this ordinance shall not interfere with the orderly operation of the CTAB now codified in Section 3.22.060 of the Seattle Municipal Code, and that incumbent CTAB members confirmed with respect to Section 3.22.060 of the Seattle Municipal Code shall continue their respective terms as members of the CTAB under the new Section 3.23.060 of the Seattle Municipal Code.

## BUDGET

Section 17. The Seattle Information Technology Department shall have control of, responsibility for, and authority to expend the unspent 2016 budget appropriations of the Department of Information Technology, including all funds carried forward from prior years and appropriations associated with the Capital Improvement Program.

Section 18. Appropriations for information technology resources and services for departments identified in Section 5 shall be expended with the concurrence of the Chief Technology Officer. Appropriations shall be spent in accordance with their intended purpose and Council's direction established in the budget.

Section 19. The Information Technology Fund created by Ordinance 119504 shall be used for the deposit of funds to meet operating expenditures of the Seattle Information Technology Department and any unexpended and unlapsed appropriations of the Department of Information Technology. The Table of Funds in Chapter 5.76 of the Seattle Municipal Code shall be amended to include the Information Technology Fund.

#### POSITIONS

Section 20. All positions in the former Department of Information Technology and their incumbents, if any, are assigned to the Seattle Information Technology Department.

Section 21. Each position listed in Attachment A to this ordinance, and the incumbent in that position, if any, shall be transferred from the department listed in Attachment A and assigned to the Seattle Information Technology Department.

#### MISCELLANEOUS CHANGES TO THE SEATTLE MUNICIPAL CODE

Section 22. Section 3.39.020 of the Seattle Municipal Code, last amended by Ordinance 123712, is amended as follows:

##### **3.39.020 Director of Finance and Administrative Services - Functions and powers.**

The Director of Finance and Administrative Services' functions and powers include but are not limited to the following:

\* \* \*

R. Establish a system of prices, rates, and allocations, and charge City departments and other users for services furnished by the Department and the use of City facilities, Department services, vehicles, and equipment; ~~((and establish a system of rates to be charged to City departments for the value of providing City-wide directory assistance services, which the Department of Information Technology will bill to~~

departments;))

\* \* \*

Section 23. Section 4.13.010 of the Seattle Municipal Code, last amended by Ordinance 124663, is amended as follows:

#### 4.13.010 Exemptions from the Civil Service and Public Safety Civil Service Systems

\* \* \*

Employment Unit		Titles of Exempt Positions
	* * *	
<del>((12.))</del>	<del>((Information Technology, Department of))</del>	<del>((Executive Assistant, Senior (PosNo. 00026709)))</del>
<del>((13.))</del> 12.	Law	All positions in the Law Department, except clerical positions classified in the Administrative Support and Accounting Support class series
<del>((14.))</del> 13.	Legislative	All positions in the Legislative Department, except clerical positions classified in the Administrative Support and Accounting Support class series
<del>((15.))</del> 14.	Municipal Court	All Municipal Judges, Magistrates, and Court Commissioners
		All positions in the Probation Counselor class series
		Administrative Specialist III (PosNo. 00023563)
		Research and Evaluation Assistant (PosNo. 00011478)
		Bailiff
		Bailiff, Chief
		Executive Assistant (PosNo. 00016207)
		Executive Assistant, Senior (PosNo. 00011524)
		Municipal Court Marshal

		Municipal Court Marshal, Senior
((16.)) <u>15.</u>	Neighborhoods	Administrative Staff Assistant (PosNo. 10004293)
		Executive Assistant, Senior (PosNo. 00022313)
((17.)) <u>16.</u>	Parks and Recreation	Administrative Staff Assistant (PosNo. 00010227)
((18.)) <u>17.</u>	Planning and Development Department of	Administrative Staff Assistant (PosNo. 00014435)
((19.)) <u>18.</u>	Police	All positions included in the Public Safety Civil Service are exempt from Chapter 4.04 and the Personnel Rules and the Civil Service Commission regarding examination, selection, discipline, termination and appeals.
		Administrative Staff Assistant (PosNo. 10002374)
		Executive Assistant, Senior (PosNo. 00006333)
		Management Systems Analyst (PosNo. 10004666)
		Police Chief, Assistant
		Police Chief, Deputy
		Victim Advocate (PosNo. 10004665)
((20.)) <u>19.</u>	Public Safety Civil Service Commission	None
((21.)) <u>20.</u>	Retirement	Administrative Staff Analyst (PosNo. 10004468)
((22.)) <u>21.</u>	Seattle Center	Executive Assistant, Senior (PosNo. 10001213)
((23.)) <u>22.</u>	Seattle Department of Human Resources	Executive Assistant (PosNo. 00025346)
((24.)) <u>23.</u>	Seattle Ethics and Elections Commission	All positions in the office of the Seattle Ethics and Elections Commission
<u>24.</u>	Seattle Information Technology Department	Executive Assistant, Senior (PosNo. 00026709)

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Section 24. Section 5.09.020 of the Seattle Municipal Code, last amended by Ordinance 124567, is amended as follows:

**5.09.020 Definitions**

\* \* \*

“Department” means each of the following departments, offices, or other entities: the Department of Finance and Administrative Services, ((Department of Information Technology,)) Department of Neighborhoods, Department of Parks and Recreation, Department of Planning and Development, Human Services Department, Law Department, Legislative Department, City Budget Office, Office of Arts and Culture, Office of Economic Development, Office of Housing, Office of Intergovernmental Relations, Office of Sustainability and Environment, Office of the Mayor, Seattle Department of Human Resources, Seattle Center, Seattle City Light, Seattle Fire Department, Seattle Information Technology Department, Office for Civil Rights, Seattle Police Department, Seattle Public Utilities and Seattle Department of Transportation. If the name of any Department is changed, or if a function or functions of any Department are transferred to another entity within City government, then the term "Department" shall also include the renamed Department and the entity taking over the function or functions.

\* \* \*

Section 25. Subsection 10.02.060.A of the Seattle Municipal Code, which section was last amended by Ordinance 124567, is amended as follows:

**10.02.060 Disaster Management Committee.**

A. There shall be a Disaster Management Committee consisting of:

1. The department heads or their designees of the following departments and offices, or their successor agencies: City Light, the City Budget Office, the Office of Economic Development, the Department

of Finance and Administrative Services, the Seattle Fire Department, the Office of Housing, the Human Services Department, the Seattle Information Technology Department (~~((of Information Technology))~~), the Office of Intergovernmental Relations, the Law Department, the Legislative Department, the Department of Parks and Recreation, the Seattle Department of Human Resources, the Seattle Police Department, Seattle Public Library, the Department of Neighborhoods, Seattle Center, the Office of Sustainability and the Environment, Seattle Public Utilities, and the Seattle Department of Transportation; and

2. The Director of Public Health - Seattle & King County or (~~(his or her)~~) the Director's designee; and

3. Representatives of other agencies or organizations, or other persons with expertise in disaster management as shall be appointed by the Mayor.

\* \* \*

Section 26. Subsection 15.32.300.C of the Seattle Municipal Code, which section was last amended by Ordinance 124167, is amended as follows:

**15.32.300 Attachments to City-owned poles.**

\* \* \*

C. If additional communication space is available on City-owned poles, after reserving one (~~((1))~~) space for the City and after accounting for the space occupied by existing services already on the poles, the City may permit additional attachments in communication space under the following conditions:

1. The needs of the City are paramount. The City shall be the determinant regarding any question of right to attach, construction compliance or contract interpretation regarding attachment to poles. Permission to make attachments to the City's poles may be withdrawn for violation of applicable codes, for breach of contract, for failure to supply proof of required permits, by governmental directive or for any reason associated with the City's requirements for the use of its poles or public right-of-way. The City may direct the immediate removal of attachments at the owner's expense, if attachments fail to conform to codes or the City's

requirements, or if attachments interfere with City operations.

2. All attachments shall be made in accordance with all applicable codes as well as City electrical standards, guidelines and practices.

3. All attachments, including co-lashing, shall be subject to prior approval of the ((Department of)) Seattle Information Technology Department, Seattle Department of Transportation and the City Light Department in accordance with the following principles, requirements and procedures:

a. Providing for the safety of the public, City employees, private contractors, and other users of poles is a fundamental principle which must be observed.

b. The primary function of the City's poles is to support the City's electrical lines and equipment.

c. The City shall neither replace existing poles with taller poles nor add crossarms to existing poles to create more communication space on the poles, except as described in subsection 15.32.300.C.4 below.

d. Any new attachments must accommodate any prior agreements between the City and other entities regarding use of space on the poles.

e. The City shall not relinquish the one ((4)) communication space reserved for its own use on every pole. At the request of the applicant, however, the City shall consider creating additional space for communication uses on the poles by taking such actions as removing secondary rack wiring and substituting triplex wire, moving streetlight fixtures, guy wires and other attachments to the poles and by providing for co-lashing. Any actions undertaken to create more communication space shall be considered make-ready work, and any such costs shall be borne by the applicant.

f. Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and viewsheds. All such extra measures, including any additional public involvement and/or environmental review,

shall be taken in accordance with directives from the General Manager and Chief Executive Officer of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant.

g. All make-ready costs such as costs for any permits, environmental review, adjustment of other equipment on the pole, tree replacement and tree trimming, shall be paid by the applicant prior to making any attachments to the poles.

h. As a condition of securing the City's permission to use its poles for attachment of cable, all applicants shall be required to permit co-lashing to their own cable of up to two ~~((2))~~ other cables, which may be owned and operated by other entities. All cable attachments that initially occupy a space on a City-owned pole shall be required to provide an external or internal support ("messenger") wire that is capable of supporting two ~~((2))~~ other cables in addition to the initial cable installed by the applicant. Owners of cable subsequently co-lashed to the initial cable shall pay the owner of the initial cable a proportionate share of the cost of the messenger wire. All entities co-lashing together shall be required to provide one another with reciprocal indemnity provisions equivalent to those which must be granted to the City by each of them pursuant to Section 15.32.150. Co-lashing shall not be required of any applicant until all other spaces on the pole, other than the City's reserved space, have been utilized. The City Light Department shall issue a Department Policy and Procedure for providing co-lashing space based on costs, operational convenience, cable size, and other criteria which are developed in the course of producing such Department Policy and Procedure.

i. In addition to the indemnification required by Section 15.32.150, the City may require that the applicant provide the City and entities permitted to co-lash with additional indemnification, such as indemnification from a parent company, and/or require that the applicant provide proof of specific insurance provisions acceptable to the City which cover potential exposure of both the applicant and the City.

j. As a further condition of securing the City's permission to use its poles for attachment of cable, all applicants upon request shall be required to provide the City with capacity on the applicant's cable over and above the capacity specifications submitted by the applicant. Such additional capacity may be in the



form of dedicated fiber or dedicated space on the same cable being installed by the applicant or in the form of separate cable, as specified by the ~~((Department of))~~ Seattle Information Technology Department, and shall be dedicated to the City for as long as the cable is attached to the City's poles. The City shall have the right to use that capacity for any governmental purpose and the right to lease that capacity to any public or nonprofit entities. The incremental costs of adding the specified amount of capacity for the City shall be borne by the City.

k. Applications for attachment to City-owned poles shall be submitted to the City Light Department. The City Light Department shall then coordinate that request with the Seattle Department of Transportation and the ~~((Department of))~~ Seattle Information Technology Department. Approval of all three ~~((3))~~ departments shall be required prior to the issuance of a permit to attach to the poles.

l. All applications for pole attachment shall be considered on a first-come, first-serve basis, provided that where space is limited, attachment permits shall be given first to public entities, second to entities which are common carriers, third to entities which request attachment to six ~~((6))~~ poles or less for their own private communication needs, and fourth to others.

m. If no space can be created on the poles requested, the applicant may seek an exception to any of the requirements set forth in this section by submitting a written request to a three ~~((3))~~ person review committee comprised of one ~~((1))~~ representative each from the ~~((Department of))~~ Seattle Information Technology Department, the Seattle Department of Transportation, and the City Light Department. The committee shall review the request with reference to considerations which may warrant making an exception including, but not limited to reduced environmental effects, the lack of alternatives for achieving equivalent service available to the applicant, the lack of alternative routing which can be made available and the feasibility of undergrounding all or part of the cable. After engaging in a review of the application, the committee shall forward a recommendation to the Mayor and City Council. Exceptions will not be recommended where the City Light Department believes the safety will be compromised by the granting of an exception. Any

exceptions to the requirements of this ((section)) Section 15.32.300 must be approved by ordinance.

n. All entities that are provided attachments to City-owned poles, other than Class II attachments, including attachments by means of co-lashing, shall pay a rental fee for each such attachment at a rate established by ordinance. All income from such pole rental rates shall be paid into the Light Fund.

4. Provisions for ((Special Attachments.)) special attachments

a. Class II attachments shall be limited to situations where: (i) make-ready costs are paid by the provider; (ii) pole/equipment, installation, operation, and maintenance costs are paid by the provider; and (iii) visual impacts of antennas and other attachments are reduced to a degree acceptable to the General Manager and Chief Executive Officer.

b. Class II attachment requests are subject to public notice and comment. Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and view-sheds. All such extra measures, including any additional public involvement and/or environmental review, shall be taken in accordance with directives from the General Manager and Chief Executive Officer of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant. Where a request meets the following criteria in Seattle, the applicant shall apply to the Department of Planning and Development and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an administrative conditional use permit. The recommendation of the Department of Planning and Development shall be advisory to the General Manager and Chief Executive Officer:

Zone	Street Type	Zoning Height Limit	Pole Height Requested
SF, L-1, NC-1	Nonarterial	<40	<60
SF, L-1, NC-1	Arterial	<40	>60
L-2, L-3, L-4, NC-2	Either	<40	>60
NC-3, C, I, MI	Either	<40	>60

c. Where the request is for a location outside Seattle, the applicant shall comply with all applicable

requirements of the local jurisdiction where the property is located.

d. Class II attachments shall be permitted substantially in the form of the site agreements authorized by Ordinance 118737, together with special terms and conditions within the site agreement.

e. Class II rental rates shall be established at fair market value as determined by the City Light Department and set forth in the special terms and conditions within the site agreement. All income from such Class II rental rates shall be paid into the Light Fund.

Section 27. Chapter 18.14 of the Seattle Municipal Code, Surveillance Cameras in Seattle Parks, last amended by Ordinance 123411 and that currently reads as shown in Attachment C to this ordinance, is repealed.

Section 28. Subsection 21.60.040.A of the Seattle Municipal Code, which section was last amended by Ordinance 124736, is amended as follows:

**21.60.040 Office of Cable Communications**

A. The Seattle Information Technology Department (~~(of Information Technology)~~) shall maintain an Office of Cable Communications for the administration and enforcement of this Chapter 21.60, any franchises granted pursuant to this Chapter 21.60, and any other City ordinances relating to cable services or cable systems.

\* \* \*

Section 29. The Table of Funds in Chapter 5.76 of the Seattle Municipal Code shall be amended to include the Fiber Leasing Fund established by Ordinance 123931, and the Cable Franchise Fee Subfund of the General Fund established by Ordinance 118196.

Section 30. The headings in this ordinance are for reference purposes only. They have no legal effect and shall not be codified.

Section 31. In the event any section or subsection of the Seattle Municipal Code purported to be amended or recodified herein has heretofore been repealed, that earlier repeal shall be given full effect, and

nothing in this ordinance shall be construed to re-enact or preserve that section or subsection.

Section 32. It is the express intent of the City Council that, in the event an ordinance, resolution, rule, or regulation refers to the Department of Information Technology, that reference shall mean the Seattle Information Technology Department consistent with this ordinance.

Section 33. If any section or subsection of the Seattle Municipal Code affected by this ordinance is amended by another ordinance without reference to amendments made by this ordinance, each ordinance shall be given effect to the extent that the amendments do not conflict in purpose, and the code reviser may publish the section or subsection in the official code with all amendments incorporated therein.

Section 34. This ordinance does not affect any existing right acquired or liability or obligation incurred under the sections amended or repealed in this ordinance or under any rule or order adopted under those sections, nor does it affect any proceeding instituted under those sections.

Section 35. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of its application to other persons or other circumstances.

Section 36. Sections 2 through 27 and 29, 30, and 34 of this ordinance shall take effect on April 6, 2016.

Section 37. 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 \_\_\_\_\_, 2015, and  
signed by me in open session in authentication of its passage this

\_\_\_\_ day of \_\_\_\_\_, 2015.

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

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Edward B. Murray, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

(Seal)

Attachments:

Attachment A - Positions Transferring to Seattle IT

Attachment B - Repealed Chapter 3.22

Attachment C - Repealed Chapter 18.14