



Legislation Text

File #: CB 120665, Version: 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE amending Sections 5.24.020 and 5.24.030 of the Seattle Municipal Code (SMC) to adjust the thresholds upon which the City Council is briefed about settlement and claims matters in Executive Session; and amending SMC 5.24.020 to require twice-annual litigation briefings in Executive Session. WHEREAS, the statute regarding payment of judgments, Section 5.24.020 of the Seattle Municipal Code

(SMC), was originally established in 1979 and presently requires that prior to authorizing any litigation settlements over \$500,000, “the City Attorney shall brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110”; and

WHEREAS, the threshold for briefings was set at \$500,000 in Ordinance 120521 in 2001 and has not been adjusted since that time; and

WHEREAS, likewise, the threshold for an Executive Session briefing on claims matters as established in SMC 5.24.030 was established in Ordinance 120521 in 2001 at \$100,000 and has not been adjusted since 2001; and

WHEREAS, adjusting the thresholds for inflation would produce values 70 percent above their current levels and retain the original purposes for the Council receiving Executive Session briefings of significant settlement and claims matters; and

WHEREAS, adjusting the thresholds for settlement and claims briefings will retain the Council’s present role in reviewing significant settlement and claims matters while allowing smaller-amount settlements and claims to receive prompt attention and resolution; and

WHEREAS, Resolution 31847 established Policy 12, which became effective on January 1, 2019, and requires

the Director of Finance, the Director of Risk Management, and the City Attorney to provide an annual briefing on individual settlements over \$200,000 to Council in Executive Session; and

WHEREAS, Resolution 31847 maintains Council's ability to receive aggregated data on the City's claims and track trends that inform future policy decisions; and

WHEREAS, just as Council sees benefit from aggregated claims briefings in Executive Session, this ordinance will amend SMC 5.24.020 to require twice-annual Executive Sessions to discuss litigation impacting the laws and regulations of Seattle to bring awareness to larger trends; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 5.24.020 of the Seattle Municipal Code, last amended by Ordinance 125492, is amended as follows:

5.24.020 Payment of judgments

A. Twice annually, in March and September, the City Attorney shall provide a summary briefing to the City Council in Executive Session on significant litigation that challenges or materially impacts provisions of the Seattle Municipal Code or its implementing rules and regulations.

B. The City Attorney may authorize payment of any settlement arising out of litigation against the City or any judgment against the City. Prior to authorizing settlement of any litigation for an amount over ((\$500,000)) \$1,000,000, the City Attorney shall brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110. Prior to authorizing a settlement involving significant financial or policy issues, the City Attorney shall consult with the City Budget Director, the Director of Finance and Administrative Services, and the head of the relevant department. Upon a presentation by the City Attorney to the Director of Finance and Administrative Services of either a copy of a Release and Order of Dismissal or a copy of a judgment against the City, entered in an appropriate court, and having attached thereto a statement in writing, signed by the City Attorney, to the effect that the right of appeal from such judgment has been expressly waived, or that the time for an appeal has expired, the Director of Finance and Administrative

Services shall issue a check upon the Judgment/Claims Fund for the amount of such judgment, and costs if awarded to the claimant by the court. The City Council may periodically review the briefing threshold amount against inflation to determine whether the threshold is appropriate for the purposes of this section.

Section 2. Section 5.24.030 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

5.24.030 Payment of claims

The Director of Finance and Administrative Services may authorize payment of any claim against the City, including claims brought in the small claims department of the district court pursuant to chapter 12.40 RCW. Prior to authorizing settlement of any claim for an amount over (~~(\$100,000)~~) \$200,000, the Director of Finance and Administrative Services and the City Attorney shall brief the City Council regarding the proposed settlement during executive session called pursuant to RCW 42.30.110. Prior to authorizing a settlement involving significant legal or policy issues, the Director of Finance and Administrative Services shall consult with the City Budget Director, the City Attorney and the head of the relevant department.

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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

Attachments (if any):