



SEATTLE CITY COUNCIL  
**LEGISLATIVE DEPARTMENT**

**Date:** March 21, 2019

**To:** Councilmembers

**Cc:** Kirstan Arestad, Central Staff Director  
Karen Jackson, HR/Finance Division Director  
Dana Robinson Slote, Director of Communication  
Monica Martinez Simmons, City Clerk

**From:** Council President Bruce Harrell

**Subject:** **Process for Filling the Vacancy in Council Position 4**

After spending nearly four years in dedicated service on the Council to the people of Seattle, Councilmember Rob Johnson has announced his resignation. Councilmember Johnson's last day as a member of the City Council will be April 5, 2019.

The City Charter gives the City Council 20 calendar days to fill a vacant Council position. This period begins April 6, 2019, the day following Councilmember Johnson's resignation. The 20-day period is from April 6, 2019 to April 25, 2019. As such, the last regular business day to make the decision within the 20-day period would be April 25, 2019. In the event the Council fails to fill the vacant position by the end of that 20-day period, the Council must meet every business day thereafter to consider and vote at least once on the matter until the vacancy is filled, excluding Saturdays, Sundays and legal holidays (Charter Article XIX, Section 6). If Council does not make a decision by April 25, 2019 (last working business day), this provision would take effect and the Council would have to meet and vote at least once every business day, beginning on April 26, 2019. From the date of the appointment, the appointed new Councilmember will serve until the election results are certified by King County Elections on November 26, 2019, and the newly elected Councilmember takes the oath of office.

I believe we can have an open and expeditious process to appoint a new member within the 20-day period called for in the Charter. As stated in Article IV and Article XIX of the Charter, applicants shall "*possess the qualifications required for election to such office*" and "*a district member shall be a resident of the district represented for at least one hundred twenty (120) days.*" It would also be practical to seek a new Councilmember that would be qualified to chair the Planning, Land Use and Zoning committee vacated by Councilmember Johnson. Given the need for our new Councilmember to "hit the ground running" and this fall's election seven months away, I believe we should appoint an experienced "caretaker" who agrees not to seek election to the Council this year.

In addition to taking over the responsibilities of Councilmember Johnson's standing committee, participation and assignment to King County Committees, Regional Committees, State Committees, and City of Seattle Committees, the new Councilmember will be handling multiple issues in the Council's 2019 Work Program related to affordable housing, homelessness, transportation, library levy, the confirmation of City department leaders, and then our annual budget deliberations in the fall. Candidates for appointment should demonstrate an understanding of Seattle City government operations, budgeting, and legislative processes; demonstrate knowledge of the public policy issues associated with potential committee assignments; demonstrate a commitment to social justice and the ability to communicate and collaborate effectively across cultures and with diverse populations; and, desire to serve the people of Seattle as a public official and assume the responsibilities and accountability inherent in the work of a Councilmember.

After consulting with Councilmembers, the City Attorney's office, the City Clerk, and Central Staff director, I am proposing the following transparent process to fill Council Position 4:

**Application Period: March 25 through April 5 at 5:00 p.m.**

- Applicants must submit a resume and cover letter to the City Clerk. The City Charter requires applicants be a citizen of the United States and a registered voter of the City of Seattle. (See Attachment A)

**City Clerk Transmission of Applications to Councilmembers: Tuesday, April 9**

- The City Clerk will provide to each Councilmember a notebook that includes all the applications received by the April 5 deadline. The City Clerk will also post all applications on the Council and City Clerk's websites, giving the public an opportunity to review the applications and submit comments. Included in this notebook will be objective screening criteria such as previous planning, land use and zoning experience as well as documentation from the Seattle Ethics and Elections Commission confirming the candidate's eligibility to serve as a Councilmember.

**City Council Executive Session to Discuss Qualifications: Thursday, April 11, 1:00 p.m.**

- As permitted by the Open Public Meetings Act, the Council will meet in executive session to discuss the qualifications of candidates. (See Attachment B)

**City Council Selection of Finalists at City Council Meeting: Monday, April 15, 2:00 p.m.**

- The City Council will select a short list of finalists for the position at the City Council meeting.

**Presentation by Finalists at Special City Council Meeting: Wednesday, April 17, 5:30 p.m.**

- The City Council will convene a special public meeting to hear 3-minute presentations from the finalists, ask questions of the finalists, and receive comments from the public.

**April 10 to April 19. Public Forum, time and format to be determined (as memorialized in Ordinance 125479).**

- From the Seattle Municipal Code, *“After the deadline for community entity submissions, the City Council shall develop a public forum to be hosted for interviewing applicants. The City Council shall consult with community entities, if any such entities make submissions and are selected by the City Council, the community entities can then inform the forum structure, questions, and accessibility considerations. Only applicants that submitted completed applications material may participate in the public forum.”* SMC 3.93.010.C.

Note: An applicant must participate in the public forum and appear before the Council at the April 17, 2019 meeting to be eligible for appointment. SMC 3.93.010.F

**City Council Appointment at City Council Meeting: Monday, April 22, 2:00 p.m.**

- The Council will vote to fill the vacancy at the City Council meeting.

Please make sure that you reserve these dates and times on your calendar. My office will make a public announcement later today that includes the details of how interested candidates may submit their applications.

This process is based on our last two vacancies and Ordinance 125479. I will take your comments and suggestions into consideration, if you have recommended changes. As usual, please let me know if you have any questions.

Attachment A: City Charter Provisions

Attachment B: Open Public Meetings Act Provision

## **Attachment A: Provisions of City Charter ARTICLE XIX**

Sec. 2. QUALIFICATIONS OF ELECTIVE AND APPOINTIVE OFFICERS: All elective officers of the City shall be citizens of the United States and qualified electors of the State of Washington and registered voters of The City of Seattle at the time of filing their declaration of candidacy and shall be able to read and write the English language. All officers appointed by the Mayor shall be persons with proven administrative ability, and especially fitted by education, training or experience to perform the duties of such offices, and shall, except when otherwise provided in this Charter, be appointed without regard to political affiliation or residence at the time of appointment.

Sec. 5. VACANCIES; FAILURE TO QUALIFY; ABSENCE WITHOUT LEAVE; DISABILITY: An office becomes vacant on failure to qualify within the time limited by law; upon the death or removal from office or resignation of the incumbent, or his or her removal from or absence from the City for sixty days without leave of the City Council, or upon an adjudication of insanity; by a conviction of drunkenness, by any permanent disability, preventing the proper discharge of duty; or by any change in residence rendering a member no longer eligible for membership in the position occupied or sought, including change in residence to outside the City of Seattle or, in the case of a district position, change in residence to outside the relevant district.

Sec. 6. VACANCIES: HOW FILLED:

A. APPOINTIVE OFFICES: If any appointive office shall become vacant, the same shall, except as is otherwise provided in this Charter, be filled in the same manner as if at the beginning of the term, and the person appointed to fill the vacancy shall hold office for the unexpired term.

B. MAYOR AND OTHER ELECTIVE OFFICES: If the office of Mayor shall become vacant, the President of the City Council shall become Mayor; provided, that said President may within five days of such vacancy decline the office of Mayor, in which event the City Council shall select one of its members to be Mayor in the manner provided for filling vacancies in other elective offices. If any other elective office shall become vacant, the City Council shall, within twenty days thereafter, proceed to select by ballot a person to fill such vacancy, who shall possess the qualifications required for election to such office; such selection to be effective only upon the affirmative vote of a majority of all members of the City Council. If any elective office shall not be filled within twenty days after it becomes vacant, the City Council shall meet and ballot at least once each day, excluding Saturdays, Sundays and legal holidays, until such vacancy has been filled.

C. PERSONS FILLING VACANCIES IN ELECTIVE OFFICE; LENGTH OF TERM: A person who thus succeeds to fill a vacancy in an elective office shall hold such office until a successor is elected and qualified. Such successor shall be elected at the next regular municipal general election or at a special election held in concert with the next state general election, whichever occurs first, and shall hold the office for the remainder of the unexpired term and until a successor is elected and qualified; provided, should a vacancy in an elective office occur after the filings for elective office have closed for the next regular municipal general election or state general election, no successor for the unexpired term shall be elected until the next succeeding regular municipal general election or state general election, whichever occurs first.

Persons elected, succeeding ex officio, or selected to fill vacancies shall qualify within the same time and in the same manner as prescribed for persons elected for full terms.

**Attachment B: Provision of the Open Public Meetings Act**  
(RCW 42.30.110 Executive Sessions)

(1) Nothing contained in this chapter may be construed to prevent a governing body from holding an executive session during a regular or special meeting:

...

(h) To evaluate the qualifications of a candidate for appointment to elective office. However, any interview of such candidate and final action appointing a candidate to elective office shall be in a meeting open to the public;

...

(2) Before convening in executive session, the presiding officer of a governing body shall publicly announce the purpose for excluding the public from the meeting place, and the time when the executive session will be concluded. The executive session may be extended to a stated later time by announcement of the presiding officer.