



SEATTLE CITY COUNCIL | DISTRICT 2

**COUNCIL PRESIDENT BRUCE HARRELL**

## Memorandum

DATE: August 2, 2017

TO: City Councilmembers

FROM: Councilmember Bruce Harrell, Council President

SUBJECT: Succession Plan in Event of Mayoral Vacancy

This memorandum is intended to provide an outline of the steps and timelines required in the event of a vacancy in the office of Mayor, e.g., resignation, pursuant to City Charter Article XIX. While the Charter is specific and prescriptive in most instances, there can be some issues that are not specifically addressed in the Charter or fall within our discretion as Councilmembers. This memorandum will identify those areas and make recommendations. The issue of impeachment is outside the scope of this document. If any Councilmembers would like more information on that process, please contact our City Clerk, Monica Martinez Simmons, and she will coordinate a briefing with our Law Department. With respect to a mayoral vacancy:

Charter Art. XIX, § 6.B provides in part:

*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.*

The term “five days” is assumed to mean five calendar days as opposed to business days, and the timelines provided below make that assumption. The Charter does not specify a timeline in which the City Council shall select one of its members assuming the President of the Council declines. My recommendation in this memorandum is to achieve that vote within five days of the Council President’s declination.

I should note that the Seattle City Charter, Art. XIX, § 6.B, sets forth the procedure of filling vacancies in elective offices such as the City Council positions and allows 20 days. My recommendation departs from that provision.

The public vote would utilize the process that we currently use for Special Full Council meetings, which requires notice and a public vote (similar to the process in which we approve bond sales). A majority vote of the Council voting on this matter prevails.

If either the Council President or the Councilmember elected to fill the vacancy assumes the Mayoral office, the issue of whether they can return to the office they left is addressed by the Law Department under a privileged attorney client document. In short, there does not seem to be Washington case law on this issue, and resolution of this question involves an interpretation as to whether a “vacancy” (as used under the Seattle City Charter Art. XIX, § 5) is created under such circumstance. Please contact the Law Department (Ms. Erica Franklin, Mr. Jeff Slayton and Mr. Carlton Seu) for a briefing on this issue if you need further clarification.

If a vacancy is created in a Councilmember position, Art. XIX, § 6.B, also sets forth the procedure for filling vacancies in other any other elective office such as Councilmember:

*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.*

This following outline is provided to serve as a procedural resource.

<b>Scenario Timeline for Succession Plan Pursuant to City Charter Article XIX, § 6.B</b>	
<b>DAY</b>	
<b>Mayoral Vacancy</b>	
Day 1	Office of Mayor becomes vacant.
<b>If Council President Accepts Office of Mayor</b>	
Day 2-6	Council President <b>accepts</b> the office of Mayor within 5 days of the Mayor’s resignation.
Day 7	20-day period begins for filling Council vacancy by Council ballot at Special Full Council meeting.
Day 7	Council President Pro Tem distributes the 20-day process timeline to Clerk and Councilmembers for filling the Councilmember vacancy if the Council President accepts Office of Mayor. <i>(see attachment 1: Filling a Council vacancy)</i>
Day 27	20-day period concludes for filling Councilmember vacancy.
Day 28 – 38	Council President Pro Tem distributes 10-day process timeline to elect new Council President and draft three updated Resolutions: 1) relating to committee

	structure, membership, meeting times, and duties of the standing committees of the Seattle City Council for the remainder of 2017; 2) monthly President Pro Tem of the City Council for the remainder of 2017; and 3) relating to Seattle City Councilmember participation on King County Committees, Regional Committees, State Committees, and City of Seattle Committees for the remainder of 2017.
<b><i>If Council President Declines Office of Mayor</i></b>	
Day 7	If <b>Council President declines</b> Office of Mayor, 5-day period begins for filling vacancy in Office of Mayor by Special Full Council meeting.
Day 7	Council President distributes the 5-day process timeline to Clerk and Councilmembers for filling the Office of Mayor by Council ballot at Special Full Council meeting.
Day 11	Council elects Councilmember to fill Office of Mayor vacancy at Special Full Council meeting.
Day 12	Council President distributes the 20-day process timeline to Clerk and Councilmembers for filling the Councilmember vacancy. ( <i>see attachment 1: Filling a Council vacancy</i> )
Day 12	20-day period begins for filling Council vacancy by Council ballot at Special Full Council meeting.
Day 32	20-day period concludes for filling Councilmember vacancy. Council shall meet and ballot at least once each day if vacancy is not filled within the 20 days.
Day 33-43	Council President distributes 10-day process timeline to draft three updated Resolutions: 1) relating to committee structure, membership, meeting times, and duties of the standing committees of the Seattle City Council for the remainder of 2017; 2) monthly President Pro Tem of the City Council for the remainder of 2017; and 3) relating to Seattle City Councilmember participation on King County Committees, Regional Committees, State Committees, and City of Seattle Committees for the remainder of 2017.

Please be advised the steps and timeline for filling a vacancy on the City Council are provided under separate memorandum in *attachment 1*.

*Attachment 1: Filling a Council Vacancy procedural timeline*

Attachment 1

**Filling a Seattle City Councilmember Vacancy  
 Procedural 20-Day Timeline Pursuant to City Charter Article XIX**

<b>Scenario Timeline for Succession Plan Pursuant to City Charter Article XIX, § 6</b>	
<b>DAY</b>	
<b>Application Period</b>	
Day 0-6	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.
<b>City Clerk Transmission of Applications to Councilmembers</b>	
Day 7	The City Clerk will provide to each Councilmember a notebook that includes all the applications received by the deadline. The City Clerk will also post all applications on the Council’s website, giving the public opportunity to review the applications and submit comments.
<b>Special Meeting of the Seattle City Council for the purposes of an Executive Session to Discuss Applicant Qualifications</b>	
Day 10	As permitted by the Open Public Meetings Act, the Council will meet in Executive Session to discuss the qualifications of candidates.
<b>City Council Selection of Finalists at Regular Monday, Full Council Meeting</b>	
Day 13	The City Council will select a short list of finalists for the position at their regularly scheduled 2:00 p.m. Full Council meeting.
<b>Schedule Special Meeting of the Seattle City Council for the purpose of Presentations by Finalists to City Council</b>	
Day 14-19	The City Council will convene a Special Full Council meeting to hear 3-minute presentations from the finalists, ask questions of the finalists, and receive comments from the public.
<b>City Council Appointment at Regular Monday, Full Council Meeting</b>	
Day 20	The Council will vote to fill the vacancy at the regularly scheduled 2:00 p.m. Full Council meeting.

The City Charter gives the City Council 20 calendar days to fill a vacant Council position. 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 until the vacancy is filled (Charter Article XIX, Section 6).

It would be practical to seek a new Councilmember that would “hit the ground running.” Candidates for appointment should demonstrate understanding of Seattle city government operations, budgeting, and legislative process; demonstrate knowledge of the public policy issues associated with potential Committee assignment; 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.