
Council Bill Number: 115155

Ordinance Number: 121722

AN ORDINANCE related to consultant contracting; changing filing requirements; redefining the term "consultant;" making technical corrections and updating language; exempting consultant services obtained by the City under a contract executed by a state, agency, or subdivision thereof from additional competitive selection requirements; amending, repealing certain provisions of, and re-codifying Chapter 3.114 of the Seattle Municipal Code; and amending Section 3.40.040 of the Seattle Municipal Code.

Status: Passed as Amended

Note: Sculpture Park Administrative Jurisdiction

Vote: 7-0 (Absent: Steinbrueck; Excused: Conlin)

Date filed with the City Clerk: 2005/02/02

Date of Mayor's signature: 2005/01/24 ([about the signature date](#))

Date introduced/referred to committee: 2005/01/18

Committee: Finance & Budget

Sponsor: MCIVER

Committee Recommendation: Pass

Index Terms: CONSULTANT-CONTRACTS, ADMINISTRATIVE-PROCEDURES, PUBLIC-REGULATIONS

Fiscal Note: [Fiscal Note to Council Bill No. 115155](#)

Electronic Copy: [PDF scan of Ordinance No. 121722](#)

Reference: Related: Res. 28556; Ord. 116270

Text:

AN ORDINANCE related to consultant contracting; changing filing requirements; redefining the term "consultant;" making technical corrections and updating language; exempting consultant services obtained by the City under a contract executed by a state, agency, or subdivision thereof from additional competitive selection requirements; amending, repealing certain provisions of, and re-codifying Chapter 3.114 of the Seattle Municipal Code; and amending Section 3.40.040 of the Seattle Municipal Code.

WHEREAS, the Copernicus project recommended that the Department of Executive Administration ensure that current City contracting processes are in synch with the Contracting Services Division Redesign effort; and

WHEREAS, the Copernicus project recommended that the Department of Executive Administration modify or eliminate legislation that unnecessarily encumbers the City's contracting process; and

WHEREAS, the Office of the City Auditor issued a report entitled "Administration of City Consultant Contracts" on August 19, 2002, which report concluded that "...City departments retained consultants for appropriate purposes and generally complied with City policies and rules in executing consultant contracts, with the exception of contract filing requirements;" and

WHEREAS, technology and record-keeping practices and standards have changed significantly since the consultant ordinance was adopted in 1979, making it easier to audit departments and eliminating the need for duplicative filing requirements; and

WHEREAS, existing ordinances allow the City to purchase goods and non- consultant services through contracts executed by a state, or agency or subdivision thereof, or by another governmental unit or any public benefit nonprofit corporation; and

WHEREAS, the City has, on occasion, saved duplicative time, cost, and effort purchasing goods and services through these existing contracts rather than executing a separate competitive process; and

WHEREAS, other governmental units also have similar contracts with consultants that contain favorable terms and that allow other entities like the City to utilize the existing terms and prices for related work; and

WHEREAS, the City could on occasion utilize these contracts to avoid unnecessary duplicative process; and

WHEREAS, the Council has authorized departments to conduct competitive processes and select consultants because advisory services are seen as personal to the mission of the administering agency; and

WHEREAS, it is critical that the City protect the attorney-client relationship when seeking outside legal counsel; and

WHEREAS, the City's consultant procurement legislation is currently located in Title 3 of the Seattle Municipal Code, under General Regulations; and

WHEREAS, Title 20 of the Seattle Municipal Code was set-aside for "Public Works, Improvements and Purchasing" and the purpose of publishing the Code is to allow citizens access to important laws; and

WHEREAS, citizen access to information about the City's procurement authority would be improved by relocating those provisions in Title 20 of the Seattle Municipal Code; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.114.010 of the Seattle Municipal Code is amended and re-codified as Section 20.50.010 of the Seattle Municipal Code as follows:

~~3.114.010~~ 20.50.010 Definitions.

The words defined in this section shall have the meanings set forth below whenever they appear in this chapter, unless the context in which they are used clearly requires a different meaning or a different definition is prescribed for a particular section or provision:

A. "Consultant" means any ~~person, association, partnership or corporation~~ person that by experience, training and education of the principals, officers or employees thereof has established a reputation or ability to perform specialized activities on a discrete, nonrecurring basis over a limited and pre-established term, as an independent contractor, delivering or providing for a monetary or other consideration, advice, recommendations(s), report(s), analysis(es), evaluation(s), audit(s), survey(s), or other products of cognitive processes or expert or professional services including but not limited to services from any attorney, architect, accountant, public relations advisor, dentist, physician, surgeon, psychiatrist, psychologist, veterinarian, engineer, surveyor, appraiser, planning consultant, investment counselor, and actuary; provided, that the following shall not be deemed a "e Consultant":

1. Any provider of services appropriate for a service contract pursuant to ~~Ordinance 102151, SMC Ch. 3.04,~~ SMC Ch. 3.04, as amended; ~~and~~

2. Any expert witness retained by the Law Department in connection with anticipated or actual litigation, or by the City Council in connection with any hearing on the nomination or appointment of any individual as a municipal officer; and

3. Any person retained for legal advice when, in the determination of the Law Department, a public solicitation process

would likely adversely affect the City's legal interests or the attorney-client relationship.

B. "Contract" means and includes all types of agreements between or among the City and one (1) or more eConsultants, regardless of ~~which such the form of the agreements may be called~~, for the procurement of eConsultant services, and ~~includes agreements modifying or amending consultant contracts~~ amendments thereto.

C. "Department" means any City department, office, board, commission, council, agency or other administrative or operating part of the City, and any division or part or combination thereof.

D. "Director" means the Director of Executive Administration.

~~DE.~~ "Estimated to cost" means the anticipated charges for all activities that a eConsultant agrees to perform pursuant to eContract and the anticipated charges for all additional specialized activities to be performed by the eConsultant under all renewals, extensions, and amendments of the eContract and under subsequent stages of the same project.

~~E. "Director" means the Director of Executive Administration.~~

F. "Person" means individuals, businesses, associations, sole proprietors, partnerships, corporations, or limited liability companies.

Section 2. Section 3.114.030 of the Seattle Municipal Code is amended and re-codified as Section 20.50.030 of the Seattle Municipal Code as follows:

~~3.114.030~~ 20.50.030 Advertising of need for eConsultant services.

~~A. This section shall apply to a~~Any proposed eContract for eConsultant services estimated to cost Twenty Thousand Dollars (\$20,000) or more ~~as adjusted pursuant to Section 3.114.140, other than eContracts to eConsultants on a eConsultant roster , shall be advertised in the City's official newspaper for at least two (2) days (which need not be consecutive). Such advertisements shall include in general terms at least a description of the services sought; the name of the concerned department; the name and telephone number of a representative of the department from whom additional information may be obtained; and an indication that the selection of the consultant is subject to applicable laws and ordinances regarding equal employment opportunity; and if established or known, the range of fees the department will consider paying the consultant for the services to be provided, the time within which such services are to be provided, and the anticipated beginning date of the work.~~

B. Departments shall advertise for Consultant services in the City's official newspaper for at least two (2) days (which need not be consecutive). Such advertisements shall include in general terms at least a description of the services sought, the name of the concerned Department, the name and telephone number of a representative of the Department from whom additional information may be obtained, and an indication that the selection of the Consultant is subject to applicable laws and ordinances regarding equal employment opportunity.

~~B. C.~~ Advertisements soliciting consultants Solicitations for placement on a eConsultant roster shall be advertised in the same manner and with as much of the information described in subsection ~~AB~~ of this section as practical. The Director shall determine the frequency of the solicitation advertisements for placement on a consultant roster.

Section 3. Section 3.114.040 of the Seattle Municipal Code is amended and re-codified as Section 20.50.040 of the Seattle Municipal Code as follows:

~~3.114.040~~ 20.50.040 Consultant selection ~~criteria.~~

~~A. This section applies to Contracts estimated to cost Twenty Thousand Dollars (\$20,000) or more. The Director is hereby authorized and directed to adopt rules and regulations regarding the procedures by which City departments or Executive Department offices seek out qualified applicants and contract with consultants for work; provided that, under such rules and regulations, consultants shall be selected on the basis of, among other factors, their competence and~~

~~qualifications for the type of services to be provided, the cost, price, compensation, or consideration to be paid by the City for such services, and the affirmative action/equal opportunity record of the consultant.~~

~~B. The selection of every eConsultants responsible for providing to the City services estimated to cost Twenty Thousand Dollars (\$20,000) or more, as adjusted pursuant to SMC Section 3.114.140, or for placement on a consultant roster under SMC Sections 3.114.150 and 3.114.160, shall be based upon specific written evaluation criteria relevant to the services to be provided. Every request for proposals (RFP), request for qualifications (RFQ) or other material in which consultants are given detailed information about consultant services sought by a department or Executive Department office shall include a detailed description of the evaluation criteria to be used. Departments shall select Consultants based on factors including, but not limited to, their competence and qualifications for the type of services to be provided, the consideration the City will pay for such services (except for services under Chapter 39.80 RCW), and the affirmative action/equal opportunity record of the Consultant. Departments will provide these criteria and the method by which they will evaluate responses to solicitations.~~

C. Department heads shall appoint and use a Consultant evaluation committee that should include, where practical, representation by women and minorities. The Consultant evaluation committee shall review the materials submitted by Consultants in response to a solicitation and shall report in writing its recommendations including, where possible, the ranking of the top five (5) Consultants evaluated. The report shall describe any measurable differences among Consultants evaluated, together with an explanation of the evaluation processes used. Thereafter, such evaluation report shall be filed with the Contract.

D. The Department head shall consider the report and recommendations of the committee in making a final selection. If the Department head chooses not to accept the recommendation of the committee, he or she shall file a written explanation to be retained with the Department's records related to the Contract.

E. Department heads shall make a good-faith effort to rotate the award of Consultant Contracts among Consultants evaluated as being equally qualified and capable of performing the desired services.

F. Departments shall not retain the same Consultant to perform accounting or auditing services and to provide management consulting services during the term of a current Contract or within one (1) year after completion of a Contract for either type of service.

G. Departments shall not enter into a Contract with any Consultant for performance of services on a retainer basis (whether for a term of years, or from year-to-year, or on another successive arrangement) for more than five (5) consecutive years. This restriction shall not apply to:

1. A contract for services in connection with a particular project or activity although completion of the assignment may extend for more than five (5) years;
2. A retainer agreement used to establish eligibility for placement on a roster from which Consultants are selected from time to time for particular assignments; or
3. An agreement implementing a deferred compensation plan for City employees contemplated by 26 USC section 457.

Section 4. Sections 3.114.050 and 3.114.060 of the Seattle Municipal Code are repealed.

Section 5. Section 3.114.070 of the Seattle Municipal Code is amended and re-codified as Section 20.50.050 of the Seattle Municipal Code as follows:

3.114.070 20.50.050 Notification of selection or nonselection.

~~Every department or Executive Departments office that receives a proposal from a eConsultant to provide services for which such administrative unit has advertised in accordance with SMC Section 3.114.030, shall will~~ notify each such eConsultant from which it received a proposal, in writing, as to whether such eC onsultant was selected to provide the

desired services, or qualified for placement on a certified roster.

Section 6. Section 3.114.080 of the Seattle Municipal Code is amended and re-codified as Section 20.50.060 of the Seattle Municipal Code as follows:

~~3.114.080~~ 20.50.060 Required form, terms and conditions of agreements with eConsultants.

~~Every eContract, retainer, change order, amendment, and any other form of agreement between or among the eCity and a one (1) or more eConsultants shall be in writing and signed by at least one (1) authorized representative of each contracting party. Each such agreement Contract shall include a specific and detailed description of the scope of work or services to be provided by the eConsultant(s) and the products of any sort to be delivered to the City; the maximum amount of compensation to be paid and any other consideration to be provided to the parties to the agreement Contract, together with a description of the timing and method(s) of such payment and any retainage to be held; the dates the agreement Contract is effective and is to expire; all equal employment opportunity, women's and minority business enterprise, and affirmative action provisions required by law, ordinance, rule or regulation to be included in such agreement Contract; the authority of the City to audit the eConsultant's books and records with respect to the services to be provided, costs thereof, and compensation paid therefor; and any appropriate or required funding or other provision. All such agreements Contracts providing compensation of a value of Twenty Thousand Dollars (\$20,000) or more, as adjusted pursuant to SMC Section 3.114.140, shall be subject to the review by the City Attorney, of for, among other aspects things, form; the specificity of descriptions of work to be performed for and products or results to be delivered to the City; and liability, insurance, indemnification, and bonding clauses provisions.~~

Section 7. Section 3.114.090 of the Seattle Municipal Code is amended and re-codified as Section 20.50.070 of the Seattle Municipal Code as follows:

~~3.114.090~~ 20.50.070 Filing of eConsultant contracts.

~~The City shall be provided at least Departments shall file one (1) complete copy of each eConsultant e Contract to which the city is a party, which copy shall have affixed to it an original signature of an authorized representative of each party to the contract and which contract will be filed by the contracting department or Executive Department office with original signatures with the City Clerk or such official's functional successor immediately following execution by all parties. A copy of such eContract shall be filed provided by the concerned dDepartment with to the Director immediately following execution by all parties upon request.~~

Section 8. Section 3.114.100 of the Seattle Municipal Code is amended and re-codified as Section 20.50.080 of the Seattle Municipal Code as follows:

~~3.114.100~~ 20.50.080 Consultant's p Performance review and evaluation reports.

~~Each City department or Executive Department office that contracts with any consultant shall prepare, in writing, a summary evaluation report upon expiration or termination of each such contract, which report shall describe the deficiencies noted in any periodic consultant performance evaluations and the action (if any) taken by the consultant in response thereto; indicate whether such responsive actions by the consultant corrected the noted deficiencies to the satisfaction of the concerned department or Executive Department office; any unresolved problems with respect to the consultant's performance; and indicate to the Director whether any final payment or payment of retainage should be made, the amount (if any) of such payment that is approved by the department or Executive Department office, and whether the concerned department or Executive Department office has imposed conditions upon such payment because of such deficiencies that warrant the withholding of all or any portion of the consultant's compensation. Within thirty (30) days after the expiration or termination of every consultant contract, a copy of each such report shall be filed with the Director, who shall file the same in such department's consultant reference file.~~

Departments shall prepare a written Consultant evaluation report in accordance with any procedures or directives made by the Director.

Section 9. Section 3.114.110 of the Seattle Municipal Code is amended and re-codified as Section 20.50.090 of the Seattle Municipal Code as follows:

~~3.114.110~~ 20.50.090 Requirements inapplicable under certain conditions.

~~The provisions of SMC Sections 3.114.020 C, 3.114.030 through 3.114.070,~~

~~3.114.150 and 3.114.160 shall be inapplicable in the following circumstances: The provisions requiring and related to a formal advertised competitive selection process in this chapter shall be inapplicable in the following circumstances:~~

~~A. Whenever~~ When a Department head determines that such provisions would adversely affect the City's interests either because of an emergency ~~exists as determined by the head of the department of Executive Department office desiring consultant services or because of a particular aspect of the services to be provided or the need therefor that would be compromised by compliance with such provisions such as but not limited to the need to perform a confidential or surprise security review or evaluation or an anonymous management audit), in which case, the department or Executive~~ d would have a significant adverse effect. The Department office head shall file with the Director as soon as practicable, a written explanation of the circumstances of the emergency or justification for the nonapplication of such provisions to said procurement determination with the Contract.

~~B. Whenever it can be established to the satisfaction of the department head or Executive~~ When a Department office head contracting for consultant services determines that only one (1) eConsultant is available with the expertise required to provide the services desired; provided, that each department or Executive. The Department office head securing any consultant under such circumstances shall file a written justification for such action with the Director at least twenty-four (24) hours prior to executing any agreement committing the City to pay for such services explanation of the determination with the Contract.

C. Whenever services are obtained for the City through cooperative and/or joint agreements with any state or governmental agency or subdivision thereof, or any other governmental unit or any public benefit nonprofit corporation.

Section 10. Sections 3.114.120 and 3.114.130 of the Seattle Municipal Code are repealed in their entirety.

Section 11. Section 3.114.150 of the Seattle Municipal Code is amended and re-codified as Section 20.50.100 of the Seattle Municipal Code as follows:

~~3.114.150~~ 20.50.100 Consultant rosters.

~~Through the process set forth in SMC Section 3.114.160, t~~ The Director, in conjunction with interested Departments, may establish consultant rosters of qualified e Consultants for the use by any City department or Executive Department office, hereinafter referred to as "participating department," for skills or services in specialized areas of knowledge or experience including, among other specialties, architectural and engineering services. A participating d Department may contract with a eConsultant on the appropriate roster for assignments or projects within the described specialty without soliciting proposals as previously set forth in this chapter set forth in SMC Sections 3.114.030 through 3.114.060 as long as: (A) each eContract is estimated to cost no more than the amount established pursuant to SMC Section 3.114.160 20.50.110; and (B) the participating d Department has determined that its needs can be fully met without soliciting proposals through public advertising as set forth in SMC Sections 3.114.040 through 3.114.060.

Section 12. Section 3.114.160 of the Seattle Municipal Code is amended and re-codified as Section 20.50.110 of the Seattle Municipal Code as follows:

~~3.114.160~~ 20.50.110 Establishment and operation of rosters.

These provisions apply to the establishment, maintenance, and use of eConsultant rosters:

A. Establishment and Duration.

1. The Director, in conjunction with participating ~~d~~ Departments, shall ~~determine the number of consultant rosters to be established~~ Consultant rosters based on the different consultant skills or services that the City is likely to need during ~~the effective time of the Consultant rosters, the time that the consultant rosters are expected to be in effect. An evaluation committee for the Consultant Roster Program will be created to perform the evaluation process.~~
2. ~~Requests for Qualifications (RFQ) for Placement on a Consultant Roster.~~ The Director, in conjunction with participating ~~d~~ Departments, shall issue Requests for Qualifications ("RFQ(s) ") to establish eConsultant rosters for use by any ~~City d~~Department ~~or office~~. At a minimum, the RFQ shall describe the skills or services needed by the City; the minimum qualifications to be placed on the particular eConsultant roster; the roster contract dollar limits; the expected duration of the roster, if known; standard contract terms and conditions, if any; and a description of the process to be used for selecting e Consultants off of the roster.
3. A eConsultant roster shall remain in effect until such time as the Director determines it is in the best interests of the City to disestablish the roster. ~~City d~~Departments may petition for the establishment or disestablishment of a roster, or a roster category where the existing rosters or roster categories do not meet the needs of the ~~d~~Department.

B. Opportunities for Small Business. Whenever fifteen (15) or more eConsultants qualify as "small business concerns" in a single roster category, the category shall consist only of those eConsultants who are eligible to be classified as a "small business concern." If fourteen (14) or fewer such e Consultants are qualified, eConsultants for that roster category shall be selected without regard to their eligibility under the small business criteria. A eConsultant may evidence its qualification as a "small business concern" by:

1. Showing its ~~acceptance by the qualification as a Small Business Administration~~ under the Small Business Act of the United States, 15 USC Section 632, and its implementing regulations, 13 CFR Part 121 or any successor legislation or regulations; or
2. Showing certification as defined in any City program designed to encourage the utilization of small businesses.

C. Limitations.

1. A ~~participating d~~Department may contract with the eConsultants on the roster for projects estimated to cost no more than Two Hundred Thousand Dollars (\$200,000) ~~except as maybe as~~ adjusted in Section 3.114.160 C2 20.50.110 C2.
2. A ~~participating d~~Department may amend any roster eContract for additional work related to the original roster eContract up to a maximum total Contract amount of ~~twenty-five percent of the of the original contract amount. In no case shall the total Consultant Roster Program Contract amount, including all amendments, exceed~~ Two Hundred Fifty Thousand Dollars (\$250,000).
3. Each ~~participating d~~Department may only use a certified roster eConsultant ~~annually~~ up to a maximum amount of Four Hundred Thousand Dollars (\$400,000) per year, per roster category. ~~Any consultant that reaches this limit within any calendar year shall not be selected from that certified roster category for use by that participating department for the remainder of the calendar year; however, other participating departments shall not be prevented from using that consultant.~~

D. Deletion From a Roster/~~Limits on Eligibility.~~

1. ~~A consultant may be deleted~~ The Director may delete a Consultant from the City's certified roster program at his or her the City's sole discretion. ~~Without limiting the generality of the foregoing, common examples of reasons that a consultant may be removed from a roster include, but are not limited to:~~
 - a. ~~The consultant requests deletion (the deletion shall take effect ten (10) business days after notice to the Director);~~

~~b. The consultant is found to be in default in the performance of a City contract; is disqualified from City contracting; has failed to file applicable business and occupation tax reports; or does not possess a valid City business license, or other state licenses or certifications necessary to practice the particular profession;~~

~~c. The consultant has made a material misrepresentation in its response to a solicitation. A misrepresentation is material if the consultant would have been ineligible for placement on a roster if the facts were fully known; or~~

~~d. For any other reason that the City deems to be in its interests to do so.~~

E. Adding Consultants to a Roster. During the existence of a roster, the Department of Finance Executive Administration ~~in conjunction will perform, with assistance as needed from participating dDepartments, will perform~~ ongoing evaluations of any new eConsultant ~~response to an RFQ(s) application to a roster~~. All e Consultants found to be qualified for a eConsultant roster category will be added to that roster, except as a roster category may be limited to small businesses by SMC Section 3.114.160 B and except as a eConsultant may be removed from the roster at the discretion of the Director. ~~ineligible in accordance with SMC Section 3.114.160 D.~~

F. ~~Disclaimer~~ Use of Roster Consultants Not Required. Placement on a eConsultant roster makes a e Consultant eligible for consideration and possible selection by a participating dDepartment for providing services ~~; all as more fully described or limited in the City's RFQ~~. Placement on a roster does not guarantee any eConsultant any e Contract for any amount. In addition, the City reserves the power to amend or repeal this chapter and to change or discontinue the roster system at any time.

G. Evaluation Criteria. Consultants shall be evaluated for placement on a roster on the basis of the ability of the e Consultant to perform the work or service that the roster category was created for and to meet the minimum qualifications set forth in the request for qualifications.

Section 13. Section 3.114.140 of the Seattle Municipal Code is amended and re-codified as Section 20.50.120 of the Seattle Municipal Code as follows:

~~3.114.140~~ 20.50.120 Escalation of dollar limitations.

All monetary amounts ~~referenced in this chapter specified in Sections 3.114.030 through 3.114.060, 3.114.080, and 3.114.160~~ shall be annually adjusted hereafter by the Director, immediately following publication of the preceding year's annual Consumer Price Index for all urban consumers Seattle-Tacoma-Bremerton metropolitan area, All Items, (1982-84 = 100), or a successor index thereto, as determined by the U.S. Department of Labor, Bureau of Labor Statistics. ~~The intent of this adjustment is to eliminate the effects of inflation or deflation on purchasing power and the authority granted by this chapter; and, a~~ All such monetary amounts, as adjusted, shall be rounded upwards to the nearest thousand dollars.

Section 14. There is added a new Section 20.50.130 to the Seattle Municipal

Code as follows:

20.50.130 Retention of expert witnesses and legal counsel.

A. In retaining any provider of legal advice or any expert witness in connection with anticipated or actual litigation, the Law Department, consistent with the City's legal interests, shall make reasonable efforts in good faith to contact and retain women and minorities, notwithstanding any other provision of this chapter.

B. The Law Department shall report back to the Finance and Budget Committee of the Seattle City Council once per year in 2006 and 2007 the number of times that it has retained any person for legal advice without a public solicitation process as permitted under Section 20.50.010 A 3 of this chapter.

Section 15. Section 3.40.040 of the Seattle Municipal Code is amended as follows:

3.40.040 Auditing authority.

A. The City Auditor is authorized to audit the records of the Seattle Public Library, the Seattle City Employees Retirement System, the Firefighters' Pension Fund, and the Police Pension Fund and, to the extent authorized by law, the Seattle Municipal Court.

B. The City Auditor is authorized to audit each Consultant Contract entered into by a Department to verify, among other things, that the procedures prescribed in this chapter were followed; that the compensation or other consideration provided to any Consultant has been appropriate, under the circumstances, and that the contracted-for services were provided in a timely manner.

C. The City Auditor shall participate in the selection of all consultants providing auditing and accounting services in accordance with a memorandum of understanding entered into between such official and the Executive Department. The affected City department or Executive Department office may determine the terms and conditions of the agreement, but any such contract shall be subject to review by the City Auditor. All reports or financial statements submitted by such consultants shall be submitted to the City Auditor and the Director as well as the affected department or Executive Department office.

Section 16. The Code Reviser is authorized and directed to make ministerial changes to the Municipal Code, consistent with direction from the Department of Executive Administration, to implement the re- codification of Chapter 3.114 as Chapter 20.50 as contemplated in this ordinance and to make reference changes throughout the Municipal Code following and in accordance with the amendments herein.

Section 17. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2005, and signed by me in open session in authentication of its passage this ____ day of _____, 2005. _____ President _____ of the City Council

Approved by me this ____ day of _____, 2005. _____ Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2005. _____ City Clerk

January 24, 2005 version #5 t