

City of Seattle
COMPREHENSIVE PLAN AMENDMENT APPLICATION

Use this application to propose an amendment to the goals, policies, Future Land Use Map, appendices, or other components of the adopted City of Seattle Comprehensive Plan.

Applications are due to the Seattle City Council (sent electronically to: compplan@seattle.gov) no later than 5:00 p.m. on May 17th for consideration in the next annual review cycle. Any proposals received after May 17th will be considered in the review process for the following year. *(Please Print or Type)*

Applicant: Chris Leman

Date: 5/17/21

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City: Seattle

State: WA

Zip: 98102-3310

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Contact person (if not the applicant): none

Name of general area, location, or site that would be affected by this proposed amendment (attach additional sheets if necessary):

Seattle as a whole

If the application is approved for further consideration by the City Council, the applicant may be required to submit a State Environmental Policy Act (SEPA) checklist.

Acceptance of this application does not guarantee final approval.

Applicant Signature:



Date: 5/17/21

REQUIRED QUESTIONNAIRE: Comprehensive Plan Amendment Application

1. *Provide a detailed description of the proposed amendment and a clear statement of what the proposed amendment is intended to accomplish. Include the name(s) of the Comprehensive Plan Element(s) (Land Use, Transportation, etc.) you propose to amend.*

This amendment would create a new section or appendix of the Comprehensive Plan. This new element or appendix would be entitled, "Open and Democratic Government." It would include goals, objectives, and policies covering government overall, including but not limited to the other elements of the Comprehensive Plan.

[Note: While various versions of this proposal in earlier amendment cycles used the term "open and participatory government," the term "democratic" is used here because the Mayor and City Council in recent years have begun using the term "participatory" very narrowly as referring to a specific kind of budget exercise regarding a very small fraction of the City budget. With the present proposal, "open and democratic government" refers to Seattle's governance as a whole, including of course the entire budget, but also everything else about what City government does.]

Background. The purpose of any plan is to provide goals and a strategy and a system of steps to move in that direction. The Comprehensive Plan contains plans for Seattle's physical and cultural development, but it lacks any plan for Seattle's government to be open and democratic. At the very least, open and democratic government depends on public officials' provision of open public meetings and the full and timely disclosure of public records, and success in these basic efforts has been limited even in the best of times. But from a lack of planning and discussion, the City ended up impairing public meetings and public access to information more than the circumstances required.

Never more than now was it clearer that the City needs a systematic and proactive plan for open and democratic government. Seattle government must as one of its foremost functions be open to its citizens and stakeholders, making it easy for the public to be informed about and to participate in the decisions being made in the public's name. And it should be proactive--not just wait for the public to ask it for information or hope that they will be aware of what it has done and what it is about to do.

It should be a mission of Seattle's Comprehensive Plan to empower the public to find out about what their government is doing and how they can participate. Seattle should proactively plan for timely and quality public access to its documents, meetings, and other activities. The plan for open and democratic government should outline goals, objectives, and policies for decision processes that maximize the possibility of public input before decisions are made.

Following are best practices suggested for the new "Open and Democratic Government" element or appendix of Seattle's Comprehensive Plan. These suggestions are only illustrative. The Mayor and City Council are encouraged of course to adopt these suggestions, but if not fully that, to please pick and choose among them and/or to develop their own lists. The Mayor and City Council should take ownership of this process, and

develop goals and policies for adoption in a new Open and Democratic Government element or appendix of the Comprehensive Plan. If they are not mindful about its importance and proactive in strengthening it, Seattle's open and democratic government will languish.

Mayor and executive branch

- The Mayor shall work jointly with the City Council in promoting open and democratic government, including in developing the Comp Plan's provisions for open and democratic government.
- Executive branch personnel shall feel free to respond to questions from the public and the press, without need for permission from superiors or political appointees
- The City web site shall post the schedules of the Mayor and key appointees
- City agencies will manage the "paper cuts" program in a way that does not deny paper posters, notices, and mailings from members of the public who cannot easily be reached electronically.
- The Department of Neighborhoods, Department of Information Technology, Seattle Department of Transportation, and other agencies should not (as they do currently) require applicants for funds to file on-line. According to the City's own figures, a significant proportion of potential applicants and recipients are not equipped with the technology and skills to do so
- The City should not use public-private partnerships as a substitute for public planning
- The City should prohibit non-political personnel from lobbying for legislation with the City Council on City time or with City resources

Legislative Department

- City Councilmembers and staff and the City Clerk's office will be fully involved in writing and approving the new "Open and Democratic Government" element or appendix of the Comprehensive Plan
- The City Council will publicize its full Council and committee meetings widely, well beyond what is minimally required by state law
- Well in advance of meetings of the Council and its committees, the Council will provide on the web site, as links to the agenda, those documents that will be discussed, including amendments likely to be offered
- The City Council will make it clear in publicity that "retreats" and similar gatherings are official public meetings. Preferably, it will avoid use of the word "retreat," which could lead the public to feel that it is not welcome to observe.
- Legislative "retreats" will always be regarded as public meetings under the Open Public Meetings Act, will be held in City buildings within the City of Seattle, and will be audio and/or video recorded
- The City Council will audio record all of its executive (closed) sessions, with independent legal review to ensure that the public was excluded only in compliance with the Open Public Meetings Act
- Without a declaration by the City Council that the matter justifies a departure from this practice, the Council will not take action either (1) on the same day as a hearing, (2)

soon after a committee recommendation, or (3) on a measure that has not been referred to a committee for its consideration

- The City Council will provide paper copies (at least for inspection purposes) at meetings of the Council and its committees so that members of the public have the full text of all proposals that are being discussed or acted upon
- The City Council will accompany all legislation with a clear written explanation of what is being proposed
- For each quarterly budget adjustment, the City Council will do public outreach and hold at least one public meeting outside of business hours
- The City Council will assign the responsibility for overseeing open and democratic to one of its standing committees, requesting that the committee will make recommendations for legislation and for the City Council's own practices
- The City Council will prohibit legislative staff from lobbying City Councilmembers for legislation (such a prohibition has long been in place in the Washington state legislature)
- The City Council will require disclosure of efforts to lobby the City Council by members of the executive branch and by other governmental entities (currently these lobbying efforts are exempted from the City's lobby disclosure ordinance)

City Attorney

- As was done for much Seattle's first century, the City Attorney will work with the Mayor and City Council to release to the public the legal advice that has been provided to them, in instances where there are no pending legal proceedings
- The City Attorney will issue public opinions on legal matters for public review, including on questions posed by the public (as is done by the state Attorney General)
- The City Attorney will advise the executive branch and City Council on proactive ways to be open and democratic that go beyond the minimal legal requirements of state law

Municipal Court

- The Municipal Court will post all court-related documents (except those whose disclosure could unfairly affect a pending case) on web sites for free access by the public
- The Municipal Court will expand the telecast and webcast of courtroom proceedings

Hearing Examiner

- The Hearing Examiner will allow all filings to be made electronically (not just those that are short in length)
- The Hearing Examiner will webcast all hearings

Advisory boards and commissions

- The City web site will provide full information about all City boards and commissions, such as about their procedures and how their members are selected

- The City will ensure that meetings of City boards and commissions are widely publicized, and held in rooms large enough and at locations convenient for the public to attend
- The City will declare board and commission meetings to be public meetings, whether or not this is required under the Open Public Meetings Act (which applies to advisory committees only if they were created by ordinance or charter)
- The Mayor and City Council will adopt and enforce upon advisory boards and commissions a policy that “retreats” and similar gatherings are official public meetings. Preferably, use of the word “retreat” will be avoided, as it may make the public feel unwelcome to observe.
- The City will webcast the meetings of all boards and commissions
- The City will adopt ethical boundaries for City agencies and public officials regarding what is appropriate and inappropriate in their efforts to influence a decision to be made by an advisory board or commission
- The Mayor, City Council, and agencies will allow each board or commission to select its own leadership, by-laws, procedures and agenda.
- The Mayor, City Council, and agencies will require of advisory boards and commissions the following ground rules:
 1. Operate by Robert's Rules of Order, but strive for consensus
 2. Circulate the draft agenda prior to each meeting and adopt it (with any revisions) at the beginning of the meeting
 3. Distribute the draft minutes well before the meeting at which they will be approved, in order to allow time for board or commission members, and members of the public, to suggest revisions
 4. Those present who are not board or commission members should be provided a reasonable opportunity to comment at meetings. This opportunity should normally be at the outset of the meeting or agenda item, not after the board or commission has acted or at the end of the meeting. Alternatively, provide members of the public the informal opportunity to participate in discussion throughout the meeting.
 5. Quickly post on the web site the draft agenda, draft and final minutes, and other documents
 6. Decision documents being referred to during a meeting shall be available in the meeting room in paper form, at least for inspection purposes, to members of the public who are in attendance, prior to any public comment period
 7. Where possible, materials relating to agenda items will be posted on the web site some days prior to the meeting in order to allow board and commission members, and the public, to read and consider them beforehand
 8. When decision documents are provided to committee members prior to the meeting, place them on the web site so that members of the public may review them beforehand

Seattle Channel

- On municipal TV channel 21, full City Council and City Council committee meetings will be rebroadcast, including during some prime time and daytime hours.

- Create a new municipal TV channel for arts programming (most Channel 21 rebroadcast of the meetings of the City Council and its committees were lost some years ago when Arts coverage was greatly expanded).
- Greatly increase the broadcast, rebroadcast, and/or webcast of meetings of City boards and commissions

City web site(s)

- Provide web access to the Municipal Code, regulations, and other official City documents without the public being restricted by any vendor's copyrighting of the content or format
- Ensure that in the web agendas for all meetings of the City Council and its committees, one click will take the reader straight to the text of the proposed legislation, any proposed amendments, staff reports, and other items. Ensure that these links are as timely as those that are being provided to the City Councilmembers
- For proposed or adopted legislation and in a timely way, web post all drafts and proposed amendments and all attachments that are referred to in the legislation
- Keep web sites up-to-date. Promptly (not at the last minute) post meeting announcements and documents that will be referred to at the meetings
- Provide web access on-line to most documents, thereby ensuring more timely access for the public and the government alike, and greatly reducing the burden for both of the public records request process
- Allow access by the public to Seattle's "inweb" (internal web site). Withhold internet access to the "inweb" only for documents that are legally exempt under the Public Records Act. Provide access for the public to the many manuals and other documents that are on the inweb.
- Publish the Applied Program Interface (API) of the City web site, making it easier to move content to other web sites and applications
- Provide custom feeds such as RSS (Really Simple Syndication) that update a user on his or her preferred topics
- Facilitate social and interactive features on the City web site
- Enable advanced search that goes beyond text matching (e.g., multidimensional search, searches for ranges of dates or other values, and searches based on complex and/or logical queries)
- Always provide fully public alternatives to proprietary social media such as Facebook, Twitter, Google groups, etc.

Public documents

- Archive all electronic documents for at least six years (the normal statute of limitations for felonies), as some other local jurisdictions already do. (Currently the City is routinely destroying most e-mails after 45 or 60 days.)
- Never assign to those who created a document the sole decision on deleting or archiving it; allow them to designate the documents they propose to delete, but have that decision made by someone without a potential conflict of interest

- Proactively provide paper copies (e.g., newsletters, posters) for those people who have limited or no access to a computer (according to the City's own estimates, about one fifth of the public does not have internet access)
- Preserve all public documents, including not only e-mails, but also instant messages, text messages, voice mails, and social media postings
- Save documents in the original format, including metadata. If portable document format (PDF) is used, save from the digital version rather than by scanning, which loses the original formatting and greatly reduces the possibilities of search and analysis and eliminates the original document's metadata.
- Do not deliberately record over backup tapes or other backup media. Instead, use backup tapes as a backup for archival systems
- Digitize legislation and other documents that date from periods before electronic records existed. Electronic versions of most Seattle ordinances, resolutions, and clerk files are still unavailable. City Clerk/Archives should have a plan and timetable for digitization, and should make progress every year in reducing the backlog. Be ready for massive progress such as via federal stimulus funds.
- As required by the Public Records Act, create and maintain indexes to public documents. Post these indexes on the City web site.
- Post most documents on the City web site, thus relieving the public of having to request them, and reducing the time needed for City staff to respond to requests.
- Proactively provide documents quickly when requested; do not force such requests into needing to invoke the Public Records Act, which can slow down access
- Post on the City web site the documents that have been produced as a result of public requests (but without listing the requester's name).
- Do not withhold documents just because legally they can be; decide any withholding on a case-by-case basis
- Release the requested documents quickly; don't take the maximum allowable time

2. For amendments to goals and policies only: Describe how the issue is currently addressed in the Comprehensive Plan. Why is a change needed?

A small step toward the goals of this application was made with the 2016 Comp Plan amendments, which added to the Citywide Planning element a five-page section on Community Involvement. However, this new section is devoted almost entirely to "community and neighborhood planning"—plans that focus on particular City areas or communities. The new section has just over a page on other forms and purposes of involvement, with a primary focus on improving inclusiveness and equity for marginalized communities. The new section fails to set forth a program of goals and policies for improving the openness and participation of future amendments to the Comprehensive Plan itself, much less the goals and policies that would make the bulk of Seattle's governmental processes more transparent to its citizens, and make it easier for them to participate regarding decisions that affect them.

Planning for democracy is just as important as planning for physical or cultural development. The consequences of a failure to plan are as severe for the City's democratic development as for its physical or cultural development. Openness in government, and the opportunity for the

public to participate directly in government decision-making, are important contributors to wise decisions. They are also essential means by which government earns the public's trust.

Unlike Seattle's, some other cities' comprehensive plans have an element or appendix regarding open and democratic government that goes beyond improving how the comprehensive plan itself is developed. For example, the City of Spokane's Comprehensive Plan (2012) has a 13-page chapter on "Leadership, Governance, and Citizenship."

3. Describe why the proposed change meets the criteria adopted in Resolution 31402 which sets criteria for Council to consider an amendment to the Comprehensive Plan.

Specific legislative history strongly recommends that this proposal be considered in the 2021 amendment process. That is because Resolution 31049 (adopted by the City Council on April 16, 2008) committed the City Council to "develop a coordinated plan and policy on open and participatory government outside of the Comprehensive Plan." Although the City Council unanimously passed Res. 31049 in the very first year that something like the present Comp Plan amendment was first proposed, it is now over thirteen years since the resolution, yet the City Council has not produced the required "plan and policy on open and participatory government", nor has the general public been asked for its input on the plan, nor has any public meeting or hearing for that specific purpose been held.

Res. 31049 also stated that "The Council's review will include consideration of possible Comprehensive Plan policies for the 2009 Comprehensive Plan amendment cycle." However, neither the 2009 Comprehensive Plan amendment cycle, nor any Comp Plan amendment cycle since, has included any such consideration of Comprehensive Plan policies regarding open and democratic government, which never have been included in the docket for City Council consideration. In fairness to the City Council's 2008 commitments in Res. 31049, it is essential that the present proposal for a new element or appendix to the Comprehensive Plan be considered in the 2021 amendment process.

Adopting these improvements within the Comprehensive Plan is important because, under state law, there are greater protections for due process, participation, and implementation regarding the Comprehensive Plan than there are for the current process for implementing Res. 31049 which, so far, has left as empty words the resolution's express commitment that the Council will develop a "coordinated plan and policy on open and participatory government outside of the Comprehensive Plan."

The City Council's abject failure to carry out the requirements of Res. 31049 shows that planning for open and democratic government will not occur unless it is done within the framework of the Comprehensive Plan. If the City Council continues to backslide on its well-documented commitment to develop such a plan outside of the Comprehensive Plan, it has no reasonable choice than to proceed with developing such a plan within the Comprehensive Plan.

4. What other options are there for meeting the goal or objectives of the amendment? Why is a Comprehensive Plan amendment needed to meet the goals or objectives?

It might seem logical that the goal and objective of this Comp Plan amendment could be achieved through a free-standing Open and Democratic Government Plan, entirely outside of the Comprehensive Plan. However, as outlined above in section 3 just above, that is exactly what City Council Res. 31049 promised in 2008 when the present proposal was originally submitted as a Comprehensive Plan amendment. For the City to offer as an alternative a freestanding Open and Democratic Government Plan is a possible alternative, but such a plan would not be enforceable as the Comprehensive Plan is. Examination of the policy history outlined in section 3 above suggests that by its failure (in the past thirteen years and still today) to make good on its 2008 promise, the City Council has little alternative but to study this proposal as a 2021 Comp Plan amendment.

Despite amendments made in 2016, the current Comprehensive Plan is out of balance in that it still lacks an element or appendix on Open and Democratic Government. The community vision statements, goals, objectives and policies of the Comprehensive Plan (and of the City Charter, ordinances, resolutions, regulations, and other plans and policies) cannot be fully realized unless government has adopted a plan to operate openly and to allow and encourage the public to participate actively with it in the governance process.

5. What do you anticipate will be the impacts of the proposed amendment, including impacts to the geographic area affected? Why will the proposed change result in a net benefit to the community? Please include any data, research, or analysis that supports the proposed amendments.

Adoption of a new element or appendix on Open and Democratic Government will positively affect all areas of the City, and all issues that City government addresses. The new Comp Plan element or appendix, and the goals, objectives, and policies that are a part of it, will bring to government the benefit of informed public input. Members of the public will feel that government wants to hear from them and has listened to their views. Government officials also will benefit from this renewed partnership because they will also have better access to documents, their staff will have to spend less time responding to public records requests, and they will benefit from higher quality public input--which after all, is free.

The social science literature widely supports the finding that open government, and public participation in government decision-making, encourage better decisions, and earn higher trust from the public.

6. How does the proposed amendment support the existing goals and policies of the Comprehensive Plan? If the proposal would change existing goals and policies or add new goals and policies to the Comprehensive Plan, describe how the proposed amendment is consistent with the Washington State Growth Management Act (<http://apps.leg.wa.gov/rcw/default.aspx?cite=36.70A>), the Puget Sound Regional Council's Vision 2040 (<http://www.psrc.org/growth/vision2040/>), and the King County Countywide Planning Policies (<http://www.kingcounty.gov/depts/executive/performance-strategy-budget/regional-planning/CPPs.aspx>).

The proposed policy amendment would give meaning to the Comprehensive Plan as a document that plans not just for physical and cultural development, but also for democratic

development. The amendment is completely consistent with the Washington State Growth Management Act, the Puget Sound Regional Council's Vision 2040, and the King County Countywide Planning Policies—from institutions which have experiences and methods to contribute to Seattle as it develops its own plan for open and democratic government.

7. Is there public support for this proposed amendment? If the amendment would change the Future Land Use Map or a Neighborhood Plan, please list any meetings that you have held with the community about the amendment. If the amendment would have a citywide impact, please list any organizations that you have discussed the amendment with. Notes: You may attach letters of support for the amendment. The City will provide public notice and opportunity for public comment, and environmental review for all applications.

Yes, there is broad public support for establishing Open and Democratic Government as a new element or appendix of the Comprehensive Plan, along with adopting goals and policies to carry out this element or appendix. There would also be broad public support for Seattle developing, as, an alternative to this proposed Comp Plan amendment, a freestanding Open and Democratic Government Plan, as the 2008 Res. 31049 commits the City to do, but which the City Council and Mayor have not even begun, thirteen years later.

8. Has the proposed amendment been considered before by the Council? If so, when was it considered and what was the outcome? If the amendment has been previously rejected, please explain either:

- How the proposal has changes since it was last rejected, or*
- Changed circumstances since the proposal was last considered that support reconsideration of the proposal*

While various forms of this proposal (but never identical to it) have been submitted in the past, not once has the City Council ever docketed it for study in the Comp Plan amendment process; and there is no written record of the proposal ever receiving actual study by City Councilmembers or staff, or by members of the executive branch or boards and commissions.

See the history in item 3 above about the City Council's continuing neglect of the 2008 Res. 31049 requirement for it to adopt a plan for "open and participatory government". To us, that history suggests that there is no alternative to a true and full consideration of this proposal within the Comprehensive Plan annual amendment process. However, we would welcome the City Council, if it prefers, to move ahead with developing such a plan under the authority of Res. 31049. If so, we suggest that it be called a plan for "open and democratic government", in order to recognize its full scope and importance.