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Date: 5/15/2009 4:59 PM
Subject: Proposed Comprehensive Plan amendment to create a new element or appendix, "Open and Participatory Government"

CITY OF SEATTLE
COMPREHENSIVE PLAN AMENDMENT APPLICATION

Date: May 15, 2009
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Name of General Area/Location/Site which would be affected: Entire city.

1. Provide a detailed description and explanation of the proposed text amendment.

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

The purpose of any plan is to provide goals and a strategy and a system of steps to move in that direction. Seattle has many plans for its physical development, but it lacks any plan for its democratic development. Open government depends, of course, on obedience to laws on open public meetings and the disclosure of public records. But Seattle's government should not simply wait for citizens to ask it for information or for them to attend its public meetings.

Seattle should have a plan for making it easy for citizens to find out what government is doing, and for conducting its decision processes in a way that maximizes the possibility of citizen input before decisions are made. Seattle should plan for proactively maximizing the quantity and quality of public access to its documents, meetings, and other activities. Following are best practices suggested for the new "Open and Participatory Government" element or appendix of Seattle's Comprehensive Plan.

Mayor and executive branch

- a.. The Mayor and agencies shall lead in promoting open and participatory government
 - b.. 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.
 - c.. Ensure that public-private partnerships do not become a substitute for public planning
- City Council

- a.. The City Council shall be involved at all stages in writing and approving the new "Open and Participatory Government" element of the Comprehensive Plan
- b.. Publicize meetings of the City Council and its committees widely, well beyond what is minimally required by state law
- c.. Well in advance of meetings of the Council and its committees, provide on the web site, as

links to the agenda, those documents that will be discussed, including amendments likely to be offered.

d.. Encourage City Council committees to include citizen stakeholders around the table at meetings.

e.. Legislative retreats that are public meetings under the Open Public Meetings Act shall be held in City buildings within the City of Seattle, and shall be audio recorded.

f.. Executive sessions shall be audio recorded, with independent legal review to ensure that the public was appropriately excluded.

g.. Without a declaration by the City Council that the matter justifies a departure from this practice, the Council will not take action on the same day as a hearing, soon after a committee recommendation or on a measure that has not been referred to a committee for its consideration.

h.. 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 what is being discussed.

i.. Accompany all legislation with a clear explanation of what is being proposed.

j.. For each quarterly budget adjustment, do public outreach and hold at least one public meeting outside of business hours.

City Attorney

a.. The Mayor, City Council, and City Attorney will work to release more of the legal advice they exchange, in instances where there no pending legal proceeding.

b.. Will issue opinions on legal matters for public review, including on questions posted by the public (as is done by the state Attorney General)

c.. Will advise the executive branch and City Council on proactive ways to be open and participatory government that go beyond the minimal legal requirements of state law
Advisory boards and commissions

a.. Meetings of City boards and commissions shall be widely publicized, and held in rooms large enough for all.

b.. Board and commission meetings shall be regarded as public meetings, whether or not this is required under the Open Public Meetings Act (which applies only to advisory committees created by ordinance or charter).

c.. Equip for TV broadcast and webcast the meeting rooms used by the City's boards and commissions

d.. Each board or commission shall choose its own leadership, by-laws, procedures and agenda, subject to the following requirements.

e.. Operate by Robert's Rules of Order, but strive for consensus.

f.. Draft agenda will be posted on web site prior to each meeting and adopted at the beginning of the meeting.

g.. Draft minutes shall be distributed some time prior to 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.

h.. 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 committee has acted or at the end of the meeting.

Alternatively, a board or commission may provide members of the public the informal opportunity to participate in discussion throughout the meeting.

i.. Include on the web site the board or commission's draft agendas, draft and final minutes, and other documents.

j.. Decision documents being referred to during a meeting by board and commission members shall also be available, at least for inspection purposes, to members of the public who are in attendance, and shall be provided to them well prior to any public comment period.

k.. 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.

l.. When decision documents are provided to committee members prior to the meeting, these documents will be placed on the web site so that members of the public may review them beforehand.

Seattle Channel

a.. Create a separate TV cable channel for arts programming, to restore hours that were lost in recent years from the previous rebroadcast coverage of meetings of the City Council and of City boards and commissions. Ensure that these rebroadcasts again include substantial programming during weekday prime time and weekend daytime hours.

b.. Greatly increase the broadcast, rebroadcast, and webcast of meetings of City boards and commissions

c.. At least for City Council meetings, provide closed captioning
City web site(s)

a.. Include with proposed or adopted legislation, and in a timely way, all attachments that are referred to in the legislation.

b.. Post all drafts and proposed amendments prior to action, or as soon as feasible.

c.. Keep web sites updated

d.. Include on public web sites many documents that the public is likely to request, thereby reducing the burden on citizens and government of public records requests

e.. Do not deny 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. Add to the inweb the many manuals and other frequently referred to issuances that are now excluded.

Public documents

a.. Adopt as the City's policy the Washington Attorney General's suggested model rules for the handling of public records.

b.. Archive all electronic documents for at least a year. Drop the current practice of erasing most e-mails after 45 days, and do not deliberately record over backup tapes or other media.

c.. Do not allow those who created a document to have the sole decision on deleting it; allow them to designate the documents they propose to delete, but have that decision made by someone without a potential conflict of interest

d.. Proactively provide paper copies (e.g. newsletters, posters) for those people who have limited or no access to a computer

e.. As the City Charter requires that official notices be published in a "daily newspaper of general circulation," do more to facilitate alternatives to the current use of the Daily Journal of Commerce, which is beyond the budget of most people.

Responding to document requests

a.. Provide documents freely; do not invoke the Public Records Act as a way to slow down or reduce the provision of documents.

b.. Do not withhold documents just because legally they can be; decide this on a case by case basis

c.. With small requests, provide the documents at no charge--the Public Records Act allows but does not require a charge

d.. Release the requested documents quickly; don't take the maximum allowable time

e.. Provide the requested documents in electronic form if that is what the requester wants

2. Describe how the issue is currently addressed in the Comprehensive Plan. If the issue is not adequately addressed, describe the need for it.

The Comprehensive Plan currently does not have an element or appendix devoted to Open and

Participatory Government, nor indeed any real discussion of this subject. It also does not have any goals or policies that are broadly designed to make the many activities of City government transparent to its citizens, or to make it easy for them to participate directly in its decisions that affect them so deeply. Planning for democracy is just as important as planning for physical development.

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

3. Describe why the proposed change meets the criteria adopted in Resolution 30662 for considering an amendment to the Comprehensive Plan. The criteria are listed at the end of this application form. Is a Comprehensive Plan amendment the best means for meeting the identified public need? What other options are there for meeting the identified public need?

While an amendment on this topic was proposed to and dropped by the City Council in 2008, this proposal is different in many respects. Also, specific legislative history requires that this proposal be considered in the 2009 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 it is now well over a year after the passage of Res. 31049, such a plan is not ready, even in draft, nor has the general public even as yet been asked for its input on the plan, nor has a public meeting for that specific purpose been held (or apparently, even scheduled).

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, as just outlined, more than a year after passage of Res. 31049, the Open and Participatory Government Plan and Policy is not reality. Were that Plan available, if only in draft, it would be possible to make more specific and targeted proposals for the Comprehensive Plan. But in fairness to the process and commitments of last year, it is essential that the present proposal for a new element or appendix to the Comprehensive Plan be considered in the 2009 amendment process, and not be jeopardized by the fact that a similar proposal was advanced last year.

A major reason for adopting these improvements within the Comprehensive Plan is precisely because, under state law, there are greater protections for due process and participation here than there are for a free-form "planning" process such as seems to have, not lived up to the good words of Res. 31049. Only as the two separate planning processes unfold can the public be sure whether open and participatory government requires the proposed element or appendix for the Comprehensive Plan. By considering this proposed amendment in the Comprehensive Plan process, the Council and the public will better understand where these reforms are best to be located.

4. What do you anticipate will be the impacts caused by the change in text, including the geographic area affected and the issues presented? Why will the proposed change result in a net benefit to the community?

Adoption of a new element or appendix on Open and Participatory Government will positively affect all areas of the City, and all issues that City government addresses. The new element or appendix, and the goals, objectives, and policies that are a part of it, will bring to government decisions the benefit of public input. Members of the public will feel that government wants to hear from them and has listened to their views. Government officials and the public will equally

benefit from this renewed partnership. They will, themselves, have better access to documents, and they also benefit from high-quality public input--which after all, is free.

5. How would the proposed change comply with the community vision statements, goals, objectives, and policies of the Comprehensive Plan? Please include any data, research, or reasoning that supports the proposed amendments.

There is not a viable alternative to this proposal. The current Comprehensive Plan is out of balance in that it lacks an element on Open and Participatory 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 operates openly and allows the public to participate actively with it. The social science literature widely supports the finding that open government, and public participation in government decision-making, encourage better decisions, and higher trust from the public.

6. Is there public support for this proposed text amendments (i.e. have you conducted community meetings, etc.)? Note: The City will provide a public participation process, public notice, and environmental review for all applications.

Yes, there is broad public support for establishing Open and Participatory Government as a new element of the Comprehensive Plan, along with adopting goals and policies to carry out this element.