

Ordinance No. 108614 85:8:08

AN ORDINANCE relating to the Engineering Department; establishing a sub-fund within the Engineering Department Operating Fund to be known as the "Vanpool Operating Fund"; providing for deposits therein and expenditures therefrom; making a reimbursable appropriation from the Engineering Department Operating Fund; authorizing said sub-fund to be held in an interest bearing account to be drawn upon as costs are incurred; and authorizing the Mayor to enter into and execute agreements.

10-24-79 Pass

COMPTROLLER
FILE NUMBER

100780

Council Bill No. 100780

| | |
|---|---------------------------------------|
| INTRODUCED: <u>OCT 22 1979</u> | BY: <u>WILLIAMS</u> |
| REFERRED: <u>OCT 22 1979</u> | TO: <u>TRANSPORTATION</u> |
| REFERRED: | |
| REPORTED: <u>OCT 29 1979</u> | SECOND READING: <u>OCT 29 1979</u> |
| THIRD READING: <u>OCT 29 1979</u> | SIGNED: <u>OCT 29 1979</u> |
| PRESENTED TO MAYOR: <u>OCT 30 1979</u> | APPROVED: <u>NOV 8 1979</u> |
| RETD. TO CITY CLERK: <u>NOV 8 1979</u> | PUBLISHED: |
| VETOED BY MAYOR: | VETO PUBLISHED: |
| PASSED OVER VETO: | VETO SUSTAINED: |

SEE BACK COVER

Ord. 108807 -Retitles & establishes a separate fund the Vanpool Fund & Amending Sections 1, 2 & 3 of Ord. 108614.

Ord. 108910 -Auth Mayor to enter into & execute agreements; increases expenditure allowances & makes a reimbursable approp from Engr. Dept Operating Fund.

Ord. 108911 -Makes Approp from the Vanpool Fund to pay for the 1980 operational expenses for Regional Vanpool Program, etc...

ORDINANCE 108614

AN ORDINANCE relating to the Engineering Department; establishing a sub-fund within the Engineering Department Operating Fund to be known as the "Vanpool Operating Fund"; providing for deposits therein and expenditures therefrom; making a reimbursable appropriation from the Engineering Department Operating Fund; authorizing said sub-fund to be held in an interest bearing account to be drawn upon as costs are incurred; and authorizing the Mayor to enter into and execute agreements.

WHEREAS, pursuant to the Engineering Department's 1979 Budget and to Ordinances 103363, 104808, 105835, 106752, 107043, 107369 and 107802, the City has developed and implemented the Commuter Pool Program to encourage the pooling of commuter trips, demonstrate the viability of a variety of pooling options, obtain a more efficient utilization of the region's transportation network, conserve energy and reduce pollution; and,

WHEREAS, a Public Vanpool Demonstration Program is included in the Engineering Department's 1978 and 1979 Budgets and twenty-one(21) vanpools are currently in operation; and,

WHEREAS, the 1980 Budget of the Engineering Department will authorize the purchase of additional vans; and,

WHEREAS, the Audit Division of the Washington State Department of Transportation has requested that all costs associated with the Vanpool Program be segregated from other costs of the Commuter Pool Program; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

RECORDED - ORD.
108807

Section 1. As requested by the Director of Engineering and recommended by the Mayor in the attachments hereto, a sub-fund known as the "Vanpool Operating Fund" is hereby established within the Engineering Department Operating Fund, established by Ordinance 89913.

The following moneys shall be deposited into the sub-fund: the remaining balance of the appropriation and transfers authorized by Ordinance 107802, which is designated for the Commuter Pool Public Vanpool Demonstration Program and any allocations made thereto and additional appropriations or allocations made therefor as part of the Regional Vanpool Program from year to year; loans, grants and gifts accepted for such purposes; receipts from proceeds from van sales; receipts from van fares; interest received from investment of moneys in said sub-fund; and proceeds from the Vanpool Abort Agreement dated February 12, 1979, with the Washington State Department of Transportation.

Disbursements may be made from the sub-fund for van purchases; payment of insurance premiums; repayment of loaned funds; and other costs necessary for continued operation of the Regional Vanpool Program.

(To be used for all Ordinances except Emergency.)

AMENDED - ORD.
108807

Section 2. For the purpose of purchasing an additional 12 vans for the Regional Vanpool Program, the sum of One Hundred Twenty Thousand Dollars (\$120,000), or so much thereof as may be necessary, is hereby appropriated from the Engineering Department Operating Fund to be reimbursed in the amount of One Hundred Twenty Thousand Dollars (\$120,000) from funds to be received from a grant authorized in Section 4 herein, and deposited in the "Vanpool Operating Fund" and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants and make the necessary transfers.

AMENDED - ORD.

108807

Section 3. Funds deposited in the "Vanpool Operating Fund" are to be held in an interest bearing account to be drawn upon as costs are incurred.

Section 4. The Mayor is authorized to enter into and execute such additional agreements as required with the State of Washington Department of Transportation, acting on behalf of the United States Department of Transportation, Federal Highway Administration, for Federal-Aid Urban Systems (FAUS) funds for continuation of activities authorized in current agreements and Section 2 herein.

Section 5. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 29 day of October, 1979,
and signed by me in open session in authentication of its passage this 29 day of
October, 1979.

John Miller
President of the City Council.

Approved by me this 8 day of November, 1979,
Charles Roper
Mayor.

Filed by me this 8 day of November, 1979.

Attest: E. L. King
City Comptroller and City Clerk.

(SEAL)

Published.....

Raymond Angewine
Deputy Clerk.

Your City, Seattle

Executive Department-Office of Management and Budget

Casey Jones, Director
Charles Royer, Mayor



The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Engineering

SUBJECT: Regional Vanpool Program

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

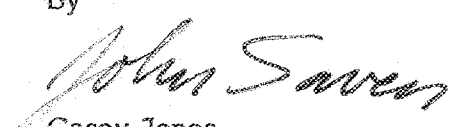
After reviewing this request and drafting appropriate legislation:

- (X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.
- () Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By


Casey Jones
Budget Director

CJ/rr/ka

Enclosure

RECEIVED

OCT 12 1979

CITY OF SEATTLE
ENGINEERING DEPARTMENT
MEMORANDUM



OFFICE OF MANAGEMENT

& BUDGET

To Robin Reeves, Office of Management & Budget

From Robert M. Chandler *RM*

Date

October 12, 1979

Subject Funding & Agreements
Sub-Fund for Regional Vanpool Program

The purpose of this memo is to clarify our reasons for requesting the creation of a sub-fund within the Engineering Department Operating Fund to segregate costs for the Regional Vanpool Program.

The funds received from the Washington State Department of Transportation for the Regional Vanpool Program are "loaned" funds and not grants. These loaned funds are to be repaid to the appropriate fund source on a continuing basis from revenues received for the Vanpool Program within four years from the date of expenditure of these loaned funds. Section 1.4 of Supplemental Agreement 5 to Agreement FAM-104 (attached), states that "all revenues realized by the City from Vanpool passenger fares, after deduction of all appropriate expenses, shall be reserved and earmarked to expand the Vanpool Program. The records and accounts pertaining to the Vanpool Program are to be kept available for inspection and audit by representatives of the State."

In order to comply with the terms of the agreement, the auditor for the Washington State Department of Transportation has requested that a separate fund be set up to receive and expend these loaned funds, to receive revenues relating to the Vanpool Program, and to track appropriate expenditures associated with the Vanpool Program. Accordingly, a sub-fund within the Engineering Department Operating Fund is required.

CLB
Attachment

Your City, Seattle

Executive Department-Office of Policy Planning

Shelly Yapp, Acting Director

Charles Royer, Mayor

October 10, 1979



RECEIVED

OCT 11 1979

OFFICE OF MANAGEMENT
& BUDGET

The City Council
City of Seattle
Seattle, Washington 98104

Honorable Members:

We have reviewed the enclosed request from the Engineering Department for a reimbursable appropriation from the Engineering Department Operating Fund in the amount of \$120,000; for authority to enter into and execute agreements with the Washington State Department of Transportation; and for the establishment of a sub-fund within the Engineering Fund to be known as the Vanpool Operating Fund, all in connection with the Regional Vanpool Program. The appropriation will be reimbursed from carryover FAUS Commuter Pool program funds and is anticipated to be used to purchase 12 commuter vans. The State Auditor has requested that all costs associated with the Vanpool Program be segregated from other costs of the Commuter Pool Program.

The program is consistent with the 1979-84 Capital Improvement Program, and we recommend approval.

Sincerely,

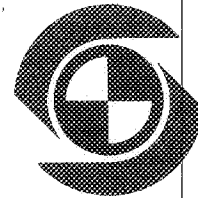
Shelly Yapp, Acting Director
Office of Policy Planning

SY:twj

Enclosures

Seattle Engineering Department

Paul A. Wiatrak, Director of Engineering
Charles Royer, Mayor



October 3, 1979

Re: Regional Vanpool Program

Mayor Charles Royer
The City of Seattle
Seattle, WA

Attention Shelly Yapp, Director
Office of Policy Planning

Dear Sir:

We request adoption by the City Council of the attached legislation establishing a sub-fund within the Engineering Department Operating Fund for the Regional Vanpool Program, making a reimbursable appropriation from the Engineering Department Operating Fund, and authorizing the Mayor to enter into and execute agreements relating to the Regional Vanpool Program.

Ordinance 107802 authorized the purchase of 21 vans to encourage the pooling of commuter trips, demonstrate the viability of a variety of pooling options, obtain a more efficient utilization of the region's transportation network, conserve energy and reduce pollution. All 21 vans are currently in operation. We have set aside \$80,000 for 8 additional vans in the 1980 Budget; will be receiving \$23,000 from a grant for 2 vans with special wheelchair lifts and would like to purchase an additional 12 vans with \$120,000 of excess 1978 and 1979 Commuter Pool program funds. This would bring the total number of vans to 43.

The State Auditors have requested us to separate the vanpool operations from the rest of the Commuter Pool Program and to establish a separate fund where we can deposit vanpool proceeds and additional funds received to expand the program.

The following moneys will be deposited into the sub-fund: the remaining balance of the appropriation and transfers authorized by Ordinance 107802, which is designated for the Commuter Pool Public Vanpool Demonstration Program and any allocations made thereto and additional appropriations and allocations made therefor as part of the Regional Vanpool Program from year to year; loans, grants and gifts accepted for such purposes; receipts from proceeds of van sales; receipts from van fares; interest received from investment of moneys in said sub-fund and proceeds from the Vanpool Abort Agreement dated February 12, 1979, with the Washington State Department of Transportation.

Mayor Royer

-2-

October 3, 1979

Disbursements may be made from the sub-fund for van purchases; payment of insurance premiums, repayment of loaned funds, and other costs necessary for continued operation of the Regional Vanpool Program.

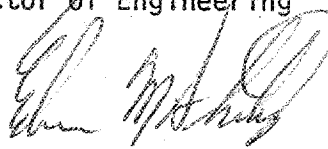
Also, agreements must be executed with the Washington State Department of Transportation, acting on behalf of the Federal Highway Administration, for Federal-Aid Urban Systems (FAUS) funds for continuation of the Regional Vanpool Program.

A ratify and confirm prior acts clause is included in the attached legislation.

The funds included in the attached legislation are not eligible for works of art per Ordinance 102210, as amended by Ordinance 105389. Therefore, the 1% appropriation for art purposes has been waived.

Sincerely,

PAUL A. WIATRAK, P.E.
Director of Engineering

By 
EDWIN M. WHITING
Assistant Director
Administration

CLB:mm

Att: Legislation, 100-014

cc: Office of the Mayor

OPP

OMB

Seattle Art Commission

E.M. Whiting, SED

R.R. Parker, SED

W.T. Roach, SED

I. TITLE

Regional Vanpool Program

II. OBJECTIVE

Establish a sub-fund within the Engineering Department Operating Fund for the Regional Vanpool Program and authorizing the Mayor to enter into and execute agreements relating to the Regional Vanpool Program.

III. FISCAL

The following moneys will be deposited into the sub-fund: the remaining balance of the appropriation and transfer authorized by Ordinance 107802, which is designated for the Commuter Pool Public Vanpool Demonstration Program and any allocations made thereto and additional appropriations and allocations made therefor as part of the Regional Vanpool Program from year to year; loans, grants and gifts accepted for such purposes; receipts from proceeds of van sales; receipts from van fares; interest received from investment of moneys in said sub-fund; and proceeds from the Vanpool Abort Agreement dated February 12, 1979, with the Washington State Department of Transportation.

Disbursements may be made from the sub-fund for van purchases; payment of insurance premiums; and other costs necessary for continued operation of the Regional Vanpool Program.

IV. PERSONNEL

No new personnel required.

V. EQUIPMENT

No new equipment required.

VI. EVALUATION

The State Auditors have requested us to separate the vanpool operations from the rest of the Commuter Pool Program and to establish a separate fund where we can deposit vanpool proceeds and additional funds received to expand the program.

VII. ALTERNATIVES

No practical alternatives.

05

VANPOOL ABORT
AGREEMENT BETWEEN
THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
AND
THE CITY OF SEATTLE

THIS AGREEMENT, made and entered into this 12th day of FEBRUARY 1979, by and between the WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "State", WHICH IS ACTING AS THE AGENT FOR THE United States Department of Transportation, Federal Highway Administration, hereinafter referred to as "DOT", and the CITY OF SEATTLE (acting for the Seattle/King County Commuter Pool Program), hereinafter referred to as the "City."

WITNESSETH THAT:

WHEREAS, Section 3 of the "Emergency Highway Energy Conservation Act" (P.L. 93-239), as amended by Section 120 of the "Federal-Aid Highway Amendments of 1974" (P.L. 93-643) and Section 143 of the "Federal-Aid Highway Act of 1976" (P.L. 94-280), hereinafter referred to as the ACTS, have authorized funds to be appropriated for expenditure in developing demonstration projects designed to encourage carpools and vanpools, in urban areas; and,

WHEREAS, the Legislature of the State of Washington has charged the STATE to encourage and to actively participate in the development of Carpool Demonstration Projects as authorized by the ACTS; and,

WHEREAS, the ACTS provide that the United States Department of Transportation, Federal Highway Administration (FHWA) implement said ACTS through the State with the utilization of Federal-Aid Highway funds for the implementation of Vanpool-Type Carpool Demonstration Projects; and,

WHEREAS, the City and the State have executed AGREEMENT FAM-104 as of July 28, 1975 and Supplements #1, #2 and #3 for Commuter Pool Program, and

WHEREAS, the DOT is retaining release of One Hundred Thousand (\$100,000) Dollars covered by said AGREEMENT which shall be made available upon complete execution of this AGREEMENT, and

WHEREAS, the City shall submit Supplement #5 of AGREEMENT FAM-104 requesting advancement of FAUS funds in the amount of One Hundred Thirty-Five Thousand (\$135,000) Dollars, and

WHEREAS, the CITY has submitted a proposal through the STATE requesting said Federal-Aid Highway funds to provide protection to the City for a period of twelve (12) months for each Vanpool, against a demonstrated capital loss in the event a Vanpool project should prove unsuccessful for reasons beyond the control of the City; and,

WHEREAS, the STATE acting as the agent for DOT, and the CITY are desirous of actively participating in the national effort to conserve the nation's energy resources and to eliminate unnecessary traffic congestion during rush hours and improve air quality; and,

WHEREAS, this project has the concurrence of the Puget Sound Council of Governments which has the responsibility for transportation planning in accordance with Section 134 of Title 23, United States Code;

NOW THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated and made a part hereof, the parties hereto agree as follows:

SECTION 1 - PROJECT DESCRIPTION

1.1 For the purposes and conditions of this AGREEMENT, a Vanpool approved by the STATE is considered to be a four-wheel vehicle with a seating capacity of nine (9) to fifteen (15) which transports passengers to and from work each day during normal commuting hours. A Vanpool is not intended to result in profits for the CITY, nor is it intended to engage in competition with existing auto transportation companies holding an approved certificate of operation from the Washington State Utilities and Transportation Commission.

1.2 The City shall have the responsibility to determine the method of acquisition of the Vanpools.

1.3 The City shall be responsible for preparation of all sub-contracts defining obligations and conditions of each Vanpool. The "Public Vanpool Program" pamphlet prepared by the City shall be used as a guideline in preparation of execution of the sub-contracts by the City, written approval as to form from the State will be required.

1.4 All revenues realized by the City from Vanpool passenger fares, after deduction of all appropriate expenses, shall be reserved and earmarked to expand the Vanpool Program. The FAUS federal funds authorized by DOT for the Vanpool Program which shall not include funds approved by the State for actual Van Pool Abortions, shall be repaid by the City within a period of less than four (4) years from the date of authorization to proceed with the program by the DOT. During the progress of the project the records and accounts pertaining to the project and accounting, therefore, shall be kept available for inspection and audit by representatives of the State.

SECTION 2 - CITY'S OBLIGATIONS

2.1 The CITY shall purchase or lease vans in accordance with State procurement procedures and Federal Management Circular FMC 74-4.

2.2 Upon the purchase or lease of a van, the CITY shall provide a copy of the purchase order or invoice from the van vendor or a copy of the lease agreement, to the STATE.

2.3 The CITY shall comply with all Motor Vehicle laws deemed appropriate to this project. The City's compliance will include a certificate of insurance stating that adequate coverage to protect the project facilities and equipment, as well as public liability insurance, has been obtained.

2.4 All sub-contracts are subject to the conditions of this AGREEMENT, where appropriate.

2.5 In the event any Vanpool operation appears to be unsuccessful, the CITY shall submit a report outlining conditions jeopardizing operation of the Vanpool and a request to abort that Vanpool to the STATE. The STATE will review the request in conjunction with the CITY to explore possible remedies for the project, prior to making a final decision to abort the project.

2.6 When a Vanpool abort decision is reached and approved by the STATE, the CITY shall submit, in writing to the STATE, a cost breakdown of the Vanpool Project(s) to be aborted, consisting of the initial cost of the van(s), the residual value of the van(s), and the accumulated depreciation paid by rider's charges prior to

the date of abortion. The demonstrated capital loss shall be the difference between the initial cost and the residual value less the accumulated depreciation.

2.7 The CITY shall bear and shall hold the STATE harmless against any and all losses sustained or liabilities incurred in the Vanpool project(s) in excess of those capital losses eligible for cost reimbursement as set forth in Section 2.6.

2.8 The CITY must satisfy and comply with all applicable state and federal rules and regulations concerning Vanpool operations.

SECTION 3 - STATE OBLIGATIONS

3.1 The STATE shall submit this AGREEMENT to DOT for its approval.

3.2 Upon full execution of this AGREEMENT, the State will request approval and appropriation by DOT for the advance approval of FAUS Federal Funds in the amount of Fifteen Thousand (\$15,000) Dollars earmarked for the City. The City shall place Fifteen Thousand (\$15,000) Dollars of said approved funds in a special accounting project designated for aborted Vanpool reimbursement for demonstrated capital loss. Expenditures by the City for Vanpool abortions shall at no time exceed Fifteen Thousand (\$15,000) Dollars.

3.3 Upon receiving a request to abort the program as described in Section 2.6 and 2.7, the STATE shall examine same, and request concurrence of DOT to approve the abortion along with the State's recommendation.

3.4 Upon mutual agreement by the City, State and DOT, the State shall authorize payment from said special accounting project reimbursement to the City in the amount of ninety (90%) per centum of the demonstrated capital loss according to the provisions of this AGREEMENT.

SECTION 4 - CHANGES IN PROJECT

Any change, alteration, correction, addition, supplement, or modification to this AGREEMENT, shall be in writing and approved by each of the parties to this AGREEMENT.

SECTION 5 - PROJECT TERMINATION

5.1 The obligations of the STATE as Agent for DOT under the terms of this AGREEMENT shall apply separately to each Vanpool and shall terminate without further written notice for each Vanpool twelve (12) months from the day and year upon which each Vanpool becomes operational.

5.2 Should the STATE determine that the CITY has failed to meet its obligations in a timely and proper manner, or that the CITY has violated its covenants under this AGREEMENT, the STATE shall notify the CITY in writing, of such failure or violation.

5.3 Following the date of such notice, the CITY shall have thirty (30) days within which to correct the stated failure or violation.

5.4 Should the CITY fail to fulfill an obligation or stated violation of a covenant under this agreement within thirty (30) days, the STATE shall have the right to terminate this AGREEMENT by giving written notice to the CITY of such termination. This termination shall become effective thirty (30) days from the date of written notice.

5.5 Failure on the part of the CITY to comply with the provisions of Section 2.6 of this AGREEMENT shall be considered cause for the STATE to reject an abort plan and constitute cause for the termination of this AGREEMENT.

5.6 The CITY may terminate this AGREEMENT at any time by giving written notice to the STATE, with the termination to become effective thirty (30) days from the date of the written notice.

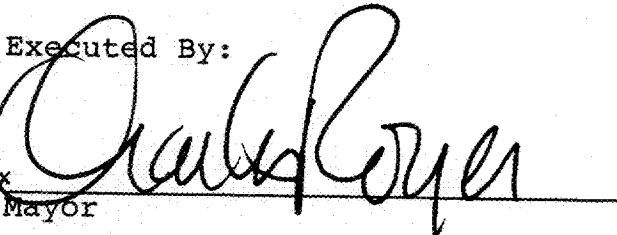
SECTION 6 - CIVIL RIGHTS ACT OF 1964

The CITY shall comply with the Civil Rights Act of 1964 and with Department of Transportation regulations respecting non-discrimination in the planning, implementation and other aspects of this project. That Act and the regulations of Title 49, Code of Federal Regulations, Part 21, are hereby incorporated by reference and made a part of this AGREEMENT. The CITY shall bind all program participants, sub-contractors, its successors in interest, and its assignees to comply with the terms of this provision.

IN TESTIMONY WHEREOF, the parties have hereto caused this AGREEMENT to be executed upon signatures by proper officers and representatives:

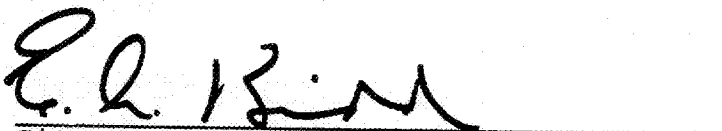
THE CITY OF SEATTLE
For
Seattle/King County Commuter Pool

Executed By:


Mayor

DATED: DEC 21 1978

ATTEST:


City Comptroller

STATE OF WASHINGTON DEPARTMENT
OF TRANSPORTATION

Executed By:


State Aid Engineer

DATED: 1/23/79

Approved As To Form:


Assistant Attorney General

The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported

and Adopted

OCT 29 1979

Your Committee on ~~TRANSPORTATION~~

to which was referred

C.B. 100780

Relating to the Engineering Department; establishing a sub-fund within the Engineering Department Operating Fund to be known as the "Vanpool Operating Fund;" providing for deposits therein and expenditures therefrom; making a reimbursable appropriation from the Engineering Department Operating Fund; authorizing said sub-fund to be held in an interest-bearing account to be drawn upon as costs are incurred; and authorizing the Mayor to enter into and execute agreements.

DO PASS

Juanita Williams

Chairman

Chairman

Transportation

Committee

Committee