

Ordinance No. 121023

Council Bill No. 114398

AN ORDINANCE relating to the City Light Department; authorizing the acceptance of a deed to land in Skagit County, Washington, to be set aside as a fish and wildlife preserve pursuant to the terms of the Fisheries Settlement Agreement entered into by The City of Seattle in connection with the relicensing of the Skagit River Hydroelectric Project.

CF No. _____

Date Introduced:	NOV 12 2002		
Date 1st Referred:	NOV 12 2002	To: (committee)	Energy & Environmental Policy Committee
Date Re - Referred:		To: (committee)	
Date Re - Referred:		To: (committee)	
Date of Final Passage:	12-9-02	Full Council Vote:	9-0
Date Presented to Mayor:	12-10-02	Date Approved:	12-20-02
Date Returned to City Clerk:	12-20-02	Date Published:	2 p
Date Vetoes by Mayor:		Date Veto Published:	
Date Passed Over Veto:		Veto Sustained:	

The City of Seattle - Legislative Department
Council Bill/Ordinance sponsored by: _____

Committee Action:

POSSB20 3-0 HW, JC, MP

12-9-02 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____

LAW DEPARTMENT

Law Dept. Review

OMP
Review

City Clerk
Review

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The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

WILLS

Councilmember

Committee Action:

PASS 3-0 HW, JC, MP

12-9-02 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____

(initial/date)

LAW DEPARTMENT

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ORDINANCE 121023

1
2 AN ORDINANCE relating to the City Light Department; authorizing the acceptance of a deed to
3 land in Skagit County, Washington, to be set aside as a fish and wildlife preserve
4 pursuant to the terms of the Fisheries Settlement Agreement entered into by The City of
5 Seattle in connection with the relicensing of the Skagit River Hydroelectric Project.

6 WHEREAS, in connection with the relicensing of the Skagit River Hydroelectric Project by the
7 Federal Energy Regulatory Commission and pursuant to Resolution 28349, City Light
8 entered into the Fisheries Settlement Agreement, (collectively, "Fisheries Agreement")
9 incorporating by reference the Anadromous Fish Flow Plan (Flow Plan) and the
10 Anadromous and Resident Fish Non-Flow Plan (Non-Flow Plan), dated April 1991, with
11 the Washington Department of Wildlife, Washington Department of Fisheries (both now
12 Washington Department of Fish and Wildlife); U.S. Department of the Interior, National
13 Park Service, U.S. Fish and Wildlife Service and Bureau of Indian Affairs; U.S.
14 Department of Agriculture, U.S. Forest Service; Upper Skagit Tribe; Sauk-Suiattle Tribe;
15 Swinomish Indian Tribal Community; U.S. Department of Commerce, National Marine
16 Fisheries Service; and the North Cascades Conservation Council (collectively, the
17 "Intervenors"); and

18 WHEREAS, the Fisheries Settlement Agreement outlines a fish habitat development and
19 improvement program, including land acquisition, that sets forth principles and
20 procedures for selecting project sites and land to be acquired. The Fisheries Settlement
21 Agreement further creates and empowers the Non-Flow Plan Coordinating Committee
22 (NCC), made up of representatives of the City and the Intervenors with the responsibility
23 for land and project selection decisions; and

24 WHEREAS, the Non-Flow Plan Coordinating Committee has selected a parcel of land in Skagit
25 County, Washington and directed the purchase thereof; and

26 WHEREAS, Ordinance 118226 and the Fisheries Settlement Agreement authorized City Light to
27 acquire parcels of land consistent with the budget and selection criteria established in the
28 Fisheries Settlement Agreement and City Light has purchased a parcel of land consistent
with said budget and selection criteria; and

WHEREAS, the above-described real property transaction requires acceptance of the deed by
City ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the Superintendent of City Light, or his designee is authorized to accept
on behalf of The City of Seattle the Statutory Warranty Deed executed by Ray Powell Johnson

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Steve Hagen/seh
2002 Fisheries Land Ord
July 30, 2002
version 1

and Elsie L. Johnson, husband and wife, on January 3, 2000, as Grantors, recorded under Skagit
County Recording Number 200001050079, conveying approximately 62 acres located in the
Skagit River basin, and the real property conveyed therein is placed under the jurisdiction of the
City Light Department.

Section 2. Any act pursuant to the authority and prior to the effective date of this
ordinance is hereby ratified and confirmed.

Section 3. 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 9th day of December, 2002, and signed by me in
open session in authentication of its passage this 9th day of December, 2002.

Peter Steinhilber
President of the City Council

Approved by me this 30 day of December, 2002.
Gregory J. Nickels
Gregory J. Nickels, Mayor

Filed by me this 25th day of December, 2002.

Scott A.
City Clerk

(Seal)

Steve Hagen
10/18/02
2002 Fisheries lands ord
Version #2.

Fiscal Note

Department:	Contact Person/Phone:	DOF Analyst/Phone:
City Light	Steve Hagen/4-3327	Thomas Dunlap/6-9120

Legislation Title:

AN ORDINANCE relating to the City Light Department; authorizing the acceptance of a deed to land in Skagit County, Washington to be set aside as a fish and wildlife preserve pursuant to the terms of the Fisheries Settlement Agreement entered into by The City of Seattle in connection with the relicensing of the Skagit River Hydroelectric Project.

Summary of the Legislation:

The legislation accepts the deed to a parcel of land in Skagit County, WA and places the land under the jurisdiction of the City Light Department.

Fiscal notes are required for legislative actions that appropriate funds, create positions, or actions that will create a financial impact through policy direction. This action authorizes the City Council to accept a deed to land and to place it under the jurisdiction of the City Light Department. A fiscal note is not needed for this legislative action. The appropriation and expenditure of funds to acquire the land to be conveyed by the deed at issue were appropriated and spent in Fiscal Year 2000.

Appropriations (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2002 Appropriation	2003 Anticipated Appropriation
TOTAL				

* This is line of business for operating budgets, and program or project for capital improvements

Notes:

Expenditures (in \$1,000's):

Fund Name and Number	Department	Budget Control Level*	2002 Expenditures	2003 Anticipated Expenditures
TOTAL				

* This is line of business for operating budgets, and program or project for capital improvements

Notes:

Steve Hagen
10/18/02
2002 Fisheries lands ord
Version #2.

Anticipated Revenue/Reimbursement (in \$1,000's):

Fund Name and Number	Department	Revenue Source	2002 Revenue	2003 Revenue
TOTAL				

Notes:

Total Permanent Positions Created Or Abrogated Through Legislation, Including FTE Impact; Estimated FTE Impact for Temporary Positions:

Fund Name and Number	Department	Position Title*	2002 FTE	2003 FTE
TOTAL				

* List each position separately

Do positions sunset in the future? (If yes, identify sunset date):

N/A

Background:

Legislation accepts the deed to a parcel of real property purchased in 2000 for \$300,000 in Skagit County which was acquired to meet the terms of our Federal Energy Regulatory Commission license. The legislation also places the property under the jurisdiction of the City Light Department.

The financial cost of not implementing the legislation (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented):

N/A

Possible alternatives to the legislation which could achieve the same or similar objectives (Include any potential alternatives to the proposed legislation, including using an existing facility to fulfill the uses envisioned by the proposed project, adding components to or subtracting components from the total proposed project, contracting with an outside organization to provide the services the proposed project would fill, or other alternatives):

No other alternative. Purchase of property was required under the license.

Is the legislation subject to public hearing requirements (If yes, what public hearings have been held to date):

N/A

Other Issues (including long-term implications of the legislation):

Revised October 18, 2002

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Steve Hagen
10/18/02
2002 Fisheries lands ord
Version #2.

City Light required to own and manage the property for the 30 year term of the license.

FOR CAPITAL PROJECTS ONLY

Background (Include brief description that states the purpose and context of legislation, the expected useful life, anticipated customers/users, assumed level of LEED or other sustainable design elements. Also include record of previous legislation and funding history, if applicable):

Project Name:	Project Location:	Start Date:	End Date:

Spending Plan and Future Appropriations for Capital Projects (Estimate cost of legislation over time; list timing of anticipated appropriation authority requests and expected spending plan. Please identify your cost estimate methodology including inflation assumptions and key assumptions related to the timing of appropriation requests and expected expenditures. In addition, include the projected costs of meeting the LEED Silver standard in all facilities and buildings with over 5,000 gross square feet of occupied space. Also, be sure to include percent for art and percent for design as appropriate):

Spending Plan and Budget	2002	2003	2004	2005	2006	2007	Total
Spending Plan							
Current Year Appropriation							
Future Appropriations							

Key Assumptions:

Funding source (Identify funding sources including revenue generated from the project and the expected level of funding from each source):

Funding Source	2002	2003	2004	2005	2006	2007	Total
TOTAL							

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Steve Hagen
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2002 Fisheries lands ord
Version #2.

Bond Financing Required (If the project or program requires financing, please list type of financing, amount, interest rate, term and annual debt service or payment amount. Please include issuance costs of 3% in listed amount):

Type	Amount	Assumed Interest Rate	Term	Timing	Expected Annual Debt Service/Payment
TOTAL					

Uses and Sources for Operation and Maintenance Costs for the Project (Estimate cost of one-time startup, operating and maintaining the project over a six year period and identify each fund source available. Estimate the annual savings of implementing the LEED Silver standard. Identify key assumptions such as staffing required, assumed utility usage and rates and other potential drivers of the facility's cost):

O&M	2002	2003	2004	2005	2006	2007	Total
Uses							
Start Up							
On-going							
Sources (itemize)							

Key Assumptions:

Periodic Major Maintenance costs for the project (Estimate capital cost of performing periodic maintenance over life of facility. Please identify major work items, frequency):

Major Maintenance Item	Frequency	Cost	Likely Funding Source
TOTAL			

Funding sources for replacement of project (Identify possible and/or recommended method of financing the project replacement costs):

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City of Seattle

Gregory J. Nickels, Mayor

Seattle City Light

Gary Zarker, Superintendent

October 17, 2002

Honorable Peter Steinbrueck
President
Seattle City Council
Municipal Building, 11th Floor

Dear Council President Steinbrueck:

The enclosed ordinance accepts the deed to land in Skagit County purchased pursuant to the terms of the Fisheries Settlement Agreement entered into by the City in connection with the Federal Energy Regulatory Commission relicensing of the Skagit River Hydroelectric Project.

The Fisheries Settlement Agreement outlined an off-channel chum habitat development and improvement program that sets forth the principles, procedures, and schedule for selecting and completing projects. All proposed projects in this program were ranked, based on an evaluation of cost effectiveness, species utilization, engineering, and other feasibility factors, by the Non-Flow Plan Coordinating Committee (NCC), which is made up of representatives of the City and the Intervenors.

This 62 acre parcel was selected by the NCC for development of off-channel habitat. It has 2,400 feet of Skagit River frontage and multiple off-channel sloughs.

Thank you for your consideration of this legislation. Should you have questions please contact Steve Hagen at 684-3327.

Sincerely,

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

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700 Fifth Avenue, Suite 3300, Seattle, WA 98104-5031

Tel: (206) 684-3000, TTY: (206) 233-7241, Fax: (206) 625-3709

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STATE OF WASHINGTON - KING COUNTY

--SS.

153111
City of Seattle, Clerk's Office

No. TITLE ONLY ORDINANCE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CTOT:ORDINANCE 121019-037

was published on

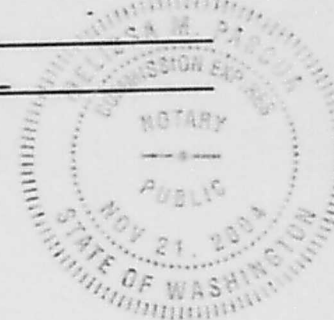
12/30/2002

G. Stedman
Subscribed and sworn to before me on

12/30/2002

Meemal
Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle
TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on December 9, 2002, and published here by title only, will be mailed upon request, or can be accessed electronically at <http://clerk.ci.seattle.wa.us>. For further information, contact the Seattle City Clerk at 684-3344.

ORDINANCE NO. 121019

AN ORDINANCE relating to the Police Department; authorizing an agreement with King County for financial assistance to co-produce a training video directed at violence against women; accepting the money when received; and increasing the 2002 Budget of the Police Department by making a reimbursable appropriation; all by a three-fourths vote of the City Council.

ORDINANCE NO. 121021

AN ORDINANCE adopting the operating plan ("the Plan") for the Transit-Oriented

Community Development Fund for Southeast Seattle ("the Fund") and authorizing the Office of Economic Development to negotiate and execute a contract with the Rainier Valley Community Development Fund ("the CDF"), a private non-profit corporation established to administer the Fund, for the delivery of the products and services funded by payments from the City of Seattle.

ORDINANCE NO. 121022

AN ORDINANCE relating to the City Light Department; authorizing the acceptance of a deed to land in Skagit County, Washington, to be set aside as a wildlife preserve pursuant to the terms of the Settlement Agreement Concerning Wildlife entered into by The City of Seattle in connection with the relicensing of the Skagit River Hydroelectric Project.

ORDINANCE NO. 121023

AN ORDINANCE relating to the City Light Department; authorizing the acceptance of a deed to land in Skagit County, Washington, to be set aside as a fish and wildlife preserve pursuant to the terms of the Fisheries Settlement Agreement entered into by The City of Seattle in connection with the relicensing of the Skagit River Hydroelectric Project.

ORDINANCE NO. 121024

AN ORDINANCE relating to the City Light Department; authorizing the acceptance of the transfer of state trust lands in Skagit County, Washington from the Washington State Department of Natural Resources, authorizing the acceptance of the quitclaim deed thereto, and placing said lands under the jurisdiction of the City Light Department.

ORDINANCE NO. 121025

AN ORDINANCE relating to the City Light Department; authorizing the acceptance of eight deeds to lands in King County, Skagit County, and Snohomish County, Washington, to be set aside as salmon habitat pursuant to the Early Action Proposal and as set forth in Ordinance 120618.

ORDINANCE NO. 121027

AN ORDINANCE relating to non-City funding of certain projects in the Department of Parks and Recreation; accepting and appropriating grant funding from non-City sources for the Department; establishing a project in the Department's 2002-2007 Capital Improvement Program; and increasing the 2002 Budget of the Department of Parks and Recreation by making a reimbursable appropriation; all by a three-fourths vote of the City Council.

ORDINANCE NO. 121031

AN ORDINANCE amending the 2002 Budget; increasing appropriations for various departments in the 2002 Budget; making cash transfers between various City funds and sub-funds; and abandoning an appropriation; all by a three-fourths vote of the City Council.

ORDINANCE NO. 121033

AN ORDINANCE relating to the Fire Department; authorizing execution of a contract with the Federal Emergency Management Agency for grant funds for fire-fighting equipment and personal protective equipment; increasing the expenditure allowance of the Fire Department's 2002 Adopted Budget; and making a reimbursable appropriation from the General Subfund; all by a three-fourths vote of the City Council.

ORDINANCE NO. 121033

AN ORDINANCE relating to the Municipal Court of Seattle; abrogating, creating, reclassifying, and exempting from Civil Service certain positions in the Municipal Court; all by a three-fourths vote of the City Council.

ORDINANCE NO. 121034

AN ORDINANCE relating to the Police Department; authorizing supplemental agreements with the Seattle Housing Authority for enhanced police services for public housing communities; increasing the 2002 Budget of the Police Department by making a reimbursable appropriation; extending positions; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 121035

AN ORDINANCE relating to the Weed & Seed Program in Central and Southeast Seattle; authorizing the execution of an agreement with the United States Department of Justice for financial assistance in the amount of Five Hundred Fifty Thousand Dollars (\$550,000); accepting the money when received; increasing the 2002 Budgets of the Police Department and the Human Services Department by making reimbursable appropriations; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 121036

AN ORDINANCE relating to the 2000 COMPASS Initiative; authorizing the execution of an agreement with the U.S. Department of Justice, National Institute of Justice, for supplemental financial assistance in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) to enhance public safety through mapping, planning, and analysis technologies; accepting the money when received; increasing the 2002 Budget of the Department of Neighborhoods by making a reimbursable appropriation; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 121037

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by JUDITH PIPPIN,
City Clerk.
Date of publication in the Seattle Daily
Journal of Commerce, December 30, 2002.
12/30/153111

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