

Ordinance No. 123586

Council Bill No. 117142

AN ORDINANCE relating to the Seattle Transportation Benefit District; authorizing execution of an Interlocal Agreement between the City of Seattle and the Seattle Transportation Benefit District regarding mutual roles and responsibilities related to the collection and expenditure of revenues for transportation purposes.

Related Legislation File: _____

Date Introduced and Referred: 4.4.11	To: (committee): Transportation
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: April 18, 2011	Date Presented to Mayor: April 19, 2011
Date Signed by Mayor: 4.21.11	Date Returned to City Clerk: 4.25.11
Published by Title Only X	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: *Tom Rasmussen*

Committee Action:

Date	Recommendation	Vote
<u>4-12-11</u>	<u>PASS</u>	<u>TRTG 2-0</u>

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

Full Council Action:

Date	Decision	Vote
<u>4/18/11</u>	<u>Passed as Amended</u>	<u>9-0</u>

Law Department

ORDINANCE 123586

AN ORDINANCE relating to the Seattle Transportation Benefit District; authorizing execution of an Interlocal Agreement between the City of Seattle and the Seattle Transportation Benefit District regarding mutual roles and responsibilities related to the collection and expenditure of revenues for transportation purposes.

WHEREAS, Ordinance 123397 established the Seattle Transportation Benefit District (STBD) for preserving and maintaining transportation infrastructure, improving public safety, implementing elements of the Seattle Transportation Strategic Plan and other planning documents, investing in bicycle, pedestrian, freight mobility and transit enhancements and providing people with choices to meet their mobility needs; and

WHEREAS, the STBD adopted Resolution 1, authorizing a twenty-dollar vehicle license fee (VLF) pursuant to RCW 35A.47; and

WHEREAS, in May of 2011, the Washington State Department of Licensing will begin collecting VLF revenues from Seattle vehicle owners on behalf of the STBD; and

WHEREAS, the City of Seattle and the STBD desire to better coordinate efforts to pursue each municipal corporation's individual, joint and mutual rights and obligations related to transportation infrastructure within the corporate limits of the City of Seattle; and

WHEREAS, an Interlocal Agreement will formalize the relationship between the City of Seattle and the STBD in order to implement the transportation improvements to be funded through the twenty-dollar VLF and potentially other future revenues that may be generated through the STBD; NOW, THEREFORE,

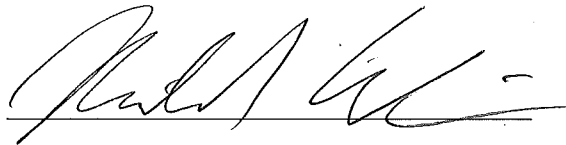
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor or his designee is authorized to execute an agreement substantially in the form of Attachment A titled "An Interlocal Agreement between the City of Seattle, Washington, and the Seattle Transportation Benefit District."

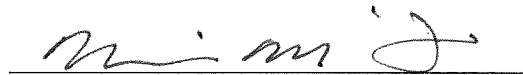
Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.




1 Passed by the City Council the 18th day of April, 2011, and
2 signed by me in open session in authentication of its passage this
3 18th day of April, 2011.

4 
5
6 President _____ of the City Council

7
8 Approved by me this 21st day of April, 2011.

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10 
11 Michael McGinn, Mayor

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13 Filed by me this 25th day of April, 2011.

14 
15
16 City Clerk

17 (Seal)

18
19 Attachment A:

20 An Interlocal Agreement between the City of Seattle, Washington, and the Seattle Transportation
21 Benefit District

**AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SEATTLE,
WASHINGTON, AND THE SEATTLE TRANSPORTATION BENEFIT DISTRICT**

This agreement between the City of Seattle, Washington ("Seattle"), and the Seattle Transportation Benefit District ("STBD"), each of whom is organized as a Municipal Corporation under the laws of the state of Washington, is dated this ____ day of ____, 2011.

WHEREAS, Chapter 39.34 RCW (Interlocal Cooperation Act) permits local governmental entities to make the most efficient use of their powers by enabling them to cooperate on the basis of mutual advantage; and

WHEREAS, pursuant to Ordinance 123397, the STBD was created for preserving and maintaining transportation infrastructure, improving public safety, implementing elements of the Seattle Transportation Strategic Plan and other planning documents, investing in bicycle, pedestrian, freight mobility and transit enhancements and providing people with choices to meet their mobility needs; and

WHEREAS, the STBD has established a \$20 vehicle license fee as authorized by RCW 36.73.065 and through STBD Resolution 1, delineated the use of these revenues by the City of Seattle; and

WHEREAS, the STBD may exercise its authority to propose and levy other sources of funding to support transportation projects within the district in the future; and

WHEREAS, Seattle and the STBD desire to better coordinate efforts to pursue each municipal corporation's individual, joint and mutual rights and obligations related to transportation infrastructure within the corporate limits of the City of Seattle; NOW THEREFORE,

The parties have entered into this agreement in consideration of the mutual benefits to be derived and to coordinate their efforts through the structure provided by the Interlocal Cooperation Act.

1. Purpose and Interpretation. The City of Seattle is empowered by Chapter 35.22 RCW to improve, maintain and protect public ways, including bridges, viaducts and tunnels. The STBD has been constituted in accordance with state law to provide a source of funding to support transportation improvements that benefit the residents of the City of Seattle and the STBD. The STBD has no employees and its officers are either City Councilmembers serving in an ex officio capacity or are City employees designated to serve under the provisions of state law. In order to make the most efficient use of public funds, to avoid duplication of effort and to coordinate their efforts, the parties have entered into this agreement. In the event that any provision of this agreement is held to be in conflict with existing state statute or any future amendment thereof, such provisions shall be severable, and the remaining provisions of this agreement shall remain in full force and effect.

2. Obligations of the STBD. In accordance with the requirements of Chapter 36.73 RCW, City of Seattle Ordinance 123397, Charter of the Seattle Transportation Benefit District, and STBD Resolution 1, the STBD agrees to:
 - 2.1 Provide to the City of Seattle all funding received from any and all lawful sources which the STBD in its sole discretion may levy for the purpose of completing the STBD's authorized projects.
 - 2.2 Continue the annual provision of funding for the projects approved by the STBD, so long as the STBD remains in existence. Such funding shall be in accordance with and limited by the provisions of Ordinance 123397, the charter of the STBD, and Chapter 36.73 RCW.
 - 2.3 Convene in public session as necessary in order to review, consider and approve transportation projects and policies related to the STBD in coordination with the City of Seattle and its representatives.
3. Undertakings of Seattle. Seattle shall:
 - 3.1 Provide all staff and necessary related support to the STBD. The costs of such support may be accounted for as part of Seattle's annual report delivered to the STBD and documented as part of the STBD annual budget. STBD funding may first be applied to the reasonable charges incurred in establishing and staffing the STBD.
 - 3.2 Maintain financial records, kept in accordance with generally accepted accounting practice and governmental accounting requirements, as necessary to document that any and all funding received through the STBD is used only for the projects authorized in accordance with law and ordinance.
 - 3.3 Immediately alert the STBD of any material changes in scope, schedule or cost increases of 20% or greater to improvements funded in part or whole with STBD funds.
 - 3.4 Utilize funding provided for projects identified in the STBD annually adopted budget in accordance with the STBD's material change policy, law and ordinance.
 - 3.5 Provide services to the STBD, including but not limited to the following:
 - 3.5.1 a) Preparation of an annual proposed project list and budget for STBD revenues for consideration by the STBD Governing Board, b) preparation of an annual report documenting status of transportation project costs, expenditures, revenues, and construction schedules, c) staffing to implement the projects identified in the STBD annual budget as adopted, and d) necessary staffing support to the STBD.

- 3.5.2 Legal services as necessary for the STBD.
 - 3.5.3 a) Staffing as necessary to support the STBD Governing Board in complying with public meeting requirements as outlined in law and ordinance, STBD Charter and Bylaws, b) Staffing support to maintain STBD records and compliance with law and ordinance related to records retention and archival policies.
 - 3.5.4 Staffing as necessary to the members of the STBD Governing Board, including but not limited to, assistance with the legislative process, analytical support, policy development, coordination and communications.
 - 3.5.5 Staffing support as necessary to carry out the treasury and financial management responsibilities of the STBD in accordance with law and ordinance.
 - 3.5.6 Staffing support as necessary to assist in developing an annually proposed budget for STBD revenues and expenditures for the STBD Governing Board's consideration.
4. Ownership. Streets and related transportation infrastructure preserved and maintained with STBD funds are and shall remain the property of the City of Seattle. It is also the expectation that any new or replacement infrastructure created or developed with STBD funds shall become the property of the City of Seattle. No joint property ownership is contemplated under the terms of this agreement.
5. No Joint Board. No provision is made for a joint board. The STBD shall exercise its function in accordance with its charter, using staff as provided by the City of Seattle, pursuant to law and to this agreement.
6. Termination. This agreement shall terminate or expire as follows:
- 6.1 This agreement may be terminated by either party upon the provision of one hundred and eighty (180) calendar days notice. A final reconciliation of costs, payment, and a current report of completed activities shall be completed by Seattle within such period following the notice by either party.
 - 6.2 Unless sooner terminated by either party, this agreement shall expire on the date when the STBD is automatically dissolved in accordance with provisions of RCW



36.73 and City of Seattle Ordinance 123397, as the same exists or is hereafter amended.

7. Effective Date. This agreement shall be effective upon the last authorizing signature affixed hereto and when listed by subject and ordinance number on the City of Seattle's City Clerk website or other electronically retrievable public source as required by RCW 39.34.040.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first written above.

SEATTLE TRANSPORTATION BENEFIT DISTRICT

Tom Rasmussen, Chair of the Board

Date

CITY OF SEATTLE

Mayor Michael McGinn or Designee

Date



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Mike Fong/5-1675	Stephen Barham/3-9084

Legislation Title: AN ORDINANCE relating to the Seattle Transportation Benefit District; authorizing execution of an Interlocal Agreement between the City of Seattle and the Seattle Transportation Benefit District regarding mutual roles and responsibilities related to the collection and expenditure of revenues for transportation purposes.

Summary of the Legislation:

This legislation authorizes the execution of an interlocal agreement between the City of Seattle and the Seattle Transportation Benefit District (STBD) to delineate the responsibilities of each governmental entity for the purposes of carrying out the stated and adopted transportation objectives of the STBD. The agreement provides the framework for how the City will implement the transportation projects funded and identified through the STBD budget and approved by the STBD Governing Board. Execution of the agreement would allow for clarity around roles and responsibilities prior to revenue collection on behalf of the STBD by the Washington State Department of Licensing (DOL) in May of 2011 of a \$20 Vehicle License Fee (VLF) approved by the STBD in November of 2010.

Background:

The City Council and Mayor created the STBD via Ordinance 123397 in September of 2010. Shortly after, the STBD Governing Board (members of the City Council acting in an ex-officio capacity) approved an action that imposed a \$20 VLF on registered vehicles in the City of Seattle. State DOL will begin collecting revenues for the STBD from the \$20 VLF beginning in May of 2011. It is estimated that \$4.4 million in revenue will be collected in 2011 and \$6.8 million in 2012. The STBD and City of Seattle agree that an interlocal agreement that outlines the roles and responsibilities of each governmental jurisdiction is necessary to implement the transportation projects to be supported by the VLF and potential future revenues generated from the STBD.

Please check one of the following:

☐ **This legislation does not have any financial implications.**
(Stop here and delete the remainder of this document prior to saving and printing.)

☒ **This legislation has financial implications.** (Please complete all relevant sections that follow.)

Note: Approval of the interlocal agreement in and of itself does not appropriate any funding for transportation purposes. Appropriations authority for 2011 of anticipated revenues collected on



behalf of the STBD by the Treasurer (City Finance Director) and spent by the Seattle Department of Transportation have been approved in the 2011-2012 Biennium Budget. The interlocal agreement is the mechanism outlining the parameters for which those expenditures may be made and formalizes the relationship between the STBD and the City of Seattle.

What is the financial cost of not implementing the legislation?

Without this legislation and an interlocal agreement in place, it is unclear how the City and the STBD would implement the transportation projects to be supported by STBD revenues. It would effectively put at risk or delay the expenditure of \$4.4 million in funding for transportation in 2011 and \$6.8 million in 2012.

Does this legislation affect any departments besides the originating department?

SDOT, City Budget Office, City Attorney's Office, Finance and Administrative Services and Legislative Department.

What are the possible alternatives to the legislation that could achieve the same or similar objectives? None.

Is the legislation subject to public hearing requirements? No

Other Issues: None

**AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SEATTLE,
WASHINGTON, AND THE SEATTLE TRANSPORTATION BENEFIT DISTRICT**

This agreement between the City of Seattle, Washington ("Seattle"), and the Seattle Transportation Benefit District ("STBD"), each of whom is organized as a Municipal Corporation under the laws of the state of Washington, is dated this 9th day of May, 2011.

WHEREAS, Chapter 39.34 RCW (Interlocal Cooperation Act) permits local governmental entities to make the most efficient use of their powers by enabling them to cooperate on the basis of mutual advantage; and

WHEREAS, pursuant to Ordinance 123397, the STBD was created for preserving and maintaining transportation infrastructure, improving public safety, implementing elements of the Seattle Transportation Strategic Plan and other planning documents, investing in bicycle, pedestrian, freight mobility and transit enhancements and providing people with choices to meet their mobility needs; and

WHEREAS, the STBD has established a \$20 vehicle license fee as authorized by RCW 36.73.065 and through STBD Resolution 1, delineated the use of these revenues by the City of Seattle; and

WHEREAS, the STBD may exercise its authority to propose and levy other sources of funding to support transportation projects within the district in the future; and

WHEREAS, Seattle and the STBD desire to better coordinate efforts to pursue each municipal corporation's individual, joint and mutual rights and obligations related to transportation infrastructure within the corporate limits of the City of Seattle; NOW THEREFORE,

The parties have entered into this agreement in consideration of the mutual benefits to be derived and to coordinate their efforts through the structure provided by the Interlocal Cooperation Act.

1. Purpose and Interpretation. The City of Seattle is empowered by Chapter 35.22 RCW to improve, maintain and protect public ways, including bridges, viaducts and tunnels. The STBD has been constituted in accordance with state law to provide a source of funding to support transportation improvements that benefit the residents of the City of Seattle and the STBD. The STBD has no employees and its officers are either City Councilmembers serving in an ex officio capacity or are City employees designated to serve under the provisions of state law. In order to make the most efficient use of public funds, to avoid duplication of effort and to coordinate their efforts, the parties have entered into this agreement. In the event that any provision of this agreement is held to be in conflict with existing state statute or any future amendment thereof, such provisions shall be severable, and the remaining provisions of this agreement shall remain in full force and effect.

2. Obligations of the STBD. In accordance with the requirements of Chapter 36.73 RCW, City of Seattle Ordinance 123397, Charter of the Seattle Transportation Benefit District, and STBD Resolution 1, the STBD agrees to:
 - 2.1 Provide to the City of Seattle all funding received from any and all lawful sources which the STBD in its sole discretion may levy for the purpose of completing the STBD's authorized projects.
 - 2.2 Continue the annual provision of funding for the projects approved by the STBD, so long as the STBD remains in existence. Such funding shall be in accordance with and limited by the provisions of Ordinance 123397, the charter of the STBD, and Chapter 36.73 RCW.
 - 2.3 Convene in public session as necessary in order to review, consider and approve transportation projects and policies related to the STBD in coordination with the City of Seattle and its representatives.
3. Undertakings of Seattle. Seattle shall:
 - 3.1 Provide all staff and necessary related support to the STBD. The costs of such support may be accounted for as part of Seattle's annual report delivered to the STBD and documented as part of the STBD annual budget. STBD funding may first be applied to the reasonable charges incurred in establishing and staffing the STBD.
 - 3.2 Maintain financial records, kept in accordance with generally accepted accounting practice and governmental accounting requirements, as necessary to document that any and all funding received through the STBD is used only for the projects authorized in accordance with law and ordinance.
 - 3.3 Immediately alert the STBD of any material changes in scope, schedule or cost increases of 20% or greater to improvements funded in part or whole with STBD funds.
 - 3.4 Utilize funding provided for projects identified in the STBD annually adopted budget in accordance with the STBD's material change policy, law and ordinance.
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 - 6. Termination. This agreement shall terminate or expire as follows:
 - 6.1 This agreement may be terminated by either party upon the provision of one hundred and eighty (180) calendar days notice. A final reconciliation of costs, payment, and a current report of completed activities shall be completed by Seattle within such period following the notice by either party.
 - 6.2 Unless sooner terminated by either party, this agreement shall expire on the date when the STBD is automatically dissolved in accordance with provisions of RCW

36.73 and City of Seattle Ordinance 123397, as the same exists or is hereafter amended.

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IN WITNESS WHEREOF, the parties have executed this agreement on the date first written above.

SEATTLE TRANSPORTATION BENEFIT DISTRICT


Tom Rasmussen, Chair of the Board

May 9, 2011
Date

CITY OF SEATTLE


Mayor Michael McGinn or Designee

May 9, 2011
Date

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THIS VERSION IS NOT ADOPTED



2. Obligations of the STBD. In accordance with the requirements of Chapter 36.73 RCW, City of Seattle Ordinance 123397, Charter of the Seattle Transportation Benefit District, and STBD Resolution 1, the STBD agrees to:
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THIS VERSION IS NOT ADOPTED



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 - 6.2 Unless sooner terminated by either party, this agreement shall expire on the date when the STBD is automatically dissolved in accordance with provisions of RCW

THIS VERSION IS NOT ADOPTED



36.73 and City of Seattle Ordinance 123397, as the same exists or is hereafter amended.

7. Effective Date. This agreement shall be effective upon the last authorizing signature affixed hereto and when listed by subject and ordinance number on the City of Seattle's City Clerk website or other electronically retrievable public source as required by RCW 39.34.040.

IN WITNESS WHEREOF, the parties have executed this agreement on the date first written above.

SEATTLE TRANSPORTATION BENEFIT DISTRICT

Tom Rasmussen, Chair of the Board

Date

CITY OF SEATTLE

Mayor Michael McGinn or Designee

Date

THIS VERSION IS NOT ADOPTED



Ordinance Published

123583

123584

123585

123586

STATE OF WASHINGTON – KING COUNTY

--SS.

270483

No. 123583, 85, 86

CITY OF SEATTLE, CLERKS OFFICE

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.

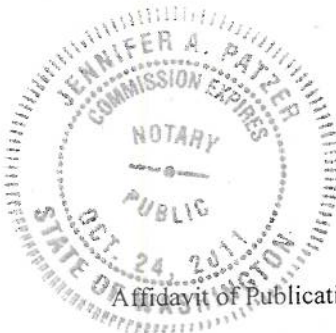
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCE

was published on

04/29/11

The amount of the fee charged for the foregoing publication is the sum of \$ 95.55, which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

04/29/11

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following legislation, passed by the City Council on April 18, 2011, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123583

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

ORDINANCE NO. 123584

AN ORDINANCE accepting deeds and easements for street, alley, or sidewalk purposes; laying off, opening, widening, extending, and establishing portions of the following rights-of-way: the alley in Block 4, Pettit's University Addition to the City of Seattle; the alley in Block 122, A.A. Denny's Broadway Addition to the City of Seattle; the sidewalk adjoining Block 122, A.A. Denny's Broadway Addition to the City of Seattle; the alley in Block 19, Denny-Fuhrman Addition to the City of Seattle; the alley in Block 4, South Park; the alley in Block 5, South Park; the alley in Block 26, Gilman's Addition to the City of Seattle; the alley in Block 107, David T. Denny's First Addition to North Seattle; the alley turn-around in Block 107, David T. Denny's First Addition to North Seattle; the sidewalk adjoining Block 36, Pontiac Addition to the City of Seattle; 48th Avenue South abutting Lot 26, Dunlap's Plat of Land on Lake Washington; the sidewalk adjoining Block 73 and Tract 88, Maple Leaf Addition to Green Lake Circle; the sidewalk adjoining Block 20, Hill Tract Addition to the City of Seattle; the sidewalk adjoining Blocks 31 and 32, Supplemental Plat G. Kinnear's Addition to the City of Seattle; the alley in Block 11, Green Lake Reservoir Addition to the City of Seattle; the sidewalk adjoining Tract 6, Excelsior Acre Tracts; the sidewalk adjoining Block 61, Woodlawn Addition to Green Lake; the alley in Block 60, Boston's Co's Plat of West Seattle; the alley in Block 9, Latona First Addition to the City of Seattle; the alley in Block 18, H.E. Nelson Addition to the City of Seattle; the alley in Block 2, Munson & Custer's Addition to Green Lake Circle; placing the real property conveyed by said deeds and easements under the jurisdiction of the Seattle Department of Transportation; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123585

AN ORDINANCE relating to street and sidewalk use; amending Ordinance 123485 to include current Street Use permit rates established by Ordinance 123477; and ratifying and confirming prior acts consistent with Ordinance 123477.

ORDINANCE NO. 123586

AN ORDINANCE relating to the Seattle Transportation Benefit District; authorizing execution of an Interlocal Agreement between the City of Seattle and the Transportation Benefit District regarding mutual roles and responsibilities related to the collection and expenditure of revenues for transportation purposes.

Date of publication in the Seattle Daily Journal of Commerce, April 29, 2011.
4/29(270483)