

Ordinance No. 123747

Council Bill No. 117311

AN ORDINANCE relating to solid waste taxation; amending Section 5.48.055 of the Seattle Municipal Code; and increasing the transfer tax rate effective January 1, 2012.

CF No. \_\_\_\_\_

Date Introduced:	<u>Oct. 17, 2011</u>	
Date 1st Referred:	<u>Oct. 17, 2011</u>	
Date Re - Referred:	To: (committee)	<u>Special Budget</u>
Date Re - Referred:	To: (committee)	
Date of Final Passage:	<u>8-11-21-11</u>	
Date Presented to Mayor:	<u>11-23-11</u>	
Date Returned to City Clerk:	Date Published:	T.O. <input checked="" type="checkbox"/> F.T. <input type="checkbox"/>
Date Vetoes by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: \_\_\_\_\_  
Councilmember

## Committee Action:

11-10-11 Pass as amended 8-0  
(CRC absent)

11-21-11 Passed 8-0 excused ~~at~~: NK

This file is complete and ready for presentation to Full Council. Committee: \_\_\_\_\_  
(initial/date)

Law Dept. Review

OMP Review

City Clerk Review

Electronic Copy Loaded

Indexed

ORDINANCE 123747

AN ORDINANCE relating to solid waste taxation; amending Section 5.48.055 of the Seattle Municipal Code; and increasing the transfer tax rate effective January 1, 2012.

WHEREAS, the City established per-ton taxes on the transfer of solid waste in the city that support the costs of the Clean Cities programs, which combat litter, illegal dumping and graffiti; and

WHEREAS, the City determined there are Clean Cities program costs that should be funded by the per-ton taxes; and

WHEREAS, the City desires to phase in any increases to the transfer tax over three years to minimize the impact to taxpayers; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Section 5.48.055 of the Seattle Municipal Code, last amended by Ordinance 123450, is amended as follows:

**5.48.055 Solid waste activities subject to tax – Amount((+))**

There is levied upon, and shall be collected from everyone including The City of Seattle, on account of the following business activities engaged in or carried on with respect to solid waste, an annual license fee or occupation tax in the amount to be determined by the application of the rates given below:

A. Transfer tax. There is imposed upon everyone engaged in or carrying on the business of operating a solid waste transfer station or upon the business of transferring solid waste generated in or outside of Seattle from one ~~((+))~~ mode of transportation to another a transfer tax equal to the solid waste tons handled for transportation or transported for landfill or incineration disposal purposes multiplied by the following rates. ~~((Effective January 1, 2010 a rate of Eight Dollars and Fifty Cents (\$8.50) per ton.))~~ Effective January 1, 2011, a rate of ~~((Eight Dollars and Sixty Nine Cents ()))~~ \$8.69 per ton((+)). Effective January 1, 2012, a rate of \$10.30 per ton.



1 Effective January 1, 2013, a rate of \$11.69 per ton. Effective January 1, 2014, a rate of \$13.27  
2 per ton. To prevent pyramiding of the tax under this subsection when two ~~((2))~~ or more  
3 transfers occur in Seattle, the tax is imposed only upon the last transferor and shall not apply to  
4 earlier transfers. Solid waste is transferred from one ~~((1))~~ mode of transportation equipment to  
5 another, whenever it is moved from a motor vehicle (including, for example, landgrading or  
6 earthmoving equipment), barge, train or other carrier to another motor vehicle (including  
7 landgrading or earthmoving equipment), barge, train or other carrier, irrespective of whether or  
8 not temporary storage occurs in the process. Solid waste shall not be considered transferred if the  
9 solid waste was generated and placed in a sealed shipping container outside of the city prior to  
10 being moved from one mode of transportation to another within the city or the solid waste was  
11 put into a sealed shipping container at a transfer station and subjected to the transfer tax prior to  
12 being delivered to the railhead. Beginning January 1, 2009, the transfer tax shall also be imposed  
13 on the last transfer in the city of construction, demolition, and landclearing solid waste placed  
14 into an intermodal container at the construction, demolition, or landclearing site and transported  
15 for landfill or incineration disposal outside of the city. Solid waste transported for recycling,  
16 reuse, yard and food waste destined for composting, items to be scrapped for salvage, solid waste  
17 used for beneficial use as approved by Seattle Public Utilities, soils, dangerous waste and  
18 hazardous substances, and sand and gravel for construction of a public improvement shall not be  
19 included in the tonnage by which the transfer tax is measured. The measure of the transfer tax is  
20 the actual tonnage of the last in-city transfer of solid waste materials destined for landfill, or  
21 incineration disposal unless excluded above, and it is the intent of this subsection that all solid  
22 waste generated within the City, unless excluded above, destined to a landfill or incineration  
23 disposal be subject to this transfer tax.

24  
25 \* \* \*

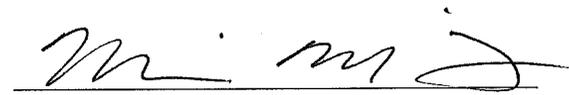
1 Section 2. This ordinance does not affect any existing right acquired or liability or  
2 obligation incurred under the sections amended or repealed in this ordinance or under any rule or  
3 order adopted under those sections, nor does it affect any proceeding instituted under those  
4 sections.

5 Section 3. This ordinance shall take effect and be in force 30 days after its approval by  
6 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
7 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

8 Passed by the City Council the 21 day of November, 2011, and  
9 signed by me in open session in authentication of its passage this  
10 21 day of November, 2011.

11   
12 \_\_\_\_\_  
13 President \_\_\_\_\_ of the City Council

14 Approved by me this <sup>Ca</sup>30 day of November, 2011.

15   
16 \_\_\_\_\_  
17 Michael McGinn, Mayor

18 Filed by me this <sup>th</sup>30 day of November, 2011.

19   
20 \_\_\_\_\_  
21 For Monica Martinez Simmons, City Clerk

22 (Seal)



**2012 BUDGET LEGISLATION FISCAL NOTE**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Public Utilities	Deborah Caul/ 733-9064	Karen Grove/ 684-5805

**Legislation Title:** AN ORDINANCE relating to solid waste taxation; amending Section 5.48.055 of the Seattle Municipal Code; and increasing the transfer tax rate effective January 1, 2012.

**Summary of the Legislation:**

This ordinance would increase the solid waste transfer tonnage tax from \$8.69 per ton in 2011 to \$13.27 per ton by 2014. The increased tonnage tax revenue will support existing Clean Cities program costs that were previously funded by general solid waste rates, but are more appropriately funded by a general purpose tax. The increased revenue also will support enhancement of Clean City services in certain areas.

**Background:**

During the development of the 2012 budget, Seattle Public Utilities (SPU) determined some existing costs would be more appropriately grouped with the Clean Cities program costs that are funded by the Transfer Tax. These activities included the Street Side Litter and Public Place Recycling programs, Abandoned Vehicles work, and overhead costs associated with the Clean Cities program. The total amount of these new costs is approximately \$2,040,000. At the same time, SPU is proposing to cut \$360,000 of Clean Cities Program costs on an ongoing basis to minimize the Transfer Tax increase. The resulting net \$1,680,000 increase would be funded by the Transfer Tax. To avoid increasing the Transfer Tax too much in one year, SPU proposed that the tax be raised 14% each year, to \$9.91 in 2012, \$11.29 in 2013, and \$12.87 in 2014.

During review of the proposed 2012 budget, the Council modified SPU-proposed tonnage tax increases to provide \$177,000/year of funding for enhanced Clean Cities services along Third Avenue downtown. With the Council changes, 2012 tonnage taxes would increase 18.5% compared to 2011 and increase another 13.5% in 2013 and 2014, reaching a level of \$13.27 per ton in 2014.

This legislation has no impact on 2012 solid waste rates, which have already been adopted. Had this change been implemented when the 2012 rates were adopted, it would have represented a >0.2% offset to solid waste rates.

X This legislation has financial implications.

**Summary of Changes to Revenue Generated Specifically from this Legislation:**

	<b>Revenue Source</b>	<b>2012 Proposed</b>
	Transfer Fee—in City (516457)	\$729,000



<b>Total Fees and Charges Resulting From Passage of This Ordinance</b>		\$729,000
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(If new revenue is for a partial year, provide estimate for full year in the notes section below.)

*Revenue Change Notes:* 2013 and 2014 changes to revenue are \$1,350,000, and \$2,043,000, respectively.

**Anticipated Total Revenue from Entire Program, Including Changes Resulting from this Legislation:**

Fund Name and Number	Revenue Source	Total 2012 Revenue
Solid Waste Fund (45010)	Transfer Fee—in City (516457)	\$4.67 million
<b>TOTAL</b>		\$4.67 million

**Other Implications:**

- a) Does the legislation have indirect financial implications, or long-term implications?  
 There are no indirect financial implications. The legislation impacts transfer tax rates through 2014. Future legislation may be required to address cost increases beyond 2014.
- b) What is the financial cost of not implementing this legislation?  
 If this legislation is not implemented, sufficient revenues would not be available to support existing Clean Cities program costs, enhanced Clean City services along Third Avenue downtown, and Solid Waste Fund financial performance.
- c) Does this legislation affect any departments besides the originating department?  
 No
- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?  
 The only alternative to this legislation is to reduce the scope of the Clean Cities Program and level of service provided.
- e) Is the legislation subject to public hearing requirements?  
 No
- f) Other Issues:  
 None

Please list attachments to the fiscal note below:

None





**City of Seattle**  
Office of the Mayor

September 26, 2011

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

I am transmitting the attached proposed Council Bill for consideration with the 2012 Proposed Budget. This legislation would increase the solid waste transfer tonnage tax from \$8.69 per ton in 2011 to \$12.87 per ton by 2014. The funds collected from the tax will support Clean Cities program costs previously funded by general solid waste rates.

The transfer tax is charged on each ton of garbage transferred within the City of Seattle. It is paid primarily by Seattle Public Utilities and other private entities that maintain transfer stations in the city. Proceeds from the tax support Clean Cities programs, which combat litter, illegal dumping, and graffiti. Seattle Public Utilities has identified additional costs that should be included with the Clean Cities program for transfer tax funding. These include Street Side Litter and Public Place Recycling, Abandoned Vehicles work, and overhead costs associated with the Clean Cities program.

Thank you for considering this legislation, which will ensure these important programs are funded with tax revenues in 2012 and beyond. Should you have questions, please contact Deborah Caul at 733-9064.

Sincerely,

Michael McGinn  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council





1 2013, a rate of \$11.29. Effective January 1, 2014, a rate of \$12.87. To prevent pyramiding of  
2 the tax under this subsection when two ~~((2))~~ or more transfers occur in Seattle, the tax is  
3 imposed only upon the last transferor and shall not apply to earlier transfers. Solid waste is  
4 transferred from one ~~((1))~~ mode of transportation equipment to another, whenever it is moved  
5 from a motor vehicle (including, for example, landgrading or earthmoving equipment), barge,  
6 train or other carrier to another motor vehicle (including landgrading or earthmoving equipment),  
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17 beneficial use as approved by Seattle Public Utilities, soils, dangerous waste and hazardous  
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19 in the tonnage by which the transfer tax is measured. The measure of the transfer tax is the actual  
20 tonnage of the last in-city transfer of solid waste materials destined for landfill, or incineration  
21 disposal unless excluded above, and it is the intent of this subsection that all solid waste  
22 generated within the City, unless excluded above, destined to a landfill or incineration disposal  
23 be subject to this transfer tax.

24  
25 \* \* \*

THIS VERSION IS NOT ADOPTED



1 Section 2. This ordinance does not affect any existing right acquired or liability or  
2 obligation incurred under the sections amended or repealed in this ordinance or under any rule or  
3 order adopted under those sections, nor does it affect any proceeding instituted under those  
4 sections.

5 Section 3. This ordinance shall take effect and be in force 30 days after its approval by  
6 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
7 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

8 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2011, and  
9 signed by me in open session in authentication of its passage this  
10 \_\_\_\_ day of \_\_\_\_\_, 2011.

11 \_\_\_\_\_  
12  
13 President \_\_\_\_\_ of the City Council

14  
15 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

16  
17 \_\_\_\_\_  
18 Michael McGinn, Mayor

19  
20 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2011.

21  
22 \_\_\_\_\_  
23 Monica Martinez Simmons, City Clerk

24 (Seal)

THIS VERSION IS NOT ADOPTED



**2012 BUDGET LEGISLATION FISCAL NOTE**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>CBO Analyst/Phone:</b>
Seattle Public Utilities	Deborah Caul/ 733-9064	Karen Grove/ 684-5805

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**Summary of the Legislation:**

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**Background:**

During the development of the 2012 budget, Seattle Public Utilities determined some existing costs would be more appropriately grouped with the Clean Cities program costs that are funded by the Transfer Tax. These activities included the Street Side Litter and Public Place Recycling programs, Abandoned Vehicles work, and overhead costs associated with the Clean Cities program. The total amount of these new costs is approximately \$2,040,000. At the same time, SPU is proposing to cut \$360,000 of Clean Cities Program costs on an ongoing basis to minimize the Transfer Tax increase. The resulting net \$1,680,000 increase would be funded by the Transfer Tax. To avoid increasing the Transfer Tax too much in one year, it would be raised 14% each year, to \$9.91 in 2012, \$11.29 in 2013, and \$12.87 in 2014.

This legislation has no impact on 2012 solid waste rates, which have already been adopted. Had this change been implemented when the 2012 rates were adopted, it would have represented a 0.2% offset to solid waste rates.

X  This legislation has financial implications.

**Summary of Changes to Revenue Generated Specifically from this Legislation:**

	<b>Revenue Source</b>	<b>2012 Proposed</b>
	Transfer Fee—in City (516457)	\$552,000
<b>Total Fees and Charges Resulting From Passage of This Ordinance</b>		\$552,000

(If new revenue is for a partial year, provide estimate for full year in the notes section below.)

*Revenue Change Notes:* 2013 and 2014 changes to revenue are \$1,173,000, and \$1,866,000, respectively.

THIS VERSION IS NOT ADOPTED



**Anticipated Total Revenue from Entire Program, Including Changes Resulting from this Legislation:**

Fund Name and Number	Revenue Source	Total 2012 Revenue
Solid Waste Fund (45010)	Transfer Fee—in City (516457)	\$4.49 million
<b>TOTAL</b>		\$4.49 million

**Other Implications:**

- a) Does the legislation have indirect financial implications, or long-term implications?  
There are no indirect financial implications. The legislation impacts transfer tax rates through 2014. Future legislation may be required to address cost increases beyond 2014.
- b) What is the financial cost of not implementing this legislation?  
If this legislation is not implemented, sufficient revenues would not be available to support existing Clean Cities program costs, and Solid Waste Fund financial performance would be impacted.
- c) Does this legislation affect any departments besides the originating department?  
No
- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives?  
The only alternative to this legislation is to reduce the scope of the Clean Cities Program and level of service provided.
- e) Is the legislation subject to public hearing requirements?  
No
- f) Other Issues:  
None

Please list attachments to the fiscal note below:

None

THIS VERSION IS NOT ADOPTED



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STATE OF WASHINGTON – KING COUNTY

--SS.

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279019  
CITY OF SEATTLE, CLERKS OFFICE

No. TITLE ONLY

**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 12<sup>th</sup> 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:123742-123764

was published on

12/09/11

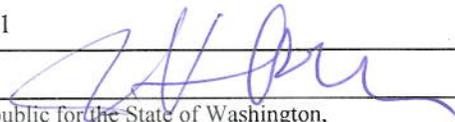
The amount of the fee charged for the foregoing publication is the sum of \$ 293.48, which amount has been paid in full.



Affidavit of Publication

  
Subscribed and sworn to before me on

12/09/11

  
Notary public for the State of Washington,  
residing in Seattle

# State of Washington, King County

## City of Seattle

The full text of the following legislation, passed by the City Council on November 21, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

### ORDINANCE NO. 123742

AN ORDINANCE relating to rates and charges for water services of Seattle Public Utilities; revising water rates and charges and amending Seattle Municipal Code Chapter 21.04 in connection therewith; removing Water District 61 and Richmond Beach Area meter surcharges and amending Seattle Municipal Code 21.12 in connection therewith; and revising credits to low-income customers and amending Seattle Municipal Code Chapter 21.76 in connection therewith.

### ORDINANCE NO. 123743

AN ORDINANCE relating to the Revenue Stabilization Account of the Cumulative Reserve Subfund; revising policies regarding deposits into the Subfund; amending Seattle Municipal Code Subsection 5.80.020 B in connection therewith; and superseding a portion of Resolution 31083.

### ORDINANCE NO. 123744

AN ORDINANCE relating to civil service; combining the staff of the Civil Service Commission and Public Safety Civil Service Commission and amending sections 4.04.250, 4.08.050, and 4.08.070 of the Seattle Municipal Code.

### ORDINANCE NO. 123745

AN ORDINANCE relating to City employment; establishing a 2012 furlough program for certain employees not covered by collective bargaining agreements.

### ORDINANCE NO. 123746

AN ORDINANCE amending Chapter 20.48 of the Seattle Municipal Code in order to modify City policies pertaining to capital appropriations.

### ORDINANCE NO. 123747

AN ORDINANCE relating to solid waste taxation; amending Section 5.48.055 of the Seattle Municipal Code; and increasing the transfer tax rate effective January 1, 2012.

### ORDINANCE NO. 123748

AN ORDINANCE relating to the financing of the South Lake Union Streetcar project; amending Ordinance 122603, last amended by Ordinance 123164, to extend the term of an interfund loan.

### ORDINANCE NO. 123749

AN ORDINANCE relating to emergency assistance for low-income Seattle Public Utilities customers and amending Section 21.76.065 of the Seattle Municipal Code.

### ORDINANCE NO. 123750

AN ORDINANCE relating to the 2008 Parks and Green Spaces Levy; accepting the recommendations of the 2008 Parks and Green Spaces Levy Oversight Committee concerning the Development Category Inflation Adjustment and the Opportunity Fund category; reallocating funds from the Development Category to the Opportunity Fund Category; and creating new major maintenance projects in the Opportunity Fund Category; all by a three-fourths vote of the City Council.

### ORDINANCE NO. 123751

AN ORDINANCE relating to contracting indebtedness; authorizing and providing for the issuance and sale of limited tax general obligation bonds to pay all or part of the cost of financing elements of the City's capital improvement program, issuing and selling the bonds, and other City purposes approved by ordinance; providing for terms and sale of the bonds; creating a bond fund; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123752

AN ORDINANCE relating to the electric system of The City of Seattle; authorizing the issuance and sale of municipal light and power revenue bonds for the purposes of providing funds for certain additions and betterments to and extensions of the existing municipal light and power plant and system of the City, paying the costs of issuing and selling those bonds and providing for the reserve fund requirement; providing for the terms, conditions, covenants and manner of sale of those bonds; describing the lien of those bonds; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123753

AN ORDINANCE relating to financing of the drainage and wastewater system of The City of Seattle; adopting a system or plan of additions and betterments to and extensions of the drainage and wastewater system; authorizing the issuance and sale of drainage and wastewater revenue bonds, in one or more series, for the purposes of paying all or part of the cost of carrying out that system or plan, providing for the reserve requirement for bonds, and issuing and selling the bonds; providing for the terms, conditions, covenants and manner of sale of the bonds; describing the lien of the bonds; creating certain accounts of the City relating to the bonds; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123754

AN ORDINANCE relating to the Seattle Department of Transportation; amending Section 11.23.120 of the Seattle Municipal Code establishing fees related to Commercial Vehicle Load Zone permits pursuant to the trucking and parking regulations of the Traffic Code.

### ORDINANCE NO. 123755

AN ORDINANCE related to fees and charges for permits and activities of the Department of Planning and Development and related fees by other departments; amending a section of Ordinance 123453; and amending Seattle Municipal Code Chapter 22.900A, Administration and Enforcement; Chapter 22.900B, General Provisions; Chapter 22.900C, Fees for Land Use Review; Chapter 22.900D, Fees for New and Altered Buildings and Equipment; Chapter 22.900E, Fees for Certificates and Registrations; Chapter 22.900F, Compliance and Other Inspections; and Chapter 22.900G, Fees Collected for Other Departments.

### ORDINANCE NO. 123756

AN ORDINANCE relating to a reorganization of the Human Services Department; amending Section 3.20.040 of the Seattle Municipal Code to restructure, rename and create various divisions in the Human Services Department.

### ORDINANCE NO. 123757

AN ORDINANCE relating to the City Light Department, directing the transfer of certain funds in the Light Fund into the Rate Stabilization Account in 2011, and amending SMC 21.49.086 (G) relating to the operation of said Account.

### ORDINANCE NO. 123758

AN ORDINANCE adopting a budget, including a capital improvement program and position modifications, for The City of Seattle for 2012; creating positions exempt from civil service, all by a two-thirds vote of the City Council.

### ORDINANCE NO. 123759

AN ORDINANCE relating to the Department of Parks and Recreation; establishing the 2012 fee schedule for the use of park properties and other park and recreation facilities and services; superseding previous park and recreation fee schedules; and amending Section 18.28.010 of the Seattle Municipal Code.

### ORDINANCE NO. 123760

AN ORDINANCE amending the 2011 Budget, including the 2011-2016 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project descriptions; revising project allocations for certain projects in the 2011-2016 CIP; making cash transfers between various city funds; creating new appropriations, amending ordinances 123442 and 123664; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

### ORDINANCE NO. 123761

AN ORDINANCE relating to the Alaskan Way Viaduct and Seawall Replacement Program; authorizing the creation of a City fund; and authorizing the loan of funds from the City's Consolidated (Residual) Cash Pool, or its participating funds, to the new fund.

### ORDINANCE NO. 123762

AN ORDINANCE relating to the levy of property taxes; fixing the rates and/or amounts of taxes to be levied, and levying the same upon all

taxable property, both real and personal, in The City of Seattle, to finance the departments and activities of City government and to provide for the general obligation bond interest and redemption requirements for the year beginning on the first day of January 2012; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123763

AN ORDINANCE authorizing the levy of regular property taxes by The City of Seattle for collection in 2012, representing an increase above the regular property taxes levied for collection in 2011; and ratifying and confirming certain prior acts

### ORDINANCE NO. 123764

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

Publication ordered by the City Clerk  
Date of publication in the Seattle Daily Journal of Commerce, December 9, 2011.  
12/9(279019)