Ordinance No. 124355

Council Bill No. CB117881

AN ORDINANCE relating to the City Light Department, authorizing the extension of the franchise from the City of Burien to construct, operate, maintain, replace and repair an electrical light and power system in, across, over, along, under, through and below certain designated public rights-of-way, to July 31, 2014 or the effective date of a replacement franchise agreement, whichever occurs first.

Related Legislation File:

Date Introduced and Referred:	To: (committee):
8.12.13	Energy and Environment Committee
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 12/2/13	Date Presented to Mayor: 12/3/13
Date Signed by Mayor: 12.9.13	Date Returned to City Clerk: 12.9.13
Published by Title Only ✓ Published in Full Text	Date Vetoed by Mayor:
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:

Committee Action:

Date	Recommendation	Vote
11-26-13	Pass	3 MO, SC, TB - Ø - Ø

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

Full Council Action:

Date	Decision	Vote
Dec. 2, 2013	Passed	8-0 (excused: O'Brien)

LAW DEPARTMENT

CITY OF SEATTLE

ORDINANCE 124355

COUNCIL BILL 117881

AN ORDINANCE relating to the City Light Department, authorizing the extension of the franchise from the City of Burien to construct, operate, maintain, replace and repair an electrical light and power system in, across, over, along, under, through and below certain designated public rights-of-way, to July 31, 2014 or the effective date of a replacement franchise agreement, whichever occurs first.

WHEREAS Seattle City Light is authorized to construct, operate, maintain, replace and repair its electrical light and power system in, across, over, along, under, through and below certain designated public rights-of-way in the City of Burien under a franchise granted by the City of Burien Ordinance 247 and accepted by the City of Seattle by Ordinance 119348; and

WHEREAS, Seattle City Light's current franchise with the City of Burien is scheduled to expire on January 31, 2014; and

WHEREAS, the City of Seattle and the City of Burien are negotiating the terms and conditions of a new franchise and need additional time to conclude the negotiations; and

WHEREAS, it is also required that the Burien City Council approve the extension by ordinance for this extension to be effective; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That the City of Seattle authorizes the extension of the franchise from the City of Burien to construct, operate, maintain, replace and repair an electrical light and power system to serve residential, multi-family and commercial areas, to July 31, 2014 or the effective date of a replacement franchise agreement, whichever occurs first.

Section 2. 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 2nd day of December, 2013, and signed by me in open session in authentication of its passage this 2nd day of December, 2013.

President _____ of the City Council

Approved by me this 9th day of December, 2013.

Michael McGinn, Mayor

Filed by me this 9th day of December, 2013.

Monica Martinez Simmons, City Clerk

(Seal)

Form revised: December 12, 2012

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle City Light	Sandi Fukumoto (684-0423)	Anthony Colello (684-5292)

Legislation Title:

AN ORDINANCE relating to the City Light Department, authorizing the extension of the franchise from the City of Burien to construct, operate, maintain, replace and repair an electrical light and power system in, across, over, along, under, through and below certain designated public rights-of-way, to July 31, 2014 or the effective date of a replacement franchise agreement, whichever occurs first.

Summary of the Legislation:

This ordinance authorizes an extension for the franchise from the City of Burien to construct, operate, maintain, replace and repair an electrical light and power system in, across, over, along, under, through and below certain designated public rights-of-way, to July 31, 2014 or the effective date of a replacement franchise agreement, whichever occurs first. The current Franchise Agreement expires on January 31, 2014. Seattle City Light and the City of Burien have been engaged in negotiations to renew the current franchise. In order to successfully complete these negotiations and comply with the two cities' legislative timelines, an extension of the existing franchise is warranted.

Background:

Seattle City Light provides electric service to the residents and businesses in the City of Burien under a 15 year Franchise Agreement, which was effective beginning January 1, 1999, granted by the City of Burien Ordinance 247 and accepted by the City of Seattle by Ordinance 119348. The Franchise Agreement grants Seattle City Light a non-exclusive franchise to operate within the City of Burien's rights-of-way, and establishes terms and conditions under which Seattle City Light and the City of Burien work together on a variety of franchise issues, including rates as established by the Seattle City Council, fees, and operational requirements.

Since late 2012, Seattle City Light and the City of Burien have been engaged in discussions to renegotiate the Franchise Agreement. Meetings were held with the City of Burien to discuss what is working well with the current Franchise Agreement and to identify areas for improvement. Subsequently, Seattle City Light has been working internally and with City of Burien to draft and negotiate a new franchise agreement that will maintain consistency with Seattle City Light's Strategic Plan, and provide the City of Burien with the same level of outstanding service, reliability, environmental stewardship, and accountability as we provide for customers within the Seattle city limits.

_X_ This legislation does not have any financial implications.

____ This legislation has financial implications.

Other Implications:

a) Does the legislation have indirect financial implications, or long-term implications?
This legislation extends the term of the current Franchise Agreement and will allow the two parties to continue negotiating the terms of a new long-term franchise agreement to provide electrical service to residents and businesses within the City of Burien and for Seattle City Light to continue to construct, operate, maintain, replace and repair its system within the City of Burien's rights-of-way.

b) What is the financial cost of not implementing the legislation?
Failure to pass this extension ordinance would not have direct financial impacts until the existing Franchise Agreement expires without a new agreement to replace it. However if a new agreement is not in place by January 31, 2014, then the financial impacts could be significant, and well beyond the scope of this note.

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?
Finalize negotiations and execute a new franchise agreement without the extension and authorize the new agreement through an ordinance with a full ratify and confirm clause for the new franchise.

e) Is a public hearing required for this legislation?
No.

f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?
No.

g) Does this legislation affect a piece of property?
No.

h) Other Issues:
N/A

List attachments to the fiscal note below: N/A

City of Seattle
Office of the Mayor

July 30, 2013

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am pleased to transmit the attached proposed Council Bill that authorizes an extension for the existing franchise agreement from the City of Burien for Seattle City Light to construct, operate, maintain, replace and repair an electrical light and power system in, across, over, along, under, through and below certain designated public rights-of-way, to July 31, 2014 or the effective date of a replacement franchise agreement, whichever comes first. The current franchise expires on January 31, 2014. Seattle City Light and the City of Burien have been engaged in negotiations to renew the current franchise. In order to successfully complete these negotiations and comply with the two Cities' legislative timelines, additional time is needed and an extension of the existing franchise agreement is warranted.

Seattle City Light provides electric service to the residents and businesses in the City of Burien under a 15 year Franchise Agreement, which was effective beginning January 1, 1999. The Agreement grants Seattle City Light a non-exclusive franchise to operate within the City of Burien's public rights-of-way, and establishes terms and conditions under which Seattle City Light and the City of Burien work together on a variety of franchise issues, including electric rates as established by Seattle City Council, fees, and operational requirements. In late 2012, Seattle City Light engaged the City of Burien in discussions to renegotiate the Agreement. Meetings were held with the City of Burien to understand what is working well with the current Agreements, as well as to identify areas for improvement. Subsequently, Seattle City Light has been working internally and with the City of Burien to draft and negotiate an Agreement that will maintain consistency with Seattle City Light's Strategic Plan, and provide the City of Burien with the same level of outstanding service, reliability, environmental stewardship, and accountability as we provide for customers within the Seattle city limits.

Additional time to conclude negotiations will assist in the continuing successful arrangement between Seattle City Light and the City of Burien. Thank you for your consideration of this legislation. Should you have questions, please contact Phil West at (206) 684-3718.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
Office of the Mayor
600 Fourth Avenue, 7th Floor
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Seattle, WA 98124-4749

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mike.mcginn@seattle.gov

STATE OF WASHINGTON -- KING COUNTY

--ss.

305638

No. 124355,356,357,358,359,60

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

12/18/13

The amount of the fee charged for the foregoing publication is the sum of $107.25 which amount has been paid in full.

JENNIFER A. BORRERO
COMMISSION EXPIRES
NOTARY
PUBLIC
10-24-15
STATE OF WASHINGTON

Subscribed and sworn to before me on

12/18/2013

Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle
Title Only Ordinances

The full text of the following legislation, passed by the City Council on December 2, 2013, 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. 124355

AN ORDINANCE relating to the City Light Department, authorizing the extension of the franchise from the City of Burien to construct, operate, maintain, replace and repair an electrical light and power system in, across, over, along, under, through and below certain designated public rights-of-way, to July 31, 2014 or the effective date of a replacement franchise agreement, whichever occurs first.

ORDINANCE NO. 124356

AN ORDINANCE relating to the City Light Department, authorizing the extension of the franchise from the City of Shoreline to construct, operate, maintain, replace and repair an electrical light and power system in, across, over, along, under, through and below certain designated public rights-of-way, to July 31, 2014 or the effective date of a replacement franchise agreement, whichever occurs first.

ORDINANCE NO. 124357

AN ORDINANCE relating to the rates, terms and conditions for the use and sale of electricity supplied by the City Light Department, amending Seattle Municipal Code Chapter 21.49 to add a First Avenue South Phase 2 undergrounding charge, applied to all City of Burien rate schedules.

ORDINANCE NO. 124358

AN ORDINANCE relating to the City Light Department; authorizing execution of the Interconnected Transmission Systems Agreement with Bonneville Power Administration to consolidate, clarify, and document the details pertaining to the ownership and operation of the existing physical interconnections between the transmission systems of the two parties.

ORDINANCE NO. 124359

AN ORDINANCE relating to the City Light Department, authorizing the acceptance of the Statutory Warranty Deed for the "Saunders Property" in Skagit County, Washington, placing said land under the jurisdiction of the City Light Department, and ratifying and confirming certain prior acts.

ORDINANCE NO. 124360

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

Date of publication in the Seattle Daily Journal of Commerce, December 18, 2013.

12/18(305638)

STATE OF WASHINGTON -- KING COUNTY

--ss.

305638

No. 124355,356,357,358,359,60

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