SEATTLE CITY COUNCIL

Legislative Summary

CB 118630

Record No.: CB 118630 **Type:** Ordinance (Ord) **Status:** Passed

Version: 1 **125000** **In Control:** City Clerk

File Created: 10/09/2015

Final Action: 03/10/2016

Title: AN ORDINANCE relating to building energy use benchmarking and reporting; directing the Office of Sustainability and Environment to make building energy benchmarking reports and, where available, an energy performance rating available to the public; amending Sections 22.920.060, 22.920.125, and 22.920.170 of the Seattle Municipal Code; and amending Ordinance 124927, which adopted the 2016 Budget, changing appropriations to various departments and budget control levels, and from various funds in the Budget; all by a 3/4 vote of the City Council.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Sawant

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: rebecca.baker@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published: ☐ Yes ☐ No

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	02/02/2016	Mayor's leg transmitted to Council	City Clerk			
	Action Text: The Council Bill (CB) was Mayor's leg transmitted to Council. to the City Clerk **Notes:**						
1	City Clerk	02/02/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office **Notes:**						
1	Council President's Office	02/04/2016	sent for review	Sustainability and Transportation Committee			

Action Text: The Council Bill (CB) was sent for review. to the Sustainability and Transportation Committee
Notes:

1	Council President's Office	02/18/2016	sent for review	Energy and Environment Committee	

Action Text: The Council Bill (CB) was sent for review. to the Energy and Environment Committee
Notes:

1	Full Council	02/22/2016	referred	Energy and Environment Committee	
1	Energy and Environment Committee	02/25/2016	pass		Pass

Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
Notes:

In Favor: 3 Chair Sawant, Vice Chair Juarez, O'Brien

Opposed: 0

1	Full Council	02/29/2016	passed		Pass

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 Councilmember Bagshaw, Councilmember Burgess, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

1	City Clerk	03/03/2016	submitted for Mayor's signature	Mayor	

Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

1	Mayor	03/10/2016	Signed		

Action Text: The Council Bill (CB) was Signed.
Notes:

1	Mayor	03/10/2016	returned	City Clerk	

Action Text: The Council Bill (CB) was returned. to the City Clerk
Notes:

1	City Clerk	03/10/2016	attested by City Clerk		

Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 125000

COUNCIL BILL 118630

AN ORDINANCE relating to building energy use benchmarking and reporting; directing the Office of Sustainability and Environment to make building energy benchmarking reports and, where available, an energy performance rating available to the public; amending Sections 22.920.060, 22.920.125, and 22.920.170 of the Seattle Municipal Code; and amending Ordinance 124927, which adopted the 2016 Budget, changing appropriations to various departments and budget control levels, and from various funds in the Budget; all by a 3/4 vote of the City Council.

WHEREAS, The City of Seattle (City) has a goal to become a carbon neutral city by 2050 and adopted a strategy for achieving this goal through Resolution 31447, adopting the 2013 Seattle Climate Action Plan; and

WHEREAS, the 2013 Seattle Climate Action Plan includes an action to make information from the energy benchmarking reports publicly accessible; and

WHEREAS, cities with full transparency of energy benchmarking reports and additional regulations have attained higher rates of energy use reduction; and

WHEREAS, as part of its 2013 Seattle Climate Action Plan, the City set a 2050 goal for reducing emissions from all commercial and residential buildings from 2008 levels by 45 percent and 63 percent, respectively; and

WHEREAS, emissions tracking from 2008 to 2012 through a citywide greenhouse gas inventory shows the City is not currently on track in per-year energy reductions to meet these targets; and

WHEREAS, RCW 19.27A.170 requires disclosure of nonpublic nonresidential benchmarking data and ratings for buildings greater than 10,000 square feet to a prospective buyer, lessee, or lender for the most recent continuously occupied 12-month period; and

WHEREAS, the City will publicly post annual building energy benchmarking reports and, where available, an energy performance rating; and

WHEREAS, it is appropriate to make technical and procedural corrections to Chapter 22.920;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.920.060 of the Seattle Municipal Code, last amended by Ordinance 123993, is amended as follows:

22.920.060 Maintaining energy utility records

Utilities providing energy service to a nonresidential or multi-family benchmark building shall maintain energy consumption data for each building for at least the most-recent ((~~twelve~~)) 24 months in a format capable of being uploaded to the United States Environmental Protection Agency's Energy Star Portfolio Manager.

On and after June 1, 2010, upon written or secure electronic authorization by an authorized representative of the building owner, the utility providing energy service to the building shall upload the utility consumption data for the accounts specified by an authorized representative of the building owner to the United States Environmental Protection Agency's Energy Star Portfolio Manager, in a form that does not disclose personally-identifying information. Utility companies have 30 days from receipt of such written or secure electronic authorization to upload information to Energy Star Portfolio Manager.

Section 2. Section 22.920.125 of the Seattle Municipal Code, enacted by Ordinance 123993, is amended as follows:

22.920.125 Response to Notice of Violations

A. A person must respond to a notice of violation in one of the following ways:

1. Pay the amount of the penalty specified in the notice of violation, in which case the record shall show a finding that the person cited committed the violation; or

2. Request in writing an administrative review in accordance with Section 22.920.130 and provide a mailing address to which a benchmarking and reporting program violation challenge form may be sent.

B. A response to a notice of violation must be received by the ((~~Department of Finance and Administrative Services~~)) Office of Sustainability and Environment no later than 30 days after the date the notice of violation is mailed or otherwise served. When the last day of the administrative appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

Section 3. Subsection 22.920.170.G of the Seattle Municipal Code, which section was last amended by Ordinance 123993, is amended as follows:

22.920.170 Contested hearings

* * *

G. Appeal. The Hearing Examiner's decision is the final decision of the City. Any judicial review must be commenced ((~~in Seattle Municipal Court with review of any Municipal Court decision being subject to review under the Civil Rules for Courts of Limited Jurisdiction~~)) by applying for a writ of review in the King County Superior Court within 14 days from the date of the decision in accordance with the procedure set forth in chapter 7.16 RCW, other applicable law, and court rules.

Section 4. This ordinance authorizes and directs the Office of Sustainability and Environment to amend the Implementation of Energy Performance Benchmarking Director's

rule to make individual building energy benchmarking reports and, where available, an energy performance rating publicly available.

Section 5. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 6. In order to pay for necessary costs and expenses incurred or to be incurred, but for which insufficient appropriations were made due to causes that could not reasonably have been foreseen at the time of making the 2016 budget, appropriations for the following items in the 2016 budget are increased from the funds shown, as follows:

Item	Fund	Department	Budget Control Level	Amount
6.1	General Subfund (00100)	Office of Sustainability and Environment	Office of Sustainability and Environment (X1000)	$ 95,000
Total				$ 95,000

Section 7. 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.

Passed by the City Council the 29th day of February, 2016, and signed by me in open session in authentication of its passage this 29th day of February, 2016.

President _____ of the City Council

Approved by me this 10 day of March, 2016.

Edward B. Murray, Mayor

Filed by me this 10th day of MARCH, 2016.

Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--ss.

335030 No.

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:124997-98,125000 TITLE

was published on

03/18/16

The amount of the fee charged for the foregoing publication is the sum of $63.80 which amount has been paid in full.

JENNIFER A. BARNES
COMMISSION EXPIRES
STATE OF WASHINGTON

Subscribed and sworn to before me on

03/18/2016

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 February 29, 2016, 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 124997

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

Ordinance 124998

AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between The City of Seattle and the Joint Crafts Council; and ratifying and confirming certain prior acts.

Ordinance 125000

AN ORDINANCE relating to building energy use benchmarking and reporting; directing the Office of Sustainability and Environment to make building energy benchmarking reports and, where available, an energy performance rating available to the public; amending Sections 22.920.060, 22.920.125, and 22.920.170 of the Seattle Municipal Code; and amending Ordinance 124927, which adopted the 2016 Budget, changing appropriations to various departments and budget control levels, and from various funds in the Budget; all by a 3/4 vote of the City Council.

Date of publication in the Seattle Daily Journal of Commerce, March 18, 2016.

3/18(335030)