

1 or engage in the business of arranging for the distribution of yellow pages phone books, in the
2 same manner as if the license had been granted, pending the Hearing Examiner's decision.

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4 1. If the Hearing Examiner affirms the Director's license denial, the temporary license shall
5 remain in effect pending a motion for reconsideration before the Hearing Examiner and, in
6 addition (a) if the license applicant does not timely file for judicial review, then only until the
7 expiration of the time allowed to file an application for a writ of review under Chapter 7.16
8 RCW; or (b) if the license applicant does timely file an application for a writ of review, then only
9 until the court either issues a writ or denies the writ application.
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11 2. If the Hearing Examiner dismisses the adult entertainment or the yellow pages phone book
12 distributor license denial with prejudice, the Department shall immediately issue the appropriate
13 ((an adult entertainment)) license.
14

15 3. If the Hearing Examiner dismisses the adult entertainment or the yellow pages phone book
16 distributor license denial without prejudice, the temporary license shall remain in effect for five
17 (5) additional business days, at the end of which time the Department must either reissue a denial
18 or issue the appropriate ((an adult entertainment)) license. If the Director reissues the denial, then
19 the temporary license will continue in effect according to the procedures set forth in subsection B
20 of this section.
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23 4. Notwithstanding SMC Section 6.202.210, if a license applicant is issued a temporary license,
24 the license applicant shall pay the fee charged for an adult entertainment license under SMC
25 Section 6.270.060 or the fee charged for a yellow pages phone book distributor license under
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1 SMC Section 6.255.060 at the time the applicant receives the temporary license. If the temporary
2 license issued under this subsection is still in effect at the end of a calendar year, then the license
3 applicant must pay the fee charged for an adult entertainment license under SMC Section
4 6.270.060 or the fee charged for a yellow pages phone book distributor license under SMC
5 Section 6.255.060 for the next calendar year.

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7 Section 2. Section 6.255.050 of the Seattle Municipal Code is amended to read as
8 follows:

9 **6.255.050 License – Application.**

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11 Application for the yellow pages phone book distributor license shall be on forms
12 specified by the Director, and shall be accompanied by the license fee established by section
13 6.255.060, the annual report form required by section 6.255.080, and any recovery fees required
14 by section 6.255.100. Within 20 days of receipt by the Director of a complete application for a
15 yellow pages phone book distributor license, the Director shall issue or deny the license. If the
16 Director fails to issue or deny the license within the 20 day period, the license is deemed issued
17 on the last day of the 20 day period.

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19 Section 3. Section 6.255.100 of the Seattle Municipal Code is amended to read as
20 follows:

21 **6.255.100 Recovery Fee.**

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23 A. A recovery fee is hereby imposed on the distribution of yellow pages phone books within the
24 City to be calculated as follows: Fourteen Cents (\$0.14) for each yellow pages phone book
25 distributed within the City (~~plus One Hundred Forty Eight Dollars (\$148.00)~~ per ton of yellow
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1 ~~pages phone books distributed within the City~~). The recovery fee is intended to reflect the cost
2 to the City of administering the Opt-Out Registry(~~and collecting and recycling yellow pages~~
3 ~~phone books~~). The Director of Seattle Public Utilities may recommend adjustments to the
4 recovery fee as part of the development of adjustments to the solid waste rates.

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6 B. Annually and as otherwise may be required by the Director, based on the quantities reported
7 under section 6.255.080, distributors shall report and remit payment of the recovery fees imposed
8 under this section to the Director. Payments shall be reported on forms prescribed by the
9 Director. The form shall be signed by a responsible officer or agent of the distributor. The
10 individual signing the form shall swear or affirm that the information in the form is true and
11 correct.
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14 C. City revenue generated from the recovery fee imposed under this section shall be deposited in
15 the Solid Waste Fund.
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Section 4. This ordinance shall take effect and be in force 30 days from and 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 ____ day of _____, 2011, and signed by me in open session in authentication of its passage this ____ day of _____, 2011.

President _____ of the City Council

Approved by me this ____ day of _____, 2011.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2011.

City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Meg Moorehead, 4-8929	

Legislation Title:

AN ORDINANCE relating to the City's solid waste system; providing for the issuance of a temporary license and establishing a time frame for action on yellow pages phone book distributor license applications; removing the component of the recovery fee for yellow pages phone books associated with the cost of collecting and recycling yellow pages phone books; and amending Seattle Municipal Code Sections 6.202.280, 6.255.050 and 6.255.100.

Summary of the Legislation:

This ordinance simplifies recovery fees for yellow pages phone books by removing the portion of the fee associated with the cost of collecting and recycling those books. It also clarifies yellow pages phone book distributor license requirements by establishing a time frame for action on license applications and allowing for issuance of a temporary license while a complaint hearing decision is pending.

Background:

To advance City zero-waste goals, Ordinance 123427 established a single City-sponsored yellow pages opt-out registry, established a per-book recovery fee to pay City costs for an opt-out registry, and set a per-ton recovery fee for collection and recycling of yellow pages books. The opt-out registry and recovery fees were tied to a new business license for yellow pages distributors. This ordinance simplifies and clarifies portions of those requirements as recommended by the City Attorney's office in response to current litigation.

This legislation does not have any financial implications.
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This legislation has financial implications. (Please complete all relevant sections that follow.)



Appropriations:

Fund Name and Number	Department	Budget Control Level*	2010 Appropriation	2011 Anticipated Appropriation
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Appropriations Notes:

This action does not affect appropriations.

Anticipated Revenue/Reimbursement: Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2010 Revenue	2011 Revenue
TOTAL				

Revenue/Reimbursement Notes:

Solid Waste Fund fee revenues will be reduced by the removal of the \$148/ton component of the recovery fee that covers the cost of yellow pages collection and recycling. As a result, solid waste rate revenue would fund the estimated \$340,000 to \$350,000 per year cost of yellow pages collection and recycling. Seattle Public Utilities (SPU) would need to reduce other costs in the Solid Waste Fund or reduce financial performance to account for the added demand on rate revenues. The Solid Waste Fund would continue to receive the 14 cents/book component of the recovery fee that covers SPU's costs for the opt-out service.

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2010 Positions	2010 FTE	2011 Positions*	2011 FTE*
TOTAL							

* 2010 positions and FTE are total 2010 position changes resulting from this legislation, not incremental changes. Therefore, under 2010, please be sure to include any continuing positions from 2009.

Position Notes:

No new positions are proposed.

Do positions sunset in the future?



Spending/Cash Flow:

Fund Name & #	Department	Budget Control Level*	2010 Expenditures	2011 Anticipated Expenditures
TOTAL				

** See budget book to obtain the appropriate Budget Control Level for your department.*

Spending/Cash Flow Notes:

What is the financial cost of not implementing the legislation?

Expenditures would be unchanged if the legislation is not implemented. If the legislation were not implemented, fee revenues (instead of rate revenues) would fund yellow pages collection and recycling.

Does this legislation affect any departments besides the originating department?

Yes, it affects SPU and DEA.

What are the possible alternatives to the legislation that could achieve the same or similar objectives?

Alternatives would not address City Attorney recommendations in response to current litigation.

Is the legislation subject to public hearing requirements?

No.

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

List attachments to the fiscal note below:

