CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL 117751

AN ORDINANCE relating to the title of the department head of Seattle City Light; changing the title of the Seattle City Light Department's top position title from Superintendent to General Manager and Chief Executive Officer and amending Sections 3.08.010, 3.08.020, 3.39.080, 3.76.010, 3.121.010, 4.13.010, 4.20.401, 5.33.020, 15.32.300, 29.49.045, 21.52.210, 21.52.250, 21.52.260, 21.56.010, 21.56.030, 22.206.200, 22.208.120, 23.22.024, 23.48.017, 23.50.051 of the Seattle Municipal Code.

WHEREAS, municipal electric utilities across the United States utilize the position title General Manager and Chief Executive Officer for the top position of the utility; and

WHEREAS, to align with industry standards and to attract the best candidates for the top position at Seattle City Light, changing the position title to General Manager and Chief Executive Officer will benefit the City of Seattle and its rate payers.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SUPERINTENDENT NAME CHANGE

Section 1. Effective June 1, 2013, the Seattle City Light position title "Superintendent" shall no longer be used and in its place the title "General Manager and Chief Executive Officer" shall be used. It is not intended that this name change affect any of the powers of the department head of Seattle City Light.

AMENDMENT OF CODIFIED ORDINANCES

Section 2. Section 3.08.010 of the Seattle Municipal Code, last amended by Ordinance 107787, is amended as follows:

3.08.010 Department established – ((~~Superintendent~~))<u>General Manager and Chief Executive Officer</u>.

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A. There shall be a City Light Department, consisting of the municipal light and power system, the head of which shall be the ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light.

B. The ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light shall be appointed by the Mayor and confirmed by a majority of the City Council, subject to reconfirmation every four years; provided, that the ((~~Superintendent~~))General Manager and Chief Executive Officer of Lighting appointed pursuant to Charter Article VII prior to its 1977 amendment, and serving immediately prior to the effective date of the ordinance codified in this chapter, shall serve as the first ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light pursuant to the provisions of this chapter until December 31, 1979.

Section 3. Section 3.08.020 of the Seattle Municipal Code, last amended by Ordinance 107787, is amended as follows:

3.08.020 Adoption of rules.

Pursuant to the Administrative Code, Chapter 3.02, ((~~(Ordinance 102228)~~)) ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light may adopt whatever rule he or she deems useful for the conduct of the Department's business.

Section 4. Section 3.08.030 of the Seattle Municipal Code, last amended by Ordinance 107787, is amended as follows:

3.08.030 ((~~Superintendent's~~))General Manager and Chief Executive Officer's duties.

Under the direction of the Mayor, the duties of the ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light include:

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A. Managing, controlling, operating and maintaining the municipal light and power system and related facilities;

B. Enforcing and implementing City ordinances, contracts, and rules which relate to the City Light Department;

C. Appointing, supervising and controlling all officers and employees of the City Light Department, subject to personnel ordinances and rules of the City;

D. Making maps, surveys, profiles, plans, specifications, estimates and reports in connection with the City Light Department as directed by the City;

E. Laying out, directing, constructing and supervising all public works of the City Light Department;

F. Performing other duties as directed by the City.

Section 5. Section 3.39.080 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

3.39.080 Unclaimed property.

The Director of Finance and Administrative Services is designated as the City's representative to the State of Washington, Department of Revenue, for the filing of reports and seeking refunds contemplated by the Uniform Unclaimed Property Act of 1983, RCW Chapter 63.29.290(1) (the "Act"). For such purposes, the Director is authorized to coordinate reporting by all City departments; to transfer moneys from the Light Fund to the General Fund on vouchers drawn by the ((~~Superintendent~~))General Manager and Chief Executive Officer of the City Light Department in accordance with appropriations made in its annual budget; and to reserve at the end of each budget year from unexpended and unencumbered balances of appropriations made for other City departments an amount sufficient to cover payments to claimants (RCW 63.29.135).

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Section 6. Section 3.76.010 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

3.76.010 Committee established -- Membership.

There is established a Debt Management Policy Advisory Committee ("Committee" in this chapter) for the City composed as follows:

A. The Director of Finance, shall be its Chair;

B. The Chair of the City Council Finance and Budget Committee;

C. The ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light;

D. The Director of Seattle Public Utilities;

E. The City Budget Director; and

F. The Director of the Central Staff Division of the City Council.

The President of the City Council is authorized to designate an alternate member to serve in the event of the absence or incapacity of the Chair of the Finance Committee and/or the Director of the Central Staff Division, and the Mayor is authorized to designate alternate members to serve in the event of the absence or incapacity of the other members of the Committee or for such other reason as may be deemed sufficient. The City Attorney or his or her legal representative shall meet with and provide legal advice and assistance to the Committee in the conduct of its duties. Department Directors are authorized to designate an alternate member to act in their stead in the event they are absent, incapacitated, or for such other reasons as may be deemed sufficient.

Section 7. Section 3.121.010 of the Seattle Municipal Code, last amended by Ordinance 118396, is amended as follows:

3.121.010 Charges for dishonored checks to City utilities and Municipal Court.

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The ((~~Superintendent~~))General Manager and Chief Executive Officer City Light and the Director of Seattle Public Utilities are authorized to set, charge and collect a fee from any person making or presenting a check, which is later dishonored, for a payment to the City for the credit of their respective utilities. The Presiding Judges of the Municipal Court are authorized to set, charge and collect a similar fee for payments to the City for the credit of the Municipal Court. The fee shall cover the cost of handling the dishonored check, including bank charges to the City, costs to the City in making collection, and other City expenses caused by its return without payment.

Section 8. Section 4.13.010 of the Seattle Municipal Code, last amended by Ordinance 124092, is amended as follows:

4.13.010 Exemptions from the Civil Service and Public Safety Civil Service Systems.

In addition to those positions exempted by statute, City Charter, or other ordinance provision (elected officers, officers appointed pursuant to the City Charter, assistant City attorneys, heads of employing units, members of boards and commissions established by the City Charter, members of boards and commissions established by ordinance, positions excluded from the Public Safety Civil Service System pursuant to Section 4.08.060, system-wide exemptions provided for in Section 4.13.020, and library employees), the positions of City employment listed in the subsections of this section requiring a particularly high degree of professional responsiveness and individual accountability, or requiring a confidential or fiduciary relationship with the appointing authority, or being judicial positions requiring insulation as a third branch of government, are hereby declared to be exempt from the Seattle Municipal Code Chapters 4.04, 4.08, and the rules of City Personnel, the Civil Service Commission, and the Public Safety Civil Service Commission regarding examination, selection, discipline, termination, and appeals.

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Employment Unit		Titles of Exempt Positions
1.	All Employing Units	Administrative Secretary
		Assistant to the Superintendent, Assistant to the General Manager and Chief Executive Officer
		All legal advisors and associate legal advisors to employing units
		Apprentice
		Executive 1
		Executive 2
		Executive 3
		Executive 4
		IT Professional A, Exempt
		IT Professional B, Exempt
		IT Professional C, Exempt
		Manager 1, Exempt
		Manager 2, Exempt
		Manager 3, Exempt
		Office/Maintenance Aide
		Strategic Advisor 1, Exempt
		Strategic Advisor 2, Exempt
		Strategic Advisor 3, Exempt
In addition to the Titles of Exempt Positions in All Employing Units the positions listed below are exempt from civil service in the specified departments.		
2.	Arts and Cultural Affairs, Office of	None
3.	Auditor, Office of the City	All positions in the Office of the City Auditor except clerical positions classified in the Administrative Support class series
4.	City Budget Office	Admin Staff Analyst (PosNo. 00017844)
		Executive Assistant (PosNo. 00016933)
5.	City Light	City Light ((~~Superintendent~~))General Manager and Chief Executive Officer
		Power Marketer
		Electric Utility Executive 3, Officer
		Electric Utility Executive 3, Director (not Officer level)
		Electric Utility Executive 2
		Electric Utility Executive 1
		Planning & Development Specialist II (PosNo. 10004697)
6.	Civil Service Commission	Administrative Staff Assistant (PosNo. 00025687)
7.	Executive	Administrative Staff Analyst (OSE) (PosNo. 10004696)

		All directors of offices in the Executive Department
		All positions in the Office of the Mayor
		Executive Assistant (OED) (PosNo. 00025562)
8.	Department of Finance and Administrative Services	Claims Adjuster - FAS
		Investments/Debt Director
		Investments/Debt Director, Assistant
9	Fire	All positions included in the Public Safety Civil Service are exempt from Chapters 4.04 and the rules of City Personnel and the Civil Service Commission regarding examination, selection, discipline, termination and appeals.
		Executive Assistant, Senior (PosNo. 00007594)
10	Hearing Examiner, Office of	All positions in the Office of Hearing Examiner, except clerical positions classified in the Administrative Support and Accounting Support class series
11	Human Services	Executive Assistant, Senior (PosNo. 00011390)
12.	Information Technology, Department of	Executive Assistant, Senior (PosNo. 00026709)
13	Law	All positions in the Law Department, except clerical positions classified in the Administrative Support and Accounting Support class series
14	Legislative	All positions in the Legislative Department, except clerical positions classified in the Administrative Support and Accounting Support class series
15	Municipal Court	All Municipal Judges, Magistrates, and Court Commissioners
		All positions in the Probation Counselor class series
		Administrative Specialist III (PosNo. 00023563)
		Research and Evaluation Assistant (PosNo. 00011478)
		Bailiff
		Bailiff, Chief
		Executive Assistant (PosNo. 00016207)
		Executive Assistant, Senior (PosNo. 00011524)
		Municipal Court Marshal
		Municipal Court Marshal, Senior
16	Neighborhoods	Administrative Staff Assistant (PosNo. 10004293)

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		Executive Assistant, Senior (PosNo. 00022313)
17	Parks and Recreation	Administrative Staff Assistant (PosNo. 00010227)
18	Personnel	Administrative Staff Assistant (PosNo. 00025346)
19	Planning and Development, Department of	Administrative Staff Assistant (PosNo. 00014435)
20	Police	All positions included in the Public Safety Civil Service are exempt from Chapter 4.04 and the rules of City Personnel and the Civil Service Commission regarding examination, selection, discipline, termination and appeals.
		Administrative Staff Assistant (PosNo. 10002374)
		Executive Assistant, Senior (PosNo. 00006333)
		Management Systems Analyst (PosNo. 10004666)
		Police Chief, Assistant
		Police Chief, Deputy
		Victim Advocate (PosNo. 10004665)
21	Public Safety Civil Service Commission	None
22	Retirement	Administrative Staff Analyst (PosNo. 10004468)
23	Seattle Center Executive Assistant, Senior (PosNo. 10001213)	
24	Seattle Ethics and Elections Commission	All positions in the office of the Seattle Ethics and Elections Commission
25	Seattle Public Utilities	None
26.	Transportation	Executive Assistant (PosNo. 00007689)
		Administrative Specialist II (PosNo. 00007744)
		Paralegal (PosNo. 10003513)
27.	Seattle Firefighter's Pension Board	All positions of the Seattle Firefighter's Pension Board
28.	Immigrant and Refugees Affairs, Office of	Planning & Development Specialist I (Pos. No. 10004840)

Section 9. Section 4.20.401 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

4.20.401 Electric Utility Executive Compensation Program.

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There is hereby established a discretionary pay program to be known as the Electric Utility Executive Compensation Program to be used exclusively for executive positions working in the electric utility department, Seattle City Light.

A. Base Pay: The Electric Utility Executive pay band is hereby established as overlapping pay zones as follows:

Position title	Pay Zone (hourly equivalent)
Electric Utility Executive 3, Officer	$66.09 -- $105.36
Electric Utility Executive 3, Director (not Officer level)	$57.66 -- $92.24
Electric Utility Executive 2	$44.21 -- $70.74
Electric Utility Executive 1	$38.45 -- $61.52

B. Designation of Positions in Program: Each position included in the Electric Utility Executive Compensation Program shall be exempt from the classified service pursuant to Article XVI, Section 3 of the Charter of the City of Seattle. The Personnel Director shall receive requests for inclusion of positions in the Electric Utility Executive Compensation Program from the City Light ((~~Superintendent~~))General Manager and Chief Executive Officer ("the ((~~Superintendent~~))General Manager and Chief Executive Officer") and forward the recommendations to an Electric Utility Executive compensation committee that is composed of the Personnel Director, the City Budget Director, and a designee of the Mayor. From those positions recommended by the ((~~Superintendent~~))General Manager and Chief Executive Officer, this compensation committee shall from time to time designate positions specific to the electric utility that shall thereafter be included in the Electric Utility Executive Compensation Program because these positions require higher pay opportunities to be competitive in the markets where City Light competes for experienced executives. For each of these designated positions, the compensation committee shall determine, from the list in subsection A, the title and the associated pay zone to which that position shall be assigned. At no time may more than 15

positions be included in the Electric Utility Executive Compensation Program. The City Light Department is authorized to use the titles in this program only for the positions in the City Light Department that have been assigned those titles by the compensation committee. Authorization is not transferable to another position and cannot be used in another department.

C. Individual Pay Authorization: The ((~~Superintendent~~))General Manager and Chief Executive Officer shall have the discretion to pay each of the employees appointed to positions in the Electric Utility Executive Compensation Program a salary within the pay zone to which the employee's position was assigned. The ((~~Superintendent~~))General Manager and Chief Executive Officer may petition the Mayor or the Electric Utility Executive compensation committee for authorization to pay an employee whose position is in the Electric Utility Executive Compensation Program a salary that is authorized in an alternate, higher pay zone within this program, and the Mayor and the Electric Utility Executive compensation committee are each authorized to approve, deny or modify each petition he, she, or they receive, within the parameters of the Electric Utility Executive Compensation Program Plan Document. Subsequent increases or other modifications to the salary of an employee who is being paid in an alternate pay zone shall be in accordance with the Program Plan document.

D. Plan Document: The Personnel Director is authorized to develop and publish guidelines and a plan document to support administration of this Electric Utility Executive Compensation Program.

E. Program Maintenance/No Cost of Living Adjustments: The Personnel Director shall review the pay zones at least every two years and recommend to the City Council any pay zone adjustments the Director deems appropriate. The titles and position incumbents assigned to titles in the Electric Utility Executive Compensation Program are not eligible for cost of living adjustments that may be granted to other non-represented positions and employees.

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F. Relocation Expenses: Should the reimbursement of relocation costs be necessary to successfully recruit an individual for a position within the Electric Utility Executive Compensation Program, the City Light Department is authorized to pay, from funds accumulating in the budget of the City Light Department, reasonable and documented costs associated therewith in amount equal to two times that authorized from time to time pursuant to subsection 4.14.150.A. Should the employee terminate employment before completion of 12 months of service, or if the City terminates employment for cause, the relocation expenses shall be reimbursed by the employee as specified in subsection 4.14.150.C.

G. Incentive Program: For employees in the Electric Utility Executive Compensation Program, a lump sum payment, in addition to base salary, may be awarded on an annual basis for recognition of the accomplishment of goals and work outcomes at the completion of the annual evaluation period. Any lump sum payment made pursuant to this subsection shall be considered a part of regular compensation for purposes of withholding retirement contributions and calculating retirement benefits for affected employees who are members of the Seattle City Employees Retirement System. No awards or payments may be made under this program until City Light has submitted an Incentive Pay Program Plan proposal that includes associated performance measures and has received Council authorization by ordinance for implementation of this Plan.

Section 10. Section 5.33.020 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

5.33.020 Small grants; acceptance.

The City Auditor, the Director of Finance and Administrative Services, the Director of Planning and Development, the City Attorney, the ((~~Superintendent~~))<u>General Manager and Chief Executive Officer</u> of City Light, the Executive Director of the Employees' Retirement System, the Executive Director of the Ethics and Elections Commission, the Executive Secretary of the Firefighters' Pension System, the Administrative Director of the Legislative Department, the

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Mayor, the Presiding Judge of the Municipal Court, the Director of Personnel, the Executive Secretary of the Police Relief and Pension System, the Director of Transportation, the Fire Chief, the Director of the Human Services Department, the Chief Technology Officer, the Superintendent of Parks and Recreation, the Chief of Police, the Director of Seattle Center, the Seattle City Librarian, the Director of Seattle Public Utilities, the Director of the Department of Neighborhoods, the City Budget Director, and the directors of each of the offices other than commissions governed by ((~~SMC~~)) Chapter 3.14, are authorized to accept small grants from non-City sources for purposes that are consistent with the function and authority conferred upon the agency of each such respective officer, and to execute, deliver, and perform corresponding agreements.

Section 11. Section 15.32.300 of the Seattle Municipal Code, last amended by Ordinance 121420, is amended as follows:

15.32.300 Attachments to City-owned poles.

The terms and conditions for attaching to City-owned poles by entities other than co-owners of the poles shall be as follows:

A. Definitions. The following words, used in this section, have the following meanings:

1. "Pole" means City-owned poles including electrical distribution poles and other poles owned or installed by the City, but excluding facilities for electrical transmission purposes.

2. "Communication space" means that portion of a pole above the minimum ground clearance for communication conductors and below the maximum height allowed by the separation between communication and power conductors required by applicable national, state and local electrical safety codes.

3. "Transmission poles/towers" means structures whose primary purpose is to support electrical transmission conductors, distinguished from distribution conductors by exceeding 34.5 kV.

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4. "Special attachment, Class I" means attachments that can be accommodated on existing poles without disruption to current users or use of a communication space and without significant visual impact.

5. "Special attachment, Class II" means attachments:

a. That extend above the electrical facilities, above the top of an existing pole or require the replacement of an existing pole with a taller pole to achieve adequate height for the applicant's purposes; or

b. That have significant visual impacts.

B. The City shall reserve one (1) communication space on City-owned poles for its own use.

C. If additional communication space is available on City-owned poles, after reserving one (1) space for the City and after accounting for the space occupied by existing services already on the poles, the City may permit additional attachments in communication space under the following conditions:

1. The needs of the City are paramount. The City shall be the determinant regarding any question of right to attach, construction compliance or contract interpretation regarding attachment to poles. Permission to make attachments to the City's poles may be withdrawn for violation of applicable codes, for breach of contract, for failure to supply proof of required permits, by governmental directive or for any reason associated with the City's requirements for the use of its poles or public right-of-way. The City may direct the immediate removal of attachments at the owner's expense, if attachments fail to conform to codes or the City's requirements, or if attachments interfere with City operations.

2. All attachments shall be made in accordance with all applicable codes as well as City electrical standards, guidelines and practices.

3. All attachments, including co-lashing, shall be subject to prior approval of the Department of Information Technology, Seattle Department of Transportation and the City Light Department in accordance with the following principles, requirements and procedures:

a. Providing for the safety of the public, City employees, private contractors, and other users of poles is a fundamental principle which must be observed.

b. The primary function of the City's poles is to support the City's electrical lines and equipment.

c. The City shall neither replace existing poles with taller poles nor add crossarms to existing poles to create more communication space on the poles, except as described in subsection C4 below.

d. Any new attachments must accommodate any prior agreements between the City and other entities regarding use of space on the poles.

e. The City shall not relinquish the one (1) communication space reserved for its own use on every pole. At the request of the applicant, however, the City shall consider creating additional space for communication uses on the poles by taking such actions as removing secondary rack wiring and substituting triplex wire, moving streetlight fixtures, guy wires and other attachments to the poles and by providing for co-lashing. Any actions undertaken to create more communication space shall be considered make-ready work, and any such costs shall be borne by the applicant.

f. Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and viewsheds. All such extra measures, including any additional public involvement and/or environmental review, shall be taken in accordance with directives from the ((~~Superintendent~~))General Manager and Chief Executive Officer of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant.

g. All make-ready costs such as costs for any permits, environmental review, adjustment of other equipment on the pole, tree replacement and tree trimming, shall be paid by the applicant prior to making any attachments to the poles.

h. As a condition of securing the City's permission to use its poles for attachment of cable, all applicants shall be required to permit co-lashing to their own cable of up to two (2) other cables, which may be owned and operated by other entities. All cable attachments that initially occupy a space on a City-owned pole shall be required to provide an external or internal support ("messenger") wire that is capable of supporting two (2) other cables in addition to the initial cable installed by the applicant. Owners of cable subsequently co-lashed to the initial cable shall pay the owner of the initial cable a proportionate share of the cost of the messenger wire. All entities co-lashing together shall be required to provide one another with reciprocal indemnity provisions equivalent to those which must be granted to the City by each of them pursuant to Section 15.32.150. Co-lashing shall not be required of any applicant until all other spaces on the pole, other than the City's reserved space, have been utilized. The City Light Department shall issue a Department Policy and Procedure for providing co-lashing space based on costs, operational convenience, cable size, and other criteria which are developed in the course of producing such Department Policy and Procedure.

i. In addition to the indemnification required by Section 15.32.150, the City may require that the applicant provide the City and entities permitted to co-lash with additional indemnification, such as indemnification from a parent company, and/or require that the applicant provide proof of specific insurance provisions acceptable to the City which cover potential exposure of both the applicant and the City.

j. As a further condition of securing the City's permission to use its poles for attachment of cable, all applicants upon request shall be required to provide the City with capacity on the applicant's cable over and above the capacity specifications submitted by the

applicant. Such additional capacity may be in the form of dedicated fiber or dedicated space on the same cable being installed by the applicant or in the form of separate cable, as specified by the Department of Information Technology, and shall be dedicated to the City for as long as the cable is attached to the City's poles. The City shall have the right to use that capacity for any governmental purpose and the right to lease that capacity to any public or nonprofit entities. The incremental costs of adding the specified amount of capacity for the City shall be borne by the City.

k. Applications for attachment to City-owned poles shall be submitted to the City Light Department. The City Light Department shall then coordinate that request with Seattle Department of Transportation and the Department of Information Technology. Approval of all three (3) departments shall be required prior to the issuance of a permit to attach to the poles.

l. All applications for pole attachment shall be considered on a first-come, first-serve basis, provided that where space is limited, attachment permits shall be given first to public entities, second to entities which are common carriers, third to entities which request attachment to six (6) poles or less for their own private communication needs, and fourth to others.

m. If no space can be created on the poles requested, the applicant may seek an exception to any of the requirements set forth in this section by submitting a written request to a three (3) person review committee comprised of one (1) representative each from the Department of Information Technology, Seattle Department of Transportation and the City Light Department. The committee shall review the request with reference to considerations which may warrant making an exception including, but not limited to reduced environmental effects, the lack of alternatives for achieving equivalent service available to the applicant, the lack of alternative routing which can be made available and the feasibility of undergrounding all or part

of the cable. After engaging in a review of the application, the committee shall forward a recommendation to the Mayor and City Council. Exceptions will not be recommended where the City Light Department believes the safety will be compromised by the granting of an exception. Any exceptions to the requirements of this section must be approved by ordinance.

n. All entities that are provided attachments to City-owned poles, other than Class II attachments, including attachments by means of co-lashing, shall pay a rental fee for each such attachment at a rate established by ordinance. All income from such pole rental rates shall be paid into the Light Fund.

4. Provisions for Special Attachments.

a. Class II attachments shall be limited to situations where: (i) make-ready costs are paid by the provider; (ii) pole/equipment, installation, operation, and maintenance costs are paid by the provider; and (iii) visual impacts of antennas and other attachments are reduced to a degree acceptable to the ((~~Superintendent~~))General Manager and Chief Executive Officer.

b. Class II attachment requests are subject to public notice and comment. Approval of attachments may include requirements for extra mitigation measures in certain areas, such as residential, critical areas and shoreline zones, greenbelts, parks, historic districts and view-sheds. All such extra measures, including any additional public involvement and/or environmental review, shall be taken in accordance with directives from the ((~~Superintendent~~))General Manager and Chief Executive Officer of the City Light Department, and all costs associated with such extra measures and review shall be paid by the applicant. Where a request meets the following criteria in Seattle, the applicant shall apply to the Department of Planning and Development and pay for an attachment siting review and recommendation consistent with the application, fee, notice, timeline and criteria for an administrative conditional use permit. The recommendation of the Department of Planning and

Development shall be advisory to the ((~~Superintendent~~))General Manager and Chief Executive Officer:

Zone	Street Type	Zoning Height Limit	Pole Height Requested
SF, L-1, NC-1	Nonarterial	<40	<60
SF, L-1, NC-1	Arterial	<40	>60
L-2, L-3, L-4, NC-2	Either	<40	>60
NC-3, C, I, MI	Either	<40	>60

c. Where the request is for a location outside Seattle, the applicant shall comply with all applicable requirements of the local jurisdiction where the property is located.

d. Class II attachments shall be permitted substantially in the form of the site agreements authorized by Ordinance 1187371, together with special terms and conditions within the site agreement.

e. Class II rental rates shall be established at fair market value as determined by the City Light Department and set forth in the special terms and conditions within the site agreement. All income from such Class II rental rates shall be paid into the Light Fund.

Section 12. Section 21.49.020 of the Seattle Municipal Code, last amended by Ordinance 123988, is amended as follows:

A. The following terms or abbreviations, as used in this chapter, have the following meanings:

1. "Applicant" means any person, firm, corporation, government agency, or other entity requesting electrical service from the Department.

2. "BPA" means the Bonneville Power Administration or successor agency.

3. "Burien customer" means a customer receiving service at a location in the City of Burien.

4. "City" means The City of Seattle.

5. "City customer" means a customer receiving service at a location in The City of Seattle or in Whatcom County at a site related to the Department's Skagit facilities.

6. "Customer" means any person, firm, corporation, government agency, or other entity that uses, has used, contracts, or has contracted for electric service from the Department.

7. "Customer-generator" means a user of a net metering system.

8. "Department" means the Seattle City Light Department of the City, its ((~~Superintendent~~))General Manager and Chief Executive Officer, or any duly authorized employee of the Department.

9. "Duplex" means a detached building containing two (2) dwelling units.

10. "Dwelling unit" means a single unit providing complete independent living facilities for one (1) or more persons, including provisions for living, sleeping, eating, cooking, and sanitation. "Dwelling unit" excludes dwellings where tenancy is typically of a transient nature, such as hotels, motels, lodges, transitional housing and student dormitories. "Dwelling unit" also excludes living arrangements, such as residences for religious orders, the elderly or the disabled, in which the residents do not live independently.

11. "Flat rate" means a fixed charge for a streetlight, floodlight, pedestrian light or a fixed amount of energy consumption.

12. "House service" or "house meter" means service for rooms or areas used in common by the occupants of a multiple unit building.

13. "KV" means kilovolt.

14. "KVA" means kilovolt-ampere.

15. "KVarh" means reactive kilovolt-ampere hours.

16. "KW" means kilowatt.

17. "KWh" means kilowatt-hour.

18. "Master meter" means service which supplies electrical energy to more than one (1) dwelling unit or boat moorage and is measured through a single inclusive metering system.

19. "Medical life support equipment" is any piece of equipment which is prescribed by a licensed medical physician, generally accepted in the medical industry as life support equipment, and dependent on electrical service for its operation, such as kidney dialysis units, iron lungs, etc.

20. "MW" means megawatt.

21. "Multiple dwelling building" means any building or any portion of the building which contains three (3) or more dwelling units used, rented, leased, let, or hired out to be occupied, or which are occupied and have provisions for living, sleeping, eating, cooking, and sanitation.

22. "Net metering program" means a Department program under which eligible customers that operate net metering systems may generate electricity for their own use, sell the excess to the Department and purchase any deficit from the Department.

23. "Net metering system" means a fuel cell, a facility that produces electricity and used and useful thermal energy from a common fuel source, or a facility for the production of electrical energy that generates renewable energy, and that:

(a) has an electrical generating capacity of not more than one hundred kilowatts;

(b) is located on the customer-generator's premises;

(c) operates in parallel with the electric utility's transmission and distribution facilities; and

(d) is intended primarily to offset part or all of the customer-generator's requirements for electricity.

24. "Peak" means the period Monday through Saturday, six (6:00) a.m. to ten (10:00) p.m., excluding major holidays New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, as recognized by NERC.

25. "Power factor" is the ratio kW to kVA.

26. "Premises" means all of the real property at a single geographic location utilized by a customer.

27. "RCW" means Revised Code of Washington.

28. "Renewable energy" means energy generated by a facility that uses water, wind, solar energy, or biogas from animal waste as a fuel.

29. "Reserved distribution capacity" means capacity reserved by the Department on a distribution circuit to which a customer can transfer its load when that customer's normal, preferred or main service circuit is unavailable.

30. "Residence" means a single-family dwelling.

31. "Shoreline customer" means a customer receiving service at a location in the City of Shoreline.

32. "Suburban customer" means any customer that is not a city customer or a Tukwila customer or a Shoreline customer or a Burien customer.

33. "Transitional housing" means a unit or facility that serves as temporary living quarters for individuals or families and is subsidized in whole or in part (e.g., rent and/or utilities) by a non-profit corporation or a government entity, which is responsible for the unit or facility as owner or master leaseholder, or through a written agreement with a landlord.

34. "Tukwila customer" means a customer receiving service at a location in the City of Tukwila.

35. "Underground distribution network" means an electrical distribution configuration in which two (2) or more City-owned secondary cables are bussed together so that the loss of any one (1) associated distribution feeder cable will not interrupt service to the customer.

36. "Var" means volt-ampere-reactive, the unit of measure of reactive power in a circuit.

B. The following terms, as used for the purpose of applying rate schedules, have the following meanings:

1. "General service" means service to any customer who does not qualify for residential service. General service rates also apply to the separately metered electricity use by residential customers where that use is not for domestic purposes; or, to a single-metered service which includes domestic uses but for which the major portion of the service (defined by square footage of usable space) is used on an ongoing and regular basis for the conduct of business. General service uses include, but are not limited to, manufacturing, processing, refining, freezing, lighting, water heating, power purposes, air conditioning and space heating, traffic control systems, and electricity provided to the common use areas of duplex or multiple-dwelling buildings.

a. "Standard general service" means service to any general service customer who does not qualify for network general service.

b. "Network general service" means service to any general service customer which is provided through an underground distribution network supplied by the Broad Street, Massachusetts Street, or Union Street Substations, except for service to customers who are certified by the Department as having predominantly residential use of electricity.

2. "Residential service" means permanent electric service furnished to a dwelling unit that is separately metered for domestic use. It includes any second service determined to be domestic use and billed on the same residential account. It excludes services which use electricity for both domestic and commercial purposes if the major portion of the service

(defined by square footage of usable space) is used on an ongoing and regular basis for the conduct of business.

Boarding, lodging, rooming houses or group homes shall be considered residential services if not more than four (4) separate sleeping quarters exist for use by other than members of the customer's family. A "boarding, lodging, or rooming house" means a building other than a hotel, motel or lodge which advertises as a boarding, lodging, or rooming house, or is a licensed place of business with rooms available for rent. A group home is an agency which operates and maintains a group care facility on a twenty-four (24) hour basis in a dwelling unit for the care of not more than ten (10) persons (including minor children of staff residing on the premises).

C. The following terms, as used solely for the purpose of providing meter aggregation in accordance with RCW Chapter 80.60, have the following meanings:

1. "Meter aggregation" means the administrative combination of readings from and billing for all meters, regardless of the rate class, on premises owned or leased by a customer-generator located within the Department's service territory.

2. "Premises" means any residential property, commercial real estate, or lands, owned or leased by a customer-generator within the Department's service territory.

Section 13. Section 21.49.045 of the Seattle Municipal Code, last amended by Ordinance 120220, is amended as follows:

21.49.045 Electricity service credit program.

A. Electricity service credits shall be granted to not-for-profit corporations that own residential buildings, request such credits and meet the following criteria:

1. Income eligible households, as defined in ((~~SMC~~)) 21.76.060 C, are among the residents of the building for which the credit is sought;

2. Residents are not directly billed for electricity service but pay for electricity in their rent;

3. The building for which the credit is sought is located within the Seattle City Light service territory;

4. The building owner agrees to reduce the rent payment due from each income eligible household residing in such building in an amount equal to the electricity service credit attributable to such eligible household; and

5. The building owner annually reports the actual rent reductions during the previous year and certifies that it shall make the rent reductions described in subsection A4 of this section.

B. No electricity service credit shall be issued unless the building owner agrees to report the information requested when and in the form requested by the Human Services Department (HSD) and otherwise to meet all requirements set forth by HSD for participation in the electricity service credit program. In the event that a building owner ceases to meet the requirements set forth herein, the Director of HSD shall advise City Light to cease to provide electricity service credits to such building owner.

C. The ((~~Superintendent~~))General Manager and Chief Executive Officer of Seattle City Light shall determine a credit for each income eligible household, which shall be fifty (50) percent of the estimated average per unit charge based on the actual historical electric usage for the building in question (excluding common areas) and current electric rates. The electricity service credit provided to the building owner shall equal the amount so determined multiplied by the number of income eligible households within the building in question. The electricity service credits shall not be redeemable for cash, and shall be honored by the City only when applied to the City account through which the building owner pays for electricity services provided to income eligible households.

Section 14. Section 21.52.210 of the Seattle Municipal Code, last amended by Ordinance 120538, is amended as follows:

21.52.210 Definitions.

As used in this chapter, the following terms shall have the following meanings:

A. "Dwelling unit" means a room or rooms located within a building designed, arranged, occupied, or intended to be occupied by not more than one (1) household with or without roomers and boarders as living accommodations independent from any other household. The existence of a food-preparation area within the room or rooms shall be evidence of the existence of a dwelling unit.

B. "Electric heat" means permanently installed electric heat, which is the sole source of space heating of the dwelling unit, or which is a partial source of space heating of the dwelling unit, if at least thirty-five (35) percent of the reduction in energy consumption would be electricity, as determined by The City of Seattle ("the City").

C. "Energy conservation" means reduction in energy consumption as a result of increases in the efficiency of energy use. It includes weatherization and other measures such as installation of more efficient lighting.

D. "Household" means one or more persons occupying a dwelling unit on a non-transient basis.

E. "Low-income" means:

1. For owner-occupied dwelling units: owner households at or below eighty (80) percent of the Seattle-Bellevue-Everett Metropolitan Statistical Area median income adjusted for household size as defined by the United States Department of Housing and Urban Development;

2. For renter-occupied buildings: renter households at or below sixty (60) percent of the Seattle-Bellevue-Everett Metropolitan Statistical Area median income adjusted for household size as defined by the United States Department of Housing and Urban Development.

F. "((~~Superintendent~~))General Manager and Chief Executive Officer" means the ((~~Superintendent~~)) General Manager and Chief Executive Officer of the City Light Department.

G. "Weatherization" means the installation of energy conservation measures, resulting in a reduction of heat loss.

Section 15. Section 21.52.250 of the Seattle Municipal Code, last amended by Ordinance 120538, is amended as follows:

21.52.250 Low-income Electric Program (LIEP).

A. The ((~~Superintendent~~))General Manager and Chief Executive Officer and the Director of Housing are authorized to enter into an agreement to implement the LIEP, on terms and conditions deemed appropriate by the ((~~Superintendent~~))General Manager and Chief Executive Officer.

B. The Director of Housing is authorized to provide energy conservation assistance grants to owners of buildings in which fifty (50) percent or more of the dwelling units are occupied by low-income households with electric heat, for the supply and installation of energy conservation measures by qualified contractors, consistent with this chapter. An energy audit shall be conducted by City personnel to determine what energy conservation measures are needed in the dwelling unit. Following installation of the energy conservation measures by a qualified contractor, the work shall be inspected by City personnel for compliance with federal standards and additional City Light standards. As a condition of participation in LIEP, the Office of Housing shall require each building owner to sign a covenant to limit the rent charged to tenants, in language determined by the ((~~Superintendent~~))General Manager and Chief Executive

Officer and Director of Housing with the length of the covenant to be determined based on the amount and terms of energy conservation assistance provided.

C. The Director of Housing is authorized to enter into contracts with qualified contractors for the supply and installation of energy conservation measures on terms and conditions deemed appropriate by the Director.

Section 16. Section 21.52.260 of the Seattle Municipal Code, last amended by Ordinance 120538, is amended as follows:

21.52.260 Low-Income Multifamily Electric Program

A. The ((~~Superintendent~~))General Manager and Chief Executive Officer and the Director of Housing are authorized to enter into an agreement to implement the LIMEP, on terms and conditions deemed appropriate by the ((~~Superintendent~~))General Manager and Chief Executive Officer and the Director.

B. The Director of Housing is authorized to provide energy conservation grants to owners of residential buildings in which fifty (50) percent or more of the dwelling units are occupied by low-income households with electric heat, for the supply and installation of energy conservation measures by qualified contractors, consistent with this chapter. An energy audit shall be conducted by City personnel to determine what energy conservation measures are needed in the building. Following installation of the energy conservation measures by a qualified contractor, the work shall be inspected by City personnel for compliance with federal standards and additional City Light standards. As a condition of participation in LIMEP, the Office of Housing shall require each building owner to sign a covenant to limit the rent charged to tenants, in language determined by the ((~~Superintendent~~))General Manager and Chief Executive Officer and Director of Housing with the length of the covenant to be determined based on the amount and terms of assistance provided.

C. The Director of Housing is authorized to enter into contracts with qualified contractors for the supply and installation of energy conservation measures on terms and conditions deemed appropriate by the Director.

Section 17. Section 21.56.010 of the Seattle Municipal Code, last amended by Ordinance 107442, is amended as follows:

21.56.010 Application for membership in Washington Public Power Supply System.

The ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light is authorized on behalf of the City to make application for membership in the Washington Public Power Supply System, a joint operating agency formed pursuant to RCW Chapter 43.52, and upon acceptance of the City's application for membership the ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light is designated as the City's representative to serve on the System's Board of Directors. The ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light is authorized to designate an alternate representative to serve on the Board of Directors in his absence. All prior acts of alternate representatives to the System's Board of Directors are ratified and confirmed, provided that such person was designated by the ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light.

Section 18. Section 21.56.030 of the Seattle Municipal Code, last amended by Ordinance 101870, is amended as follows:

21.56.030 Charges for electricity in Newhalem community.

As requested by the ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light in C.F. 274449 all consumers of electric energy from the City's system in the Newhalem community other than Lighting Department facilities or employees shall be charged

the rates set forth in Chapter 21.49. ((~~from time to time in the Lighting Department Rate Ordinance (Ordinance 100163 as the same may be amended or superseded.)~~)))

Section 19. Section 22.206.200 of the Seattle Municipal Code, last amended by Ordinance 123546, is amended as follows:

22.206.200 Minimum standards for vacant buildings.

A. Maintenance Standards. Every vacant building shall conform to the standards of Sections 22.206.060; 22.206.070; 22.206.080.A, B, C, G, H and I; 22.206.130.I; 22.206.160.A.1, 3, 4, 5, 6 and 8 except when different standards are imposed by this section.

1. Sanitary Facilities.

a. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair.

b. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system, not installed or maintained in compliance with applicable codes, shall be removed and the service terminated in the manner prescribed by applicable codes.

c. Plumbing fixtures not connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall either be connected to an approved system or the fixtures shall be removed and the pipes capped in accordance with applicable codes.

2. Electrical Systems. Electrical service lines, wiring, outlets or fixtures not installed or maintained in accordance with applicable codes shall be repaired, or they shall be removed and the services terminated in accordance with applicable codes.

3. Safety From Fire.

a. No vacant building or premises or portion thereof shall be used for the storage of flammable liquids or other materials that constitute a safety or fire hazard.

b. Heating facilities or heating equipment in vacant buildings shall be removed, rendered inoperable, or maintained in accordance with applicable codes. Any fuel supply shall be removed or terminated in accordance with applicable codes.

4. All vacant buildings and their accessory structures shall meet the following standards:

a. All windows shall have intact glazing or plywood of at least 1/4 inch thickness, painted or treated to protect it from the elements, cut to fit the opening, and securely nailed using 6D galvanized nails or woodscrews spaced not more than 9 inches on center.

b. Doors and service openings with thresholds located 10 feet or less above grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall provide resistance to entry equivalent to or greater than that of a closed single panel or hollow core door 1 3/8 inches thick equipped with a 1/2 inch throw deadbolt. Exterior doors, if openable, may be closed from the interior of the building by toe nailing them to the door frame using 10D or 16D galvanized nails.

c. There shall be at least one operable door into each building and into each housing unit. If an existing door is operable, it may be used and secured with a suitable lock such as a hasp and padlock or a 1/2 inch deadbolt or deadlatch. All locks shall be kept locked. When a door cannot be made operable, a door shall be constructed of 3/4 inch CDX plywood or other comparable material approved by the Director and equipped with a lock as described above.

d. All debris, combustible materials including vegetation overgrowth, litter and garbage, junk, waste, used or salvageable materials, and inoperable vehicles and vehicle parts, shall be removed from vacant buildings, their accessory structures, and the premises including but not limited to adjoining yard areas. The building and premises shall be maintained free from such items. The premises also shall be free from parked vehicles.

e. The Director may impose additional requirements for the closure of a vacant building, including but not limited to installation of 3/4 inch plywood, brick or metal coverings over exterior openings, when the standards specified in subsections 22.206.200.A.4.a through 22.206.200.A.4.d above are inadequate to secure the building:

1) Due to the design of the structure; or

2) When the structure has been subject to two or more unauthorized entries after closure pursuant to the standards specified above; or

3) When the Director determines, in consultation with the Seattle Police Department and the Seattle Fire Department, that the structure may present a substantial risk to the health or safety of the public, or to police or fire personnel if closed to the standards of subsections 22.206.200.A.4.a through 22.206.200.A.4.d above.

5. If a building component of a vacant building or a structure accessory to a vacant building does not meet the standards of Section 22.206.060, the component or a portion thereof may be removed in accordance with applicable codes, provided the Director determines that the removal does not create a hazardous condition.

6. Interior floor, wall and ceiling coverings in vacant structures need not be intact so long as the Director determines they do not present a hazard. If a hole in a floor presents a hazard, the hole shall be covered with ¾ inch plywood, or a material of equivalent strength, cut to overlap the hole on all sides by at least 6 inches. If a hole in a wall presents a hazard, the hole shall be covered with 1/2 inch Type X gypsum, or a material of equivalent strength, cut to overlap the hole on all sides by at least 6 inches. Covers for both floor and wall holes shall be securely attached.

B. Occupying or Renting Vacant Buildings. After a notice of violation, order or emergency order is issued in accordance with Section 22.206.220 or Section 22.206.260, no one shall use, occupy, rent, cause, suffer, or allow any person to use or occupy or rent any vacant

building unless a certificate of compliance has been issued in accordance with Section 22.206.250. This section does not prohibit or make unlawful the occupancy of a detached single-family dwelling by the owner if no rooms in the dwelling are rented or leased.

C. Compliance With Other Provisions of this Code and Other Codes. Buildings subject to regulation pursuant to the Downtown Housing Maintenance Ordinance, ((~~SMC~~)) Chapter 22.220, may not be vacated or closed to entry except as permitted by that ordinance. Owners vacating or closing a building must comply with the just cause eviction requirements of Section 22.206.160 C of this Code.

D. Termination of Utilities. The Director may, by written notice to the owner and to the Director of Seattle Public Utilities, the ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light or the Washington Natural Gas Co., request that water, electricity, or gas service to a vacant building be terminated or disconnected.

E. Restoration of Service. If water, electricity or gas service has been terminated or disconnected pursuant to Section 22.206.200 D, no one except the utility may take any action to restore the service, including an owner or other private party requesting restoration of service until a certificate of compliance has been issued in accordance with Section 22.206.250, or upon written notification by the Director that service may be restored. It shall be unlawful for anyone other than the Director of Seattle Public Utilities, ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light, or the Washington Natural Gas Co. or their duly authorized representatives, to restore or reconnect any water, electricity, or gas service terminated or disconnected as a result of a Director's notice issued pursuant to Section 22.206.200 D.

F. Inspection of Vacant Buildings.

1. When the Director has reason to believe that a building is vacant, the Director may inspect the building and the premises. If the Director identifies a violation of the minimum

standards for vacant buildings, a notice of violation may be issued pursuant to Section 22.206.220. Thereafter the premises shall be inspected quarterly to determine whether the building and its accessory structures are vacant and closed to entry in conformance with the standards of this Code.

2. Quarterly inspections shall cease at the earliest of the following:

a. When the building is repaired pursuant to the requirements of this Code and reoccupied;

b. When the building is repaired pursuant to the requirements of this Code and has subsequently been subject to three (3) consecutive quarterly inspections without further violation; or

c. When the building and any accessory structures have been demolished.

3. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily close the building to unauthorized entry. The costs of closure shall be collected from the owner in the manner provided by law.

4. Quarterly inspection charges shall be assessed and collected as a fee under the Permit Fee Ordinance (Chapters 22.900A through 22.900G).

Section 20. Section 22.208.120 of the Seattle Municipal Code, last amended by Ordinance 118396, is amended as follows:

22.208.120 Occupying or renting building or premises unfit for habitation -- Termination of utilities.

A. No one shall use, occupy, rent or cause, suffer, or allow another to use, occupy, or rent any building or premises found to be unfit for human habitation or other use from and after the

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date specified in a Director's order to repair, alter, or improve, vacate and close, or demolish and remove a building or correct or improve the condition of the premises until the Director has certified that the building or premises is fit for human habitation or other use.

B. The Director may, by written notice directed to the owner and to the Director of Seattle Public Utilities, ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light, or to the Washington Natural Gas Co., request that service of water, electricity or gas to the building or premises be terminated or disconnected on or before a specified date. Upon receipt of such notice the Director of Seattle Public Utilities, ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light, or the Washington Natural Gas Co. is authorized to terminate or disconnect the service, and to restore the service upon the issuance by the Director of a certificate of compliance in accordance with Section 22.208.080, or upon written notification by the Director that water, electricity or gas service should be restored.

C. It is unlawful for anyone other than the Director of Seattle Public Utilities, ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light, or the Washington Natural Gas Co., or their authorized representatives, to restore any water, electricity, or gas service that has been terminated or disconnected by notice from the Director.

Section 21. Section 23.22.024 of the Seattle Municipal Code, last amended by Ordinance 119273, is amended as follows:

23.22.024 Distribution of preliminary plans.

If the Director determines that the subdivider has met all the application requirements for the preliminary plat and that the preliminary plat contains sufficient elements and data to furnish a basis for its approval or disapproval, the Director shall affix a file number and date of receipt to the application and promptly forward three (3) copies of the plat and the subdivider's preliminary

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plans for streets and other improvements to the Director of Transportation. The Director shall also forward a copy of the preliminary plat to each of the following:

A. Director of Public Health;

B. ((~~Superintendent~~))General Manager and Chief Executive Officer of City Light;

C. Director of Housing;

D. Superintendent of Parks and Recreation;

E. Director of Seattle Public Utilities;

F. Chief, Fire Department;

G. Metropolitan Services Department; who shall review the preliminary plat and, within thirty (30) days, furnish the Director with a report as to the effect of the proposed subdivision upon the public health, safety and general welfare, and containing their recommendations for approval or disapproval of the preliminary plat. The reports of the Director of Transportation and the Director of Seattle Public Utilities shall also include a recommendation as to the extent and type of improvements to be provided in dedicated areas and a preliminary estimate of the cost of these improvements.

Section 22. Subsection 23.48.017.J of the Seattle Municipal Code, last amended by Ordinance 123215, is amended as follows:

23.48.017 Additional height in certain SM-zoned areas in the South Lake Union Urban Center

***

J. Energy Management Plan. The Master Use Permit application shall include an energy management plan, approved by the ((~~Superintendent~~))General Manager and Chief Executive Officer of Seattle City Light, containing specific energy conservation or alternative energy generation methods or on-site electrical systems that together can ensure that the existing electrical system can accommodate the projected loads from the project. The Director, after

consulting with the ((~~Superintendent~~))General Manager and Chief Executive Officer of Seattle City Light, may condition the approval of the Master Use Permit on the implementation of the energy management plan.

Section 23. Subsection 23.50.051.L of the Seattle Municipal Code, last amended by Ordinance 123589, is amended as follows:

23.50.051 Additional floor area in certain IC-zoned areas in the South Lake Union Urban Center

***

L. Energy Management Plan. The Master Use Permit application shall include an energy management plan, approved by the ((~~Superintendent~~))General Manager and Chief Executive Officer of Seattle City Light, containing specific energy conservation or alternative energy generation methods or on-site electrical systems that together can ensure that the existing electrical system can accommodate the projected loads from the project. The Director, after consulting with the ((~~Superintendent~~))General Manager and Chief Executive Officer of Seattle City Light, may condition the approval of the Master Use Permit on the implementation of the energy management plan.

***

AMENDMENT OF UNCODIFIED ORDINANCES

Section 24. Effective June 1, 2013, any reference to the Seattle City Light position title "Superintendent" shall mean the " General Manager and Chief Executive Officer" in all City of Seattle uncodified laws and their respective ordinances. From and after that date, all the functions, responsibilities, agreements, obligations, authorizations, powers, equipment, records,

appropriations, assets, and liabilities provided to the Superintendent under the uncodified laws and their respective ordinances shall belong to the General Manager and Chief Executive Officer as specified in this ordinance or in ordinances subsequently enacted.

Section 25. Effective June 1, 2013, any reference to the Seattle City Light position title "Superintendent" shall mean the "General Manager and Chief Executive Officer" in all City of Seattle uncodified ordinance exhibits, attachments, included contracts, resolutions, and fiscal notes. From and after that date, all the functions, responsibilities, agreements, obligations, authorizations, powers, equipment, records, appropriations, assets, and liabilities provided to the Superintendent under uncodified ordinance exhibits, attachments, included contracts, resolutions, and fiscal notes shall belong to the General Manager and Chief Executive Officer as specified in this ordinance or in ordinances subsequently enacted.

MISCELLANEOUS PROVISIONS

Section 26. The General Manager and Chief Executive Officer of Seattle City Light, under the authority of the Mayor, shall have the power to make all administrative decisions necessary to carry out the intent of this ordinance.

Section 27. The section headings in this ordinance are for reference purposes only. They have no legal effect, and shall not be codified.

Section 28. It is the express intent of the City that this ordinance makes only those changes to the Seattle Municipal Code or codified ordinances shown by striking out for text to be deleted and underlining for text to be added. To this end, errors shown in the pre-existing Seattle Municipal Code or uncodified ordinances are to be disregarded, and no change in the Seattle Municipal Code is intended thereby.

BOTS CITY CLERK

Section 29. It is the express intent of the City that, in the event a subsequent ordinance refers to the position title of Seattle City Light's "Superintendent", by this ordinance, that reference shall be deemed to be to the new position of "General Manager and Chief Executive Officer" created by this ordinance, and shall not be construed to resurrect the old position title unless it expressly so provides by reference to this ordinance.

Section 30. It is the express intent of the City that, in the event a subsequent ordinance refers to or amends a section or subsection of the Seattle Municipal Code or a previously enacted ordinance that is amended or recodified herein, but the later ordinance fails to account for the change made by this ordinance, the two sets of amendments should be given effect together if at all possible.

Section 31. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance of the validity of its application to other persons or circumstances.

Section 32. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 33. The Code and Ordinance amendments in Sections 1 through 34 of this ordinance shall take effect June 1, 2013.

Section 34. 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 ____ day of _____, 2013, and signed by me in open session in authentication of its passage this _____ day of _____, 2013.

_____

President _____of the City Council

Approved by me this ____ day of _____, 2013.

_____

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

_____

Monica Martinez Simmons, City Clerk

(Seal)

THIS CITY CLERK

Form revised: December 12, 2012

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Seattle City Light	Gary Maehara / 684-3179 Maura Brueger / 684-3015	Cameron Keyes / 684-8048 Saroja Reddy / 615-1232

Legislation Title:

AN ORDINANCE relating to the title of the department head of Seattle City Light; changing the title of the Seattle City Light Department's top position title from Superintendent to General Manager and Chief Executive Officer and amending Sections 3.08.010, 3.08.020, 3.39.080, 3.76.010, 3.121.010, 4.13.010, 4.20.401, 5.33.020, 15.32.300, 29.49.045, 21.52.210,21.52.250, 21.52.260, 21.56.010, 21.56.030, 22.206.200, 22.208.120, 23.22.024, 23.48.017, 23.50.051 of the Seattle Municipal Code.

Summary of the Legislation:

Changing the title of Seattle City Light's top executive position title from Superintendent to General Manager and Chief Executive Officer.

Background:

By changing the position title from Superintendent to General Manager and Chief Executive Officer, this legislation will better align Seattle City Light with industry standards and will benefit the City of Seattle and its rate payers in the future by helping attract the best candidates to run and manage Seattle's municipally owned electric utility.

Please check one of the following:

__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?**
NO

b) **What is the financial cost of not implementing the legislation?**
NONE

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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?**
N/A

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:**
NONE

List attachments to the fiscal note below:
None

CITY CLERK

City of Seattle
Office of the Mayor

March 26, 2013

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

Dear Council President Clark:

I am transmitting the attached Council Bill that amends Seattle's Municipal Code changing the title of Seattle City Light's Superintendent position to General Manager and Chief Executive Officer. Municipal electric utilities across the United States utilize the position title General Manager and Chief Executive Officer for the top position of their respective utilities. This change will also align with industry standards.

Changing the position title to General Manager and Chief Executive Officer will benefit the City of Seattle and its rate payers. Thank you for considering this legislation. Should you have questions, please contact Maura Brueger, Seattle City Light's Governmental and Legislative Affairs Director, at 206-684-3015.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

Michael McGinn, Mayor
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Seattle, WA 98124-4749

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THE CITY CLERK