



SEATTLE CITY COUNCIL

Legislative Summary

CB 118739

Record No.: CB 118739

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125110

In Control: City Clerk

File Created: 06/01/2016

Final Action: 08/17/2016

Title: AN ORDINANCE increasing the fee or tax on persons engaged in or carrying on the business of the collection of garbage, rubbish, trash, CDL waste, and other solid waste; amending Seattle Municipal Code Section 5.48.055; and providing a special referendum opportunity as required by state law.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	07/12/2016	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	07/15/2016	sent for review	Civil Rights, Utilities, Economic Development, and Arts Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Civil Rights, Utilities, Economic Development, and Arts Committee						
	Notes:						
1	Full Council	07/25/2016	referred	Civil Rights, Utilities, Economic Development, and Arts Committee			

Legislative Summary Continued (CB 118739)

- 1 Civil Rights, Utilities, 07/26/2016 discussed
Economic Development,
and Arts Committee
Action Text: The Council Bill (CB) was discussed.
Notes:
- 1 Civil Rights, Utilities, 08/09/2016 pass Pass
Economic Development,
and Arts Committee
Action Text: The Committee recommends that Full Council pass the Council Bill (CB).
In Favor: 2 Chair Herbold, Member O'Brien
Opposed: 0
- 1 Full Council 08/15/2016 passed Pass
Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember
González , Council President Harrell, Councilmember Herbold,
Councilmember Johnson, Councilmember Juarez, Councilmember
O'Brien
Opposed: 0
- 1 City Clerk 08/16/2016 submitted for Mayor
Mayor's signature
- 1 Mayor 08/17/2016 Signed
Action Text: The Council Bill (CB) was Signed.
Notes:
- 1 Mayor 08/17/2016 returned City Clerk
- 1 City Clerk 08/17/2016 attested by City
Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:
-

CITY OF SEATTLE

ORDINANCE 125110

COUNCIL BILL 118739

AN ORDINANCE increasing the fee or tax on persons engaged in or carrying on the business of the collection of garbage, rubbish, trash, CDL waste, and other solid waste; amending Seattle Municipal Code Section 5.48.055; and providing a special referendum opportunity as required by state law.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 5.48.055.B of the Seattle Municipal Code, which section was last amended by Ordinance 123747, is amended as follows:

5.48.055 Solid waste activities subject to tax – Amount

* * *

B. Upon everyone, including The City of Seattle, engaged in or carrying on the business of solid waste collection services, a tax measured by the following:

1. A tax measured by gross income from solid waste collection services in Seattle which includes any charges to customers for transferring, processing, treating, storage, or disposal:

a. Prior to April 1, ~~((2005, ten (10)))~~ 2017, 11.5 percent of the total gross income from solid waste collection services in Seattle, less income derived from the activities identified in subsection 5.48.055.C ~~((of this section))~~.

b. Effective April 1, ~~((2005, eleven and one half (11.5)))~~ 2017, 14.20 percent of the total gross income from solid waste collection services in Seattle, less income derived from the activities identified in subsection 5.48.055.C ~~((of this section))~~.

~~((2. A tax measured by solid waste tonnage collected:~~

1 a. ~~Effective through December 31, 2006, Twelve Dollars and Forty~~
2 ~~Cents (\$12.40) per ton of solid waste collected in Seattle, excluding the tonnage from~~
3 ~~recycling when such recycling contains no more than ten (10) percent non-recyclable material~~
4 ~~by volume, yard and food waste destined for composting, items to be reused or scrapped for~~
5 ~~salvage, and/or sand and gravel for construction of a public improvement.~~

6 b. ~~Effective January 1, 2007 through December 31, 2009, Thirteen~~
7 ~~Dollars and Sixty Five Cents (\$13.65) per ton of solid waste collected in Seattle, excluding the~~
8 ~~tonnage from recycling, yard and food waste destined for composting, items to be reused or~~
9 ~~scrapped for salvage, solid waste used for beneficial use as approved by Seattle Public~~
10 ~~Utilities, soils, and/or sand and gravel for construction of a public improvement.~~

11 c. ~~After December 31, 2009, the collection tax measured by the tons of~~
12 ~~solid waste as imposed in this subsection SMC 5.48.055 B 2 is eliminated.))~~

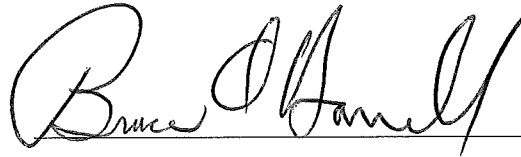
13 * * *

14 Section 2. Pursuant to RCW 35.21.706, this ordinance is subject to the referendum
15 procedure specified in that state law. A referendum petition may be filed within seven days of
16 the passage of the ordinance with the filing officer of the City, which is hereby designated to be
17 the City Clerk, located on the third floor of City Hall, 600 Fourth Avenue, Seattle, Washington.
18 Within ten days of filing the petition, the City Clerk shall confer with the petitioner concerning
19 the form and style of the petition, issue the petition an identification number, and secure an
20 accurate, concise, and positive ballot title from the City Attorney. The petitioner shall then have
21 thirty days in which to secure the signatures of not less than fifteen percent of the registered
22 voters of the City, as of the last municipal general election, upon petition forms which contain
23 the ballot title and the full text of the measure to be referred. Signed petition forms that are

1 submitted timely to the City Clerk shall be transmitted to the King County Director of Records
2 and Elections who shall verify the sufficiency of the signatures on the petition and report to the
3 City Clerk. If sufficient valid signatures are properly submitted, the City Clerk shall so inform
4 the City Council, which shall submit the referendum measure to the voters at a special election to
5 be held on the next City election date, as provided in RCW 29A.04.330, that occurs not less than
6 forty-five days after the county's report of sufficiency is received by the City Clerk, unless a
7 general election will occur within ninety days of receipt of that report, in which event the
8 proposed ordinance will be submitted at the general election. RCW 35.21.706, provides that the
9 referendum procedure in this section is exclusive and that this ordinance is not subject to any
10 other referendum or initiative process.

Section 3. 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 15th day of August, 2016,
and signed by me in open session in authentication of its passage this 15th day of
August, 2016.



President _____ of the City Council

Approved by me this 17th day of August, 2016.



Edward B. Murray, Mayor

Filed by me this 17th day of August, 2016.



Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Contact Person/Phone:	Executive Contact/Phone:
City Budget Office	Aaron Blumenthal, 3-2656	Ben Noble, 4-8160

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE increasing the fee or tax on persons engaged in or carrying on the business of the collection of garbage, rubbish, trash, CDL waste, and other solid waste; amending Seattle Municipal Code Section 5.48.055; and providing a special referendum opportunity as required by state law.

Summary and background of the Legislation: Since 2005, a local B&O tax rate of 11.5% has been applied to the total gross income (minus income from certain activities) gained from collection of solid waste in the City. The taxes are incorporated in the solid waste utility rates paid by Seattle Public Utilities (SPU) customers and the tax revenues are deposited in the City's General Subfund. This legislation increases the tax rate on income from solid waste collection by 2.7% effective April 1, 2017. The net impact of this change is an increase to General Subfund tax revenues of \$3.2M in 2017 and \$4.4M million in 2018. This legislation also updates the Seattle Municipal Code and removes sunsetted language from additional collection taxes on garbage tonnage. These changes are only clean-up in nature.

Separate legislation increases solid waste rates to accommodate the 2.7% tax increase in this ordinance, and should be approved if this budget action is approved. Any modification to the tax rate in this ordinance should be reviewed in conjunction with solid waste rates legislation.

2. CAPITAL IMPROVEMENT PROGRAM

☐ This legislation creates, funds, or amends a CIP Project.

3. SUMMARY OF FINANCIAL IMPLICATIONS

☒ This legislation has direct financial implications.

Budget program(s) affected:				
Estimated \$ Appropriation change:	General Fund \$		Other \$	
	2016	2017	2016	2017
	\$0	\$0	\$0	\$0
Estimated \$ Revenue change:	Revenue to General Fund		Revenue to Other Funds	
	2016	2017	2016	2017
	\$0	\$3,200,000	\$0	\$0
Positions affected:	No. of Positions		Total FTE Change	
	2016	2017	2016	2017

	0	0	0	0
Other departments affected:				

3.a. Appropriations

☐ This legislation adds, changes, or deletes appropriations.

3.b. Revenues/Reimbursements

☒ This legislation adds, changes, or deletes revenues or reimbursements.

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2016 Revenue	2017 Estimated Revenue
General Subfund		Solid Waste Utility Tax Revenues	\$0	\$3,200,000
TOTAL				

Revenue/Reimbursement Notes: These revenues are anticipated to support additional programs related to public garbage and public clean-up.

3.c. Positions

☐ This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- a) Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?
No.
- b) Is there financial cost or other impacts of not implementing the legislation?
If this legislation is not implemented, the City would not collect between \$3-\$4 million of additional revenue, and would impact the delivery of expanded public garbage and public clean-up programs.
- c) Does this legislation affect any departments besides the originating department?
No.
- d) Is a public hearing required for this legislation?
No.
- e) Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?
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) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

No.

i) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how this legislation would help achieve the program's desired goals.

No program is considered with this legislation.

j) Other Issues:

None

List attachments/exhibits below:

STATE OF WASHINGTON -- KING COUNTY

--SS.

341085

No. TITLE ONLY

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.

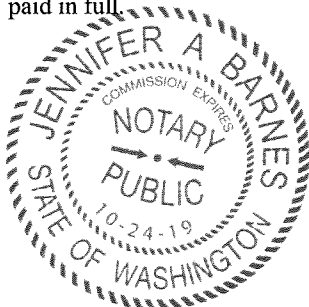
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125108,110-113,125116

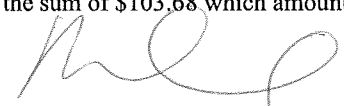
was published on

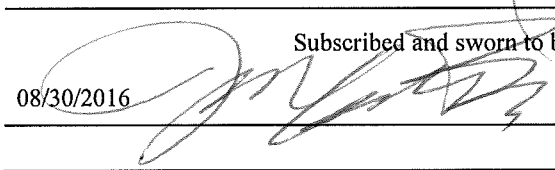
08/30/16

The amount of the fee charged for the foregoing publication is the sum of \$103.68 which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

08/30/2016


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 August, 16, 2016 and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com/>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125108

Council Bill 118736

AN ORDINANCE relating to land use and zoning; adding a new Chapter 23.58C of the Seattle Municipal Code (SMC) to establish the framework for mandatory housing affordability for residential development; and amending Section 23.34.004, subsections 23.40.020.A, 23.76.006.B, and 23.76.032.B, Sections 23.90.002 and 23.90.015, and subsection 23.90.018.C of the SMC.

Ordinance 125110

Council Bill 118739

AN ORDINANCE increasing the fee or tax on persons engaged in or carrying on the business of the collection of garbage, rubbish, trash, CDL waste, and other solid waste; amending Seattle Municipal Code Section 5.48.055; and providing a special referendum opportunity as required by state law.

Ordinance 125111

Council Bill 118740

AN ORDINANCE relating to the solid waste system of Seattle Public Utilities; revising rates and charges for solid waste services; revising credits to low income customers for solid waste services; and amending Chapters 21.40 and 21.76 of the Seattle Municipal Code.

Ordinance 125112

Council Bill 118745

AN ORDINANCE relating to grant funds from non-City sources; authorizing the Director of Seattle Public Utilities to accept specified grants and execute related agreements for and on behalf of the City; and amending Ordinance 124927, which adopted the 2016 Budget, to increase appropriations to Seattle Public Utilities.

Ordinance 125113

Council Bill 118754

AN ORDINANCE relating to international affairs and the Seattle Sister Cities program, amending Sections 3.14.440, 3.14.460, 3.14.460, and 3.14.470 of the Seattle Municipal Code.

Ordinance 125116

Council Bill 118758

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

Date of publication in the Seattle Daily Journal of Commerce, August 30, 2016.

8/30(341085)