



SEATTLE CITY COUNCIL

Legislative Summary

CB 119494

Record No.: CB 119494

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125810

In Control: City Clerk

File Created: 03/12/2019

Final Action: 04/26/2019

Title: AN ORDINANCE relating to King County Conservation Futures Levy proceeds; authorizing the Mayor to amend the Interlocal Cooperation Agreement between The City of Seattle and King County authorized by City of Seattle Ordinance 114978 to allow for the acceptance of Conservation Futures Levy funds without City Council approval; and authorizing the use of a new amendment template for future amendments to that Agreement.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Juarez

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Att A – Amendment AF to Conservation Futures Levy Interlocal Agreement, Att B – Amendment Template to Conservation Futures Levy Interlocal Agreement

Drafter: Chip Nevins

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	Mayor	03/26/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	03/26/2019	sent for review	Council President's Office			
Action Text: The Council Bill (CB) was sent for review. to the Council President's Office							
Notes:							

Legislative Summary Continued (CB 119494)

- 1 Council President's Office 03/29/2019 sent for review Civic Development, Public Assets, and Native Communities Committee
- Action Text:** The Council Bill (CB) was sent for review. to the Civic Development, Public Assets, and Native Communities Committee
- Notes:**
- 1 City Council 04/08/2019 referred Civic Development, Public Assets, and Native Communities Committee
- Action Text:** The Council Bill (CB) was referred. to the Civic Development, Public Assets, and Native Communities Committee
- Notes:**
- 1 Civic Development, Public Assets, and Native Communities Committee 04/17/2019 pass Pass
- Action Text:** The Committee recommends that City Council pass the Council Bill (CB).
- In Favor: 3 Chair Juarez, Vice Chair Bagshaw, Member González
- Opposed: 0
- 1 City Council 04/22/2019 passed Pass
- Action Text:** The Council Bill (CB) was passed by the following vote, and the President signed the Bill:
- Notes:**
- In Favor: 8 Councilmember Bagshaw, Councilmember González , Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember Mosqueda, Councilmember O'Brien, Councilmember Sawant
- Opposed: 0
- 1 City Clerk 04/24/2019 submitted for Mayor's signature Mayor
- 1 Mayor 04/26/2019 Signed
- 1 Mayor 04/26/2019 returned City Clerk
- 1 City Clerk 04/26/2019 attested by City Clerk
- Action Text:** The Ordinance (Ord) was attested by City Clerk.
- Notes:**
-

CITY OF SEATTLE
ORDINANCE 125810
COUNCIL BILL 119494

AN ORDINANCE relating to King County Conservation Futures Levy proceeds; authorizing the Mayor to amend the Interlocal Cooperation Agreement between The City of Seattle and King County authorized by City of Seattle Ordinance 114978 to allow for the acceptance of Conservation Futures Levy funds without City Council approval; and authorizing the use of a new amendment template for future amendments to that Agreement.

WHEREAS, King County Conservation Futures Levy (CFL) funds are collected throughout King County as a dedicated portion of property taxes for the acquisition of open space and natural resource lands; and

WHEREAS, in 1990, City Ordinance 114978 authorized the CFL Interlocal Cooperation Agreement (CFL Interlocal) with King County to govern the receipt and use of CFL proceeds, and to define the specific projects ("Projects") approved by King County for acquisition using CFL proceeds; and

WHEREAS, each year the City and King County amend the CFL Interlocal to add Projects and to provide for additional allocations of CFL proceeds; and

WHEREAS, in the past, after the King County Council appropriated money for City projects through its annual budget, the King County Executive transmitted a proposed ordinance for approval of an amendment to the CFL Interlocal, to contractually recognize the funding already appropriated by attaching a funding allocation to the Interlocal Amendment; and

WHEREAS, after the King County Council authorized the ordinance for approval of the Amendment to the CFL Interlocal, the Mayor transmitted a similar ordinance to the City Council for approval of the amendment to the Interlocal Agreement; and

1 WHEREAS, to reduce the duplication of King County Council review and the time necessary to
2 reimburse the City for Projects, on November 13, 2018, the King County Council passed
3 Ordinance 18827, which authorizes the County Executive to execute an amendment to
4 the CFL Interlocal (Attachment A to this ordinance) allowing future amendments to the
5 City's existing CFL Interlocal setting forth the conservation futures allocation, without
6 prior County Council approval; and

7 WHEREAS, Ordinance 18827 also authorizes a new amendment template to be used for future
8 amendments (Attachment B to this ordinance); NOW, THEREFORE;

9 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

10 Section 1. The Mayor or the Mayor's designee is authorized to execute an amendment to
11 the existing Conservation Futures Interlocal Agreement with King County, substantially in the
12 form of Attachment A to this ordinance, which allows for the execution of future amendments
13 without prior City Council approval.

14 Section 2. The Mayor or the Mayor's designee is authorized to execute future
15 amendments, substantially in the form of Attachment B to this ordinance, which allows for the
16 reimbursement of the Conservation Futures Levy Fund for projects already appropriated by the
17 King County Council and subject to Seattle City Council appropriation limits.

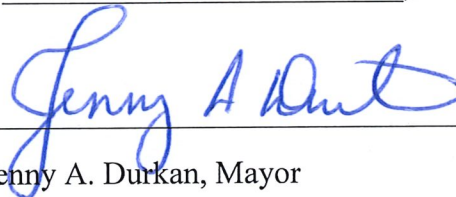
Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 22nd day of April, 2019,
and signed by me in open session in authentication of its passage this 22nd day of April, 2019.



President _____ of the City Council

Approved by me this 26th day of APRIL, 2019.



Jenny A. Durkan, Mayor

Filed by me this 26th day of April, 2019.



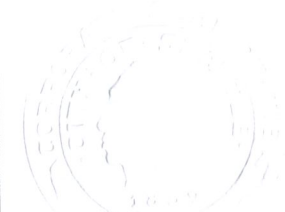
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment A – Amendment to the Conservation Futures Interlocal Cooperation Agreement between King County and Seattle for Open Space Acquisition Projects

Attachment B – Amendment Template for Conservation Futures Levy Interlocal Agreement



**AMENDMENT TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF SEATTLE
FOR OPEN SPACE ACQUISITION PROJECTS**

Preamble

THIS AMENDMENT is entered into between the CITY OF SEATTLE and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the 5th day of June, 1990, as previously amended.

The parties mutually desire to amend the terms and conditions of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend the Agreement as follows:

Amendment 1: Article VIII. Other Provisions

The text in Section 8.2 is deleted in its entirety and replaced with the following:

The parties reserve the right to amend or modify this agreement. Amendments or modifications to disburse funds approved by the County Council must be by written instrument signed by the parties. Other amendments also must be approved by the respective City and County councils.

Amendment 2: Article VII. Responsibilities of County

The first two sentences of this article are deleted and replaced with the following:

Subject to the terms of this agreement, the County will provide Conservation Futures Levy proceeds in the amounts and for the projects shown in Attachment A to this agreement and as well as in those amounts and for those projects shown in subsequent amendments to this agreement. The City may request additional funds; however, the County has no obligation to provide funds to the City for the Projects in excess of the total amounts shown in Attachment A and any subsequent amendments.

In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

This document shall be attached to the existing Interlocal Cooperation Agreement, and shall become Amendment AF.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

SEATTLE

Dow Constantine
King County Executive

Jenny Durkan
Mayor

Date: _____

Date: _____

Approved as to form:

Dan Satterberg
King County Prosecuting Attorney

**AMENDMENT TO THE CONSERVATION FUTURES
INTERLOCAL COOPERATION AGREEMENT
BETWEEN KING COUNTY AND THE CITY OF _____
FOR OPEN SPACE ACQUISITION PROJECTS**

Preamble

The King County Council, through Ordinance 9128, has established a Conservation Futures Levy Fund and appropriated proceeds to King County and certain cities. This amendment is entered into to provide for the allocation of additional funds made available for open space acquisition.

THIS AMENDMENT is entered into between the CITY OF SEATTLE and KING COUNTY, and amends and attaches to and is part thereof of the existing Interlocal Cooperation Agreement entered into between the parties on the 5th day of June, 1990, as previously amended.

The parties agree to the following amendments:

Amendment 1: Article 1. Recitals

A paragraph is hereby added to the Recitals Section to provide for a Conservation Futures Levy proceeds allocation for the _____ project, and hereafter reads:

- On _____, 20__, the King County Council passed Ordinance _____, which appropriated a total of _____ dollars (\$_____) in 20__ Conservation Futures Levy proceeds to the City of _____ for the _____ project. In accordance with Section 8.2, the executive or designee is authorized to execute this Amendment.

Amendment 2: Article V. Conditions of Agreement

Section 5.1 is amended to include the Exhibit __ attached to this Amendment, which lists a 20__ Conservation Futures Levy proceeds allocation for the _____ project.

Amendment 3: Exhibit _____

The Interlocal Cooperation Agreement is hereby amended by adding Exhibit __, attached hereto.

In all other respects, the terms, conditions, duties and obligations of both parties shall remain the same as agreed to in the Interlocal Cooperation Agreement as previously amended.

Once fully executed, this Amendment shall be incorporated into the existing Interlocal Cooperation Agreement as if fully set forth and shall become Amendment__.

IN WITNESS WHEREOF, authorized representatives of the parties hereto have signed their names in the spaces set forth below:

KING COUNTY

CITY OF SEATTLE

Dow Constantine
King County Executive

Mayor

Date: _____

Date: _____

Approved as to form:

Dan Satterberg
King County Prosecuting Attorney

EXHIBIT ____

**20__ CONSERVATION FUTURES LEVY PROCEEDS
CITY OF _____ ALLOCATION**

Jurisdiction	Project Name (Project Number)	Allocation
[Name]	[Project Name] ([Project Number])	\$
TOTAL		\$

Project Description:

SUMMARY and FISCAL NOTE

Department:	Dept. Contact/Phone:	Executive Contact/Phone:
Parks and Recreation	Chip Nevins/233-3879	Anna Hurst/733-9317

1. BILL SUMMARY

- a. **Legislation Title:** AN ORDINANCE relating to King County Conservation Futures Levy proceeds; authorizing the Mayor to amend the Interlocal Cooperation Agreement between The City of Seattle and King County authorized by City of Seattle Ordinance 114978 to allow for the acceptance of Conservation Futures Levy funds without City Council approval; and authorizing the use of a new amendment template for future amendments to that Agreement.
- b. **Summary and background of the Legislation:**
The proposed ordinance will significantly streamline the Conservation Futures Levy (CFL) Interlocal Agreement (ILA) amendment process. This streamlined process will allow faster reimbursement for Seattle's CFL projects that have been awarded funding by the King County Council.

Conservation Futures funding is used to match City funding for the acquisition of parks and open space. Examples of past CFL projects include Delridge open space, East Duwamish Greenspace, and Duwamish Waterway Park. The typical process for CFL reimbursement has been:

1. March: Department of Parks and Recreation (DPR) applies for CFL funding.
2. May: King County Citizens Oversight committee makes recommendations about funding.
3. November: King County Council approves awards to cities in its annual budget appropriation.
4. March/May: King County Council passes legislation authorizing the King County executive to enter an ILA with Seattle regarding reimbursement of CFL awards.
5. December/January: Seattle passes legislation authorizing Seattle Mayor to enter an ILA with King County regarding reimbursement of CFL awards.
6. March/April: Seattle Mayor and King County Executive sign agreement
7. May – TBD: DPR requests reimbursement for completed projects

Since the County Council approves awards to cities in its annual budget appropriation, King County recently passed Ordinance 18827 allowing the King County Executive to amend the ILA for fund allocation without seeking secondary County Council approval (Step 4 above); this change was intended to eliminate the duplicative legislative burden and allow the County to be able to reimburse the awarded funds to cities more quickly.

The proposed ordinance will similarly allow the Mayor to accept CFL awards through an amendment to the ILA without seeking secondary City Council approval (Step 5 above). The City Council already reviews and approves acquisition legislation before a project

awarded CFL funding can be spent for park and open space acquisition.
The proposed ordinance also authorizes a new amendment template to be used for future amendments.

2. CAPITAL IMPROVEMENT PROGRAM

- a. Does this legislation create, fund, or amend a CIP Project? ___ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. Does this legislation amend the Adopted Budget? ___ Yes ☒ No

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?
No.
- b. Is a public hearing required for this legislation? No.
- c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant? No.
- d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation? No.
- e. Does this legislation affect a piece of property? No
- f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? Conservation Futures funding is used to match City funding for the acquisition of parks and open space. One of the priorities for the use of these funds is the acquisition of property in areas of the city lacking parks and open space, which tend to be high-density, low-income areas.
- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? N/A
- h. Other Issues: None.

List attachments/exhibits below:

--SS.

CITY OF SEATTLE,CLERKS OFFICE

The amount of the fee charged for the foregoing publication is the sum of \$120.75.

Affidavit of Publication

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 April 22, 2019, 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 125807

Council Bill 119480

AN ORDINANCE relating to the 2018 Families, Education, Preschool, and Promise Levy; approving an implementation and evaluation plan as required by Ordinance 125604; amending Ordinance 125724, which adopted the 2019 Budget; changing appropriations to the Department of Education and Early Learning and various budget control levels, and from various funds in the Budget; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

Ordinance 125808

Council Bill 119501

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

Ordinance 125809

Council Bill 119491

AN ORDINANCE relating to regular property taxes; providing for the submission to the qualified electors of the City at an election to be held on August 6, 2019, a proposition to lift the limit on regular property taxes under chapter 84.55 RCW and authorize the City to levy additional taxes for up to seven years for the purpose of sustaining investments in Library operating hours, collections, technology, and maintenance while expanding access to opportunity through additional hours, Library materials, and technology and undertaking seismic retrofits of three Library facilities; authorizing creation of a new fund; and ratifying and confirming certain prior acts.

Ordinance 125810

Council Bill 119494

AN ORDINANCE relating to King County Conservation Futures Levy proceeds; authorizing the Mayor to amend the Interlocal Cooperation Agreement between The City of Seattle and King County authorized by City of Seattle Ordinance 114978 to allow for the acceptance of Conservation Futures Levy funds without City Council approval; and authorizing the use of a new amendment template for future amendments to that Agreement.

Ordinance 125811

Council Bill 119497

AN ORDINANCE related to monitoring and inspecting vacant buildings for compliance with the requirements of the Housing and Building Maintenance Code; amending Section 22.900F.010 of the Seattle Municipal Code; and amending Ordinance 125704 and Ordinance 125727 to modify monitoring fees and monitoring program requirements.

Date of publication in the Seattle Daily Journal of Commerce, May 7, 2019.

6/7(373530)