

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE adopting a budget, including a capital improvement program and position modifications, for The City of Seattle for 2017; and creating positions exempt from civil service; all by a ~~2/3~~3/4 vote of the City Council.

..body

WHEREAS, in accordance with RCW 35.32A.030, the Mayor submitted a proposed budget for 2017 to the City Council; and

WHEREAS, the Mayor submitted a list of proposed position modifications as part of the 2017 Proposed Budget; and

WHEREAS, Ordinance 124796 requested that the Director of Elections call and conduct a special election in the City in conjunction with the state general election to be held on November 3, 2015, for the purpose of submitting the Levy to Move Seattle to the qualified electors of the City; and

WHEREAS, a majority of voters approved the Levy to Move Seattle; and

WHEREAS, the Levy to Move Seattle requires that if the Council does not appropriate at least the Minimum Annual GSF Appropriation in a given year, then the Council may not levy any taxes authorized by this ordinance, for collection in the following budget year, unless the City Council by a 3/4 vote determines that economic or financial conditions prevent the Council from appropriating the Minimum Annual General Subfund (GSF) Appropriation; and

WHEREAS, the Mayor declared a state of emergency on homelessness in November 2015 that was ratified unanimously by City Councilmembers by Resolution 31630; and

1 WHEREAS, because revenue growth has not kept pace with the City's financial and moral
2 obligations due to the ongoing state of emergency on homelessness, the City has
3 determined that general funds are no longer reasonably available for certain debt service
4 payments and that financial and economic conditions necessitate lowering the City's GSF
5 commitment to transportation needs; and

6 WHEREAS, by Resolution 24964, the City Council adopted the concept of implementing the
7 City's Capital Improvement Program through appropriations in a budget adopted
8 annually to the greatest extent feasible; and

9 WHEREAS, the proposed budget for 2017 includes certain appropriations for capital programs
10 that are described in the 2017-2022 Proposed Capital Improvement Program; and

11 WHEREAS, the City's 2017-2022 Capital Improvement Program, in conjunction with the
12 Capital Facilities, Utilities, and Transportation Elements of the Comprehensive Plan, is in
13 accordance with the State Growth Management Act; NOW, THEREFORE,

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

15 Section 1. (a) In accordance with RCW 35.32A.050, the City Council has modified the
16 proposed budget submitted by the Mayor.

17 (b) The appropriations for the budget control levels in Attachment A to this
18 ordinance, as restricted by the budget provisos included in Clerk File (C.F.) 314362, are adopted
19 as the City's annual budget for 2017. If a budget proviso refers to a City Council committee, and
20 a committee by that name ceases to exist, the reference shall be to the successor committee with
21 policy oversight of the same subject matter area.

22 (c) The appropriation for each budget control level in Attachment A to this
23 ordinance may be used only for the purpose listed in Attachment A for that budget control level,

1 unless transferred pursuant to Seattle Municipal Code (SMC) Chapter 5.08. Use of any amount
2 of any appropriation restricted by one or more of the provisos in C.F. 314362 for any purpose
3 other than that stated, or for any purpose expressly excluded, or in violation of any condition
4 specified by proviso, whether by transfer pursuant to SMC 5.08.020 or by any other means, is
5 prohibited.

6 (d) In addition to each budget control level in Attachment A to this ordinance, any
7 budget control level created by a previous budget, for which appropriations remain that have not
8 lapsed, is part of the 2017 budget and the un-lapsed appropriations for that budget control level
9 are subject to the restrictions in subsection 1(c) of this ordinance. These un-lapsed appropriations
10 continue to be subject to any provisos previously placed on them that have yet to be removed or
11 satisfied.

12 (e) The funds appropriated in each budget control level are available to first
13 satisfy any obligations incurred by contract, including but not limited to satisfaction of any bond
14 obligation, contractual indemnity provision, or lease obligation.

15 (f) Unspent funds for the Executive Department Office of Housing's Low-Income
16 Housing Fund 16400 Budget Control Level, appropriated by subsection 1(b) of this ordinance,
17 shall carry forward to subsequent fiscal years until they are exhausted or abandoned by
18 ordinance.

19 (g) Unspent funds for the Pike Place Market Waterfront Entrance Project Budget
20 Control Level, appropriated by subsection 1(b) of this ordinance, shall carry forward to
21 subsequent fiscal years until they are exhausted or abandoned by ordinance.

1 (h) The revenue estimates for 2017 contained in the Mayor’s 2017 Proposed
2 Budget, filed in C.F. 314360, as modified by the changes of the City Council in C.F. 314362, are
3 adopted.

4 Section 2. The “CIP Project Pages” of the 2017-2022 Proposed Capital Improvement
5 Program submitted by the Mayor, filed in C.F. 314361, as modified by the changes of the City
6 Council in C.F. 314362, are adopted as the City’s six-year Capital Improvement Program (CIP).

7 Section 3. (a) The officer and employee position modifications in Attachment B to this
8 ordinance, including the creation of some positions exempt from civil service, are adopted
9 effective January 1, 2017.

10 (b) The City, by enacting Ordinance 125128 (C.B. 118786), established a position
11 list effective as of January 1, 2016. Subsection 3(a) of this ordinance modifies that list. It is
12 anticipated that the Seattle Department of Human Resources will submit a proposed list of the
13 City’s regular positions for each department or office as of January 1, 2017, to the City Council
14 for possible action in 2017. The proposed list should reflect (i) the modifications made in
15 subsection 3(a) of this ordinance that take effect on January 1, 2017; (ii) the reclassifications of
16 regular positions made by the Human Resources Director from January 1, 2016, through
17 December 31, 2016; and (iii) the creation, modification, or abrogation of regular positions, by
18 ordinance, that took effect from January 1, 2016, through December 31, 2016.

19 Section 4. (a) Subject to the conditions in Section 1 of this ordinance, the appropriation of
20 money in the budget adopted by this ordinance, for a budget control level that includes a
21 program or project assigned a project identification number in the 2017-2022 Adopted CIP,
22 constitutes authority for the designated City department, commission, or office (after compliance
23 with the State Environmental Policy Act) to acquire personal property; obtain options to acquire

1 real property; negotiate to acquire right-of-way and other real property interests; prepare plans
2 and designs; demolish, construct, or make improvements; and obtain any ancillary services,
3 including, without limitation, planning, engineering, design, appraisal, escrow, title insurance,
4 construction, inspection, environmental audits, and remediation appraisals or other reviews; all in
5 order to carry out the project or program substantially as described in the 2017-2022 Adopted
6 CIP. Each department may obtain the authorized services or property using City staff or by
7 contract as authorized in subsection 4(j) of this ordinance. If projects or programs are identified
8 in the 2017-2022 Adopted CIP to be carried out by other entities wholly or in part with City
9 funds, the appropriation constitutes authority to provide such funds to such other entities for such
10 purposes, subject to applicable laws and ordinances.

11 (b) None of the appropriations in the 2017 Adopted Budget may be spent on
12 capital projects or programs unless the projects or programs are specifically identified and
13 assigned a project identification number in the 2017-2022 Adopted CIP or are added to the 2017-
14 2022 Adopted CIP by a future amending ordinance.

15 (c) Without future Council authorization by ordinance, expenditures in 2017 on
16 any project or program identified and assigned a project identification number in the 2017-2022
17 Adopted CIP for Seattle City Light, Seattle Public Utilities, or the Seattle Department of
18 Transportation, other than expenditures pursuant to unspent capital appropriations carried
19 forward from 2016 into 2017 in accordance with RCW 35.32A.080 and allocated to the same
20 project or program, shall not exceed by more than \$1,000,000 the amount shown as the
21 Appropriations Total in the 2017 column for that project or program in the Adopted CIP, as that
22 amount may be amended by ordinance. The City Budget Office shall certify to the Chair of the
23 City Council Budget Committee a list of those unspent capital appropriations not subject to the

1 expenditures restriction imposed by this subsection by May 1, 2017, and shall also file the list
2 with the City Clerk. The list shall include the project identification number and the dollar amount
3 by project or program not subject to the expenditure restriction, at minimum.

4 (d) Moneys appropriated from funds, subfunds, accounts, and subaccounts in
5 which are deposited the proceeds derived from the issuance of bonded obligations shall be
6 expanded only in accordance with the terms, conditions, and restrictions of ordinances
7 authorizing such obligations and establishing the respective funds.

8 (e) The 2017-2022 Adopted CIP is part of the 2017 Adopted Budget and
9 identifies, among other projects, those capital projects funded wholly or in part from the
10 proceeds of the taxes authorized in RCW 82.46.010 and/or RCW 82.46.035, and/or from the
11 proceeds of bonds, for the repayment of which tax revenues under RCW 82.46.010 have been
12 pledged. Such taxes are intended to be in addition to other funds that may be reasonably
13 available for such capital projects.

14 (f) The portions of the 2017-2022 Adopted CIP pertaining to Seattle City Light
15 and Seattle Public Utilities, as those portions of the 2017-2022 Adopted CIP may be amended
16 from time to time, are adopted as systems or plans of additions to, and betterments and
17 extensions of, the facilities, physical plants, or systems of Seattle City Light and Seattle Public
18 Utilities, respectively.

19 (g) The Director of Finance and Administrative Services and the City's Director
20 of Finance are authorized to draw and pay the necessary warrants or checks and to make any
21 necessary transfers among funds and accounts.

1 (h) Except as limited by this section or by Section 1 of this ordinance or by any
2 other ordinance, the funds appropriated in the 2017 Adopted Budget are subject to transfer for
3 use with other projects as provided in SMC Chapter 5.08.

4 (i) The Mayor, or, at the Mayor's request, the head of the department that is
5 designated to carry out a project for and on behalf of The City of Seattle, is authorized to submit
6 applications as may be deemed appropriate to the United States of America, or any of its
7 departments, and the State of Washington, or any of its departments, for financial assistance in
8 carrying out the authorized projects included in the 2017-2022 Adopted CIP; to make for and on
9 behalf of the City all assurances, promises, representations, and consent to suit, and/or covenants
10 to comply with any applicable regulations of the United States relating to implementation of the
11 projects; to act in connection with the applications as the authorized representative of the City; to
12 provide additional information as may be required; and to prepare plans for implementation of
13 terms and conditions as may accompany financial assistance, provided that the submission of an
14 application shall not result in the making of a contract, in incurring of any indebtedness, or in the
15 acceptance of moneys imposing any duties or obligations upon the City except as is authorized
16 by this or another ordinance.

17 (j) The Director of Transportation, the Superintendent of Parks and Recreation,
18 the Director of the Office of Arts and Culture, the General Manager and Chief Executive Officer
19 of City Light, the Director of Seattle Public Utilities, the Director of the Department of Finance
20 and Administrative Services, the City Librarian, the Chief Technology Officer, and the Director
21 of the Seattle Center Department are authorized to negotiate for and enter into non-public works
22 contracts, within their appropriation authority, to obtain property and services authorized in

1 Section 4 of this ordinance to carry out those capital projects and programs included in the 2017-
2 2022 Adopted CIP and assigned to their respective departments or offices.

3 Section 5. The Mayor and the City Council find that the General Fund's 2017
4 contribution to the Park and Recreation Fund exceeds the requirements established in Article XI,
5 Section 3 of the City Charter.

6 Section 6. Pursuant to the requirements of Ordinance 117216, Ordinance 118814,
7 Ordinance 122293, Ordinance 122859, Ordinance 123459, Ordinance 124057, Ordinance
8 124640, and the ordinance introduced as C.B. 118832, the City in subsection 1(b) of this
9 ordinance and Attachment A to this ordinance appropriates to the Firefighters' Pension Fund
10 ("the Fund") \$20,099,800, of which \$18,799,800 comes from General Fund resources. No
11 beneficiary of the Fund has a vested contractual right to the appropriation of the foregoing
12 amount or any amount appropriated by the City to the Fund.

13 The Mayor and the City Council, under the authority granted by RCW 41.16.060, find
14 that the General Fund's 2017 contribution to the Fund is equal to \$0.104 per \$1,000 of assessed
15 value and provides, in accordance with the 2016 Actuarial Report on the condition of the Fund
16 received from a qualified actuary dated June 20, 2016, together with other amounts appropriated
17 by the City for the Fund, an amount equal to or greater than the estimated demands on the fund
18 for 2017 and maintains the actuarial soundness of the Fund as it prevents recording a positive net
19 pension obligation for the Fund.

20 The Mayor and the City Council find that the amount appropriated by this ordinance is
21 appropriated for the purpose of keeping the Fund flexible and maintaining its integrity and
22 actuarial soundness. The Mayor and City Council also find that such amount is reasonable for the

1 purposes established in the ordinances listed at the beginning of this Section 6, and that such
2 amount bears a material relation to the successful operation of the Fund.

3 Section 7. The City determines that economic or financial conditions prevent the Council
4 from appropriating the 2017 Minimum Annual General Subfund Appropriation established in the
5 Levy to Move Seattle.

6 Section 8. The City finds that the Real Estate Excise Tax I and Real Estate Excise Tax II
7 revenues are in addition to any other funds that are reasonably available to pay for new and
8 existing debt service for eligible capital projects.

9 Section ~~7~~⁹. The provisions of this ordinance are declared to be separate and severable. If
10 one or more of the provisions of this ordinance is declared by any court of competent jurisdiction
11 to be contrary to law, the provision shall be severed from the rest of the ordinance and all other
12 provisions shall remain valid.

1 Section 108. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by a 2/33/4 vote of all the members of the City Council the _____ day of
5 _____, 2016, and signed by me in open session in authentication of its
6 passage this _____ day of _____, 2016.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2016.

10 _____
11 Edward B. Murray, Mayor

12 Filed by me this _____ day of _____, 2016.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)

16 Attachments:

17 Attachment A – 2017 Appropriations by Budget Control Level

18 Attachment B – Position Modifications for the 2017 Budget