



CITY OF SEATTLE

City Council

Agenda

Revised

Tuesday, October 10, 2023

2:00 PM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Debora Juarez, Council President
Lisa Herbold, Member
Andrew J. Lewis, Member
Tammy J. Morales, Member
Teresa Mosqueda, Member
Sara Nelson, Member
Alex Pedersen, Member
Kshama Sawant, Member
Dan Strauss, Member

Chair Info: 206-684-8805; Debora.Juarez@seattle.gov

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October 10, 2023 - 2:00 PM

Meeting Location:

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

Committee Website:

<http://www.seattle.gov/council>

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at <http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to all Councilmembers at Council@seattle.gov

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATIONS

D. PUBLIC COMMENT

Members of the public may sign up to address the Council for up to 2 minutes on matters on this agenda; total time allotted to public comment at this meeting is 20 minutes.

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR:

Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.

[IRC 411](#)

October 10, 2023

Attachments: [Introduction and Referral Calendar](#)

F. APPROVAL OF THE AGENDA**G. APPROVAL OF CONSENT CALENDAR**

The Consent Calendar consists of routine items. A Councilmember may request that an item be removed from the Consent Calendar and placed on the regular agenda.

Journal:

1. [Min 445](#) September 26, 2023

Supporting Documents: [Minutes](#)

Bills:

2. [CB 120672](#) AN ORDINANCE appropriating money to pay certain claims for the week of September 18, 2023 through September 22, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.
3. [CB 120673](#) AN ORDINANCE appropriating money to pay certain claims for the week of September 25, 2023 through September 29, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.

Appointments:**PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE:**

4. [Appt 02656](#) Appointment of Philip J. Sanchez as member, Community Police Commission, for a term to December 31, 2025.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 5 - Herbold, Lewis, Mosqueda, Nelson, Pedersen

Opposed: None

Attachments: [Appointment Packet](#)

H. COMMITTEE REPORTS

Discussion and vote on Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF).

PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:

1. [CB 120644](#) AN ORDINANCE authorizing Seattle Parks and Recreation to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or U.S. Environmental Protection Agency to undertake work at the Duwamish Waterway Park site; and to seek and accept state Remedial Action Grants for cleanup work related to the site.

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 3 - Lewis, Mosqueda, Herbold

Opposed: None

Absent(NV): 1 - Juarez

Attachments: [Att A – Washington State Department of Ecology Agreed Order v2](#)

Supporting

Documents: [Summary and Fiscal Note](#)

[Summary Att A - Site Map](#)

LAND USE COMMITTEE:

2. [Res 32097](#) A RESOLUTION endorsing strategies to improve the movement of people and goods in Seattle’s industrial and maritime areas.
- The Committee recommends that City Council adopt as amended the Resolution (Res).**
- In Favor: 4 - Strauss, Morales, Nelson, Pedersen**
- Opposed: None**

Supporting Documents: [Summary and Fiscal Note](#)

PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE:

3. [CB 120669](#) AN ORDINANCE relating to funding from non-City sources; amending Ordinance 126725, which adopted the 2023 Budget, including the 2023-2028 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project allocations for certain projects in the 2023-2028 CIP; and ratifying and confirming certain prior acts.
- The Committee recommends that City Council pass the Council Bill (CB).**
- In Favor: 4 - Herbold, Mosqueda, Nelson, Pedersen**
- Opposed: None**
- Absent(NV): 1 - Lewis**

Supporting Documents: [Summary and Fiscal Note](#)

4. [Res 32112](#) A RESOLUTION affirming the City's good faith intent to consider raising in the collective bargaining process for the Seattle Police Management Association (SPMA) 2024 contract renewal police accountability proposals that have been identified by the public and the City's police oversight agencies.

The Committee recommends that City Council adopt the Resolution (Res).

In Favor: 5 - Herbold, Lewis, Mosqueda, Nelson, Pedersen

Opposed: None

Attachments: [Att 1 - OPA supplemental letter concerning a renewed Seattle Police Management Association Agreement](#)
[Att 2 – CPC Recommendations for City of Seattle's Collective Bargaining Agreement Negotiations with Seattle Police Management Association](#)
[Att 3 - OIG Input regarding Seattle Police Management Association Collective Bargaining Parameters](#)

Supporting

Documents: [Summary and Fiscal Note](#)

5. [Res 32111](#) A RESOLUTION declaring the City Council's and the Mayor's intent to recognize the seismic retrofit of unreinforced masonry buildings in compliance with the City's URM Retrofit Technical Standard.

The Committee recommends that City Council adopt the Resolution (Res).

In Favor: 5 - Herbold, Lewis, Mosqueda, Nelson, Pedersen

Opposed: None

Supporting

Documents: [Summary and Fiscal Note](#)

TRANSPORTATION AND SEATTLE PUBLIC UTILITIES COMMITTEE:

6. [CB 120661](#) AN ORDINANCE relating to Seattle Public Utilities; updating the Solid Waste Code to establish an administrative enforcement process using notices of violation; adding a new Section 21.36.921 to the Seattle Municipal Code; and amending Sections 21.36.420, 21.36.920, and 21.36.922 of the Seattle Municipal Code.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

Supporting Documents: [Summary and Fiscal Note](#)

I. ITEMS REMOVED FROM CONSENT CALENDAR

J. ADOPTION OF OTHER RESOLUTIONS

K. OTHER BUSINESS

L. ADJOURNMENT



Legislation Text

File #: IRC 411, Version: 1

October 10, 2023



Introduction and Referral Calendar

List of proposed Council Bills (CB), Resolutions (Res), Appointments (Appt) and Clerk Files (CF) to be introduced and referred to a City Council committee

Record No.	Title	Committee Referral
<u>By: Mosqueda</u>		
1. CB 120672	AN ORDINANCE appropriating money to pay certain claims for the week of September 18, 2023 through September 22, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.	City Council
<u>By: Mosqueda</u>		
2. CB 120673	AN ORDINANCE appropriating money to pay certain claims for the week of September 25, 2023 through September 29, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.	City Council
<u>By: Strauss</u>		
3. CB 120674	AN ORDINANCE relating to land use and zoning; amending Section 23.76.029 of the Seattle Municipal Code to allow applicants for or holders of certain Master Use Permits approved for issuance between March 1, 2020 and December 31, 2026 to have their Master Use Permits expire in six years; and making other minor amendments to the procedure for expiration and renewal of Master Use Permits.	Land Use Committee
<u>By: Strauss</u>		
4. CB 120675	AN ORDINANCE relating to land use and zoning; amending Section 23.50A.008 of the Seattle Municipal Code to modify the maximum size of use limit for medical services uses in the portion of the Duwamish Manufacturing Industrial Center (MIC) east of Airport Way S.	Land Use Committee
<u>By: Pedersen</u>		
5. CB 120601	AN ORDINANCE imposing an excise tax on the sale or exchange of certain capital assets in Seattle; adding a new Chapter 5.66 to the Seattle Municipal Code; and adding a new Section 5.45.050 to the Seattle Municipal Code.	Select Budget Committee
<u>By: Pedersen</u>		
6. CB 120602	AN ORDINANCE repealing the tax on gross income derived from the business of selling or furnishing water for hire to customers; amending Sections 5.48.050 and 5.48.060 of the Seattle Municipal Code.	Select Budget Committee



Legislation Text

File #: Min 445, **Version:** 1

September 26, 2023

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Tuesday, September 26, 2023

2:00 PM

Revised

Council Chamber, City Hall

600 4th Avenue

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City Council

Debora Juarez, Council President

Lisa Herbold, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Sara Nelson, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8805; Debora.Juarez@seattle.gov

A. CALL TO ORDER

The City Council of The City of Seattle met in the Council Chamber in City Hall in Seattle, Washington, on September 26, 2023, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President Juarez presiding.

B. ROLL CALL

Present: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

C. PRESENTATIONS

Deputy Mayor Tiffany Washington delivered Mayor Harrell's 2024 Budget Message to the City Council, and the written message was added to item 8, Clerk File 314525.

Councilmember Sawant presented a Proclamation declaring September 30, 2023 to be Paul Bigman Day for signature. The following Councilmembers affixed their signature to the Proclamation:

9 - Herbold, Juarez, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

By unanimous consent, the Council Rules were suspended to allow Councilmember Sawant to present the Proclamation, and to allow Rebecca Hansen and Jeff Engel to address the Council.

D. PUBLIC COMMENT

The following individuals addressed the Council:

- Howard Gale
- Megan Kruse
- John Feit
- Mara V'Angelo
- Micia Vergara
- Lilly Hayward
- Joe Kunzer
- Matthew Richter
- Kid Cobb
- Sally Bagshaw
- Daniel Park
- Claudia Lawrey
- Robert Rodriguez
- Gabriel Neuman
- Lisa Nitze
- Amelia Wood
- Jessica Lynes
- Julia Beabout
- Deane Sienega
- Hunter Motto
- Reza Marashi
- Nick Jackal
- Rebecca Sayre
- Knut Ringen
- Nicolahs Wilkens
- Anthony Peterson
- Wade Phillips
- Chet Baughman
- Lynne Behur
- Michael Alcantara
- Robert Gavino
- Noah An
- Joe Seamons
- Mariah Roberson
- Randy Myer

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR:

[IRC 410](#)

September 26, 2023

Motion was made, duly seconded and carried, to adopt the Introduction & Referral Calendar (IRC) by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

G. APPROVAL OF CONSENT CALENDAR

Item 11, Resolution 32110, was removed from the Consent Calendar.

Motion was made, duly seconded and carried, to adopt the Consent Calendar, with the exception of item 11, Resolution 32110.

Journal:

- 1. [Min 444](#) **September 19, 2023**

The item was adopted on the Consent Calendar by the following vote, and the President signed the Minutes:(Min):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

Bills:

- 2. [CB 120671](#) **AN ORDINANCE appropriating money to pay certain claims for the week of September 11, 2023 through September 15, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.**

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

GOVERNANCE, NATIVE COMMUNITIES, AND TRIBAL GOVERNMENTS COMMITTEE:

- 3. [CB 120665](#) **AN ORDINANCE amending Sections 5.24.020 and 5.24.030 of the Seattle Municipal Code (SMC) to adjust the thresholds upon which the City Council is briefed about settlement and claims matters in Executive Session; and amending SMC 5.24.020 to require twice-annual litigation briefings in Executive Session.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 3 - Juarez, Pedersen, Mosqueda

Opposed: None

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

FINANCE AND HOUSING COMMITTEE:

- 4. [CB 120659](#) **AN ORDINANCE relating to the transfer of City real property for housing development; declaring the property located at 6109 Phinney Avenue N (“Property”) surplus to the City’s needs; authorizing transfer of the Phinney Ridge Property to Homestead Community Land Trust or its designee; authorizing the Director of the Office of Housing or the Director’s designee to execute and deliver a contract for transfer of land, deed, and related documents; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 5 - Mosqueda, Herbold, Pedersen, Nelson, Lewis

Opposed: None

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 5. [CB 120660](#) **AN ORDINANCE relating to the transfer of City real property for housing development; transferring properties collectively known as “Sites 5-11” to selected developers or their designees; authorizing the Director of the Office of Housing or the Director’s designee to execute and deliver agreements for transfer of land, deeds, and related documents; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 5 - Mosqueda, Herbold, Pedersen, Nelson, Lewis

Opposed: None

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

LAND USE COMMITTEE:

- 6. [CB 120622](#) **AN ORDINANCE relating to vacant building monitoring and nuisance abatement; amending Sections 22.204.030 and 22.206.200 of the Seattle Municipal Code.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 4 - Strauss, Morales, Nelson, Pedersen

Opposed: None

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

7. [CB 120631](#) **AN ORDINANCE relating to land use and zoning; amending subsection 23.49.011.B of the Seattle Municipal Code to increase flexibility for lodging uses in the DMR/R 95/65 zone.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Strauss, Morales, Nelson, Pedersen

Opposed: None

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:

8. [CB 120629](#) **AN ORDINANCE relating to King County Conservation Futures Levy proceeds; authorizing the Mayor to enter into Amendment 1 to the Interlocal Cooperation Agreement between the King County and the City of Seattle for Conservation Futures-Funded Open Space Acquisition Projects; and authorizing the deposit of 2021, 2022 and 2023 allocations from King County Conservation Futures Levy proceeds into The City of Seattle’s Park and Recreation Fund.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Lewis, Mosqueda, Herbold

Opposed: None

Absent(NV): 1 - Juarez

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 9. [CB 120650](#) **AN ORDINANCE** relating to Seattle Parks and Recreation; authorizing the acquisition of real property at 6109 S Fountain St; authorizing acceptance of the deed for open space, park, and recreation purposes; and ratifying and confirming certain prior acts.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Lewis, Mosqueda, Herbold

Opposed: None

Absent(NV): 1 - Juarez

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

TRANSPORTATION AND SEATTLE PUBLIC UTILITIES COMMITTEE:

- 10. [CB 120642](#) **AN ORDINANCE** relating to street and sidewalk use; amending the Street Use Fee Schedule authorized by Section 15.04.074 of the Seattle Municipal Code.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

Resolutions:

GOVERNANCE, NATIVE COMMUNITIES, AND TRIBAL GOVERNMENTS COMMITTEE:

Appointments:**GOVERNANCE, NATIVE COMMUNITIES, AND TRIBAL GOVERNMENTS
COMMITTEE:**

12. [Appt 02657](#) Reappointment of Michael L. Reichert as member, Seattle Indian Services Commission, for a term to November 30, 2025.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Juarez, Pedersen, Mosqueda

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

13. [Appt 02658](#) Reappointment of Misha Y. Rodarte as member, Seattle Indian Services Commission, for a term to June 30, 2026.

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Juarez, Pedersen, Mosqueda

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

14. [Appt 02659](#) Appointment of Greg P. Ramirez as member, Labor Standards Advisory Commission, for a term to April 30, 2025.

The Committee recommends that City Council confirm as amended the Appointment (Appt).

In Favor: 3 - Juarez, Pedersen, Mosqueda

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:

15. [Appt 02660](#) **Reappointment of Phillip Meng as member, Board of Parks and Recreation Commissioners, for a term to August 31, 2026.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Lewis, Mosqueda, Herbold, Juarez

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

TRANSPORTATION AND SEATTLE PUBLIC UTILITIES COMMITTEE:

16. [Appt 02661](#) **Appointment of Herb Krohn as member, Seattle Freight Advisory Board, for a term to May 31, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 17. [Appt 02662](#) **Appointment of Erik Nielsen as member, Seattle Freight Advisory Board, for a term to May 31, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 18. [Appt 02663](#) **Appointment of Waylon Robert as member, Seattle Freight Advisory Board, for a term to May 31, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 19. [Appt 02664](#) **Reappointment of Eric Wright as member, Seattle Freight Advisory Board, for a term to May 31, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

20. [Appt 02665](#) **Appointment of Priyadharshini Balan as member, Seattle Transit Advisory Board, for a term to August 2, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

21. [Appt 02666](#) **Appointment of Zachary Burton as member, Seattle Transit Advisory Board, for a term to August 2, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

22. [Appt 02667](#) **Appointment of Dana Coppernoll-Houston as member, Seattle Transit Advisory Board, for a term to August 2, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

23. [Appt 02668](#) **Appointment of Carolyn Tillinger as member, Seattle Transit Advisory Board, for a term to August 2, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

24. [Appt 02669](#) **Reappointment of Yasir Alfarag as member, Seattle Bicycle Advisory Board, for a term to August 31, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

25. [Appt 02670](#) **Reappointment of Ty Bottorff as member, Seattle Bicycle Advisory Board, for a term to August 31, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

26. [Appt 02671](#) **Appointment of Amy Conroy as member, Seattle Bicycle Advisory Board, for a term to August 31, 2024.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 3 - Pedersen, Strauss, Morales
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
27. [Appt 02672](#) **Appointment of Diane C. Hetrick as member, Seattle Bicycle Advisory Board, for a term to August 31, 2025.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 3 - Pedersen, Strauss, Morales
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
28. [Appt 02673](#) **Reappointment of Douglas Migden as member, Seattle Bicycle Advisory Board, for a term to August 31, 2025.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 3 - Pedersen, Strauss, Morales
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
-

29. [Appt 02674](#) **Appointment of Nia Ransom as member, Seattle Bicycle Advisory Board, for a term to August 31, 2025.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 3 - Pedersen, Strauss, Morales
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
30. [Appt 02675](#) **Appointment of Desiree Krautkramer as member, Seattle Pedestrian Advisory Board, for a term to March 31, 2025.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 3 - Pedersen, Strauss, Morales
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
31. [Appt 02676](#) **Appointment of Ryan Baum as member, Seattle School Traffic Safety Committee, for a term to March 31, 2026.**
- The Committee recommends that City Council confirm the Appointment (Appt).**
In Favor: 3 - Pedersen, Strauss, Morales
Opposed: None
- The item was confirmed on the Consent Calendar by the following vote:**
- In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**
- Opposed: None**
-

32. [Appt 02677](#) **Appointment of Kelsey Rote as member, Seattle School traffic Safety Committee, for a term to March 31, 2026.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

33. [Appt 02678](#) **Reappointment of Daniel J. Kelly as member, Seattle Freight Advisory Board, for a term to May 31, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

LAND USE COMMITTEE:

34. [Appt 02574](#) **Appointment of Denise Perez Lally as member, Equitable Development Initiative Advisory Board, for a term to February 28, 2025.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Strauss, Morales, Nelson, Pedersen

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 35. [Appt 02575](#) **Reappointment of Evelyn Thomas Allen as member, Equitable Development Initiative Advisory Board, for a term to February 28, 2026.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Strauss, Morales, Nelson, Pedersen

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 36. [Appt 02631](#) **Appointment of Nathan Collins as member, Urban Forestry Commission, for a term to March 31, 2026.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Strauss, Morales, Nelson, Pedersen

Opposed: None

The item was confirmed on the Consent Calendar by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

H. COMMITTEE REPORTS

PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:

- 1. [Appt 02635](#) **Appointment of Marshall Foster as Director, Seattle Center, for a term to September 1, 2027.**

The Committee recommends that City Council confirm the Appointment (Appt).

In Favor: 4 - Lewis, Mosqueda, Herbold, Juarez

Opposed: None

The Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

The Council President invited Marshall Foster to address the Council.

2. [CB 120644](#) **AN ORDINANCE authorizing Seattle Parks and Recreation to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or U.S. Environmental Protection Agency to undertake work at the Duwamish Waterway Park site; and to seek and accept state Remedial Action Grants for cleanup work related to the site.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 3 - Lewis, Mosqueda, Herbold

Opposed: None

Absent(NV): 1 - Juarez

Motion was made and duly seconded to postpone Council Bill 120644 to the October 10, 2023 City Council meeting.

The Motion carried, and the Council Bill (CB) was postponed until October 10, 2023 by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

3. [CB 120648](#) **AN ORDINANCE relating to Seattle Parks and Recreation; authorizing the acquisition of real property commonly known as 9200 18th Ave SW; authorizing acceptance of a recording of the deed for open space, park, and recreation purposes; amending Ordinance 126725, which adopted the 2023 Budget, including the 2023-2028 Capital Improvement Program; changing appropriations to various departments and budget control levels, and from various funds in the Budget; making an appropriation from the Park and Recreation Fund for acquisition and related costs; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 3 - Lewis, Mosqueda, Herbold

Opposed: None

Absent(NV): 1 - Juarez

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

4. [CB 120664](#) **AN ORDINANCE relating to Seattle Parks and Recreation; authorizing an Operations and Management Agreement between The City of Seattle, a Washington State municipal corporation, by and through Seattle Parks and Recreation, and the Downtown Business Improvement Association, a Washington State nonprofit corporation, to enter into an operation and management agreement for activation and programming services at Bell St. Park, Occidental Square, Pioneer Square and Westlake Park; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 4 - Lewis, Mosqueda, Herbold, Juarez

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

- 5. [CB 120667](#) **AN ORDINANCE relating to Seattle Parks and Recreation; authorizing the Second Amendment to the Easement Agreement; authorizing acceptance of a recording of the Second Amendment to the Easement Agreement; and ratifying and confirming certain prior acts.**

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Lewis, Mosqueda, Herbold

Opposed: None

Absent(NV): 1 - Juarez

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

CITY COUNCIL:

- 6. [CB 120663](#) **AN ORDINANCE relating to the Department of Finance and Administrative Services; authorizing the Director of the Department of Finance and Administrative Services or the Director’s designee to negotiate and execute a real property lease with PTL Property Limited Partnership, on behalf of the Seattle Fire Department; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 120663.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

7. [CB 120666](#) **AN ORDINANCE relating to the Seattle Department of Transportation; authorizing the Director of Transportation to enter into a lease agreement on behalf of the City of Seattle with the Cultural Space Agency, a city-chartered Public Development Authority, for its use and occupancy of a portion of King Street Station; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 120666.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

8. [CF 314525](#) **Mayor Bruce Harrell's Budget Address on the 2024 Proposed Budget Adjustments.**

Motion was made and duly seconded to accept and file Clerk File 314525.

The Motion carried, and the Clerk File (CF) was accepted and placed on file by the following vote:

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

LAND USE COMMITTEE:

9. [CB 120632](#) **AN ORDINANCE relating to land use and zoning; amending the Official Land Use Map (Chapter 23.32 of the Seattle Municipal Code) to rezone certain land in the Downtown Retail Core; and amending Sections 23.49.008 and 23.49.058 of the Seattle Municipal Code to increase housing capacity and downtown activation.**

The Committee recommends that City Council pass as amended the Council Bill (CB).

In Favor: 3 - Strauss, Mosqueda, Nelson

Opposed: 2 - Morales, Pedersen

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 6 - Juarez, Herbold, Lewis, Mosqueda, Nelson, Sawant

Opposed: 3 - Morales, Pedersen, Strauss

By unanimous consent, item 11, Resolution 32113, was considered out of order and as the next Agenda item.

J. ADOPTION OF OTHER RESOLUTIONS

11. [Res 32113](#) A RESOLUTION endorsing the Philippine Human Rights Act.

Motion made and duly seconded to adopt Resolution 32113.

The Motion carried, the Resolution (Res) was adopted by the following vote, and the President signed the Resolution (Res):

In Favor: 7 - Juarez, Herbold, Lewis, Morales, Mosqueda, Sawant, Strauss

Opposed: None

Abstain: 2 - Nelson, Pedersen

TRANSPORTATION AND SEATTLE PUBLIC UTILITIES COMMITTEE:

10. [CB 120657](#) AN ORDINANCE relating to rates and charges for water services of Seattle Public Utilities; revising water rates and charges, and credits to low-income customers; and amending Sections 21.04.430, 21.04.440, and 21.76.040 of the Seattle Municipal Code.

The Committee recommends that City Council pass the Council Bill (CB).

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):

In Favor: 9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

I. ITEMS REMOVED FROM CONSENT CALENDAR

11. [Res 32110](#) **A RESOLUTION establishing the City’s continuing support to advance a public-private partnership through future agreements between The City of Seattle, Seattle Public Schools, and the One Roof Partnership; and addressing funding needs to develop a new world-class Memorial Stadium serving students, youth, and the community and that is transformative for Seattle Center.**

The Committee recommends that City Council adopt the Resolution (Res).

In Favor: 3 - Juarez, Pedersen, Mosqueda

Opposed: None

The Resolution (Res) was adopted by the following vote, and the President signed the Resolution (Res):

In Favor: 8 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Strauss

Opposed: 1 - Sawant

K. OTHER BUSINESS

Council President Juarez presented a Proclamation declaring October 9, as Indigenous Peoples' Day for signature. The following Councilmembers affixed their signature to the Proclamation:

9 - Juarez, Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 4:31 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on October 10, 2023.

Debora Juarez, Council President of the City Council

Scheereen Dedman, City Clerk



Legislation Text

File #: CB 120672, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain claims for the week of September 18, 2023 through September 22, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Payment of the sum of \$20,424,073.90 on PeopleSoft 9.2 mechanical warrants numbered 4100735327 - 4100738373 plus manual or cancellation issues for claims, e-payables of \$43,464.52 on PeopleSoft 9.2 9100013743 - 9100013759 and electronic financial transactions (EFT) in the amount of \$88,415,462.46 are presented to the City Council under RCW 42.24.180 and approved consistent with remaining appropriations in the current Budget as amended.

Section 2. RCW 35.32A.090(1) states, “There shall be no orders, authorizations, allowances, contracts or payments made or attempted to be made in excess of the expenditure allowances authorized in the final budget as adopted or modified as provided in this chapter, and any such attempted excess expenditure shall be void and shall never be the foundation of a claim against the city.”

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is ratified and confirmed.

Section 4. 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 10th day of October, 2023, and signed by me in open session in authentication of its passage this 10th day of October, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)



Legislation Text

File #: CB 120673, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain claims for the week of September 25, 2023 through September 29, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Payment of the sum of \$22,259,827.72 on PeopleSoft 9.2 mechanical warrants numbered 4100738374 - 4100740795 plus manual or cancellation issues for claims, e-payables of \$47,023.43 on PeopleSoft 9.2 9100013760 - 9100013780, and electronic financial transactions (EFT) in the amount of \$88,738,772.35 are presented to the City Council under RCW 42.24.180 and approved consistent with remaining appropriations in the current Budget as amended.

Section 2. Payment of the sum of \$57,043,357.05 on City General Salary Fund mechanical warrants numbered 51390810 - 51391510 plus manual warrants, agencies warrants, and direct deposits numbered 400001 - 402979 representing Gross Payrolls for payroll ending date September 26, 2023, as detailed in the Payroll Summary Report for claims against the City that were reported to the City Council October 05, 2023, is approved consistent with remaining appropriations in the current budget as amended.

Section 3. RCW 35.32A.090(1) states, “There shall be no orders, authorizations, allowances, contracts or payments made or attempted to be made in excess of the expenditure allowances authorized in the final budget as adopted or modified as provided in this chapter, and any such attempted excess expenditure shall be void and shall never be the foundation of a claim against the city.”

Section 4. Any act consistent with the authority of this ordinance taken prior to its effective date is

ratified and confirmed.

Section 5. 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 10th day of October, 2023, and signed by me in open session in authentication of its passage this 10th day of October, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)



Legislation Text

File #: Appt 02656, **Version:** 1

Appointment of Philip J. Sanchez as member, Community Police Commission, for a term to December 31, 2025.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

Appointee Name: <i>Philip J. Sanchez</i>		
Board/Commission Name: <i>Community Police Commission</i>		Position Title: <i>Member</i>
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment		Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Appointing Authority: <input type="checkbox"/> Council <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other: <i>Community Police Commission</i>	Date Appointed: <i>7/14/2023</i>	Term of Position: * <i>1/1/2023</i> to <i>12/31/2025</i> <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
Residential Neighborhood: <i>Southeast Redmond</i>	Zip Code: <i>98052</i>	Contact Phone No.: [REDACTED]
Background: <i>Philip Sanchez is a Senior Deputy Prosecuting Attorney for King County. He has served as a prosecutor for more than 15 years handling a wide range of criminal cases with a focus on special assault, domestic violence, and economic crimes. Throughout his career, he has had the honor and privilege of serving victims and their families across a large spectrum of diverse communities within the King County region. Having developed trusted relationships with law enforcement and members of various communities has allowed him to better understand the challenges of policing, cultural and community hurdles, and the value of collaboration. It is through this lens which Philip hopes to continue to serve the public and law enforcement community in restoring transparency, public confidence, and accountability.</i>		
Authorizing Signature (original signature): <i>Joel C. Merkel, Jr.</i>	Appointing Signatory: <i>Joel C. Merkel</i> <i>Community Police Commission Co-Chair</i>	
Authorizing Signature (original signature): <i>Patricia Hunter</i>	Appointing Signatory: <i>Reverend Patricia Hunter</i> <i>Community Police Commission Co-Chair</i>	

*Term begin and end date is fixed and tied to the position and not appointment date.

PHILIP J. SANCHEZ
SENIOR PROSECUTING ATTORNEY | SEATTLE, WA



EXPERIENCE:

KING COUNTY PROSECUTING ATTORNEY'S OFFICE | SEATTLE, WA

- **Senior Deputy Prosecutor – Economic Crimes Unit** *November 2021 – Present*
 - Responsible for review and managements of more than 200 complex fraud referrals spanning theft investigations involving embezzlement, theft by deception, identity theft, theft of access devices, major retail theft, organized retail theft, and other fraudulent electronic financial schemes.
 - Routinely leads, advise, and consults with investigating law enforcement agencies and agents in performing best practices, proper seizure of evidence, search warrant review, and interview techniques.
 - Drafting of Motions, Discovery Review, Search Warrants, Appellate Briefs, Decline Memorandums, and other Court documents filed in Superior Court.
 - Routine Court appearances handling Motions, Bond, Arraignment, Omnibus, and Case Setting hearings.

- **Senior Prosecutor & Supervising Attorney – Juvenile Division** *March 2018 – October 2021*
 - Assists in overseeing the work, training, and development of Juvenile Division attorneys and implementing solutions to employee relations issues.
 - A focus in conducting investigations and interviews of victims/witnesses of sexual assault, criminal charging decisions, and plea negotiations for all juvenile sex related offenses within King County.
 - Building trusted relationships within a labyrinth of victim advocacy groups, medical providers, State agencies, and other regional stakeholders to improve systematic responses and practices.
 - Developed and managed a case management system providing real time updates with key partners to improve work efficiency and transparency.
 - Provider of legal advice to multiple county agencies, law enforcement departments, and other statewide prosecuting attorney offices.
 - 2019 panel speaker at the Juvenile Detention Initiative Alternative National Conference and supporter of alternative solutions to traditional outcomes resulting in unjust sentences for both juveniles, their victims, and community.

- **Early Plea Negotiating Attorney – Felony Trial Unit** *May 2017 - February 2018*
 - Successfully managed and negotiated favorable plea bargains with a caseload of nearly 200 in a fast-paced environment.
 - Responsible for case development and orchestrated investigations with State and Federal law enforcement agencies.

- Assisted in developing the King County Prosecutor's Office practices and responses to youthful offender cases, racial disproportionality, and social equities.

- **Trial Attorney - Juvenile Division** *February 2016 - April 2017*
 - Investigator and lead trial attorney in handling serious violent and sexual offenses.
 - Considerable discretion in making critical charging decisions of complex cases.
 - Partner and supporter of community-based organizations providing alternatives to juvenile rehabilitation, detention, and juvenile justice reform.

- **Appellate Attorney - Appellate Unit** *Sept. 2015 - January 2016*
 - Authored briefs on behalf of the State of Washington in the Division I Court of Appeals to ensure felony convictions were upheld on appeal.
 - Advised attorneys on a broad range of challenging legal issues arising at the trial level.
 - Performed legal research and writing, analysis, and evaluation of arguments raised on appeals.

- **Trial Attorney – Special Assault Unit** *Nov. 2013 - August 2015*
 - Prepared and litigated criminal cases involving physical abuse of a child, sexual assault, rape, child rape, harassment, sexual exploitation of minors, and media matters.
 - Developed trust and rapport with victims and advocacy groups yielding successful litigation results.
 - Led investigations with State and Federal Task Forces, including FBI, involving crimes of sex trafficking of minors and child abuse images.

- **Trial Attorney – Domestic Violence Unit** *June 2012 - October 2013*
 - Handled cases involving repeat offenders facing significant sentences for violent offenses.
 - Litigated an Attempted Murder in the Second Degree case with a favorable guilty plea.
 - Collaborated with victim advocacy groups to provide victim trauma trainings to in house prosecutors.

- **Trial Attorney – Violent Crimes Unit** *October 2011- May 2012*
 - Evaluated, charged, negotiated, and litigated cases involving violent assault, robberies, harassment, and high value property crimes.

- **Special Grant Attorney – Special Assault Unit** *Sept. 2010 – Sept. 2011*
 - Prosecuted and investigated failure to register as sex offender cases while drafting potential legislative changes to registration requirements.

- **Trial Attorney – Domestic Violence Unit** *June 2009 - August 2010*
 - Litigated misdemeanor cases of domestic assault, harassment, cyberstalking, and protection orders in both jury and bench trials.

- **Criminal Trial Attorney – District Court Unit** *Sept. 2008 - May 2009*
 - Screened and prosecuted gross misdemeanor criminal cases in King County.

- Handled appeals to the Superior Court from convictions in District Court.

UNIVERSITY OF IDAHO – MOSCOW, ID

- *Judicial Administrative Officer* *Sept. 2007 - May 2008*

KING COUNTY PROSECUTOR’S OFFICE – SEATTLE, WA

- *Rule 9 Legal Intern* *May 2007 - July 2007*

HONORABLE KING COUNTY SUPERIOR COURT JUDGE DEAN LUM – SEATTLE, WA

- *Legal Intern* *June 2006 - August 2006*

EDUCATION / MEMBERSHIPS

UNIVERSITY OF IDAHO SCHOOL OF LAW - MOSCOW, ID

- *Juris Doctor (JD)* *August 2005 - May 2008*
- **Activities and societies:** Student Bar Association, Multicultural Law Caucus, & Legal Clinic

UNIVERSITY OF WASHINGTON - SEATTLE, WA

- *Bachelor of Arts Degree - Major in Communications* *Sept. 2001 – Dec. 2005*
- *2005 School of Communications Public Speaking Competition Participant as nominated by peers and faculty.*

WASHINGTON STATE BAR ASSOCIATION

May 2009 – Present

ARIZONA STATE BAR ASSOCIATION

August 2021 - Present

WSBA CRIMINAL LAW SECTION EXECUTIVE COMMITTEE

Jan. 2017 – Jan. 2020

JAPANESE AMERICAN CITIZENS LEAGUE – SEATTLE, WA

- Volunteer and guest presenter for 2018 Social Equity and Justice Seminar

CHOOSE 180 PANEL SPEAKER

Feb. 2016 - April 2017

MEDIA CASES:

[Opening statements in multiple-rape and robbery case | The Seattle Times](#)

['Never Going Back!' Releasing Inmates During a Pandemic - YouTube](#)

[Teen suspect in Renton rape may be charged as an adult | Renton Reporter](#)

[Bellevue Dentist Charged With Rape, Sexual Misconduct | Mercer Island, WA Patch](#)

[Kirkland massage therapist charged with rape | Kirkland Reporter](#)

Community Police Commission

21 Members: Pursuant to 125315, all members subject to City Council confirmation, 3

- 7 City Council-appointed
- 7 Mayor-appointed
- 7 Other Appointing Authority-appointed (specify):

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
	F		1.	Member	Lars Erickson	1/1/23	12/31/25	1	Mayor
			2.	Member	Patricia L. Hunter	1/1/21	12/31/23	1	City Council
			3.	Public Defense	Adrien Leavitt	1/1/21	12/31/23	1	CPC
2	F		4.	Member	Suzette Dickerson	1/1/21	12/31/23	2	Mayor
			5.	Member	Vacant	1/1/21	12/31/23		City Council
			6.	Civil Liberties	Lynne Wilson	1/1/21	12/31/23	1	CPC
	F		7.	Member	Raven Nicole Tyler	1/1/22	12/31/24	1	Mayor
			8.	Member	Mary Ruffin	1/1/22	12/31/24	1	City Council
4	M		9.	Member	Vacant	1/1/20	12/31/22		CPC
2	F		10.	Member	Harriett Walden	1/1/19	12/31/21	3	Mayor
			11.	Member	Joel Merkel	1/1/22	12/31/24	1	City Council
7	M		12.	Member	Philip Sanchez	1/1/23	12/31/25	1	CPC
9	F		13.	Member	Vacant	1/1/22	12/31/24		Mayor
			14.	Member	Le'Jayah Washington	1/1/22	12/31/24	2	City Council
2	M		15.	SPOG	Mark Mullens	1/1/23	12/31/25	3	CPC
			16.	Member	Vacant	1/1/20	12/31/22		Mayor
3	NB	3	17.	Member	Vacant	1/1/23	12/31/25	2	City Council
			18.	SPMA	Anthony Gaedcke	1/1/23	12/31/25	1	CPC
			19.	Member	Jeremy Wood	1/1/22	12/31/23	1	Mayor
			20.	Member	Tascha R. Johnson	1/1/23	12/31/25	2	City Council
2	F		21.	Member	Erica Newman	1/1/23	12/31/25	2	CPC

SELF-IDENTIFIED DIVERSITY CHART

(1) (2) (3) (4) (5) (6) (7) (8) (9)

	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor		5				2		2					2
Council	1	1	1			2	1						1
Other	4	2			1	2			1	1	1		
Total	5	9	1		1	6	1	2	1	1	1		3

Key:

***D** List the corresponding *Diversity Chart* number (1 through 9)

****G** List *gender*, **M**= Male, **F**= Female, **T**= Transgender, **NB**= Non-Binary **O**= Other **U**= Unknown

RD Residential Council District number 1 through 7 or N/A

Diversity information is self-identified and is voluntary.



Legislation Text

File #: CB 120644, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE authorizing Seattle Parks and Recreation to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or U.S. Environmental Protection Agency to undertake work at the Duwamish Waterway Park site; and to seek and accept state Remedial Action Grants for cleanup work related to the site.

WHEREAS, the Duwamish Waterway Park is a City of Seattle public park; and

WHEREAS, on October 19, 2022, The City of Seattle was named a Potentially Liable Person for the release of hazardous substances to the Duwamish Waterway Park property under the Washington State Model Toxics Control Act (MTCA) chapter 70.105D RCW by the Washington State Department of Ecology (Ecology); and

WHEREAS, The City of Seattle, as a public agency, is eligible for and may apply for state grants under the authority of the MTCA, to pay for up to 50 percent of the cleanup costs for additional environmental investigations and remediation work associated with the Duwamish Waterway Park site; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Parks and Recreation is authorized to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or the United States Environmental Protection Agency to undertake work at the Duwamish Waterway Park site.

Section 2. Seattle Parks and Recreation is authorized to seek and accept Remedial Action Grants from the Washington State Department of Ecology or other organizations for work related to the cleanup of the

Duwamish Waterway Park site.

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 _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

Attachments:
Attachment A - Washington State Department of Ecology Agreed Order

State of Washington
Department of Ecology

In the Matter of Remedial Action by:
The City of Seattle
Agreed Order
No. DE 21443

To: Christopher Williams
Interim Superintendent of Parks and Recreation
The City of Seattle
100 Dexter Ave N
Seattle, WA 98109

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4. Definitions	2
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Exhibit A Location Diagram

Exhibit B Scope of Work and Schedule of Deliverables

1. Introduction

The mutual objective of the State of Washington, Department of Ecology (Ecology) and the City of Seattle under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires the City of Seattle to conduct a Remedial Investigation (RI) and Feasibility Study (FS) per WAC 173-340-350 and to develop a draft Cleanup Action Plan (DCAP) per WAC 173-340-350 through 173-340-380 addressing contamination at the Site. Ecology believes the actions required by this Order are in the public interest.

2. Jurisdiction

This Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70A.305.050(1).

3. Parties Bound

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each Party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such Party to comply with this Order. The City of Seattle agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter the City of Seattle's responsibility under this Order. The City of Seattle shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

4. Definitions

Unless otherwise specified herein, the definitions set forth in RCW 70A.305, WAC 173-204 and WAC 173-340 shall control the meanings of the terms in this Order.

4.1 Site

The Site is referred to as Duwamish Waterway Park. The Site constitutes a facility under RCW 70A.305.020(8). The Site is defined by where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located. Based upon factors currently known to Ecology, the Site is generally located in the vicinity of 7900 10th Ave S, Seattle, Washington as shown in the Location Diagram (Exhibit A).

4.2 Parties

Refers to the State of Washington, Department of Ecology and the City of Seattle.

4.3 Potentially Liable Persons (PLP(s))

Refers to the City of Seattle.

4.4 Agreed Order or Order

Refers to this Order and each of the exhibits to this Order. All exhibits are integral and enforceable parts of this Order.

4.5 Park

The area currently operated by the City of Seattle as Duwamish Waterway Park.

4.6 Park Addition

The area purchased by the City of Seattle and planned for park expansion.

5. Findings of Fact

Ecology makes the following findings of fact, without any express or implied admissions of such facts by the City of Seattle:

5.1

Based upon factors currently known to Ecology, the Site is generally located in the vicinity of 7900 10th Ave S, Seattle, Washington as shown in the Location Diagram (Exhibit A). The Ecology Facility Site ID is 49919 and the Cleanup Site ID is 15139. The real property owned by the PLPs can be divided into two main units, based on current property use: the Park and the Park Addition.

The Park unit consists of two City of Seattle parcels, King County Tax Parcel numbers 7327901195 and 7327902355. The total area of the park is approximately 1.75 acres.

The Park Addition includes property adjacent to the Park to the southeast, King County Tax Parcel numbers 7327901215 and 3224049002. The area of the addition is approximately 1 acre. The Park Addition is currently leased to a commercial sanitation business. The City of Seattle indicates that it is planned for future expansion of the park.

5.2

The City of Seattle Department of Parks and Recreation has operated a park in this location since 1975. Prior to 1975, the Park area was primarily residential with some possible agricultural use. The Park can be generally divided into three areas: the Central Meadow, the Northeast Meadow, and the Beach. In 1989, the Northeast Meadow area was added to the Park. It was previously a single-family residence. There is also a play

area with playground equipment located adjacent to the Central Meadow area in the southeast corner of the Park. Park amenities include a walking trail, playground, picnic tables, and access to the Lower Duwamish Waterway. In 2019, the City of Seattle purchased the Park property from King County.

Historically, and currently, the Park Addition has been occupied by commercial businesses. Prior to 1970, the area was primarily residential with some possible agricultural use. From 1970 to 2002, Long Painting operated a commercial painting company on the site. From 2003 to 2021, Tytanic LLC and Elm Grove LLC used the site for various commercial and industrial activities. The Park Addition was purchased by the City of Seattle in 2021 from Elm Grove LLC, with the intent of expanding the park into this area in the future. The current occupant of the property is United Site Services, Inc., a portable sanitation supply business, who uses the property for office space, equipment and vehicle storage, and some equipment maintenance. United Services has occupied the property prior to the City's ownership.

5.3

Ecology received reports of contamination in the Park and Park Addition in 2020 and 2021, respectively. Based on the initial reports, Ecology identified this as two separate cleanup sites, but these were later combined into one site under CSID 15139. The Park site entered the Voluntary Cleanup Program (VCP) in July 2020 under VCP Project Number NW3279. Ecology issued an opinion letter in October 2021. In September 2022, Ecology terminated the VCP project and began moving the site into the formal cleanup process. In October 2022, Ecology completed a Site Hazard Assessment (SHA) for the Park and Park Addition combined. The site was assigned an overall rank of 2 in the SHA.

5.4

Shallow soil samples were collected from the Park in 2014, 2019, and 2020. The results of the sampling indicated areas of elevated soil concentrations of arsenic, lead, and cPAHs.

Leidos, on behalf of Ecology, sampled the area in the northeast portion of the Park along the bank of the Lower Duwamish Waterway in 2021. Soil samples from this area were analyzed for PCBs, metals, petroleum, cPAHs, semivolatile organic compounds, and total organic carbon. Chemicals that exceeded various screening levels for protection of sediments and human health included arsenic, copper, lead, selenium, zinc, and cPAHs.

The City of Seattle sampled the Beach area of the Park in October 2021. cPAHs, bis (2-ethylhexyl) phthalate, hexachlorobenzene, arsenic, copper, and lead were present in these samples above the applicable screening levels.

Groundwater sampling has not been included in any of the Site investigations to date.

Under an independent remedial action, the City excavated and removed contaminated soil from the Site beginning in October 2020 in conjunction with Park upgrades. Upgrades included installation of additional picnic tables and benches including the hard surfaces below them, installation of a playground, importing clean fill to prepare lawn areas in the Central and Northeast Meadow areas for seeding grass, installation of new water service and irrigation lines, and installation of a stormwater drainpipe and infiltration trench. The excavation area was mostly in the Northwest Meadow area of the Park. Confirmation samples were collected from all areas where excavation had occurred prior to filling the excavation areas with clean imported fill soil. Soil samples were also collected from within the utility trench and water line excavation areas that were part of the Park upgrades. Arsenic and lead were each present above screening levels in confirmation samples collected.

5.5

Eco Compliance Corporation completed a Phase II Environmental Site Assessment in 2021 for the Park Addition. This report included limited sampling, focused on soil characterization in areas where dredged material from the Lower Duwamish Waterway may have been placed. Samples were analyzed for a variety of contaminants, including metals, carcinogenic PAHs (cPAHs), polychlorinated biphenyls (PCBs), and petroleum. Arsenic and cPAHs were present above the screening levels.

6. Ecology Determinations

Ecology makes the following determinations, without any express or implied admissions of such determinations (and underlying facts) by the City of Seattle.

6.1

The City of Seattle is an “owner or operator” as defined in RCW 70A.305.020(22) of a “facility” as defined in RCW 70A.305.020(8).

6.2

Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70A.305.020(32), (13), respectively, has occurred at the Site.

6.3

Based upon credible evidence, Ecology issued a PLP status letter to the City of Seattle dated September 1, 2022, pursuant to RCW 70A.305.040, .020(26), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that the City of Seattle is a PLP under RCW

70A.305.040 and notified the City of Seattle of this determination by letter dated October 19, 2022.

6.4

Pursuant to RCW 70A.305.030(1), .050(1), Ecology may require PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

7. Work to be Performed

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the City of Seattle take the following remedial actions at the Site. These remedial actions must be conducted in accordance with WAC 173-340 and 173-204:

7.1

The City of Seattle shall prepare and implement a Work Plan to conduct a Remedial Investigation (RI) and Feasibility Study (FS), and then prepare a preliminary draft Cleanup Action Plan (DCAP) for the Site in accordance with the Scope of Work and Schedule of Deliverables (Exhibit B), and all other requirements of this Order. The following naming conventions shall be used for applicable documents: Agency Review Draft (designation for the first time Ecology receives a document); Public Review Draft (designates a document ready for public comment); Final (designation for a document after public comment and/or after Ecology approval); and the preliminary Draft Cleanup Action Plan (designation for the PLPs' version of the DCAP).

7.2

If the City of Seattle learns of a significant change in conditions at the Site, including but not limited to a statistically significant increase in contaminant and/or chemical concentrations in any media, the City of Seattle, within seven (7) days of learning of the change in condition, shall notify Ecology in writing of said change and provide Ecology with any reports or records (including laboratory analyses, sampling results) relating to the change in conditions.

7.3

The City of Seattle shall submit to Ecology written monthly Progress Reports that describe the actions taken during the previous month to implement the requirements of this Order. All Progress Reports shall be submitted by the tenth (10th) day of the month in which they are due after the effective date of this Order. Unless otherwise specified by

Ecology, Progress Reports and any other documents submitted pursuant to this Order shall be sent electronically, by email, to Ecology's project coordinator. The Progress Reports shall include the following:

7.3.1

A list of on-site activities that have taken place during the previous month.

7.3.2

Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests.

7.3.3

Description of all deviations from the Scope of Work and Schedule (Exhibit B) during the current month and any planned deviations in the upcoming month.

7.3.4

For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule.

7.3.5

All raw data (including laboratory analyses) received during the previous quarter (if not previously submitted to Ecology), together with a detailed description of the underlying samples collected.

7.3.6

A list of deliverables for the upcoming month.

7.4

All plans or other deliverables submitted by the City of Seattle for Ecology's review and approval under the Scope of Work and Schedule (Exhibit B) shall, upon Ecology's approval, become integral and enforceable parts of this Order. The City of Seattle shall take any action required by such deliverable.

7.5

Under WAC 173-340-430, an interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance, that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed, or that is needed to provide for completion of a site hazard assessment, remedial investigation/feasibility study, or design of a cleanup action plan. Any Party may propose an interim action under this Order. If the

Parties are in agreement concerning the interim action, the City of Seattle shall prepare and submit to Ecology an Interim Action Work Plan, including a scope of work and schedule, by the date determined by Ecology. Ecology will provide public notice and opportunity to comment on the Interim Action Work Plan in accordance with WAC 173-340-600(16). The City of Seattle shall not conduct the interim action until Ecology approves the Interim Action Work Plan. Upon approval by Ecology, the Interim Action Work Plan becomes an integral and enforceable part of this Order, and the City of Seattle is required to conduct the interim action in accordance with the approved Interim Action Work Plan. If the Parties are not in agreement, Ecology reserves its authority to require interim action(s) under a separate order or other enforcement action under RCW 70A.305, or to undertake the interim action itself.

7.6

If Ecology determines that the City of Seattle has failed to make sufficient progress or failed to implement the remedial action, in whole or in part, Ecology may, after notice to the City of Seattle, perform any or all portions of the remedial action or at Ecology's discretion allow the City of Seattle opportunity to correct. In an emergency, Ecology is not required to provide notice to the City of Seattle, or an opportunity for dispute resolution. The City of Seattle shall reimburse Ecology for the costs of doing such work in accordance with Section 8.1 (Payment of Remedial Action Costs). Ecology reserves the right to enforce requirements of this Order under Section 10 (Enforcement).

7.7

Except where necessary to abate an emergency situation or where required by law, the City of Seattle shall not perform any remedial actions at the Site outside those remedial actions required by this Order to address the contamination that is the subject of this Order, unless Ecology concurs, in writing, with such additional remedial actions pursuant to Section 8.11 (Amendment of Order). In the event of an emergency, or where actions are taken as required by law, the City of Seattle must notify Ecology in writing of the event and remedial action(s) planned or taken as soon as practical but no later than within twenty-four (24) hours of the discovery of the event.

8. Terms and Conditions

8.1 Payment of Remedial Action Costs

The City of Seattle shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under RCW 70A.305, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order.

Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173 340 550(2). Ecology has accumulated \$57,732.42 in remedial action costs related to this Site as of 12/31/2022. For all Ecology costs incurred, the City of Seattle shall pay the required amount within thirty (30) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70A.305.060, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

8.2 Designated Project Coordinators

The project coordinator for Ecology is:

David Butler
PO Box 330316
Shoreline, WA 98133-9716
206-518-3513
david.butler@ecy.wa.gov

The project coordinator for the City of Seattle is:

Scott Stevens
300 Elliott Avenue West, Suite 100
Seattle, WA 98119
206-615-0865
scott.stevens@seattle.gov

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and the City of Seattle, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Any Party may change its respective project coordinator. Written notification shall be given to the other Party at least ten (10) calendar days prior to the change.

8.3 Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist or hydrogeologist licensed by the State of Washington or under the direct supervision of an engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43 and 18.220.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrogeologic, or engineering work shall be under the seal of an appropriately licensed professional as required by RCW 18.43 and 18.220.

The City of Seattle shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s), subcontractor(s), and other key personnel to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

8.4 Access

Ecology or any Ecology authorized representative shall have access to enter and freely move about all property at the Site that the City of Seattle either owns, controls, or has access rights to at all reasonable times for the purposes of, inter alia: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the City of Seattle's progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the City of Seattle. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by the City of Seattle unless an emergency prevents such notice. All persons who access the Site pursuant to this section shall comply with any applicable health and safety plan(s). Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access.

The City of Seattle shall make best efforts to secure access rights for those properties within the Site not owned or controlled by the City of Seattle where remedial activities or investigations will be performed pursuant to this Order. As used in this Section, “best efforts” means the efforts that a reasonable person in the position of the City of Seattle would use so as to achieve the goal in a timely manner, including the cost of employing professional assistance and the payment of reasonable sums of money to secure access and/or use restriction agreements, as required by this Section. If, within 60 days after the effective date of this Order, the City of Seattle is unable to accomplish what is required through “best efforts,” they shall notify Ecology, and include a description of the steps taken to comply with the requirements. If Ecology deems it appropriate, it may assist the City of Seattle, or take independent action, in obtaining such access and/or use restrictions. Ecology reserves the right to seek payment from the City of Seattle for all costs, including cost of attorneys’ time, incurred by Ecology in obtaining such access or agreements to restrict land, water, or other resource use.

8.5 Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, the City of Seattle shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section 7 (Work to be Performed), Ecology’s Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal.

If requested by Ecology, the City of Seattle shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the City of Seattle pursuant to implementation of this Order. The City of Seattle shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow the City of Seattle and/or its authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology’s sampling. Without limitation on Ecology’s rights under Section 8.4 (Access), Ecology shall notify the City of Seattle prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under WAC 173-50 for the specific analyses to be conducted, unless otherwise approved by Ecology.

8.6 Public Participation

Ecology shall maintain the responsibility for public participation at the Site. However, the City of Seattle shall cooperate with Ecology, and shall:

8.6.1

If agreed to by Ecology, develop appropriate mailing lists and prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

8.6.2

Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before meetings related to remedial action work to be performed at the Site with the interested public and/or local governments. Likewise, Ecology shall notify the City of Seattle prior to the issuance of all press releases and fact sheets related to the Site, and before meetings related to the Site with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by the City of Seattle that do not receive prior Ecology approval, the City of Seattle shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

8.6.3

When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

8.6.4

When requested by Ecology, arrange and maintain a repository to be located at:

- Online: <https://apps.ecology.wa.gov/cleanupsearch/site/15139>
- South Park Library
8604 8th Avenue S, Seattle, WA 98108
- Ecology's Northwest Regional Office
15700 Dayton Ave N, Shoreline, WA 98133

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of

all documents related to this Site shall be maintained in the repository at Ecology's Northwest Regional Office in Shoreline, Washington.

8.7 Access to Information

The City of Seattle shall provide to Ecology, upon request, copies of all records, reports, documents, and other information (including records, reports, documents, and other information in electronic form) (hereinafter referred to as "Records") within the City of Seattle's possession or control or that of their contractors or agents relating to activities at the Site or to the implementation of this Order, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence, or other documents or information regarding the work. The City of Seattle shall also make available to Ecology, for purposes of investigation, information gathering, or testimony, their employees, agents, or representatives with knowledge of relevant facts concerning the performance of the work.

Nothing in this Order is intended to waive any right the City of Seattle may have under applicable law to limit disclosure of Records protected by the attorney work-product privilege and/or the attorney-client privilege. If the City of Seattle withholds any requested Records based on an assertion of privilege, the City of Seattle shall provide Ecology with a privilege log specifying the Records withheld and the applicable privilege. No Site-related data collected pursuant to this Order shall be considered privileged, including: (1) any data regarding the Site, including, but not limited to, all sampling, analytical, monitoring, hydrogeologic, scientific, chemical, radiological, biological, or engineering data, or the portion of any other record that evidences conditions at or around the Site; or (2) the portion of any Record that Respondents are required to create or generate pursuant to this Order.

Notwithstanding any provision of this Order, Ecology retains all of its information gathering and inspection authorities and rights, including enforcement actions related thereto, under any other applicable statutes or regulations.

8.8 Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of the work performed pursuant to this Order, the City of Seattle shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors.

8.9 Resolution of Disputes

8.9.1

In the event that the City of Seattle elects to invoke dispute resolution the City of Seattle must utilize the procedure set forth below.

8.9.1.1 Upon the triggering event (receipt of Ecology's project coordinator's written decision or an itemized billing statement), the City of Seattle has fourteen (14) calendar days within which to notify Ecology's project coordinator in writing of its dispute (Informal Dispute Notice).

8.9.1.2 The Parties' project coordinators shall then confer in an effort to resolve the dispute informally. The Parties shall informally confer for up to fourteen (14) calendar days from receipt of the Informal Dispute Notice. If the project coordinators cannot resolve the dispute within those fourteen (14) calendar days, then within seven (7) calendar days Ecology's project coordinator shall issue a written decision (Informal Dispute Decision) stating: the nature of the dispute; the [Subject PLP(s)'s] position with regards to the dispute; Ecology's position with regards to the dispute; and the extent of resolution reached by informal discussion.

8.9.1.3 The City of Seattle may then request regional management review of the dispute. The City of Seattle must submit this request (Formal Dispute Notice) in writing to the Northwest Region Toxics Cleanup Section Manager within seven (7) calendar days of receipt of Ecology's Informal Dispute Decision. The Formal Dispute Notice shall include a written statement of dispute setting forth: the nature of the dispute; the City of Seattle's position with respect to the dispute; and the information relied upon to support its position.

8.9.1.4 The Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute (Decision on Dispute) within thirty (30) calendar days of receipt of the Formal Dispute Notice. The Decision on Dispute shall be Ecology's final decision on the disputed matter.

8.9.1.5 The timelines in this section may be extended by agreement of the Parties.

8.9.2

The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used.

8.9.3

Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

8.9.4

In case of a dispute, failure to either proceed with the work required by this Order or timely invoke dispute resolution may result in Ecology's determination that insufficient progress is being made in preparation of a deliverable, and may result in Ecology undertaking the work under Section 7 (Work to be Performed) or initiating enforcement under Section 10 (Enforcement).

8.10 Extension of Schedule

8.10.1

The City of Seattle's request for an extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

8.10.1.1 The deadline that is sought to be extended.

8.10.1.2 The length of the extension sought.

8.10.1.3 The reason(s) for the extension.

8.10.1.4 Any related deadline or schedule that would be affected if the extension were granted.

8.10.2

The burden shall be on the City of Seattle to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

8.10.2.1 Circumstances beyond the reasonable control and despite the due diligence of the City of Seattle including delays caused by unrelated

third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by the City of Seattle.

8.10.2.2 A shelter in place or work stoppage mandated by state or local government order due to public health and safety emergencies.

8.10.2.3 Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty.

8.10.2.4 Endangerment as described in Section 8.12 (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of the City of Seattle.

8.10.3

Ecology shall act upon the City of Seattle's written request for extension in a timely fashion. Ecology shall give the City of Seattle written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section 8.11 (Amendment of Order) when a schedule extension is granted.

8.10.4

At the City of Seattle's request, an extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of one of the following:

8.10.4.1 Delays in the issuance of a necessary permit which was applied for in a timely manner.

8.10.4.2 Other circumstances deemed exceptional or extraordinary by Ecology.

8.10.4.3 Endangerment as described in Section 8.12 (Endangerment).

8.11 Amendment of Order

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within seven (7) days of verbal agreement.

Except as provided in Section 8.13 (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and the City of Seattle. Ecology will provide its written consent to a formal amendment only after public notice and opportunity to comment on the formal amendment.

When requesting a change to the Order, the City of Seattle shall submit a written request to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request is received. If Ecology determines that the change is substantial, then the Order must be formally amended. Reasons for the disapproval of a proposed change to this Order shall be stated in writing. If Ecology does not agree to a proposed change, the disagreement may be addressed through the dispute resolution procedures described in Section 8.9 (Resolution of Disputes).

8.12 Endangerment

In the event Ecology determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct the City of Seattle to cease such activities for such period of time as it deems necessary to abate the danger. The City of Seattle shall immediately comply with such direction.

In the event the City of Seattle determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment, the City of Seattle may cease such activities. The City of Seattle shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction, the City of Seattle shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the City of Seattle's cessation of activities, it may direct the City of Seattle to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, the City of Seattle's obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section 8.10 (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.

Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

8.13 Reservation of Rights

This Order is not a settlement under RCW 70A.305. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against the City of Seattle to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against the City of Seattle regarding remedial actions required by this Order, provided the City of Seattle complies with this Order.

Ecology nevertheless reserves its rights under RCW 70A.305, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health or the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

By entering into this Order, the City of Seattle does not admit to any liability for the Site. Although the City of Seattle is committing to conducting the work required by this Order under the terms of this Order, the City of Seattle expressly reserves all rights available under law, including but not limited to the right to seek cost recovery or contribution against third parties, and the right to assert any defenses to liability in the event of enforcement.

8.14 Transfer of Interest in Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the City of Seattle without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to the City of Seattle's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the City of Seattle shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, the City of Seattle shall notify Ecology of said transfer. Upon transfer of any interest, the City of Seattle shall notify all transferees of the restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

8.15 Compliance with Applicable Laws

8.15.1 Applicable Laws

All actions carried out by the City of Seattle pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits or approvals, except as provided in RCW 70A.305.090. At this time, no federal, state, or local requirements have been identified as being applicable to the actions required by this Order. The City of Seattle has a continuing obligation to identify additional applicable federal, state, and local requirements which apply to actions carried out pursuant to this Order, and to comply with those requirements. As additional federal, state, and local requirements are identified by Ecology or the City of Seattle, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order, and the City of Seattle must implement those requirements.

8.15.2 Relevant and Appropriate Requirements.

All actions carried out by the City of Seattle pursuant to this Order shall be done in accordance with relevant and appropriate requirements identified by Ecology. At this time, no relevant and appropriate requirements have been identified as being applicable to the actions required by this Order. If additional relevant and appropriate requirements are identified by Ecology or the City of Seattle, Ecology will document in writing if they are applicable to actions carried out pursuant to this Order and the City of Seattle must implement those requirements.

8.15.3

Pursuant to RCW 70A.305.090(1), the City of Seattle may be exempt from the procedural requirements of RCW 70A.15, 70A.205, 70A.300, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, the City of Seattle shall comply with the substantive requirements of such permits or approvals. For permits and approvals covered under RCW 70A.305.090(1) that have been issued by local government, the Parties agree that Ecology has the non-exclusive ability under this Order to enforce those local government permits and/or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this section.

8.15.4

The City of Seattle has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70A.305.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the City of Seattle determines that additional permits or approvals addressed in RCW 70A.305.090(1) would otherwise be required for the remedial action under

this Order, it shall promptly notify the other Party of its determination. Ecology shall determine whether Ecology or the City of Seattle shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the City of Seattle shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the City of Seattle and on how the City of Seattle must meet those requirements. Ecology shall inform the City of Seattle in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The City of Seattle shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

Pursuant to RCW 70A.305.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70A.305.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and the City of Seattle shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70A.305.090(1), including any requirements to obtain permits or approvals.

8.16 Indemnification

The City of Seattle agrees to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action (1) for death or injuries to persons, or (2) for loss or damage to property, to the extent arising from or on account of acts or omissions of the City of Seattle, its officers, employees, agents, or contractors in entering into and implementing this Order. However, the City of Seattle shall not indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

9. Satisfaction of Order

The provisions of this Order shall be deemed satisfied upon the City of Seattle's receipt of written notification from Ecology that the City of Seattle has completed the remedial activity required by this Order, as amended by any modifications, and that the City of Seattle has complied with all other provisions of this Agreed Order.

10. Enforcement

Pursuant to RCW 70A.305.050, this Order may be enforced as follows:

10.1

The Attorney General may bring an action to enforce this Order in a state or federal court.

10.2

The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.

10.3

A liable party who refuses, without sufficient cause, to comply with any term of this Order will be liable for:

10.3.1

Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply.

10.3.2

Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

10.4

This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70A.305.070.

Effective date of this Order: _____

The City of Seattle

State of Washington
Department of Ecology

Christopher Williams
Interim Superintendent of Parks and
Recreation
The City of Seattle
100 Dexter Ave N
Seattle, WA 98109
206-684-4075

Robert Warren
Section Manager
Toxics Cleanup Program
Northwest Region Office
206-594-0093

Exhibit A



Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Exhibit A

Notes:

1. Tax parcels shown on the map are the preliminary tax parcels expected to be included as part of the Agreed Order. Per WAC 173-340-200, the Facility is defined as where a hazardous substance has been desposited, stored, disposed of, or placed, or otherwise come to be located. This may include areas outside of the parcel boundaries shown on this map.
2. SDOT = City of Seattle Department of Transportation

Legend

 Upland Parcel Boundaries

 Water Parcel

0 70 140 Feet



Exhibit B

Exhibit B — Scope of Work and Schedule of Deliverables

Scope of work

Purpose

The work under this Agreed Order (AO) involves conducting a Remedial Investigation (RI) and Feasibility Study (FS), conducting interim actions if required or agreed to by Ecology, and preparing a preliminary Draft Cleanup Action Plan (DCAP) to select a cleanup alternative. The purpose of the RI, FS, and preliminary DCAP for the Site is to provide sufficient data, analysis, and evaluations to enable Ecology to select a cleanup alternative for the Site.

The City of Seattle shall coordinate with Ecology throughout the development of the Interim Action (if required), RI/FS and preliminary DCAP and shall keep Ecology informed of changes to any Work Plan or other project plans, and of any issues or problems as they develop.

The Scope of Work (SOW) is divided into seven major tasks as follows:

- Task 1. RI Work Plan
- Task 2. Remedial Investigation
- Task 3. Interim Action(s) (if required)
- Task 4. Feasibility Study
- Task 5. SEPA Compliance
- Task 6. Public Participation
- Task 7. DCAP

Task 1. RI work plan

The City of Seattle shall prepare a Remedial Investigation Work Plan (Work Plan). The Work Plan shall include an overall description and schedule of all RI activities. The Work Plan shall clearly describe the project management strategy for implementing and reporting on RI activities. The responsibility and authority of all organizations and key personnel involved in conducting the RI will be outlined.

A Key Project Meeting will be held prior to submittal of the RI Work Plan. The purpose of the Remedial Investigation Planning Meeting is to review requirements for the Work Plan and plan Remedial Investigation field work, discuss the preliminary Conceptual Site Model, and identify project data needs and possible interim actions.

The Work Plan shall describe general facility information; site history and conditions; including previous operations; past field investigations, including any data collection and analysis of soils, air, groundwater, surface water, and sediments; a conceptual site model showing contaminants, migration pathways in all environmental media, and potential receptors; geology and groundwater system characteristics; past, current, and future land use; identification of

natural resources and ecological receptors; hazardous substances and their sources, etc., in compliance with WAC 173-340-350 and WAC 173-204-550.

As part of the project background, existing environmental data on site soil, groundwater, surface water, and sediments will be compiled and evaluated for data gaps. The data gaps will be used as the basis for conducting additional site investigations, as necessary. The Work Plan will also identify specific data collection procedures in a Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) as part of the Work Plan in compliance with WAC 173-340-820 and WAC 173-204-600 for defining the nature and extent of contamination. The City of Seattle will also submit a copy of the Health and Safety Plan (HASP) for the project.

The SAP identifies the proposed number and location of all environmental samples and methods, including soil borings, groundwater monitoring wells, soil, groundwater, stormwater, seep, catch basin and sediment samples, approximate depths, and includes a quality assurance project plan. The SAP will describe the sampling objectives, the rationale for the sampling approach (based upon the identified data gaps), and plans for data use, and shall provide a detailed description of sampling tasks. The SAP shall describe specifications for sample identifiers; sampling equipment; the type, number, and location of samples to be collected; the analyses to be performed; descriptions of sampling equipment and methods to be used; sample documentation; sample containers, collection and handling; data and records management; and schedule.

The Quality Assurance Project Plan (QAPP) will be prepared in accordance with the Guidance for Preparation of Quality Assurance Project Plans, EPA Region 10, Quality Data Management Program, QA/R-5 and requirements of the EPA Contract Laboratory Program. The QAPP will also follow Ecology's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies (July 2004) and Sediment Sampling and Analysis Plan Appendix (February 2008). Laboratories must meet the accreditation standards established in WAC 173-50. Data quality objectives will reflect the criteria or threshold values used for the source control evaluation.

The SAP, including the QAPP, will be submitted to Ecology for review and approval. As with all environmental work at the site, work may not begin without written approval from Ecology. The plan shall provide seven (7) days notice to Ecology prior to beginning sampling. Ecology may obtain split samples.

The City of Seattle or their contractors shall submit all new sampling data generated under this SAP and any other recently collected data to Ecology for entry into the Environmental Information Management System (EIM) in accordance with WAC 173-340-840(5) and Ecology's Toxics Cleanup Program Policy 840: Data Submittal Requirements. EIM data submittal will occur 30 days after data is validated.

RI Work Plan tasks and subtasks will include the following:

- Sampling and analysis of soil, groundwater, and seeps;
- Sampling and analysis of surface and subsurface sediments;
- Sampling and analysis of stormwater and catch basin solids to determine whether the stormwater system is a source of contamination to sediments;
- Evaluate the potential to contaminate or recontaminate sediments, including analysis of the following pathways:
 - Direct discharges
 - Stormwater discharges
 - Overland flow
 - Groundwater discharges and seeps
 - Soil erosion
 - Site operations
 - Spills, dumping, leaks, housekeeping, and management practices;

The City of Seattle will provide Ecology with an Agency Review Draft Work Plan. Once Ecology reviews and approves the Work Plan, it will be considered the Final Work Plan. The Work Plan shall not be implemented until approved by Ecology. Once approved by Ecology, the City of Seattle will implement the Final Work Plan according to the schedule contained in this Exhibit.

The City of Seattle shall prepare two (2) copies of the Agency Review Draft RI Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and comment. After incorporating Ecology's comments on the Agency Review Draft Work Plan and after Ecology approval, the City of Seattle shall prepare three (3) copies of the Final Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

Task 2. Remedial Investigation

The City of Seattle shall conduct an RI that meets the requirements of WAC 173-340-350(7) and WAC 173-204-550 according to the Work Plan as approved by Ecology. The RI will determine the nature and extent of contamination exceeding preliminary Model Toxics Control Act (MTCA) cleanup levels, preliminary Sediment Management Standards (SMS) cleanup standards, and other regulatory requirements. The RI must provide sufficient data and information to define the nature and extent of contamination.

Field sampling and analysis will be completed in general accordance with the SAP and QAPP. Deviation(s) from the approved SAP and QAPP must be communicated to Ecology immediately and documented as required by Ecology.

The City of Seattle shall provide interim data reports and updates to Ecology as new site data and information become available. Laboratory analysis data shall also be provided in electronic format when it has been validated. Raw laboratory data will be provided to Ecology upon request.

Prior to submittal of the Agency Review Draft RI Report, a Key Project Meeting will be held. During the Remedial Investigation Pre-Report Check-In, Ecology and the City of Seattle will review available data and an updated conceptual site model and discuss the content and organization of the Draft RI Report.

The City of Seattle shall compile the results of the Site investigation into an Agency Review Draft RI Report. The City of Seattle shall prepare two (2) copies of the Agency Review Draft RI Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and comment.

After incorporating Ecology's comments on the Agency Review Draft RI Report, the City of Seattle shall prepare three (3) copies of a Public Review Draft RI Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment. Electronic survey data for monitoring locations, electronic lab data, and GIS maps of contaminant distribution shall also be provided for both the Agency Review Draft RI Report and Public Review Draft RI Reports either in the report or as attachments. The RI Report will not be considered Final until after a public review and comment period.

If the data collected during this investigation is insufficient to define the nature and extent of contamination, and/or to select a cleanup action plan an additional phase of investigation shall be conducted to define the extent of contamination.

Task 3. Interim Actions (if required)

Remedial actions implemented prior to completion of the RI/FS, including those that:

- are technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance;
- correct a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed; or
- are needed to provide for completion of the remedial investigation/feasibility study or design of the cleanup action.

The above will be considered interim actions, will be implemented in accordance with WAC 173-340-430 and the AO, and will be designed in a manner that will not foreclose reasonable alternatives for any final cleanup action that may be required.

As detailed in the AO, if required by Ecology, or if proposed by the City of Seattle and approved by Ecology, the City of Seattle will implement an interim action. Based upon information in the Agency Review Draft RI Report, interim action(s) may be needed to expedite control of releases to sediments or other environmental media pursuant to WAC 173-340-430.

The scope of the interim actions may include, but not be limited to, typical source control or containment elements such as:

- Soil or sediment removal
- Groundwater remediation
- Repair, slip lining, replacement, or closure of stormwater conveyances or other structures such as conduit, vaults, catch basins, etc.
- Removal of underground storage tanks and pipes
- Removal of old drain fields or former surface impoundments
- Proper abandonment of old wells
- Removal of contaminated building or other structural material
- Construction of a treatment facility
- Shoreline stabilization such as bulkhead repair, erosion or seepage control, and grading or clearing.

If an interim action is to be performed, the City of Seattle will prepare and submit for Ecology approval an Agency Review Draft Interim Action Work Plan (IAWP) with detail commensurate with the work to be performed. The Agency Review Draft IAWP shall include, as appropriate:

- Description of the interim action including its purpose, general requirements, and relationship to the (final) cleanup action (to the extent known);
- Summary of relevant RI/FS information, including at a minimum existing site conditions and alternative interim actions considered;
- Information regarding design and construction requirements, including a proposed schedule and personnel roles and responsibilities;
- Compliance Monitoring Plan;
- SAP/QAPP
- Permits required.

The City of Seattle will also submit a copy of the Health and Safety Plan for the project. The City of Seattle will be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist for the interim action, and will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

The City of Seattle shall prepare two (2) copies of the Agency Review Draft Interim Action Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review. The City of Seattle shall incorporate Ecology's comments and then prepare two (2) copies of the Public Review Draft Interim Action Work Plan and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology. After a public notice and comment period for the Public Review Draft IAWP (and SEPA determination), Ecology will approve the IAWP (if appropriate) and the document will be considered Final. The City of Seattle shall prepare three (3) copies of the Final Interim Action Work Plan submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats. Once approved by Ecology, the City of Seattle will implement the interim action according with the approved schedule.

Upon successful completion of the work, an Agency Review Draft Interim Action Report will be prepared as a separate deliverable. The City of Seattle shall prepare two (2) copies of the Agency Review Draft Interim Action Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for review and approval. After incorporating Ecology's comments on the Agency Review Draft Interim Action Report and after Ecology approval, the City of Seattle shall prepare three (3) copies of the Final Interim Action Report and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology.

Task 4. Feasibility study

The City of Seattle shall use the information obtained in the RI to prepare an Agency Review Draft Feasibility Study (FS) that meets the applicable requirements of WAC 173-340-350(8) according to the Schedule in this exhibit. The Agency Review Draft FS will evaluate remedial alternatives for site cleanup, consistent with MTCA and SMS requirements to ensure protection of human health and the environment by eliminating, reducing, or otherwise controlling risk posed through each exposure pathway and migration route.

Prior to beginning the FS, a Key Project Meeting will be held to review ARARs, potential remedial alternatives and establish points of compliance.

The Agency Review Draft FS must include a detailed analysis of each remedial alternative according to the applicable requirements of WAC 173-340-350 and 173-204-550. The remedial

alternatives will be evaluated for compliance with the applicable requirements of WAC 173-340-360 and 173-204-570.

The remedial alternative that is judged to best satisfy the evaluation criteria will be identified. Justification for the selection will be provided, and the recommended remedial alternative further developed, in the FS Report.

The City of Seattle shall prepare two (2) copies of the Agency Review Draft FS and submit them, including one electronic copy in Word (.doc) and Adobe (.pdf) formats, to Ecology for review. After addressing Ecology's comments on the Agency Review Draft FS, the City of Seattle shall prepare three (3) copies of the Public Review Draft FS and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment. The FS will not be considered Final until after a public review and comment period.

Task 5. SEPA compliance

The City of Seattle shall be responsible for complying with the State Environmental Policy Act (SEPA) Rules including preparing and submitting an environmental checklist. If the result of the threshold determination is a determination of significance (DS), the City of Seattle shall be responsible for the preparation of Draft and Final environmental impact statements. The City of Seattle shall assist Ecology with coordinating SEPA public involvement requirements with MTCA public involvement requirements whenever possible, such that public comment periods and meetings or hearings can be held concurrently.

Task 6. Public participation

The City of Seattle shall support Ecology in presenting the Public Review Draft RI Report and the Public Review Draft FS Reports and SEPA evaluations at public meetings or hearing. The City of Seattle will assist Ecology with presentations at any additional meetings or hearings that might be necessary for SEPA compliance or as part of the Public Participation Plan.

After the public comment periods are completed, the City of Seattle shall work with Ecology to respond to public comments. At Ecology's direction, the City will prepare an Agency Review Draft Responsiveness Summary that addresses public comments. The City of Seattle shall prepare two (2) copies of the Agency Review Draft Responsiveness Summary and submit them to Ecology for review and approval, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, to Ecology for distribution and public comment.

After addressing Ecology's comments and after Ecology approval, the City of Seattle shall prepare three (3) copies of the Final Responsiveness Summary and submit them to Ecology for distribution, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

Task 7. Preliminary Draft Cleanup Action Plan

Upon Ecology approval of the Public Review Draft Remedial Investigation Report and Public Review Draft Feasibility Study, a Key Project Meeting will be held regarding the Cleanup Action Plan. The Cleanup Action Plan Meeting will be used to review plans for developing the Agency Review preliminary Draft Cleanup Action Plan (DCAP).

The City of Seattle shall prepare an Agency Review preliminary DCAP in accordance with WAC 173-340-380 that provides a proposed remedial action to address the contamination present on the Site. The preliminary DCAP shall include a general description of the proposed remedial actions, cleanup standards developed from the RI/FS and rationale regarding their selection, a schedule for implementation, description of any institutional controls proposed, and a summary of applicable local, state, and federal laws pertinent to the proposed cleanup actions.

The City of Seattle will submit an Agency Review preliminary DCAP for Ecology's review and approval. The Agency Review preliminary DCAP will include, but not be limited to, the information listed under WAC 173-340-380. The City of Seattle shall prepare two (2) copies of the Agency Review preliminary DCAP and submit them, including one electronic copy each in Word (.doc) and Adobe (.pdf) formats, along with all supporting electronic files, to Ecology for review and approval.

After receiving Ecology's comments on the Agency Review preliminary DCAP, if any, the City of Seattle shall revise the preliminary DCAP to address Ecology's comments and submit three (3) copies of the Public Review DCAP including one electronic copy each in Word (.doc) and Adobe (.pdf) formats.

Schedule of deliverables

The schedule for deliverables described in the Agreed Order and the Scope of Work is presented below. If the date for submission of any item or notification required by this Schedule of Deliverables occurs on a weekend, state or federal holiday, the date for submission of that item or notification is extended to the next business day following the weekend or holiday. Where a deliverable due date is triggered by Ecology notification, comments or approval, the starting date for the period shown is the date the City of Seattle received such notification, comments or approval by certified mail, return receipt requested, unless otherwise noted below. Where triggered by Ecology receipt of a deliverable, the starting date for the period shown is the date Ecology receives the deliverable by certified mail, return receipt requested, or the date of Ecology signature on a hand-delivery form.

RI/FS Deliverables	Completion Times
Monthly Progress Reports	Due the 10th of every month, beginning after the first full month following the effective date of the Agreed Order
Agency Review Draft RI Work Plan	60 calendar days following effective date of the Agreed Order
Final RI Work Plan	45 calendar days following receipt of Ecology comments on the Agency Review Draft RI Work Plan
Completion of RI Field Work	12 months following completion of the Final RI Work Plan
Agency Review Draft RI Report	90 calendar days following receipt of laboratory data
Public Review Draft RI Report	45 calendar days following receipt of Ecology comments on Agency Review Draft RI Report
Agency Review Draft Responsiveness Summary (RI Report)	30 calendar days following close of public comment period
Final RI Report and Final Responsiveness Summary (RI Report)	30 calendar days following receipt of Ecology's comments on the Agency Review Draft Responsiveness Summary (RI Report)
Agency Review Draft FS	90 days following completion of Final RI Report
Public Review Draft FS	45 calendar days following receipt of Ecology's comments on the Agency Review draft FS
Agency Review Draft Responsiveness Summary (FS Report)	30 calendar days following close of public comment period
Final FS Report and Final Responsiveness Summary (FS Report)	30 calendar days following receipt of Ecology's comments on the Agency Review Draft Responsiveness Summary (FS Report)
Agency Review preliminary DCAP	90 calendar days following completion of the Final FS.

Public Review Draft DCAP	45 calendar days following receipt of Ecology's comments on the Agency Review Revised Preliminary DCAP
Final DCAP and Responsiveness Summary	45 calendar days following receipt of Ecology's comments on the Agency Review Draft Responsiveness Summary

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Seattle Parks and Recreation	Scott Stevens	Justin Hellier

** 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 authorizing Seattle Parks and Recreation to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or U.S. Environmental Protection Agency to undertake work at the Duwamish Waterway Park site; and to seek and accept state Remedial Action Grant(s) for cleanup work related to the site.

Summary and Background of the Legislation:

This legislation relates to the City of Seattle’s continued participation in cleanup actions at the Duwamish Waterway Park, Seattle Department of Transportation Right-of-Way, Port of Seattle riverbank, and the planned Park Addition, which comprise the Cleanup Site (Site).

Seattle Parks and Recreation has agreed to enter into an Agreed Order with the Washington State Department of Ecology to undertake additional environmental investigations and cleanup work at the Duwamish Waterway Park Site.

Seattle Parks and Recreation has operated a park in the location since 1975. Prior to 1975, the Park was primarily residential with some agricultural uses. In 2019, the City of Seattle purchased the property from King County. The Park Addition property was purchased by the City of Seattle in 2021 and is currently leased to United Services who was operating at the property prior to acquisition by the City of Seattle. Historically, the Park Addition was occupied by commercial businesses with various industrial activities.

Seattle Parks and Recreation conducted soil sampling in the Park in 2014, 2019, and 2020. The sampling indicated that areas of the Park had elevated soil concentrations of arsenic, lead, and carcinogenic polycyclic aromatic hydrocarbons (cPAHs). Seattle Parks and Recreation submitted the results to the Department of Ecology and entered into the Voluntary Cleanup Program (VCP) in July 2020. As part of the Park redevelopment project in October 2020, shallow contaminated soil was removed from the Park and replaced with clean fill, grass, play areas, and hard surfaces. Based upon the findings of the draft Remedial Investigation/Feasibility workplan and the growing complexity of the Site cleanup, Ecology decided to terminate the VCP project and move the Site into a formal process under an Agreed Order. Under the formal process, Ecology will have more oversight over the cleanup than the independent VCP cleanup process, including consistent and proactive community involvement and outreach.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

The 2023-2024 CIP includes funding to support the initial remediation costs at the Site (~\$500,000). However, at this point, cost estimates are preliminary and will likely exceed the current appropriation. As scopes of work and cost estimates are further refined, SPR will allocate additional funds to meet the requirements of the cleanup work either through a future budget process or through a quarterly supplemental process. The department will endeavor to prioritize existing funding to accomplish the work depending on the funding levels required. SPR will make efforts to apply for grants to help cover up to 50% of the costs incurred as part of the Agreed Order at Duwamish Waterway Park.

Are there financial costs or other impacts of *not* implementing the legislation?

- The City would be unable to enter into the negotiated Agreed Order with the Department of Ecology to initiate investigation of the Site.
- If the City did not willingly sign the agreed order, the Department of Ecology could order the City to participate in the cleanup and the City could incur penalties and be assessed additional costs.
- If Ecology performs the cleanup itself or takes any remedial action due to the City's noncompliance with an enforcement order, the City could potentially be liable for three times the amount of any costs incurred by the State and additional civil penalties of up to \$25,000 for each day the City fails to comply.
- The City would not be eligible for state grants to cover up to 50% of the cleanup costs, since receiving an oversight remedial action grant is contingent upon having entered into an order or decree with Ecology.

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. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

d. Does this legislation affect a piece of property?

Yes, property map is attached as Summary Attachment A.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

Yes, Duwamish Waterway Park provides valuable waterfront greenspace in a currently and historically underserved community. The environmental remediation will make it a healthier space for people to enjoy.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

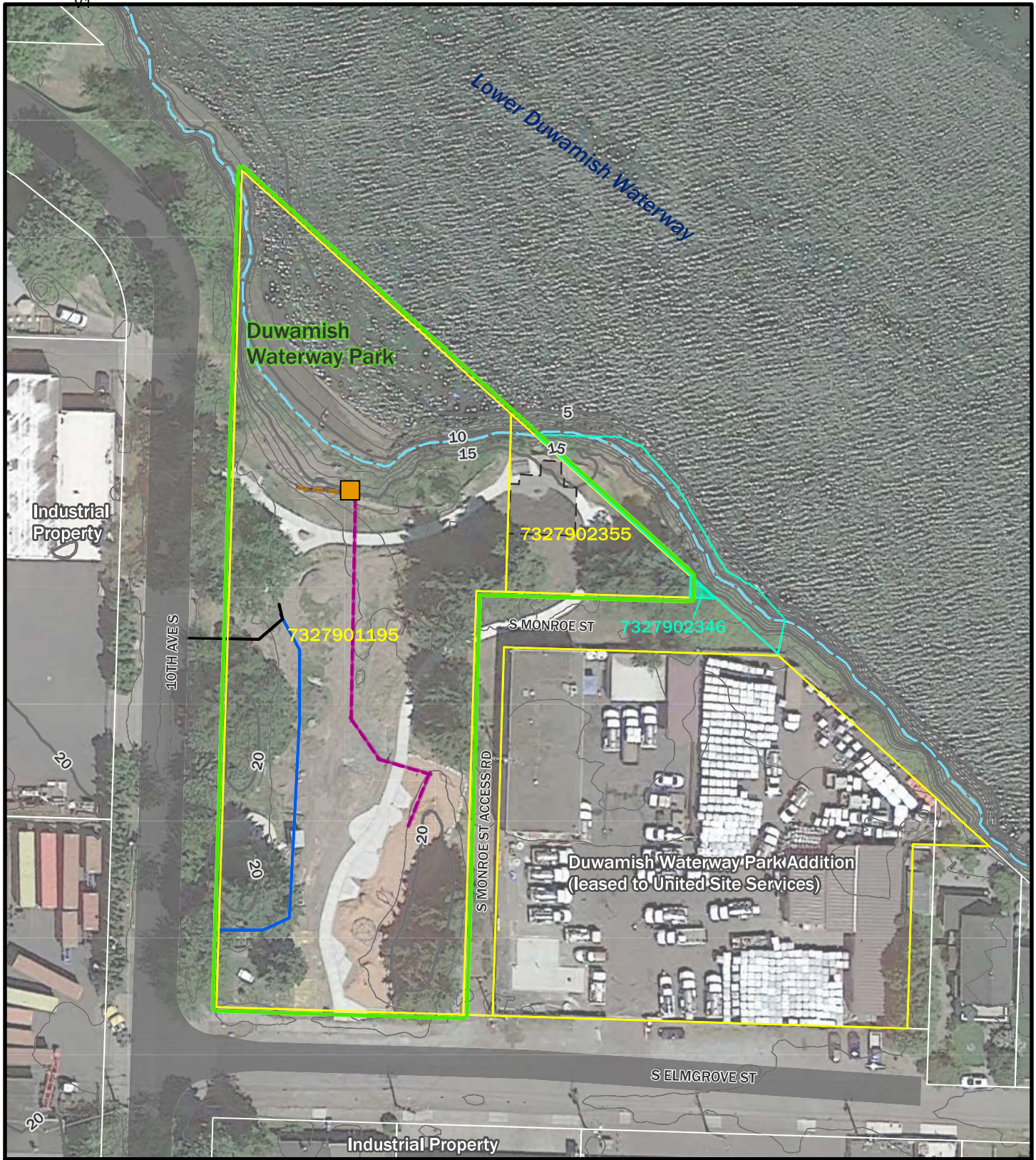
This proposed legislation should increase Seattle's resiliency to climate change. The Agreed Order includes cleaning up and removing contaminated material from a City of Seattle property along the waterfront. The Park includes green space and tree canopy.

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)?

NA

Summary Attachments:

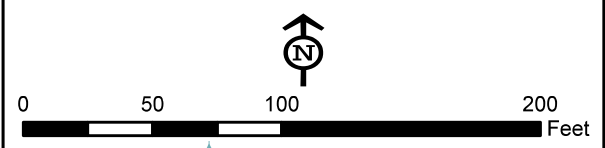
Summary Attachment A – Site Map



Legend

- | | |
|--|---------------------------------------|
| Remedial Investigation Site Boundary | Catch Basin |
| Seattle Parks Parcels | Dispersion Trench |
| Port of Seattle Parcel | Stormwater Drainpipe |
| Department of Natural Resources (Managed by Port of Seattle) | Sanitary Side Sewer |
| King County Tax Parcel Boundaries | Water Service Line |
| Footprint of Former House | Elevation Contours (DNR 2016) |
| | 5 FT Contour |
| | 1 FT Contour |
| | Mean Higher High Water (11.1 FT MLLW) |

Figure 2. Site Map of Duwamish Waterway Park, Seattle, Washington.



K:\Projects\Y2021\21-07735-000\Project\GISWorking\DuwamishWaterwayPark\DuwamishWaterwayPark.aprx



Legislation Text

File #: Res 32097, **Version:** 2

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION endorsing strategies to improve the movement of people and goods in Seattle’s industrial and maritime areas.

WHEREAS, the maritime and industrial sectors are critical parts of the local, regional, and state economy; and

WHEREAS, Seattle contains two regionally designated Manufacturing Industrial Centers (MICs), a designation

that prioritizes long-term use for industry and serves a critical function to the regional and statewide economy, is subject to regional policy protections in the Puget Sound Regional Council’s (PSRC’s)

Vision 2050 plan, and is eligible for allocation of federal and state transportation funding; and

WHEREAS, industrial and maritime uses in the MICs provide quality jobs, two-thirds of which are accessible

without four-year college degrees; and

WHEREAS, a high proportion of jobs on industrial lands in fields including maritime, manufacturing,

transportation and logistics, construction, utilities, and services are unionized with high-quality benefits;

and

WHEREAS, there is a high potential for equitable access to quality jobs in industrial and maritime sectors by

women and other workers who are Black, Indigenous, and other people of color (BIPOC) when coupled

with job training and access programs provided by the City and other public agencies, private entities

and unions; and

WHEREAS, the economic contributions and the quality jobs provided by the businesses and major intermodal

transportation facilities in the MICs are dependent on maintaining and improving the functionality,

safety, and efficiency of the internal freight networks and the freight network that connects the MICs to

each other and to the regional and state freeway system; and

WHEREAS, The City of Seattle’s Complete Streets Ordinance (Ordinance 122386), Section 3, states: “Because freight is important to the basic economy of the City and has unique right-of-way needs to support that role, freight will be the major priority on streets classified as Major Truck Streets. Complete Street improvements that are consistent with freight mobility but also support other modes may be considered on these streets”; and

WHEREAS, it is a benefit to the regional, state, and national economy when supply chains are strong and a variety of agriculture products and goods supporting everyday life are manufactured in the United States and are exported through our ports around the world, and efforts are underway at all levels of government to onshore more manufacturing activities; and

WHEREAS, an Industrial and Maritime Strategy Advisory Council convened between December 17, 2019, and May 21, 2021, and issued a report based on an 80 percent consensus that recommended 11 strategies to strengthen and support our industrial maritime sectors; and

WHEREAS, the Industrial and Maritime Strategy Advisory Council report included transportation strategies that form the basis of this proposed resolution

WHEREAS, the transportation strategies laid out in this resolution are intended to complement and not conflict with the Industrial and Maritime Strategy Advisory Council’s 11 strategies as detailed in the March 2023 OPCD Director’s Report and Recommendation on the Industrial and Maritime Strategy, and should be read in concert with the report; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR
CONCURRING, THAT:**

Section 1. The Seattle Department of Transportation (SDOT), Department of Construction and Inspections (SDCI), Office of Planning and Community Development (OPCD), and Office of Economic Development (OED) are requested to work collaboratively with the City’s regional transportation partners

including Sound Transit, the Port of Seattle and the Northwest Seaport Alliance, Seattle Freight Advisory Board, railroads, industrial trade unions, representatives of major Washington State agricultural commodities, property owners, and other stakeholders in the industrial areas of the City to:

A. Analyze transportation plans (including industrial subarea plans, programs, project designs, changes to the operation of City streets, or changes to the allocation of right-of-way affecting truck mobility) for their impacts on all transportation modes, especially freight, in order to provide the City with the information required to:

1. Prioritize freight movement on streets classified as Major Truck streets in planning, funding, and developing street improvements within and near the Manufacturing Industrial Centers (MICs) and surrounding areas: and

2. Improve the movement of workers and goods by making transit and freight networks more efficient, in particular, for industrial and maritime users; and

3. Improve last-mile connections to maritime, industrial, and railroad facilities for active transportation, transit, and freight, including large trucks; and

4. Identify priority transportation projects on the City's freight network and work to advance projects that can compete effectively for freight grant funding; and

5. Prioritize those projects that ensure goods are moving in an efficient, safe, predictable, and sustained manner to help maintain and grow maritime jobs and the economic health of the MICs; and

6. Identify funding strategies for this prioritized freight project list; and

7. Implement regulatory and design standards to reduce conflicts between industrial and non-industrial users of the freight network, such as limits on the number and location of curb cuts for non-industrial uses and standards for intersections that provide turning radii that can safely accommodate truck movements.

B. When a transportation project may result in the reduction in the number or width of lanes along a Major Truck Street, the Council requests that SDOT offers a briefing to the Seattle Freight Advisory Board and

the Seattle City Council’s Transportation and Seattle Public Utilities Committee, or successor committee with purview over transportation issues, with a goal of demonstrating that adjacent land uses and through traffic will not be compromised.

C. Continue advocating for Sound Transit’s West Seattle and Ballard Link Extensions, that include:

1. A tunnel alignment for Ballard and Interbay future light rail; and
2. Maintaining efficient freight movement during construction of the light rail.

D. Regulatory impact analysis by SDOT, OPCD, and SDCI:

1. Within two years of the effective date of Ordinance 126862, and every year thereafter, OPCD should report on non-industrial development in the MICs, including the number of non-industrial development project permits applied for, issued, and completed during the prior two years.

2. Within four years of the effective date of Ordinance 126862, and every four years thereafter, for newly introduced non-industrial uses (such as lodging, entertainment, retail, or office uses), OPCD, in consultation with SDOT and SDCI, should consider how new development patterns are improving or growing the industrial center and its transportation system, as well as considering potential unintended consequences, such as impacts on truck mobility. Additional analysis related to barriers to development consistent with the zoning in the MICs, including but not limited to the effectiveness of incentive programs, should be included in these studies if funding to undertake that work is provided by the Council. These quadrennial reports should include recommendations for regulatory and transportation changes needed to support development consistent with the zoning and maintain efficient movement of goods and a strong maritime, manufacturing, and logistics ecosystem.

E. Site development impact analysis: When non-industrial uses (such as lodging, entertainment, retail, or office uses,) are proposed in MICs, SDOT and SDCI staff should work with the applicant to explore opportunities to improve or enhance the industrial centers and their transportation networks. This analysis should address safety issues with pedestrians and other modes of transportation and freight movement in MICs

including along designated Major Truck Streets, State Routes, or heavy haul corridors. This work should include limits on curb cuts on Major Truck Streets, to the extent feasible. This work should be prioritized in areas where new uses are being allowed amongst major generators of vehicle and pedestrian traffic, such as in the Stadium Transition Area Overlay District.

F. Prioritize freight movement on streets that provide essential connections between MICs, port facilities, interstates, and state highways, with tools such as freight-only lanes, freight and transit lanes, queue jumps for freight and transit, and other tools.

G. Seek increased funding for pavement maintenance, including maintenance of Minor Truck Streets and non-arterials in industrial areas, and bridge repair or preservation projects for bridges that serve industrial areas such as the Ballard Bridge, the bridges over Argo Yard, and the 1st Avenue South Bridge.

H. Support Vision Zero projects with unique industrial-area applications to reduce traffic deaths and injuries.

Adopted by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its adoption this _____ day of _____, 2023.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Legislative	Lish Whitson/206-615-1674	N/A

** 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:

A RESOLUTION endorsing strategies to improve the movement of people and goods in Seattle’s industrial and maritime areas.

Summary and Background of the Legislation:

This resolution voices support for a number of actions to improvement the movement of people and goods in the City’s industrial and maritime areas, including:

1. Analyzing transportation plans, programs, projects, changes to the right-of-way, and industrial subarea plans in order to identify and fund projects that support freight mobility;
2. Advocating for Sound Transit’s West Seattle and Ballard Link extensions;
3. Reporting on non-industrial development in Manufacturing/Industrial Centers;
4. Considering opportunities to address transportation safety issues during project review;
5. Designating freight-only lanes that provide essential connections between Port facilities and highways;
6. Seeking increased funding for pavement maintenance; and
7. Supporting Vision Zero projects with unique industrial-area applications.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

Yes, if implemented, the Resolution would call for increased transportation funding, particularly related to freight routes and increased funding for pavement maintenance. Implementing the resolution would require additional City staff to analyze the impacts of non-residential development in Manufacturing Industrial Centers (MICs) and may require additional time to review permits for development in the MICs, increasing staff and permitting costs. This could include the equivalent of one FTE split between SDOT and OPCD, with a cost of between \$150,000 and \$200,000 General Fund annually. Permitting costs would be covered by SDOT and SDCI permitting fees.

Are there financial costs or other impacts of *not* implementing the legislation?

The maritime, manufacturing, and logistics industries have a significant impact on the City's and regional economy. If the activities recommended as part of this Resolution are not implemented, there is the possibility that traffic congestion in the MICs increases with impacts to the City's and regional economy, and the attractiveness of the MICs to continue to foster a vibrant industrial ecosystem could be injured.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes, the Resolution would ask the Seattle Department of Transportation, Office of Planning and Community Development, Seattle Department of Construction and Inspections, and the Office of Economic Development to work with partners in the Maritime and Industrial communities to implement the resolution.

b. Is a public hearing required for this legislation?

No

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

d. Does this legislation affect a piece of property?

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The City's industrial and maritime areas include many businesses that provide living-wage and higher paying jobs to people who do not have college degrees. Maintaining and improving the freight network can help to keep those businesses in Seattle. However, these industrial areas, in particular the industrial area near South Park, are home to lower-income, BIPOC residents who are impacted by freight traffic and related transportation safety issues in their neighborhoods. To the extent that freight improvements are made that consider all modes of transportation, including walking and bicycling, this resolution can help those communities to lessen the impact of the surrounding industrial areas.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

Not directly. Other activities, such as electrification of freight fleets and ships would have a larger impact on carbon emissions. This resolution is primarily about maintaining the current transportation network.

- 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No

- 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)?**

Not applicable.

Summary Attachments (if any):

None



Legislation Text

File #: CB 120669, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to funding from non-City sources; amending Ordinance 126725, which adopted the 2023 Budget, including the 2023-2028 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project allocations for certain projects in the 2023-2028 CIP; and ratifying and confirming certain prior acts.

WHEREAS, City departments receive funding annually from the U.S. Department of Housing and Urban Development in the form of Community Development Block Grants (CDBG); and

WHEREAS, the City accepted and adopted Annual Action Plans for those funds in Ordinance 125365 (2017), Ordinance 125647 (2018), Ordinance 125864 (2019), Ordinance 126082 (2020), Ordinance 126332 (2021), and Ordinance 126644 (2022); and

WHEREAS, the City amended the CDBG allocations and Annual Action Plans for the years 2014-2017 in Ordinance 125491 and plans to amend the Annual Action Plans for the years 2017-2022 in the future to align with the appropriation changes listed in this ordinance; and

WHEREAS, the City shall submit a Consolidated Plan for 2024-2028 in the fall of 2023 to the United States Department of Housing and Urban Development (HUD) as required for each local jurisdiction seeking certain federal assistance; and

WHEREAS, the Mayor and Council wish to use residual CDBG grant appropriation to fund projects and programs consistent with federal guidelines; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The appropriations for the following items in the 2023 Adopted Budget are reduced from the

funds shown below:

Item	Department	Fund	Budget Summary Level/BCL Code	Amount
1.1	Office of Housing	Housing Program Support Fund (16440)	Multifamily Housing (BO-HU-3000)	(\$97,343)
1.2	Office of Housing	Office of Housing Fund (16600)	Multifamily Housing (BO-HU-3000)	(\$23,243)
1.3	Office of Housing	Housing Program Support Fund (16440)	Homeownership & Sustainability (BO-HU-2000)	(\$4,022)
1.4	Office of Housing	Office of Housing Fund (16600)	Homeownership & Sustainability (BO-HU-2000)	(\$437,312)
1.5	Office of Housing	Office of Housing Fund (16600)	Leadership and Administration (BO-HU-1000)	(\$179,260)
1.6	Office of Economic Development	General Fund (00100)	Business Services (BO-ED-X1D00)	(\$2,852,227)
1.7	Office of Planning and Community Development	General Fund (00100)	Equitable Development Initiative (BO-PC-X2P40)	(\$820,000)
1.8	Human Services Department	Human Services Fund (16200)	Leadership and Administration (BO-HS-H5000)	(\$106,962)
1.9	Human Services Department	Human Services Fund (16200)	Addressing Homelessness (BO-HS-H3000)	(\$1,517,801)
Total				(\$6,038,170)

Section 2. Appropriations in the 2023 Adopted Budget and project allocations in the 2023-2028 Adopted

Capital Improvement Program are reduced as follows:

Item	Department	Fund	Budget Summary Level/Code	CIP Project Name/ID	CIP Project Appropriation Change
2.1	Seattle Parks & Recreation	Park And Recreation Fund (10200)	Fix It First-CIP (BC-PR-40000)	Parks Upgrade Program (MC-PR-41029)	(\$583,257)
2.2	Seattle Parks & Recreation	Park And Recreation Fund (10200)	Fix It First-CIP (BC-PR-40000)	ADA Compliance - Parks (MC-PR-41031)	(\$2,599)

Total		(\$585,856)
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Section 3. The appropriations for the following items in the 2023 Budget are modified as follows:

Item	Department	Fund	Budget Summary Level/BCL Code	Amount
3.1	Human Services Department	Human Services Fund (16200)	Supporting Affordability & Livability (BO-HS-H1000)	\$167,136
3.2	Human Services Department	Human Services Fund (16200)	Promoting Public Health (BO-HS-H7000)	\$7,000,000
Total				\$7,167,136

Unspent funds so appropriated shall carry forward to subsequent fiscal years until they are exhausted or abandoned by ordinance.

Section 4. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 5. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
City Budget Office		Alena Johnson

** 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 relating to funding from non-City sources; amending Ordinance 126725, which adopted the 2023 Budget, including the 2023-2028 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project allocations for certain projects in the 2023-2028 CIP; and ratifying and confirming certain prior acts.

Summary and Background of the Legislation: This legislation is partner legislation to a bill that authorizes the City to submit a 2024-2028 Consolidated Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development.

The purpose of this legislation is to abandon Community Development Block Grant (CDBG) grant appropriation in departments where it was automatically carried forward but not part of the City’s Annual Action Plan, and to appropriate the correct remaining CDBG grant balances to align the City’s budget with the City’s 2024 Annual Action Plan.

This legislation reduces CDBG appropriation in Seattle Parks & Recreation, the Office of Housing, the Office of Economic Development, and the Office of Planning and Community Development for grant years 2022 and earlier. It increases appropriation in the Human Services Department to align with the City’s existing CDBG grant balances for years 2017-2022. These reductions and increases in CDBG appropriation are in alignment with the 2024 Annual Action Plan.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? X Yes No

Project Name:	Project I.D.:	Project Location:	Start Date:	End Date:	Total Project Cost Through 2028:
Parks Upgrade Program	MC-PR-41029				(\$583,257)
ADA Compliance – Parks	MC-PR-41031				(\$2,599)

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? X Yes No

Appropriation change (\$):	General Fund \$		Other \$	
	2023	2024	2023	2024
	(\$3,672,227)		\$4,215,337	
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2023	2024	2023	2024
Positions affected:	No. of Positions		Total FTE Change	
	2023	2024	2023	2024

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
 No.

Are there financial costs or other impacts of *not* implementing the legislation?
 Not approving this legislation would result in misalignment between the City’s 2024 Annual Action Plan and the City’s CDBG grant balances.

Because this legislation is related to the City adopting the 2024-2028 Consolidated Plan for Housing and Community Development, not implementing this legislation may cause the City to forgo approximately \$80 million in entitlement grant funds in federal assistance and potential program income over the five-year period of the Consolidated Plan. Funding supports services and community development activities for low- and moderate-income persons in Seattle. The City would be faced with reducing or eliminating services and/or using General Fund to provide the services.

3.a. Appropriations

X This legislation adds, changes, or deletes appropriations.

Fund Name and Number	Dept	Budget Control Level Name/Number*	2023 Appropriation Change	2024 Estimated Appropriation Change
Housing Program Support Fund (16440)	Office of Housing	Multifamily Housing (BO-HU-3000)	(\$97,343)	
Office of Housing Fund (16600)	Office of Housing	Multifamily Housing (BO-HU-3000)	(\$23,243)	
Housing Program Support Fund (16440)	Office of Housing	Homeownership & Sustainability (BO-HU-2000)	(\$4,022)	
Office of Housing Fund (16600)	Office of Housing	Homeownership & Sustainability (BO-HU-2000)	(\$437,312)	

Office of Housing Fund (16600)	Office of Housing	Leadership and Administration (BO-HU-1000)	(\$179,260)	
Park And Recreation Fund (10200)	Parks Department	Fix It First-CIP (BC-PR-40000)	(\$585,856)	
General Fund (00100)	Office of Economic Development	Business Services (BO-ED-X1D00)	(\$2,852,227)	
General Fund (00100)	Office of Planning and Community Development	Equitable Development Initiative (BO-PC-X2P40)	(\$820,000)	
Human Services Fund (16200)	Human Services Department	Leadership and Administration (BO-HS-H5000)	(\$106,962)	
Human Services Fund (16200)	Human Services Department	Addressing Homelessness (BO-HS-H3000)	(\$1,517,801)	
Human Services Fund (16200)	Human Services Department	Supporting Affordability & Livability (BO-HS-H1000)	\$167,136	
Human Services Fund (16200)	Human Services Department	Promoting Public Health (BO-HS-H7000)	\$7,000,000	
TOTAL			\$543,110	

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

3.b. Revenues/Reimbursements

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

3.c. Positions

___ This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?**
This legislation affects Seattle Parks & Recreation, the Office of Housing, the Office Economic Development, and the Office of Planning and Community Development.
- b. Is a public hearing required for this legislation?**
No
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**
No
- d. Does this legislation affect a piece of property?**
No
- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**
Programs and activities supported by these funds are specifically intended to benefit low- and moderate-income and homeless persons and families. These persons and families are disproportionately underserved and from communities of color. HSD will work with the City of Seattle’s Office of Immigrant and Refugee Affairs’ Language Access initiative to provide for requested translations of documents.
- f. Climate Change Implications**
- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**
No
 - 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**
No
- 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)?**

The programs that are to be funded with this appropriation change can be found in the City’s 2024 Annual Action Plan. The purpose of this legislation is to right-size appropriation in the City’s budget to align with the 2024 Annual Action Plan.



Legislation Text

File #: Res 32112, **Version:** 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION affirming the City's good faith intent to consider raising in the collective bargaining process for the Seattle Police Management Association (SPMA) 2024 contract renewal police accountability proposals that have been identified by the public and the City's police oversight agencies.

WHEREAS, the mission of the Seattle Police Department is to prevent crime, enforce the law, and support

quality public safety by delivering respectful, professional, and dependable police services; and

WHEREAS, public confidence in the fairness and integrity of the Seattle Police Department and its policing

practices is a necessary component of effective policing; and

WHEREAS, the City Council recognizes the sacrifices and contributions of Seattle Police Management

Association (SPMA) members, who strive to ensure the City achieves its public safety goals while

being strong partners in ongoing efforts to implement lasting policing reforms and accountability

structures, critical to ensuring the security of Seattle communities but especially those that have been

disproportionately impacted by unconstitutional policing; and

WHEREAS, the City Council recognizes the right of SPMA and all public employee unions to collectively

bargain for wages, hours, and working conditions in the best interest of their members; and

WHEREAS, the Collective Bargaining Agreement (CBA) between The City of Seattle and the SPMA will

expire on December 31, 2023 and the parties will begin negotiating a new contract as soon as December

15, 2023; and

WHEREAS, the City respects the collective bargaining process and will negotiate and bargain a new CBA in

good faith with the SPMA and respect the confidentiality of the process as required by Seattle

Municipal Code (SMC) subsection 4.04.120.E; and

WHEREAS, SMC subsection 4.04.120.F requires the Council's Labor Policy and Public Safety, Human Services and Education committees or the successor committees to hold a public hearing on the effectiveness of the City's police accountability system and that this meeting should be held at least ninety days before the City begins collective bargaining agreement negotiations with the SPMA; and

WHEREAS, SMC subsection 4.04.120.G requires the City to consider in good faith whether and how to carry forward the interests expressed at the public hearing; and

WHEREAS, the Council's Labor Policy committee and Public Safety and Human Services Committee, held on August 8, 2023 a public hearing and received input from the City's police accountability agencies including the Office of Police Accountability (OPA), Community Police Commission (CPC), the Office of Inspector General for Public Safety (OIG), and from 11 residents that either provided personal testimony or represented community or non-profit organizations that have a stake in police accountability and the SPMA contract; and

WHEREAS, individuals providing testimony at the hearing represented local businesses, neighborhood groups, communities of color, public safety advocacy associations, and community building organizations that focus on civil liberties and represent the rights of residents who are disproportionately affected by police misconduct and/or are overrepresented in the criminal-legal system; and

WHEREAS, representatives from the OPA, the CPC, and the OIG testified that the current collective bargaining agreement between the City and SPMA, adopted as Ordinance 126597 on June 14, 2022, led to significant improvements and gains in police accountability, including but not limited to:

1. Additions that clearly acknowledge and adopt the philosophy and purpose that underpins the accountability ordinance, including prioritizing community trust and transparency, and recognizing the role of proper discipline in police legitimacy;
2. Clearly acknowledging "preponderance of evidence" as the standard for appeal;
3. Clearly repudiating de novo review and clearly describing what evidence may be considered

in appeals, with deference to decisions of the Chief;

4. Providing that discipline review hearings will be made publicly available for viewing;

5. Adding language that acknowledges that the City may implement the accountability ordinance, while reserving rights to potentially bargain effects;

6. Addressing a tolling loophole for crimes committed in other jurisdictions;

7. Allowing any OPA staff to investigate SPMA members; and

8. Clarifying and formalizing processes for mediation and “rapid adjudication;” and

WHEREAS, another significant improvement and gain in police accountability in the SPMA 2022 contract is the OIG and the OPA authority to issue subpoenas of those who may have been involved in potential officer misconduct incidents, and to seek a Court order should someone fail to comply with a subpoena, consistent with the due process protections added in Ordinance 126264; and

WHEREAS, the City’s accountability agencies recognize that few issues remain that are problematic for police accountability, and that addressing remaining recommendations in future bargaining agreements will further strengthen the accountability system established by the City in its Police Accountability Ordinance (Ordinance 125315) adopted in 2017; and

WHEREAS, community stakeholders, and representatives of the OPA, the CPC, and the OIG note community concerns about language in the Police Officer’s Bill of Rights, which could be interpreted to allow past practices to override recent gains in police accountability and requires more exploration to ensure that it does not hinder recent progress made on discipline review and reform, and this issue, along with a request to toll the 180-day timeline in cases involving the SPD Force Review Board, is further detailed in a letter from the OPA dated September 7, 2023, as Attachment 1 to this resolution; and

WHEREAS, representatives of the CPC have recommended that the next SPMA contract should (1) express in its purpose statement support for a strong accountability system, (2) fully implement all provisions of the Police Accountability Ordinance, (2) include a subordination clause that allows city law to prevail

over contract terms, (3) use American Arbitration Association rules to the extent that they do not hinder robust accountability, (4) immediately implement indefinite suspensions for serious misconduct without consultation with the union, (5) eliminate the statute of limitations for any party that is involved in concealing misconduct, (6) create greater authority for OPA to coordinate its investigations with an entity that may be concurrently conducting a criminal investigation, and these priorities are further detailed in a letter from the CPC dated September 7, 2023, as Attachment 2 to this resolution; and

WHEREAS, representatives of the OIG have recommended that the next SPMA contract include (1) a strengthened mediation and rapid adjudication processes, (2) a potential change in practices that allow for accrual of overtime by SPD members who are serving a disciplinary suspension, and these priorities are further detailed in a letter from the OIG dated January 27, 2020 as Attachment 3 to this resolution; and

WHEREAS, other recommendations made by representatives of Seattle's police accountability agencies include changes that align the contract's records retention provisions with state law, providing for additional civilianizations, allowing for alternative police responses, and new investigative approaches, such that the CBA does not pose barriers to partnering with the community and moving forward swiftly on potentially transformative programs; and

WHEREAS, testimony from individuals and on behalf of interest groups largely echoed the requests made by the OPA, OIG, and CPC representatives and included support for full implementation of the Police Accountability Ordinance, support for additional police training including de-escalation and mental health training, support for bringing the City into compliance with the United States Department of Justice Consent Decree with regard to police accountability, opposition to racial disproportionality in the criminal justice system, support for new citizen review powers, support for new rights for complainants, support for the hiring of additional officers, support for more outreach to the community on issues of police accountability, and support for requiring officers to have a relationship/tie to the

community they serve; and

WHEREAS, on May 21, 2019 the Court found that the City had fallen partially out of full and effective compliance with the Consent Decree due to concerns about the disciplinary appeals process and its impact on police accountability; and

WHEREAS, the Discipline Review process in the current SPMA contract strengthens accountability in the appeals process for Lieutenants and Captains, however, the Court continues to show interest in full implementation of the City's Police Accountability Ordinance and has requested, per an order issued on September 7, 2023, a report on the status of the Ordinance's implementation when the City reaches a tentative agreement with the Seattle Police Officer's Guild (SPOG) through its current negotiation process; and

WHEREAS, consistent with SMC 4.04.120.G, the City will consider in good faith whether and how to carry forward the interests expressed at the public hearing. Those suggested changes that are legally required to be bargained with the SPOG, SPMA, or their successor labor organizations will be considered by the City, in good faith, for inclusion in negotiations but the views expressed in the public hearing will not dictate the City's position during bargaining; and

WHEREAS, the City Council has in the past adopted resolutions that memorialize the testimony given at hearings pursuant to SMC 4.04.120.F, including Resolution 31930; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:

Section 1. The City of Seattle will consider in good faith whether and how to carry forward the interests referred to in the recitals through various means including, but not limited to, enactment of appropriate legislation, development of collective bargaining goals and objectives, and facilitating community police dialogue. To the extent that Washington law requires any changes to be bargained with employee representatives, the City will seek to discharge such obligations in good faith.

Section 2. The City has made significant improvements to the most recent SPMA and SPOG bargaining

processes, including expanded roles for the City’s police accountability partners and City Council staff.

Designated accountability agency representatives now provide input throughout the process, including technical representation at the City’s Labor Relations Policy Committee, and the Council is represented at the bargaining table through the participation of a neutral Council Central Staff observer. The Council requests that the Executive and Labor Relations Director continue these practices to ensure ongoing transparency and the provision of critical input from the Council and its accountability partners.

Adopted by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its adoption this _____ day of _____, 2023.

President _____ of the City Council

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

Attachments:

Attachment 1 - Seattle Office of Police Accountability, OPA’s supplemental letter concerning a renewed Seattle Police Management Association (SPMA) agreement, September 11, 2023

Attachment 2 - Seattle Community Police Commission, Community Police Commission Recommendations for City of Seattle’s Collective Bargaining Agreement Negotiations with Seattle Police Management Association, September 7, 2023

Attachment 3 - Seattle Office of Inspector General, Input regarding Seattle Police Management Association (SPMA) Collective Bargaining Parameters, September 8, 2023



SENT VIA EMAIL

MEMORANDUM

September 11, 2023

To: Mayor Bruce Harrell, Councilmembers Lisa Herbold, Andrew Lewis, Teresa Mosqueda, Alex Pederson, and Sara Nelson, and City Attorney Ann Davison

From: Gino Betts, Jr., Director of the Office of Police Accountability (OPA)

Subject: OPA’s supplemental letter concerning a renewed Seattle Police Management Association (SPMA) agreement

On August 7, 2023, the Office of Police Accountability submitted an initial letter concerning the SPMA bargaining process to the Council. Since then, public comments have highlighted potential concerns with the agreement, leading to OPA reassessing and supplementing its initial position with this letter. Below, OPA has flagged potential issues and changes that would benefit the fulfillment of its obligations:

- Modify 16.4 Internal Investigations Procedures, C, 4, (p. 39) to automatically pause the 180-day clock for cases with SPD’s Force Review Board. This will afford OPA an entire 180-day investigation period rather than whatever time remains following the Force Review Board’s evaluation.
- Community stakeholders have called attention to section 16.6, “Bill of Rights,” entitling officers to rights established by “the past practices of the Department...” Some have interpreted the provision as restricting SPD from deviating from precedent even when best practices and public interest call for it. Accordingly, SPMA members’ rights should not be expanded beyond those outlined in the “Police Officers’ Bill of Rights” or those negotiated under a new agreement.

As always, OPA appreciates the Council’s consideration and the opportunity to weigh in on union negotiations that directly impact its work. Thank you, and please reach out if further input or clarification is required.

Sincerely,

Gino Betts Jr.
Director
Office of Police Accountability



Attachment 2 – Seattle Community Police Commission, Community Police Commission Recommendations for City of Seattle’s Collective Bargaining Agreement Negotiations with Seattle Police Management Association, September 7, 2023.

September 7th, 2023

VIA E-MAIL

Mayor Bruce Harrell
Seattle City Hall
600 Fourth Avenue, 7th Floor
Seattle, Washington 98104

Council President Debora Juarez
Councilmember Tammy J. Morales
Councilmember Andrew J. Lewis
Councilmember Sara Nelson
Councilmember Lisa Herbold
Councilmember Alex Pedersen
Councilmember Teresa Mosqueda
Councilmember Dan Strauss
Councilmember Kshama Sawant
Seattle City Hall
600 Fourth Avenue, 2nd Floor
Seattle, Washington 98104

RE: Community Police Commission Recommendations for City of Seattle’s Collective Bargaining Agreement Negotiations with Seattle Police Management Association

Dear Mayor Harrell and City Councilmembers:

Pursuant to City ordinance¹, please find below recommendations from the Seattle Community Police Commission (CPC) with respect to the City’s upcoming contract negotiations with the Seattle Police Management Association (SPMA).

As the CPC has previously recommended with regard to contractual provisions addressing accountability amid collective bargaining with both SPMA and the Seattle Police Officers Guild (SPOG), the City must

¹ [Ordinance 125315 Sec. 3.29.460](#) Collective bargaining and labor agreements provides in part as follows: “Those who provide civilian oversight of the police accountability system shall be consulted in the formation of the City’s collective bargaining agenda for the purpose of ensuring their recommendations with collective bargaining implications are thoughtfully considered and the ramifications of alternative proposals are understood...”.

ensure that contracts no longer embed any barriers to full implementation of the reforms the City enacted into law in June 2017 in the Accountability Ordinance.² That law, which the Mayor signed

following the City Council’s unanimous passage, was the result of years of work by accountability oversight officials and community advocacy to ensure fair, transparent, and equitable police accountability.

Those reforms were intended to be a floor, upon which additional reforms would be built. The City committed to ensuring that collective bargaining agreements adopted or modified after the ordinance was enacted would align with each of the intended reforms, so that those improvements in Seattle’s accountability system could be fully realized on behalf of the public.

Although neither of the first contracts that the City entered into with SPMA or SPOG following enactments of the 2017 ordinance did that, the SPMA contract adopted in June 2022 did incorporate many of the recommendations from past and current oversight officials and the community, including many in the ordinance, making accountability provisions in the current SPMA contract much stronger. The City should build on that and focus on strengthening – not weakening – contractual accountability provisions over time. Moreover, the City needs to ensure that any contracts entered into or modified after state legislative efforts to strengthen police accountability took effect in July 2021 are consistent with the new requirements in state law.

Additionally, although SPOG and SPMA are different bargaining units, the City must ensure that contract terms related to accountability do not allow for different ranks to be treated differently. The City needs to require the same best practices for OPA investigations, discipline and disciplinary appeals, and other elements of accountability, for all ranks. Past accountability oversight officials recommended that the City ensure that such contract terms do not allow for different treatment by rank and that recommendation was incorporated in the 2017 accountability law, but it has not yet been fulfilled.

The following recommendations for the City’s upcoming bargaining with SPMA focus on several accountability provisions that prior agreements have not yet fully addressed or that need further refinement to fully implement the intended reform. We have listed them in the order they occur in the previous contract. We understand that our accountability partners at the Office of the Inspector General for Public Safety and the Office of Police Accountability will submit respective recommendations on these and other accountability provisions that speak directly to the discrete work of those organizations.

Purpose: The previous contract at its outset includes a provision on the contract’s purpose. When courts, arbitrators or others review challenges to discipline and determine that a contract provision is unclear or that the contract is silent on the issue, the reviewer often looks to the intent expressed in the purpose provision. If accountability provisions are part of the contract, the purpose provision should clearly

² See *United States v. City of Seattle*, 2:12-cv-01282-JLR, Dkt. 533 (Levinson Decl.), which we incorporate by reference.

indicate that the purpose of the contract is to support a strong police accountability system – a priority for the City and the public – in addition to setting forth standard employment conditions.

Subordination clause (Article 12.2): The previous contract expressly provides that if any provision conflicts with federal or state law or City Charter, state law and Charter prevail. But, contrary to past recommendations, the contract allows contract terms to prevail over City ordinances. That should be changed, as it can lead to provisions that weaken, or even abrogate, City law, which happened following the adoption of the 2017 accountability ordinance. That ordinance has still not fully taken effect due to subsequently negotiated contracts, resulting in a loss of trust and confidence by the public and stakeholders who thought the reforms they worked to approve would be implemented.

Use of American Arbitration Association rules (Article 15.5 D): The previous contract includes a provision requiring an arbitrator to apply the voluntary labor arbitration regulations of the American Arbitration Association as a guideline for hearing procedures, unless the parties stipulated otherwise. This provision should be retained, but the contract should make clear that the AAA rules should only be applied to the extent that they do not hinder robust accountability or conflict with the disciplinary review process otherwise set forth in the contract.

Indefinite suspensions (Article 16.3): Under the previous contract, the Chief has the authority to immediately suspend an employee without pay where allegations in a complaint, if true, could lead to termination, or where the Chief determines that the suspension is necessary to ensure public safety or public trust, or is otherwise warranted. The Department is required to notify SPMA when it intends to indefinitely suspend an employee in the bargaining unit and SPMA has the right to request a meeting with the Chief to discuss the suspension, to occur within 15 days of the meeting request. The contract should make clear that the Chief may suspend an employee immediately and is not required to wait until that meeting has taken place.

Statute of limitations (Article 16.4.l(2)): The previous contract places no time limit on when misconduct may be addressed if the employee concealed the misconduct. But there is a time limit where the misconduct was concealed due to someone else’s actions. Whenever misconduct is discovered to have been concealed, it harms community trust and confidence if that misconduct is not addressed, regardless of who concealed it. As past accountability oversight officials recommended, this provision should not limit concealment to “where the named employee concealed acts of misconduct,” but should instead read: “where the acts of misconduct have been concealed,” so that it includes concealment of misconduct by others, such as an officer’s partner, other employees, or third parties.

Records Retention (Article 16.4(N); (O); Appendix B): These provisions should be updated to conform with state law effective July 2021 requiring that all personnel records for any peace officer or corrections officer be retained for the duration of the officer's employment and at least 10 years thereafter. They should have been updated in the contract adopted in June 2022.

The new state law made clear that an employing agency may not enter into any agreement or contract with an officer or union allowing the agency to destroy or remove any personnel record while the officer is employed and for 10 years thereafter. The law also did not limit the retention requirement to files related to sustained findings. Instead, records to be retained include all misconduct and equal employment opportunity complaints, progressive discipline imposed, written reprimands, supervisor coaching, suspensions, involuntary transfers, investigatory files, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements in the statute. See: RCW 43.101.135; RCW 40.14.070.

The records retention provisions in state law are not subject to bargaining. All contracts entered into or modified must be consistent with the law’s requirements.

Criminal investigations (Article 16.5): As previously recommended, this provision should be amended to allow the investigating authority to investigate complaints of any alleged serious misconduct that is criminal in nature, other than complaints of misconduct within the jurisdiction of the Office of Independent Investigations (see chapter 43.102 RCW), without limiting the way the authority receives complaints or conducts its investigations. That includes decision-making as to which entity should conduct any necessary criminal investigation, coordination with the criminal investigators if external to the investigating authority, and whether criminal and administrative investigations should be done concurrently or sequentially, to ensure that both are rigorous, thorough, and timely.

Bill of Rights (Article 16.6): Similar to our concerns with the subordination clause, this contract provision states that “The ‘Police Officers’ Bill of Rights’ spells out the minimum rights of an officer but where the language of the contract or the past practices of the Department grant the officer greater rights, those greater rights shall pertain.”

The “Bill of Rights” provisions in the Seattle Municipal Code [SMC 3.28.320] that should have been stricken when the accountability ordinance was adopted in 2017 still needs to be removed so that the public, officers, and those who are responsible for implementation can rely on the accountability ordinance and the contracts as containing all relevant requirements and standards, without concern that they may be affected by other language elsewhere.

As we stated in 2019 when we last commented on the SPMA contract, the CPC continues to emphasize the importance of incorporating all accountability provisions from the 2017 ordinance into all police public employment contracts. This letter is not a comprehensive list of recommendations³, and we want to

³ For example, the CPC still advocates for the [reforms called for in 2019](#) regarding allowing supplemental information from SPMA (Articles 16.4(C)(5) & 16.6.6), mediation (Article 16.7) and rapid adjudication (Article 16.8), which have not been fully implemented as recommended.

emphasize that the CPC supports the accountability work and recommendations of our partners in the Office of Inspector General for Public Safety and the Office of Police Accountability as we work in partnership towards shared goals of accountability and strengthening of public trust in constitutional policing in Seattle.

Sincerely,



Joel C. Merkel, Jr.



Reverend Patricia Hunter, Co-
Chair

Reverend Harriett Walden, Co-
Chair

Joel Merkel, Co-Chair

cc: Ann Davison, Esq., Seattle City Attorney (via e-mail)
Chief Adrian Diaz, Seattle Police Department (via e-mail)
Dr. Antonio M. Oftelie, Federal Monitor, Seattle Police (via e-mail)
Commissioners, Seattle Community Police Commission (via e-mail)

Attachment 2 – Seattle Community Police Commission, Community Police Commission Recommendations for City of Seattle’s Collective Bargaining Agreement Negotiations with Seattle Police Management Association, September 7, 2023.



Seattle Office of Inspector General

Attachment 3 – Seattle Office of Inspector General, Input regarding Seattle Police Management Association (SPMA) Collective Bargaining Parameters, September 8, 2023.

September 8, 2023

Sent VIA Email

To: Mayor Bruce Harrell; Council President Deborah Juarez; Public Safety and Human Services Committee Chair Lisa Herbold

From: Lisa Judge, Inspector General for Public Safety

Re: Input regarding Seattle Police Management Association (SPMA) Collective Bargaining Parameters

Introduction and background

The City is required by ordinance to receive input about collective bargaining parameters from those who provide civilian oversight of the police accountability system – the Community Police Commission (CPC), the Office of Police Accountability (OPA), and the Office of the Inspector General for Public Safety (OIG) – as the City defines its approach to upcoming bargaining with Seattle police unions. Creating and fostering systems and processes to ensure police officers are accountable to the public they serve is a primary goal of the Office of Inspector General. Providing meaningful feedback to policy makers at critical decision points, such as setting bargaining parameters and considering ratification of collective bargaining agreements for police, is one such way OIG can assist in identifying potential barriers to accountability, as well as positive changes that bring those agreements closer in alignment with community expectations.

In advance of bargaining in 2019, OIG generated a memorandum to the Seattle City Council identifying potentially problematic provisions in the SPMA agreement that impact accountability. That memo was intended to highlight areas of focus for the City in bargaining efforts to strengthen and actualize the accountability reforms enacted by the Seattle City Council in 2017. Primary areas of concern at that time included ensuring measures that provide transparency, enhance community trust, and solidify authority and sustainability for accountability entities. Specifically, subpoena power for OPA and OIG, quantum of proof on appeal, 180-day timeline clarity, arbitration reform, and OPA authority in criminal cases were identified as primary areas for improvement. Additionally, increased transparency in the bargaining process was also called out for reform.



Progress achieved in the current CBA

Since that time, the current CBA was negotiated, resulting in substantial strides that address specific concerns raised by OIG and other stakeholders. Improvements and gains that directly benefit accountability efforts in the current CBA include:

- Additions to Article 15 that clearly acknowledge and adopt the philosophy and purpose that underpins the accountability ordinance, including prioritizing community trust and transparency, and recognizing the role of proper discipline in police legitimacy;
- Clearly acknowledging “preponderance of evidence” as the standard for appeal;
- Clearly repudiating *de novo* review and clearly describing what evidence may be considered in appeals, with deference to decisions of the Chief;
- Providing that discipline review hearings will be made publicly available for viewing;
- Language acknowledging the City may implement the accountability ordinance, while reserving rights to potentially bargain effects;
- Addressing a tolling loophole for crimes committed in other jurisdictions;
- Allowing any OPA staff to investigate SPMA members; and
- Clarifying and formalizing processes for mediation and “rapid adjudication.”

With regard to the bargaining process itself, the City has made significant improvements allowing for accountability stakeholder input throughout the process, as well as adding a neutral observer at the bargaining table.

Parameter considerations for the next SPMA CBA

Few issues remain that are potentially problematic for accountability and both parties appear to have taken community concerns to heart in negotiating the current agreement. Issues for future bargaining parameters include: strengthening OPA processes for mediation and rapid adjudication, records retention conformance to state law, and addressing potentially concerning issues in Article 16.

Mediation and Rapid adjudication: These provisions should include the recommendations previously made by civilian oversight officials to strengthen these alternative resolution processes and provide greater latitude for OPA development of these processes.

Records Retention: State law provides that all personnel records for any peace officer or corrections officer must be retained for the duration of the officer's employment and a



minimum of 10 years thereafter. An employing agency may not enter into any agreement or contract with an officer or union allowing the agency to destroy or remove any personnel record while the officer is employed and for 10 years thereafter.

These records include all misconduct and equal employment opportunity complaints, progressive discipline imposed, written reprimands, supervisor coaching, suspensions, involuntary transfers, investigatory files, other disciplinary appeals and litigation records, and any other records needed to comply with the requirements set forth in the statute. [See: RCW 43.101.135; RCW 40.14.070]

Future CBAs should defer to retention periods defined by state law, or alternatively, remain silent on records retention, thereby allowing state law to control with no conflicting CBA provision.

Section 16.6 Issues:

The potentially concerning section provides:

“Bill of Rights- The ‘Police Officers’ Bill of Rights’ spells out the minimum rights of an officer **but where the language of the contract or the past practices of the Department grant the officer greater rights, those greater rights shall pertain.”**

This has been identified by some in community as a provision with the potential to allow practices perceived as problematic to appropriate discipline and accountability to override newly adopted provisions. This language potentially locks in past decisions as precedent, limiting opportunity for course corrections from undesirable past practices or rulings. While the Department should not be allowed to treat people with similar misconduct differently week to week or month to month, there must be the ability to improve practices, decisions, policies, and training with appropriate communications, disclosure, and policy stating what the approach will be going forward.

In an effort to assess whether such issues are theoretical or are actually occurring, OIG will gather and assess data related to deviation from OPA Director recommendations and findings, and where discipline imposed by the Chief falls within possible ranges. In 2019, an OIG audit described a condition wherein Chiefs in the last few years have tended to impose discipline on the lower end of the possible range, thereby arguably creating a presumption in practice. Such data analysis can inform future negotiations and shed light on whether this provision is indeed problematic.



Seattle Office of Inspector General

Attachment 3 – Seattle Office of Inspector General, Input regarding Seattle Police Management Association (SPMA) Collective Bargaining Parameters, September 8, 2023.

Other Possible Considerations:

The OIG audit of discipline processes also identified a potential issue related to accrual of overtime by SPD members while under a disciplinary suspension, which was flagged by SPD as possibly impeded by collective bargaining. OIG acknowledges that management has a significant interest in maintaining proper staffing and may need to use personnel in an overtime capacity. The issue should be explored to determine if bargaining could mitigate public trust impacts related to this issue, while preserving necessary management rights to ensure proper staffing.

While much of this input specifically concerns accountability provisions, OIG also strongly supports contract advances that will allow for new staffing configurations, additional civilianization, and alternative responses and investigative approaches, so that neither CBA poses barriers to partnering with the community and moving forward swiftly on potentially transformative programs.

Although SPOG and SPMA are different bargaining units, one of the recommendations that was made by past accountability oversight officials, and was then incorporated in the 2017 accountability law, is that the City ensure that contract terms related to the accountability do not allow for different ranks to be treated differently. To accomplish that, all contracts should require the same best practices for OPA investigations, discipline and disciplinary appeals, for all ranks.

Conclusion:

Overall, the current CBA presents a dramatic step forward in fostering meaningful oversight of the Seattle Police Department and increasing accountability and transparency to community. Addressing remaining recommendations in future agreements will further strengthen the accountability system established by the City in 2017. Finally, the changes and improvements achieved in the current and future SPMA agreements provide a roadmap for a fruitful path forward for ongoing bargaining with the Seattle Police Officers' Guild (SPOG).

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
LEG	Greg Doss	NA

** 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: A RESOLUTION affirming the City's good faith intent to consider raising in the collective bargaining process for the Seattle Police Management Association (SPMA) 2024 contract renewal police accountability proposals that have been identified by the public and the City's police oversight agencies.

Summary and Background of the Legislation: The Collective Bargaining Agreement (CBA) between The City of Seattle and the SPMA will expire on December 31, 2023 and the parties will begin negotiating a new contract as soon as December 15, 2023. SMC subsection 4.04.120.F requires the Council's Labor Policy and Public Safety, Human Services and Education committees or the successor committees to hold a public hearing on the effectiveness of the City's police accountability system. This hearing was held on August 8, 2023.

Input from the City's police accountability agencies including the Office of Police Accountability (OPA), Community Police Commission (CPC), the Office of Inspector General for Public Safety (OIG), and from 11 citizens that provided personal testimony or represented community, or non-profit organizations that have a stake in police accountability and the SPMA contract. Additionally, each of the accountability agencies provided a letter that expressed their priorities for bargaining in the next SPMA contract.

The input from the representatives at the hearing and the letters from the OPA, CPC and OIG are memorialized in this resolution along with a commitment from the Council to consider in good faith whether and how to carry forward these interests through various means including, but not limited to, enactment of appropriate legislation, development of collective bargaining goals and objectives, and facilitating community police dialogue.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No

Are there financial costs or other impacts of *not* implementing the legislation?

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. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No
- d. **Does this legislation affect a piece of property?** No
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

The act of memorializing via resolution the police accountability input provided at the August 8, 2023 hearing will not in-and-of-itself have an impact on vulnerable or historically disadvantaged communities. However, the successful negotiation of proposals that reflect such input in a future 2024 with the Seattle Police Management Association, consistent with constitutional and accountable policing, may have a significant impact on vulnerable or historically disadvantaged communities, who are subject to disproportionate impacts of the criminal legal system.

- f. **Climate Change Implications**
 - 1. **Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?** No
 - 2. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.** No
- 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)?**



Legislation Text

File #: Res 32111, **Version:** 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION declaring the City Council's and the Mayor's intent to recognize the seismic retrofit of unreinforced masonry buildings in compliance with the City's URM Retrofit Technical Standard.

WHEREAS, The City of Seattle (City) has over 1,100 unreinforced masonry buildings (URMs), which are

buildings typically built before 1945 with brick or clay tile bearing walls where the parapets and walls are not secured to the floors and roofs; and

WHEREAS, URMs are vulnerable to damage or collapse during earthquakes, potentially endangering people

within the buildings if walls fully or partially collapse and pedestrians if parapets break away and fall into the street; and

WHEREAS, in 2015 the Seattle Department of Construction and Inspections (SDCI) compiled a list of

probable URM buildings; and

WHEREAS, in 2016 SDCI provided written notification to URM building owners of the seismic vulnerability

of their buildings; and

WHEREAS, in 2021 the City Council (Council) and Mayor passed Resolution 32033, guiding the creation of a

URM retrofit program with the primary goal of protecting life safety by reducing the risk of injury from collapse in the event of an earthquake and additional goals of preserving Seattle's historically and

culturally significant landmarks and structures that contribute to neighborhood character, improve the

City's resiliency to earthquake events, and minimize the impact of a URM retrofit program on

vulnerable populations to the extent financially feasible; and

WHEREAS, Resolution 32033 recommends the phasing in of a future URM retrofit program that includes:

- A. A definition of URMs;
- B. The type of seismic retrofit standard required to bring URMs into compliance, acknowledging that there may be different standards for different types of buildings;
- C. A system to categorize building types and/or uses that prioritizes key buildings and services;
- D. A timeline for compliance;
- E. An enforcement strategy; and
- F. A variety of potential funding opportunities and financial incentives to reduce the financial burden of required seismic retrofits for URMs; and

WHEREAS, in alignment with recommendations to establish a compliance standard in Resolution 32033, in 2023 SDCI has developed a Technical Standard for the retrofit of URMs, components of which were adopted through Director’s Rule 6-2023; and

WHEREAS, many building owners currently have capacity and interest in retrofitting their URM buildings and are delaying safety retrofits waiting for assurance of SDCI retrofit requirements; and

WHEREAS, SDCI does not want to hinder voluntary efforts of building owners to increase the seismic safety of their buildings; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. Unreinforced masonry (URM) buildings demonstrating compliance with voluntary minimum seismic standards set forth in Director’s Rule 6-2023 are eligible for a changed retrofit status designation in the City’s official list of URM buildings. In advance of a mandatory retrofit program, an ordinance guiding voluntary URM retrofits is intended to be created that will:

- A. Adopt the Technical Standard established in Director’s Rule 6-2023 as a compliant URM retrofit to provide assurance to building owners that, absent a public safety necessity, buildings strengthened pursuant to the Technical Standard will not be subject to future mandatory seismic retrofitting legislation adopted by

Council and the Mayor.

B. Incentivize URM building owners to voluntarily conduct seismic retrofits by establishing a pathway for recognition of retrofit status for all URMs compliant with minimum seismic standards established in Director's Rule 6-2023.

Adopted by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its adoption this _____ day of _____, 2023.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
SDCI	Amanda Hertzfeld	Christie Parker

** 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: A RESOLUTION declaring the City Council’s and the Mayor’s intent to recognize the seismic retrofit of unreinforced masonry buildings in compliance with the City’s URM Retrofit Technical Standard.

Summary and Background of the Legislation:

In 2021, the City Council passed [Resolution 32033](#) establishing the framework for a mandatory retrofit ordinance for Seattle’s 1,100 unreinforced masonry (URM) buildings. That legislation directed the creation of a seismic retrofit standard required to bring URM into compliance. The Seattle Department of Construction and Inspections (SDCI) has created a Draft URM Retrofit Technical Standard and adopted components through Director’s Rule 6-2023.

SDCI proposes this resolution to establish a workplan forming a Voluntary URM Seismic Retrofit Ordinance using the Technical Standard to inform compliance. Adopting this Resolution will provide transparency to building owners and developers, demonstrating the City’s intent to pursue URM legislation based on Director’s Rule 6-2023 and the Draft URM Retrofit Technical Standard.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? Yes No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? Yes No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

This legislation does not have financial impacts to The City.

Are there financial costs or other impacts of *not* implementing the legislation?

Building owners are hesitant to conduct upgrades to their buildings without assurance their seismic improvements will meet the standards of future legislation. As a result, failure to adopt this legislation may result in delayed building upgrades. Additionally, Seattle has an 86% chance of experiencing a damaging earthquake in the next 50 years. Delayed

implementation of this legislation can result in increased fatalities, injuries, and property damage in the event of an earthquake.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

This legislation does not affect any departments besides the Seattle Department of Construction and Inspections (SDCI).

b. Is a public hearing required for this legislation?

A public hearing is not required for this legislation.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

A publication of notice is not required for this legislation.

d. Does this legislation affect a piece of property?

This Resolution does not affect a piece of property. Future legislation developed in accordance with this Resolution will provide a voluntary seismic retrofit option that may impact owners of Unreinforced Masonry (URM) buildings choosing to conduct earthquake retrofits.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

According to the City’s Socioeconomic Disadvantage Index, which combines information on race, ethnicity, and related demographics on socioeconomic and health disadvantages like income, education, and disabilities, more than half of Seattle’s Unreinforced Masonry (URM) buildings are located in the “Disadvantaged” and “Most Disadvantaged” areas suggesting that an earthquake will disproportionately impact lower income neighborhoods and marginalized communities. This Resolution directs SDCI to adopt a future ordinance informed by SDCI’s Draft URM Retrofit Technical Standard. The intent of this Standard is to minimize cost of design while reducing the risk of collapse and loss of life.

Resolution 32033 requested SDCI prepare a communication strategy and conduct community outreach and engagement with a focus on communities of color and low-income communities who may be disproportionately impacted by earthquake damage to URMs and

the retrofit requirement. This work remains in SDCI's workplan where discussions about translation services, community champions, and relationship building are ongoing.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

Failure to retrofit URM buildings may result in their collapse or demolition post-earthquake. After the February 2023 earthquake in Turkey, the country is coping with 210 million tons of toxic debris from collapsed buildings. This debris produces the equivalent emissions of 1.05 billion cars. This does not include the carbon emissions associated with the design and build process of new construction needed to replace demolished infrastructure. This Resolution supports the advancement of a URM retrofit program to reduce building collapse post-earthquake thus reducing post-quake emissions for debris removal, storage, and rebuilding.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

This Resolution supports Seattle's resilience to earthquakes and climate change by reducing property damage and post-quake carbon emissions. Additionally, messaging for the URM program will encourage building owners to combine energy efficiency upgrades with seismic retrofits to achieve holistic resilience.

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)?

Long-term goals of the URM program are to improve the city's resilience to earthquakes by reducing death and destruction associated with collapse-prone buildings. Success will be measured by the number of buildings conducting improvements that meet compliance with a minimum seismic safety standard. This legislation supports the adoption of a seismic safety standard through a future voluntary URM Retrofit ordinance.



Legislation Text

File #: CB 120661, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to Seattle Public Utilities; updating the Solid Waste Code to establish an administrative enforcement process using notices of violation; adding a new Section 21.36.921 to the Seattle Municipal Code; and amending Sections 21.36.420, 21.36.920, and 21.36.922 of the Seattle Municipal Code.

WHEREAS, Seattle Public Utilities fosters healthy people, a healthy environment, and a healthy economy by partnering with the community to equitably manage water, wastewater, and solid waste resources for the present and for future generations; and

WHEREAS, portions of the City’s Solid Waste Code require revision to create an administrative enforcement process to deter illegal dumping on public property, including streets and alleys and rights-of-way such as sidewalks and planting strips; and

WHEREAS, it serves the public interest for the City to update provisions of its code to deter illegal dumping of solid waste and promote a healthy environment; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 21.36.420 of the Seattle Municipal Code, last amended by Ordinance 118396, is amended as follows:

21.36.420 Unlawful dumping of solid waste((=))

It is unlawful for anyone to dump, throw, or place solid waste on any property, public or private, or in any public place except((=)) as authorized by ((city)) ordinance, in a litter container, solid waste container, or ((in a)) bundle as described in this ((chapter)) Chapter 21.36, or upon or at a disposal site or interim solid waste

handling site provided and/or designated by the Director of Seattle Public Utilities pursuant to Section 21.36.018. Anyone who dumps, throws, or places solid waste in violation of this ~~((section))~~ Section 21.36.420 shall remove and properly dispose of it. This section does not apply to dumping, throwing, or placing litter in the amount of ~~((one (1)))~~ 1 cubic foot or less ~~((which))~~ and that does not contain hazardous substances.

Section 2. Section 21.36.920 of the Seattle Municipal Code, last amended by Ordinance 123633, is amended as follows:

21.36.920 Violation - Penalty~~((,))~~

A. ~~((Except for a violation designated by this chapter as a civil infraction or as provided by subsection B of this section, violation or failure to comply with any provision of this chapter is a gross misdemeanor punishable as provided in Section 12A.02.070.))~~ Civil infractions designated in Section 21.36.922 shall be penalized as provided in chapter 7.80 RCW.

B. Violations of Section 21.36.420 by volume - Criminal. Violations involving an amount of solid waste greater than ~~((one (1)))~~ 1 cubic foot but less than ~~((one (1)))~~ 1 cubic yard is a misdemeanor punishable as provided in Section 12A.02.070. For such a violation, the defendant shall also pay a litter cleanup restitution payment, which is the greater of twice the actual cost of removing and properly disposing of the litter or ~~((Fifty Dollars (\$50.00)))~~ \$50 per cubic foot of litter. Violation of Section 21.36.420 involving an amount of solid waste of ~~((one (1)))~~ 1 cubic yard or more is a gross misdemeanor punishable as provided in Section 12A.02.070. For such a violation, the defendant shall also pay a litter cleanup restitution payment, which is the greater of twice the actual cost of removing and properly disposing of the litter or ~~((One Hundred Dollars (\$100.00)))~~ \$100 per cubic foot of litter. The court shall distribute the litter cleanup restitution payment according to RCW ~~((70.95.240))~~ 70A.205.195. The court may, in addition to the litter cleanup restitution payment, order the defendant to remove and properly dispose of the litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this ~~((section))~~

Section 21.36.920 if the defendant removes and properly disposes of the litter.

C. Violations of Section 21.36.420 may be enforced based on the weight of the solid waste through a notice of violation. Violations that are enforced based on the weight of the solid waste are subject to a fine as determined by the Director of Seattle Public Utilities in accordance with the following schedule:

<u>Description</u>	<u>Fine</u>
<u>Base fee: No previous similar violations</u>	<u>\$100</u>
<u>Base fee: One or more previous similar violations within the past 12 months .</u>	<u>\$500</u>
<u>Up to 400 pounds</u>	<u>\$200 + base fee and cleanup costs</u>
<u>400 pounds up to 1000 pounds</u>	<u>\$500 + base fee and cleanup costs</u>
<u>1000 pounds up to 3 tons</u>	<u>\$1500 + base fee and cleanup costs</u>

Violations as to the weight of the dumped solid waste may be enforced by a notice of violation, as described in Section 21.36.921. In addition to the fine, the defendant shall also pay a litter cleanup payment, which is the actual cost of removing and properly disposing of the litter.

~~((C.))~~ D. ~~((Alternatively, except for a violation designated by this chapter as a civil infraction or as provided in subsection B of this section, the violation of or failure to comply with any provision of this chapter))~~ Any violation of this Chapter 21.36 other than those identified in subsections 21.36.920.A, 21.36.920.B, and 21.36.920.C shall be subject to a civil penalty in the amount of ((Fifty Dollars (\$50.00))) \$50 for each violation and the amount of ((Fifty Dollars (\$50.00))) \$50 per day for each additional day of a continuing violation. To collect the penalty imposed by this subsection 21.36.920.D, the City shall file a civil action in the Seattle Municipal Court.

~~((D.))~~ E. The penalties provided in this ~~((section))~~ Section 21.36.920 are in addition to any other sanction or remedial procedure ~~((which))~~ that may be available. The criminal or civil penalty, and the limitation on the amount of the penalty, does not ~~((including))~~ include any amounts that may be recovered for reimbursement. Sums recovered for reimbursement shall be in addition to the penalty.

Section 3. A new Section 21.36.921 is added to the Seattle Municipal Code as follows:

21.36.921 Investigation and notice of violation - Right to appeal

A. The Director of Seattle Public Utilities may investigate any property where the Director reasonably believes there is a failure to comply with the requirements of Section 21.36.420.

B. The Director of Seattle Public Utilities is authorized to issue a notice of violation to a responsible party if, after investigation, the Director determines that a violation of Section 21.36.420 based on the weight of the solid waste has occurred or is occurring. The notice of violation shall include: a description of the violation; the date of the notice; what corrective action is necessary to comply with this Chapter 21.36; and shall set a reasonable time by which any corrective action must be taken or any penalties must be paid.

C. The notice of violation may be amended at any time to correct clerical errors, add citations of authority, or modify required corrective action.

D. The Director of Seattle Public Utilities shall serve the notice upon a responsible party either by personal service, by first-class mail, or by certified mail return receipt requested, to the party's last known address. If by first-class mail, service shall be deemed complete upon the third day following the day upon which the notice is placed in the mail, or if the third day falls on a Saturday, Sunday, or legal holiday, then on the next day following that is not a Saturday, Sunday, or legal holiday. If the address of the responsible party cannot be found after a reasonable search, the notice may be served by posting a copy of the notice at a conspicuous place on the property. Alternatively, if the whereabouts of the responsible party is unknown and cannot be ascertained in the exercise of reasonable diligence, and the Director of Seattle Public Utilities makes an affidavit to that effect, then service may be accomplished by publishing the notice once each week for two consecutive weeks in the City official newspaper.

E. Nothing in this Section 21.36.921 requires the Director of Seattle Public Utilities to issue a notice of violation prior to the initiation of enforcement action by the City Attorney's Office.

F. Appeal to Director

1. A Notice of Violation, Director's order, or invoice issued pursuant to this subtitle shall be final

and not subject to further appeal unless an aggrieved party requests in writing a review by the Director, or designee, within ten business days after service of the Notice of Violation, order or invoice. When the last day of the period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

2. Following receipt of a request for review, the Director, or designee, shall notify the requesting party, any persons served the Notice of Violation, order or invoice, and any person who has requested notice of the review, that the request for review has been received by the Director. Additional information for consideration as part of the review shall be submitted to the Director no later than 15 business days after the written request for a review is mailed.

3. The Director, or designee, will review the basis for issuance of the Notice of Violation, order, or invoice and all information received by the deadline for submission of additional information for consideration as part of the review. The Director may request clarification of information received and a site visit. After the review is completed, the Director may:

- a. Sustain the Notice of Violation, order, or invoice;
- b. Withdraw the Notice of Violation, order, or invoice;
- c. Continue the review to a date certain for receipt of additional information; or
- d. Modify or amend the Notice of Violation, order, or invoice.

4. The Director's decision shall become final and is not subject to further administrative appeal.

G. If a responsible party fails to correct a violation or pay a penalty as required by a Notice of Violation, or fails to comply with a Director's order, the Director may refer the matter to the City Attorney's Office for civil or criminal enforcement action. Civil actions to enforce a notice of violation shall be exclusively in Seattle Municipal Court.

H. Because civil actions to enforce this Subtitle III are brought exclusively in Seattle Municipal Court, notices of violation, orders, and all other actions made under this Subtitle III are not subject to judicial review

under chapter 36.70C RCW. Instead, final decisions of the Seattle Municipal Court on enforcement actions authorized by this Subtitle III may be appealed under the Rules for Appeal of Decisions of Courts of Limited Jurisdiction.

Section 4. Section 21.36.922 of the Seattle Municipal Code, last amended by Ordinance 124582, is amended as follows:

21.36.922 Civil infractions

A. The violation of or failure to comply with any section of this (~~chapter~~) Chapter 21.36 identified in this (~~section~~) Section 21.36.922 is designated as a civil infraction and shall be processed as contemplated by chapter 7.80 RCW (~~Chapter 7.80~~).

B. The violation of or failure to comply with any of the following sections is a Class 1 civil infraction under RCW 7.80.120:

Section 21.36.415 (Discarding potentially dangerous litter), except that the maximum monetary penalty and default amount is \$500, not including statutory assessments

Section 21.36.030 (Unlawful hauling of City's Waste - Exceptions)

Section 21.36.084 (Prohibition on use of expanded polystyrene food service products)

Section 21.36.086 (Compostable or recyclable food service ware required)

Section 21.36.089 (Construction and demolition waste recycling required)

Section 21.36.100 (Single-use plastic and recyclable paper checkout bags)

C. The violation of or failure to comply with any of the following sections shall be a civil infraction and subject as a Class 3 civil infraction under RCW 7.80.120 to a maximum monetary penalty and default amount of \$50, not including statutory assessments:

Section 21.36.044 (Containers required - Nonresidential)

Section 21.36.410 (Littering)

Section 21.36.425 (Accumulation of solid waste)

Section 21.36.430 (Unlawful use of City litter receptacles)

Section 21.36.440 (Unlawful use of solid waste container on private property)

D. For purposes of RCW 7.80.040, the "enforcement officers" authorized to enforce the provisions of the Solid Waste Code are: (1) the Director of Seattle Public Utilities; (2) authorized representatives, assistants or designees of the Director of Seattle Public Utilities; and (3) commissioned officers of the Seattle Police Department and persons issued nonuniformed special police officer commissions by the Chief of Police with authority to enforce such provisions.

E. An action for a civil infraction shall be processed in the manner contemplated by chapter 7.80 RCW ((~~Chapter 7.80~~)).

F. The City Attorney is authorized for and on behalf of The City of Seattle to initiate legal action to enforce this ((~~chapter~~)) Chapter 21.36 as deemed necessary and appropriate.

Section 5. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
Seattle Public Utilities	Aurora Mendoza	Akshay Iyengar

** 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 relating to Seattle Public Utilities; updating the Solid Waste Code to establish an administrative enforcement process using notices of violation; adding a new Section 21.36.921 to the Seattle Municipal Code; and amending Sections 21.36.420, 21.36.920, and 21.36.922 of the Seattle Municipal Code.

Summary and Background of the Legislation:

This legislation would create an administrative process to enforce illegal dumping violations on public property such as streets and alleys and rights-of-way, including sidewalks and planting strips. This legislation is intended to decrease illegal dumping, provide a convenient and clear enforcement process, and reduce Seattle Public Utilities' (SPU) resources spent on abating illegal dumping.

The new administrative process would lead with public education, but would also establish a notice of violation process, including assessment of penalties for illegal dumping, and a fair and impartial appeals process.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes X No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
SPU's clean-up costs will not change appreciably as this enforcement tool is used. Penalties issued are estimated at between \$2,000 and \$5,000 in the first year.

Are there financial costs or other impacts of *not* implementing the legislation?
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. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes

d. Does this legislation affect a piece of property?

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

Levying fines for enforcement may create intentioned inequities to historically disadvantaged communities. Opportunistic individuals are more likely to take advantage of illegal dumping in these communities. Thoughtful and careful implementation with an emphasis on education and outreach is at the forefront of the Code development. The City's Language Access Plan process will be used to develop communication materials to the public.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No

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)?

Not applicable.