

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>Executive Contact/Phone:</b>
Seattle City Light	Lynn Best/6-4586	Greg Shiring/386-4085

*\* 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 the City Light Department; authorizing the General Manager and Chief Executive Officer to negotiate for and purchase parcels of land and acquire other real property rights in accordance with the federal license for the City's Boundary Hydroelectric Project; and ratifying and confirming certain prior acts.

**Summary and background of the Legislation:** City Ordinance 123940, passed July 30, 2012 authorized City Light to accept the new Federal Energy Regulatory Commission (FERC) license for the Boundary Hydroelectric Project and to enter into related agreements necessary to implement the license. The acquisition of the following property rights are required by the license:

1. Purchase of up to 158 acres of Project Habitat Lands which satisfy certain habitat values. City Light is in the process of identifying the properties which best meet these criteria before approaching potential sellers.
2. The acquisition of certain property rights within 200 feet of the reservoir.

Additionally, for those properties that are incrementally affected by the operation of Boundary on reservoir flood levels, City Light has committed to acquiring flood easements from property owners who are willing to grant them. This legislation would authorize City Light to pursue all of the above purchases of land and real property rights. Since 2013 CIP Project 6987 has been budgeted to implement license requirements. This legislation authorizes the purchase of land and real property rights with funds that have already been appropriated and budgeted.

### **2. CAPITAL IMPROVEMENT PROGRAM**

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

### **3. SUMMARY OF FINANCIAL IMPLICATIONS**

**This legislation does not have direct financial implications.**

### **4. OTHER IMPLICATIONS**

- a) **Does the legislation have indirect or long-term financial impacts to the City of Seattle that are not reflected in the above?**

The legislation authorizes the purchase of land and real property rights with funds that have already been appropriated and budgeted. The acquisition of the property rights is

required by the Federal Energy Regulatory Commission (FERC) license for the operation of Boundary. City Ordinance 123940, passed July 30, 2012 authorized City Light to accept the new FERC license and to enter into related agreements necessary to implement the license. Since 2013 CIP Project 6987 has been budgeted to implement license requirements.

**b) Is there financial cost or other impacts of not implementing the legislation?**

The impact of not implementing the legislation would be non-compliance with the Federal Energy Regulatory Commission's license for Boundary. Such non-compliance would lead to penalties from the FERC.

**c) Does this legislation affect any departments besides the originating department?**

No.

**d) Is a public hearing required for this legislation?**

No.

**e) Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

No.

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

No.

**g) Does this legislation affect a piece of property?**

The legislation potentially affects a number of properties. The Boundary license requires the purchase of approximately 158 acres of Project Habitat Lands which satisfy certain habitat values, including approximately 13,000 linear feet of aquatic habitat. City Light is in the process of identifying the properties which best meet these criteria before approaching potential sellers. Additionally, corrections to the Project Area as defined by the FERC require the acquisition of property rights within small areas within 200ft of the reservoir. Finally, for those properties that are incrementally affected by the operation of Boundary on reservoir flood levels, City Light has committed to acquiring flood easements from property owners who are willing to grant them. This legislation would authorize to pursue these purchases, consistent with the license requirements.

**h) Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

We are not aware of any perceived implication for the principles of the Race and Social Justice Initiative from this legislation, nor does it impact vulnerable or historically disadvantaged communities.

**i) If this legislation includes a new initiative or a major programmatic expansion: What are the long-term and measurable goals of the program? Please describe how**

**this legislation would help achieve the program's desired goals.**  
N/A

**j) Other Issues:**

**List attachments/exhibits below:**

Summary Att A - Area for Habitat Land Acquisition

Summary Att B - Rights to Be Acquired in Fee

Summary Att C - Flowage Easements