



CITY OF SEATTLE

City Council

Agenda

Tuesday, July 16, 2024

2:00 PM

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

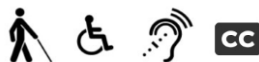
Sara Nelson, Council President
Joy Hollingsworth, Member
Robert Kettle, Member
Cathy Moore, Member
Tammy J. Morales, Member
Maritza Rivera, Member
Rob Saka, Member
Dan Strauss, Member
Tanya Woo, Member

Chair Info: 206-684-8809; Sara.Nelson@seattle.gov

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CITY OF SEATTLE

City Council Agenda

July 16, 2024 - 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

<https://www.seattle.gov/council/committees/public-comment>

Online registration to speak will begin one hour 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 445](#)

July 16, 2024

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:

[Min 481](#)

July 9, 2024

Attachments: [Minutes](#)

Bills:

[CB 120814](#)

AN ORDINANCE appropriating money to pay certain claims for the week of July 1, 2024 through July 5, 2024 and ordering the payment thereof; and ratifying and confirming certain prior acts.

Appointments:**PARKS, PUBLIC UTILITIES, AND TECHNOLOGY COMMITTEE:**

[Appt 02907](#)

Appointment of Ammanuel Haile-Leul as member, Board of Parks and Recreation Commissioners, for a term to March 31, 2026.

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

In Favor: 5 - Hollingsworth, Nelson, Kettle, Rivera, Strauss

Opposed: None

Attachments: [Appointment Packet](#)

H. COMMITTEE REPORTS

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

PUBLIC SAFETY COMMITTEE:

1. [CB 120806](#) AN ORDINANCE relating to street racing; adding the crime of racing; adding the traffic infraction of vehicle participation in unlawful racing; adding the civil infraction of attendance at an unlawful race event; adding a new Section 11.58.440 to the Seattle Municipal Code; adding a new Section 12A.12.050 to, and amending Sections 11.20.230, 11.31.020, 11.31.121, 11.56.120, and 12A.09.020 of, the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; 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: 5 - Kettle, Saka, Hollingsworth, Moore, Nelson

Opposed: None

Supporting Documents: [Summary and Fiscal Note v2](#)

PARKS, PUBLIC UTILITIES, AND TECHNOLOGY COMMITTEE:

2. [CB 120807](#) AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager and Chief Executive Officer of Seattle Public Utilities, or designee, to execute an agreement between Seattle Public Utilities and the King County Flood Control Zone District for the South Park Interim Flood Preparedness and Response Program; amending Ordinance 126955, which adopted the 2024 Budget; changing appropriations to Seattle Public Utilities; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

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

In Favor: 4 - Hollingsworth, Kettle, Rivera, Strauss

Opposed: None

Attachments: [Att 1 – Interlocal Agreement](#)

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 445, **Version:** 1

July 16, 2024



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: Strauss</u> | | |
| 1. CB 120814 | AN ORDINANCE appropriating money to pay certain claims for the week of July 1, 2024 through July 5, 2024 and ordering the payment thereof; and ratifying and confirming certain prior acts. | City Council |
| <u>By: Strauss</u> | | |
| 2. CB 120815 | AN ORDINANCE relating to City public works and the priority hire program; modifying the methodology for determining which zip codes are Economically Distressed Areas; authorizing the creation of a regional Priority Hire Implementation and Advisory Committee; and amending Sections 20.37.010 and 20.37.040 of the Seattle Municipal Code. | Finance, Native Communities, and Tribal Governments Committee |
| <u>By: Strauss</u> | | |
| 3. Appt 02920 | Appointment of Robert E. Howard as member, Seattle Indian Services Commission, for a term to October 31, 2025. | Finance, Native Communities, and Tribal Governments Committee |
| <u>By: Morales</u> | | |
| 4. Appt 02915 | Reappointment of Radhika Nair as member, Seattle Planning Commission, for a term to April 15, 2026. | Land Use Committee |
| <u>By: Morales</u> | | |
| 5. Appt 02916 | Appointment of Dylan M. Stevenson as member, Seattle Planning Commission, for a term to April 15, 2027. | Land Use Committee |
| <u>By: Morales</u> | | |
| 6. Appt 02917 | Reappointment of Nicholas R. Whipple as member, Seattle Planning Commission, for a term to April 15, 2027. | Land Use Committee |
| <u>By: Morales</u> | | |
| 7. Appt 02919 | Reappointment of Rose Lew Tsai-Le Whitson as member, Seattle Planning Commission, for a term to April 15, 2027. | Land Use Committee |

By: Hollingsworth

- | | | |
|------------------------------|--|---|
| 8. Res 32140 | A RESOLUTION relating to Seattle Parks and Recreation; authorizing the Superintendent of Parks and Recreation to act as the authorized representative/agent on behalf of The City of Seattle and to legally bind The City of Seattle with respect to certain projects for which the City seeks grant funding assistance managed through the Washington State Recreation and Conservation Office. | Parks, Public Utilities, and Technology Committee |
|------------------------------|--|---|

By: Kettle

- | | | |
|-------------------------------|---|-------------------------|
| 9. Appt 02918 | Appointment of Amy Smith as Chief of the Community Assisted Response and Engagement Department, for a term to August 1, 2028. | Public Safety Committee |
|-------------------------------|---|-------------------------|



Legislation Text

File #: Min 481, **Version:** 1

July 9, 2024

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Tuesday, July 9, 2024

2:00 PM

Council Chamber, City Hall

600 4th Avenue

Seattle, WA 98104

City Council

Sara Nelson, Council President

Joy Hollingsworth, Member

Robert Kettle, Member

Cathy Moore, Member

Tammy J. Morales, Member

Maritza Rivera, Member

Rob Saka, Member

Dan Strauss, Member

Tanya Woo, Member

Chair Info: 206-684-8809; Sara.Nelson@seattle.gov

A. CALL TO ORDER

The City Council of the City of Seattle met in the Council Chamber in Seattle, Washington, on July 9, 2024, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President Nelson presiding.

B. ROLL CALL

Present: 8 - Kettle, Moore, Morales, Nelson, Rivera, Saka, Strauss, Woo

Late Arrival: 1 - Hollingsworth

C. PRESENTATIONS

There were none.

D. PUBLIC COMMENT

Councilmember Hollingsworth joined the meeting.

The following individuals addressed the Council:

Kathleen Brose
Kelly Rula
Alex Tsimerman
Lars Erickson
Arianna Riley
Hao Shen
Jason Ogulnik
Alex Kim
Alberto Alvarez
Steven Rubstello
Akira Ohiso
Jesse Cervantes
Marianna Hyke

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR:

[IRC 444](#)**July 9, 2024**ACTION 1:

Motion was made and duly seconded to adopt the Introduction and Referral Calendar.

ACTION 2:

Motion was made by Council President Nelson, duly seconded and carried, to amend the Introduction and Referral Calendar to add Appointments 2908 through 2914 and refer the items to the Governance, Accountability, and Economic Development Committee.

Appt 02908, Reappointment of Danielle Alvarado as member, Labor Standards Advisory Commission, for a term to April 30, 2026.

Appt 02909, Reappointment of Billy Hetherington as member, Labor Standards Advisory Commission, for a term to April 30, 2025.

Appt 02910, Appointment of Samuel Hilbert as member, Labor Standards Advisory Commission, for a term to April 30, 2025.

Appt 02911, Reappointment of Tom Lambro as member, Labor Standards Advisory Commission, for a term to April 30, 2026.

Appt 02912, Appointment of Amanda Powter as member, Labor Standards Advisory Commission, for a term to April 30, 2025.

Appt 02913, Appointment of Bobby Forch as member, Seattle Ethics and Elections Commission, for a term to December 31, 2026.

Appt 02914, Appointment of Jonathan Schirmer as member, Seattle Ethics and Elections Commission, for a term to December 31, 2025.

By unanimous consent, the Introduction & Referral Calendar (IRC) was adopted as amended.

In Favor: 9 - Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Saka, Strauss, Woo

Opposed: None

F. APPROVAL OF THE AGENDA

By unanimous consent, the Agenda was adopted.

G. APPROVAL OF CONSENT CALENDAR

Motion was made by Council President Nelson, duly seconded and carried, to adopt the Consent Calendar.

Journal:**1. [Min 480](#) July 2, 2024**

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

In Favor: 9 - Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Saka, Strauss, Woo

Opposed: None

Bills:**2. [CB 120809](#) AN ORDINANCE appropriating money to pay certain claims for the week of June 24, 2024 through June 28, 2024 and ordering the payment thereof; and ratifying and confirming certain prior acts.**

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

In Favor: 9 - Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Saka, Strauss, Woo

Opposed: None

Appointments:**LAND USE COMMITTEE:****3. [Appt 02904](#) Appointment of Fynnieceko Glover Jr. 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 - Morales, Moore, Rivera, Woo

Opposed: None

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

In Favor: 9 - Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Saka, Strauss, Woo

Opposed: None

- 4. [Appt 02905](#) **Appointment of Eliana Horn 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 - Morales, Moore, Rivera, Woo

Opposed: None

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

In Favor: 9 - Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Saka, Strauss, Woo

Opposed: None

- 5. [Appt 02906](#) **Appointment of Tiffany Kelly-Gray 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 - Morales, Moore, Rivera, Woo

Opposed: None

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

In Favor: 9 - Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Saka, Strauss, Woo

Opposed: None

H. COMMITTEE REPORTS

SELECT COMMITTEE ON 2024 TRANSPORTATION LEVY:

1. [CB 120788](#) **AN ORDINANCE** relating to transportation; providing for the submission to the qualified electors of the City at an election to be held on November 5, 2024, a proposition authorizing the City to levy regular property taxes for up to eight years in excess of the limitation on levies in chapter 84.55 RCW for the purpose of providing City facilities and services, including transportation improvements, both capital and operating, with possible debt financing; creating a new oversight committee; applying RCW 84.36.381's senior citizens and disabled persons exemption; and ratifying and confirming certain prior acts.

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

In Favor: 8 - Saka, Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Woo

Opposed: None

Abstain: 1 - Strauss

ACTION 1:

Motion was made by Councilmember Strauss, duly seconded and carried, to amend Council Bill 120788 as presented on Attachment 1 to the Minutes.

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

In Favor: 9 - Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Saka, Strauss, Woo

Opposed: None

2. [Res 32137](#) **A RESOLUTION** relating to transportation; accompanying an ordinance requesting the 2024 Transportation Levy for citywide transportation maintenance and improvements, and providing further direction regarding reporting and implementation of the programs to be funded by the levy.

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

In Favor: 9 - Saka, Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Strauss, Woo

Opposed: None

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

In Favor: 9 - Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Saka, Strauss, Woo

Opposed: None

LAND USE COMMITTEE:

3. [CB 120761](#) **AN ORDINANCE relating to conversions of existing nonresidential structures to residential use; adding a new Section 23.40.080 to the Seattle Municipal Code.**

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

In Favor: 4 - Morales, Moore, Rivera, Woo

Opposed: None

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

In Favor: 9 - Hollingsworth, Kettle, Moore, Morales, Nelson, Rivera, Saka, Strauss, Woo

Opposed: None

I. ITEMS REMOVED FROM CONSENT CALENDAR

There were none.

J. ADOPTION OF OTHER RESOLUTIONS

There were none.

K. OTHER BUSINESS

By unanimous consent, Councilmember Moore was excused from the July 23, 2024 City Council meeting.

By unanimous consent, Councilmember Morales was excused from the July 23, 2024 City Council meeting.

By unanimous consent, Councilmember Strauss' excused absence from the July 9, 2024 City Council meeting was rescinded.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 3:07 p.m.

Emilia M. Sanchez, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on July 16, 2024.

Sara Nelson, Council President of the City Council

Attachment: Att 1 to Action 1 of Council Bill 120788

Attachment 1 to Action 1 of Council Bill 120788

Amendment A to CB 120788 – 2024 Transportation Levy

Sponsor: Councilmember Strauss

Complete the Burke-Gilman Trail Missing Link

Effect: This amendment would make the following revisions to Attachment A (Transportation Levy Spending Breakdown) to CB 120788:

- Create a new category for completing the Burke-Gilman Trail Missing Link along NW Market St and NW Leary Ave in the Bicycle Safety element and add \$20 million for this purpose.
- Reduce \$20 million in Arterial Roadway Maintenance in the Street Maintenance and Modernization element. This would reduce the amount of funds available for grant match and project readiness within the Arterial Roadway Maintenance program. The Executive’s levy proposal assumed \$26 million for this purpose.

This amendment would also adjust the eight-year appropriation requirements in Section 6 to reflect the \$20 million shift in spending between the Street Maintenance and Modernization element and the Bicycle Safety element.

Amend the Bicycle Safety element of Attachment A (Transportation Levy Spending Breakdown) to CB 120788 as follows:

| Bicycle Safety: Expand Seattle’s protected bike lane network; connect schools to bike lanes, paths, and neighborhood greenways; and maintain and upgrade existing bike lanes | | |
|---|--|------------------------------|
| Category | Estimated Investments | Levy Funding |
| <u>Complete the Burke-Gilman Trail Missing Link</u> | <ul style="list-style-type: none"> • <u>Support design and construction completing the Burke-Gilman Trail Missing Link along NW Market St and Leary Way NW</u> | <u>\$20M</u> |
| Bike Lane Maintenance | <ul style="list-style-type: none"> • Maintain existing protected bike lanes with regular sweeping and barrier repair | \$8M |
| Protected Bike Lanes | <ul style="list-style-type: none"> • Add concrete-protected bike lanes as part of paving projects, closing gaps in all ages and abilities bicycle network with a focus on improving bicycle connections throughout South Seattle. Initial projects include segments along the following corridors: <ul style="list-style-type: none"> ○ N 130 St ○ S Henderson St ○ Beacon Ave S (Middle and Southern segments) ○ Highland Park Way SW | \$67.5M |

| | | |
|-------------------------------------|--|--|
| | <ul style="list-style-type: none"> ○ Cleveland High School Swift Ave S protected bike lane and Georgetown S Albro Pl Connection ○ Chief Sealth Trail: S Myrtle St to S Webster St ○ 12th Ave/12th Ave S: E Madison St to Jose Rizal Bridge ○ Protected Bike Lane Project in West Seattle to be named in honor of Steve Hulsman | |
| Upgraded Bike Lanes | <ul style="list-style-type: none"> ● Upgrade 30% of existing protected bike lanes with improved barriers or buffer areas | \$8M |
| Bike Spot Improvements | <ul style="list-style-type: none"> ● Make safety improvements to existing bike lanes, trails and neighborhood greenways | \$10M |
| Levy Funding | | \$113.5M <u>\$133.5M</u> |
| Expected Additional Leverage | | \$24M - \$30M |

Amend the Street Maintenance and Modernization element of Attachment A (Transportation Levy Spending Breakdown) to CB 120788 as follows:

| | | |
|---|---|------------------------------------|
| Street Maintenance and Modernization: Repave arterial streets that carry the most buses, trucks, and cars, and improve infrastructure for people walking, rolling, biking, and taking transit. | | |
| Category | Estimated Investments | Levy Funding |
| Arterial Roadway Maintenance | <ul style="list-style-type: none"> ● Repave approximately 15 major corridors. This will include a combination of roadway reconstruction and preservation projects. Initial projects are anticipated to include portions of the following: <ul style="list-style-type: none"> ○ N 130th St: 1st Ave NW to I-5 ○ Roosevelt Way NE: NE 92nd St to Pinehurst Way NE ○ E Marginal Way S: 1st Ave S to 16th Ave S ○ Rainier Ave S: S Walden St to S Jackson St ● Additional corridors that will be evaluated for specific paving extents through a design process include: <ul style="list-style-type: none"> ○ 15th Ave NE: Pinehurst Way NE to NE 145th St ○ Pinehurst Way NE: Roosevelt Way NE to 15th Ave NE ○ NE 65th St: 2nd Ave NE to 35th Ave NE ○ NW Market St: 15th Ave NW to 24th Ave NW ○ 23rd Ave E/24th Ave E: E John St to Lake Washington Blvd ○ Elliott Ave/Western Ave: Bell St to Thomas St ○ James St: 3rd Ave to Broadway ○ Beacon Ave S to support Route 36 improvements ○ 35 Ave SW: SW Alaska St to SW Morgan St | \$350M <u>\$330M</u> |

| | | |
|-------------------------------------|---|--|
| | <ul style="list-style-type: none"> ○ S Albro Pl, Corson Ave S, and Ellis Ave S: E Marginal Way S to I-5 ○ Olson Pl SW/1st Ave S: 2nd Ave SW to SW Cloverdale St ○ S Henderson St: MLK Jr Way S to Seward Park Ave S ○ Fautleroy Way SW: 35th Ave SW to SW Alaska St, to keep roadway functional during light rail construction by making street repairs and spot improvements | |
| Paving Spot Improvements | <ul style="list-style-type: none"> ● Repair approximately 400 locations, totaling about 50 lane-miles of pavement on arterial streets ● Fill 80% of reported potholes within 72 hours | \$67M |
| Markings | <ul style="list-style-type: none"> ● Remark up to 3,600 crosswalks and refresh pavement markings on at least 2,100 miles of roadway | \$6M |
| Levy Funding | | \$423M \$403M |
| Expected Additional Leverage | | \$19M-\$24M |

Amend Section 6 to revise spending requirements for Levy Proceeds as follows:

* * *

The City anticipates collecting \$1.55 billion in Levy Proceeds over an eight-year span.

The City shall appropriate the following eight-year amounts of Levy Proceeds for each category of spending in Attachment A to this ordinance as follows:

- i. \$160.5 million for Vision Zero, School and Neighborhood Safety;
- ii. ~~\$423 million~~ \$403 million for Street Maintenance and Modernization, including no less than ~~\$350 million~~ \$330 million for Arterial Roadway Maintenance;
- iii. \$221 million for Bridges and Structures;
- iv. \$151 million for Transit Corridors and Connections;
- v. \$193 million for Pedestrian Safety, including no less than \$111 million for New Sidewalks and Sidewalk Alternatives and no less than \$34 million for Sidewalk Safety Repair;
- vi. \$100 million for Signals and Operations;
- vii. ~~\$113.5 million~~ \$133.5 million for Bicycle Safety;

- viii. \$66.5 million for People Streets and Public Spaces;
- ix. \$69 million for Climate and Resiliency, including no less than \$32 million for electric vehicle charging infrastructure;
- x. \$45 million for Freight and Goods Movement; and
- xi. \$7.5 million for Good Governance & Equitable Implementation Initiative.

* * *



Legislation Text

File #: CB 120814, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain claims for the week of July 1, 2024 through July 5, 2024 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 \$24,035,024.56 on PeopleSoft 9.2 mechanical warrants numbered 4100818436 - 4100820387 plus manual or cancellation issues for claims, e-payables of \$114,561.75 on PeopleSoft 9.2 9100014596 - 9100014610, and electronic financial transactions (EFT) in the amount of \$107,792,003.91 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 \$144,709,423.69 on City General Salary Fund mechanical warrants numbered 51403715 - 51405705 plus manual warrants, agencies warrants, and direct deposits numbered 280001 - 283162 representing Gross Payrolls for payroll ending date July 2, 2024, as detailed in the Payroll Summary Report for claims against the City that were reported to the City Council July 11, 2024, 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 16th of July, 2024, and signed by me in open session in authentication of its passage this 16th of July, 2024.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

Scheereen Dedman, City Clerk

(Seal)



Legislation Text


File #: Appt 02907, **Version:** 1

Appointment of Ammanuel Haile-Leul as member, Board of Parks and Recreation Commissioners, for a term to March 31, 2026.

The Appointment Packet is provided as an attachment.



City of Seattle Boards & Commissions Notice of Appointment

| | | |
|---|--|---|
| Appointee Name: Ammanuel Haile-Leul | | |
| Board/Commission Name: Board of Parks and Recreation Commissioners | | Position Title: City Council District 5 |
| <input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment | City Council Confirmation required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| Appointing Authority: <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i> | Term of Position: * 4/1/2023 to 3/31/2026 <input type="checkbox"/> <i>Serving remaining term of a vacant position</i> | |
| Residential Neighborhood: Bitter Lake | Zip Code: 98133 | Contact Phone No.: [REDACTED] |
| Background: A native of north Seattle, Ammanuel Haile-Leul grew up attending programs at community centers all over town and had his first job at Bitter Lake CC as the summer wading pool attendant. Through these experiences, Haile-Leul saw first-hand the life altering impacts that recreation could have for kids and families. As an adult, he has dedicated his life to the betterment of his community. In his professional work as a public health expert and housing advocate, Haile-Leul works on creative solutions to the homelessness crisis in King County, and maintains an extraordinary level of compassion for the individuals he serves while deftly navigating funding and administrative challenges. After work, you can find him back at Bitter Lake Community Center, volunteering his time with youth basketball and fashion programs, or offering after-school tutoring support, or simply helping wherever help is needed. If appointed to the Board of Parks and Recreation Commissioners, Haile-Leul will be a steadfast advocate for youth, recreation, and equity in Parks spaces, and has demonstrated a commitment to his neighborhood and to the whole city of Seattle. He will be an outstanding addition to the Board. | | |
| Authorizing Signature (original signature):  | Appointing Signatory: Joy Hollingsworth Seattle City Council, District 3 | |
| Date Signed (appointed): June 10 th , 2024 | | |

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

Ammanuel Haile-Leul

OBJECTIVE

My primary objective is to be the strongest peer advocate and supporter for the clients I serve. I am dedicated to using my lived experience with homelessness, the justice system, the mental health system, and recovery to demonstrate and model what progress can look like for those I work with.

SKILLS & PROFICIENCIES

- Academic Writing
- Advocating
- Budgeting
- Data Cleaning
- Data Collection
- Database Management
- Epidemiology
- Financial Documentation (Balance Sheets, Income Statements, Cash Flow Statements)
- First Aid/CPR
- Google G-Suite
- Grant Writing
- Mental Health First Aid
- Microsoft Office Suite
- Microsoft Excel Pivot Tables
- Non-Profit Management
- Peer Counseling
- Presentation Planning & Delivery
- Program Coordination
- Project Management
- Statistical Analysis (SAS, SPSS, STATA)
- Suicide Prevention
- Teaching (Math, Science)
- Written and Oral Communication
- Youth Mental Health First Aid

EXPERIENCE

MAY 2023 - PRESENT

Housing Navigation and Stability Specialist – King County Regional Homelessness Authority

Advocated for clients with the Stability Team. Completed ISP's for all clients. Developed the Critical Incident Protocol. Developed the Stability Welcome Packet. Managed a Tenant's Rights Violation Project. Developed relationships with organizations to provide services for our clients. Facilitated a relationship to acquire 80 to 100 units of housing for future clients.

APRIL 2021 - MAY 2023

Case Management Intern (Recovery Program Graduate) - Seattle's Union Gospel Mission

Graduated from the Men's Recovery Program. I entered and successfully completed the Christian Service Internship as a Case Management Intern with the Extended Care Program, a post-hospital recovery program.

MAY 2016 - AUGUST 2020

Operations Manager - Focus Towing

Managed daily operations including scheduling, maintenance, and billing. Responsible for administrative duties including budgeting, hiring, and training new employees. Maintained adherence with city, county, and state regulations.

MAY 2014 - DECEMBER 2016

Academic Advisor/Instructor – Global Health Dept: University of Washington

Managed the Global Health Minor for the Department of Global Health. Advised both Undergraduate and Graduate Students. Instructed the Global Health class at UW Middle College. Developed a class on Digital Storytelling for the Master's in Public Health students.

JANUARY 2014 - JULY 2014

Marketing Manager - GHL Consultants

The primary responsibility of my position is to attract new contracts for this Structural and Civil Engineering Firm. I created and submitted Requests for Proposals and Statements of Qualifications for various contract opportunities throughout the state of Washington.

FEBRUARY 2013 - JUNE 2013

Epidemiologist -Refugee and Immigrant Health Program: Communicable Disease Epidemiology Office: Washington State Dept. of Health

As a member of the Refugee Health Project, I managed data for the Refugee Health Screening required for resettled individuals in Washington State. My responsibilities included data entry, data cleaning, data analysis, database management, presentation of data, designing new studies, and developing new screening methods.

REFERENCES

Available upon request.

ADDRESS

██████████

██████████

PHONE

██████████

EMAIL

████████████████████

OCTOBER 2012 - JANUARY 2014

Instructor - Sandweiss Test Prep

Instructed SAT and ACT test prep for individual students assigned to me. Instructed SAT test preparation to classes of 20 students for the Federal Way and Foster Libraries through the King County Library System.

SEPTEMBER 2012 - JANUARY 2017

Executive Director - The FLY UP School

My primary focus is instructing test preparation classes on both the SAT and ACT. Responsibilities include enrolling students into specific programs, designing programs for students interested in various fields, including medicine, engineering, history, technology, and music, and teaching classes at Seattle Area Boys and Girls Clubs.

OCTOBER 2011 - JUNE 2012

Black Life Study Research Assistant - Rutgers University

Conducted interviews in the data collection phase and assisting in data cleaning and analysis of previously collected data. Completed both quantitative and qualitative analyses. Participated in IRB documentation preparation as well as community outreach events to raise awareness for our research in the Harlem neighborhood of New York City. Participated in research design strategizing.

FEBRUARY 2010 - JULY 2012

Health Director - NOVIU, formerly Kidfit LLC

Noviu is a health technology research non-profit organization founded in 2010 with the goal of ending childhood obesity in America. The primary product is a children's fitness iPhone application, KIDFIT. The organization consists of three individuals. I was responsible for generating funding for further research and maintaining financial documentation and balancing budgets; completed grant applications and participated in outreach events to generate awareness and funding for our campaign. Performed all payroll duties and accounting duties.

JUNE 2010 - AUGUST 2010

Research Intern - Desmond Tutu HIV Research Center: University of Cape Town

Performed epidemiological research on Tuberculosis using statistical analysis software and article writing. Used the STATA program to quantitatively analyze previously acquired datasets on the social determinants of Tuberculosis in the Western Cape region of South Africa; completed article writing on the topic. Performed research on the disease processes of TB and how social issues interact within it. Traveled to townships and analyzed the health systems and general living conditions. Completed historical research to understand how living conditions were created by social and political climates.

JANUARY 2009 - AUGUST 2009

Foreign Policy Intern - Institute for Policy Studies

Assisted in foreign policy research; Participated in the Foreign Policy in Focus (FPIF.ORG) news website; Article writing on foreign policy issues; Assisted with the Drug Policy Project. Primarily research issues of illegal drug transshipment throughout the African Continent and the detrimental health effects on impoverished nations.

JUNE 2007 - AUGUST 2012

Instructor/Program Coordinator - University of Washington School of Medicine Office of Multicultural Affairs

Instructed Pre-Calculus, Epidemiology and SAT prep courses to High School Seniors desiring a career in medicine or dentistry; assisted with application reading and admissions process into the program. Counseled students on

strategies of college admission, as well as assisting with applications. Coordinated activities such as hospital tours to Children's Hospital and Harborview Medical Center; assisted with health screenings at rural migrant farm camps in Mount Vernon, WA. Organized and participated in recruitment events and trips to find outstanding student candidates as future program participants throughout the state of Washington; performed program evaluations.

MAY 2006 - AUGUST 2006

Wastewater Treatment Division Intern - King County Department of Natural Resources and Parks (DNRP)

Performed sewer inspections as a member of the TV truck, a mobile unit using video technology to view the interior of sewer piping; Analyzed pipe corrosion, water treatment, and safety data; Created video presentations on research results:

JANUARY 2005 - MAY 2005

Legislative Intern - Office of Congresswoman Diane E. Watson

Attended Congressional Subcommittee meetings on behalf of the Congresswoman; Composed briefings for the congresswoman. Assisted in clerical duties such as answering phones, sorting and distributing mail, and responding to letters and emails written to the Congresswoman. Attended events representing the Office of the Congresswoman. Completed healthcare policy research to assist with legislation building. Assisted with event planning and coordination.

EDUCATION

Columbia University - New York, NY

Mailman School of Public Health

Master's in Public Health Candidate (Epidemiology) 2009- 2011

Howard University - Washington DC

Bachelor of Science:

Health Management - 2009

Ballard High School - Seattle, WA

High School Diploma -2004

CERTIFICATIONS

Certified Peer Counselor- Washington State Health Care Authority (2022)

Mental Health First Aid - National Council for Mental Wellbeing (2023)

Youth Mental Health First Aid - National Council for Mental Wellbeing (2023)

Coordinated Entry Assessor - King County (2023)

Abuse Prevention Investigation and Reporting- Washington (2023)

Marty Smith Provider Safety - Washington State DSHS (2023)

Suicide Prevention - Washington State Department of Health (2023)

HIPAA and Behavioral Health (2023)

Ethical Decision-Making in Clinical Practice (2023)

Domestic Violence: Recognizing and Preventing (2023)

Substance Use: Risks of Infectious Diseases (2023)

Bloodborne Pathogens (2023)

Understanding Human Trafficking (2023)

COMMUNITY SERVICE

2018 - PRESENT

Bitter Lake Community Center

Worked with the teenagers for the Late-Night Program. Tutored middle school and high school students in SAT, Math, and English. Coached basketball for middle school boys and girls. Ran a fashion and merchandising program during Late-Night.

2018

Seattle Central Little League

Coached the Chattanooga Choo-Choo Tee-ball team for children ages 5 and 6 in Seattle's Central District.

2014 - 2016

Africatown Center for Education and Innovation

Was the Education Director in charge of all educational and job training programs for students from k-12. Developed the Africatown Health Scholars Program. Started the Doctor for A Day Program. Ran the Africatown In Motion digital media program. Ran the Africatown Fashion House program.

2014

Multimedia Research and Training Institute

Instructed a summer digital media program for East African youth interested in filmmaking, digital storytelling, and digital media.

2012 - 2016

Boys and Girls Clubs of King County (North Seattle & Rainier Vista)

Developed and instructed SAT and ACT preparation for high school students in Seattle Public Schools whose parents are low-income. Facilitated college applications and did career advising for high school students.

2012-2018

St. Gebriel Church of Ethiopians in Seattle

Sunday School Teacher for children ages 3-8 years old.

2004 - 2016

Ethiopian Community Center of Seattle

Volunteered with after-school tutoring. Assisted with educational programming and cultural programs. Advised high school students on college preparation and applications.

BOARD OF PARKS AND RECREATION COMMISSIONERS

15 Members: Pursuant to *Ordinance 126325*, all members subject to City Council confirmation, 3-year terms:

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

Roster:

| *D | **G | RD | Position No. | Position Title | Name | Term Begin Date | Term End Date | Term # | Appointed By |
|----|-----|----|--------------|----------------------|---------------------|-----------------|---------------|--------|--------------|
| 6 | M | 1 | 1. | At-Large | Ryan Baum | 4/1/24 | 3/31/27 | 1 | Mayor |
| 6 | M | 6 | 2. | At-Large | Joshua Seyfried | 2/21/23 | 3/31/25 | 1 | Mayor |
| 6 | M | 4 | 3. | At-Large | Steve Lerer | 4/1/24 | 3/31/27 | 1 | Mayor |
| 3 | M | 3 | 4. | At-Large | Pasqual Contreras | 4/1/23 | 3/31/26 | 1 | Mayor |
| 6 | F | 3 | 5. | Get Engaged | Lauren Lanham | 9/1/23 | 8/31/24 | 1 | Mayor |
| 2 | F | 4 | 6. | Commission Seat | Tricia Diamond | 4/1/24 | 3/31/27 | 1 | Mayor |
| 1 | M | 7 | 7. | Commission Seat | Phillip Meng | 9/26/23 | 8/31/26 | 1 | Mayor |
| 1 | F | 4 | 8. | Commission Seat | Whitney Nakamura | 4/1/24 | 3/31/27 | 1 | Mayor |
| 7 | M | 1 | 9. | City Council Dist. 1 | Justin P. Umagat | 4/1/24 | 3/31/27 | 2 | City Council |
| | | | 10. | City Council Dist. 2 | Vacant | 4/1/22 | 3/31/25 | | City Council |
| 6 | M | 3 | 11. | City Council Dist. 3 | John A. Flinn | 4/1/24 | 3/31/27 | 1 | City Council |
| | | | 12. | City Council Dist. 4 | Vacant | 4/1/23 | 3/31/26 | | City Council |
| 2 | M | | 13. | City Council Dist. 5 | Ammanuel Haile-Leul | 4/1/23 | 3/31/26 | 1 | City Council |
| 6 | F | 6 | 14. | City Council Dist. 6 | Amy Brockhaus | 4/1/22 | 3/31/25 | 1 | City Council |
| 2 | M | 7 | 15. | City Council Dist. 7 | Stafford Mays | 4/1/22 | 3/31/25 | 1 | City Council |

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 | 3 | 0 | 0 | 2 | 1 | 1 | 0 | 0 | 4 | 0 | 0 | 0 | | | | | |
| Council | 3 | 2 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 3 | 1 | 0 | 0 | | | | | |
| Other | | | | | | | | | | | | | | | | | | |
| Total | 8 | 5 | 0 | 0 | 2 | 2 | 1 | 0 | 0 | 7 | 1 | 0 | 0 | | | | | |

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 120806, **Version:** 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to street racing; adding the crime of racing; adding the traffic infraction of vehicle participation in unlawful racing; adding the civil infraction of attendance at an unlawful race event; adding a new Section 11.58.440 to the Seattle Municipal Code; adding a new Section 12A.12.050 to, and amending Sections 11.20.230, 11.31.020, 11.31.121, 11.56.120, and 12A.09.020 of, the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

WHEREAS, racing of motor vehicles in an illegal and unsanctioned manner on public streets endangers the safety of pedestrians, cyclists, and other motorists; and

WHEREAS, aggressive driving and illegal street racing generate excessive noise which negatively impacts the health and quality of life of Seattle residents and visitors; and

WHEREAS, carbon emissions, tire particles, and other toxic pollutants produced in excess by illegal racing are harmful to human health and the natural environment of Seattle; and

WHEREAS, expanding civilian enforcement authority for non-criminal infractions, including those related to illegal racing, to city departments beyond the Seattle Police Department could provide additional deterrence for harmful behavior, improve community outcomes, and increase the effectiveness of these prohibitions; and

WHEREAS, effective enforcement of laws against dangerous and illegal motor vehicle racing is necessary to address the permissive environment that allows crime to occur in Seattle; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City finds and declares:

A. On July 23, 2023, three people were wounded by gunfire and one person was fatally shot during an unlawful racing event in the Capitol Hill neighborhood.

B. During the weekend of June 22 and 23, 2024, unlawful racing events took place in multiple Seattle neighborhoods, during which several people were wounded by gunfire and at least one pedestrian was struck and injured by a vehicle.

C. On January 1, 2024, changes to the Revised Code of Washington went into effect strengthening state law prohibitions on unlawful racing intended to more effectively punish and deter unlawful racing by expanding the definition of prohibited conduct and making unlawful racing a gross misdemeanor.

D. The adoption into Seattle Municipal Code of these recently expanded state law provisions on unlawful racing, as well as the creation of a new unlawful racing infraction that can be enforced using video evidence, will provide the Seattle Police Department and the Seattle City Attorney’s Office with additional tools to discourage unlawful racing and reduce the potential for associated violent crime and pedestrian injury.

E. As the incidents during July 2023 and June 2024 demonstrate, unlawful racing and the associated potential for violent conduct at such events constitute an ongoing emergency imminently threatening the public peace, health, and safety. This ordinance is necessary to take effect immediately to prevent and respond to these threats.

Section 2. Section 11.20.230 of the Seattle Municipal Code, last amended by Ordinance 126517, is amended as follows:

11.20.230 Ignition interlock device authorized

* * *

B. Subject to the exception and waiver provisions of subsection 11.56.025.L, the court shall order a person convicted under subsection 11.56.020.A or 11.56.020.B to apply for an ignition interlock driver's license from the Washington Department of Licensing under RCW 46.20.385 and to have a functioning ignition interlock device installed on all motor vehicles operated by the person. The court shall order any person

participating in a deferred prosecution program under RCW 10.05.020 for a violation of Section 11.56.020, or for a violation of subsection 11.58.005.A.1 where the person would be required under subsection 11.58.005.A.4 to install an ignition interlock device on all vehicles operated by the person in the event of a conviction, or for a violation of Section 11.56.120 where the person would be required under subsection ~~((11.56.120.D))~~ 11.56.120.B to install an ignition interlock device on all vehicles operated by the person in the event of a conviction to have a functioning ignition interlock device installed on all motor vehicles operated by the person.

Section 3. Section 11.31.020 of the Seattle Municipal Code, last amended by Ordinance 124950, is amended as follows:

11.31.020 Notice of traffic infraction - Issuance

A. A peace officer has the authority to issue a notice of traffic infraction:

1. when the infraction is committed in the officer's presence;
2. if an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction; ~~((or))~~
3. when a violation of Section 11.50.140, 11.50.150, 11.52.040, or 11.52.100 is detected through the use of an automated traffic safety camera as authorized pursuant to RCW 46.63.170 and Section 11.50.570~~((or))~~); or
4. if an officer is investigating a violation of Section 11.58.440.

* * *

Section 4. Section 11.31.121 of the Seattle Municipal Code, last amended by Ordinance 126892, is amended as follows:

11.31.121 Monetary penalties - Parking infractions

The base monetary penalty for violation of each of the numbered provisions of the Seattle Municipal Code listed in the following table is as shown, unless and until the penalty shown below for a particular parking

infraction is modified by Local Rule of the Seattle Municipal Court adopted pursuant to the Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) or successor rules to the IRLJ:

| Municipal Code reference | Parking infraction and other violations short description | Base penalty amount |
|--------------------------|---|---------------------|
| * * * | | |
| 11.53.230 | HIGH OCUPANCY VEHICLE LANE VIOLATION CAMERA VIOLATION | \$75 |
| <u>11.58.440</u> | VEHICLE PARTICIPATION IN UNLAWFUL RACING - FIRST VIOLATION | \$500 |
| <u>11.58.440</u> | VEHICLE PARTICIPATION IN UNLAWFUL RACING - SECOND VIOLATION | \$800 |
| <u>11.58.440</u> | VEHICLE PARTICIPATION IN UNLAWFUL RACING - THIRD AND SUBSEQUENT VIOLATIONS | \$1,500 |
| * * * | | |

Section 5. Section 11.56.120 of the Seattle Municipal Code, last amended by Ordinance 126517, is amended as follows:

11.56.120 Reckless driving

A. Any person who drives any vehicle in the City in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

~~((B. No person or persons may race any motor vehicle or motor vehicles upon any street, alley or way open to the public of the City.~~

~~C. Any person or persons who wilfully compare or contest relative speeds by operation of one or more motor vehicles is guilty of reckless driving, whether or not such speed is in excess of the maximum speed prescribed by law; provided however, that any comparison or contest of the accuracy with which motor vehicles may be operated in terms of relative speeds not in excess of the posted maximum speed does not constitute reckless driving.))~~

~~((D))~~ B. A person convicted of reckless driving who has one or more prior offenses as defined in RCW 46.61.5055 within seven years shall be required, under RCW 46.20.720, to install an ignition interlock device

on all vehicles operated by the person if the conviction is the result of a charge that was originally filed as a violation of subsection 11.56.020.A or 11.56.020.B.

Section 6. A new Section 11.58.440 is added to the Seattle Municipal Code as follows:

11.58.440 Vehicle participation in unlawful racing

A. Any registered owner of a vehicle used in connection with an unlawful race event has committed the infraction of vehicle participation in unlawful racing.

B. As used in this Section 11.58.440, “unlawful race event” means an event on a street, alley, way open to the public, or off-street facility wherein persons willfully: (1) compare or contest relative speeds by operation of one or more motor vehicles, or (2) demonstrate, exhibit, or compare speed, maneuverability, or the power of one or more motor vehicles, in a straight or curved direction, in a circular direction, around corners, or in circles in an activity commonly referred to as “drifting,” or by breaking traction.

C. Violations of this Section 11.58.440 may be detected by the Seattle Police Department using video evidence. “Seattle Police Department video evidence” means cameras installed in or on police vehicles, body worn video, or any other video evidence obtained by the Seattle Police Department. “Seattle Police Department video evidence” excludes automated traffic safety cameras of Section 11.50.570.

D. The registered owner of a vehicle is responsible for a violation of this Section 11.58.440, unless the registered owner overcomes the presumption in subsection 11.58.440.H, or in the case of a rental car business, satisfies the conditions under subsection 11.58.440.G. If appropriate under the circumstances, a renter is responsible for the violation.

E. A notice of infraction must be mailed to the registered owner of the vehicle within 14 days of the violation, or to the renter of a vehicle within 14 days of establishing the renter's name and address under subsection 11.58.440.G.1. The law enforcement officer issuing the notice of infraction shall include a certificate or facsimile of the notice, based upon inspection of Seattle Police Department video evidence, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in

it and is admissible in a proceeding charging a violation under this Section 11.58.440. Seattle Police Department video evidence supporting the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on Seattle Police Department video evidence may respond to the notice by mail.

F. Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this Section 11.58.440 are for the exclusive use of law enforcement in the discharge of duties under this Section 11.58.440.

G. If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction is issued under this Section 11.58.440, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within 18 days of receiving the written notice, provide to the issuing agency by return mail:

1. A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred;
2. A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or
3. Payment of the applicable penalty in lieu of identifying the vehicle operator.

Timely mailing of a statement under this subsection 11.58.440.G to the issuing law enforcement agency relieves a rental car business of any liability under this Section 11.58.440 for the notice of infraction.

H. If the registered owner of the vehicle is not a rental car business, the recipient of a notice of infraction is not liable for the infraction if the recipient demonstrates, by a preponderance of the evidence, that the recipient was not the registered owner of the vehicle, or that the vehicle was stolen, at the time of the offense.

I. Violation of this Section 11.58.440 is a traffic infraction, which shall be assessed a penalty of \$500 upon first infraction, excluding any costs, fees, or assessments. A second violation shall be assessed a penalty of \$800, excluding any costs, fees, or assessments. Third and subsequent violations shall be assessed a penalty of \$1,500 per violation, excluding any costs, fees, or assessments. Penalties under this Section 11.58.440 may not be waived or remitted. The infraction, if detected through the use of Seattle Police Department video evidence, is not part of the registered owner’s driving record and shall be processed in the same manner as parking infractions.

Section 7. A new Section 12A.12.050 is added to the Seattle Municipal Code as follows:

12A.12.050 Attendance at an unlawful race event

A. No person shall attend an unlawful race event. Attendance at an unlawful race event consists of:

1. Actual or constructive knowledge of being in attendance of an unlawful race event;
2. Actual or constructive knowledge that an unlawful race event is occurring;
3. Intent to observe or support or encourage the unlawful race event; and,
4. Failure to leave the area of an unlawful race event, if instructed to do so by peace officer.

B. As used in this Section 12A.12.050, “unlawful race event” shall have the same meaning as defined in Seattle Municipal Code Section 11.58.440.

C. Violation of this Section 12A.12.050 is a civil infraction, which shall be assessed a penalty of \$100. The \$100 penalty may not be waived or remitted.

Section 8. Section 12A.09.020 of the Seattle Municipal Code, last amended by Ordinance 126896, is amended as follows:

12A.09.020 Adoption of RCW sections

The following RCW sections as amended are adopted by reference:

* * *

43.43.754’s crime of refusal to provide DNA

46.04.1641 - Drifting

46.04.367 - Off-street facility

46.61.530 - Racing of vehicles on highways - Reckless driving - Exception

46.61.748 - Racing - Impoundment

* * *

Section 9. By reason of the findings set out in Section 1, and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the City Council and its approval by the Mayor, as provided by Article 4, subsection 1.I of the Charter of the City.

Passed by a 3/4 vote of all the members of the City Council the _____ day of _____, 2024, and signed by me in open session in authentication of its passage this _____ day of _____, 2024.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

| | | |
|------------------------|-----------------------|---------------------|
| Department: | Dept. Contact: | CBO Contact: |
| Legislative Department | Tamaso Johnson | |

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to street racing; adding the crime of racing; adding the traffic infraction of vehicle participation in unlawful racing; adding the civil infraction of attendance at an unlawful race event; adding a new Section 11.58.440 to the Seattle Municipal Code; adding a new Section 12A.12.050 to, and amending Sections 11.20.230, 11.31.020, 11.31.121, 11.56.120, and 12A.09.020 of, the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Summary and Background of the Legislation: This legislation is written to effectuate City relevant criminal provisions of Chapter 283, Laws of 2023, regarding illegal racing. The act took effect January 1, 2024 and amended RCW 46.61.530.

This legislation also creates the infraction of vehicle participation in unlawful racing and the infraction of attendance at an unlawful race event.

This emergency legislation is necessary to take effect immediately to respond to threats to the public peace, health, and safety created by unlawful racing.

This legislation was amended by the Public Safety Committee on July 9, 2024 to increase the infraction amounts associated with vehicle participation in unlawful racing to \$500, \$800, and \$1,500 for first, second, and third and subsequent violations, respectively. The Public Safety Committee amendments also added a recital describing the potential benefits of non-SPD enforcement of these infractions, created a new civil infraction for attendees of an unlawful race event in the amount of \$100, and amended the bill title according.

2. CAPITAL IMPROVEMENT PROGRAM

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

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

| Project Name: | Master Project I.D.: | Project Location: | Start Date: | End Date: | Total Project Cost Through 2029: |
|----------------------|-----------------------------|--------------------------|--------------------|------------------|---|
| | | | | | |

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City?

Yes No

If there are no projected changes to expenditures, revenues, or positions, please delete the table below.

| | | | | | |
|--|-------------|------------------|------------------|------------------|------------------|
| Expenditure Change (\$); General Fund | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
| | | | | | |
| Expenditure Change (\$); Other Funds | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
| | | | | | |

| | | | | | |
|--|-------------|------------------|------------------|------------------|------------------|
| Revenue Change (\$); General Fund | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
| | | | | | |
| Revenue Change (\$); Other Funds | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
| | | | | | |

| | | | | | |
|----------------------------|-------------|------------------|------------------|------------------|------------------|
| Number of Positions | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
| | | | | | |
| Total FTE Change | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
| | | | | | |

4. OTHER IMPLICATIONS

- a. **Please describe how this legislation may affect any departments besides the originating department.** It affects the Seattle Police Department and Seattle Municipal Court by creating new infractions and enforcement mechanisms.
- b. **Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.** No.
- c. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**
 - i. **How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.** No particular implication is known.
 - ii. **Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**
 - iii. **What is the Language Access Plan for any communications to the public?** None at this time.

d. Climate Change Implications

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response. N/A**

- ii. 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. N/A**

e. 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)? What mechanisms will be used to measure progress towards meeting those goals?

5. CHECKLIST

Please click the appropriate box if any of these questions apply to this legislation.

- Is a public hearing required?**

- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**

- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**

- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**
If yes, please review requirements in Resolution 31203 for applicability and complete and attach “Additional risk analysis and fiscal analysis for non-utility partner projects” form.

6. ATTACHMENTS

List Summary Attachments (if any): None.



Legislation Text

File #: CB 120807, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager and Chief Executive Officer of Seattle Public Utilities, or designee, to execute an agreement between Seattle Public Utilities and the King County Flood Control Zone District for the South Park Interim Flood Preparedness and Response Program; amending Ordinance 126955, which adopted the 2024 Budget; changing appropriations to Seattle Public Utilities; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.

WHEREAS, the Duwamish River flooded the South Park neighborhood in December 2022 due to a combination of factors including higher-than-average tides, rain runoff, and melting snow, damaging local homes and businesses; and

WHEREAS, the South Park neighborhood, which is home to low-income, immigrant, refugee, and unsheltered people and is 74 percent people of color, has experienced previous flooding, as well as environmental and health damages due to historical inequities and industrial contamination; and

WHEREAS, the South Park neighborhood provides the bulk of the 6,900 jobs that are part of Seattle’s Duwamish manufacturing/industrial center; and

WHEREAS, the King County Flood Control Zone District is a quasi-municipal corporation of the State of Washington, authorized to provide funding and support for flood risk reduction projects within King County; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The General Manager and Chief Executive Officer of Seattle Public Utilities, or designee, is authorized to execute, for and on behalf of The City of Seattle, the agreement between Seattle Public

Utilities and King County Flood Control Zone District entitled Interlocal Agreement for the South Park Interim Flood Preparedness and Response Program, attached to this ordinance as Attachment 1.

Section 2. To pay for necessary costs and expenses in 2024, but for which insufficient appropriations were made due to causes that could not reasonably have been foreseen at the time of the making of the 2024 Budget, appropriations for the following items in the 2024 Budget are increased from the funds shown, as follows:

| Item | Fund | Department | Budget Summary Level | Amount |
|--------------|---------------------------------------|-----------------------------|---|--------------------|
| 2.1 | Drainage & Wastewater Fund (44010) | Seattle Public Utilities | Utility Service and Operations (BO-SU-N200B) | \$1,473,000 |
| Total | | | | \$1,473,000 |

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

Section 4. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by a 3/4 vote of all the members of the City Council the _____ day of _____, 2024, and signed by me in open session in authentication of its passage this _____ day of _____, 2024.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

Scheereen Dedman, City Clerk

(Seal)

Attachments:

Attachment 1 - Interlocal Agreement for the South Park Interim Flooding Preparedness Response Program

**INTERLOCAL AGREEMENT
FOR THE SOUTH PARK INTERIM FLOODING PREPAREDNESS AND RESPONSE
PROGRAM BETWEEN THE KING COUNTY FLOOD CONTROL ZONE DISTRICT
AND THE CITY OF SEATTLE**

THIS AGREEMENT FOR THE SOUTH PARK INTERIM FLOODING PREPAREDNESS AND RESPONSE PROGRAM located in the South Park neighborhood of the City of Seattle is entered into on the last date signed below (“Effective Date”), by and between the CITY OF SEATTLE, a Washington municipal corporation (“City”), and KING COUNTY FLOOD CONTROL ZONE DISTRICT, a quasi-municipal corporation of the State of Washington (“District”) (collectively, the “Parties”).

RECITALS

A. WHEREAS, the King County Flood Control Zone District is a quasi-municipal corporation of the State of Washington, authorized to provide funding and support for flood risk reduction projects within King County.

B. WHEREAS, the Duwamish River flooded the South Park neighborhood in December 2022, damaging local homes and businesses.

C. WHEREAS, the flooding was caused by a combination of factors including higher-than-average tides, rain runoff, and melting snow.

D. WHEREAS, before December 2022, the South Park neighborhood experienced previous flooding, as well as environmental and health damages due to historical inequities and industrial contamination.

E. WHEREAS, the South Park neighborhood is home to low-income, immigrant, refugee, and unsheltered people and is 74 percent people of color.

F. WHEREAS, a significant portion of the 6,900 jobs in the South Park neighborhood are in the industrial area (in the Greater Duwamish MIC).

G. WHEREAS, the District desires to partner with the City of Seattle to create a South Park Interim Flooding Preparedness and Response Program (“Project”).

H. WHEREAS, the Parties agree that time is of the essence in the implementation of this Agreement in order to enable the City to start developing and implementing the Project.

I. WHEREAS, King County is a service provider to the District under the terms of an Interlocal Agreement between the District and King County, and pursuant to that Agreement, King County provides contract management and technical expertise for the District for District-funded projects and will serve in this capacity for the Project.

AGREEMENT

Based upon the foregoing, the Parties agree as follows:

1. Incorporation of Recitals. All recitals above are hereby incorporated and ratified as part of this Agreement. The purpose of this Agreement is to memorialize the terms for funding the Project to mitigate the risk of flooding in the South Park neighborhood.

2. District Funding for Project. In exchange for the City’s execution of the Project, the District agrees to provide funding for the Project not to exceed the total amount of Two million and forty-one thousand dollars and no cents (\$2,041,000) (“Funds”), subject to the terms and conditions in this Agreement. Following the District’s approval of a Charter for the Project (as set out in Section 2.4), the Funds are to be available on a reimbursement basis (as set out in Section 9) for the Program as follows, subject to the terms and conditions in this Agreement:

2.1. \$1,786,000 of the Funds are allocated for the installation and maintenance of a temporary flood barrier in the South Park neighborhood, provided this amount shall be utilized as follows:

2.1.1. \$546,000 is available for the acquisition of six pumps;

2.1.2. \$110,000 is available for the acquisition of an operations staging trailer; and

2.1.3. \$1,130,000 is available to oversee and implement the interim flood preparedness and response program. Work includes purchase flood barrier materials, equipment and supplies; project management and oversight; store, stage, mobilize, demobilize and maintain the temporary equipment and supplies for the temporary and semi-permanent flood barriers; deploy, operate and maintain the pumps; deploy community sandbags; and obtain required permits and approvals.

2.2 \$255,000 of the Funds are allocated to support community preparedness, including the development of South Park-specific communication materials to increase an understanding of the flood risks in the South Park neighborhood, development of culturally appropriate public education and outreach of the flood risk in the South Park neighborhood, and engaging residents to provide input into near- and long-term flood risk reduction strategies.

2.3 Submission of a Charter. Before Funds are available to the City for the Project, the City shall prepare and submit for District approval a Project Charter in conformance with WLRD’s Project Management Manual. Work performed to prepare the Project Charter shall be eligible for District Funds, pursuant to the terms of this Agreement.

2.4 Charter’s Incorporation as Project Scope of Work. Upon the District’s approval of the Project Charter, the Charter shall be automatically incorporated into this Agreement as Exhibit B hereto, without further action by either party. The Funds shall only be used by the City for the performance of the Project as authorized by this Agreement including but not limited to Section 2.1 hereof, and specifically for those tasks identified in the Project’s Charter, attached hereto as Exhibit B, and incorporated herein by this reference. Modifications to and deviations from the Charter by the City shall require advance written approval from the District.

3. Term. This Agreement shall be effective upon mutual execution of this Agreement (“Effective Date”). The Agreement shall terminate upon completion of the tasks identified in the Project’s Charter or five (5) years from the Effective Date, whichever occurs first, unless earlier terminated in accordance with the terms of this Agreement; provided, if the District does not approve a Project Charter within two (2) years of the Effective Date, the Agreement shall automatically terminate.

3.1. The District may terminate this Agreement at any time by written notice to the City, provided that, unless termination is for cause, the City may continue to submit reasonable requests for reimbursement up to the amount of funds appropriated in an approved District budget for work that was performed prior to the date of termination, provided the City’s consultant contract(s) for this Project shall reflect and be consistent with the parties’ right to terminate this Agreement.

3.2. The City may terminate this Agreement at any time by written notice to the District, provided that the District shall have no obligation to provide Funds for work occurring after the date of termination.

3.3. The Funds were appropriated in the District’s 2023 Budget for a total of \$1,551,000.00. Additional Funds of \$490,000.00 were appropriated in the District’s 2024 Budget, bringing the total up to \$2,041,000.00. To the extent that the Project requires future appropriations or carryover to a future budget year by the District, the District’s obligations are contingent upon the appropriation of sufficient funds. If no such appropriation is made, this Agreement will terminate at the close of the appropriation year for which the last appropriation that allocated Funds under this Agreement was made.

4. Permitting and Compliance. At all times relevant to the City’s performance under the terms of the Agreement, the City shall comply with all applicable federal, state, and local laws and regulations. The City shall obtain and be responsible for all necessary local, state, and federal permits and approvals for the Project, and shall fully comply with all applicable requirements and conditions thereof.

4.1. Property Rights. The City shall obtain and be responsible for all necessary property rights, special use permits, easements, or property acquisitions. Access to private

properties for the Project is the sole responsibility of the City, and the District shall notify the City when District access to property is necessary to effectuate the District’s performance under this Agreement.

4.2. Project Administration. The City shall be solely responsible for compliance with all applicable laws and regulations pertaining to the Project, including but not limited to the consultant selection process and management of any contract advertisement, bidding, and award process.

4.3. Inspections. The District, including its service provider King County, may provide technical assistance to the City and coordinate with the City as required on work needed within King County jurisdiction. The District, including its service provider King County, shall have the right to inspect the City’s Project at the District’s request.

4.4. Discriminatory Practices Prohibited. Throughout the term of this Agreement, the City shall fully comply with all equal employment and nondiscrimination provisions of applicable local, state and federal laws.

5. Document Sharing. Upon completion of work, the City shall share with King County all studies, design materials, and supporting documentation concurrent with final billing. These materials may be used and/or referenced by King County to further improvements needed to address flooding in this location.

6. Impact on Other Reaches or Segments. The District and the City agree that the Project under this Agreement shall not have a detrimental effect on other reaches of the Duwamish River.

7. District Review. The City shall review and adhere to the requirements for service providers as set forth in District Resolution FCD 2021-16 and outlined in this Section 7. In addition, the City shall use the WLRD’s Project Management Manual (the “Manual”) as a guide for project management and documentation of the Project. The City shall provide such documentation to King County upon request. The City shall submit a Project Charter for review and approval by the District’s Executive Committee (which shall become Exhibit B hereto when approved) and shall request prior approval from the District’s Executive Committee for initiation of the Project. The City shall include in the Project Charter a schedule of the material and significant events and actions for the Project.

8. Retention and Review of Documents. The City agrees to maintain documentation of all planning, modeling, analysis, and design of the Project sufficient to meet District and state audit standards for a capital project, recognizing that the costs of the Project are paid for in whole or in part by the City and the District. The City agrees to maintain any additional documentation that is requested by the District. City contracts and internal documents shall be made available to

the District for review and/or independent audit upon request. The Parties shall retain all records in accordance with the Washington State Retention Schedules and shall comply with the Washington State Public Records Act, Ch 42.56.RCW. The City shall submit to the District the final report of this Project, in a form and with detail required by the District.

9. Payment of Funds. Subject to the following, the City may submit for reimbursement from District Funds of City’s actual and reasonable costs and expenses as set out in Section 2 of this Agreement for work performed for the Project on or after July 11, 2023. Requests for reimbursement shall be submitted and reviewed consistent with the procedures, requirements and restrictions set out in this Agreement and the Manual.

9.1. No more than once per quarter, the City may submit requests for reimbursement of City actual and reasonable costs and expenses incurred on or after July 11, 2023, for the Project. The requests shall be in a form and shall contain information and data as required by the District. In connection with submittal of requests for reimbursement, the District may require the City to provide a status or progress report concerning submittal, preparation or completion of any document or work required by this Agreement.

9.2. The District shall review the requests to confirm that they are reimbursable and payable under this Agreement. The District shall endeavor to complete such review within thirty (30) days of receipt of a request in order to determine whether they are reimbursable and payable under this Agreement. The District shall forward a response to the requested reimbursement to the City within forty-five (45) days of the City’s request.

9.3. The District may postpone review of a City request for reimbursement where all or any part of the request is unreasonable, inaccurate, or incomplete. The District shall notify the City of any unreasonableness, inaccuracies or incompleteness within thirty (30) days of receipt of the request. The City shall provide all additional information or data within thirty (30) days of the District’s request for such additional information or data. If the request is still unreasonable, inaccurate, or incomplete in the opinion of the District, the dispute shall be resolved in accordance with the terms herein.

9.4. The District may postpone payment of any request for reimbursement, up to a maximum of five percent (5%) of the request, where the City is delinquent in submittal, preparation or completion of any document or work required by this Agreement.

10. General Provisions.

10.1. Third Parties. This Agreement and any activities authorized hereunder shall not be construed as granting any rights or privileges to any third person or entity, or as a guarantee or warranty of protection from flooding or flood damage to any person, entity or property, and nothing contained herein shall be construed as waiving any immunity to liability of the City, the

District or King County, granted under state statute, including Chapters 86.12 and 86.15 RCW, or as otherwise granted or provided for by law.

10.2. Liens and Encumbrances. The City acknowledges and agrees that it will not cause or allow any lien or encumbrance arising from or related to the Project authorized by this Agreement to be placed upon the real property interests of King County and the District. If such lien or encumbrance is so placed, King County and the District shall have the right to remove such lien and charge back the costs of such removal to the City.

10.3. Indemnification. To the extent allowed by law, including RCW 35.32A.090, the City shall defend, indemnify and hold harmless the District and King County, and all of their officials, employees, principals, agents and insurers, from any and all claims, demands, suits, actions, losses, costs, attorney fees and expenses, fines, penalties and liability of any kind, including but not limited to injuries to persons or damages to property, relating to, in connection with, or arising out of, whether directly or indirectly, or as a consequence of the City's performance under the Project and this Agreement, except to the extent of the District's own negligence.

The foregoing indemnity is specifically and expressly intended to constitute a waiver of each Party's immunity under industrial insurance, Title 51 RCW, as respects the other Party only, and only to the extent necessary to provide the indemnified Party with a full and complete indemnity of claims made by the indemnitor's employees. This waiver has been mutually negotiated.

The City's obligations under this Section shall survive any termination of this Agreement.

10.4. Insurance. The City shall require its contractors, subcontractors and agents to maintain insurance as required by the City in its standard contracts, and to name the District as an additional insured on their required insurance. The City shall also either require any professional services consultants, subconsultants, contractors or subcontractors to carry appropriate levels of Professional Liability insurance coverage during the course of design, engineering, and construction as the City may itself require or self-insure the work. Upon request, the City shall provide a letter evidencing its self-insured status. The City's obligations under this Section shall survive any termination of this Agreement.

10.4.1. The City's insurance coverage shall be primary insurance with respect to the District. Any insurance, self-insurance, or insurance pool coverage maintained by the District shall be in excess of the District's insurance and shall not contribute to it.

10.4.2. The City shall waive its rights of subrogation against the District for all claims and suits.

10.4.3. The coverage shall apply separately to each insurance against whom a claim is made or a suit is brought, except with respect to the limits of the insurer's liability.

10.4.4. Upon receipt of notice from its insurer(s), the City shall provide the District with notice of cancellation within three (3) days. It is hereby understood and agreed that the policy may not be canceled nor the intention not to renew be stated until ninety (90) days after receipt by the District, by registered mail, of a written notice addressed to the Chair of such intent to cancel or not to renew. If the insurance is canceled or reduced in coverage, the City shall provide a replacement policy or this Agreement is immediately terminated.

10.4.5. The City's maintenance of insurance policies required by this Agreement shall not be construed to limit the liability of the City to the coverage provided in the insurance policies, or otherwise limit the District's recourse to any other remedy available at law or in equity.

10.4.6. The District reserves the right, during the term of the Agreement, to require any other insurance coverage or adjust the policy limits as it deems reasonably necessary utilizing sound risk management practices and principals based upon the loss exposures. Prior to imposing such additional coverage or adjusting existing required coverages or limits, the District shall provide reasonable notice to the City and an opportunity to provide comments, and the District shall review and consider such comments that are timely made.

10.5. Dispute Resolution. The Parties will seek to resolve any disputes under this Agreement as follows:

10.5.1. For disputes involving cost reimbursements or payments, submittal of all relevant information and data to an independent Certified Public Accountant or a Construction Claims Consultant, if agreed upon by the Parties, for a non-binding opinion as to the responsibility. The Parties shall mutually agree on the selection of such independent Certified Public Accountant or a Construction Claims Consultant.

10.5.2. If the foregoing does not result in resolution and for all other disputes, the Parties may mutually select any informal means of resolution and resort will otherwise be had to the Superior Court for King County, Washington. Each Party will be responsible for its own costs and attorney's fees in connection with the dispute resolution provisions of this paragraph.

10.6. Entire Agreement; Amendment. This Agreement, together with Exhibit A hereto, represents a full recitation of the rights and responsibilities of the Parties and may be modified only in writing and upon the consent of both Parties. Should any conflict exist between the terms of this Agreement and the terms of the Exhibits, this Agreement shall control.

10.7. Notices, Communications and Documents. Unless applicable law requires a different method of giving notice, any and all notices, demands or other communications required or desired to be given hereunder by either Party (collectively, "notices") shall be in writing and shall be validly given or made to the other Party if delivered either personally or by Federal Express or other overnight delivery service of recognized standing, or if deposited in the United States Mail, certified, registered, or express mail with postage prepaid, or if sent by electronic mail. If such notice is personally delivered, it shall be conclusively deemed given at the time of such delivery. If such notice is delivered by Federal Express or other overnight delivery service of recognized standing, it shall be deemed given one business day after the deposit thereof with such delivery service. If such notice is mailed as provided herein, such shall be deemed given three business days after the deposit thereof in the United States Mail. If such notice is sent by electronic mail, it shall be deemed given at the time of the sender's transmission of the electronic mail communication, unless the sender receives a response that the electronic mail message was undeliverable. Each such notice shall be deemed given only if properly addressed to the Party to whom such notice is to be given as follows:

To City: Chris Hilton, Seattle Public Utilities
City of Seattle
700 Fifth Avenue, Floor 49
Seattle, WA 98104
Email: chris.hilton@seattle.gov

To District: Michelle Clark, Executive Director
King County Flood Control District
516 Third Avenue, Room 1200, W-1201
Seattle, WA 98104
Phone: (206) 477-2985
Email: Michelle.Clark@kingcounty.gov

10.8 Authority. The undersigned warrant that they have the authority duly granted by their respective legislative bodies to make and execute this Agreement. This Agreement will be approved and filed in accordance with Chapter 39.34 RCW.

10.9 Severability. If any word, article, section, subsection, paragraph, provision, condition, clause, sentence, or its application to any person or circumstance (collectively referred to as "Term"), shall be held to be illegal, invalid, or unconstitutional for any reason by any court or agency of competent jurisdiction, such term declared illegal, invalid or unconstitutional shall be severable and the remaining terms of the Agreement shall remain in full force and effect unless to do so would be inequitable or would result in a material change in the rights and obligations of the Parties hereunder.

10.10 No Joint Venture. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture, or principal-agent relationship or other arrangement between the City and the District. Neither Party is authorized to, nor shall either Party act toward Third Parties or the public in any manner which would indicate any such relationship with the other.

10.11 Force Majeure. In the event either party is prevented or delayed in the performance of any of its obligations herein due to circumstances beyond its control or by reason of a force majeure occurrence, such as, but not limited to, acts of God, acts of terrorism, war, riots, civil disturbances, natural disasters, floods, tornadoes, earthquakes, unusually severe weather conditions, employee strikes and unforeseen labor or availability of materials conditions not attributable to the City’s employees or agents, neither party shall be deemed in breach of provisions of this Agreement.

10.12 Venue/Choice of Law. This Agreement shall be governed and construed in accordance with the laws of the State of Washington. Any action brought relative to enforcement of this Agreement, or seeking a declaration of rights, duties or obligations herein, shall be initiated in King County Superior Court.

IN WITNESS WHEREOF, the parties have executed this Agreement, which shall become effective on the last date signed below.

CITY OF SEATTLE

KING COUNTY FLOOD CONTROL DISTRICT

By: _____
Bruce Harrell
Its: Mayor

By: _____
Reagan Dunn
Its: Board Chair

DATE: _____

DATE: _____

DISTRICT APPROVED AS TO FORM:

By: _____
Legal Counsel

Attest

NAME
City Clerk

EXHIBIT A – PROJECT VICINITY MAP SOUTH PARK NEIGHBORHOOD

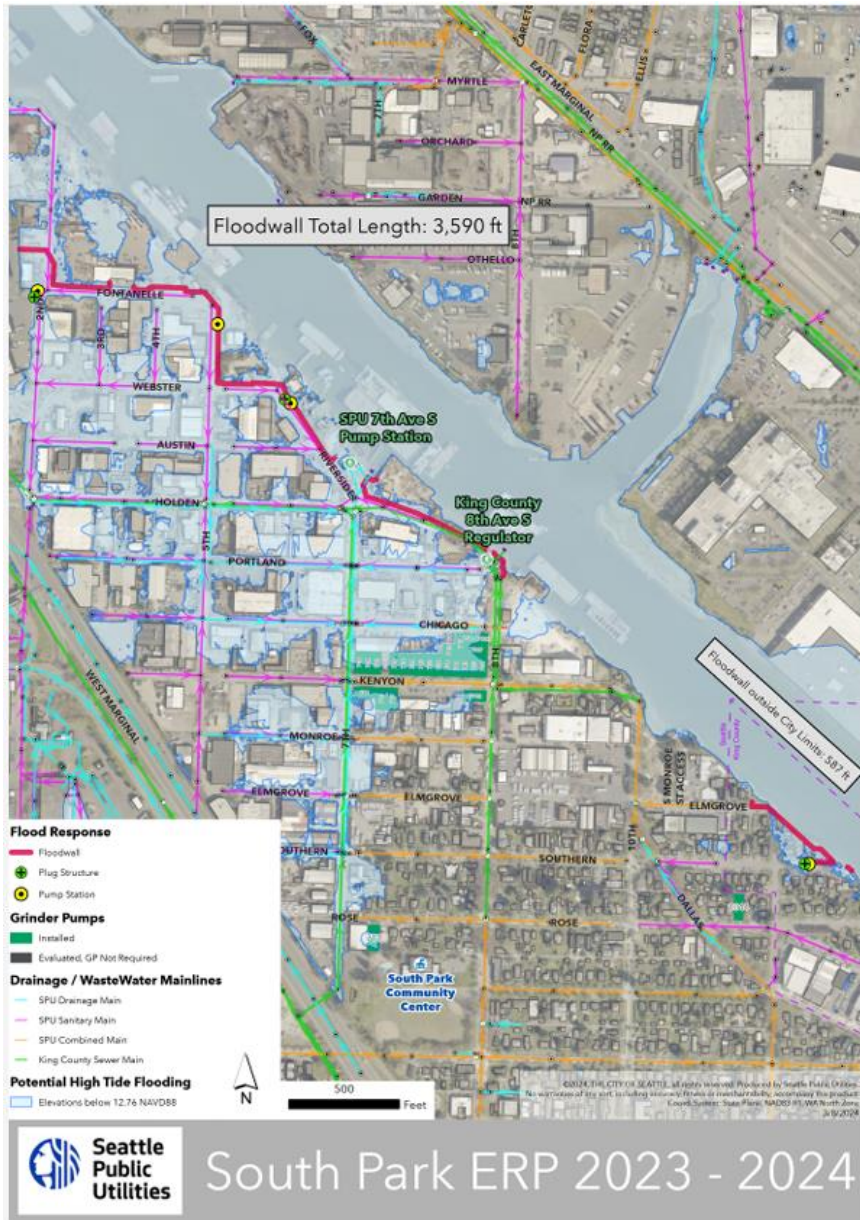


EXHIBIT B – PROJECT CHARTER

TO BE DEVELOPED PURSUANT TO ILA

SUMMARY and FISCAL NOTE

| | | |
|--------------------------|-----------------------|---------------------|
| Department: | Dept. Contact: | CBO Contact: |
| Seattle Public Utilities | Chris Hilton | Akshay Iyengar |

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager and Chief Executive Officer of Seattle Public Utilities, or designee, to execute an agreement between Seattle Public Utilities and King County Flood Zone Control District for the South Park Interim Flood Preparedness and Response Program; amending Ordinance 126955, which adopted the 2024 Budget; changing appropriations to Seattle Public Utilities; and ratifying and confirming all prior acts; all by a 3/4 vote of the City Council.

Summary and Background of the Legislation:

Due to repetitive flooding incidents in the South Park neighborhood, including the December 2022 Duwamish River King Tide flooding event, Seattle Public Utilities (SPU) developed a robust South Park Emergency Response Plan to prepare for the increased flooding risk in South Park. The South Park Response Plan includes annual temporary construction of a flood barrier during wet weather season, an emergency preparedness and response staffing plan, and outreach and engagement in South Park to build community understanding of flooding risk. The Interlocal Agreement with King County Flood Control district will make available \$2,041,000 from the King County Flood Zone Control District for these expenses.

The ordinance also increases SPU’s 2024 appropriation authority in the Drainage & Wastewater Fund by \$1,473,000, which represents SPU’s expected expenditures in 2024 for this work. The balance of the available funding will be sought to reimburse spending that occurred in 2023.

2. CAPITAL IMPROVEMENT PROGRAM

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

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? Yes No

If there are no projected changes to expenditures, revenues, or positions, please delete the table below.

| Expenditure Change (\$); | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
|---------------------------------|-------------|------------------|------------------|------------------|------------------|
| General Fund | | | | | |
| Expenditure Change (\$); | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
| Other Funds | \$1,473,00 | | | | |

| Revenue Change (\$); General Fund | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
|--------------------------------------|-------------|-----------|-----------|-----------|-----------|
| | | | | | |
| Revenue Change (\$); Other Funds | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
| | \$2,041,000 | | | | |

| Number of Positions | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
|---------------------|------|-----------|-----------|-----------|-----------|
| | | | | | |
| Total FTE Change | 2024 | 2025 est. | 2026 est. | 2027 est. | 2028 est. |
| | | | | | |

3.a. Appropriations

This legislation adds, changes, or deletes appropriations.

| Fund Name and Number | Dept | Budget Control Level Name/Number* | 2024 Appropriation Change | 2025 Estimated Appropriation Change |
|---------------------------------------|------|---|---------------------------------|---|
| Drainage & Wastewater Fund - 44010 | SPU | BO-SU-N200B - Utility Service and Operations | \$1,473,000 | |
| TOTAL | | | \$1,473,000 | |

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

Appropriations Notes:

3.b. Revenues/Reimbursements

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

Anticipated Revenue/Reimbursement Resulting from This Legislation:

| Fund Name and Number | Dept | Revenue Source | 2024 Revenue | 2025 Estimated Revenue |
|---------------------------------------|------|-----------------|-----------------|------------------------------|
| Drainage & Wastewater Fund - 44010 | SPU | King County FCD | \$2,041,000 | |
| TOTAL | | | \$2,041,000 | |

Revenue/Reimbursement Notes:

3.c. Positions

- This legislation adds, changes, or deletes positions.

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

No

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

Please describe any financial costs or other impacts of *not* implementing the legislation.

Not implementing this legislation would result in the loss of \$2,041,000 in revenue to the Drainage & Wastewater Fund.

4. OTHER IMPLICATIONS

- a. Please describe how this legislation may affect any departments besides the originating department.**

No.

- b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**

No

- c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

The legislation will improve reduce flood risk and improve safety within the South Park neighborhood, a historically disadvantaged community where 74 percent of residents are people of color. Materials to support the community will be provided in Spanish and Khmer; SPU has consultants available to provide interpretation services in these languages at any related community events.

ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.

This Agreement provides funding to benefit a historically vulnerable community; a Racial Equity Toolkit has not been completed.

iii. What is the Language Access Plan for any communications to the public?

A portion of the funding is allocated toward supporting community-based organizations in South Park, including Villa Comunitaria and Khmer Community of Seattle King County, who are providing translation and interpretation services in Spanish and Khmer. SPU staff are also partnering with Community Liaisons from the Department of Neighborhoods to provide additional language support as needed.

d. Climate Change Implications

i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.

No

ii. 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.

The proposed actions will improve community resilience to climate change by supporting safety and preparedness to the increased risk of flooding and extreme weather events.

e. 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)? What mechanisms will be used to measure progress towards meeting those goals?

5. CHECKLIST

Please click the appropriate box if any of these questions apply to this legislation.

- Is a public hearing required?
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?

6. ATTACHMENTS

Summary Attachments: None.