



Legislation Details (With Text)

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In control: City Clerk

On agenda: 11/29/2022

Final Action: 12/7/2022 **Ord. No.** Ord 126725

Title: AN ORDINANCE adopting a budget, including a capital improvement program and position modifications, for The City of Seattle for 2023; and creating positions exempt from civil service; all by a 2/3 vote of the City Council.

Sponsors: Teresa Mosqueda

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Attachments: 1. Att A - 2023 Appropriations by BCL v2, 2. Att B - Position Modifications for the 2023 Budget v2, 3. Att A - 2023 Appropriations by BCL, 4. Att B - Position Modifications for the 2023 Proposed Budget, 5. Summary and Fiscal Note, 6. Signed Ordinance 126725, 7. Affidavit of Publication

Date	Ver.	Action By	Action	Result
12/7/2022	1	City Clerk	attested by City Clerk	
12/7/2022	1	Mayor	returned	
12/6/2022	1	Mayor	Signed	
12/1/2022	1	City Clerk	submitted for Mayor's signature	
11/29/2022	1	City Council	passed	Pass
11/28/2022	1	Select Budget Committee	pass as amended	Pass
11/15/2022	1	City Council	referred	
11/9/2022	1	Council President's Office	sent for review	
11/4/2022	1	City Clerk	sent for review	
9/27/2022	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE adopting a budget, including a capital improvement program and position modifications, for The City of Seattle for 2023; and creating positions exempt from civil service; all by a 2/3 vote of the City Council.

WHEREAS, in accordance with RCW 35.32A.030, the Mayor submitted a proposed budget for 2023 to the City Council; and

WHEREAS, the Mayor submitted a list of proposed position modifications as part of the 2023 Proposed

Budget; and

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

WHEREAS, the proposed budget for 2023 includes certain appropriations for capital programs that are described in the 2023-2028 Proposed Capital Improvement Program; and

WHEREAS, the City's 2023-2028 Capital Improvement Program, in conjunction with the Capital Facilities, Utilities, and Transportation Elements of the Comprehensive Plan, is in accordance with the State Growth Management Act; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

(b) The appropriations for the budget control levels in Attachment A to this ordinance, as restricted by the budget provisos included in Clerk File (C.F.) 314508, are adopted as the City's annual budget for 2023. If a budget proviso refers to a City Council committee, and a committee by that name ceases to exist, the reference shall be to the successor committee with policy oversight of the same subject matter area.

(c) The appropriation for each budget control level in Attachment A to this ordinance may be used only for the purpose listed in Attachment A for that budget control level, unless transferred pursuant to Seattle Municipal Code (SMC) Chapter 5.08. Use of any amount of any appropriation restricted by one or more of the provisos in C.F. 314508 for any purpose other than that stated, or for any purpose expressly excluded, or in violation of any condition specified by proviso, whether by transfer pursuant to SMC 5.08.020 or by any other means, is prohibited.

(d) In addition to each budget control level in Attachment A to this ordinance, any budget control level created by a previous budget, for which appropriations remain that have not lapsed, is part of the 2023

budget and the un-lapsed appropriations for that budget control level are subject to the restrictions in subsection 1(c) of this ordinance. These un-lapsed appropriations continue to be subject to any provisos previously placed on them that have yet to be removed or satisfied.

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

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

(g) The revenue estimates for 2023 contained in the Mayor's 2023 Proposed Budget, filed in C.F. 314506, as modified by the changes of the City Council in C.F. 314508, are adopted.

Section 2. The "CIP Project Pages" of the 2023-2028 Proposed Capital Improvement Program submitted by the Mayor, filed in C.F. 314507, as modified by the changes of the City Council in C.F. 314508, are adopted as the City's six-year Capital Improvement Program (CIP).

Section 3. (a) The officer and employee position modifications in Attachment B to this ordinance, including the creation of some positions exempt from civil service, are adopted effective January 1, 2023.

(b) The City, by enacting Ordinance 126646, established a position list effective as of January 1, 2023. Subsection 3(a) of this ordinance modifies that list. It is anticipated that the Seattle Department of Human Resources will submit a proposed list of the City's regular positions for each department or office as of January 1, 2023, to the City Council for possible action in 2023. The proposed list should reflect (i) the modifications made in subsection 3(a) of this ordinance that take effect on January 1, 2023; (ii) the reclassifications of regular positions made by the Human Resources Director from January 1, 2022, through December 31, 2022; and (iii) the creation, modification, or abrogation of regular positions, by ordinance, that took effect from January 1, 2022, through December 31, 2022.

Section 4. (a) Subject to the conditions in Section 1 of this ordinance, the appropriation of money in the budget adopted by this ordinance, for a budget control level that includes a program or project assigned a project identification number in the 2023-2028 Adopted CIP, constitutes authority for the designated City department, commission, or office (after compliance with the State Environmental Policy Act) to acquire personal property; obtain options to acquire real property; negotiate to acquire right-of-way and other real property interests; prepare plans and designs; demolish, construct, or make improvements; and obtain any ancillary services, including, without limitation, planning, engineering, design, appraisal, escrow, title insurance, construction, inspection, environmental audits, and remediation appraisals or other reviews; all in order to carry out the project or program substantially as described in the 2023-2028 Adopted CIP. Each department may obtain the authorized services or property using City staff or by contract as authorized in subsection 4(j) of this ordinance. If projects or programs are identified in the 2023-2028 Adopted CIP to be carried out by other entities wholly or in part with City funds, the appropriation constitutes authority to provide such funds to such other entities for such purposes, subject to applicable laws and ordinances.

(b) None of the appropriations in the 2023 Adopted Budget may be spent on capital projects or programs unless the projects or programs are specifically identified and assigned a project identification number in the 2023-2028 Adopted CIP or are added to the 2023-2028 Adopted CIP by a future amending ordinance.

(c) Without future Council authorization by ordinance, expenditures in 2023 on any project or program identified and assigned a project identification number in the 2023-2028 Adopted CIP for Seattle City Light, Seattle Public Utilities, or the Seattle Department of Transportation, other than expenditures pursuant to unspent capital appropriations carried forward from 2022 into 2023 in accordance with RCW 35.32A.080 and allocated to the same project or program, shall not exceed by more than \$1,000,000 the amount shown as the Appropriations Total in the 2023 column for that project or program in the Adopted CIP, as that amount may be amended by ordinance. The City Budget Office shall certify to the Chair of the City Council Budget Committee

a list of those unspent capital appropriations not subject to the expenditures restriction imposed by this subsection by May 1, 2023, and shall also file the list with the City Clerk. The list shall include the project identification number and the dollar amount by project or program not subject to the expenditure restriction, at minimum.

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

(e) The 2023-2028 Adopted CIP is part of the 2023 Adopted Budget and identifies, among other projects, those capital projects funded wholly or in part from the proceeds of the taxes authorized in RCW 82.46.010 and/or RCW 82.46.035, and/or from the proceeds of bonds, for the repayment of which tax revenues under RCW 82.46.010 and/or RCW 82.46.035 have been pledged. Such taxes are intended to be in addition to other funds that may be reasonably available for such capital projects.

(f) The portions of the 2023-2028 Adopted CIP pertaining to Seattle City Light and Seattle Public Utilities, as those portions of the 2023-2028 Adopted CIP may be amended from time to time, are adopted as systems or plans of additions to, and betterments and extensions of, the facilities, physical plants, or systems of Seattle City Light and Seattle Public Utilities, respectively.

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

(h) Except as limited by this section or by Section 1 of this ordinance or by any other ordinance, the funds appropriated in the 2023 Adopted Budget are subject to transfer for use with other projects as provided in SMC Chapter 5.08.

(i) The Mayor, or, at the Mayor's request, the head of the department that is designated to carry out a project for and on behalf of The City of Seattle, is authorized to submit applications as may be deemed

appropriate to the United States of America, or any of its departments, and the State of Washington, or any of its departments, for financial assistance in carrying out the authorized projects included in the 2023-2028 Adopted CIP; to make for and on behalf of the City all assurances, promises, representations, and consent to suit, and/or covenants to comply with any applicable regulations of the United States relating to implementation of the projects; to act in connection with the applications as the authorized representative of the City; to provide additional information as may be required; and to prepare plans for implementation of terms and conditions as may accompany financial assistance, provided that the submission of an application shall not result in the making of a contract, in incurring of any indebtedness, or in the acceptance of moneys imposing any duties or obligations upon the City except as is authorized by this or another ordinance.

(j) The Director of Transportation, the Superintendent of Parks and Recreation, the Director of the Office of Arts and Culture, the General Manager and Chief Executive Officer of City Light, the General Manager and Chief Executive Officer of Seattle Public Utilities, the Director of the Department of Finance and Administrative Services, the City Librarian, the Chief Technology Officer, and the Director of the Seattle Center Department are authorized to negotiate for and enter into non-public works contracts, within their appropriation authority, to obtain property and services authorized in Section 4 of this ordinance to carry out those capital projects and programs included in the 2023-2028 Adopted CIP and assigned to their respective departments or offices.

Section 5. The Mayor and the City Council find that the General Fund's 2023 contribution to the Park and Recreation Fund exceeds the requirements established in Article XI, Section 3 of the City Charter.

Section 6. Pursuant to the requirements of Ordinance 117216, Ordinance 118814, Ordinance 122293, Ordinance 122859, Ordinance 123459, Ordinance 124057, Ordinance 124640, and Ordinance 125190, the City in subsection 1(b) of this ordinance and Attachment A to this ordinance appropriates to the Firefighters' Pension Fund ("the Fund") \$22,972,698, of which \$20,128,427 comes from General Fund resources. No beneficiary of the Fund has a vested contractual right to the appropriation of the foregoing amount or any amount

appropriated by the City to the Fund.

The Mayor and the City Council, under the authority granted by RCW 41.16.060, find that the General Fund's 2023 contribution to the Fund is equal to \$0.066 per \$1,000 of assessed value and provides, in accordance with the 2021 Actuarial Report on the condition of the Fund received from a qualified actuary dated June 14, 2022, together with other amounts appropriated by the City for the Fund, an amount equal to or greater than the estimated demands on the fund for 2023 and maintains the actuarial soundness of the Fund as it prevents recording a positive net pension obligation for the Fund.

The Mayor and the City Council find that the amount appropriated by this ordinance is appropriated for the purpose of keeping the Fund flexible and maintaining its integrity and actuarial soundness. The Mayor and City Council also find that such amount is reasonable for the purposes established in the ordinances listed at the beginning of this Section 6, and that such amount bears a material relation to the successful operation of the Fund.

Section 7. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 8. This ordinance shall take effect and be in force on January 1, 2023.

Passed by a 2/3 vote of all the members of the City Council the _____ day of _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

Attachments:

Attachment A - 2023 Appropriations by Budget Control Level

Attachment B - Position Modifications for the 2023 Budget