



Legislation Text

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File #: CB 119870, Version: 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to the City Light Department; authorizing the General Manager and CEO to execute a ten-year agreement with Pend Oreille County, for loss of revenues and additional financial burdens associated with the City Light Department's operation of the Boundary Hydroelectric Project on the Pend Oreille River pursuant to RCW 35.21.420, 35.21.425, 35.21.426, and 35.21.427; and ratifying and confirming certain prior acts.

WHEREAS, the City Light Department ("City Light") operates a hydroelectric generating facility ("Boundary Project") in Pend Oreille County ("County") and said facility was constructed after March 17, 1955; and

WHEREAS, Revised Code of Washington ("RCW") 35.21.425 requires any city that constructs a hydroelectric generating project after March 17, 1955, in a county other than the county in which such city is located, to enter into an agreement with such county that provides for loss of revenue and other financial burdens in providing for the public peace, health safety, welfare, and added road maintenance in such county, in addition to road construction or relocation as well as any loss of revenue and/or increases to the financial burden of any school district affected by the construction because of an increase in the number of pupils by reason of the construction or the operation of said generating facilities; and

WHEREAS, the previous agreement between City Light and the County expired by its own terms on December 31, 2019, and the parties began negotiations on a new agreement; and

WHEREAS, the County and City Light have reached monetary agreements for payments made by City Light to the County for the years 2020 through 2029, including all payments made and to be made by the County on behalf of City Light to the towns of Metaline, Metaline Falls, and Ione, and the Selkirk, Cusick, and Newport School Districts, as more fully set forth in the 2020 Agreement between The City of Seattle

and Pend Oreille County attached hereto as Attachment A; and

WHEREAS, the County has reached agreement with the Selkirk, Cusick, and Newport School Districts, and the towns of Metaline Falls, Metaline, and Ione, on the amounts of money each entity shall receive from the County on behalf of City Light, however warranted or entitled; and

WHEREAS, each of these towns and school districts have further warranted to City Light that the payments they are to receive under the agreements are in full satisfaction of the City's obligation to them under RCW 35.21.420, 35.21.425, 35.21.426, and 35.21.427 for the stated years and that they will not seek additional funds, and the agreements are attached hereto as Attachments B, C, D, E, F, and G; and

WHEREAS, City Light's agreement with the County, and the specified payments to the school districts of Selkirk, Cusick, and Newport and the towns of Metaline, Metaline Falls, and Ione are all made pursuant to RCW 35.21.420, 35.21.425, 35.21.426, and 35.21.427 due to City Light's operation of the Boundary Project; NOW, THEREFORE,

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

Section 1. The General Manager and CEO of City Light, or the General Manager and CEO's designee, is hereby authorized for and on behalf of The City of Seattle to execute and deliver a ten-year agreement with Pend Oreille County providing for payment to Pend Oreille County and certain school districts and towns adjacent to the Boundary Project, substantially in the form of the agreement attached hereto as Attachment A ("2020 Agreement"). The 2020 Agreement provides for annual payments for the years 2020 through 2029, inclusive, to Pend Oreille County; the Selkirk, Cusick, and Newport School Districts; and the towns of Metaline, Metaline Falls, and Ione. As specified in the 2020 Agreement, the payments are made pursuant to RCW 35.21.420, 35.21.425, 35.21.426, and 35.21.427.

Section 2. Any act pursuant to the authority of this ordinance taken prior to its effective date is hereby ratified and confirmed.

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

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**Attachments:**  
Attachment A - 2020 Agreement between The City of Seattle and Pend Oreille County