Ordinance No. 123065

Council Bill No. 116604

AN ORDINANCE accepting funds from the Washington State Department of Commerce allocated through the American Recovery and Reinvestment Act of 2009; authorizing the Mayor or his designee to execute related agreements; amending the 2009 Adopted Budget to increase appropriations for the Office of Housing; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

CF No. _____

Date Introduced: 8-3-09	
Date 1st Referred:	To: (committee) Finance + Budget
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 8-10-09	Full Council Vote: 9-0
Date Presented to Mayor: 8-10-09	Date Approved: 8.17.09
Date Returned to City Clerk: 8.17.09	Date Published: 3 T.O. ✓ F.T. ___
Date Vetoed by Mayor:	Date Veto Published:
Date Passed Over Veto:	Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____ Councilmember

Committee Action:

Y- JG, NL

8-10-09 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Dept. Review	OMP Review	City Clerk Review	Electronic Copy Loaded	Indexed

ORDINANCE 123065

AN ORDINANCE accepting funds from the Washington State Department of Commerce allocated through the American Recovery and Reinvestment Act of 2009; authorizing the Mayor or his designee to execute related agreements; amending the 2009 Adopted Budget to increase appropriations for the Office of Housing; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

WHEREAS, the United States Congress has authorized $5 billion in the U.S. Department of Energy Weatherization Assistance Program as part of the American Recovery and Reinvestment Act of 2009 ("ARRA"); and

WHEREAS, the Washington State Department of Commerce, the grant administrator for federal weatherization program funds, has awarded $4,829,369 to the City of Seattle from these U.S. Department of Energy Weatherization Assistance Program funds; and

WHEREAS, the ARRA grant funding constitutes one-time funding for weatherization services for residential buildings; and

WHEREAS, the City is not obligated to continue or maintain ARRA grant funding levels for the U.S. Department of Energy Weatherization Assistance Program once ARRA grant funds have been used; and

WHEREAS, the City Council wishes to amend the 2009 Adopted Budget for the Office of Housing to reflect the anticipated receipt and authorize the expenditure of these U.S. Department of Energy Weatherization Assistance Program funds; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City of Seattle hereby accepts ARRA funds from Washington State Department of Commerce for the U.S. Department of Energy Weatherization Assistance Program in the amount of up to Four Million Eight Hundred Twenty-nine Thousand Three Hundred Sixty-nine Dollars ($4,829,369) for the purpose of program administration and delivery of weatherization services for residential buildings. The Mayor or his designee is authorized to execute and deliver and perform for and on behalf of The City of Seattle such agreements and

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certifications as may be necessary to accept the ARRA funds. U.S. Department of Energy Weatherization Assistance Program funds, when received, shall be deposited into the Low-Income Housing Fund (16400). The Mayor or his designee is further authorized to execute and deliver documents relating to the agreements if required by federal guidelines.

Section 2. Contingent upon the execution of the agreement(s) authorized in Section 1, the appropriation for the following item in the 2009 Budget is increased from the fund shown, as follows:

Fund Name and Number	**Department**	**Budget Control Level**	**Old Amount**	**New Amount**
Low-Income Housing Fund (16400)	Office of Housing	Low-Income Housing Fund	((~~$40,937,527~~))	$ 45,766,896

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

Section 3. Any act authorized by this ordinance and taken after its passage is ratified and confirmed.

Section 4. The foregoing appropriation is made to meet actual necessary expenditures of the City for which insufficient appropriation has been made due to causes which could not have been foreseen at the time of the making of the 2009 Budget, in accordance with RCW 35.32A.060.

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Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by a three-fourths vote of the City Council the 10th day of August, 2009, and signed by me in open session in authentication of its passage this 10th day of August, 2009.

President _____ of the City Council

Approved by me this 17th day of August, 2009.

Gregory J. Nickels, Mayor

Filed by me this 17th day of August, 2009.

City Clerk Interim

(Seal)

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Form revised May 5, 2009

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Office of Housing	Gregg Johanson/3-0066	Amanda Allen/4-8894

Legislation Title:

AN ORDINANCE accepting funds from the Washington State Department of Commerce allocated through the American Recovery and Reinvestment Act of 2009; authorizing the Mayor or his designee to execute related agreements; amending the 2009 Adopted Budget to increase appropriations for the Office of Housing; and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

- **Summary of the Legislation:**
  This legislation authorizes the acceptance of grant funds made available through the American Recovery and Reinvestment Act of 2009 ("ARRA") and increases the 2009 Adopted Budget to authorize new expenditures.

- **Background:**
  The American Recovery and Reinvestment Act of 2009 has allocated $5 billion to eligible recipients to provide weatherization services for residential buildings. Through the Office of Housing's HomeWise Program, the City of Seattle provides financial and technical support to low-income households for home weatherization, and to landlords of rental buildings occupied primarily by low-income households. In a regular year, the HomeWise Program receives three federal grants and one state grant, administered by the Washington State Department of Commerce ("Commerce"), as well as City program funding provided by Seattle City Light. The four federal and state grants administered by Commerce are awarded to various state agencies—including the City of Seattle—by an allocation formula. This year, through the American Recovery and Reinvestment Act of 2009, the Department of Energy (DOE)has made an additional grant to Commerce, of which $4,829,369 has been awarded by Commerce to the City based on a formula allocation. These funds will be received over the next two to three years. This DOE award is in addition to the regular weatherization grants awarded by Commerce to the City, which are already included in the Office of Housing's 2009 Adopted and 2010 Endorsed budgets.

- *Please check one of the following:*

____ **This legislation does not have any financial implications.** (*Stop here and delete the remainder of this document prior to saving and printing.)*

__X__ **This legislation has financial implications.** *(Please complete all relevant sections that follow.)*

Appropriations: *This table should reflect appropriations that are a direct result of this*

legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation, please provide details in the Notes section below.

Fund Name and Number	Department	Budget Control Level*	2009 Appropriation	2010 Anticipated Appropriation
Low-Income Housing Fund (16400)	Office of Housing	Low-Income Housing Fund (XZ-R1)	$ 4,829,369	$ 0
TOTAL			**$ 4,829,369**	**$ 0**

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

***Notes to Appropriations Table*:** Spending of the appropriation in this section is contingent upon ARRA funds being granted to, and received by, the City.

Anticipated Revenue/Reimbursement: Resulting From This Legislation: *This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.*

Fund Name and Number	Department	Revenue Source	2009 Revenue	2010 Revenue
Low-Income Housing Fund (16400)	Office of Housing	Washington State Department of Commerce, administering U.S. DOE Weatherization Assistance Program grant	$ 4,829,369	$ 0
TOTAL			**$ 4,829,369**	**$ 0**

Notes: The 2009 Revenue amount represents the total grant award from Commerce. The term of the agreement is April 1, 2009 through June 30, 2011. Appropriation authority shall carry forward through the term of the agreement, as amended. Actual revenues received will be based on monthly billings by the City to Commerce for services provided and expenditures incurred by the City under the terms of the agreement.

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Total Regular Positions Created, Modified, Or Abrogated Through This Legislation, Including FTE Impact: *This table should only reflect the actual number of positions affected by this legislation. In the event that positions have been, or will be, created as a result of other legislation, please provide details in the Notes section below the table.*

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2009 Positions	2009 FTE	2010 Positions*	2010 FTE*
TOTAL							

** 2010 positions and FTE are total 2010 position changes resulting from this legislation, not incremental changes. Therefore, under 2010, please be sure to include any continuing positions from 2009.*

Notes: No regular positions are affected by this legislation.

- **Do positions sunset in the future?** *(If yes, identify sunset date):*

Spending/Cash Flow: *This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.*

Fund Name & #	Department	Budget Control Level*	2009 Expenditures	2010 Anticipated Expenditures
Low-Income Housing Fund (16400)	Office of Housing	Low-Income Housing Fund (XZ-R1)	$ 1,811,000	$ 2,000,000
TOTAL			**$1,811,000**	**$ 2,000,000**

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

Notes: The DOE grant award of $4,829,369 starts April 1, 2009. The expenditures listed above are approximate. Actual expenditures between the two years depend on numerous variables, including ramp-up costs, specific program delivery, and Commerce contract administration. These funds will be received over the next two to three years with the remaining amount expected to be spent in 2011.

- **What is the financial cost of not implementing the legislation?** Without this legislation, the City will not receive $4,829,369 in revenues to support weatherization services for dwellings occupied by low-income persons.

- **Does this legislation affect any departments besides the originating department?** No.

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What are the possible alternatives to the legislation that could achieve the same or similar objectives? Acceptance of the grant award is a prerequisite for the receipt of these federal economic stimulus funds. There are no alternatives that could achieve the same or similar objectives.

- **Is the legislation subject to public hearing requirements:** No special public hearing requirements.

- **Other Issues:** None.

Please list attachments to the fiscal note below:
Not applicable.

LH COUNCIL CLERK

City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

July 28, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill, which accepts up to $4,829,369 in federal stimulus U.S. Department of Energy Weatherization Assistance Program funds through the Washington State Department of Commerce. The Council Bill also increases appropriations in the Office of Housing Low Income Housing Fund to reflect the anticipated receipt and expenditure of these funds.

The American Recovery and Reinvestment Act (ARRA) of 2009 allocated $5 billion nationally for the Energy Weatherization Assistance Program. Seattle's share of funding, $4,829,369, was determined by the Washington State Department of Commerce based on a formula allocation. ARRA funding, which will support the City's efforts to deliver weatherization services that primarily benefit low-income persons, is expected to help weatherize over 750 housing units.

Thank you for your consideration of this legislation. Should you have questions, please contact Bill Rumpf, at 615-1577.

Sincerely,

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749
Tel: (206) 684-4000, TDD: (206) 615-0476 Fax: (206) 684-5360, Email: mayors.office@seattle.gov
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

123058

STATE OF WASHINGTON – KING COUNTY

--ss.

243757 No. TITLE ONLY

CITY OF SEATTLE,CLERKS OFFICE

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123057-62,64-69

was published on

08/21/09

The amount of the fee charged for the foregoing publication is the sum of $ 268.85, which amount has been paid in full.

Subscribed and sworn to before me on

08/21/09

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

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State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on August 10, 2009, and published here by title only, will be mailed upon request, or can be accessed at http://clerk.ci.seattle.wa.us. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123069

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

ORDINANCE NO. 123068

AN ORDINANCE authorizing, in 2009, acceptance of funding from non-City sources; authorizing the heads of the Seattle Department of Transportation, the Seattle Police Department, the Seattle Public Utilities, Seattle City Light, the Seattle Fire Department, the Human Services Department, and the Fleets and Facilities Department to accept specified grants and private funding and to execute, deliver, and perform corresponding agreements; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123067

AN ORDINANCE amending the 2009 Adopted Budget, including the 2009-2014 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; establishing new appropriations; adding a new project and revising project allocations for certain projects in the 2009-2014 CIP; amending Ordinance 122863; and ratifying and confirming certain prior acts, all by a three-fourths vote of the City Council.

ORDINANCE NO. 123066

AN ORDINANCE amending budget provisos that restrict spending of an appropriation for a Public Engagement Portal Initiative in the Department of Information Technology's 2009 Adopted Budget.

ORDINANCE NO. 123065

AN ORDINANCE accepting funds from the Washington State Department of Commerce allocated through the American Recovery and Reinvestment Act of 2009; authorizing the Mayor or his designee to execute related agreements; amending the 2009 Adopted Budget to increase appropriations for the Office of Housing; and ratifying and confirming prior acts; all by a three- fourths vote of the City Council.

ORDINANCE NO. 123064

AN ORDINANCE relating to certain City-owned property located at the intersection of Ninth Avenue and Lenora Street in the City of Seattle; authorizing the Director of the Fleets and Facilities Department to execute an agreement with the State of Washington Secretary of State to create a nonresidential condominium on the property and to convey certain units therein to the State of Washington in connection with the operation of the Washington Talking Book and Braille Library, and authorizing execution of related agreements.

ORDINANCE NO. 123062

AN ORDINANCE relating to the partial release of a restrictive covenant and easement in gross restricting the use of property in the Rainier Valley; authorizing the Superintendent of the Department of Parks and Recreation to execute and record, in favor of the Housing Authority of the City of Seattle, a partial release of an encumbrance on real property; and superseding the requirements of Ordinance 118477 for purposes of this ordinance.

ORDINANCE NO. 123061

AN ORDINANCE accepting deeds, correction deeds, and easements for street, alley, and sidewalk purposes; laying off, opening, widening, extending, and establishing portions of the following rights-of-way: the alley in Lots 1 and 2, Block 26, of Second Addition to that part of the City of Seattle Laid off by A.A. Denny and W.M. Bell (Commonly known as Bell and Denny's 2nd Addition to the City of Seattle); the alley in Lots 3 through 6, Block 9, an Addition to the Town of Seattle, as laid off by the Heirs of Sarah A. Bell, Deceased (commonly known as Heirs of Sara A. Bell's Addition to the City of Seattle) ; the sidewalk adjoining a portion of Lot 7, Block 9, Compton's 1st Addition to the City of Seattle; the alley in Lots 7 and 8, Block 69, D.T. Denny's Park Addition to North Seattle; the alley in Lots 9 and 10, Block 69, D.T.

Denny's Park Addition to North Seattle; the sidewalk adjoining a portion of Lot 7, Block 19, Hill Tract Addition to the City of Seattle; the sidewalk abutting Lot 25, Block 13, Westholme; the alley in Lots 1, 2, and 3, Block 8, Jos. C. Kinnear's Addition to the City of Seattle; the alley in Lots 9 and 10, Block 23, South Park; the sidewalk adjoining portions of Lots 5 and 6, Block 23, Denny and Hoyt's Addition to the City of Seattle; the alley in Lot 4, Block 2, Daniel's University Grove; the alley turn-around in Lots 15 and 16, Block 48, Yesler's 2nd Addition (Supplemental) to the City of Seattle; the alley in Lots 46 and 47, Block 5, Pettit's University Addition; the alley in Lots 10 and 11, Block 9, Lake View Addition to the City of Seattle; the alley in Lots 3 and 4, Block 29, North Seattle; the alley in Lots 19, 20 and 21, Block 9, Lake View Addition to the City of Seattle; the alley in Lots 16, 17,18, and 19, Block 9, Lake View Addition to the City of Seattle; the sidewalk adjoining Lot 7, Block 98, D.T. Denny's 5th Addition to North Seattle; the alley in Lots 14 and 15, Block 9, Latona First Addition to the City of Seattle; the alley in Lots 7 and 8, Block 11, Fairview Homestead Addition For The Benefit of Mechanics and Laborers; and placing the real property conveyed by said deeds and easements under the jurisdiction of the Seattle Department of Transportation.

ORDINANCE NO. 123060

AN ORDINANCE relating to the Seattle Department of Transportation's Duwamish Intelligent Transportation Systems (ITS) project; authorizing the Director of Transportation to acquire and accept, on behalf of the City, permanent and temporary construction easements from the Port of Seattle, located in portions of Lots 14, 15, and 16, Block 426, Seattle Tide Lands, for the purpose of constructing, operating, maintaining, repairing, replacing, modifying, improving, removing, and using the easement areas for use of the conduit for underground electrical transmission and communications lines and Dynamic Message Sign (DMS) pole and base in connection with the Duwamish ITS project; and placing the real property conveyed by such easements under the jurisdiction of the Seattle Department of Transportation.

ORDINANCE NO. 123059

AN ORDINANCE authorizing the Director of the City of Seattle's Fleets and Facilities Department to execute a lease agreement between the City and Morningstar Investments, LLC, d/b/a ChewChews, a Washington limited liability company, for the continued operation of a restaurant establishment in the Seattle Municipal Tower.

ORDINANCE NO. 123058

AN ORDINANCE relating to Capitol Hill Housing Improvement Program (CHHIP), a public corporation chartered by The City of Seattle, authorizing the Director of the Office of Housing to enter into an agreement with King County, consenting to a request from CHHIP to develop an affordable housing project located in the White Center neighborhood of unincorporated King County, and extending the City's powers, authorities and rights regarding public corporations and authorities beyond the city limits for that project.

ORDINANCE NO. 123057

AN ORDINANCE relating to the City's 2009-2012 Consolidated Plan for Housing and Community Development; authorizing acceptance of grant funds from the United States Department of Housing and Urban development for programs included in the City's Consolidated Plan for Housing and Community Development; increasing appropriations in the 2009 Budget for activities under the Community Development Block Grant Program, the HOME program, and the Housing Opportunities for Persons with AIDS program, and decreasing appropriations for the Emergency Shelter Grant program; adding appropriations for the Neighborhood Stabilization Program; readopting the City's 2009-2012 Consolidated Plan originally adopted in Resolution 31087; amending the Neighborhood Notification and Community Relations Guidelines Policy and the Annual Allocation Plan components of the Consolidated Plan; authorizing the use of Housing Levy loan repayments for rent assistance; reallocating unexpended funds from prior years; authorizing other conforming amendments to the Consolidated Plan; and ratifying and confirming certain prior acts.

Date of publication in the Seattle Daily Journal of Commerce, August 21, 2009.

8/21(243757)