Ordinance No. 123098

Council Bill No. 116633

AN ORDINANCE relating to a grant from the Federal Transit Administration allocated through the American Recovery and Reinvestment Act of 2009; accepting the grant funds, authorizing the Mayor or his designee to execute related agreements, increasing appropriations for the Seattle Department of Transportation and Seattle Center in the 2009 Adopted Budget, including the 2009-14 Capital Improvement Program, and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

Related Legislation File:

Date Introduced and Referred: 9.8.09	To: (committee): Finance + Budget
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: 9.21.09	Date Presented to Mayor: 9.22.09
Date Signed by Mayor: 9.24.09	Date Returned to City Clerk: 9.24.09
Published by Title Only ✓ Published in Full Text 4	Date Vetoed by Mayor:
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Jean Godden

Committee Action:

Date	Recommendation	Vote
9/17	Do pass-	JG, SC

This file is complete and ready for presentation to Full Council.

Full Council Action:

Date	Decision	Vote
9-21-09	Passed	9-0

Law Department

Christine Patterson
SDOT ARRA FTA ORD.doc)
June 5, 2009
version #2a

ORDINANCE 123098

AN ORDINANCE relating to a grant from the Federal Transit Administration allocated through the American Recovery and Reinvestment Act of 2009; accepting the grant funds, authorizing the Mayor or his designee to execute related agreements, increasing appropriations for the Seattle Department of Transportation and Seattle Center in the 2009 Adopted Budget, including the 2009-14 Capital Improvement Program, and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

WHEREAS, the United States Congress has authorized $8.4 billion for transit capital improvements as part of the American Recovery and Reinvestment Act of 2009 ("ARRA"); and

WHEREAS, on March 12, 2009, the Puget Sound Regional Council (PSRC) approved allocations of Transit Capital Assistance Urbanized Areas funds to the City of Seattle in the amounts of Three Hundred Fourteen Thousand Eleven Dollars ($314,011) for preventive maintenance of the South Lake Union Streetcar, and One Million Dollars ($1,000,000) for renovation of the Seattle Center Monorail; and

WHEREAS, based on the City's successful application, the Federal Transit Administration has awarded funds from the Transit Capital Assistance Urbanized Areas program; and

WHEREAS, the ARRA grant funding constitutes one-time funding for South Lake Union Streetcar operations; and

WHEREAS, the City is not obligated to continue or maintain ARRA grant funding levels for the South Lake Union Streetcar operations once ARRA grant funds have lapsed; and

WHEREAS, the City Council wishes to increase appropriations in the 2009 Adopted Budget for the Seattle Department of Transportation and Seattle Center to reflect the anticipated receipt and to authorize the expenditure of these Transit Capital Assistance Urbanized Areas funds; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City of Seattle hereby accepts ARRA funds from the Federal Transit Administration in the amount of Three Hundred Fourteen Thousand Eleven Dollars ($314,011) for the purpose of operations of the South Lake Union Streetcar. The Mayor or his designee is

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authorized to execute and deliver and perform for and on behalf of The City of Seattle such agreements and certifications as may be necessary to accept the ARRA funds. These funds, when received, shall be deposited into the Streetcar Fund (10810). 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, and in order to meet actual necessary expenditures of the City for which insufficient appropriations have been made due to causes that could not reasonably have been foreseen at the time of the making of the 2009 Budget, 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**	**Amount of Increase**
Streetcar Fund (10810)	SDOT	STCAR-OPER	$314,011
Total			$314,011

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

Section 3. The City of Seattle hereby accepts ARRA funds from the Federal Transit Administration in the amount of One Million Dollars ($1,000,000) for the purpose of renovation of the Seattle Center Monorail. 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 certifications as may be necessary to accept the ARRA funds. These funds, when received, shall be deposited into

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the Cumulative Reserve Fund – Unrestricted Subaccount (00164). The Mayor or his designee is further authorized to execute and deliver documents relating to the agreements if required by federal guidelines.

Section 4. Contingent upon the execution of the agreement(s) authorized in Section 3, and in order to meet actual necessary expenditures of the City for which insufficient appropriations have been made due to causes that could not reasonably have been foreseen at the time of the making of the 2009 Budget, 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**	**Amount of Increase**
Cumulative Reserve Subfund – Unrestricted Subaccount (00164)	Seattle Center	Monorail Improvements (S9403)	$1,000,000

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

Section 5. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

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Section 6. 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 all the members of the City Council the 21st day of September, 2009, and signed by me in open session in authentication of its passage this 21st day of September, 2009.

President _____ of the City Council

Approved by me this 24th day of September, 2009.

Gregory J. Nickels, Mayor

Filed by me this 24th day of September, 2009.

City Clerk

(Seal)

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Form revised May 5, 2009

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
SDOT	Steve Viney/4-4158	Stephen Barham/3-9084
Seattle Center	Ned Dunn/4-7212	Amy Williams/3-2651

Legislation Title:
AN ORDINANCE relating to a grant from the Federal Transit Administration allocated through the American Recovery and Reinvestment Act of 2009; accepting the grant funds, authorizing the Mayor or his designee to execute related agreements, increasing appropriations for the Seattle Department of Transportation and Seattle Center in the 2009 Adopted Budget, including the 2009-14 Capital Improvement Program, 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 $8.4 billion to eligible recipients to provide transit capital improvements. A portion of these funds were allocated to metropolitan areas using FTA's existing Urbanized Area funding formula. Seattle receives a portion of the annual formula funds from the Puget Sound Regional Council (PSRC) each year. These funds are typically used for preventative and major maintenance of the City's transit system. Other than the well-publicized requirements for obligation and spending of funds, the ARRA funds are governed by the same set of requirements as annual federal transit formula grants.

The PSRC received approximately $136 million in Transit Capital Assistance Urbanized Areas funds. PSRC went through an accelerated regional allocation process to distribute these funds. Seattle is a transit agency due to its ownership of the Seattle Center Monorail and South Lake Union Streetcar. Transit agencies were required to identify existing projects in PSRC's Regional Transportation Improvement Plan (TIP) that were "ready-to-go" and were eligible for federal transit capital funding. Seattle submitted 4 projects: Seattle Center Monorail major maintenance, South Lake Union Streetcar preventative maintenance, King Street Station renovation, and Rainier Avenue South Transit Capital Improvements. On March 12, 2009 the PSRC Executive Board approved the PSRC's ARRA project list, which included allocations to Seattle of $1,000,000 for the Seattle Center Monorail and $314,011 for the South Lake Union Streetcar. On June 24, 2009 the Administrator of the FTA notified transit agencies that up to 10% of the funds allocated for Transit Capital Assistance could be used for operating assistance.

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SDOT has elected to use this option for its Transit Capital Assistance funds for the South Lake Union Streetcar.

The grant award for the Seattle Center Monorail will provide for additional work to be accomplished in the Monorail Deferred Major Maintenance Program, including replacement of the power conductor rails along the guideways. The grant award for the South Lake Union Streetcar will fund operations of the system.

- *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
Streetcar Fund (10810)	SDOT	STCAR-OPER	$314,011	
Cumulative Reserve Subfund – Unrestricted Subaccount (00164)	Seattle Center	Monorail Improvements (S9403)	$1,000,000	
TOTAL			**$1,314,011**	

**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.*

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Fund Name and Number	Department	Revenue Source	2009 Revenue	2010 Revenue
Streetcar Fund (10810)	SDOT	ARRA – Federal Transit Administration	$314,011	
Cumulative Reserve Subfund – Unrestricted Subaccount (00164)	Seattle Center	ARRA – Federal Transit Administration	$1,000,000	
TOTAL			**$1,314,011**	

Notes:

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*
N/A							
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:

- **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
TOTAL				

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

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Notes:

What is the financial cost of not implementing the legislation? Without this legislation, the City will not receive $1,314,011 in revenues to support renovation of the Seattle Center Monorail and operations of the South Lake Union Streetcar.

- **Does this legislation affect any departments besides the originating department?** • *If so, please list the affected department(s), the nature of the impact (financial, operational, etc)., and indicate which staff members in the other department(s) are aware of this Bill.* No.

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:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)* No.

- **Other Issues** (*including long-term implications of the legislation*): None.

Please list attachments to the fiscal note below:

COUNCIL CLERK

City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

August 25, 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 $1,314,011 of Transit Capital Assistance Urbanized Areas funds from the Federal Transit Administration. The Council Bill also increases appropriations to reflect the anticipated receipt and expenditure of these funds.

The American Recovery and Reinvestment Act (ARRA) of 2009 allocated $8.4 billion for transit capital assistance. The Puget Sound Regional Council (PSRC) received approximately $136 million of these funds by formula through the Transit Capital Assistance Urbanized Areas program. Seattle was awarded $1,314,011 through PSRC's accelerated project selection process: $1,000,000 for renovation of the Seattle Center Monorail and $314,011 for South Lake Union Streetcar operations.

These ARRA funds will support the City's additional work to be accomplished in the Monorail Deferred Major Maintenance Program, including replacement of the power conductor rails. The grant award for the South Lake Union Streetcar will fund the system's operation.

Thank you for your consideration of this legislation. Should you have questions, please contact Ned Dunn at 206-684-7212 regarding the Monorail grant or Steve Viney at 206-684-4158 regarding the Streetcar grant.

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
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