Ordinance No. 122323

Council Bill No. 115784

ORDINANCE _____

AN ORDINANCE relating to funding for construction of a new facility for Asian Counseling and Referral Service, removing a budget proviso that restricted an appropriation of Community Development Block Grant Funds in the 2005 Budget of the Human Services Department, and ratifying and confirming prior acts.

CF No. _____

Date Introduced: 11.13.06	
Date 1st Referred: 11.13.06	To: (committee) Finance + Budget
Date Re - Referred:	To: (committee)
Date Re - Referred:	To: (committee)
Date of Final Passage: 1-8-07	Full Council Vote: 7-0
Date Presented to Mayor: 1-9-07	Date Approved: 1-16-07
Date Returned to City Clerk: 1-16-07	Date Published: 3 pp 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: Richard J. McIver, Councilmember

Committee Action:

Passed Rel. DP 2/0 December 13, 2006

1-8-07 Passed 7-0

(Excused: Della, Rasmussen)

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

Law Department

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

ORDINANCE 122323

AN ORDINANCE relating to funding for construction of a new facility for Asian Counseling and Referral Service, removing a budget proviso that restricted an appropriation of Community Development Block Grant Funds in the 2005 Budget of the Human Services Department, and ratifying and confirming prior acts.

WHEREAS, the City desires to support the creation of a new social services center in Southeast Seattle to serve predominantly low- and moderate-income residents; and

WHEREAS, Asian Counseling and Referral Service (ACRS) has committed itself to build such a facility in Southeast Seattle; and

WHEREAS, ACRS has a long history of providing services to all low- and moderate-income populations, including limited-English speaking clients and clients from refugee and immigrant backgrounds; and

WHEREAS, the City's 2005 Adopted Budget for the Human Services Department included $381,000 in Community Development Block Grant (CDBG) funds intended for ACRS' new social services facility; and

WHEREAS, the City Council required the Executive to return to the Council for authorization to spend the $381,000 in CDBG funds via a budget proviso ("proviso"); and

WHEREAS, the Council's proviso called for the Council to review and approve (i) a final construction and operating budget for the new facility; (ii) a legal agreement between the City and ACRS that establishes the conditions under which funding will be provided; (iii) timeline for deliverables and release of City funds; and (iv) a funding plan that includes formal commitments from other public and private funders; and

WHEREAS, the Executive has concluded lengthy negotiations with ACRS to develop materials for Council's review, in accordance with the proviso; and

WHEREAS, the Council has had the opportunity to review and discuss the materials submitted by the Executive in fulfillment of the proviso; NOW, THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

bns CITY CLERK

Section 1. The restriction imposed by the following budget proviso is removed and it is no longer a restriction for any purpose, including for including for Subsection 1(b) of Ordinance 121660, and the expenditure of money appropriated subject to the proviso to support the ACRS new facility project is hereby authorized:

Department	2005 Green Sheet	Proviso Description	BCL Code
Human Services Department	43-2-A-2	None of the CDBG money appropriated in 2005 for the Human Services Department may be spent for the ACRS new facility until authorized by future ordinance	H33 Human Services

CITY CLERK

Section 2. The previous commitment and expenditure of money that was appropriated subject to the proviso removed pursuant to Section 1 hereof, and other acts consistent with the authority and prior to the effective date of this ordinance, are hereby ratified and confirmed.

Section 3. 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 the City Council the 8th day of January, 2007, and signed by me in open session in authentication of its passage this 8th day of January, 2007.

President _____ of the City Council

Approved by me this 16th day of January, 2007.

Gregory J. Nickels, Mayor

Filed by me this 16th day of January, 2007.

City Clerk

(Seal)

CITY CLERK

City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

September 12, 2006

Honorable Nick Licata
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Licata:

I am transmitting the attached proposed Council Bill that removes a budget proviso relating to Community Development Block Grant (CDBG) funding for a new social services facility to be developed by Asian Counseling and Referral Service (ACRS). ACRS is scheduled to break ground on its new Rainier Valley facility in October.

The City allocated $381,000 in CDBG funds for this project in 2005, and an additional $619,000 from the General Subfund in 2006. During the 2005 budget process, the City Council adopted a budget proviso restricting the expenditure of the $381,000 of CDBG funds until the Executive had provided the Council with a final construction and operating budget for the new facility, a legal agreement with ACRS establishing the conditions under which funding would be provided, a timeline for deliverables and release of City funds, and a funding plan with formal commitments from other public and private entities. The Human Services Department has met all conditions and is prepared to brief the Council and make all relevant documents available for its review. I respectfully request that the attached legislation be adopted in order to formally lift the expenditure restrictions for this project.

We anticipate the ACRS facility, which will be completed in approximately 18 months, will benefit low- and moderate-income residents in Seattle for many years to come. Thank you for your consideration of this legislation. Should you have questions, please contact Michael Look, Manager of the Community Facilities program, at 615-1717.

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) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov
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CITY CLERK

Sara Levin/SEL
HSD ACRS proviso FISC
August 28, 2006
Version #3

Form revised April 10, 2006

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Human Services	Michael Look – 5-1717	Kristi Beattie – 4-5266

Legislation Title: AN ORDINANCE relating to funding for construction of a new facility for Asian Counseling and Referral Service, removing a budget proviso that restricted an appropriation of Community Development Block Grant Funds in the 2005 Budget of the Human Services Department, and ratifying and confirming prior acts.

Summary of the Legislation:
This legislation removes a proviso adopted in the 2005 budget restricting the use of Community Development Block Grant (CDBG) funds for construction of a new facility for Asian Counseling and Referral Service.

Background:

In adopting the 2005 budget, the City Council passed Green Sheet 43-2-A-2 titled "Budget Proviso - $381,000 in CDBG Funding for ACRS project" which included a budget proviso restricting the expenditure of $381,000 of CDBG funds appropriated to the Human Services Department (HSD) for construction of a new facility for Asian Counseling and Referral Service (ACRS). The City Council stated it would consider lifting the budget proviso upon being briefed on the status of the project, and receiving a final construction and operating budget for the new facility; ii) a legal agreement between the City and ACRS that establishes the conditions under which funding will be provided; iii) a timeline for deliverables and release of City funds; and iv) a funding plan that includes formal commitments from other public and private entities.

In June 2005, ACRS notified HSD that they would like to use the $381,000 in CDBG funding to pay for architectural and engineering costs. This meant that the contract for the funds, and payment of the funds to ACRS, would take place at the predevelopment phase of the project, rather than during the construction phase. Funds from King County were also designated for these "soft costs,"and discussions were held to ensure that City and County funding would be tracked separately for the project. During the latter half of 2005, ACRS anticipated breaking ground in the spring of 2006, with completion expected in March 2008. With the agency's request to have the funds made available early to pay for architectural and engineering costs, rather than for construction, HSD staff inadvertently overlooked the budget proviso and reimbursed ACRS $301,000 for incurred costs. HSD continues to hold the remaining $80,000 as retainage, pending final completion of the project.

CITY CLERK

HSD staff have presented the City Council with the documents and information originally requested in its 2005 proviso and now request that the spending restriction be formally lifted.

Since the signing of the loan document for the $381,000, the project has been delayed due to design changes and permitting issues. The City's General Subfund support in the amount of $619,000 has not yet been committed under a contract, as negotiations over terms have continued through the summer of 2006.

- *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.** *

*This legislation lifts a restriction on the use of Community Development Block Grant funds, which were appropriated in the 2005 Budget and carried forward in 2006. The legislation does not appropriate any additional funds.

CITY CLERK

122323

STATE OF WASHINGTON – KING COUNTY

--ss.

206709 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:122321,23,25-28

was published on

01/24/07

The amount of the fee charged for the foregoing publication is the sum of $ 76.73, which amount has been paid in full.

JENNIFER A. PATZER COMMISSION EXPIRES NOTARY PUBLIC OCT. 24, 2007 STATE OF WASHINGTON

Subscribed and sworn to before me on

01/24/07

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on January 8, 2007, and published here by title only, will be mailed upon request, or can be accessed electronically at http://clerk.ci.seattle.wa.us. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 122321

AN ORDINANCE relating to City employment, to be known as the Third Quarter 2006 Salary Ordinance, establishing new titles and salaries, specifying administration for a title, authorizing the execution of a Letter of Agreement between the City of Seattle and the International Federation of Professional and Technical Engineers, Local 17 and establishing new titles and/or salaries retroactive to 2003 associated with the Permit Specialist Classification series consistent with the Letter of Agreement, designating certain positions as exempt from, and returning one position to, Civil Service status, all by a 2/3 vote of the City Council.

ORDINANCE NO. 122323

AN ORDINANCE relating to funding for construction of a new facility for Asian Counseling and Referral Service, removing a budget proviso that restricted an appropriation of Community Development Block Grant funds in the 2005 Budget of the Human Services Department, and ratifying and confirming prior acts.

ORDINANCE NO. 122325

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

ORDINANCE NO. 122326

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

ORDINANCE NO. 122327

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

ORDINANCE NO. 122328

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

Publication ordered by JUDITH PIPPIN, City Clerk.

Date of publication in the Seattle Daily Journal of Commerce, January 24, 2007.

1/24(206706)