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**CITY OF SEATTLE**

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

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

..title  
AN ORDINANCE relating to a sales and use tax ; providing for the submission to qualified electors of the City at an election to be held on November 3, 2020, a proposition to collect a sales and use tax to fund transit and related transportation programs in Seattle .

..body  
WHEREAS, the Revised Code of Washington (RCW), Chapter 36.73, provides for the establishment of transportation benefit districts by cities and counties and authorizes those districts to levy and impose various taxes and fees to generate revenues to support transportation improvements that benefit the district and that are consistent with state, regional, or local transportation plans and necessitated by existing or reasonably foreseeable congestion levels; and

WHEREAS, City of Seattle Ordinance 123397 created the Seattle Transportation Benefit District for preserving and maintaining transportation infrastructure, improving public safety, implementing elements of the Seattle Transportation Strategic Plan and other planning documents, investing in bicycle, pedestrian, freight mobility and transit enhancements, and providing people with choices to meet their mobility needs; and

WHEREAS, in STBD Resolution 12, the Governing Board of the STBD submitted a ballot measure (“STBD Proposition 1”) to the qualified electors of the STBD to authorize up to a 0.1 percent sales and use tax and an annual vehicle license fee of up to an additional \$60 per registered vehicle with a \$20 rebate for low-income individuals, for the purposes of funding additional transit service in Seattle for a six-year term expiring on December 31, 2020; and

1 WHEREAS, on November 4, 2014, STBD Proposition 1 was approved by a majority of qualified  
2 electors of the STBD; and

3 WHEREAS, on December 1, 2014, in STBD Resolution 14, the Governing Board of the STBD  
4 imposed the revenue measures authorized by the voters through the approval of STBD  
5 Proposition 1; and

6 WHEREAS, on July 8, 2016, by Ordinance 125070, The City of Seattle assumed the rights,  
7 powers, immunities, functions, and obligations of the STBD as authorized under RCW  
8 36.74.030; and

9 WHEREAS, The City of Seattle, having assumed the powers of the Seattle Transportation  
10 Benefit District, has the authority to seek voter approval for the Council to enact up to a  
11 0.2 percent sales and use tax for transportation improvements under RCW 82.14.0455 ;  
12 and

13 WHEREAS, on June 29, 2018, by Ordinance 125606, The City of Seattle authorized material  
14 scope changes to STBD Proposition 1, including provisions to provide transit passes to  
15 Seattle Public School students, expanding the ORCA Opportunity Program and  
16 authorizing capital improvements to improve transit speed and reliability; and

17 WHEREAS, since passage of STBD Proposition 1 in 2014, The City of Seattle has been able to  
18 expand bus service by over 8,000 new weekly trips, make bus service more reliable and  
19 increase access to very frequent (ten minutes or better) bus service within a ten-minute  
20 walk from 25 percent of households in 2015 to 70 percent in 2019; and

21 WHEREAS, STBD funded transit equity and access initiatives provided ORCA Opportunity  
22 cards to 15,000 Seattle public high school students and Promise Scholars, 500 income-  
23 qualified middle school students, and 1,500 Seattle Housing Authority residents; and

1 WHEREAS, voters statewide approved Initiative 976 in spite of 76 percent of voters in Seattle  
2 rejecting this Tim Eyman measure intended to undermine Seattle’s transit needs; and

3 WHEREAS, The City of Seattle joined other parties in challenging the constitutionality of I-976,  
4 including its repeal of Vehicle License Fee authority under RCW 82.80.140; and

5 WHEREAS, the City’s legal authority to fix, impose, and extend up to a one hundred dollar  
6 vehicle license fee under RCW 82.80.140 with approval of a majority of City voters has  
7 been thrown into question by statewide passage of I-976 which, in part, attempts to repeal  
8 this authority, potentially in an unconstitutional manner; and

9 WHEREAS, the City wishes to maintain sufficient transit service and access to opportunity made  
10 possible by Proposition 1, while also facilitating COVID-19 response and the recovery of  
11 the economy with mobility for essential workers, job seekers, students, and others who  
12 will continue to rely on transit, and while also mitigating impacts from the closure of the  
13 West Seattle Bridge; and

14 WHEREAS, because of the importance of the regional public transit network in promoting  
15 equitable transit access in communities throughout King County, the City of Seattle  
16 supports future efforts to enact a countywide transit funding measure that incorporates  
17 transit service and access opportunities for Seattle residents in accordance with the equity  
18 and sustainability principles detailed in the King County Mobility Framework, and the  
19 City intends to work with King County in partnership on a future transit measure that  
20 could be approved by countywide voters, thereby allowing the City to consolidate or  
21 phase-out this funding measure; and

22 WHEREAS, in the meantime, King County Metro has agreed to continue partnering with The  
23 City of Seattle in providing expanded transit service to Seattle residents through renewal

1 of service purchase agreements it entered with the City following passage of STBD  
2 Proposition 1 in 2014; NOW, THEREFORE,

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

4 Section 1. The City submits to the qualified electors of the City of Seattle a proposition to  
5 authorize up to a 0.1 percent sales and use tax for a six-year term ending December 31, 2026.  
6 This sales and use tax replaces the \$60 Vehicle License Fee and 0.1 percent sales and use tax  
7 first authorized by Seattle voters in 2014 for a six-year term expiring at the end of 2020. If  
8 approved by voters, the revenues will be used solely for the purpose of main taining transit  
9 service and access to frequent transit service for Seattle neighborhoods, students and low income  
10 individuals, including associated maintenance and capital improvements that serve efficient  
11 operation of transit service; emerging mobility needs to support COVID-19 recovery and the  
12 Reconnect West Seattle strategy to mitigate the ongoing closure of the West Seattle High Bridge;  
13 community-led oversight; and continuation of programs to increase transit access for low income  
14 residents, seniors and students.

15 Section 2. Use of revenues. The funds raised by this proposition (“Proposition 1  
16 revenues”) will be used solely for the transit and transportation purposes as described in this  
17 ordinance and associated administrative costs. Proposition 1 revenues will first be used to pay  
18 any required administrative costs to the state Department of Revenue and elections costs.  
19 Remaining Proposition 1 revenues will be used to fund:

20 A. Service hours on King County Metro operated services with more than 65 percent of  
21 stops within Seattle, consistent with the Seattle Transit Master Plan and King County Metro  
22 Transit’s Service Guidelines; and

1           B. King County Metro transit service hours on current and future RapidRide lines  
2 serving Seattle, identified in the Seattle Transit Master Plan and King County Metro’s long-range  
3 plan (Metro CONNECTS); and

4           C. Up to 10 million dollars of the Proposition 1 revenues may be used annually to support  
5 the implementation, management, and administration of programs to support transit access by  
6 low income residents, seniors and youth, including the ORCA Opportunity program, which  
7 provides transit passes for Seattle Public Schools students in grades K-12, as well as students  
8 participating in the Seattle Promise scholarship or other similar programs at Seattle colleges and  
9 universities, along with programs targeted to seniors and public housing residents; and

10           D. Up to 9 million dollars of the Proposition 1 revenues may be used annually to support  
11 infrastructure maintenance and capital improvements to maximize the efficiency of transit  
12 operations, including enhancements to transit speed, passenger amenities, transit street pavement  
13 maintenance, and reliability of transit service operated by King County Metro within the City of  
14 Seattle; and

15           E. Up to 6 million dollars of the Proposition 1 revenues may be used annually to support  
16 emerging mobility needs related to COVID-19 response and recovery, and closure of the West  
17 Seattle High Bridge. Such investments could include transit service, speed and reliability  
18 improvements and Transportation Demand Management strategies described in the community-  
19 driven Reconnect West Seattle plan. The City expects these needs to require designated funding  
20 for approximately the first four years of the measure. However, Council may continue to  
21 appropriate STBD funding for these programs in 2025 and 2026 as conditions warrant. These  
22 funds may also be used throughout the six-year term to support or pilot innovative partnerships  
23 with King County Metro.

1           Section 3. No supplanting of existing funding for transit service. Before funding any  
2 transit service, the City anticipates that there will be an interlocal agreement with King County  
3 Metro to provide that the Proposition 1 revenues will not supplant other funding for any routes  
4 partially or completely operating within Seattle that King County Metro would otherwise provide  
5 in accordance with the Seattle Transit Master Plan, and King County Metro’s Transit Service  
6 Guidelines and long-range plan (Metro CONNECTS).

7           Section 4. Oversight. The City shall issue an annual report to the public that describes  
8 King County Metro’s provision of transit service in Seattle and countywide, including service  
9 funded by Proposition 1 revenues and whether supplantation has occurred. The report will also  
10 analyze the impacts of service reductions, increases or changes approved by the Metropolitan  
11 King County Council or King County Metro in Seattle.

12           The community-led Seattle Transit Advisory Board will continue to serve as the public  
13 oversight committee charged with advising on spending of Proposition 1 revenues.  
14 Appointments to the Transit Advisory Board, the scope of its duties, and reporting requirements  
15 shall continue to be consistent with Resolution 31572, as adopted by Council in 2015, following  
16 passage of the 2014 Transportation Benefit District measure.

17           Section 5. Election – Ballot title. The City Council directs the City Clerk to file this  
18 ordinance with the Director of Elections of King County, Washington, as ex officio supervisor of  
19 elections, requesting the Director of Elections to call and conduct a special election in  
20 conjunction with the state general election to be held on November 3, 2020, for the purpose of  
21 submitting to the qualified electors of the City the proposition set forth in this ordinance.

22           The City Clerk is directed to certify to the King County Director of Elections the ballot  
23 title approved by the City Attorney in accordance with the City Attorney’s responsibilities under

1 RCW 29A.36.071 and RCW 29A.72.050. The following ballot title containing a statement of  
2 subject and concise description are submitted to the City Attorney for consideration:

3 CITY OF SEATTLE

4 PROPOSITION NO. 1

5 The City of Seattle’s Proposition 1 concerns funding for transit and related transportation  
6 needs in Seattle.

7 If approved, this proposition would replace the current voter approved 0.1% sales tax,  
8 expiring December 31, 2020, with a new 0.1% sales tax that would expire December 31,  
9 2026.

10 Revenues are dedicated to: transit services benefitting Seattle residents, including  
11 maintaining the Seattle frequent transit network and associated capital improvements;  
12 low income fare programs for Seattle seniors, students and low income residents; and, for  
13 an initial period, transportation needs related to COVID-19 recovery and closure of the  
14 West Seattle Bridge.

15  
16 Should this proposition be approved?

17 Yes\_\_\_

18 No \_\_\_

19 Those in favor shall vote “Yes”; those opposed shall mark their ballots “No”.

20  
21 Section 6. Severability. The provisions of this ordinance are declared to be separate and  
22 severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of  
23 this ordinance, or the invalidity of its application to any person or circumstance, does not affect

1 the validity of the remainder of this ordinance or the validity of its application to other persons or  
2 circumstances.

3 Section 7. Effectiveness. Those portions of this ordinance providing for the submission of  
4 a ballot proposition to the voters shall take effect and be in force immediately upon its approval  
5 by the Mayor.

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

9 \_\_\_\_\_  
10 President \_\_\_\_\_ of the City Council

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

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

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

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

17 (Seal)