

ORDINANCE No. 113029

Law Department

COUNCIL BILL No. 105666

The City of Seattle--Legislative

AN ORDINANCE establishing a Capitol Hill Business Improvement Area; providing for the levy of special assessment upon business within the area, the deposit of revenues in a special fund, and expenditures therefrom; providing for an implementing agreement; and making a reimbursable appropriation therefor.

REPORT OF COMMITTEE

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recom

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Finance *pass as amended 7/1/86*

COMPTROLLER FILE No. 295089

Introduced:	By:
Referred: <u>8-4-86</u>	To: <u>find Pass</u>
Referred:	To:
Referred:	To:
Reported: <u>SEP 8 1986</u>	Second Reading: <u>SEP 8 1986</u>
Third Reading: <u>SEP 8 1986</u>	Signed: <u>SEP 8 1986</u>
Presented to Mayor: <u>SEP 9 1986</u>	Approved: <u>SEP 11 1986</u>
Returned to City Clerk:	Published:
Vetoed by Mayor: <u>SEP 11 1986</u>	Veto Published:
Passed over Veto:	Veto Sustained:

(10)

Committee Chair

Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

Honorable President:

Your Committee on _____

to which was referred the within Council Bill No. _____
report that we have considered the same and respectfully recommend that the same:

Committee Chair

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105666
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ORDINANCE 113029

AN ORDINANCE establishing a Capitol Hill Business Improvement Area; providing for the levy of special assessments upon business within the area, the deposit of revenues in a special account, and expenditures therefrom; providing for an implementing agreement; and making a reimbursable appropriation therefor.

WHEREAS, the owners and /or operators of businesses subject to sixty percent or more of the special assessments levied by this ordinance filed a petition with The City of Seattle to establish a Business Improvement Area pursuant to RCW Chapter 35.87A, which is filed in C.F. _____; and pursuant thereto, the City Council adopted Resolution, entitled " _____";

WHEREAS, the Capitol Hill Business Improvement Area (BIA) established herein is for the purpose of enabling businesses within the Area to enhance conditions for the operation of those businesses. The budget of the BIA shall be dedicated to activities in addition to basic services provided by the City of Seattle. Services provided by the City of Seattle shall not be reduced because of BIA activities and shall at all times be maintained at or above a level consistent with services provided to comparable business areas within the city.

WHEREAS, as provided by Resolution 27479, the City Council held a public hearing thereon on 8-28-1986, at 9:30 a.m./p.m. in the City Council Chambers, 11th floor, Seattle Municipal Building, Seattle. At the conclusion of the hearing, the City Council voted to establish the area as proposed in the petition. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. District Established. As authorized by RCW Chapter 35.87A, there is hereby established a Capitol Hill Business Improvement Area within the boundaries described below and as shown on the map attached as Exhibit "A". (When a street or alley is named, the area boundary is the centerline of the right-of-way. The District shall have two areas as follows:

Area One

East: 10th Avenue East between East Roy Street and a line extending from the southern lot line of lot 2,

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Block 3, S. B. Yesler's 1st Addition, to the center of the right-of-way on 10th Avenue East.

West: The western lot line of lots 21, 22, 23, and 24, Block 3, S. B. Yesler's 1st Addition, and continuing from lot 24, Block 3, S. B. Yesler's 1st Addition to the center of the right-of-way on East Roy Street.

North: The northern lot line of lot 21, Block 7, S. B. Yesler's 1st Addition and a line extending from the northern lot line of lot 21, Block 7, S. B. Yesler's 1st Addition to the center of the right-of-way on Broadway Avenue East and;

Continuing southward along the center of the right-of-way on Broadway Avenue East for approximately 100 feet to a line extending from the northern lot line of lot 2, Block 6 S. B. Yesler's 1st Addition and;

Continuing along the northern lot line of lots 2 and 13, Block 6, S. B. Yesler's 1st Addition, and extending to the center of the right-of-way on 10th Avenue East.

South: East Roy Street between the center of the right-of-way of Harvard Avenue East and extending to the northern lot line of lot 10, Block 32, Supplemental Plat, A. Pontius Addition.

Area Two

East: The eastern lot line of Lots 6, 7, 8, 9 and 10, Block 32, Supplemental Plat, A. Pontius Addition; extending to the eastern lot line of Lots 7, 8, 9, 10, 11 and 12, Block 31, Supplemental Plat, A. Pontius Addition; extending to the eastern lot line of Lots 7, 8, 9, 10, 11 and 12, Block 30, Supplemental Plat, A. Pontius Addition; extending to the eastern lot line of Lots 4, 5 and 6, Block 29, Supplemental Plat, A. Pontius Addition; and extending to the eastern lot line of Lot 2, Block 64, John H. Nagle's 2nd Addition and;

Continuing to the center of the right-of-way of East Thomas Street, and extending eastward to the center of the right-of-way of 10th Avenue East and;

Continuing along the center of the right-of-way of 10th Avenue East between East Thomas Street and East John Street, and extending westward along the center of the right-of-way of East John Street to a line extending from Lot 6, Block 46, John H. Nagle's Addition and;

Continuing along the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 46, John H. Nagle's Addition, and extending to the center of the right-of-way of East Denny Way and;

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Continuing along the center of the right-of-way of Nagle Place between East Denny Way and East Pine Street and continuing to the eastern boundary of Lot 6, John H. Nagle's 2nd Addition.

West: The center of the right-of-way along East Harvard Avenue between East Roy Street and a line extending from the southern lot line of Lot 9, Block 33, Supplemental Plat, A. Pontius Addition; and continuing along the southern lot line of Lot 9, Block 33, Supplemental Plat, A. Pontius Addition to its eastern lot line boundary and;

Continuing along the eastern lot line of Lots 6, 7 and 8, Block 33, Supplemental Plat, A. Pontius Addition, and extending to the eastern lot line of Lots 11 and 12, Block 34, Supplemental Pt, A. Pontius Addition; and continuing along the southern lot line of Lot 11, Block 34, Supplemental Plat, A. Pontius Addition, and continuing to the center of the right-of-way of Harvard Avenue East; and continuing along the center of the right-of-way along Harvard Avenue East to East Harrison Street and;

Continuing along the center of the right-of-way along East Harrison Street between Harvard Avenue East and a line extending from Lot 6, Block 36, Supplemental Plat, A. Pontius Addition and;

Continuing along the eastern lot line of Lots 4, 5 and 6, Block 36, Supplemental Plat, A. Pontius Addition; and continuing along the eastern lot line of Lot 3, Block 65, John H. Nagle's Addition; and extending to the eastern lot line of Lot 6, Block 50, John H. Nagle's Addition and;

Continuing along the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 50, John H. Nagle's Addition; and extending to the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 47, John H. Nagle's Addition; and extending to the eastern lot line of 1, 2, 3, 4, 5 and 6, Block 34, John H. Nagle's Addition; and extending to the center line of the right-of-way of East Howell Street and;

Continuing along the center of the right-of-way of East Howell Street between a line extending from the eastern lot line of Lot 1, Block 34, John H. Nagle's Addition and the center of the right-of-way of Harvard Avenue East and;

Continuing along the center of the right-of-way of Harvard Avenue East between East Howell Street and a line extending from the southern lot line of Lot 5, Block 15, John H. Nagle's Addition.

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North: East Roy Street between the center of the right-of-way of Harvard Avenue East and extending to the northern lot line of Lot 10, Block 32, Supplemental Plat, A. Pontius Addition.

South: The center of the right-of-way of Harvard Avenue East extending to the southern lot line of Lot 5, Block 15, John H. Nagle's Addition; and continuing along the southern lot line of Lot 5, Block 15, John H. Nagle's

Addition; and continuing along the alley way on Block 15, John H. Nagle's addition and extending to the southern lot line of Lot 7, Block 15, John H. Nagle's Addition and;

Continuing along the southern lot line of Lot 7, Block 15, John H. Nagle's Addition; and extending to the southern lot line of Lot 6, Block 14, John H. Nagle's Addition.

Section 2. Levy of Special Assessments. To finance the activities authorized in Section 8, there is levied and shall be collected a special assessment upon the businesses in the area, determined as follows:

- 12) The City will levy special assessments for the purpose of operating a Business Improvement Area Program by applying the following rates against "the gross proceeds of the sales" or "the gross income of the business" as reported for City Business and Occupation or Utility Tax purposes, unless otherwise specified:
 - (a) All businesses, unless exempted, and with the exception of banks, savings and loan, or other financial lending institutions, shall pay \$1.25 per \$1,000 annually.
 - (b) All banks, saving and loan, or other financial lending institutions shall pay a flat rate of \$1,250 annually.
 - (c) Seattle Central Community College shall pay a flat rate of \$1,250 annually.
- 2) The total assessment upon any single business site within the area shall not initially exceed \$1,250.00 (One thousand two hundred fifty dollars) annually. A minimum assessment of \$50.00 (fifty dollars) will be applied to every business within the boundaries.

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Section 3. Exemptions. No special assessments shall be levied upon and collected from:

- (1) Organizations, qualified for charitable contribution under the United States Internal Revenue Code (26 USC 170(c));
- (2) Sponsors of public events and concessionaires, and vendors or entertainers, who engage in business activities in the area for less than 30 days in aggregate per year,
- (3) Governmental agencies unless otherwise specified; and
- (4) Newsstands in street right-of-way.

Section 4. Collection Schedule. Insofar as consistent with this ordinance and RCW Chapter 35.87A, special assessments shall be collected on a quarterly basis or in such a manner deemed appropriate by the Director of Community Development.

Section 5. Deposit of Revenues. There is hereby established in the City Treasury's Business Improvement Area Fund, a separate account designated the Capitol Hill Business Improvement Area Account (called "the Account"). The following moneys shall be deposited in the Account:

- (a) All revenues from special assessments levied under this ordinance;
- (b) All income to the City from public events financed with special assessments;

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- (c) Gifts and donations for the Account,
- (d) Interest and all other income from the investment of Account deposits; and
- (e) Restitution moneys for expenditures made from the Account and reimbursements due to the Account.

Section 6. Expenditures. Expenditures from the Account shall be made upon vouchers drawn by the Director of Community Development and shall be used exclusively for the statutory purposes in RCW 35.87A.010(1)(b)-(f), each as more fully explained in Section 8 and the petition to establish the area (C.F.): .

"Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A (such as decorating public places that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive."

Section 7. Programs. Special Assessment Revenues shall be used for the following types of programs and services:

- (1) Decorating and beautifying public places;
- (2) Sponsoring and promoting public events which are to take place on or in public places;

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- (3) Advertising and promoting retail trade activities;
- (4) Maintaining information and directional signing for pedestrians, as distinct from traffic control devices;
- (5) Improving public relations, generating favorable publicity for the area and general promotion of the area;
- (6) Sweeping sidewalks;
- (7) Cleaning and erasing graffiti;
- (8) Maintaining flowers and greenery in public right-of-way;
- (9) Providing and cleaning receptacles for litter from the public; and
- (10) Providing additional security for people, if needed.

The listing of services are illustrative and not exclusive. All such activities are supplemental to street maintenance provided by the City and are not to displace any services regularly provided by municipal government.

Section 8. Ratepayers Advisory Group. With advice and consultation from the Capitol Hill Chamber of Commerce, the director of Community Development shall appoint an interim Capitol Hill Business Improvement Area Ratepayers Advisory Group comprised of ratepayers from the Area. the interim Ratepayers Advisory Group will recommend and the Department of Community Development will implement procedures to nominate and elect volunteer members to the permanent

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1 Ratepayers Advisory Group to take office no later than
 2 January 1, 1987. Procedures shall be designed to insure
 3 inclusion of members representative of the classifications
 4 subject to assessment, geographic areas as defined in Section
 5 1, and to include formal liaison with the Capitol Hill
 6 Chamber of Commerce. The interim Ratepayers Advisory Group
 7 shall also develop and promulgate bylaws or rules to guide
 8 the operation of the Ratepayers Advisory Group.

9 The Ratepayers Advisory Group shall be responsible for
 10 providing advice and consultation to the Department of
 11 Community Development and any individual or agency hired to
 12 manage the day-to-day operations of the Business Improvement
 13 Area program on all matters related to the operation of the
 14 Business Improvement Area program. Specifically, the
 15 Ratepayers Advisory Group will meet at least once a month;
 16 approve an annual work program and budget; address and
 17 discuss ratepayer concerns and questions regarding the BIA
 18 district and program; review all reports submitted to the
 19 Department of Community Development by the Manager; and
 20 sponsor an annual ratepayers meeting.

21 Section 9. Administration. The Director of Community
 22 Development shall administer the program for the City with
 23 authority to:

- 24 (a) Classify ratepayers within the types of use under
 25 Section 2; and resolve ambiguities in the application of
 26 rates.
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- (b) Collect the special assessments; refund special assessments when overpaid or paid for the same area by more than one ratepayer; and extend the deadline for payment and/or waive delinquency charges and interest whenever the delinquency is a result of a failure by the City to provide a statement of the amount due or non-payment results from extenuating circumstances beyond the ratepayer's control, such as a casualty loss causing premature closure of the business or bankruptcy.
 - (c) Determine and apply the interest rate for late payments contemplated by Section 11.
 - (d) Establish a schedule of proportionate payments for new ratepayers first becoming subject to the assessment.
 - (e) Subject to advice and direction of the Ratepayers Advisory Group, execute an annual program management contract with the Capitol Hill Chamber of Commerce or a suitable substitute program manager.
 - (f) After consultation and with the advice of the BIA Ratepayers Advisory Group, take such other actions as necessary and appropriate to carry out the program with special assessments; and
 - (g) Under the City administrative Code (SMC Chapter 3.02) adopt, publish, and enforce rules, consistent with this ordinance, for carrying out its provisions.

The city's contract with the Capitol Hill Chamber of Commerce or its suitable substitute program manager shall provide for the establishment by the Chamber or its program manager of a

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2 Ratepayers Advisory Group, which shall contain members
3 representative of the classifications subject to assessment.
4 The manager shall function under the direction of the
5 Ratepayers Advisory Group.

6 Section 10. Annual Budget. After consultation with the
7 Ratepayers Advisory Group, the Director shall submit to the
8 Budget Director on or before March 31st of each year a
9 statement of the projects and activities to be conducted
10 during the ensuing fiscal year; the proposed program budget;
11 and a statement of the assessment rates and business
12 classifications requested for financing the proposed budget.
13 A summary for the comments and recommendations received
14 during such consultations shall accompany the Director's
15 submission to the City Budget Director, and the Mayor's
16 recommended budget to the City Council.

17 Section 11. Delinquent Payments. If an assessment has
18 not been paid within thirty (30) days after its due date and
19 the ratepayer had been making prompt payment in the past, the
20 Director shall send a reminder notice and add a five dollar
21 (\$5) processing fee. However, if (a) the assessment is not
22 paid within sixty (60) days after its due date or (b) the
23 assessment was not paid within thirty (30) days and the
24 ratepayer has been late on one of the previous two payments,
25 a delinquency charge shall be added in the amount of ten
26 percent (10%) of the assessment in addition to the processing
27 fee. All assessments, which are not paid within sixty (60)
28 days, shall also bear interest from the date payment was due

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at the coupon issue yield (as published by the Federal Reserve Bank of San Francisco) of the average bill rate for twenty-six week treasury bills as determined at the first bill market action conducted during the preceding calendar month. The director is authorized to bring an action to collect any unpaid assessments in the Seattle Municipal Court as a civil action, or in the discretion of the Director, in the Seattle District Court.

Section 12. Contract For Program Management. The Director is authorized and directed to contract with the Capitol Hill Chamber of Commerce or a suitable substitute as recommended by the Ratepayers Advisory Group or to administer all the projects and activities. If the Director contracts with the Chamber for payment for managing and administering projects and activities on a cost-reimbursement basis with an allowance for overhead and management, the contract with the Chamber shall be classified as an arrangement under SMC Section 20.46.110C; the Chamber shall make a good faith effort to equitably utilize the services of women's and minority business enterprises and shall report on its efforts to the Director and the mandatory set-asides of SMC 20.46.090 shall not apply.

Section 13. Rate Changes. Any change in the assessment rate shall only be made by ordinance and as authorized in RCW 35.87A.130-.140. No increase shall occur in the assessment rate unless recommended by the Ratepayers Advisory Group.

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To prevent reduction in services due to inflation in prices the City may from time to time, upon the recommendation of the Ratepayers Advisory Group and by ordinance, increase or reduce assessment rates, to reflect changes in the purchasing power of money, as measured by Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) published by the United States, Department of Labor, Bureau of Labor Statistics or a suitable comparable index recommended by the Ratepayers Advisory Group.

Section 14. Notices. Notices of assessment, installment payment, or delinquency, and all other notices contemplated by this ordinance may be sent by ordinary mail or delivered by the City to the address shown on the records of the Director of Community Development, and, if no address is shown there, to the address shown on the records of the City maintained for business or utility tax purposes under Seattle Municipal Code Chapters 5.44 and 5.48. Failure of the ratepayer to receive any mailed notice shall not release the ratepayer from the duty to pay the assessment, or except as authorized by Section 9(b), from payment on the due date and any delinquency charges.

Section 15. Disputes. Any ratepayer, aggrieved by the amount of an assessment or delinquency charge, may, on request, obtain a meeting with the Director or senior assistant, designated by the Director to act on his or her

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behalf; and, if not satisfied, the ratepayer may appeal the matter to the City's Hearing Examiner in the manner provided for a contested case under the City's Administrative Code, Seattle Municipal Code Chapter 3.02.

Section 16. Interim Appropriation. To provide for expenditures authorized in Section 3 as recommended by the Mayor and the Director of Community Development, the sum of Thirty Thousand Dollars (\$30,000), or so much thereof as may be necessary is hereby appropriated from the General Fund, to be reimbursed unless the City's 1987 Budget provides otherwise from the Business Improvement Area Fund with revenues from special assessments no later than December 31, 1987. Upon vouchers drawn by the Director of Community Development, the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants, and to make the appropriate transfers.

Section 17. Commencement of Assessments. Assessment shall commence as of September 1, 1986.

Section 18. Ratification and Confirmation. The making of contracts and expenditures, and the sending of assessment notices pursuant to the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

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(To be used for all Ordinances except Emergency.)

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Section..... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 8th day of September, 1886
and signed by me in open session in authentication of its passage this 8th day of September, 1886
[Signature]
President of the City Council.

Approved by me this 11th day of September, 1886
Charles Perre
Mayor.

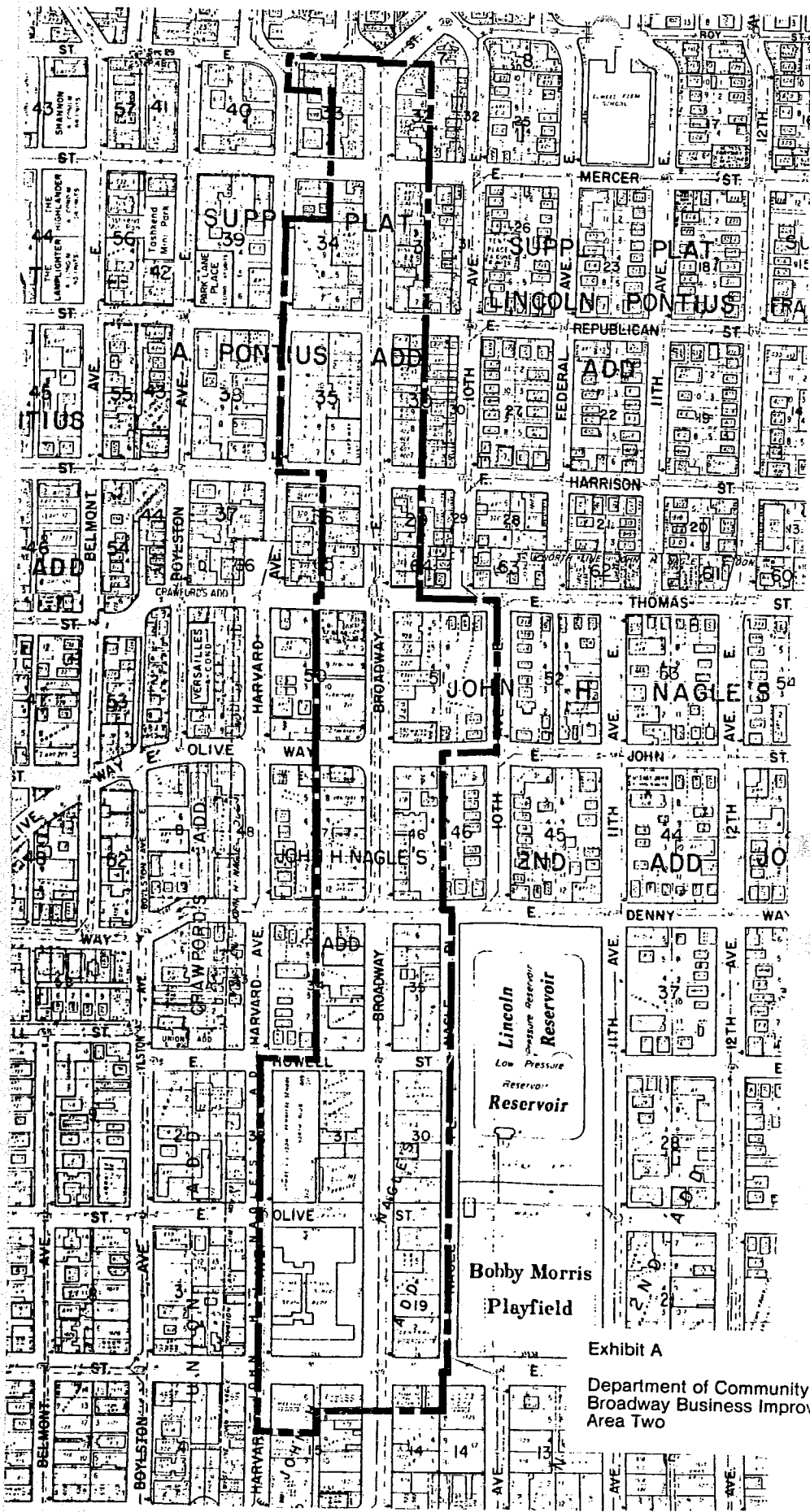
Filed by me this 11th day of September, 1886.

Attest: Norward J. Brooks
City Comptroller and City Clerk.

(SEAL)

Published.....

By Margaret Carter
Deputy Clerk.



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Exhibit A
Department of Community Development
Broadway Business Improvement Area
Area Two



Exhibit A
Department of Community Development
Broadway Business Improvement Area
Area One

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ORDINANCE

113029

AN ORDINANCE establishing a Capitol Hill Business Improvement Area; providing for the levy of special assessments upon business within the area, the deposit of revenues in a special account, and expenditures therefrom; providing for an implementing agreement; and making a reimbursable appropriation therefor.

WHEREAS, the owners and /or operators of businesses subject to sixty percent or more of the special assessments levied by this ordinance filed a petition with The City of Seattle to establish a Business Improvement Area pursuant to RCW Chapter 35.87A, which is filed in C.F. _____; and pursuant thereto, the City Council adopted Resolution, entitled " _____";

WHEREAS, the Capitol Hill Business Improvement Area (BIA) established herein is for the purpose of enabling businesses within the Area to enhance conditions for the operation of those businesses. The budget of the BIA shall be dedicated to activities in addition to basic services provided by the City of Seattle. Services provided by the City of Seattle shall not be reduced because of BIA activities and shall at all times be maintained at or above a level consistent with services provided to comparable business areas within the city.

WHEREAS, as provided by Resolution _____, the City Council held a public hearing thereon on _____, at _____ a.m./p.m. in the City Council Chambers, 11th floor, Seattle Municipal Building, Seattle. At the conclusion of the hearing, the City Council voted to establish the area as proposed in the petition. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. District Established. As authorized by RCW Chapter 35.87A, there is hereby established a Capitol Hill Business Improvement Area within the boundaries described below and as shown on the map attached as Exhibit "A". (When a street or alley is named, the area boundary is the centerline of the right-of-way. The District shall have three areas as follows:

Area One

East: 10th Avenue East between East Roy Street and a line extending from the southern lot line of lot 2, Block 3, S. B. Yesler's 1st Addition, to the center of the right-of-way on 10th Avenue East.

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1 North: The northern lot line of lot 21, Block 7, S. B.
2 Yesler's 1st Addition and a line extending from the
3 northern lot line of lot 21, Block 7, S. B. Yesler's 1st
4 Addition to the center of the right-of-way on Broadway
5 Avenue East and;

6 Continuing southward along the center of the right-of-
7 way on Broadway Avenue East for approximately 100 feet
8 to a line extending from the northern lot line of lot 2,
9 Block 6 S. B. Yesler's 1st Addition and;

10 Continuing along the northern lot line of lots 2 and 13,
11 Block 6, S. B. Yesler's 1st Addition, and extending to
12 the center of the right-of-way on 10th Avenue East.

13 South: East Roy Street between the center of the right-
14 of-way of Harvard Avenue East and extending to the
15 northern lot line of lot 10, Block 32, Supplemental
16 Plat, A. Pontius Addition.

17 Area Two

18 East: The eastern lot line of Lots 6, 7, 8, 9 and 10,
19 Block 32, Supplemental Plat, A. Pontius Addition;
20 extending to the eastern lot line of Lots 7, 8, 9, 10,
21 11 and 12, Block 31, Supplemental Plat, A. Pontius
22 Addition; extending to the eastern lot line of Lots 7,
23 8, 9, 10, 11 and 12, Block 30, Supplemental Plat, A
24 Pontius Addition; extending to the eastern lot line of
25 Lots 4, 5 and 6, Block 29, Supplemental Plat, A. Pontius
26 Addition; and extending to the eastern lot line of Lot
27 2, Block 64, John H. Nagle's 2nd Addition and;

28 Continuing to the center of the right-of-way of East
Thomas Street, and extending eastward to the center of
the right-of-way of 10th Avenue East and;

Continuing along the center of the right-of-way of 10th
Avenue East between East Thomas Street and East John
Street, and extending westward along the center of the
right-of-way of East John Street to a line extending
from Lot 6, Block 46, John H. Nagle's Addition and;

Continuing along the eastern lot line of Lots 1, 2, 3,
4, 5 and 6, Block 46, John H. Nagle's Addition, and
extending to the center of the right-of-way of East
Denny Way and;

Continuing along the center of the right-of-way of Nagle
Place between East Denny Way and East Pine Street and
continuing to the eastern boundary of Lot 6, John H.
Nagle's 2nd Addition.

West: The center of the right-of-way along East Harvard
Avenue between East Roy Street and a line extending from
the southern lot line of Lot 9, Block 33, Supplemental
Plat, A. Pontius Addition; and continuing along the

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southern lot line of Lot 9, Block 33, Supplemental Plat, A. Pontius Addition to its eastern lot line boundary and;

Continuing along the eastern lot line of Lots 6, 7 and 8, Block 33, Supplemental Plat, A. Pontius Addition, and extending to the eastern lot line of Lots 11 and 12, Block 34, Supplemental Pt, A. Pontius Addition; and continuing along the southern lot line of Lot 11, Block 34, Supplemental Plat, A. Pontius Addition, and continuing to the center of the right-of-way of Harvard Avenue East; and continuing along the center of the right-of-way along Harvard Avenue East to East Harrison Street and;

Continuing along the center of the right-of-way along East Harrison Street between Harvard Avenue East and a line extending from Lot 6, Block 36, Supplemental Plat, A. Pontius Addition and;

Continuing along the eastern lot line of Lots 4, 5 and 6, Block 36, Supplemental Plat, A. Pontius Addition; and continuing along the eastern lot line of Lot 3, Block 65, John H. Nagle's Addition; and extending to the eastern lot line of Lot 6, Block 50, John H. Nagle's Addition and;

Continuing along the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 50, John H. Nagle's Addition; and extending to the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 47, John H. Nagle's Addition; and extending to the eastern lot line of 1, 2, 3, 4, 5 and 6, Block 34, John H. Nagle's Addition; and extending to the center line of the right-of-way of East Howell Street and;

Continuing along the center of the right-of-way of East Howell Street between a line extending from the eastern lot line of Lot 1, Block 34, John H. Nagle's Addition and the center of the right-of-way of Harvard Avenue East and;

Continuing along the center of the right-of-way of Harvard Avenue East between East Howell Street and a line extending from the southern lot line of Lot 5, Block 15, John H. Nagle's Addition.

North: East Roy Street between the center of the right-of-way of Harvard Avenue East and extending to the northern lot line of Lot 10, Block 32, Supplemental Plat, A. Pontius Addition.

South: The center of the right-of-way of Harvard Avenue East extending to the southern lot line of Lot 5, Block 15, John H. Nagle's Addition; and continuing along the southern lot line of Lot 5, Block 15, John H. Nagle's

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Addition; and continuing along the alley way on Block 15, John H. Nagle's addition and extending to the southern lot line of Lot 7, Block 15, John H. Nagle's Addition and;

Continuing along the southern lot line of Lot 7, Block 15, John H. Nagle's Addition; and extending to the southern lot line of Lot 6, Block 14, John H. Nagle's Addition.

Area Three

East: The eastern lot line of lot, Block 50, John H. Nagle's Second Avenue and continuing to the eastern lot line of lots 5 and 6, Block 47, John H. Nagle's Addition.

West: Summit Avenue East between East John Street and a line extending from the northern lot line of lot 6, Block 48, Supplemental Plat, Pontius Second Addition.

North: East John Street between the center of the right-of-way of Summit Avenue East and the center of the right-of-way of Belmont Avenue East to a line extending from the northern lot line of lot 5, Block 53, Supplemental Plat, Pontius Second Addition; and continuing across the northern lot line of lot 5, Block 53, Supplemental Plat, Pontius Second Addition; and continuing across the northern lot line of lot 9, Block 2, and lot 10, Block 1, Harvard Heights and;

Continuing northward along the western lot line of lots 7 and 8, Block 1, Harvard Heights; and continuing along the northern lot line of lot 7, Block 1, Harvard Heights and extending to the center of the right-of-way of Harvard Avenue East and;

Continuing along the center of the right-of-way of Harvard Avenue East to a line extending from the northern property line of lot 1, Block 50, John H. Nagle's Second Addition; and continuing along the northern property line of lot 1, Block 50, John H. Nagle's Second Addition to the alley way located in Block 50, John H. Nagle's Second Addition.

South: A line extending from the center right-of-way of Summit Avenue East to the northern lot line of lot 5, Block 48, Supplemental Plat, Pontius Second Addition and continuing along the northern lot line of lot 6, Block 48, Supplemental Plat, Pontius Second Addition and;

Continuing along the alley of Block 48, Supplemental Plat, Pontius Second Addition, and continuing along the northern lot line of lot 10, Block 48, Supplemental

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Plat, Pontius Second Addition; and continuing along the northern lot line of lot 3, Block 52, Supplemental Plat, Pontius Second Addition and;

Continuing along the northern lot line of lot 7, Block 8, Crawford's Addition and extending to the eastern lot line of lot 12, Block B, Crawford's Addition, and continuing along the eastern lot line of lot 12, Block B, Crawford's Addition, and extending to the center of the right-of-way of East Olive Way and;

Continuing along East Olive Way between a line extending from the eastern lot line of lot 12, Block B, Crawford's Addition to the center of the right-of-way of East Olive Way and the center of the right-of-way of Harvard Avenue East and;

Continuing along Harvard Avenue East between the center of the right-of-way of East Olive Way and a line extending from the northern lot line of lot 4, Block 47, John H. Nagle's Addition to the alley way located in Block 47, John H. Nagle's Addition.

Section 2. Levy of Special Assessments. To finance the activities authorized in Section 8, there is levied and shall be collected a special assessment upon the businesses in the area, determined as follows:

- 12) The City will levy special assessments for the purpose of operating a Business Improvement Area Program by applying the following rates against "the gross proceeds of the sales" or "the gross income of the business" as reported for City Business and Occupation or Utility Tax purposes, unless otherwise specified:
 - (a) All businesses, unless exempted, and with the exception of banks, savings and loan, or other financial lending institutions, shall pay \$1.25 per \$1,000 annually.
 - (b) All banks, saving and loan, or other financial lending institutions shall pay a flat rate of \$1,250 annually.
 - (c) Seattle Central Community College shall pay a flat rate of \$1,250 annually.
- 2) The total assessment upon any single business site within the area shall not initially exceed \$1,250.00 (One thousand two hundred fifty dollars) annually. A

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minimum assessment of \$50.00 (fifty dollars) will be applied to every business within the boundaries.

Section 3. Exemptions. No special assessments shall be levied upon and collected from:

- (1) Organizations, qualified for charitable contribution under the United States Internal Revenue Code (26 USC 170(c));
- (2) Sponsors of public events and concessionaires, and vendors or entertainers, who engage in business activities in the area for less than 30 days in aggregate per year,
- (3) Governmental agencies unless otherwise specified; and
- (4) Newsstands in street right-of-way.

Section 4. Collection Schedule. Insofar as consistent with this ordinance and RCW Chapter 35.87A, special assessments shall be collected on a quarterly basis or in such a manner deemed appropriate by the Director of Community Development.

Section 5. Deposit of Revenues. There is hereby established in the City Treasury's Business Improvement Area Fund, a separate account designated the Capitol Hill Business Improvement Area Account (called "the Account"). The following moneys shall be deposited in the Account:

- (a) All revenues from special assessments levied under this ordinance;
- (b) All income to the City from public events financed with special assessments;

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- 1 (c) Gifts and donations for the Account,
2 (d) Interest and all other income from the investment of
3 Account deposits; and
4 (e) Restitution moneys for expenditures made from the
5 Account and reimbursements due to the Account.

6 Section 6. Expenditures. Expenditures from the
7 Account shall be made upon vouchers drawn by the Director of
8 Community Development and shall be used exclusively for the
9 statutory purposes in RCW 35.87A.010(1)(b)-(f), each as more
10 fully explained in Section 8 and the petition to establish
11 the area (C.F.):

12 "Uses of the revenues and projects undertaken should
13 come within the general scope of RCW 35.87A (such as
14 decorating public places that will enhance the
15 appearance of the area); conducting public events (such
16 as sponsoring festivals and holiday activities;
17 promoting retail trade activities (such as security,
18 advertising, litter control, and minor repair of public
19 amenities; and providing professional management
20 services.

21 The examples in parenthesis illustrate the type of
22 activities authorized and are not all-inclusive."

23 Section 7. Programs. Special Assessment Revenues shall
24 be used for the following types of programs and services:

- 25 (1) Decorating and beautifying public places;
26 (2) Sponsoring and promoting public events which are to
27 take place on or in public places;
28 (3) Advertising and promoting retail trade activities;

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- (4) Maintaining information and directional signing for pedestrians, as distinct from traffic control devices;
- (5) Improving public relations, generating favorable publicity for the area and general promotion of the area;
- (6) Sweeping sidewalks;
- (7) Cleaning and erasing graffiti;
- (8) Maintaining flowers and greenery in public right-of-way;
- (9) Providing and cleaning receptacles for litter from the public; and
- (10) Providing additional security for people, if needed.

The listing of services are illustrative and not exclusive. All such activities are supplemental to street maintenance provided by the City and are not to displace any services regularly provided by municipal government.

Section 8. Ratepayers Advisory Group. With advice and consultation from the Capitol Hill Chamber of Commerce, the director of Community Development shall appoint an interim Capitol Hill Business Improvement Area Ratepayers Advisory Group comprised of ratepayers from the Area. the interim Ratepayers Advisory Group will recommend and the Department of Community Development will implement procedures to nominate and elect volunteer members to the permanent Ratepayers Advisory Group to take office no later than January 1, 1987. Procedures shall be designed to insure

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inclusion of members representative of the classifications subject to assessment, geographic areas as defined in Section 1, and to include formal liaison with the Capitol Hill Chamber of Commerce. The interim Ratepayers Advisory Group shall also develop and promulgate bylaws or rules to guide the operation of the Ratepayers Advisory Group.

The Ratepayers Advisory Group shall be responsible for providing advice and consultation to the Department of Community Development and any individual or agency hired to manage the day-to-day operations of the Business Improvement Area program on all matters related to the operation of the Business Improvement Area program. Specifically, the Ratepayers Advisory Group will meet at least once a month; approve an annual work program and budget; address and discuss ratepayer concerns and questions regarding the BIA district and program; review all reports submitted to the Department of Community Development by the Manager; and sponsor an annual ratepayers meeting.

Section 9. Administration. The Director of Community Development shall administer the program for the City with authority to:

- (a) Classify ratepayers within the types of use under Section 2; and resolve ambiguities in the application of rates.
- (b) Collect the special assessments; refund special assessments when overpaid or paid for the same area by more than one ratepayer; and extend the deadline for payment and/or waive delinquency charges and interest

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whenever the delinquency is a result of a failure by the City to provide a statement of the amount due or non-payment results from extenuating circumstances beyond the ratepayer's control, such as a casualty loss causing premature closure of the business or bankruptcy.

- (c) Determine and apply the interest rate for late payments contemplated by Section 11.
- (d) Establish a schedule of proportionate payments for new ratepayers first becoming subject to the assessment.
- (e) Subject to advice and direction of the Ratepayers Advisory Group, execute an annual program management contract with the Capitol Hill Chamber of Commerce or a suitable substitute program manager.
- (f) After consultation and with the advice of the BIA Ratepayers Advisory Group, take such other actions as necessary and appropriate to carry out the program with special assessments; and
- (g) Under the City administrative Code (SMC Chapter 3.02) adopt, publish, and enforce rules, consistent with this ordinance, for carrying out its provisions.

The city's contract with the Capitol Hill Chamber of Commerce or its suitable substitute program manager shall provide for the establishment by the Chamber or its program manager of a Ratepayers Advisory Group, which shall contain members representative of the classifications subject to assessment. The manager shall function under the direction of the Ratepayers Advisory Group.

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1 Section 10. Annual Budget. After consultation with the
2 Ratepayers Advisory Group, the Director shall submit to the
3 Budget Director on or before March 31st of each year a
4 statement of the projects and activities to be conducted
5 during the ensuing fiscal year; the proposed program budget;
6 and a statement of the assessment rates and business
7 classifications requested for financing the proposed budget.
8 A summary for the comments and recommendations received
9 during such consultations shall accompany the Director's
10 submission to the City Budget Director, and the Mayor's
11 recommended budget to the City Council.

12 Section 11. Delinquent Payments. If an assessment has
13 not been paid within thirty (30) days after its due date and
14 the ratepayer had been making prompt payment in the past, the
15 Director shall send a reminder notice and add a five dollar
16 (\$5) processing fee. However, if (a) the assessment is not
17 paid within sixty (60) days after its due date or (b) the
18 assessment was not paid within thirty (30) days and the
19 ratepayer has been late on one of the previous two payments,
20 a delinquency charge shall be added in the amount of ten
21 percent (10%) of the assessment in addition to the processing
22 fee. All assessments, which are not paid within sixty (60)
23 days, shall also bear interest from the date payment was due
24 at the coupon issue yield (as published by the Federal
25 Reserve Bank of San Francisco) of the average bill rate for
26 twenty-six week treasury bills as determined at the first
27 bill market action conducted during the preceding calendar
28 month. The director is authorized to bring an action to

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collect any unpaid assessments in the Seattle Municipal Court as a civil action, or in the discretion of the Director, in the Seattle District Court.

Section 12. Contract For Program Management. The Director is authorized and directed to contract with the Capitol Hill Chamber of Commerce or a suitable substitute as recommended by the Ratepayers Advisory Group or to administer all the projects and activities. If the Director contracts with the Chamber for payment for managing and administering projects and activities on a cost-reimbursement basis with an allowance for overhead and management, the contract with the Chamber shall be classified as an arrangement under SMC Section 20.46.110C; the Chamber shall make a good faith effort to equitably utilize the services of women's and minority business enterprises and shall report on its efforts to the Director and the mandatory set-asides of SMC 20.46.090 shall not apply.

Section 13. Rate Changes. Any change in the assessment rate shall only be made by ordinance and as authorized in RCW 35.87A.130-.140. No increase shall occur in the assessment rate unless recommended by the Ratepayers Advisory Group.

To prevent reduction in services due to inflation in prices the City may from time to time, upon the recommendation of the Ratepayers Advisory Group and by ordinance, increase or reduce assessment rates, to reflect changes in the purchasing power of money, as measured by Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) published by the United States, Department of

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Labor, Bureau of Labor Statistics or a suitable comparable index recommended by the Ratepayers Advisory Group.

Section 14. Notices. Notices of assessment, installment payment, or delinquency, and all other notices contemplated by this ordinance may be sent by ordinary mail or delivered by the City to the address shown on the records of the Director of Community Development, and, if no address is shown there, to the address shown on the records of the City maintained for business or utility tax purposes under Seattle Municipal Code Chapters 5.44 and 5.48. Failure of the ratepayer to receive any mailed notice shall not release the ratepayer from the duty to pay the assessment, or except as authorized by Section 9(b), from payment on the due date and any delinquency charges.

Section 15. Disputes. Any ratepayer, aggrieved by the amount of an assessment or delinquency charge, may, on request, obtain a meeting with the Director or senior assistant, designated by the Director to act on his or her behalf; and, if not satisfied, the ratepayer may appeal the matter to the City's Hearing Examiner in the manner provided for a contested case under the City's Administrative Code, Seattle Municipal Code Chapter 3.02.

Section 16. Interim Appropriation. To provide for expenditures authorized in Section 3 as recommended by the Mayor and the Director of Community Development, the sum of Thirty Thousand Dollars (\$30,000), or so much thereof as may be necessary is hereby appropriated from the General Fund, to be reimbursed unless the City's 1987 Budget provides

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otherwise from the Business Improvement Area Fund with revenues from special assessments no later than December 31, 1987. Upon vouchers drawn by the Director of Community Development, the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants, and to make the appropriate transfers.

Section 17. Commencement of Assessments. Assessment shall commence as of September 1, 1986.

Section 18. Ratification and Confirmation. The making of contracts and expenditures, and the sending of assessment notices pursuant to the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

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(To be used for all Ordinances except Emergency.)

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Section..... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the..... day of....., 19,
and signed by me in open session in authentication of its passage this..... day of
....., 19

President..... of the City Council.

Approved by me this..... day of....., 19

Mayor.

Filed by me this..... day of....., 19

Attest:.....
City Comptroller and City Clerk.

(SEAL)

Published.....
By.....
Deputy Clerk.

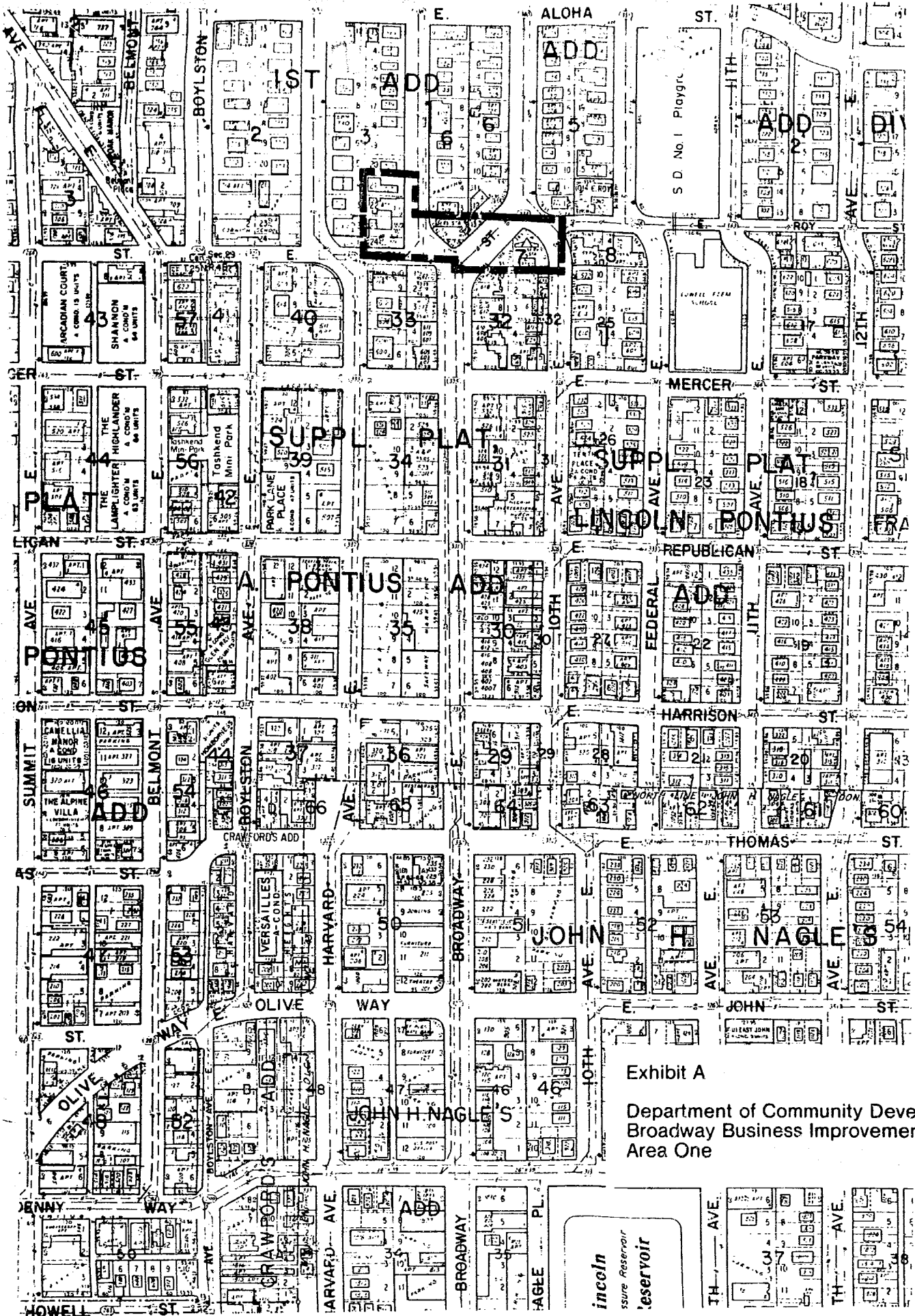


Exhibit A

Department of Community Development
 Broadway Business Improvement Area
 Area One

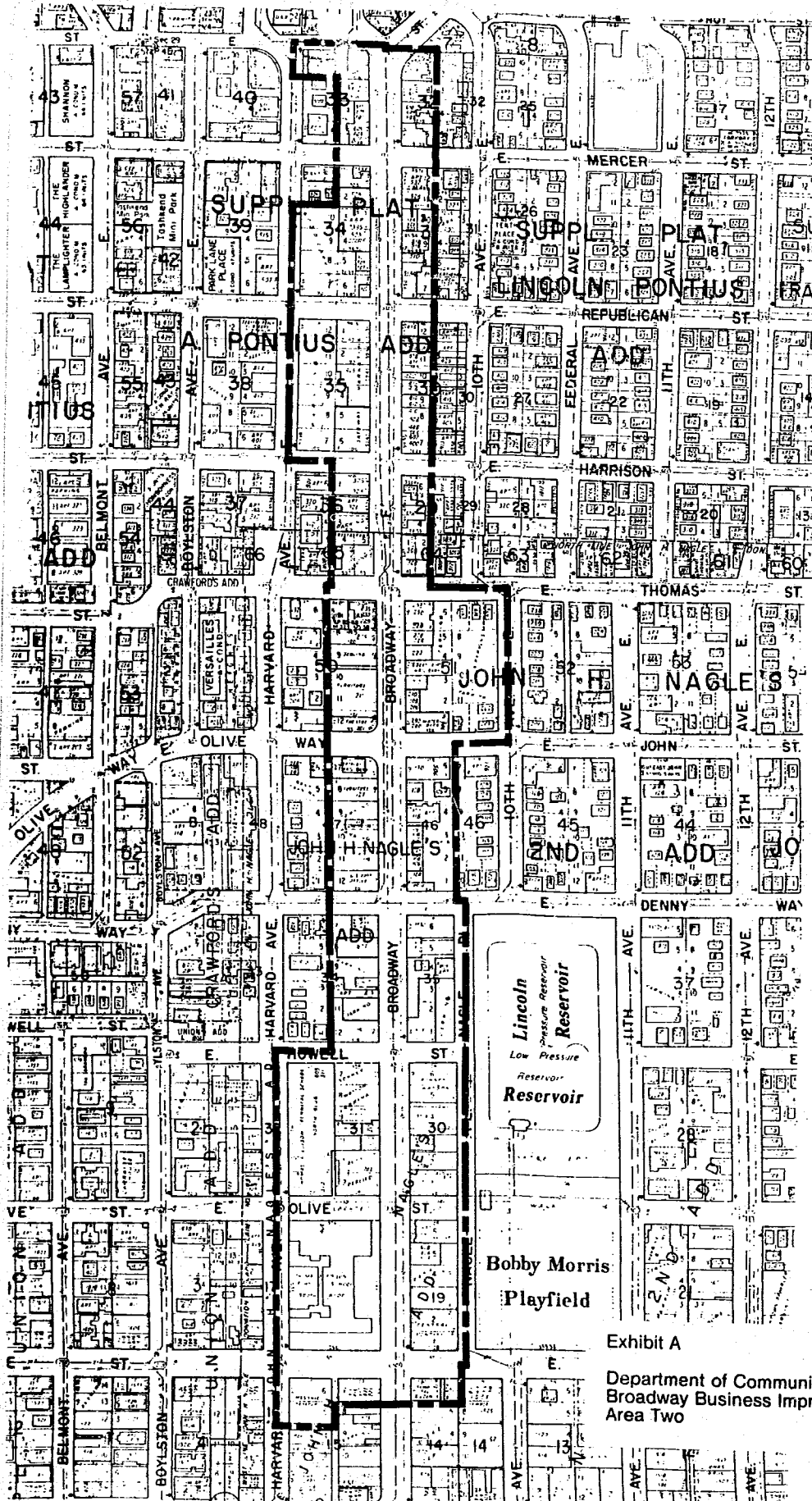


Exhibit A

Department of Community Development
 Broadway Business Improvement Area
 Area Two

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**Your
City,
Seattle**

Memorandum



CS 25.3

To City Clerk's Office From Alan Osaki
Date 9-17-86 Subject Capitol Hill PBIA (ord 113029)

Please add the attached letter to the Capitol Hill PBIA file. Thank you.

A0:jn
Attachment

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HOLIDAY HOUSE
TRAVEL SERVICE

201 HARVARD AVENUE EAST
SEATTLE, WASHINGTON 98102-1189
322-3510

August 22, 1986

Councilwoman Dolores Sibonga
Municipal Building
Seattle, Washington 98104

Dear Ms. Sibonga;

You, and I, have heard the arguments pro and con, but the pros have it. I enthusiastically request your support for the Broadway Business Improvement District.

08

Cordially,

Richard Blount
(R.K.)

Richard Blount
Owner
Holiday House Cruise and Travel

RB/jk

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1986 SEP 17 PM 3:08
COMPTROLLER AND CITY CLERK
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AUG 25 REC'D

DOLORES SIBONGA
SEATTLE CITY COUNCIL MEMBER

City of Seattle

Executive Department-Office of Management and Budget

Gary Zarker, Director

Charles Royer, Mayor

August 1, 1986



OK
[Signature]
Aug 9, 1986

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING

DEPARTMENT: Community Development

SUBJECT: An ordinance establishing a Capitol Hill Business Improvement Area; providing for the levy of special assessments upon business within the area, the deposit of revenues in a special fund, and expenditures therefrom; providing for an implementing agreement; and making a reimbursable appropriation therefor.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

- (X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.
- () Do not file with City Council, but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

by

[Signature]

JIM RITCH
Acting Budget Director

JR/sw/da

Enclosure

cc: DCD, Director

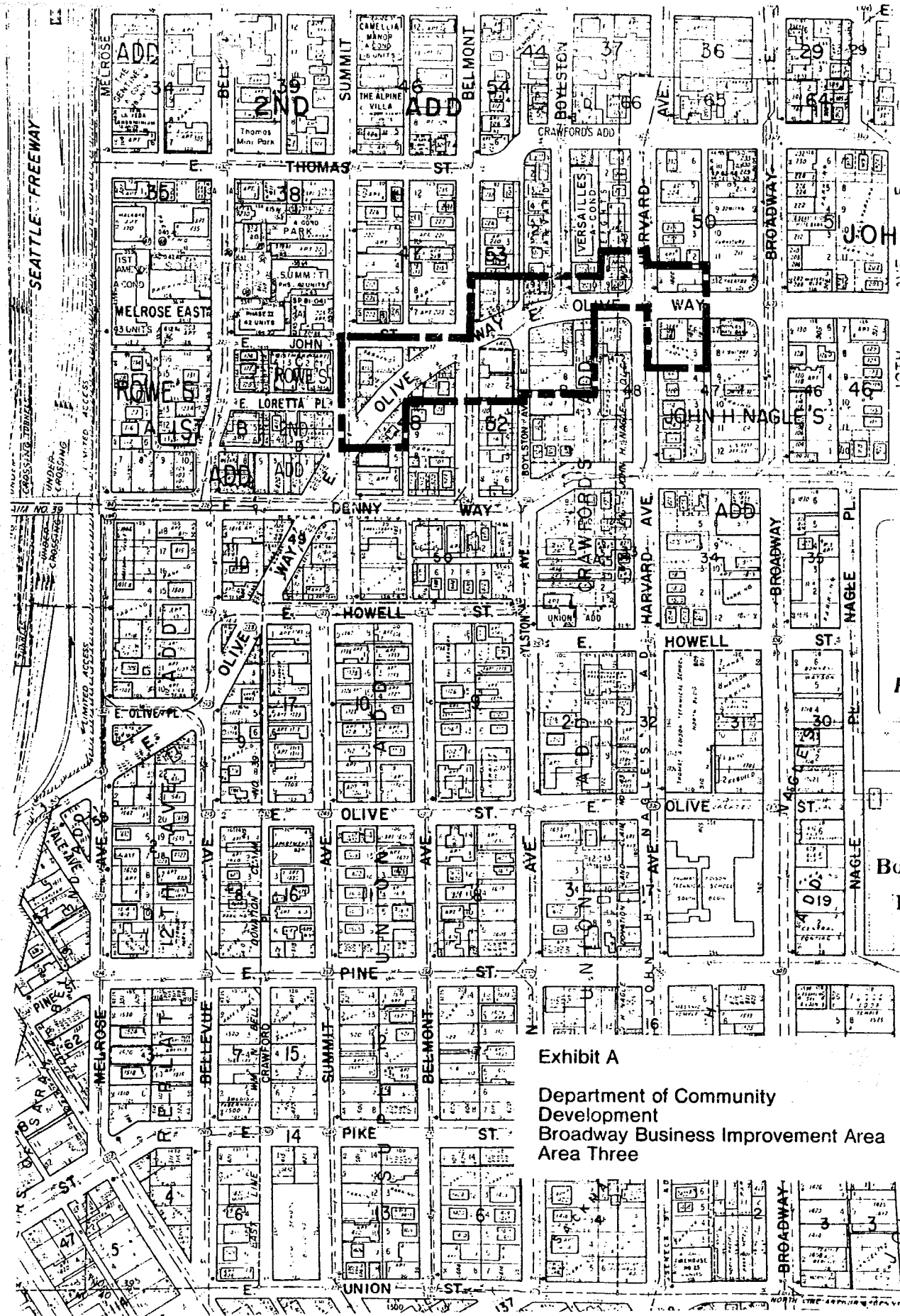


Exhibit A
 Department of Community
 Development
 Broadway Business Improvement Area
 Area Three

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Your
Seattle
Community Development



David Moseley, Director
Charles Royer, Mayor

August 1, 1986

The Honorable Sam Smith, President
Seattle City Council
Seattle, Washington 98104

VIA: Jim Ritch, Acting Director, OMB

Dear Councilmember Smith:

The Capitol Hill Chamber of Commerce has presented us with sufficient signatures on their petition requesting that the City create a Business Improvement Area (BIA) district for the Broadway neighborhood business district as authorized by RCW 35.87A. I have attached a copy of the ordinance requesting the creation of the BIA district and the original copy of the petition.

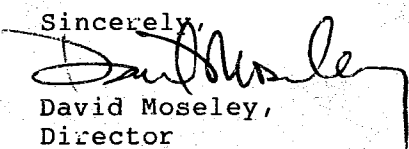
The boundaries for the proposed BIA district include portions of Broadway Avenue East, East Olive Way, and East Roy Street. The purpose of the district is to assist and improve trade and the general economic climate of the area through services and programs such as: litter removal, landscaping, security, marketing, and promotional events.

Assessments would be levied against the gross income of the business as reported for City Business and Occupation or Utility Tax purposes. Financial institutions, banks, and the Seattle Central Community College would pay the maximum annual rate.

Assessments will range from a minimum annual assessment of \$50.00 to a maximum annual assessment of \$1,250. The projected annual income for 1986 is \$64,890.

A resolution, under separate cover, has been filed requesting that the City Council hold a hearing to consider the creation of the BIA district. This hearing is scheduled for August 7, 1986 before the City Council Finance Committee. If you should have any questions, please do not hesitate to contact Norris Bacho at extension 5449.

Sincerely,


David Moseley,
Director

DM:nbb

Attachment

An equal employment opportunity - affirmative action employer.

Yesler Bldg., 400 Yesler Way, Seattle, Washington 98104-2696 (206) 625-4537

REQUEST FOR LEGISLATION

1. Statement of Program Objectives.

This legislation authorizes the creation of a Business Improvement Area (BIA) special assessment district for the Broadway neighborhood business district as authorized by RCW 35.87A. The boundaries for the proposed BIA district include portions of Broadway Avenue East, East Olive Way, and East Roy Street. The purpose of the district is to assist and improve trade and the general economic climate of the area through services and programs such as: litter removal, landscaping, security, marketing, and promotional events.

Assessments would be levied against the gross income of the business as reported for City Business and Occupation or Utility Tax purposes. Financial institutions, banks, and the Seattle Central Community College would pay the maximum annual rate. The assessment rate is \$1.25 per \$1,000 of gross income. Assessments will range from a minimum annual assessment of \$50.00 to a maximum annual assessment of \$1,250. The projected annual income for 1986 is \$64,890.

2. Dollar Amount Requested.

The legislation requests that an interim appropriation of \$30,000 be appropriated from the General Fund for start-up costs. This would be reimbursed within one year from assessment district revenue. A similar provision was provided for in the ordinance creating the Pioneer Square BIA.

Furthermore, funds are needed to finance additional staff activities related to managing ratepayer accounts. An ordinance requesting an allocation from the Emergency Fund for a new position and computer peripheral equipment is being prepared and will be forwarded to the City Council under separate cover.

3. Fund Source.

See response to item # 2.

4. Program Commitment.

The passage of this ordinance will constitute an ongoing commitment to manage the Broadway BIA program.

5. New Positions.

See response to item # 2.

6. Facilities or Equipment Required.

See response to item # 2.

Request for Legislation
Page two

7. Program Evaluation Criteria.

DCD will enter into an agency service agreement with the Capitol Hill Chamber of Commerce or a suitable substitute program manager. A work program and budget will be developed and incorporated into the agency service agreement. An evaluation of this program will be prepared in March, 1987.

8. Alternative Funding.

There is no appropriate funding alternative available.

NB:nb

EXHIBIT A

Area One

Boundaries

(In a street or alley, the boundary is the centerline of the right-of-way)

East: 10th Avenue East between East Roy Street and a line extending from the southern lot line of lot 2, Block 3, S. B. Yesler's 1st Addition, to the center of the right-of-way on 10th Avenue East.

West: The western lot line of lots 21, 22, 23, and 24, Block 3, S. B. Yesler's 1st Addition, and continuing from lot 24, Block 3, S. B. Yesler's 1st Addition to the center of the right-of-way on East Roy Street.

North: The northern lot line of lot 21, Block 7, S. B. Yesler's 1st Addition and a line extending from the northern lot line of lot 21, Block 7, S. B. Yesler's 1st Addition to the center of the right-of-way on Broadway Avenue East and;

Continuing southward along the center of the right-of-way on Broadway Avenue East for approximately 100 feet to a line extending from the northern lot line of lot 2, Block 6, S. B. Yesler's 1st Addition and;

Continuing along the northern lot line of lots 2 and 13, Block 6, S. B. Yesler's 1st Addition, and extending to the center of the right-of-way on 10th Avenue East.

South: East Roy Street between the center of the right-of-way of Harvard Avenue East and extending to the northern lot line of lot 10, Block 32, Supplemental Plat, A. Pontius Addition.



Exhibit A
 Department of Community Development
 Broadway Business Improvement Area
 Area One

PETITION FOR ESTABLISHING A
BUSINESS IMPROVEMENT AREA FOR
CAPITOL HILL

TO THE CITY COUNCIL OF THE CITY OF SEATTLE:

We, the owners/operators of businesses located within the proposed area, hereby petition the City of Seattle to establish a Capitol Hill Business Improvement Area as authorized by RCW Chapter 35.87A within the district shown, and the boundaries described, on Exhibit "A". To assist trade and the general economic climate of our business area, the City would levy special assessments upon businesses within the area; deposit the funds in a Special City Fund; and expend them only for activities that benefit our area, as outlined in the following paragraphs:

1. The City would levy special assessments by applying the following rates against "the gross proceeds of sales" or "the gross income of the business" as reported for City Business and Occupation or Utility tax purposes, unless otherwise specified:

All businesses, unless exempted, and with the exception of banks, savings and loan, or other financial lending institutions, shall pay \$1.25 per \$1,000 annually.

All banks, saving and loan, or other financial lending institutions shall pay a flat rate of \$1,250 annually.

Seattle Central Community College shall pay a flat rate of \$1,250 annually.

2. The total assessment upon any business within the area shall not exceed \$1,250 per year. The minimum assessment upon any business shall be \$50.00 per year.

3. The following activities would be exempt:

Organizations qualified for charitable contributions under the United States Internal Revenue Code (26 USC § 170 (c)); governmental agencies unless otherwise specified; and sponsors of, and concessionaires at public events, vendors or entertainers in area streets and parks, who engage in business in the area less than 30 days per year.

4. Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A such as decorating public places (such as planting flowers, street banners, and other activities that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive.

5. The Capitol Hill Chamber of Commerce BIA Ratepayer Advisory Committee will advise the City of Seattle and its agents on how assessment proceeds shall be spent.

NAME TITLE

W. H. ...

BUSINESS

Service Station

ADDRESS

700 Broadway

4. Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A such as decorating public places (such as planting flowers, street banners, and other activities that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive.

5. The Capitol Hill Chamber of Commerce BIA Ratepayer Advisory Committee will advise the City of Seattle and its agents on how assessment proceeds shall be spent.

NAME, TITLE

BUSINESS

ADDRESS

Dan Geyon

Excess

701 Broadway E

4. Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A such as decorating public places (such as planting flowers, street banners, and other activities that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive.

5. The Capitol Hill Chamber of Commerce BIA Ratepayer Advisory Committee will advise the City of Seattle and its agents on how assessment proceeds shall be spent.

<u>NAME, TITLE</u>	<u>BUSINESS</u>	<u>ADDRESS</u>
THIERRY Daniele Secretary Treasurer	THIERRY'S FRENCH BAKERY, INC.	810 East Roy SEATTLE WA 98102 329. 98.35.

4. Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A such as decorating public places (such as planting flowers, street banners, and other activities that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive.

5. The Capitol Hill Chamber of Commerce BIA Ratepayer Advisory Committee will advise the City of Seattle and its agents on how assessment proceeds shall be spent.

<u>NAME, TITLE</u>	<u>BUSINESS</u>	<u>ADDRESS</u>
Daniel Li Ward operator/owner	House of Edward	808 E Roy

4. Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A such as decorating public places (such as planting flowers, street banners, and other activities that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive.

5. The Capitol Hill Chamber of Commerce BIA Ratepayer Advisory Committee will advise the City of Seattle and its agents on how assessment proceeds shall be spent.

<u>NAME, TITLE</u>	<u>BUSINESS</u>	<u>ADDRESS</u>
<i>John Giacometti - owner</i>	<i>Antiques</i>	<i>713 Broadway East.</i>

4. Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A such as decorating public places (such as planting flowers, street banners, and other activities that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive.

5. The Capitol Hill Chamber of Commerce BIA Ratepayer Advisory Committee will advise the City of Seattle and its agents on how assessment proceeds shall be spent.

<u>NAME, TITLE</u>	<u>BUSINESS</u>	<u>ADDRESS</u>
Nelson A. Furman	Nonparal	705 Broadway E

EXHIBIT A

Area Two

Boundaries

(In a street or alley, the boundary is the centerline of the right-of-way)

East: The eastern lot line of lots 6, 7, 8, 9 and 10, Block 32, Supplemental Plat, A. Pontius Addition; extending to the eastern lot line of lots 7, 8, 9, 10, 11 and 12, Block 31, Supplemental Plat, A. Pontius Addition; extending to the eastern lot line of lots 7, 8, 9, 10, 11 and 12, Block 30, Supplemental Plat, A. Pontius Addition; extending to the eastern lot line of lots 4, 5 and 6, Block 29, Supplemental Plat, A. Pontius Addition; and extending to the eastern lot line of lot 2, Block 64, John H. Nagle's 2nd Addition and;

Continuing to the center of the right-of-way of East Thomas Street, and extending eastward to the center of the right-of-way of 10th Avenue East and;

Continuing along the center of the right-of-way of 10th Avenue East between East Thomas Street and East John Street, and extending westward along the center of the right-of-way of East John Street to a line extending from lot 6, Block 46, John H. Nagle's Addition and;

Continuing along the eastern lot line of lots 1, 2, 3, 4, 5 and 6, Block 46, John H. Nagle's Addition, and extending to the center of the right-of-way of East Denny Way and;

Continuing along the center of the right-of-way of Nagle Place between East Denny Way and East Pine Street and continuing to the eastern boundary of lot 6, John H. Nagle's 2nd Addition.

West: The center of the right-of-way along East Harvard Avenue between East Roy Street and a line extending from the southern lot line of lot 9, Block 33, Supplemental Plat, A. Pontius Addition; and continuing along the southern lot line of lot 9, Block 33, Supplemental Plat, A. Pontius Addition to its eastern lot line boundary and;

Continuing along the eastern lot line of lots 6, 7 and 8, Block 33, Supplemental Plat, A. Pontius Addition, and extending to the eastern lot line of lots 11 and 12, Block 34, Supplemental Plat, A. Pontius Addition; and continuing along the southern lot line of lot 11, Block 34, Supplemental Plat, A. Pontius Addition, and continuing to the center of the right-of-way of Harvard Avenue East; and continuing along the center of the right-of-way along Harvard Avenue East to East Harrison Street and;

Exhibit A
Area Two
Boundaries
Page Two

Continuing along the center of the right-of-way along East Harrison Street between Harvard Avenue East and a line extending from lot 6, Block 36, Supplemental Plat, A. Pontius Addition and;

Continuing along the eastern lot line of lots 4, 5 and 6, Block 36, Supplemental Plat, A. Pontius Addition; and continuing along the eastern lot line of lot 3, Block 65, John H. Nagle's Addition; and extending to the eastern lot line of lot 6, Block 50, John H. Nagle's Addition and;

Continuing along the eastern lot line of of lots 1, 2, 3, 4, 5 and 6, Block 50, John H. Nagle's Addition; and extending to the eastern lot line of lots 1, 2, 3, 4, 5 and 6, Block 47, John H. Nagle's Addition; and extending to the eastern lot line of 1, 2, 3, 4, 5 and 6, Block 34, John H. Nagle's Addition; and extending to the center line of the right-of-way of East Howell Street and;

Continuing along the center of the right-of-way of East Howell Street between a line extending from the eastern lot line of lot 1, Block 34, John H. Nagle's Addition and the center of the right-of-way of Harvard Avenue East and;

Continuing along the center of the right-of-way of Harvard Avenue East between East Howell Street and a line extending from the southern lot line of lot 5, Block 15, John H. Nagle's Addition.

North: East Roy Street between the center of the right-of-way of Harvard Avenue East and extending to the northern lot line of lot 10, Block 32, Supplemental Plat, A. Pontius Addition.

South: The center of the right-of-way of Harvard Avenue East extending to the southern lot line of lot 5, Block 15, John H. Nagle's Addition; and continuing along the southern lot line of lot 5, Block 15, John H. Nagle's Addition; and continuing along the alley way on Block 15, John H. Nagle's addition and extending to the southern lot line of lot 7, Block 15, John H. Nagle's Addition and;

Continuing along the southern lot line of lot 7, Block 15, John H. Nagle's Addition; and extending to the southern lot line of lot 6, Block 14, John H. Nagle's Addition.

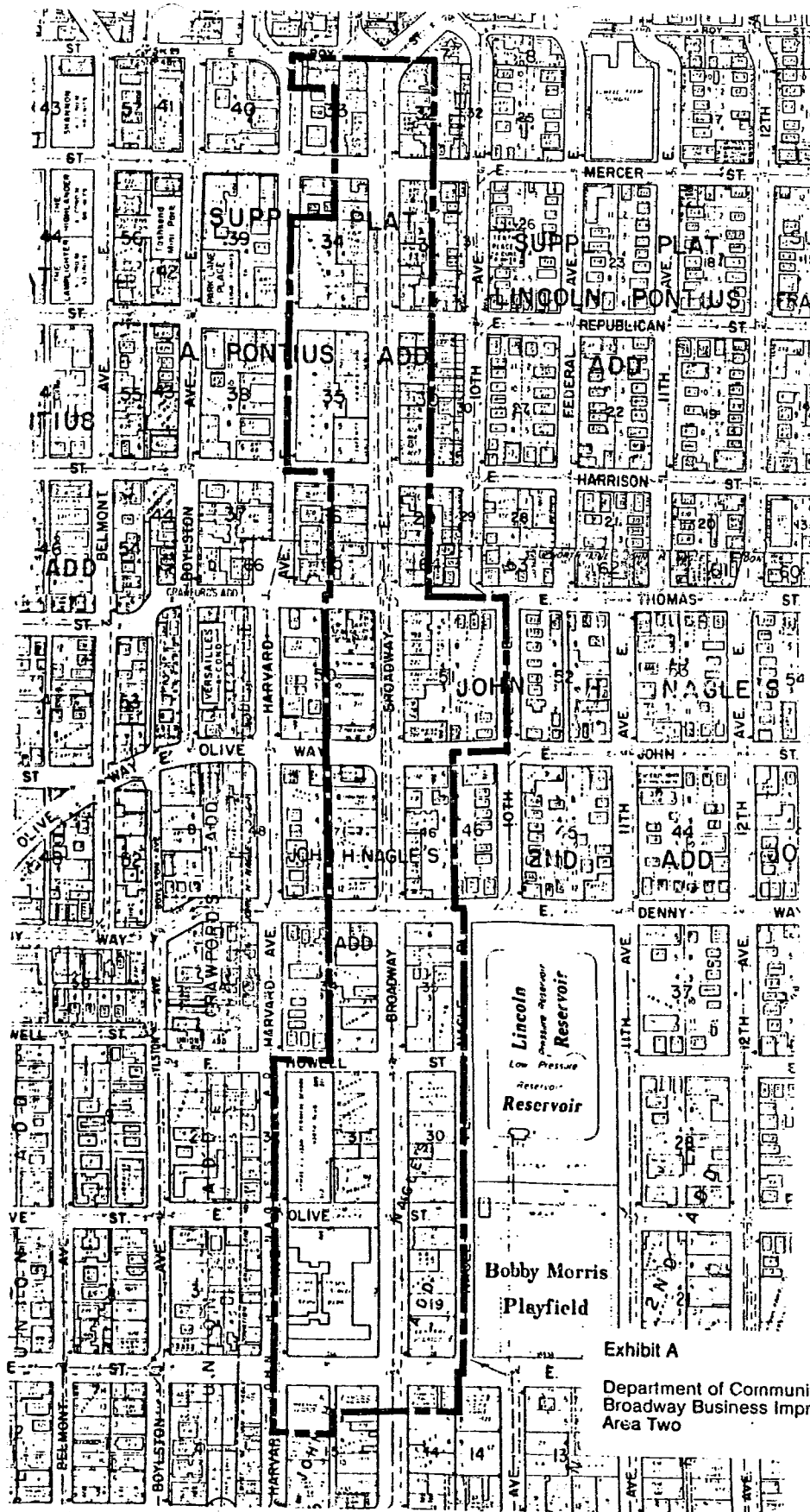


Exhibit A

Department of Community Development
Broadway Business Improvement Area
Area Two

PETITION FOR ESTABLISHING A
BUSINESS IMPROVEMENT AREA FOR
CAPITOL HILL

TO THE CITY COUNCIL OF THE CITY OF SEATTLE:

We, the owners/operators of businesses located within the proposed area, hereby petition the City of Seattle to establish a Capitol Hill Business Improvement Area as authorized by RCW Chapter 35.87A within the district shown, and the boundaries described, on Exhibit "A". To assist trade and the general economic climate of our business area, the City would levy special assessments upon businesses within the area; deposit the funds in a Special City Fund; and expend them only for activities that benefit our area, as outlined in the following paragraphs:

1. The City would levy special assessments by applying the following rates against "the gross proceeds of sales" or "the gross income of the business" as reported for City Business and Occupation or Utility tax purposes, unless otherwise specified:

All businesses, unless exempted, and with the exception of banks, savings and loan, or other financial lending institutions, shall pay \$1.25 per \$1,000 annually.

All banks, saving and loan, or other financial lending institutions shall pay a flat rate of \$1,250 annually.

Seattle Central Community College shall pay a flat rate of \$1,250 annually.

2. The total assessment upon any business within the area shall not exceed \$1,250 per year. The minimum assessment upon any business shall be \$50.00 per year.

3. The following activities would be exempt:

Organizations qualified for charitable contributions under the United States Internal Revenue Code (26 USC § 170 (c)); governmental agencies unless otherwise specified; and sponsors of, and concessionaires at public events, vendors or entertainers in area streets and parks, who engage in business in the area less than 30 days per year.

4. Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A such as decorating public places (such as planting flowers, street banners, and other activities that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive.

5. The Capitol Hill Chamber of Commerce BIA Ratepayer Advisory Committee will advise the City of Seattle and its agents on how assessment proceeds shall be spent.

<u>NAME, TITLE</u>	<u>BUSINESS</u>	<u>ADDRESS</u>
Greg Bennett owner/franchisee	7-11 store	327 Broadway E

4. Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A such as decorating public places (such as planting flowers, street banners, and other activities that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive.

5. The Capitol Hill Chamber of Commerce BIA Ratepayer Advisory Committee will advise the City of Seattle and its agents on how assessment proceeds shall be spent.

<u>NAME, TITLE</u>	<u>BUSINESS</u>	<u>ADDRESS</u>
<i>Marion Richards</i> <i>Haute Design Inc</i>	<i>Beauty</i> <i>Salon</i>	<i>624 Broadway</i> <i>98102</i>

NOTICE: IF THE DOCUMENT IN THIS FOLDER IS RECORDED, IT IS DUE TO THE QUALITY OF THE DOCUMENT.

City of Seattle
ORDINANCE 113929

AN ORDINANCE establishing a Capitol Hill Business Improvement Area; providing for the levy of special assessments upon business within the area; the deposit of revenues in a special account, and expenditures therefrom; providing for an implementing agreement; and making a reimbursable appropriation therefor.

WHEREAS, the owners and/or operators of businesses subject to sixty percent or more of the special assessments levied by this ordinance filed a petition with The City of Seattle to establish a Business Improvement Area pursuant to RCW Chapter 35.87A, which is filed in C.F. _____, and pursuant thereto, the City Council adopted Resolution, entitled "_____";

WHEREAS, the Capitol Hill Business Improvement Area (BIA) established herein is for the purpose of enabling businesses within the Area to enhance conditions for the operation of those businesses. The budget of the BIA shall be dedicated to activities in addition to basic services provided by the City of Seattle. Services provided by the City of Seattle shall not be reduced because of BIA activities and shall at all times be maintained at or above a level consistent with services provided to comparable business areas within the city.

WHEREAS, as provided by Resolution _____, the City Council held a public hearing thereon on _____ at _____ a.m./p.m. in the City Council Chambers, 11th Floor, Seattle Municipal Building, Seattle. At the conclusion of the hearing, the City Council voted to establish the area as proposed in the petition. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. District Established. As authorized by RCW Chapter 35.87A, there is hereby established a Capitol Hill Business Improvement Area within the boundaries described below and as shown on the map attached as Exhibit "A". (When a street or alley is named, the area boundary is the centerline of the right-of-way. The District shall have two areas as follows:

Area One

East: 10th Avenue East between East Roy Street and a line extending from the southern lot line of lot 2, Block 3, S. B. Yealer's 1st Addition, to the center of the right-of-way on 10th Avenue East.

West: The western lot line of lots 21, 22, 23, and 24, Block 3, S. B. Yealer's 1st Addition, and continuing from lot 24, Block 3, S. B. Yealer's 1st Addition to the center of the right-of-way on East Roy Street.

North: The northern lot line of lot 21, Block 7, S. B. Yealer's 1st Addition and a line extending from the northern lot line of lot 21, Block 7, S. B. Yealer's 1st Addition to the center of the right-of-way on Broadway Avenue East and;

Continuing southward along the center of the right-of-way on Broadway Avenue East for approximately 100 feet to a line extending from the northern lot line of lot 2, Block 6, S. B. Yealer's 1st Addition and;

Continuing along the northern lot line of lots 2 and 13, Block 6, S. B. Yealer's 1st Addition, and extending to the center of the right-of-way on 10th Avenue East.

South: East Roy Street between the center of the right-of-way of Harvard Avenue East and extending to the northern lot line of lot 10, Block 32, Supplemental Plat. A. Pontius Addition.

Area Two

East: The eastern lot line of Lots 6, 7, 8, 9 and 10, Block 32, Supplemental Plat. A. Pontius Addition; extending to the eastern lot line of Lots 7, 8, 9, 10, 11 and 12, Block 31, Supplemental Plat. A. Pontius Addition; extending to the eastern lot line of Lots 7, 8, 9, 10, 11 and 12, Block 30, Supplemental Plat. A. Pontius Addition; extending to the eastern lot line of Lots 4, 5 and 6, Block 29, Supplemental Plat. A. Pontius Addition; and extending to the eastern lot line of Lot 2, Block 64, John H. Nagle's 2nd Addition and;

Continuing to the center of the right-of-way of East Thomas Street, and extending eastward to the center of the right-of-way of 10th Avenue East and;

Continuing along the center of the right-of-way of 10th Avenue East between East Thomas Street and East John Street, and extending westward along the center of the right-of-way of East John Street to a line extending from Lot 6, Block 46, John H. Nagle's Addition and;

Continuing along the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 46, John H. Nagle's Addition, and extending to the center of the right-of-way of East Denny Way and;

Continuing along the center of the right-of-way of Nagle Place between East Denny Way and East John Street and continuing to the eastern boundary of Lot 6, John H. Nagle's 2nd Addition.

West: The center of the right-of-way along East Harvard

(b) All banks, saving and loan, or other financial lending institutions shall pay a flat rate of \$1,250 annually.

(c) Seattle Central Community College shall pay a flat rate of \$1,250 annually.

2) The total assessment upon any single business site within the area shall not initially exceed \$1,250.00 (One thousand two hundred fifty dollars) annually. A minimum assessment of \$50.00 (fifty dollars) will be applied to every business within the boundaries.

Section 3. Exemptions. No special assessments shall be levied upon and collected from:

- (1) Organizations, qualified for charitable contribution under the United States Internal Revenue Code (26 USC 170(c));
- (2) Sponsors of public events and concessionaires, and vendors or entertainers, who engage in business activities in the Area for less than 30 days in aggregate per year;
- (3) Governmental agencies unless otherwise specified; and
- (4) Newsstands in street right-of-way.

Section 4. Collection Schedule. Insofar as consistent with this ordinance and RCW Chapter 35.87A, special assessments shall be collected on a quarterly basis or in such a manner deemed appropriate by the Director of Community Development.

Section 5. Deposit of Revenues. There is hereby established in the City Treasurer's Business Improvement Area Fund, a separate account designated the Capitol Hill Business Improvement Area Account (called "the Account"). The following moneys shall be deposited in the Account:

- (a) All revenues from special assessments levied under this ordinance;
- (b) All income to the City from public events financed with special assessments;
- (c) Gifts and donations for the Account;
- (d) Interest and all other income from the investment of Account deposits; and
- (e) Restitution moneys for expenditures made from the Account and reimbursements due to the Account.

Section 6. Expenditures. Expenditures from the Account shall be made upon vouchers drawn by the Director of Community Development and shall be used exclusively for the statutory purposes in RCW 35.87A.010(1)(b)-(f), each as more fully explained in Section 0 and the petition to establish the area (C.F. _____).

"Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A (such as decorating public places that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities); promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities); and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive."

Section 7. Programs. Special Assessment Revenues shall be used for the following types of programs and services:

- (1) Decorating and beautifying public places;
- (2) Sponsoring and promoting public events which are to take place on or in public places;
- (3) Advertising and promoting retail trade activities;

Section 9. Administration. The Director of Community Development shall administer the program for the City with authority to:

- (a) Classify ratepayers within the types of use under Section 2; and resolve ambiguities in the application of rates.
- (b) Collect the special assessments; refund special assessments when overpaid or paid for the same area by more than one ratepayer; and extend the deadline for payment and/or waive delinquency charges and interest whenever the delinquency is a result of a failure by the City to provide a statement of the amount due or non-payment results from extenuating circumstances beyond the ratepayer's control, such as a casualty loss causing premature closure of the business or bankruptcy.
- (c) Determine and apply the interest rate for late payments contemplated by Section 11.
- (d) Establish a schedule of proportionate payments for new ratepayers first becoming subject to the assessment.
- (e) Subject to advice and direction of the Ratepayers Advisory Group, execute an annual program management contract with the Capitol Hill Chamber of Commerce or a suitable substitute program manager.
- (f) After consultation and with the advice of the BIA Ratepayers Advisory Group, take such other actions as necessary and appropriate to carry out the program with special assessments; and
- (g) Under the City administrative Code (SMC Chapter 3.02) adopt, publish, and enforce rules, consistent with this ordinance, for carrying out its provisions.

The city's contract with the Capitol Hill Chamber of Commerce or its suitable substitute program manager shall provide for the establishment by the Chamber or its program manager of a Ratepayers Advisory Group, which shall contain members representative of the classifications subject to assessment. The manager shall function under the direction of the Ratepayers Advisory Group.

Section 10. Annual Budget. After consultation with the Ratepayers Advisory Group, the Director shall submit to the Budget Director on or before March 31st of each year a statement of the projects and activities to be conducted during the ensuing fiscal year; the proposed program budget; and a statement of the assessment rates and business classifications requested for financing the proposed budget. A summary of the comments and recommendations received during such consultations shall accompany the Director's submission to the City Budget Director, and the Mayor's recommended budget to the City Council.

Section 11. Delinquent Payments. If an assessment has not been paid within thirty (30) days after its due date and the ratepayer had been making prompt payment in the past, the Director shall send a reminder notice and add a five dollar (\$5) processing fee. However, if (a) the assessment is not paid within sixty (60) days after its due date or (b) the assessment was not paid within thirty (30) days and the ratepayer has been late on one of the previous two payments, a delinquency charge shall be added in the amount of ten percent (10%) of the assessment in addition to the processing fee. All assessments, which are not paid within sixty (60) days, shall also bear interest from the date payment was due at the coupon issue yield (as published by the Federal

Continuing along the center of the right-of-way of 10th Avenue East between East Thomas Street and East John Street, and extending westward along the center of the right-of-way of East John Street to a line extending from Lot 6, Block 46, John H. Nagle's Addition and;

Continuing along the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 46, John H. Nagle's Addition, and extending to the center of the right-of-way of East Denny Way and;

Continuing along the center of the right-of-way of Nagle Place between East Denny Way and East Pine Street and continuing to the eastern boundary of Lot 6, John H. Nagle's 2nd Addition.

West: The center of the right-of-way along East Harvard Avenue between East Roy Street and a line extending from the southern lot line of Lot 9, Block 33, Supplemental Plat, A. Pontius Addition; and continuing along the southern lot line of Lot 9, Block 33, Supplemental Plat, A. Pontius Addition to its eastern lot line boundary and;

Continuing along the eastern lot line of Lots 6, 7 and 8, Block 33, Supplemental Plat, A. Pontius Addition, and extending to the eastern lot line of Lots 11 and 12, Block 34, Supplemental Plat, A. Pontius Addition; and continuing along the southern lot line of Lot 11, Block 34, Supplemental Plat, A. Pontius Addition, and continuing to the center of the right-of-way of Harvard Avenue East; and continuing along the center of the right-of-way along Harvard Avenue East to East Harrison Street and;

Continuing along the center of the right-of-way along East Harrison Street between Harvard Avenue East and a line extending from Lot 6, Block 36, Supplemental Plat, A. Pontius Addition and;

Continuing along the eastern lot line of Lots 4, 5 and 6, Block 36, Supplemental Plat, A. Pontius Addition; and continuing along the eastern lot line of Lot 3, Block 65, John H. Nagle's Addition; and extending to the eastern lot line of Lot 6, Block 50, John H. Nagle's Addition and;

Continuing along the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 50, John H. Nagle's Addition; and extending to the eastern lot line of Lots 1, 2, 3, 4, 5 and 6, Block 47, John H. Nagle's Addition; and extending to the eastern lot line of Lot 1, 2, 3, 4, 5 and 6, Block 34, John H. Nagle's Addition; and extending to the center line of the right-of-way of East Howell Street and;

Continuing along the center of the right-of-way of East Howell Street between a line extending from the eastern lot line of Lot 1, Block 34, John H. Nagle's Addition and the center of the right-of-way of Harvard Avenue East and;

Continuing along the center of the right-of-way of Harvard Avenue East between East Howell Street and a line extending from the southern lot line of Lot 5, Block 15, John H. Nagle's Addition.

North: East Roy Street between the center of the right-of-way of Harvard Avenue East and extending to the northern lot line of Lot 10, Block 32, Supplemental Plat, A. Pontius Addition.

South: The center of the right-of-way of Harvard Avenue East extending to the southern lot line of Lot 5, Block 15, John H. Nagle's Addition; and continuing along the southern lot line of Lot 5, Block 15, John H. Nagle's

Addition; and continuing along the alley way on Block 15, John H. Nagle's Addition and extending to the southern lot line of Lot 7, Block 15, John H. Nagle's Addition and;

Continuing along the southern lot line of Lot 7, Block 15, John H. Nagle's Addition; and extending to the southern lot line of Lot 6, Block 14, John H. Nagle's Addition.

Section 2. Levy of Special Assessments. To finance the activities authorized in Section 8, there is levied and shall be collected a special assessment upon the businesses in the area, determined as follows:

12) The City will levy special assessments for the purpose of operating a Business Improvement Area Program by applying the following rates against "the gross proceeds of the sales" or "the gross income of the business" as reported for City Business and Occupation or Utility Tax purposes, unless otherwise specified:

(a) All businesses, unless exempted, and with the exception of banks, savings and loan, or other financial lending institutions, shall pay \$1.25 per \$1,000 annually.

services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive."

Section 7. Programs. Special Assessment Revenues shall be used for the following types of programs and services:

- (1) Decorating and beautifying public places;
- (2) Sponsoring and promoting public events which are to take place on or in public places;
- (3) Advertising and promoting retail trade activities;
- (4) Maintaining information and directional signing for pedestrians, as distinct from traffic control devices;
- (5) Improving public relations, generating favorable publicity for the area and general promotion of the area;
- (6) Sweeping sidewalks;
- (7) Cleaning and erasing graffiti;
- (8) Maintaining flowers and greenery in public right-of-way;
- (9) Providing and cleaning receptacles for litter from the public; and
- (10) Providing additional security for people, if needed.

The listing of services are illustrative and not exclusive.

All such activities are supplemental to street maintenance provided by the City and are not to displace any services regularly provided by municipal government.

Section 8. Ratepayers Advisory Group. With advice and consultation from the Capitol Hill Chamber of Commerce, the director of Community Development shall appoint an interim Capitol Hill Business Improvement Area Ratepayers Advisory Group comprised of ratepayers from the Area. The interim Ratepayers Advisory Group will recommend and the Department of Community Development will implement procedures to nominate and elect volunteer members to the permanent Ratepayers Advisory Group to take office no later than January 1, 1987. Procedures shall be designed to insure inclusion of members representative of the classifications subject to assessment, geographic areas as defined in Section 1, and to include formal liaison with the Capitol Hill Chamber of Commerce. The interim Ratepayers Advisory Group shall also develop and promulgate bylaws or rules to guide the operation of the Ratepayers Advisory Group.

The Ratepayers Advisory Group shall be responsible for providing advice and consultation to the Department of Community Development and any individual or agency hired to manage the day-to-day operations of the Business Improvement Area program on all matters related to the operation of the Business Improvement Area program. Specifically, the Ratepayers Advisory Group will meet at least once a month; approve an annual work program and budget; address and discuss ratepayer concerns and questions regarding the BIA district and program; review all reports submitted to the Department of Community Development by the Manager; and sponsor an annual ratepayers meeting.

processing fee. However, if (a) the assessment is not paid within sixty (60) days after its due date or (b) the assessment was not paid within thirty (30) days and the ratepayer has been late on one of the previous two payments, a delinquency charge shall be added in the amount of ten percent (10%) of the assessment in addition to the processing fee. All assessments, which are not paid within sixty (60) days, shall also bear interest from the date payment was due at the coupon issue yield (as published by the Federal Reserve Bank of San Francisco) of the average bill rate for twenty-six week treasury bills as determined at the first bill market action conducted during the preceding calendar month. The director is authorized to bring an action to collect any unpaid assessments in the Seattle Municipal Court as a civil action, or in the discretion of the Director, in the Seattle District Court.

Section 12. Contract For Program Management. The Director is authorized and directed to contract with the Capitol Hill Chamber of Commerce or a suitable substitute as recommended by the Ratepayers Advisory Group or to administer all the projects and activities. If the Director contracts with the Chamber for payment for managing and administering projects and activities on a cost-reimbursement basis with an allowance for overhead and management, the contract with the Chamber shall be classified as an arrangement under EMC Section 20.46.110C; the Chamber shall make a good faith effort to equitably utilize the services of women's and minority business enterprises and shall report on its efforts to the Director and the mandatory set-asides of EMC 20.46.090 shall not apply.

Section 13. Rate Changes. Any change in the assessment rate shall only be made by ordinance and as authorized in RCW 35.87A.130-.140. No increase shall occur in the assessment rate unless recommended by the Ratepayers Advisory Group.

To prevent reduction in services due to inflation in prices the City may from time to time, upon the recommendation of the Ratepayers Advisory Group and by ordinance, increase or reduce assessment rates, to reflect changes in indexing power of money, as measured by Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) published by the United States, Department of Labor, Bureau of Labor Statistics or a suitable comparable index recommended by the Ratepayers Advisory Group.

Section 14. Notices. Notices of assessment, installment payment, or delinquency, and all other notices contemplated by this ordinance may be sent by ordinary mail or delivered by the City to the address shown on the records of the Director of Community Development, and, if no address is shown there, to the address shown on the records of the City maintained for business or utility tax purposes under Seattle Municipal Code Chapters 5.44 and 5.48. Failure of the ratepayer to receive any mailed notice shall not release the ratepayer from the duty to pay the assessment, or except as authorized by Section 9(b), from payment on the due date and any delinquency charges.

(Seal) By MARGARET CARTER,
City Comptroller and City Clerk.

Section 9. Administration. The Director of Community Development shall administer the program for the City with authority to:

- (a) Classify ratepayers within the types of use under Section 2; and resolve ambiguities in the application of rates.
- (b) Collect the special assessments; refund special assessments when overpaid or paid for the same area by more than one ratepayer; and extend the deadline for payment and/or waive delinquency charges and interest whenever the delinquency is a result of a failure by the City to provide a statement of the amount due or non-payment results from extenuating circumstances beyond the ratepayer's control, such as a casualty loss causing premature closure of the business or bankruptcy.
- (c) Determine and apply the interest rate for late payments contemplated by Section 11.
- (d) Establish a schedule of proportionate payments for new ratepayers first becoming subject to the assessment.
- (e) Subject to advice and direction of the Ratepayers Advisory Group, execute an annual program management contract with the Capitol Hill Chamber of Commerce or a suitable substitute program manager.
- (f) After consultation and with the advice of the BIA Ratepayers Advisory Group, take such other actions as necessary and appropriate to carry out the program with special assessments; and
- (g) Under the City administrative Code (SAC Chapter 3.02) adopt, publish, and enforce rules, consistent with this ordinance, for carrying out its provisions.

The city's contract with the Capitol Hill Chamber of Commerce or its suitable substitute program manager shall provide for the establishment by the Chamber or its program manager of a Ratepayers Advisory Group, which shall contain members representative of the classifications subject to assessment. The manager shall function under the direction of the Ratepayers Advisory Group.

Section 10. Annual Budget. After consultation with the Ratepayers Advisory Group, the Director shall submit to the Budget Director on or before March 31st of each year a statement of the projects and activities to be conducted during the ensuing fiscal year; the proposed program budget; and a statement of the assessment rates and business classifications requested for financing the proposed budget. A summary for the comments and recommendations received during such consultations shall accompany the Director's submission to the City Budget Director, and the Mayor's recommended budget to the City Council.

Section 11. Delinquent Payments. If an assessment has not been paid within thirty (30) days after its due date and the ratepayer had been making prompt payment in the past, the Director shall send a reminder notice and add a five dollar

Section 15. Disputes. Any ratepayer, aggrieved by the amount of an assessment or delinquency charge, may, on request, obtain a meeting with the Director or senior assistant, designated by the Director to act on his or her behalf; and, if not satisfied, the ratepayer may appeal the matter to the City's Hearing Examiner in the manner provided for a contested case under the City's Administrative Code, Seattle Municipal Code Chapter 3.02.

Section 16. Interim Appropriation. To provide for expenditures authorized in Section 3 as recommended by the Mayor and the Director of Community Development, the sum of Thirty Thousand Dollars (\$30,000), or so much thereof as may be necessary is hereby appropriated from the General Fund, to be reimbursed unless the City's 1987 Budget provides otherwise from the Business Improvement Area Fund with revenues from special assessments no later than December 31, 1987. Upon vouchers drawn by the Director of Community Development, the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants, and to make the appropriate transfers.

Section 17. Commencement of Assessments. Assessment shall commence as of September 1, 1986.

Section 18. Ratification and Confirmation. The making of contracts and expenditures, and the sending of assessment notices pursuant to the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

Section 19. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 2nd day of September, 1986, and signed by me in open session in authentication of its passage this 2nd day of September, 1986.

SAM SMITH,
President of the City Council.

Approved by me this 11th day of September, 1986.

CHARLES ROYER,
Mayor.

Filed by me this 11th day of September, 1986.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.

(Seal) By MARGARET CARTER,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, September 15, 1986. (C-444-X)

Washington State Nurses Association, effective through
between the City of Seattle - King County Department
the Mayor in the materials attached herein, a collective

banks, savings and loan, or other financial
institutions shall pay a flat rate of
annually.

Central Community College shall pay a flat
of \$1,250 annually.

assessment upon any single business site
area shall not initially exceed \$1,250.00
and two hundred fifty dollars) annually. A
assessment of \$50.00 (fifty dollars) will be
every business within the boundaries.

Exemptions. No special assessments shall be
collected from:

stitutions, qualified for charitable
tribution under the United States Internal
Code (26 USC 170(c));

ers of public events and concessionaires, and
s or entertainers, who engage in business

ties in the area for less than 30 days in
rate per year.

mental benefits unless otherwise specified;

lands in street right-of-way.

Collection Schedule. Insofar as consistent
ence and RCW Chapter 35.87A, special

l be collected on a quarterly basis or in
ed appropriate by the Director of Community

Deposit of Revenues. There is hereby
the City Treasury's Business Improvement Area

account designated the Capitol Hill Business
Account (called "the Account"). The

shall be deposited in the Account;
s from special assessments levied under this

to the City from public events financed with
assessments;

donations for the Account,
of all other income from the investment of

colts; and
moneys for expenditures made from the

reimbursements due to the Account.

Expenditures. Expenditures from the
made upon vouchers drawn by the Director of

pendent and shall be used exclusively for the
e in RCW 35.87A.010(1)(b)-(f), each as more

in Section 8 and the petition to establish
1)

revenues and projects undertaken should
the general scope of RCW 35.87A (such as

public places that will enhance the
of the area) conducting public events (such

ng festivals and holiday activities;
etail trade activities (such as security,

litter control, and minor repair of public
and providing professional management.

C-444-X

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

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

Ordinance No. 113029

was published on September 15, 1986

R. Spicuzza

Subscribed and sworn to before me on

September 15, 1986

Yvonne Summers
Notary Public for the State of Washington,
residing in Seattle.

4. Uses of the revenues and projects undertaken should come within the general scope of RCW 35.87A such as decorating public places (such as planting flowers, street banners, and other activities that will enhance the appearance of the area); conducting public events (such as sponsoring festivals and holiday activities; promoting retail trade activities (such as security, advertising, litter control, and minor repair of public amenities; and providing professional management services.

The examples in parenthesis illustrate the type of activities authorized and are not all-inclusive.

5. The Capitol Hill Chamber of Commerce BIA Ratepayer Advisory Committee will advise the City of Seattle and its agents on how assessment proceeds shall be spent.

NAME, TITLE

BUSINESS

ADDRESS

<i>Reggie L. Mainprice, Owner, CPA</i>	<i>Certified Public Accountant</i>	<i>218 Broadway East Seattle, Wa 98102.</i>
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NAME, TITLE

BUSINESS

ADDRESS

Sara White, AVP & Manager	Seafirst Bank Broadway Branch	230 Broadway Avenue E. Seattle, WA 98102
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 2-7-86
Sara White 2/7/86