

Ordinance No. 122902

Council Bill No. 116429

AN ORDINANCE establishing a Columbia City Business Improvement Area; levying special assessments upon the owners and operators of the commercial, mixed-use and multi-family residential properties; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board, and providing for an implementation agreement with a Program Manager.

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: [Signature]  
Councilmember

## Committee Action:

(E)  
Do Pass - JG, SC, NL  
As Amended

CF No. \_\_\_\_\_

Date Introduced:	<u>12.15.08</u>	
Date 1st Referred:	To: (committee) <u>Finance + Budget</u>	
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <u>5-0</u>	
Date Presented to Mayor:	Date Approved: <u>1.26.09</u>	
Date Returned to City Clerk:	Date Published: <u>9</u>	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

(E)  
1-20-09 Pass 5-0 (Excused: Burgess, Drago, Harnell, Rasmussen)

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

*Law Department*

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



# City of Seattle

Gregory J. Nickels, Mayor

## Office of the Mayor

November 25, 2008

Honorable Richard Conlin  
President  
Seattle City Council  
City Hall, 2<sup>nd</sup> Floor

Dear Council President Conlin:

I am pleased to present the attached proposed Council Bill establishing a Columbia City Business Improvement Area (BIA) to be funded by a special assessment levied on more than 80 properties and overseen by a Ratepayer Advisory Board that is representative of the ratepayers in the improvement district.

A proposal was recently developed by a group of Columbia City property and business owners to form a business improvement area. Of the 83 affected property owners who were petitioned, 52 were in favor of the proposal, thereby exceeding the 60 percent support requirement needed to establish a BIA. The attached proposed Bill follows the passage of Resolution 31089, which initiated a Columbia City BIA, and Resolution 31088, which established October 28, 2008 as the date for a public hearing, where the Columbia City BIA received strong support from the majority of those who attended. The formation of a BIA in Columbia City will enhance extensive volunteer support in the community and help ensure the neighborhood business district stays clean, safe, and prosperous as the area continues to grow.

Should you have questions, please contact Teri Allen, Department of Executive Administration (DEA), at 684-5226, or Fred Podesta, DEA, at 386-0041.

Sincerely,



GREG NICKELS  
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7<sup>th</sup> Floor, P.O. Box 94749, Seattle, WA 98124-4749

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: [mayors.office@seattle.gov](mailto:mayors.office@seattle.gov)

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.



1 **ORDINANCE** 122902

2 AN ORDINANCE establishing a Columbia City Business Improvement Area; levying special  
3 assessments upon the owners and operators of the commercial, mixed-use and multi-family  
4 residential properties; providing for the deposit of revenues in a special account and  
5 expenditures therefrom; providing for collection of and penalties for delinquencies; providing  
6 for the establishment of a Ratepayers Advisory Board; and providing for an implementation  
7 agreement with a Program Manager.

8 WHEREAS, the owners and operators of the commercial, mixed-use and multi-family residential  
9 properties located within the area and representing sixty percent (60%) or more of the special  
10 assessments levied by this ordinance filed a petition with the City of Seattle to establish a  
11 Columbia City Business Improvement Area pursuant to RCW 35.87A, which is filed in C.F.  
12 309587; and

13 WHEREAS, the City Council adopted Resolution 31089, initiating a Columbia City Business  
14 Improvement Area via the resolution method instead of the petition method as provided for by  
15 RCW 35.87A.030; and

16 WHEREAS, pursuant to RCW 35.87A.040, the City Council on September 22, 2008 adopted  
17 Resolution 31088 entitled "A RESOLUTION of intention to establish a Columbia City  
18 Business Improvement Area, and fixing a date and place for a hearing thereon," and declaring  
19 its intent to establish the same; and

20 WHEREAS, the Columbia City Business Improvement Area established herein is for the purpose of  
21 enhancing conditions for the owners and operators of the commercial, mixed-use and multi-  
22 family residential properties; and the budget shall be dedicated to activities in addition to basic  
23 services provided by the City of Seattle; and

24 WHEREAS, as provided by Resolution 31088, the City Council, through its Finance and Budget  
Committee held a public hearing thereon on October 28, 2008 at 5:00 p.m. in the City Council  
Chambers, City Hall, 600 Fourth Avenue, 2nd Floor, Seattle, Washington; and

WHEREAS, the testimony received at that hearing resulted in the Council determining that  
establishing a Columbia City Business Improvement Area is in the best interest of the owners  
and operators of commercial, mixed use and multi-family residential properties within its  
boundaries; NOW, THEREFORE,

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



1 Section 1. Area Established. As authorized by Chapter 35.87A RCW, there is hereby  
2 established a Columbia City Business Improvement Area ("CCBIA") within the following boundaries as  
3 shown on the map attached as "Exhibit A"(when a street or alley is named, the area boundary is the  
4 centerline of the right-of-way including vacated portions unless otherwise specified in the description).  
5 The CCBIA includes all Commercial and Neighborhood Commercial zoned parcels located, generally,  
6 between South Alaska Street on the north, 36<sup>th</sup> and 37<sup>th</sup> Avenues South on the west, 39<sup>th</sup> Avenue South  
7 on the east, and just south of South Dawson Street on the south. From the corner of Rainier Ave South  
8 and South Alaska Street, proceed south on Rainier Avenue South to the northern boundary of parcel  
9 1703400006, then west along the northern boundary of that parcel, south to the western boundary of  
10 parcel 1703400016, south to South Edmunds Street, east to 37<sup>th</sup> Avenue South, south to South Dawson  
11 Street, east to 39<sup>th</sup> Avenue South, south to the southern boundary of parcel 5649600385, east across  
12 Rainier Ave South and the southern boundary of parcels 5649600045 and 5649600035, north along the  
13 eastern boundary of that parcel, west along the northern boundary of that parcel, north along the eastern  
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Section 2. Programs. Special assessment revenues shall supplement street maintenance and law enforcement provided by the City and is not intended to displace any services regularly provided by municipal government. Revenues may be used for, but are not exclusive to, the following component programs:

A. Public Areas Maintenance

The maintenance program will provide sidewalk sweeping, removal of litter and graffiti, and maintenance of street furniture, newspaper boxes and kiosks.

B. Public Safety

The safety program will identify and report security threats and work with the Seattle Police Department to discourage predatory street behaviors and other security risks.

C. Professional Management

The management program will administer the CCBIA, provide customer service to its ratepayers, and provide organizational and staffing assistance to the Ratepayers Advisory Board as well as overall advocacy for the CCBIA.

Section 3. Levy of Special Assessments. To finance the programs authorized in Section 2, there is levied upon and shall be collected from the owners and operators of the commercial, mixed-use and multi-family residential properties (collectively, "Ratepayers") in the CCBIA described in Section 1, an initial annual special assessment in the amount of approximately Fifty Thousand Dollars (\$50,000.00). The



1 Assessment is proposed to be measured by the lot square footage and the total appraised value, subject to  
2 calculations and limitations in Section 4.

3  
4 Section 4. Assessment Methodology.  $\text{Assessment} = (\text{Lot Square Footage} \times \$0.042) + (\text{Total}$   
5  $\text{Appraised Value of Site (Property + Improvements)} / \$1,000 \times \$0.20)$ . Records for the initial assessment  
6 calculation are based on information provided by the King County Assessor's Office for the year 2008. The  
7 CCBIA will update property data annually based on information provided by the King County Assessor's  
8 Office. Property owned by governmental entities or public utilities shall not be assessed.

9  
10 Section 5. Rate Changes. Changes in the assessment rate shall only be made by ordinance and  
11 as authorized in RCW 35.87A.140.

12  
13 Section 6. Deposit of Revenues. There is in the City Treasury's Business Improvement Area  
14 Fund, a separate subaccount designated the Columbia City Business Improvement Area Account (called  
15 "the Account"). The following monies shall be deposited in the Account:

- 16  
17 (a) All revenues from special assessments levied under this ordinance;  
18 (b) All income to the City from public events financed with special assessments;  
19 (c) Gifts and donations;  
20 (d) Interest and all other income from the investment of Account deposits;  
21 (e) Restitution moneys for expenditures made from the Account; and  
22 (f) Reimbursements due to the Account.



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Section 7. Collection Schedule. Special assessments shall be collected on a semi-annual basis. The Director of the Department of Executive Administration ("Department") or the Director's designee ("Director") may change the billing frequency by directive. A copy of the directive shall be mailed to all Ratepayers not less than 90 days before the new billing cycle is to take effect.

Section 8. Delinquent Payments. If an assessment has not been paid within thirty (30) days after its due date, the Director shall send a reminder notice and add a Five Dollar (\$5.00) processing fee. If the assessment is not paid within sixty (60) days after its due date, a delinquency charge shall be added in the amount of ten percent (10%) of the assessment. All assessments that are not paid within sixty (60) days of the due date shall also bear interest from the due date at twelve percent (12%) per annum. The Director is authorized to bring an action to collect any unpaid assessments in any court of competent jurisdiction in King County.

Section 9. Notices. Notices of assessment, installment payments, or delinquency, and all other notices contemplated by this ordinance may be sent to the Ratepayer by ordinary mail or delivered by the City to the address shown on the records of the Director, and, if no address is shown there, to the address shown on the records of the County Assessor. Failure of the Ratepayer to receive any mailed notice shall not release the Ratepayer from the duty to pay the assessment and any interest and delinquency charges on the due date.



1 Section 10. Disputes. Any Ratepayer aggrieved by the amount of an assessment or delinquency  
2 charge may on request obtain a meeting with the Director or the Director's designee. If not satisfied, the  
3 Ratepayer may appeal the matter to the City's Hearing Examiner in the manner provided for a contested  
4 case under Seattle Municipal Code Chapter 3.02. The Ratepayer has the burden of proof to show that the  
5 assessment or delinquency fee is incorrect.

6  
7 Section 11. Expenditures. Expenditures from the Account shall be made upon vouchers drawn  
8 by the Director and shall be used exclusively for the statutory purposes defined in Section 2.

9  
10 Section 12. Ratepayers Advisory Board. The Director shall appoint an interim Ratepayers  
11 Advisory Board comprised of Ratepayers from the CCBIA within sixty days of the effective date of this  
12 ordinance. The Director shall solicit recommendations from the Ratepayers and shall appoint the interim  
13 board from that list. The interim Ratepayers Advisory Board will recommend a permanent Ratepayers  
14 Advisory Board (the "Board") within ninety days of the effective date of this ordinance. The  
15 composition of the Board shall be representative of the CCBIA. The Director may appoint additional  
16 members to the Ratepayers Advisory Board to ensure that a broad representation of Ratepayers is  
17 provided. The additional members so appointed shall not exceed one-third (1/3) of the entire  
18 membership of the Board.

19  
20 The Ratepayers Advisory Board shall be responsible for adopting bylaws and policy guidelines,  
21 providing advice and consultation to the Department initially, and to any individual or agency hired to  
22  
23  
24





1 manage the day-to-day operations of the Business Improvement Area program, on all matters related to  
2 the operation of the program.

3  
4 The Ratepayers Advisory Board shall meet at least once quarterly; recommend an annual work  
5 program and budget; address and discuss Ratepayer concerns and questions regarding the CCBIA and  
6 program; review all reports submitted to the Department by the Program Manager; and sponsor an  
7 annual Ratepayers' meeting.

8  
9 At the annual Ratepayers' meeting, the Board shall submit for approval its proposed work plan  
10 and budget for the next year, and its recommendation regarding whether to continue with the current  
11 Program Manager. The work plan, budget, and recommendation regarding whether to continue with the  
12 current Program Manager must be approved by a majority vote of the Ratepayers attending the meeting.

13  
14 Section 13. Administration. The Director shall administer the program for the City with  
15 authority to:

16  
17 (a) Resolve ambiguities in the application of rates;

18  
19 (b) Collect the special assessments; refund special assessments when overpaid or otherwise  
20 improperly collected; extend the deadline for payment and waive delinquency charges and interest  
21 whenever the delinquency results from extenuating circumstances beyond the Ratepayer's control, such  
22 as a casualty loss causing premature closure of the business or bankruptcy or the total principal payment  
23



1 due to the City (exclusive of penalty and interest) is Ten Dollars (\$10.00) or less; and exempt homes for  
2 which the King County Assessor has granted an exemption from property taxes under RCW 84.36.381 -  
3 .389 on account of the low income status of the owner – resident;

4  
5 (c) Calculate and collect the interest for late payments;

6  
7 (d) After receiving the recommendation of the Ratepayers at their annual meeting, execute an  
8 annual program management contract with a Program Manager; and

9  
10 (e) Accept and deposit advance payment of assessments by Ratepayers; accept donations from  
11 governmental agencies, the public, and owners and operators of commercial, mixed-use and multi-  
12 family residential properties on land that is developed or redeveloped during the existence of the CCBIA  
13 for CCBIA programs.


14  
15 Section 14. Contract for Program Management. The Director is authorized to contract with a  
16 Program Manager, after receiving the recommendation of the Ratepayers at the annual meeting, to  
17 administer the projects and activities. The selection of a Program Manager upon the recommendation of  
18 the Ratepayers shall obviate compliance with the consultant selection procedures of Seattle Municipal  
19 Code Chapter 20.50 and Section 20.42.050. The Seattle Police Department shall review any proposed  
20 contract for private security.




1 Section 15. Commencement of Assessments. Assessments shall commence as of March 5,  
2 2009.

3  
4 Section 16. This ordinance shall take effect and be in force thirty (30) days from and after its  
5 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
6 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

7  
8 Passed by the City Council the 20<sup>th</sup> day of January, 2009, and signed by me in open session  
9 in authentication of its passage this 20<sup>th</sup> day of January, 2009.

10  
11   
President \_\_\_\_\_ of the City Council

12  
13 Approved by me this 26<sup>th</sup> day of January, 2009

14  
15   
16 Gregory J. Nickels, Mayor

17 Filed by me this 27 day of January, 2009

18   
19 City Clerk

20 (Seal)

21 Exhibit A: Columbia City BIA Map



**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Executive Administration	Teri Allen/684-5226	Lawand Anderson/233-2780

**Legislation Title:**

AN ORDINANCE establishing a Columbia City Business Improvement Area; levying special assessments upon the owners and operators of the commercial, mixed-use and multi-family residential properties; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board, and providing for an implementation agreement with a program manager.

• **Summary of the Legislation:**

This Ordinance is prepared in accordance with RCW 35.87A to establish a Columbia City Business Improvement Area (BIA). It follows the passage of Resolution 31089, which initiated the Columbia City BIA, and the passage of Resolution 31088, which set the October 28, 2008 as the date of the public hearing. This Ordinance will actually establish the Columbia City BIA with the boundaries as shown in Exhibit A to the Ordinance, and levy a special assessment on properties to pay for operations, projects, and maintenance.

• **Background:**

A proposal was put together by a group of local property owners in the Columbia City neighborhood. This proposal resulted in a petition to form a business improvement area to supplement the years of volunteer effort in Columbia City. The petitioning effort resulted in a 63% show of financial support by 52 of the 83 affected property owners, exceeding the required demonstration of 60% financial support from the responsible ratepayers.

The formation of a Business Improvement Area will ensure the neighborhood business and residential district stays clean, safe and prosperous as the community grows. The Columbia City BIA is expected to be funded by a special assessment levied on more than 80 properties, which will have inflationary increases to allow for consistent levels of service. The CCBIA will be overseen by a Ratepayer Advisory Board, which would be broadly representative of the ratepayers in the neighborhood covered by the improvement district.

- *Please check one of the following:*



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

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

Fund Name and Number	Department	Revenue Source	2009 Revenue	2010 Revenue
198XX Columbia City Business Improvement Area	Executive Administration	Ratepayer Assessments	\$50,000	\$75,000
<b>TOTAL</b>			<b>\$50,000</b>	<b>\$75,000</b>

**Notes:** In the first year, the special assessment will provide approximately \$50,000.00 in revenue for project, operations and maintenance costs of the CCBIA. The Department of Executive Administration (DEA) would collect the assessments from the ratepayers, but the funds would then be kept by DEA to reimburse the Columbia City BIA.

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

Position Title and Department*	Fund Name	Fund Number	Part-Time/Full Time	2009 Positions	2009 FTE	2010 Positions**	2010 FTE**
<b>TOTAL</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* List each position separately

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

**Notes:**

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

Not applicable.



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

Fund Name and Number	Department	Budget Control Level*	2009 Expenditures	2010 Anticipated Expenditures
198XX Columbia City Business Improvement Area	Executive Administration	Not applicable.	\$50,000	\$75,000
<b>TOTAL</b>			<b>\$50,000</b>	<b>\$75,000</b>

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

**Notes:** DEA would collect the assessments from the ratepayers, but the funds would then be kept by DEA only to reimburse the Columbia City BIA, which would actually administer the staffing, projects, and other costs associated with the CCBIA.

- **What is the financial cost of not implementing the legislation?** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other costs if the legislation is not implemented.)

**None.** The CCBIA is established as a revenue-neutral program.

**What are the possible alternatives to the legislation that could achieve the same or similar objectives?** (Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)

**None.** Improvement area services are in addition to, and not a replacement of, basic City services, and are funded by assessments on the properties that benefit from the services. If the legislation is not passed, the services under the improvement area will not be provided.



- **Is the legislation subject to public hearing requirements:** (If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s).)

**Yes.** A hearing was held on October 28, 2008 in accordance with Resolution 31088.

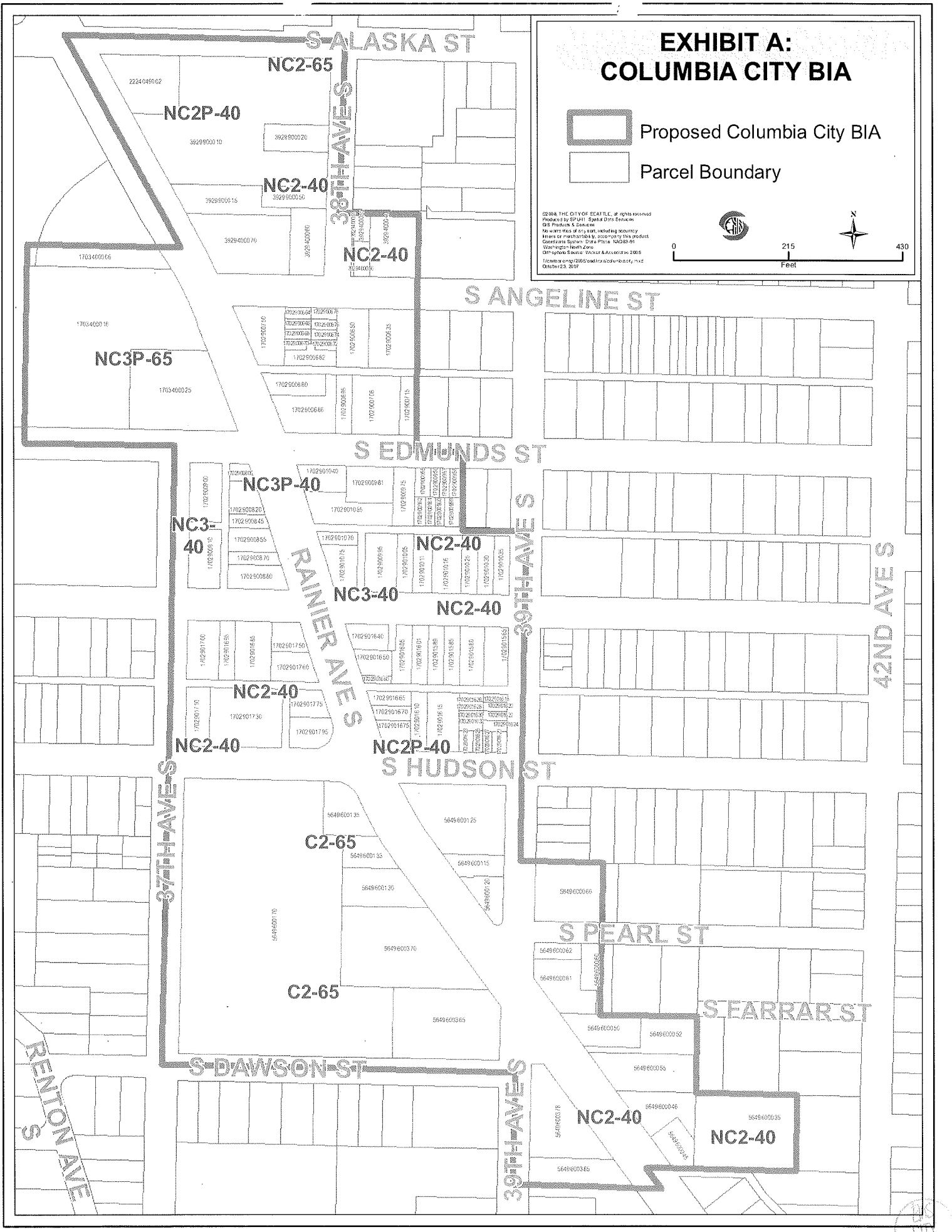
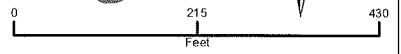
- **Other Issues** (including long-term implications of the legislation): **None.**



# EXHIBIT A: COLUMBIA CITY BIA

-  Proposed Columbia City BIA
-  Parcel Boundary

©2004 THE CITY OF SEATTLE. All rights reserved.  
 Produced by SPUR, Spatial Data Services  
 GIS Products & Services  
 No warranties of any sort, including accuracy,  
 fitness for particular use, or otherwise, are made  
 by the City of Seattle or SPUR for this product.  
 Washington State  
 Official Source: Street Atlas Edition 2005  
 License # 0001205/0001205/0001205/0001205  
 October 23, 2007



City Clerk

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

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9  
10 Section 5. Rate Changes. Changes in the assessment rate shall only be made by ordinance and  
11 as authorized in RCW 35.87A.140.

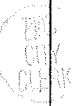
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13 Section 6. Deposit of Revenues. There is in the City Treasury's Business Improvement Area  
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15 "the Account"). The following monies shall be deposited in the Account:

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17 (a) All revenues from special assessments levied under this ordinance;  
18 (b) All income to the City from public events financed with special assessments;  
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2 Section 7. Collection Schedule. Special assessments shall be collected on a semi-annual basis.  
3 The Director of the Department of Executive Administration ("Department") or the Director's designee  
4 ("Director") may change the billing frequency by directive. A copy of the directive shall be mailed to all  
5 Ratepayers not less than 90 days before the new billing cycle is to take effect.

6  
7 Section 8. Delinquent Payments. If an assessment has not been paid within thirty (30) days after  
8 its due date, the Director shall send a reminder notice and add a Five Dollar (\$5.00) processing fee. If  
9 the assessment is not paid within sixty (60) days after its due date, a delinquency charge shall be added  
10 in the amount of ten percent (10%) of the assessment. All assessments that are not paid within sixty (60)  
11 days of the due date shall also bear interest from the due date at twelve percent (12%) per annum. The  
12 Director is authorized to bring an action to collect any unpaid assessments in any court of competent  
13 jurisdiction in King County.

14  
15 Section 9. Notices. Notices of assessment, installment payments, or delinquency, and all other  
16 notices contemplated by this ordinance may be sent to the Ratepayer by ordinary mail or delivered by  
17 the City to the address shown on the records of the Director, and, if no address is shown there, to the  
18 address shown on the records of the County Assessor. Failure of the Ratepayer to receive any mailed  
19 notice shall not release the Ratepayer from the duty to pay the assessment and any interest and  
20 delinquency charges on the due date.



1 Section 10. Disputes. Any Ratepayer aggrieved by the amount of an assessment or delinquency  
2 charge may on request obtain a meeting with the Director or the Director's designee. If not satisfied, the  
3 Ratepayer may appeal the matter to the City's Hearing Examiner in the manner provided for a contested  
4 case under Seattle Municipal Code Chapter 3.02. The Ratepayer has the burden of proof to show that the  
5 assessment or delinquency fee is incorrect.

6  
7 Section 11. Expenditures. Expenditures from the Account shall be made upon vouchers drawn  
8 by the Director and shall be used exclusively for the statutory purposes defined in Section 2.

9  
10 Section 12. Ratepayers Advisory Board. The Director shall appoint an interim Ratepayers  
11 Advisory Board comprised of Ratepayers from the CCBIA within sixty days of the effective date of this  
12 ordinance. The Director shall solicit recommendations from the Ratepayers and shall appoint the interim  
13 board from that list. The interim Ratepayers Advisory Board will recommend a permanent Ratepayers  
14 Advisory Board (the "Board") within ninety days of the effective date of this ordinance. The  
15 composition of the Board shall be representative of the CCBIA. The Director may appoint additional  
16 members to the Ratepayers Advisory Board to ensure that a broad representation of Ratepayers is  
17 provided. The additional members so appointed shall not exceed one-third (1/3) of the entire  
18 membership of the Board.

19  
20 The Ratepayers Advisory Board shall be responsible for adopting bylaws and policy guidelines,  
21 providing advice and consultation to the Department initially, and to any individual or agency hired to  
22  
23  
24



1 manage the day-to-day operations of the Business Improvement Area program, on all matters related to  
2 the operation of the program.

3  
4 The Ratepayers Advisory Board shall meet at least once quarterly; recommend an annual work  
5 program and budget; address and discuss Ratepayer concerns and questions regarding the CCBIA and  
6 program; review all reports submitted to the Department by the Program Manager; and sponsor an  
7 annual Ratepayers' meeting.

8  
9 At the annual Ratepayers' meeting, the Board shall submit for approval its proposed work plan  
10 and budget for the next year, and its recommendation regarding whether to continue with the current  
11 Program Manager. The work plan, budget, and recommendation regarding whether to continue with the  
12 current Program Manager must be approved by a majority vote of the Ratepayers attending the meeting.

13  
14 Section 13. Administration. The Director shall administer the program for the City with  
15 authority to:

16  
17 (a) Resolve ambiguities in the application of rates;

18  
19 (b) Collect the special assessments; refund special assessments when overpaid or otherwise  
20 improperly collected; extend the deadline for payment and waive delinquency charges and interest  
21 whenever the delinquency results from extenuating circumstances beyond the Ratepayer's control, such  
22 as a casualty loss causing premature closure of the business or bankruptcy or the total principal payment  
23  
24



1 due to the City (exclusive of penalty and interest) is Ten Dollars (\$10.00) or less; and exempt homes for  
2 which the King County Assessor has granted an exemption from property taxes under RCW 84.36.381 -  
3 .389 on account of the low income status of the owner – resident;

4  
5 (c) Calculate and collect the interest for late payments;

6  
7 (d) After receiving the recommendation of the Ratepayers at their annual meeting, execute an  
8 annual program management contract with a Program Manager; and

9  
10 (e) Accept and deposit advance payment of assessments by Ratepayers; accept donations from  
11 governmental agencies, the public, and owners and operators of commercial, mixed-use and multi-  
12 family residential properties on land that is developed or redeveloped during the existence of the CCBIA  
13 for CCBIA programs.

14  
15 Section 14. Contract for Program Management. The Director is authorized to contract with a  
16 Program Manager, after receiving the recommendation of the Ratepayers at the annual meeting, to  
17 administer the projects and activities. The selection of a Program Manager upon the recommendation of  
18 the Ratepayers shall obviate compliance with the consultant selection procedures of Seattle Municipal  
19 Code Chapter 20.50 and Section 20.42.050. The Seattle Police Department shall review any proposed  
20 contract for private security.

1 Section 15. Commencement of Assessments. Assessments shall commence as of February 15,  
2 2009.

3  
4 Section 16. This ordinance shall take effect and be in force thirty (30) days from and after its  
5 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
6 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

7 Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_, and signed by me in open session  
8 in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

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

13 Approved by me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

14  
15  
16 \_\_\_\_\_  
17 Gregory J. Nickels, Mayor

18 Filed by me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

19 \_\_\_\_\_  
20 City Clerk

21 (Seal)

22 Exhibit A: Columbia City BIA Map  
23  
24



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**STATE OF WASHINGTON – KING COUNTY**

--SS.

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234059  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

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

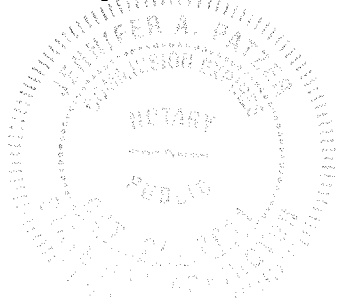
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122902 ORDINANCE

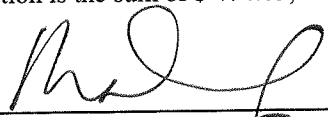
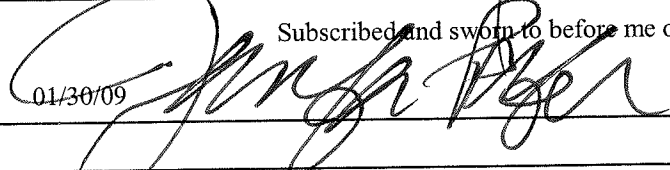
was published on

01/30/09

The amount of the fee charged for the foregoing publication is the sum of \$ 474.03, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
01/30/09   
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle

# City of Seattle

## ORDINANCE 122902

AN ORDINANCE establishing a Columbia City Business Improvement Area, levying special assessments upon the owners and operators of the commercial, mixed-use and multi-family residential properties; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers Advisory Board; and providing for an implementation agreement with a Program Manager.

WHEREAS, the owners and operators of the commercial, mixed-use and multi-family residential properties located within the area and representing sixty percent (60%) or more of the special assessments levied by this ordinance filed a petition with the City of Seattle to establish a Columbia City Business Improvement Area pursuant to RCW 35.87A, which is filed in C.F. 309587; and

WHEREAS, the City Council adopted Resolution 31089, initiating a Columbia City Business Improvement Area via the resolution method instead of the petition method as provided for by RCW 35.87A.030; and

WHEREAS, pursuant to RCW 35.87A.040, the City Council on September 22, 2008 adopted Resolution 31088 entitled "A RESOLUTION of intention to establish a Columbia City Business Improvement Area, and fixing a date and place for a hearing thereon," and declaring its intent to establish the same; and

WHEREAS, the Columbia City Business Improvement Area established herein is for the purpose of enhancing conditions for the owners and operators of the commercial, mixed-use and multi-family residential properties; and the budget shall be dedicated to activities in addition to basic services provided by the City of Seattle; and

WHEREAS, as provided by Resolution 31088, the City Council, through its Finance and Budget Committee held a public hearing thereon on October 28, 2008 at 5:00 p.m. in the City Council Chambers, City Hall, 600 Fourth Avenue, 2nd Floor, Seattle, Washington; and

WHEREAS, the testimony received at that hearing resulted in the Council determining that establishing a Columbia City Business Improvement Area is in the best interest of the owners and operators of commercial, mixed use and multi-family residential properties within its boundaries; NOW, THEREFORE,

### BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Area Established. As authorized by Chapter 35.87A RCW, there is hereby established a Columbia City Business Improvement Area ("CCBIA") within the following boundaries 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 including vacated portions unless otherwise specified in the description). The CCBIA includes all Commercial and Neighborhood Commercial zoned parcels located, generally, between South Alaska Street on the north, 36th and 37th Avenues South on the west, 39th Avenue South on the east, and just south of South Dawson Street on the south. From the corner of Rainier Ave South and South Alaska Street, proceed south on Rainier Avenue South to the northern boundary of parcel 1703400006, then west along the northern boundary of that parcel, south to the western boundary of parcel 1703400016, south to South Edmunds Street, east to 37th Avenue South, south to South Dawson Street, east to 39th Avenue South, south to the southern boundary of parcel 5649600385, east across Rainier Ave South and the southern boundary of parcels 5649600045 and 5649600035, north along the eastern boundary of that parcel, west along the northern boundary of that parcel, north along the eastern boundary of parcels 5649600055 and 5649600052, west along the northern boundary of parcels 5649600052 and 5649600050, north along the eastern boundary of parcels 5649600061 and 5649600060, north across South Pearl Street to the northern boundary of parcel 5649600066, west to 39th Avenue South, north to the alley between South Ferdinand Street and South Edmunds Street, west to the eastern boundary of parcel 1702900959 and 1702900958, north to South Edmunds Street, west to the eastern boundary of parcel 1702900715, north across South Angeline Street to the northern boundary of parcel 3929400040, west to 38th Avenue South, north to South Alaska Street, west to Rainier Ave South. For additional detail please see the attached map. In case of a conflict between the description of the area and the map, the map shall control.

Section 2. Programs. Special assessment revenues shall supplement street maintenance and law enforcement provided by the City and is not intended to displace any services regularly provided by municipal government. Revenues may be used for, but are not exclusive to, the following component programs:

#### A. Public Areas Maintenance

The maintenance program will provide sidewalk sweeping, removal of litter and graffiti, and maintenance of street furniture, newspaper boxes and kiosks.

#### B. Public Safety

The safety program will identify and report security threats and work with the Seattle Police Department to discourage predatory street behaviors and other security risks.

#### C. Professional Management

The management program will administer the CCBIA, provide customer service to its ratepayers, and provide organizational and staffing assistance to the Ratepayers Advisory Board as well as overall advocacy for the CCBIA.

Section 3. Levy of Special Assessments. To finance the programs authorized in Section 2, there is levied upon and shall be collected from the owners and operators of the commercial, mixed-use and multi-family residential properties (collectively, "Ratepayers") in the CCBIA described in Section 1, an initial annual special assessment in the amount of approximately Fifty Thousand Dollars (\$50,000.00). The Assessment is proposed to be measured by the lot square footage and the total appraised value, subject to calculations and limitations in Section 4.

Section 4. Assessment Methodology. Assessment = (Lot Square Footage x \$0.042) + (Total Appraised Value of Site (Property + Improvements)/\$1,000 x \$0.20). Records for the initial assessment calculation are based on information provided by the King County Assessor's Office for the year 2008. The CCBIA will update property data annually based on information provided by the King County Assessor's Office. Property owned by governmental entities or public utilities shall not be assessed.

Section 5. Rate Changes. Changes in the assessment rate shall only be made by ordinance and as authorized in RCW 35.87A.140.

Section 6. Deposit of Revenues. There is in the City Treasury's Business Improvement Area Fund, a separate subaccount designated the Columbia City Business Improvement Area Account (called "the Account"). The following monies shall be deposited in the Account:

(a) All revenues from special assessments levied under this ordinance;

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At the annual Ratepayers' meeting, the Board shall submit for approval its proposed work plan and budget for the next year, and its recommendation regarding whether to continue with the current Program Manager. The work plan, budget, and recommendation regarding whether to continue with the current Program Manager must be approved by a majority vote of the Ratepayers attending the meeting.

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Section 15. Commencement of Assessments. Assessments shall commence as of March 5, 2009.

Section 16. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 20th day of January, 2009, and signed by me in open session in authentication of its passage this 20th day of January, 2009.

Richard Conlin

President of the City Council

Approved by me this 26th day of January, 2009.

Gregory J. Nickels, Mayor

Filed by me this 26th day of January, 2009.

(Seal) Judith Pippin

City Clerk

Exhibit A: Columbia City BIA Map

See City Clerk for Exhibit

Publication ordered by JUDITH PIPPIN, City Clerk

Date of publication in the Seattle Daily Journal of Commerce, January 30, 2009.

1/30(234059)