

Ordinance No. 124363

Council Bill No. 117968

AN ORDINANCE relating to the Pioneer Square Parking and Business Improvement Area; amending Ordinance 124299 to correct a technical error in the levy of special assessments; and ratifying and confirming certain prior acts.

Related Legislation File: _____

Date Introduced and Referred: <u>11.25.13</u>	To: (committee): <u>Government Performance and Finance</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>12/9/13</u>	Date Presented to Mayor: <u>12/10/13</u>
Date Signed by Mayor: <u>12.16.13</u>	Date Returned to City Clerk: <u>12.17.13</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: TBJ

Committee Action:

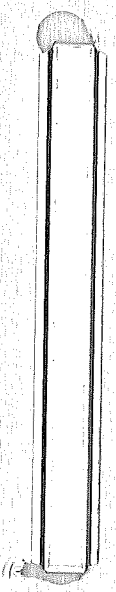
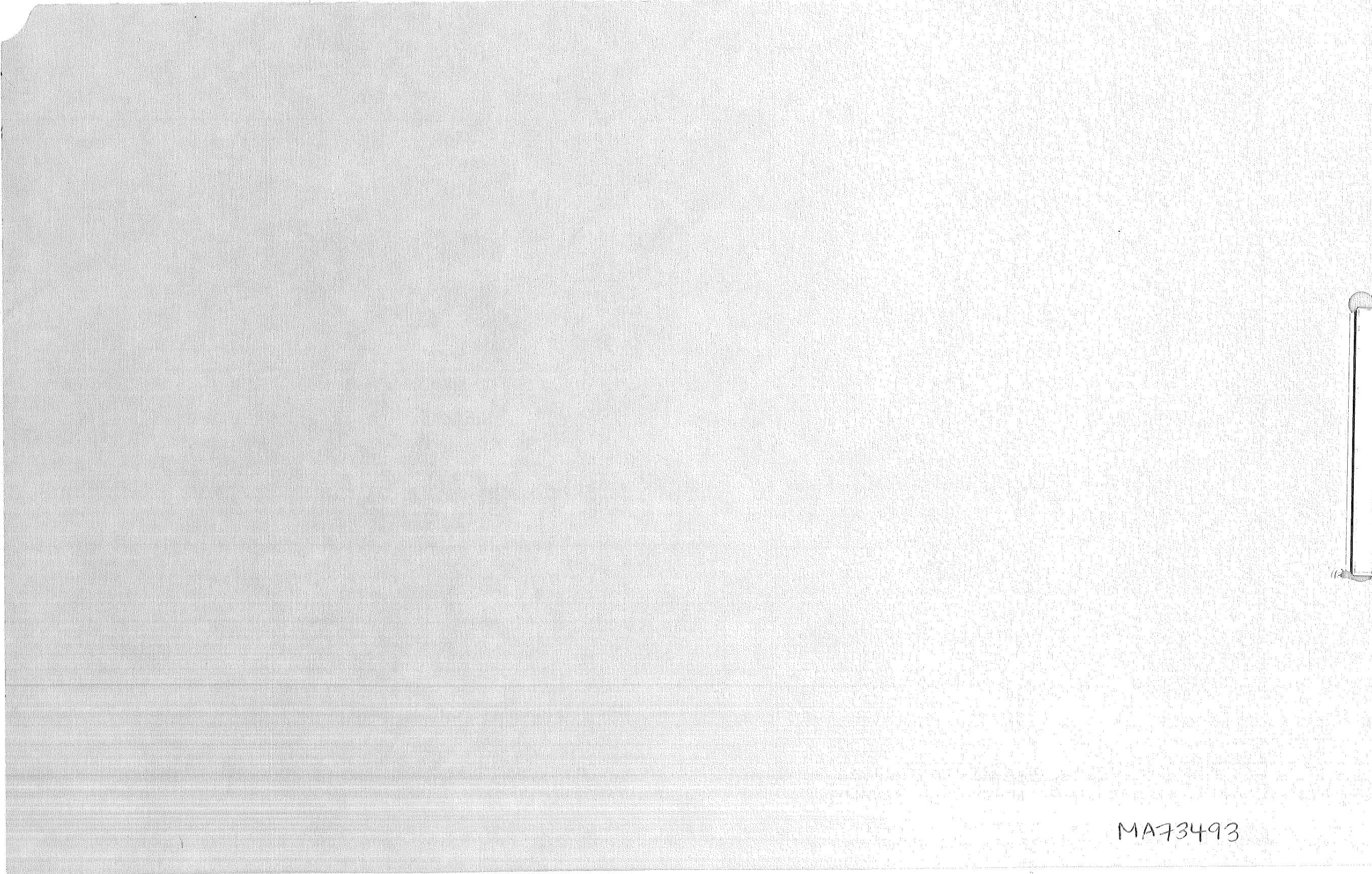
Date	Recommendation	Vote
<u>12/4/13</u>	<u>PASS</u>	<u>3-0 TB, NL, SC</u>

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

Full Council Action:

Date	Decision	Vote
<u>Dec. 9, 2013</u>	<u>Passed</u>	<u>9-0</u>

Law Department



CITY OF SEATTLE

ORDINANCE 124363

COUNCIL BILL 117968

AN ORDINANCE relating to the Pioneer Square Parking and Business Improvement Area; amending Ordinance 124299 to correct a technical error in the levy of special assessments; and ratifying and confirming certain prior acts.

WHEREAS, earlier this year ratepayers representing 60% of the total assessments expressed their support by petition to establish a new and expanded Pioneer Square Parking and Business Improvement Area (PSBIA); and

WHEREAS, on September 23, 2013, the City Council passed Ordinance 124299, which established the new and expanded PSBIA; and

WHEREAS, Section 6 of Ordinance 124299 contained a drafting error in failing to state the legislative intent that the assessment is to be levied upon and collected from the businesses located within the PSBIA's boundaries; and

WHEREAS, the current PSBIA has historically levied the special assessment on businesses within its boundaries since the PSBIA was first created in 1983; and

WHEREAS, the PSBIA Renewal and Expansion Committee intended for the assessment to continue to be levied upon businesses within the PSBIA's new and expanded boundaries; and

WHEREAS, the estimated 2014 PSBIA assessments were calculated for each business, and these estimates were sent to all prospective PSBIA Ratepayers along with PSBIA petitions for their signature, and the notification of intention was sent to each business; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 6 of Ordinance 124299 is amended as follows:

Section 6. Levy of Special Assessments. To finance the programs authorized in Section 5, there is levied upon and shall be collected from ~~((the operators of))~~ businesses ~~((property and mixed-use property (multi-family residential and commercial)))~~ located within the boundaries of



1 the Pioneer Square Parking and Business Improvement Area described in Section 4, a special
2 assessment. Ratepayers will be assessed by the City in annual installments beginning with the
3 base year of the authorization (2014), by applying an annual assessment rate to each ratepayer as
4 described below.

5 A. Records for the assessment calculation are reported by the ratepayer at the time of
6 collection and are subject to verification by the City of Seattle. These rates are called the "Base
7 Year Rates."
8

9 B. Except as provided below, all uses will initially be assessed at \$0.20 x Occupied
10 Square Footage.

11 C. Warehouse/Industrial uses will be assessed at \$0.02 x Occupied Square Footage.

12 D. Parking uses will be assessed at \$30 per stall.

13 E. Group homes/day shelters will be assessed at \$0.01 x Occupied Square Footage.

14 F. Residential uses (other than group homes/day shelters) will not be assessed.

15 G. Governmental uses, public utilities, Union Station, and King Street Station and
16 related parcels (King County parcel numbers 5247801190, 7666202635, 7666204886), will not
17 be assessed.
18

19 H. Ratepayers will be assessed by the City in annual installments beginning with the
20 Base Year Rates (2014). Beginning in January 2015, and each January thereafter, the assessment
21 rate will increase by the lesser of 3% or the change in the Consumer Price Index for All Urban
22 Consumers in Seattle-Tacoma-Bremerton (CPI-U-Seattle) in the previous year, to maintain
23 approximately the same level of services and benefits as in the base year.
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Finance and Administrative Services	Teri Allen/684-5226	Jennifer Devore/615-1328

Legislation Title:

AN ORDINANCE relating to the Pioneer Square Parking and Business Improvement Area; amending Ordinance 124299 to correct a technical error in the levy of special assessments; and ratifying and confirming certain prior acts.

Summary of the Legislation:

This ordinance corrects a technical error in Ordinance 124299, passed by City Council on September 23, 2013, which established the new and expanded Pioneer Square Parking and Business Improvement Area (PSBIA). Section 6 of Ordinance 124299 contained a drafting error in failing to state the legislative intent that the assessment is to be levied upon and collected from the businesses located within the PSBIA boundaries.

Background:

Ordinance 124299 established the new and expanded PSBIA. To pay for PSBIA programs and services, Section 6 of the ordinance mistakenly stated that the assessments would be levied upon operators of business property, multi-family residential property (buildings containing four or more residential units), and mixed-use property (multi-family residential and commercial) within the area. The legislation should have stated that the assessment is to be levied upon the businesses within the PSBIA boundary.

The current PSBIA has historically levied the special assessment on businesses within its boundaries since its creation in 1983. All of the outreach and communication for the new and expanded PSBIA was completed with the businesses within the boundaries. The business data was utilized in the calculation presenting the estimated assessment amount on each petition sent to the ratepayers, and the projected revenue and cash flow totals included in the fiscal note to Ordinance 124299 were predicated on the assumption that this provision was included. The estimated PSBIA revenues and program budgets presented to City Council and to ratepayers assumed this provision would be included in the new and expanded PSBIA ordinance, and therefore this correcting ordinance has no additional financial implications.

X This legislation does not have any financial implications.



Other Implications:

- a) **Does the legislation have indirect financial implications, or long-term implications?**
No.
- b) **What is the financial cost of not implementing the legislation?** None to the City.
- c) **Does this legislation affect any departments besides the originating department?**
No.
- d) **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** None. The required correction to Ordinance 124299 must be passed by a subsequent ordinance and cannot legally be addressed administratively.
- e) **Is a public hearing required for this legislation?** No.
- f) **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- g) **Does this legislation affect a piece of property?** Yes.
- h) **Other Issues:** None.

List attachments to the fiscal note below: None.



City of Seattle
Office of the Mayor

November 12, 2013

Honorable Sally J. Clark
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Clark:

I am transmitting the attached proposed Council Bill correcting a technical drafting error in Ordinance 124299, which was passed by the City Council on September 23, 2013 in order to establish a new and expanded Pioneer Square Parking and Business Improvement Area (PSBIA) and provide for the levying of special assessments to pay for the PSBIA's programs and services. This legislation will allow the assessments to be levied as originally intended.

Section 6 of Ordinance 124299 mistakenly stated that assessments would be levied upon the operators of business property and mixed-use property (multi-family residential and commercial) located within the boundaries of the PSBIA. The legislation should have read that the assessments would be levied upon businesses located within the boundaries of the PSBIA as has been carried out since the formation of the current PSBIA in 1983. This revised language was assumed in all petitions and communications at the time the new and expanded PSBIA was being formed. All estimated assessment amounts reflected in the petitions that were sent to the ratepayers, as well as projected revenue and cash flow totals that were included in Ordinance 124299's fiscal note, were based on assessments levied in accordance with the revised language in the attached Bill.

Thank you for your consideration of this legislation. Should you have questions, please contact Teri Allen at 684-5226.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael McGinn".

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



FILED
CITY OF SEATTLE
2014 FEB -6 PM 4: 20
CITY CLERK

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STATE OF WASHINGTON -- KING COUNTY

--SS.

306357
CITY OF SEATTLE, CLERKS OFFICE

No. 124361,362,363,364,365

Affidavit of Publication

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

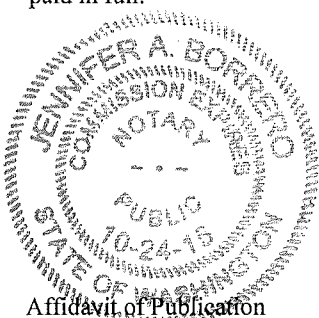
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCE

was published on

01/10/14

The amount of the fee charged for the foregoing publication is the sum of \$112.13 which amount has been paid in full.



James Ogleby

Subscribed and sworn to before me on
01/10/2014 *Jennifer Borretto*

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on December 9, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124361

AN ORDINANCE related to the Pike Place Market; amending the Amended Urban Renewal Plan for the Pike Place Project, approved by Ordinance 102916, to extend the duration of the Plan indefinitely.

ORDINANCE NO. 124362

AN ORDINANCE relating to the Whistleblower Protection Code; amending the following sections of the Seattle Municipal Code (SMC): Section 4.20.800 to clarify the legislative purpose, Section 4.20.810 to clarify the rights and responsibilities of employees and the process for reporting, Section 4.20.860 to amend the manner in which allegations of retaliation are reported, investigated and resolved, Section 4.16.070.F adding retaliation to prohibited behavior under the Ethics Code, Section 3.70.010 and subsection 3.70.100.A redefining the jurisdiction of the Ethics and Elections Commission to include administration of the Whistleblower Protection Code; adding the following new sections to the SMC: Section 4.20.805 containing definitions of terms used in the Whistleblower Protection Code, Section 4.20.870 creating a private cause of action for retaliation against whistleblowers, Section 4.20.875 providing the Ethics and Elections Director investigative tools including subpoena power; repealing the following sections of the SMC: whose content had been replaced by amending or creating other sections, Section 4.20.820 concerning confidentiality provisions, Section 4.20.840 concerning civil penalties, and Section 4.20.850 concerning definitions.

ORDINANCE NO. 124363

AN ORDINANCE relating to the Pioneer Square Parking and Business Improvement Area; amending Ordinance 124299 to correct a technical error in the levy of special assessments; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124364

AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between the City of Seattle and the International Association of Machinists and Aerospace Workers, District Lodge 180, Local 289 to be effective January 1, 2012 through December

31, 2013; and ratifying and confirming prior acts.

ORDINANCE NO. 124365

AN ORDINANCE relating to the Seattle Center Department; authorizing the Seattle Center Director to execute a twenty year lease agreement with Cornish College of the Arts under which agreement Cornish will lease the Seattle Center Playhouse for use as a learning environment for theatrical, music, and dance performances, visual arts, and related theater functions.

Date of publication in the Seattle Daily Journal of Commerce, January 10, 2014.

1/10(306357)