

Title 20

**PUBLIC WORKS, IMPROVEMENTS
AND PURCHASING**

This title is intended for those provisions of the Code which relate to procedures and specifications for public works, local improvements and city purchasing.

Chapters:

Subtitle I Public Improvements

- 20.04 Local Improvement Procedures
- 20.08 Local Improvement Guaranty Fund
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Subtitle I Public Improvements

Chapter 20.04

**LOCAL IMPROVEMENT PROCEDURES¹
(Reserved)**

1. Editor's Note: The city's Local Improvement District Ordinance, passed in 1927, is presently undergoing comprehensive revision.

Chapter 20.08

LOCAL IMPROVEMENT GUARANTY FUND

Sections:

- 20.08.010 Fund established.
- 20.08.020 Annual tax levy.
- 20.08.030 Issuance and payment of warrants.
- 20.08.040 Defaulted interest coupons, bonds or warrants.

20.08.010 Fund established.

There is created in the City Treasury the special fund established by Chapter 209, Laws of Washington, 1927, RCW Chapter 35.54, and designated "Local Improvement Guaranty Fund," for the purpose of guaranteeing, to the extent thereof and in the manner therein contemplated, the payment of local improvement bonds and warrants and for paying the amounts of assessments, the collection of which has been deferred pursuant to Chapter 137, Laws of 1972, 1st Extraordinary Session, as now existing or hereafter amended.
(Ord. 102560 § 12, 1973: Ord. 62364 § 1, 1932.)

20.08.020 Annual tax levy.

In order to maintain the fund and to effectuate the purposes of this chapter, there shall be levied each year by the City Council in its annual tax levy, a tax upon all of the property in the city subject to taxation sufficient to meet the financial requirements thereof; provided that the sums so levied in any year shall not be more than sufficient to pay the outstanding warrants on the fund and to establish therein a balance which combined levy in any one year shall not exceed five percent of the outstanding obligations thereby guaranteed. The tax levies authorized and directed shall be additional to, and, if need be, in excess of, any and all statutory and Charter limitations applicable to the tax

levies of the city. There shall be paid into the fund the interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement fund guaranteed under this chapter, lawfully applicable thereto, and payments of principal and interest applicable for assessments, or installments thereof, the collection of which has been deferred pursuant to Chapter 137, Laws of 1972, First Extraordinary Session as now existing or hereafter amended.

(Ord. 102560 § 13, 1973: Ord. 62364 § 2, 1932.)

20.08.030 Issuance and payment of warrants.

In order to effectuate the purposes of this chapter, the City Comptroller is authorized and directed to from time to time draw and deliver, and the City Treasurer to honor and pay, warrants drawing interest at a rate not to exceed six percent on the Local Improvement Guaranty Fund for the purposes contemplated in Section 20.08.010; provided that such warrants shall at no time exceed five percent of the outstanding bond obligations guaranteed by the fund. Warrants on the Local Improvement Guaranty Fund shall be numbered serially in the order of their issuance.

(Ord. 70894 § 1, 1941: Ord. 62364 § 3, 1932.)

20.08.040 Defaulted interest coupons, bonds or warrants.

A. As among the several issues of bonds or warrants guaranteed by the fund, no preference shall exist, but defaulted interest coupons, bonds and warrants shall be purchased out of the fund in the order of their presentation. Whenever any defaulted interest coupons, bonds or warrants shall be presented to the City Treasurer for purchase, if the outstanding warrants against the Local Improvement Guaranty Fund (including the amount of the coupons, bonds or warrants so presented) do not then exceed five percent of the outstanding bond obligations guaranteed by the fund, the City Treasurer shall examine such coupons, bonds or warrants and if satisfied that the same are guaranteed by such fund he shall receive and keep such coupons, bonds or warrants, issuing his receipt therefor to the holder of the same, together with a voucher upon the Local Improvement Guaranty Fund in the amount thereof. Upon presentation of the receipt and voucher to him the City Comptroller shall issue to such holder his

warrant upon the Local Improvement Guaranty Fund in the amount of such voucher. Warrants so issued shall be paid by the City Treasurer from the Local Improvement Guaranty Fund in the order of their serial numbers.

B. If at the time any defaulted interest coupons, bonds or warrants are presented for purchase the warrants upon the Local Improvement Guaranty Fund then outstanding (including the amount of the coupons, bonds or warrants so presented) shall exceed five percent of the outstanding bond obligations guaranteed by the fund, the City Treasurer shall examine such coupons, bonds or warrants and if satisfied that the same are guaranteed by such fund he shall issue to the holder a presentation certificate describing such coupons, bonds or warrants and showing the date and time of the day when the same were so presented for purchase, and the name and address of the holder thereof. Such presentation certificate shall be issued and numbered serially in the order of the presentation for purchase of defaulted interest coupons, bonds or warrants by the respective holders thereof. Whenever the amount of outstanding warrants against the Local Improvement Guaranty Fund shall be retired in an amount sufficient to authorize the issuance of a warrant upon the fund for the purchase of the coupons, bonds or warrants described in any presentation certificate it shall be the duty of the City Treasurer to notify the holder of such presentation certificate by mail at the address stated in the presentation certificate; and upon presentation to him of the presentation certificate, together with the coupons, bonds or warrants described therein, the City Treasurer shall receive and keep such coupons, bonds or warrants, issuing his receipt therefor together with his voucher upon the Local Improvement Guaranty Fund covering the same, whereupon upon presentation of the receipt and voucher to the City Comptroller the holder shall be entitled to receive a warrant upon the Local Improvement Guaranty Fund as provided in subsection A. Such warrants shall be issued in the order of the serial numbers of the presentation certificate issued by the City Treasurer.

(Ord. 70894 § 2, 1941; Ord. 62364 § 4, 1941.)

Chapter 20.12

DEFERRAL OF ASSESSMENT
COLLECTION

Sections:

- 20.12.010 Authorization.
- 20.12.020 Eligibility criteria.
- 20.12.030 Assessment—Deferral of collection—Time limitations.
- 20.12.040 Applications for deferral—Death of spouse—Disabling injury.
- 20.12.050 Deferred assessment interest rate.
- 20.12.060 Termination of deferred assessment.
- 20.12.070 Application of payments.
- 20.12.080 Administration by city officials.

Statutory Reference: For statutory provisions on the deferral of collection of assessments for economically disadvantaged persons, see RCW 35.43.250.

20.12.010 Authorization.

The collection of an assessment upon property assessed by a local improvement district, or any installment thereof, may be deferred as provided in RCW 35.43.250 and 35.54.100, as now existing or hereafter amended, upon the application of a person responsible for the payment of an assessment, who is economically disadvantaged, whenever authorized in the ordinance creating the district. Unless otherwise provided in such ordinance, or in the ordinance confirming an assessment roll for such district, the terms and conditions of this chapter shall establish the terms and conditions for the deferral of collection of such assessments, the persons eligible therefor, the rate of interest, the duties of the respective city officials and the obligations of the Local Improvement Guaranty Fund with respect thereto.

(Ord. 102560 § 1, 1973.)

20.12.020 Eligibility criteria.

A. The term "person responsible for payment of an assessment" means the owner of the property to be assessed (including life tenants) and other persons, who under the terms of a recorded contract of purchase, recorded mortgage, recorded deed of trust transaction or recorded lease is responsible under penalty of forfeiture, foreclosure, or default as between vendor/vendee, mortgagor/mortgagee, grantor and trustor/trustee and grantee, and beneficiary and lender, or lessor and lessee for the payment

of the local improvement district assessment.

B. A person responsible for payment of an assessment may qualify as "economically disadvantaged" when:

1. His or her current income does not exceed the income eligibility criteria scaled by family size prepared annually by the Budget Director from data supplied by the United States of America, Department of Labor to indicate an income necessary for such a person (and family) to live frugally, but adequately within the city; provided that such computations do not include (a) educational loans and grants which preclude their use for current living costs, (b) child support or alimony, (c) earnings of minors under eighteen and earnings of full-time students;

2. His or her net personal assets (exclusive of the home, reasonable furniture, fixtures, and appliances and equipment necessary for maintaining life, health, or movement of infirm or handicapped persons, cash surrender value of all insurance policies and annuity programs up to Ten Thousand Dollars (\$10,000.00) in total, and cash and marketable securities of Five Thousand Dollars (\$5,000.00) in value) does not exceed Ten Thousand Dollars (\$10,000.00).

Joint or community owners may qualify when their aggregate income does not exceed the income eligibility criteria for a family with the same number of persons and the net personal assets of each owner individually, as defined in subsection B2, do not exceed Ten Thousand Dollars (\$10,000.00). (Ord. 104953 § 1, 1975; Ord. 102560 § 2, 1973.)

20.12.030 Assessment—Deferral of collection—Time limitations.

Whenever an ordinance creating a local improvement district shall hereafter authorize deferral of collection of local improvement assessment upon properties benefited thereby pursuant to RCW 35.43.250 and 35.54.100, the following terms and conditions contained in the statute shall apply:

A. The amount of the assessment or an installment thereof, the collection of which has been deferred, shall be paid out of the Local Improvement Guaranty Fund.

B. The Local Improvement Guaranty Fund shall have a lien on the benefited property in an

amount equal to the amounts paid by such fund, together with interest as provided by the ordinance creating the district.

C. The collection of any particular installment shall not be deferred longer than two installment periods, provided, the foregoing shall not preclude the deferral of collection of other installments of such assessment.

D. Local improvement assessment obligations, the payment of which has been deferred, shall become due and payable upon the earliest of the following dates:

1. Upon the date and pursuant to the conditions established by the agreement for deferral of collection;

2. Upon the sale of property which has a deferred assessment lien upon it, from the purchase price; or

3. Upon the death of the person to whom the deferral was granted from the value of his estate; except, a surviving spouse shall be allowed to continue the deferral of collection, which shall be payable by the spouse as provided by the terms and conditions of the deferral in accordance with this chapter.

E. The time during which collection is deferred shall not be a part of the time limited for commencement of an action to collect the amount deferred or to enforce the local improvement assessment lien.

F. The collection of an assessment shall in no event be deferred beyond the time of the dissolution of the local improvement district.

G. The party granted the deferment of collection of an assessment, or installment thereof, shall provide assurance of property security acceptable in form and substance to the City Engineer for the payment of such assessment, or installment thereof.

(Ord. 102560 § 3, 1973.)

20.12.040 Applications for deferral—Death of spouse—Disabling injury.

Applications for deferral of collection of an assessment that involve any of the following must be made in writing at or before the hearing of the legislative authority for confirmation of the assessment roll:

A. Deferral of collection or an installment payment plan for payment of an assessment levied for total immediate payment;

B. Deferral of collection of the first installment of an assessment payable over multiple installments; and

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C. Deferral of collection of assessments by a plan providing phased payments during the duration of the district, with a series of multiple deferrals of successive installments.

An application for deferral of collection of one or more particular installments subsequent to confirmation of the assessment roll may be made on or before such installment becomes delinquent, should death of a spouse or head of household, disabling injury, or other serious adversity render a person responsible for payment of an assessment economically disadvantaged.

(Ord. 102560 § 4, 1973.)

20.12.050 Deferred assessment interest rate.

The assessment, or the installment thereof, upon which collection has been deferred, shall bear interest during the period of deferral at the same rate as borne by the note, warrant, or bonds issued by the city to pay the cost and expense of the improvement.

(Ord. 102560 § 5, 1973.)

20.12.060 Termination of deferred assessment.

The period of deferral of collection of an assessment or an installment thereof shall not extend beyond a fixed date of termination of occupancy of the person responsible for payment of an assessment under a leasehold or fee of definite duration, unless the owner of the reversion or remainder assents to such deferral.

(Ord. 102560 § 6, 1973.)

20.12.070 Application of payments.

Moneys received for payment of assessment installments shall be applied toward the earliest unpaid installment unless the party making the payment shall direct otherwise.

(Ord. 102560 § 7, 1973.)

20.12.080 Administration by city officials.

A. The City Engineer shall administer the deferral of collection of assessments, except such duties as are assigned by this chapter or by law to other city officials. The City Engineer shall have the power and authority to:

1. Give notice to property owners of the availability of ordinance procedures for deferral of collection of assessments;

2. Accept and process applications for deferral of collection of assessments, and amendments thereof as appropriate;

3. Conclude with the persons responsible for payment of an assessment an agreement setting the terms and conditions consistent with this chapter and state law, including, on request and at his discretion, without extra charge, provision for billing and payment of installment on a monthly or quarterly basis;

4. Secure execution and filing of any necessary instruments, and, upon notice from the City Treasurer, note satisfaction thereof;

5. Terminate the deferral of collection of assessments upon occurrence of conditions that render the assessment or installments thereof due and payable;

6. Recommend to the City Treasurer the amounts to be paid from the Local Improvement Guaranty Fund to the fund of such local improvement district upon the making of such deferral;

7. Take such other actions as necessary and appropriate to administer this chapter in accordance with RCW 35.43.250, 35.49.010, 35.50.050, and 35.54.100. The agreement with the person responsible for an assessment setting forth the terms and conditions of deferral of collection of the assessment shall be transmitted to the City Comptroller, and a copy thereof to the City Treasurer. All records retained by the City Engineer containing the application and information received in processing an application shall be kept confidential.

B. The Budget Director shall annually determine the income eligibility criteria, report his determination to the City Council, and file a copy thereof with both the City Comptroller and the City Engineer.

C. The City Comptroller shall draw such warrants upon the Local Improvement Guaranty Fund as necessary and appropriate to make payments to the local improvement district fund for assessments, the collection of which has been deferred, and shall report annually to the City Council and the Budget Director about the amount of payments made from the Local Improvement Guaranty Fund for assessments or installments deferred pursuant to this chapter and Chapter 137, Laws of 1972, as now existing or hereafter amended; the current balance in such fund and outstanding obligations guaranteed by such fund.

(Ord. 102560 § 8, 1973.)

Chapter 20.16

RECONSTRUCTION OF WATER MAINS

Sections:

- 20.16.010 Ungraded streets—Assessment of abutting property.
- 20.16.020 Ungraded streets—Payments from Water Fund.
- 20.16.030 Regrading—Payment when no benefit to abutting property.
- 20.16.040 Regrading—When desired by property owners.
- 20.16.050 Regrading—Assessment of costs.
- 20.16.060 Assessment of costs for water and fire protection during reconstruction.
- 20.16.070 Substitution or enlarging of mains—Costs.

20.16.010 Ungraded streets—Assessment of abutting property.

Whenever it becomes necessary to lay water mains in ungraded streets to supply water to residents of the district abutting on the streets, and the abutting property is assessed for the laying of the mains, such property shall be again assessed for the re-laying or reconstruction thereof when the streets are graded to permanent grade; provided that if, at the time of the laying of the mains originally, a permanent grade on the streets is established, the City Council may order the mains laid to permanent grade, as near as may be, and assess the entire cost thereof to the improvement district. (Ord. 27209 § 1, 1911.)

20.16.020 Ungraded streets—Payments from Water Fund.

Whenever it becomes necessary to lay water mains in ungraded streets that do not serve that particular district, or specially benefit it, no charge or assessment for re-laying or reconstructing the mains shall be made against the district abutting on the streets when the same are graded, but such cost shall be paid from the Water Fund of the city. (Ord. 27209 § 2, 1911.)

20.16.030 Regrading—Payment when no benefit to abutting property.

Whenever general public necessity demands the regrade of any street already improved and

with established grades, and such regrade is made, and it becomes necessary to adjust, re-lay or reconstruct water mains by reason thereof which do not serve, or specially benefit the district abutting on such streets, no charge for such reconstruction or adjustment shall be made against the abutting property of such streets or against the district assessed for the regrade, but the cost thereof shall be paid from the General Fund of the city. (Ord. 27209 § 3, 1911.)

20.16.040 Regrading—When desired by property owners.

Whenever it is desired by owners of property abutting on any street or streets that such street or streets be regraded, and such regrade is made, and by reason thereof it becomes necessary to adjust, re-lay or reconstruct any water mains in the street or streets not used for the purpose of serving the property abutting thereon, the entire cost of such adjustment or reconstruction may be assessed against the General Fund; provided, if such regrade is instituted by petition and the petitioners agree to bear any portion of the cost of adjustment, re-laying or reconstruction, or if the improvement is instituted by resolution of the City Council and the resolution declares the purpose of the Council to assess any portion of the cost to the property abutting on the streets to be regraded, in such event the portion of the cost as provided by either the petition or the resolution shall be assessed against the property in the district, and the balance thereof against the General Fund. (Ord. 27209 § 4, 1911.)

20.16.050 Regrading—Assessment of costs.

Whenever, whether for the benefit of the public at large or for the enhancement of the value and improvement of property adjacent or tributary to any district, the regrade of the district is desired, and by reason thereof it becomes necessary to adjust or reconstruct water mains in the district which specially benefit and furnish water to the property abutting or adjacent to the streets to be regraded, the entire cost of such adjustment or reconstruction, up to and including twelve-inch mains, shall be assessed against the property lying within the bounds of such district, and the cost of adjusting mains in excess of twelve inches, and up to twenty-four inches in size, shall be as follows: a sum equal to the cost of adjusting, re-laying

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or reconstructing twelve-inch mains, together with fifty percent of the excess cost by reason of the increased size of the main shall be assessed to the abutting property; provided, that the resolution and ordinance ordering the work and creating the district shall specify the cost as provided in this section, but no charge or assessment shall be made upon property lying within the district for the adjusting, re-laying or reconstruction of mains where they exceed twenty-four inches in size for that proportion of the cost caused by the excess of twenty-four inches. (Ord. 27209 § 5, 1911.)

20.16.060 Assessment of costs for water and fire protection during reconstruction.

Whenever any regrade is made, the entire cost of reconstruction of existing connections to water mains, hydrants, etc., which must be maintained to provide water and fire protection to the district during the progress of the regrade work, shall be assessed to the regrade district. (Ord. 27209 § 6, 1911.)

20.16.070 Substitution or enlarging of mains—Costs.

Whenever, in the prosecution of any of the improvements contemplated in this chapter, it is determined by the Water Department to substitute or enlarge the mains passing through the district, the entire cost of such substitution or enlarging, in excess of the reconstruction of existing mains, shall be borne by the Water Fund. (Ord. 27209 § 7, 1911.)

Chapter 20.20

FILLING OF PRIVATE PROPERTY

Sections:

20.20.010 Proceedings for making improvements and levying assessments.

20.20.020 Establishment of new grade—Survey by Board of Public Works.

20.20.030 Resolution of intent.

20.20.040 Establishment of local improvement district.

20.20.050 Modes of payment.

20.20.060 Applicability of Ord. 53493.

Statutory reference: For statutory provisions on filling and draining lowlands, see RCW Ch. 35.56.

20.20.010 Proceedings for making improvements and levying assessments.

Whenever the City Council shall order any improvement to be made or work to be done, by filling private property where necessary, as a sanitary measure which shall confer special benefits upon any property in the city, and it is desired to pay the whole or any part of the cost and expense of the same by and from special assessments levied upon the property specially benefited thereby, the proceedings for making such improvements and levying and collecting special assessments for the purpose of paying the whole or any part of the cost and expense thereof and for paying such cost and expense may be had and conducted as provided in this chapter.

(Ord. 35083 § 1, 1915.)

20.20.020 Establishment of new grade—Survey by Board of Public Works.

Whenever the city shall establish or shall have established the grade of any street or streets, alley or alleys, at a higher elevation than any private property abutting thereon, thereby rendering the drainage of such private property or any part thereof impracticable without the raising of the surface of such private property, or whenever the surface of any private property in the city shall be so low as to make sanitary drainage thereof impracticable, the City Council may determine by resolution that a fill of such private property is necessary as a sanitary measure. The Council shall in such resolution direct the Board of Public Works to make the necessary surveys of the district proposed to be improved and the necessary plans and specifications for such improvement, and to submit, within twenty days after the first publication of such resolution, a report to the City Council to be filed with the City Clerk giving a description of the property proposed to be improved by such fill, the grade to which it is necessary to fill the same and the estimated cost thereof.

(Ord. 35083 § 2, 1915.)

20.20.030 Resolution of intent.

The City Council shall before establishing the new grade of such property or providing for such fill, first pass a resolution declaring its intention to make such improvement and giving in such resolution a description of the property proposed to be improved by such fill, the

estimate of the cost of the same, and stating that such cost is to be assessed against the property benefited thereby, and shall fix a time not less than thirty days after the first publication of the resolution as specified in this section within which protests against such proposed improvement may be filed in the office of the City Clerk. The Council shall in such resolution, or in the ordinance providing for such improvement, declare the mode of making payment for such portion of the cost and expense of such improvement as shall be chargeable against such private property. At the time named in such resolution, the Council shall proceed to consider such resolution and report of the Board of Public Works on the matters referred to it in such resolution, together with all protests filed against the improvement, if any such protests be filed, and if the Council shall notwithstanding such protests and after full hearing thereof, if any protestant shall ask for such hearing, determine that it is necessary to fill such private property, or any portion or portions thereof, as a sanitary measure, the Council shall then or at a subsequent time proceed to enact an ordinance providing for such improvement. (Ord. 35083 § 3, 1915.)

20.20.040 Establishment of local improvement district.

Whenever the Council shall order any such improvement to be made, it shall in the ordinance ordering the same establish a local improvement district to be called "Local Improvement District No." which shall include all the property found by the Council as aforesaid to require such fill as a sanitary measure. (Ord. 35083 § 4, 1915.)

20.20.050 Modes of payment.

A. There shall be two modes of making payment for such portion of the cost and expense of the improvements provided for in this chapter, as shall be chargeable against the local improvement district created as provided in this chapter: "immediate payment" and "payment by bonds." The mode adopted shall be the mode set forth in the resolution declaring the intention of the Council to make the improvement, if such resolution specifies the mode; if such resolution fails to specify the mode, then it shall be the mode specified in the ordinance ordering the improvement.

B. In all cases where the mode of "payment by bonds" is directed, the assessments shall be payable in equal annual installments the number of which shall be less by two than the number of years the bonds or warrants may run.

C. Such bonds by their terms shall be made payable on or before a date not to exceed twelve years from and after the date of the issue of such bonds, which latter date may be fixed by resolution or ordinance by the City Council, provided that whenever the improvement shall lie wholly or partly within the boundaries of any commercial waterway district, organized and existing under the provisions of Chapter 243 of the Laws of 1907, of the state of Washington, and the acts amendatory thereof, such bonds may be made payable on or before a date not to exceed twenty-two years from and after the date of the issue of such bonds. Such bonds shall bear interest at the rate provided by the ordinance ordering the improvement, but not exceeding eight percent per year, such interest to be payable annually. Each bond shall have attached thereto interest coupons for each interest payment. (Ord. 35083 § 5, 1915.)

20.20.060 Applicability of Ord. 53493.

Ordinance 53493,¹ approved August 5, 1927, shall apply to all improvements made under the provisions of this chapter and to all proceedings relating to such improvements and to the making, collection and enforcement of special assessments therefor, and to the mode of paying for the same, except insofar as the same shall be in conflict with this chapter. (Ord. 66638 § 1, 1936; Ord. 35083 § 6, 1915.)

1. Editor's Note: Ord. 53493 is not included in this codification as it is presently undergoing comprehensive revision.

Subtitle II Public Works

Chapter 20.32

ART IN PUBLIC WORKS CONSTRUCTION

Sections:

- 20.32.010 Purpose.
- 20.32.020 Definitions.
- 20.32.030 Funds for works of art.
- 20.32.040 Commission authority.
- 20.32.050 Municipal Arts Fund.

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20.32.010 Purpose.

The city accepts a responsibility for expanding public experience with visual art. Such art has enabled people in all societies better to understand their communities and individual lives. Artists capable of creating art for public places must be encouraged and Seattle's standing as a regional leader in public art enhanced. A policy is therefore established to direct the inclusion of works of art in public works of the city.

(Ord. 102210 § 1, 1973.)

20.32.020 Definitions.

A. "Commission" means the Seattle Arts Commission.

B. "Construction project" means any capital project paid for wholly or in part by the city to construct or remodel any building, structure, park, utility, street, sidewalk, or parking facility, or any portion thereof, within the limits of The City of Seattle.

C. "Eligible fund" means a source fund for construction projects from which art is not precluded as an object of expenditure.

D. "Municipal arts plan" means the plan required by Section 20.32.040 A.
(Ord. 105389 § 1, 1976: Ord. 102210 § 2, 1973.)

20.32.030 Funds for works of art.

All requests for appropriations for construction projects from eligible funds shall include an amount equal to one percent of the estimated cost of such project for works of art and shall be accompanied by a request from the Arts Commission for authorization to expend such funds after the same have been deposited in the Municipal Arts Fund. When the City Council approves any such request, including the one percent for works of art, the appropriation for such construction project shall be made and the same shall include an appropriation of funds for works of art, at the rate of one percent of project cost to be deposited into the appropriate account of the Municipal Arts Fund. Money collected in the Municipal Arts Fund shall be expended by the Arts Commission for projects as prescribed by the municipal arts plan, and any unexpended funds shall be carried over automatically for a period of three years, and upon request of the Arts Commission, carried over for an additional two years. Any funds carried over for three years, or upon special request for

five years, and still unexpended at the expiration of such period shall be transferred to the General Fund for general art purposes only; provided that, funds derived from revenue or general obligation bond issues or from utility revenues or other special purpose or dedicated funds shall revert to the funds from which appropriated at the expiration of said three- or five-year period.
(Ord. 105389 § 2, 1976: Ord. 102210 § 3, 1973.)

20.32.040 Commission authority.

To carry out its responsibilities under this chapter, the Commission shall:

A. Prepare, adopt and amend with the Mayor's approval a plan and guidelines to carry out the city's art program, which shall include, but not be limited to a method or methods for the selection of artists or works of art and for placement of works of art;

B. Authorize purchase of works of art or commission the design, execution and/or placement of works of art and provide payment therefor from the Municipal Arts Fund. The Commission shall advise the department responsible for a particular construction project of the Commission's decision regarding the design, execution and/or placement of a work of art, funds for which were provided by the appropriation for such construction project;

C. Require that any proposed work of art requiring extraordinary operation or maintenance expenses shall receive prior approval of the department head responsible for such operation or maintenance;

D. Promulgate rules and regulations consistent with this chapter to facilitate the implementation of its responsibilities under this chapter.
(Ord. 105389 § 3, 1976: Ord. 102210 § 4, 1973.)

20.32.050 Municipal Arts Fund.

There is established in the City Treasury a special fund designated "Municipal Arts Fund" into which shall be deposited funds appropriated as contemplated by Section 20.32.030, together with such other funds as the City Council shall appropriate for works of art, and from which expenditures may be made for specific works of art or for works of art in accordance with the plan specified in Section 20.32.040 A. Separate accounts shall be established within the Municipal Arts Fund to segregate receipts by source or, when so directed by the City Council, for

specific works of art. Disbursements from such fund shall be made in connection with projects approved by the Commission on vouchers approved by the Executive Secretary of the Arts Commission and the City Comptroller shall draw and the City Treasurer shall pay the necessary warrants and make the necessary transfers.

(Ord. 105389 § 4, 1976: Ord. 102210 § 5, 1973.)

Chapter 20.36

GIFTS OF ART—ACCEPTANCE BY MAYOR

Sections:

20.36.010 Acceptance by Mayor.

20.36.010 Acceptance by Mayor.

In accordance with the following procedures, the Mayor is authorized for and on behalf of the city to accept gifts of works of art for display in or on property owned or occupied by the city:

A. Before accepting a gift of work of art pursuant to the authority of this chapter, the Mayor shall consult with the head of the city department or departments responsible for the premises where such work of art will be displayed and shall also obtain from the Seattle Arts Commission, or a duly designated committee thereof, its recommendation as to whether such gift of work of art should be accepted.

B. No gift shall be accepted pursuant to the authority of this chapter which will require substantial expenditures for protection from theft or damage, maintenance or operation.

C. Any gift accepted pursuant to the provisions of this chapter must be offered to the city unconditionally, except that the donor may impose any or all of the following conditions:

1. Specify the location where the work of art shall be displayed and/or specify reasonable conditions for the display of such work of art;

2. Specify reasonable conditions as to the care and protection of the work of art, provided such conditions do not require the expenditure of substantial funds in order to comply therewith; and

3. Specify that a sign or placard be

placed near the work of art identifying the donor and/or the person or persons or event which such work of art commemorates or in whose memory or memories such work was donated.

The Mayor shall manifest his acceptance of any such gift of work of art on behalf of the city by issuing a certificate of acceptance to the donor and by filing a copy of such certificate with the City Comptroller. The provisions of this chapter shall not apply to the acceptance of gifts of works of art which are made to the Seattle Public Library and which are accepted by the Board of Library Trustees pursuant to RCW 27.12.210. (Ord. 107578 § 1, 1978.)

Subtitle III Contracting

Chapter 20.44

CITY CONTRACTS—PREVENTION OF DISCRIMINATION¹

Sections:

Subchapter I Regulations

- 20.44.010 Definitions.
- 20.44.020 Powers and duties of the Director.
- 20.44.030 Franchises, consultant, public improvement and services contracts.
- 20.44.040 Lease and concession contracts.
- 20.44.050 Supplies, materials and equipment contracts.
- 20.44.060 Substitute provisions.
- 20.44.070 Sworn statement.
- 20.44.080 Notice of contracts awarded.
- 20.44.090 Assistance to contractors.
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- 20.44.130 Charge imposed.
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- 20.44.150 Charges to city department or agency.

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20.44.160 Payments by voucher—Deposit.

Statutory Reference: For state law against discrimination, see RCW Ch. 49.60.

1. Editor's Note: For further provisions regarding prevention of discrimination, see Title 14 of this Code.

Subchapter I Regulations

20.44.010 Definitions.

As used in this subchapter:

A. "Bona fide occupational qualification" means a job qualification as to a person's age, sex, race, creed, color or national origin which will be essential to the accomplishment of the purposes for which the person is hired.

B. "Commission" means the Human Rights Commission of The City of Seattle.

C. "Consultant contracts" means contracts for expert and temporary personal services, but shall not include contracts for services in connection with anticipated or pending litigation in which the city is involved.

D. "Contract" shall have its ordinary and usual meaning, but shall not include agreements made with other governmental agencies, associations of governmental agencies or officials, or with particular officers or employees of such agencies for services related to their official position or employment.

E. "Contracting authority" means the city officer or board authorized to enter into contracts on behalf of the city.

F. "Director" means the Director of the Department of Human Rights or his designee.

G. "Minority," "minorities," or "minority persons" means: persons who may be excluded or discriminated against because of creed, race, color, sex, age or national origin and including but not limited to persons between the ages of forty and sixty-five, women, Blacks, Asians (Japanese, Chinese, Filipino, Korean, Samoan), American Indians, Spanish Americans, Mexican Americans, Puerto Ricans and other persons with Spanish surnames not otherwise reported.

H. "Services" shall have its ordinary and usual meaning, but shall not include subscription services or services related to anticipated or pending litigation in which the city is involved.

I. "Vendor" means a contractor who has a contract with the city for supplies, materials or equipment.

(Ord. 101432 § 1, 1972.)

20.44.020 Powers and duties of the Director.

The Director shall have the power and duty to:

A. Assist all city contracting authorities in preparing equal opportunity and antidiscrimination provisions for contract specifications, advise as to the compliance records of prospective contractors, and report findings as to discriminatory practices and employment guidelines recommended by the Human Rights Commission and established by pertinent ordinances, state or federal laws or regulations pertaining to equal opportunity affecting prospective contracts;

B. Recommend to city contracting authorities the content of contract specifications requiring affirmative action to assure equality of employment opportunity, including but not limited to minimum employment goals and ranges of ratios for minority persons adversely affected by discrimination;

C. Perform the duties prescribed in this subchapter, including adopting, rescinding, and amending suitable rules and regulations to implement this subchapter, reviewing sworn statements and proposed affirmative action programs, making investigations, assisting contractors, and evaluating contractor compliance and assisting contracting authorities to meet the requirements of this subchapter;

D. Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this subchapter. (Ord. 101432 § 2, 1972.)

20.44.030 Franchises, consultant, public improvement and services contracts.

All consultant contracts, franchises, and contracts for public improvements, or services, the estimated cost of which exceeds One Thousand Dollars (\$1,000.00), shall contain the following provisions:

A. "During the performance of this contract, the contractor agrees as follows:

"The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, age, or national origin, unless based upon bona fide occupational qualification. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their creed, race, color, sex, age, or national origin. Such

action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this non-discrimination clause."

B. "Contractor will, prior to commencement and during the term of this contract, furnish to the Director of Human Rights (as used herein Director means the Director of the Human Rights Department or his designee) upon his request and on such form as may be provided by the Director therefor, a report of the affirmative action taken by the contractor in implementing the terms of this provision, and will permit access to his records of employment, employment advertisements, application forms, other pertinent data and records by the Director for the purposes of investigation to determine compliance with this provision."

C. "If upon investigation the Director finds probable cause to believe that the contractor has failed to comply with any of the terms of the provision, the contractor and the contracting authority shall be so notified in writing. The contracting authority shall give the contractor an opportunity to be heard, after 10 days notice. If the contracting authority concurs in the findings of the Director, it may suspend the contract and/or withhold any funds due or to become due to the contractor, pending compliance by the contractor with the terms of this provision."

D. "Failure to comply with any of the terms of this provision shall be a material breach of this contract."

E. "The foregoing provision will be inserted in all sub-contracts for work covered by this contract."

(Ord. 101432 § 3.1, 1972.)

20.44.040 Lease and concession contracts.

A. All contracts of the city for leases and concessions shall contain the following provisions:

"The lessee (contractor) agrees to comply with all state and local laws prohibiting discrimination with regard to creed, race, color, sex, age, or national origin."

B. All contracts of the city for leases and

concessions of seven consecutive days' duration or longer and involving employers with three or more employees shall contain the following provisions:

"During the performance of this contract, the lessee (contractor) agrees as follows:

"The lessee (contractor) will not discriminate against any employee or applicant for employment because of creed, race, color, sex, age, or national origin, unless based upon a bona fide occupational qualification. The lessee (contractor) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their creed, race, color, sex, age, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The lessee (contractor) agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause. The lessee (contractor) will take affirmative action to ensure that all of its employees, agents and subcontractors adhere to this provision; provided, nothing herein shall prevent an employer from giving preference in employment to members of his immediate family.

"Lessee (contractor) will, upon the request of the Director (as used herein Director means the Director of the Human Rights Department, or his designee) furnish to the Director on such form as may be provided therefor, a report of the affirmative action taken by the lessee (contractor) in implementing the terms of this provision, and will permit access to his records of employment, employment advertisements, application forms, other pertinent data and records by the Director for the purpose of investigation to determine compliance with this provision.

"If, upon investigation, the Director determines that there is probable cause to believe that the lessee (contractor) has failed to comply with any of the terms of this provision, the lessee (contractor) shall be so notified in writing. The contracting authority shall give the lessee (contractor) an opportunity to be heard, after 10 days notice. If the contracting authority concurs in the findings of the Director, it may suspend or terminate this lease (contract) and evict lessee

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(terminate the contract) in accordance with law.

"Failure to comply with any of the terms of this provision shall be a material breach of this lease (contract).

"The foregoing provision will be inserted in all subleases (subcontracts) entered into under this lease (contract)."

(Ord. 101432 § 3.2, 1972.)

20.44.050 Supplies, materials and equipment contracts.

A. All contracts of the city for the purchase of supplies, materials, or equipment shall contain the following provision:

"During the performance of this contract, the vendor agrees as follows:

"The vendor will not discriminate against any employee or applicant for employment because of creed, race, color, sex, age, or national origin, unless based upon a bona fide occupational qualification. The vendor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their creed, race, color, sex, age, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The vendor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause."

B. Before any city contracting authority accepts any bid or enters into any contract for the purchase of supplies, materials, or equipment the vendor shall be prequalified to do business with the city as provided for in this section, provided that the contracting authority may waive the requirement of prequalification whenever it finds and certifies after investigation that:

1. Needed supplies, materials or equipment are available only from a single source and that the vendor has failed to comply with the requirements for prequalification; or

2. An emergency exists which requires the immediate purchase of supplies, materials, or equipment and for which the contracting authority is authorized to secure the supplies, materials, or equipment in the open market, without advertisement, at the lowest obtainable

price, and that the vendor of the supplies, materials, or equipment is not currently disqualified from doing business with the city by reason of its removal from prequalified status or its failure to satisfy the prequalification requirements pursuant to its application for prequalification.

C. City contracting authorities purchasing supplies, materials, or equipment shall cause notice of this prequalifying requirement to be included in all invitations to bid and to be conspicuously displayed in all offices purchasing supplies, materials, or equipment for the city.

D. A vendor shall be deemed to be prequalified when the contracting authority, with the advice and recommendations of the Director, finds that:

1. The vendor is complying with federal, state, and local laws regarding discrimination;

2. The vendor has satisfactorily completed and filed with the Director on such form as the Director provides therefor, the following information:

a. An employment profile which may include the number of employees, their creed, race, color, sex, age and national origin, and the type of work each performs by general categories, and such other information as requested by the Director; and

b. A sworn statement as set out in Section 20.44.070 which shall become terms and conditions of any and all contracts of the vendor with the city for the purchase of supplies, materials, or equipment.

E. A contracting authority may assume that a vendor has satisfied the requirements for prequalifying if the Director does not notify the contracting authority to the contrary within three working days of the submission to the Director by the vendor of all information and sworn statements required to prequalify.

F. Whenever the contracting authority, with the advice of the Director, finds that a contractor's sworn statement is in need of review or updating, he shall so notify the vendor who shall take steps as necessary to review or update his sworn statement to meet the contracting authority's requirements, provided that if changes in the sworn statement would have a substantial financial impact on the contractor with regard to contracts already entered into the changes shall not apply to such contracts.

G. If upon investigation the Director determines that there is probable cause to believe that the vendor has failed to comply with any of the

terms of this section or with the obligations of the sworn statement, written findings as to each such probable breach shall be given by the Director to the vendor and the contracting authority. The contracting authority shall give the vendor an opportunity to be heard, after ten days' notice. If the contracting authority concurs in the findings of the Director, it may cancel or suspend the vendor's prequalification. (Ord. 101432 § 3.3, 1972.)

20.44.060 Substitute provisions.

A city contracting authority may substitute in lieu of the contract provisions set forth in Sections 20.44.030, 20.44.040, and 20.44.050 such antidiscrimination or equal opportunity provisions required or requested by the Department of Human Rights, the United States of America or the state of Washington. (Ord. 101432 § 3.4, 1972.)

20.44.070 Sworn statement.

All city contracts covered by this subchapter except those for the purchase of supplies, materials, or equipment, shall include a sworn statement specifically setting forth what affirmative action the contractor will take to insure equality of opportunity in employment during the term of the contract. (Ord. 101432 § 4, 1972.)

20.44.080 Notice of contracts awarded.

As to each city contract of One Thousand Dollars (\$1,000.00) or more, the contracting authority shall furnish to the Director the name of the contractor to whom such contract has been awarded and the dollar amount for which it was awarded. City contracts of less than One Thousand Dollars (\$1,000.00) shall be made available upon request to the Director. (Ord. 101432 § 5, 1972.)

20.44.090 Assistance to contractors.

The Director may offer the services and facilities of the Department of Human Rights to assist contractors desiring to bid on, or having been awarded a city contract, to comply with the equal opportunity provisions for such contract, and may offer information as to organizations and agencies available to assist such contractor in recruiting, tutoring, training, and/or otherwise preparing potential employees. (Ord. 101432 § 6, 1972.)

20.44.100 Employment goals, ranges, or ratios.

A. Whenever the Director has certified to any city contracting authority that:

1. Identified minorities are being denied equal employment opportunity within the city in certain occupations, trades, professions or supervisory types of work included in city contracts by reason of creed, race, color, sex, age, or national origin due to existing discrimination or the effects of prior discrimination; and

2. Persons within such minorities are ready, willing and capable of accepting such employment or performing such tasks if the opportunity be available; and

3. Employment goals, ranges, or ratios for employment of such minorities in such occupations, trades, professions or supervisory types of work or tasks are necessary to assure such persons equality of employment opportunity and to overcome discrimination or the effects of past discrimination and social or institutional inertia; and

4. The goals, ranges or ratios certified reasonably reflect the employment goals, ranges or ratios that would exist under conditions of equal employment opportunity and assure fair, equal and nondiscriminatory treatment of all persons without respect to creed, race, color, age, sex, or national origin;

then specifications for contracts let by any contracting authority and involving the line of work or tasks so certified shall include a provision establishing employment goals, ranges or ratios for such minorities as certified by the Director and adjusted by the contracting authority, if necessary, to reflect a standard of performance that can be carried out by a contractor proceeding in good faith and making every reasonable effort to comply in all phases of employment, including solicitation, training and apprenticeship, promotion, and treatment of employees. Such provisions shall include provisions relating to enforcement and sanctions for noncompliance.

B. Employment goals may be implemented by or stated as a minimum number, ratio, range or a particular assignment, and may include participation in multi-employer programs for training and/or employment or coordination with state and federal equal opportunity training programs, and shall be designed and used to assure that applicants for employment and employees receive equal employment opportunities and fair, equal and nondiscriminatory

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treatment without regard to creed, race, color, sex, age, or national origin.

C. On projects or activities financed with assistance from the United States or the state, the contracting authority may substitute for such provisions such antidiscrimination or equal employment opportunity provision required or requested by the Department of Human Rights, the United States or the state.

D. City contracting authorities shall, upon making adjustments or when requested by the Director, submit copies of the contracts covered by this section to the Director for recommendations and further suggestions with regard to minority employment goals which should be part of the specifications. Contracts so submitted to the Director may be assumed adequate if not returned within five days with recommendations for improvement. Contracting authorities shall, as to any contract submitted to the Director under this section, notify the Director for the final form of such contract before the date of its award.

E. Certifications by the Director under this section shall be in effect until revoked or revised by the Director and the contracting authority is notified of such revocation or revision.

F. Employment goals established by this section are not intended and shall not be taken to diminish the contractor's responsibility and obligation under other sections of this subchapter. A contractor whom the Director of Human Rights has certified to be acting in good faith and making every reasonable effort to comply with the employment goals established shall be deemed in compliance, even though the employment goals are not met.

(Ord. 101432 § 7, 1972.)

20.44.110 Procedures when compliance with special goals is unsatisfactory.

A. Prior to the completion of any contract which contains provisions establishing employment goals, ranges or ratios, the Director may report to the contracting authority regarding the performance by such contractor. If the Director fails to submit such report, the city contracting authority may assume adequate compliance.

B. Coincident with or before a report from the Director asserting unsatisfactory contractor performance is sent to a contracting authority, the Director shall notify the contractor of such report in writing and of the contractor's right

to be heard as set forth in this subchapter.

C. The contracting authority shall give the contractor an opportunity to be heard, after ten days' notice. If the contracting authority concurs with the report of the Director and is satisfied from the evidence that the contractor has failed to comply with the provisions of this subchapter or the promises and/or representations made in a sworn statement pursuant to Section 20.44.070, or with the employment goals established in the contract in accordance with Section 20.44.100, the contracting authority shall so find, and shall not enter into any other contract with such contractor until it is reasonably assured of future satisfactory compliance.

D. Action under this section shall be in addition to other remedies that may be available to the city under the contract.

(Ord. 101432 § 8, 1972.)

20.44.120 Transition period for prequalification.

For a period of three months following the effective date of the ordinance codified in this subchapter,¹ a contracting authority purchasing supplies, materials, or equipment may find a contractor to be prequalified for purposes of Section 20.44.050 when the contractor has filed the required information and sworn statement with the Director and such contractor shall continue to be prequalified unless the contracting authority, with the advice and recommendations of the Director, finds the contractor not qualified.

(Ord. 101432 § 9, 1972.)

1. Editor's Note: Ord. 101432 became effective on November 9, 1972.

Subchapter II Costs of Enforcement

20.44.130 Charge imposed.

As of January 1, 1977, to pay the costs of enforcement of antidiscrimination and affirmative action provisions established for city contracts by Ordinance 101432,¹ there is imposed, subject to the limitations set forth in this subchapter, a charge of \$0.0014 on each dollar of the amount of each such contract.

(Ord. 106055 § 1, 1976.)

1. Editor's Note: Ord. 101432 is codified in Subchapter I of this chapter.

20.44.140 Charges to city utilities.

The Purchasing Agent shall annually inform the Director of the Department of Human Rights and the city utilities (Light Department, Water Department, Sewer Utility, Solid Waste Utility) of the total amount of expenditures by each such utility for the purchase of supplies, materials or equipment under contracts covered by Section 20.44.050. The Director of Human Rights shall annually bill and each such utility shall pay to the City Treasurer, an amount equal to \$0.0014 per dollar of expenditures for such purchases.

(Ord. 106875 § 1, 1977; Ord. 106055 § 2, 1976.)

20.44.150 Charges to city department or agency.

Each city department or agency, when entering into contracts involving consultant services, franchises, public improvements, services, leases or concessions, or other contracts requiring inclusion of affirmative action provisions, under Sections 20.44.030 and 20.44.040 shall include with each such contract a form, to be provided by the Human Rights Department, identifying the contract and listing the amount of the contract, the charge to be imposed under this subchapter, and any other information required by the Director of Human Rights. The Director of the Seattle Human Rights Department shall thereupon bill the contracting department or agency on such form and the contracting department or agency shall, upon award of the contract, pay to the City Treasurer from the amount allocated for the contract an amount equal to \$0.0014 on each dollar of such contract, provided that the amount paid in connection with any one contract shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00) during any one calendar year and no payment shall be made in connection with contracts for which the amount equal to \$0.0014 on each dollar does not exceed Ten Dollars (\$10.00).

(Ord. 106055 § 3, 1976.)

20.44.160 Payments by voucher—Deposit.

Payments made to the City Treasurer under this subchapter shall be by voucher. The City Treasurer shall deposit the proceeds therefrom into the General Fund and transmit a record of such deposits to the Director of the Seattle Human Rights Department.

(Ord. 106055 § 4, 1976.)

Chapter 20.48

PUBLIC WORKS CONTRACTS—FINANCIAL REQUIREMENTS

Sections:

20.48.010 Contractor's bond required.

20.48.020 Bonds required for certain demolition contracts.

20.48.030 Funds to be available before entering into contract.

20.48.040 Filing of statement of contract amount.

20.48.050 Not applicable to certain local improvements

20.48.060 Contracts in violation—Voidable.

20.48.070 Daily administrative charges.

Statutory Reference: For statutory provisions on contractor's bonds, see RCW Ch. 39.08; for provisions concerning prevailing wages on public works, see RCW Ch. 39.12.

20.48.010 Contractor's bond required.

Before any contract for the doing of any work or labor for, or the furnishing of any skill or materials to, the city, shall be valid or binding against the city, the contractor shall enter into a good and sufficient, joint and several bond to the city, for the use and benefit of the city, and also for the use and benefit of all laborers, mechanics, subcontractors, material men and all persons who shall supply such person or persons or subcontractors with provisions or supplies for the carrying of such work, conditioned that such person or persons shall faithfully perform such contract according to all its terms, provisions and stipulations, and to pay all laborers, mechanics and subcontractors and material men, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and all just debts, dues and demands incurred in the performance of such work, and to comply with all the requirements of the laws of the state, and the Charter and ordinances of the city, and the amendments thereto, which bond shall be in an amount equal to not less than twenty-five percent, nor more than one hundred percent of the full contract price agreed to be paid for such work, improvement, labor, skill or materials, shall be duly signed by such contractors and two or more good and sufficient sureties or with a surety company as surety, and shall be filed

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with the City Comptroller, and such bond shall be subject to all the provisions of the City Charter not inconsistent with the express provisions of this section. The amount of the bond to be required of any contractor shall be stated in the call for bids for the doing of any work or labor, or the furnishing of any skill or materials. (Ord. 35902 § 1, 1916.)

20.48.020 Bonds required for certain demolition contracts.

Specifications for demolition contracts to be awarded by the Board of Public Works shall provide that when the contract amount is Twenty Thousand Dollars (\$20,000.00) or less, exclusive of sales tax, a performance and payment bond required by RCW 39.08.010 shall be provided in an amount equal to fifty percent of the contract price agreed to be paid for such demolition work, and the bond shall be payable to the city, all as recommended by the Mayor and Board of Public Works in C. F. 274400. (Ord 102283 § 1, 1973.)

20.48.030 Funds to be available before entering into contract.

The Board of Public Works before authorizing or entering upon the construction of any public work or improvement, or any part thereof, either by contract or by day labor, under its management, shall obtain from the City Comptroller a statement showing the unobligated balance in the appropriation made by the ordinance authorizing such construction, to cover the cost and expense thereof, and no contract shall be entered into, nor shall the construction of such work or improvement, or any part thereof, be undertaken by the Board, unless there is a balance in the appropriation sufficient to cover such cost and expense. (Ord. 46545 § 1, 1924.)

20.48.040 Filing of statement of contract amount.

Whenever the Board of Public Works shall award any contract for any public work or improvement, or any part thereof, or shall have determined to make such public work or improvement, or any part thereof, by day labor under its management, the Board shall forthwith file with the City Comptroller a statement of the amount of such contract or the estimated cost of such work, and upon receipt of such statement the City Comptroller shall enter such

amount upon the books in his office as a preliminary charge against the appropriation made to cover the cost and expense of such work or improvement.

(Ord. 46545 § 2, 1924.)

20.48.050 Not applicable to certain local improvements.

The provisions of Sections 20.48.030 through 20.48.060 shall not apply to local improvements, the funds for the making of which are directly or indirectly to be derived in whole or in part from assessments upon the property benefited thereby.

(Ord. 46545 § 3, 1924.)

20.48.060 Contracts in violation—Voidable.

Any contract entered into, or any obligation against the city incurred by the Board of Public Works in violation of the provisions of Sections 20.48.030, 20.48.040 or 20.48.050 shall be voidable at the option of the city.

(Ord. 46545 § 4, 1924.)

20.48.070 Daily administrative charges.

There is imposed a charge of Seven Dollars (\$7.00) per day from date of execution to date of acceptance of the work as to each and every public works contract administered by the Board of Public Works with the exception of contracts for consulting services, other service contracts, and tree or plant establishment portions of landscaping contracts. Such charge shall be computed by the Secretary of the Board of Public Works and billed to the department or fund for which such contract is administered, and receipts therefrom shall be deposited in the General Fund.

(Ord. 107832 § 1, 1978; Ord. 106002 § 1, 1976; Ord. 102688 § 1, 1973; Ord. 100181 § 1, 1971; Ord. 99492 § 1, 1970.)

Chapter 20.52

DATA PROCESSING EQUIPMENT AND SERVICES¹

Sections:

- 20.52.010 Definitions.
 20.52.020 Budget Director to control contracting.
 20.52.030 Procurement procedures.
 20.52.040 Duties of Budget Director.
 20.52.050 Payment for contracts.

1. Cross-reference: For further provisions regarding the data processing center and services, see Subchapter V of Chapter 3.14 of this Code.

20.52.010 Definitions.

As used in this chapter the following terms shall have the indicated meanings:

A. "Automated Data Processing" (ADP) means any method of processing data and information using punch cards, electronic accounting machines (EAM), or electronic data processing equipment (EDP), including any data communication devices used in connection with electronic data processing equipment for the transmission of data.

B. "Electronic data processing equipment" includes, but is not limited to, microprocessors, microcomputers, minicomputers, small business computers, mainframe computers, large scale computers, data entry computers, remote batch or remote job entry terminals, word processing machines, video terminals, intelligent terminals, hard copy or printing terminals, magnetic tape units, disc storage units, line printers, modems, multiplexors, and other equipment interconnected for the purpose of recording, transmitting, processing, storing, or reporting data and information.

(Ord. 108329 § 1, 1979.)

20.52.020 Budget Director to control contracting.

A. Consistent with the provisions of Article VIII §16 of the Charter, no city officer or employee shall order or contract for any Automated Data Processing equipment, programs, or services except through; or in accordance with guidelines, standards or procedures made by; the Budget Director, and after having secured written approval for any such procurement from the

Budget Director or his designee. For efficient operation of the city's business, the Budget Director shall review and approve or disapprove such requests and contracts in a timely manner. In conducting this review, the factors considered by the Budget Director shall include, but not necessarily be limited to, the following considerations: city-wide as well as departmental long- and short-term costs; timeliness of service; multipurpose use of equipment and software programs; and training requirements for supporting staff.

B. In order to assure the efficient utilization of existing city ADP resources, the Budget Director may require the use of city resources in lieu of obtaining additional equipment, systems, programs or services from sources other than the city.

C. The Budget Director's decisions should be documented to explain the factors determining the decision. Documentation when possible or necessary should include considerations such as comparative cost data and the ability of OMB/MIS to respond to the specifics of a user's request.

(Ord. 108329 § 2, 1979.)

20.52.030 Procurement procedures.

A. All city departments requiring acquisition of Automated Data Processing equipment, systems, programs or services shall submit requests to the Budget Director setting forth the justification for such procurement making specific reference to the name of the approved project in the city's data processing plan. Department heads making such requests shall comply with directions of the Budget Director consistent with the provisions of this chapter.

B. The Budget Director may develop required equipment, systems, programs and services standards and, in connection therewith, develop multidepartmental contracts, where appropriate, to consolidate individual departmental equipment, systems, programs and service requests in single contracts.

C. The Budget Director's decisions should be documented to explain the factors determining the decision. Documentation when possible or necessary should include considerations such as comparative costs data and the ability of OMB/MIS to respond to the specifics of a user's request.

(Ord. 108329 § 3, 1979.)

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20.52.040 Duties of Budget Director.

A. The Budget Director shall develop and establish guidelines, standards and procedures consistent with the provisions of this chapter, and such guidelines, standards and procedures shall be applicable to all city departments, as follows:

1. Standards for the coordinated acquisition and maintenance of Automated Data Processing equipment, systems, programs and services;

2. Standards for the specifications, justification, development, acquisition, and maintenance of ADP equipment, systems, programs or services;

3. Standards for systems development, programming and documentation; and

4. Standards and requirements to provide for confidentiality of data and information recorded, processed, stored or reported by the city departments using ADP equipment, systems, programs or services, insofar as such confidentiality may be necessary to protect individual rights of privacy as provided by law, and to provide data security in compliance with state and federal law and to prevent fraud and embezzlement of public funds and, where necessary, to discharge obligations to protect proprietary products, when otherwise lawful. Proposed standards, guidelines, or procedures established by the Budget Director which relate to this subsection A4 shall be submitted to the City Council for their review at least thirty days prior to their effective date.

B. The Budget Director shall also provide city departments with such Automated Data Processing technical training as is necessary or convenient to implement standardization of Automated Data Processing techniques. (Ord. 108329 § 4, 1979.)

20.52.050 Payment for contracts.

The Comptroller shall not approve payment for any contracts that are inconsistent with any provision of this chapter. (Ord. 108329 § 5, 1979.)

Subtitle IV Concessions¹

(Reserved)

1. Cross-reference: For provisions regarding contracts for leases and concessions, see Section 20.44.040 of this Code.

Subtitle V Miscellaneous Provisions

Chapter 20.76

CONDEMNATION PROCEEDINGS

Sections:

Subchapter I Special Assessments for Condemnation of Land

- 20.76.010 Method of procedure.
- 20.76.020 Acceptance of awards.
- 20.76.030 Modes of payment.
- 20.76.040 Mode of "payment by bonds."
- 20.76.050 Sale of bonds.
- 20.76.060 Payment in installments.
- 20.76.070 Certificates of purchase.
- 20.76.080 Special fund.
- 20.76.090 Issuance of bonds.
- 20.76.100 Form of bonds.
- 20.76.110 Bond registry.
- 20.76.120 Warrants—When issued.
- 20.76.130 Payment of awards, interest and costs.
- 20.76.140 Items of cost.

Subchapter II Miscellaneous Provisions

- 20.76.200 Payment of local improvement assessments against condemned property.
- 20.76.210 Appropriation for payment of local improvement assessments against condemned property.
- 20.76.220 Offsetting compensation against damages—Permitted.
- 20.76.230 Offsetting compensation against damages—Court certificate.
- 20.76.240 Offsetting compensation against damages—Cancellation of assessment roll.
- 20.76.250 Offsetting compensation against damages—Same proceeding.

- 20.76.260 Acceptance of condemnation fund warrants in payment of assessments.
- 20.76.270 Acceptance of certificates of purchase for delinquent condemnation award assessments.
- 20.76.280 Segregation of condemnation assessments.

Statutory Reference: For statutory provisions on eminent domain by cities, see RCW Ch. 8.12.

Subchapter I Special Assessments for Condemnation of Land

20.76.010 Method of procedure.

Whenever the City Council shall provide for the payment of the whole or any portion of the cost and expense of the condemnation of land by the levy and collection of special assessments on property specially benefited, the proceedings therefor shall be in accordance with the laws of the state of Washington and the provisions of this subchapter.

(Ord. 75167 § 1, 1946; Ord. 54547 § 1, 1928.)

20.76.020 Acceptance of awards.

If the City Council shall accept the awards for any improvement, or if the time allowed by law for rejecting the same shall have expired, the City Comptroller and ex officio City Clerk shall notify the Clerk of the Superior Court, the County Assessor and the Corporation Counsel of such acceptance or such expiration of time for rejection.

(Ord. 54547 § 2, 1928.)

20.76.030 Modes of payment.

There shall be two modes of payment for such portion of the cost and expense of any improvement payable by special assessment: "immediate payment" and "payment by bonds." The mode adopted shall be "immediate payment," except in cases where the City Council shall designate the mode of "payment by bonds."

(Ord. 54547 § 3, 1928.)

20.76.040 Mode of "payment by bonds."

In case the City Council shall provide for the payment of special assessments in any such proceeding by the mode of "payment by bonds," it shall specify the term of such bonds, the maximum rate of interest thereon, and shall provide that bonds of such improvement district

shall be issued in an amount equal to the sum of the assessments levied for such local improvement, less the amount of such assessments paid in cash into the special fund created for such local improvement during the thirty-day period following the date of the first publication of the treasurer's notice of collection, and the bonds may be sold and delivered, in such manner as the City Council may by ordinance or resolution direct.

(Ord. 54547 § 4, 1928.)

20.76.050 Sale of bonds.

A. When the mode of "payment by bonds" is adopted for any such improvement, such bonds may be sold and delivered either upon bids or at private sale, as provided in this section. When the sale of such bonds upon bids shall be authorized, the City Comptroller and ex officio City Clerk shall advertise the same for sale in at least one issue of the official newspaper of the city not less than ten days prior to the date of sale. The advertisement shall state the approximate amount and date of the bonds, the number of years in which they shall mature and that bids shall be for bonds bearing no greater than eight percent interest on bonds issued to mature in twelve years or less and bearing no greater than six percent interest on bonds issued to mature in twenty-two years, and that no bid for less than par and accrued interest will be considered. The time and place when and where bids will be received shall also be stated in the advertisement. The City Comptroller and ex officio City Clerk shall report all such bids to the City Council, who shall promptly act upon the the same. The action of the City Council in accepting any such bids shall be by resolution. Bidders shall bid for such bonds upon printed forms without erasures or interlineation, which forms shall contain a copy of the advertisement and otherwise shall be substantially as follows:

"BID FORM FOR IMPROVEMENT BONDS,
CITY OF SEATTLE.

"MR.....
Comptroller of the City of Seattle,
Seattle, Washington.

"Sir:

"For Local Improvement District Bonds of

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the City of Seattle, bearing percent interest and otherwise as described in the attached advertisement, which is hereby made a part of this bid, we will pay for the entire issue at the rate of \$. . for each one hundred dollars (\$100) of bonds and a proportionate amount for any fractional bond, and in addition thereto accrued interest, if any, to date of delivery.

"This bid is made subject to the approval by our attorneys of all of the proceedings taken in connection with the organization of the district, the creation of the assessment for the payment of the bonds and the issuance of the bonds.

"We enclose herewith certified check payable to the order of the City Comptroller of the City of Seattle, Washington, for \$, being five (5) percent of the par value of the bonds hereby bid for, which check is to be returned if this bid is not accepted, otherwise to be used as part payment for the bonds; and if this bid is accepted and we fail thereafter to comply with its terms, the said check and the full amount thereof shall be forfeited to the City as and for liquidated damages."

B. When the sale of such bonds at private sale shall be authorized, the City Council shall, in the ordinance or resolution authorizing such sale, specify the rate of interest which such bonds shall bear.

(Ord. 54547 § 5, 1928.)

20.76.060 Payment in installments.

Whenever the city shall have sold bonds of any such local improvement district, either upon bids or at private sale, as in this subchapter, the assessments for such improvement shall be payable in installments, and notice thereof shall be given, and the collection and enforcement thereof had as provided by law and this subchapter. In the case of sale upon bids, the City Comptroller and ex officio City Clerk shall transmit to the City Treasurer a certified copy of the resolution accepting any such bid, and in the case of sale at private sale the City Comptroller and ex officio City Clerk shall transmit to the City Treasurer his certificate that such bonds have been sold, pursuant to the resolution of the City Council directing such sale, and in either case the City Treasurer thereupon shall proceed with the collection and enforcement of such assessments under the mode of "payment by bonds." As to assessments payable in ten or less, annual installments, the City Comptroller

shall annually extend the installments of principal and interest upon the unpaid balance as shown upon such roll, and as to assessments payable in twenty annual installments, the City Comptroller shall for the first ten years annually extend the installments of interest upon such roll, and for the last ten years he shall annually extend the installments of principal and interest upon the unpaid balance as shown upon such roll.

(Ord. 54547 § 6, 1928.)

20.76.070 Certificates of purchase.

A. Two years after the date of delinquency of an assessment payable by the mode of "immediate payment," or of an installment of an assessment payable by the mode of "payment by bonds," it shall be the duty of the City Treasurer to proceed to sell the property described in any such local assessment roll for the amount of such delinquent assessment, or installment, together with the penalty and interest accruing to date of sale, and for the costs of the sale; provided, it shall be the duty of the City Treasurer in the case of the last installment of an assessment payable by the mode of "payment by bonds" to proceed with the sale provided for in this section at the expiration of twenty-one months from the date of the delinquency of the last installment.

B. Certificates of purchase shall be executed and delivered by the Treasurer to the purchasers at such sale, and assessment deeds shall be executed and delivered by him to the persons thereunto entitled. All steps and proceedings required to be done in connection with such sale, certificates of purchase and assessment deeds shall be had and conducted according to law and this subchapter.

C. When assessments, or installments of assessments, have been delinquent the full period provided by law and ordinances of the city, before which such assessments or installments of assessments are subject to sale, the City Treasurer shall certify to the City Comptroller that there are delinquent and unpaid assessments or installments thereof, giving the district number and installment thereof, if it be an installment roll, ordinance number under which it was created, street name, nature of the improvement and the date of delinquency.

D. The City Comptroller shall, upon receipt of the certificate, verify the same and, if found correct, shall issue a warrant directing the

Treasurer to sell all the property described upon the roll upon which assessments are levied to satisfy all such delinquent and unpaid assessments or installments thereof, together with interest, penalties and costs as provided by law.

E. Such warrant, issued for the purpose of making sale of the delinquent property, shall be deemed and taken as an execution against the property for the amount of the assessments or installments thereof, with interest, penalties and costs, and the City Treasurer shall, within sixty days from receipt thereof by him, commence the sale of the property. (Ord. 54547 § 7, 1928.)

20.76.080 Special fund.

The City Council shall, by ordinance, create a special fund for each such improvement district to be called "Local Improvement Fund, Condemnation Award, District No.," into which shall be placed the proceeds of the sale of bonds for such improvement, all sums paid on account of assessments levied for such improvement including all interest and penalty thereon, and all sums received from rents, profits and income from the property condemned by such proceeding, and from which shall be paid all warrants issued upon transcripts of judgments on awards and all bonds issued for such improvement. (Ord. 54547 § 8, 1928.)

20.76.090 Issuance of bonds.

At the expiration of thirty days after the date of first publication of the Treasurer's notice of any such assessments payable in installments, the Treasurer shall report to the City Comptroller the total amount of the assessment, the total amount paid to him to redeem any lots, tracts, or parcels of land, or other property, from the assessment levied thereon, and the total amount unpaid on such assessment; whereupon the Mayor and City Comptroller shall issue the bonds of such local improvement condemnation award district, in an amount equal to the amount remaining unpaid on the assessment roll as shown by such report. The bonds provided for in this section shall not be issued prior to twenty days after the expiration of the thirty days abovementioned. Such bonds shall be in denominations of Two Hundred Dollars (\$200.00) each, except bonds numbered one, which shall be in an amount not to exceed Four

Hundred Dollars (\$400.00); provided, that the City Council may, by resolution, designate any different denomination for such bonds. (Ord. 54547 § 9, 1928.)

20.76.100 Form of bonds.

A. All bonds issued in pursuance of the provisions of this subchapter shall be in substantially the following form:

"LOCAL IMPROVEMENT BOND, CONDEMNATION AWARD DISTRICT NO. . . . OF THE CITY OF SEATTLE, STATE OF WASHINGTON.

No. \$

"N.B. The laws of the State of Washington, under which this bond is issued, contain the following section:

"Neither the holder nor owner of any bond issued under the authority of this act shall have any claim therefor against the city by which the same is issued, except from the special assessment made for the improvement for which such bond was issued, but his remedy in case of non-payment, shall be confined to the enforcement of such assessments. A copy of this section shall be plainly written, printed or engraved on each bond so issued."

"The City of Seattle, a municipal corporation of the State of Washington, hereby promises to pay to or bearer, Dollars, lawful money of the United States, with interest thereon at the rate of per cent per annum, payable annually, out of the fund established by Ordinance No. of said city, and known as 'Local Improvement Fund, Condemnation Award District No.,' and not otherwise, both principal and interest payable at the office of the City Treasurer of said city.

"A coupon is hereto attached for each installment of interest to accrue hereon, and said interest shall be paid only on presentation and surrender of such coupons to the City Treasurer.

"The City Council of said city, as the agent of said Condemnation Award District, established by said ordinance, has caused this bond to be issued in the name of said city, as the bond of said district, the bond, or the proceeds thereof, to be applied in part payment of so much of the cost and expense of the improvement of

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....., under Ordinance No., as is levied and assessed against the property included in said condemnation award district and benefited by said improvement, and the said Local Improvement Fund has been established by ordinance for said purpose; and the holder or holders of this bond shall look only to said fund for the payment of either the principal or the interest of this bond.

"This bond is one of a series of bonds aggregating in all the principal sum of ... Dollars, issued for said Local Improvement District, all of which bonds are subject to the same terms and conditions as herein expressed.

"This bond is payable on or before the day of, 19....., but is subject to call by the City Treasurer for prior redemption on any interest date, which call for payment shall be made by said Treasurer by publishing the same in the official newspaper of said city, and when such call is so made this bond will be paid on the day the next interest coupon thereon shall become due after said call and upon said day interest upon this bond shall cease and each and every coupon representing interest not accrued upon said day shall be void.

"In Witness Whereof The City of Seattle has caused these presents to be signed, attested and sealed with its corporate seal, as required by law, this day of, in the year of our Lord One Thousand Nine Hundred and

THE CITY OF SEATTLE

By Mayor.

Attest City Comptroller and ex-officio City Clerk.

(SEAL) By Their Signatory Agent."

B. Coupons, Number and Form. There shall be attached to each bond such number of coupons, not exceeding twenty-two, as shall be required to represent the interest thereon, payable annually, for the term of the bonds, which coupons shall be in substantially the following form:

"THE CITY OF SEATTLE INTEREST COUPON.

No. \$.....

"On the day of, 19..... The City of Seattle, Washington, promises to pay to the bearer at the office of the City Treasurer Dollars, being one year's interest due that day on Bond No. of the bonds of 'Local Improvement Fund Condemnation Award District No.', and not otherwise; Provided, that this coupon is subject to all the terms and conditions contained in the bond to which it is annexed.

THE CITY OF SEATTLE

By Mayor.

Attest:

..... City Comptroller and ex-officio City Clerk."

(Ord. 58128 § 1, 1929; Ord. 54547 § 10, 1928.)

20.76.110 Bond registry.

The City Comptroller shall keep in his office a register of all such bonds issued. He shall enter therein the Local Improvement Fund District number for which the same are issued, and the date, amount and number of each bond and the term of payment.

(Ord. 54547 § 11, 1928.)

20.76.120 Warrants—When issued.

The City Comptroller shall issue no warrants for any condemnation awards, interest or costs prior to the acceptance of such awards by the City Council as provided for in Section 20.76-.020, but such warrants may be issued at any time thereafter.

(Ord. 54547 § 12, 1928.)

20.76.130 Payment of awards, interest and costs.

The proceeds of the sale of bonds issued therefor, together with the proceeds of the collection of special assessments therefor, made during the thirty-day period following the date of the first publication of the Treasurer's notice of collection, shall be applied by the City Treasurer in payment of awards, interest and costs of any judgment in any eminent domain proceedings, and the redemption of any warrants issued in payment of any portion of such judgment. No priority of payment shall exist

as between any such warrants and any portion of such judgment, but warrants shall be paid in the order of their issuance; provided, that warrants payable to the General Fund may be held until warrants issued for the payment of awards have been paid.

(Ord. 54547 § 13, 1928.)

20.76.140 Items of cost.

In preparing the assessment roll to pay the cost and expense of any such condemnation improvement as provided in this subchapter, the Board of Eminent Domain Commissioners shall include the costs and expenses of the proceedings up to the time of the filing of the assessment roll, together with the probable further costs and expenses of the proceedings, including therein a charge against each description of property appearing upon any assessment roll in the following sum: In case of "immediate payment" of assessment, One Dollar (\$1.00) per description; in case of assessment payable in five annual installments, the sum of Two Dollars (\$2.00) per description; in case of assessment payable in ten annual installments, the sum of Three Dollars and Fifty Cents (\$3.50) per description; in case of assessment payable in fifteen annual installments, Four Dollars and Thirty Cents (\$4.30) per description; in case of assessment payable in twenty annual installments of either principal or interest, Five Dollars (\$5.00) per description, which is the charge for accounting, clerical labor, books and blanks used by the City Comptroller and the City Treasurer; provided, however, that when any assessment payable in installments is paid in full within the thirty-day period fixed by law for the payment of assessments without interest, the City Treasurer shall allow a rebate of the Comptroller's and Treasurer's charge in this section provided in excess of One Dollar (\$1.00) per description. After the expiration of such thirty-day period, the City Treasurer shall report to the City Comptroller the total amounts so rebated.

(Ord. 82591 § 1, 1953: Ord. 54547 § 14, 1928.)

Subchapter II Miscellaneous Provisions

20.76.200 Payment of local improvement assessments against condemned property.

For the purpose of making payment of all local improvement assessments that may exist

against any lot, tract or parcel of land which has been condemned for street or other purposes, the City Comptroller shall require from the Treasurer, previous to the issuance of any warrant in payment for property condemned in any condemnation proceeding, the statement showing the amount of all unpaid local improvement assessments that may exist against the property, and thereupon two warrants in favor of the respondents shall be issued on the condemnation fund, one warrant in the amount of the unpaid assessments which shall be endorsed to the General Fund by the respondent, and one warrant for the amount of the award less the unpaid assessments, and thereupon the City Comptroller shall draw a warrant on the General Fund in favor of the local improvement district or districts entitled thereto for the amount of the unpaid assessments, the General Fund to be reimbursed for the amounts so paid out when sufficient moneys have been paid into the Condemnation Fund to meet the warrant thereon drawn in favor of the General Fund in payment of the assessments as set forth in this section. (Ord. 32967 § 1, 1914.)

20.76.210 Appropriation for payment of local improvement assessments against condemned property.

The sum of Ten Thousand Dollars (\$10,000.00) is appropriated from the General Fund and set aside for the payment of local improvement assessments against property taken or damaged in condemnation proceedings as provided by Section 20.76.200. (Ord. 32967 § 2, 1914.)

20.76.220 Offsetting compensation against damages—Permitted.

Whenever, in condemnation proceedings prosecuted by the city, compensation or damages, or both, are awarded to the owners of, and other parties interested in, any real property taken or damaged, and an assessment upon property benefited is made to pay the whole or any part of the compensation or damages, or both, awarded in such proceeding, and any person or persons to whom any such award of compensation or damages or both is made, also owns real property which is assessed in the same proceeding to pay the compensation and damages awarded in the proceeding, such person or persons may offset, pro tanto, the amount of the compensation or damages, or both, awarded to such

person or persons, against the assessment levied upon real property owned by such person or persons, in the manner provided in Sections 20.76.230, 20.76.240 and 20.76.250. (Ord. 10725 § 1, 1904.)

20.76.230 Offsetting compensation against damages—Court certificate.

Any person or persons wishing to offset an award of compensation or damages, or both, against any assessment, as provided in Section 20.76.220, shall receipt upon the execution docket of the court in which such award is made, and make satisfaction, on the execution docket, of the amount so sought to be made an offset; and shall procure from the Clerk of the court and present to the City Treasurer a certificate under the seal of the court specifying the amount of which satisfaction has been made on the execution docket, the date of such satisfaction, the number and a brief title of the proceeding, including the number of the ordinance under which the proceeding was prosecuted. (Ord. 10725 § 2, 1904.)

Cases: The right of a property owner to offset compensation for lands taken in condemnation proceedings against an assessment for benefits to his other lands not taken is not waived by taking warrants for such assessments, even though such is not the procedure set out in Ordinance 10725, where no injury or expense results from taking out the warrants. *State ex rel. Guye v. Seattle*, 49 Wn. 41, 94 P. 656 (1908).

20.76.240 Offsetting compensation against damages—Cancellation of assessment roll.

The City Treasurer, upon receipt by him of the certificate provided for in Section 20.76.230 is authorized and directed to cancel such assessment upon the assessment roll, to the amount specified in the certificate, making suitable notation thereof upon the assessment roll. (Ord. 10725 § 3, 1904.)

20.76.250 Offsetting compensation against damages—Same proceeding.

Sections 20.76.220 through 20.76.240 shall not be construed as authorizing or permitting the offsetting of compensation or damages awarded in one condemnation proceeding against an assessment made or levied in another or different condemnation proceeding. (Ord. 10725 § 4, 1904.)

20.76.260 Acceptance of condemnation fund warrants in payment of assessments.

Whenever an owner of property, assessed in a condemnation proceeding of the city, shall desire to make full payment of such assessment prior to date of sale of his property for the assessment, the City Treasurer is authorized and directed to accept condemnation fund warrants, or parts thereof, in payment of such assessments levied to raise money for the benefit of the particular condemnation fund against or upon which said warrants were issued, and he shall treat all of such transactions as cash transactions making proper entry thereof upon his records. (Ord. 23191 § 1, 1910.)

20.76.270 Acceptance of certificates of purchase for delinquent condemnation award assessments.

The City Treasurer is authorized and directed to accept the redemption of certificates of purchase issued for delinquent condemnation award assessments and installments thereof, and held in trust by the city for the condemnation award districts, where the last installment of the assessment is two or more years delinquent, upon the payment of the principal of the certificates of purchase and interest thereon at the rate of eight percent per year from date of issuance to date of redemption. (Ord. 63654 § 1, 1933.)

20.76.280 Segregation of condemnation assessments.

A. The City Treasurer is authorized to collect and receive from any owner or owners of any subdivision or subdivisions of any lot, tract or parcel of land upon which a condemnation assessment has been, or may hereafter, be made, such portion of the assessment or assessments levied or to be levied against such lot, tract or parcel of land in the payment of the condemnation improvement as the City Engineer shall certify to be chargeable to such subdivision or subdivisions in accordance with state law. Upon receipt of a certified copy of a resolution of the legislative authority authorizing such segregation the City Treasurer shall enter such segregation, together with the amount of the

DISPOSITION OF FORECLOSED PROPERTY

bonded interest with respect thereto, upon the assessment records, and upon payment thereof, together with any penalties accruing according to law and any additional interest due with respect to such segregated portion, give a proper receipt; provided that this section shall not authorize the segregation of any assessment which has been delinquent for a period of two years or more, or in any case where it appears that such property, when or as already divided according to the requested segregation, is not or would not be of sufficient value, or is not or would not be in such condition or title, as to provide adequate security for the payment of the total amount of the unpaid assessment, penalties, interest and costs charged or chargeable against the undivided whole. In such instances, upon a recommendation by the City Treasurer, the City Council shall determine such question of fact. No segregation of any assessment on unplatted lands or large platted tracts shall be made until a plat thereof has been furnished the City Engineer by the applicant, showing that the proposed segregation of property will conform to the system of streets as platted in adjacent territory. In all such instances, upon a recommendation by the City Engineer, the City Council shall determine such question of fact.

B. Whenever, on account of the filing of a plat or replat or on account of a sale or contract to sell or other proper evidence of the change of ownership of a divided portion of any lot, tract or parcel of land assessed in such improvement district, it shall appear to be to the best interest of the city to segregate such assessments, the City Engineer is authorized to make the proper certification as provided in this section, upon the written application of the owner, approved by the City Treasurer, and confirmed by City Council resolution, and upon payment of the fee hereinafter provided. In all instances it shall be the duty of the City Engineer to submit the necessary resolution for segregation for City Council approval.

C. A fee of Ten Dollars (\$10.00) shall be charged for each tract of land for which a segregation is to be made together with a fee of Five Dollars (\$5.00) per description for each description added to the assessment roll, to defray the reasonable costs of the reasonable engineering and clerical work involved, by such certificate of the City Engineer, as approved by City Council resolution. Such fees shall be paid to the

City Treasurer and shall be deposited in the General Fund.
(Ord. 99040 § 1, 1970; Ord. 82590 § 1, 1953; Ord. 63678 § 1, 1933.)

Chapter 20.80

DISPOSITION OF FORECLOSED PROPERTY

Sections:

- 20.80.010 Contract for sale of foreclosed property.
- 20.80.020 Deposit on purchase of foreclosed property.
- 20.80.030 Authority to contract with professional realtors.
- 20.80.040 Payment for services of local real estate broker.
- 20.80.050 Sale of foreclosed property—Purchase by city.
- 20.80.060 Sale of foreclosed property—Authority of Corporation Counsel.
- 20.80.070 Quitclaim on property acquired by nonpayment of local improvement assessments.
- 20.80.080 Quitclaim—Authority to execute.

Statutory Reference: For statutory provisions on foreclosure of assessments and the disposition of property acquired, see RCW Chs. 35.50 and 35.53.

20.80.010 Contract for sale of foreclosed property.

The City Treasurer is authorized to enter into contracts from time to time for and on behalf of the city for the sale, at not less than the appraised value thereof, determined as provided in Section 20.80.030, or at a price not less than enough to pay all taxes and assessments in full of any real property acquired by the city upon foreclosure of local improvement assessments and of any real property which the city may acquire from King County to protect the lien of any such assessments outstanding against such property, or any part thereof. Any such property shall be sold for cash, or on terms providing for the payment of one-fifth of the purchase price in cash at the time of execution by the purchaser of the contract of sale and the remainder of such price to be paid in installments over a period not exceeding five years, with

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interest on deferred payments at the rate of not less than five percent per year, or on such terms as may be approved by the City Council. No contract for the sale of any such property shall be valid or binding upon the city unless the same has first been authorized by the City Council by ordinance.
(Ord. 72834 § 1, 1943.)

20.80.020 Deposit on purchase of foreclosed property.

The City Treasurer is authorized for and on behalf of the city to accept deposits of money amounting to not less than five percent of the purchase price of any property proposed to be sold as earnest money and to issue his receipt therefor. Any such deposit shall be placed in the Guaranty Deposit Fund, and if the depositor fails, through no fault of the city, to enter into a contract for the purchase of the property involved within ten days after the Treasurer notifies him that a duly authorized or approved contract, executed on behalf of the city, is ready for execution on his part, such deposit shall be deemed forfeited and become the property of the city and the amount thereof shall be transferred to the Tax Property Sales Fund. If the depositor enters into such contract within the time mentioned in this section, the amount of the deposit shall be credited upon the purchase price agreed to be paid and shall be transferred to the Tax Property Sales Fund. If the city fails, by reason of any fault on its part, to make available for execution by the depositor such contract of sale within sixty days after the receipt of the deposit, the depositor may, at his option, demand the return of his deposit.
(Ord. 72834 § 2, 1943.)

20.80.030 Authority to contract with professional realtors.

The City Treasurer is authorized on behalf of the city to contract from time to time with professional realtors or real estate appraisers to ascertain for purposes of sale the value of city property acquired in the enforcement and for the protection of local improvement assessment liens, and in such connection the City Treasurer is authorized to negotiate the terms of such employment including the fees therefor, payment of which fees shall be charged to the appropriate item in the annual city budget.
(Ord. 94302 § 1, 1965; Ord. 72834 § 3, 1943.)

20.80.040 Payment for services of local real estate broker.

Whenever the City Council shall, by resolution, find that any real estate broker, duly licensed as required by the laws of the state, and whose principal place of business is located in Seattle, shall have negotiated the sale of any such property, such real estate broker shall be paid for such services a commission equal to five percent of the sale price of the property sold; but no payment shall be made on account of any such sale until at least one-fifth of the total purchase price of the property shall have been paid to the city.
(Ord. 72834 § 4, 1943.)

20.80.050 Sale of foreclosed property—Purchase by city.

Whenever real property shall be offered for sale to satisfy an execution, judgment or decree of foreclosure in any action wherein the city is a party, in the absence of bidders or purchasers, or if the highest bid made by any person for such property be less than the amount of the judgment and costs recovered by the city in such action, then the properly authorized officer of the city may bid in and purchase such real property in the name of the city, for the use and benefit of the city, for a sum of money not to exceed the amount required to satisfy such execution, judgment or decree and the costs therein; and the amount so bid shall be applied to the satisfaction of the judgment in such action.
(Ord. 16300 § 1, 1907.)

20.80.060 Sale of foreclosed property—Authority of Corporation Counsel.

The Corporation Counsel of the city is authorized to bid in and to purchase in the name of the city, and for its use and benefit, all such real property as may be sold, as provided in Section 20.80.050 and to enter satisfaction of such judgments.
(Ord. 16300 § 2, 1907.)

20.80.070 Quitclaim on property acquired by nonpayment of local improvement assessments.

Whenever any property has been acquired by the city through nonpayment of local improvement assessments, or installment thereof, and the fee owner of any lot or lots or parcel of land at the time of its acquisition by the city desires

to pay the amount of the unpaid assessment by virtue of which it was acquired by the city, the City Treasurer is authorized and directed to accept the payment. When the payment has been made and the amount thereof duly transferred by ordinance of the City Council from the Local Improvement District Revolving Fund to the Local Improvement District entitled thereto, the Mayor and City Comptroller are authorized and directed on behalf of the city to execute a contract of sale to the fee owner by the terms of which the city agrees to execute a quitclaim deed to the owner on the payment of all outstanding local improvement assessments against the lot or lots or parcel of land which contract as to terms and conditions shall be approved by the City Treasurer and the Chairman of the Finance Committee of the city.

(Ord. 45824 § 1, 1923.)

20.80.080 Quitclaim—Authority to execute.

For the purpose of carrying out the intent and purposes of Section 20.80.070, the Mayor and City Comptroller are authorized and directed to execute a quitclaim deed to any fee owner of property who has complied with the provisions of Section 20.80.070, except when any particular lot or parcel of land involved shall have been previously sold at public or private sale in accordance with law pursuant to authority of an ordinance of the City Council.

(Ord. 45824 § 2, 1923.)

Chapter 20.84

RELOCATION ASSISTANCE

Sections:

- 20.84.010 Implementation of relocation assistance laws.
- 20.84.020 Applicability.
- 20.84.030 Definitions.
- 20.84.040 City Department Head—Authority.
- 20.84.050 Written notice of initiation of negotiations.
- 20.84.060 Written notice to vacate.
- 20.84.070 Retention of proof of delivery of notices.
- 20.84.080 Payment of benefits upon proper application.

- 20.84.090 Authorization of payments by City Department Head.
- 20.84.100 Time limits for applications for relocation benefits.
- 20.84.110 Administrative review.
- 20.84.120 Right of review.
- 20.84.130 Initiation of appeal—Notice and statement.
- 20.84.140 Form of statement.
- 20.84.150 Applicability of State Administrative Procedure Act.
- 20.84.160 Appeal referred to Hearing Examiner and hearings.
- 20.84.170 Correction or amendment of notice of appeal.
- 20.84.180 Submission of proposed decision and orders.
- 20.84.190 Exceptions—Time for filing.
- 20.84.200 Reply to exceptions.
- 20.84.210 Submission or record and issuance of final decision.
- 20.84.220 Judicial review.
- 20.84.230 Official custodian of regulations.

Statutory Reference: For statutory provisions on relocation assistance, see RCW Ch. 8.26.

20.84.010 Implementation of relocation assistance laws.

The purpose of this chapter is to implement the provisions of RCW Chapter 8.26, state regulations implementing said chapter including WAC Chapter 365-24 and any federal law, rules, regulations or orders pertaining to relocation assistance which may be applicable to any program or project for the acquisition of real property, or any interest therein, which may create a “displaced person” as that term is defined by federal or state law, rules, regulations or orders applicable to such program or project.

(Ord. 104542 § 1, 1975.)

20.84.020 Applicability.

Whenever the city or any department thereof undertakes the acquisition of real property in connection with a program or project that may create a “displaced person” as that term is defined by federal or state law, rules, regulations or orders applicable to such program or project after the effective date of the ordinance codified in this chapter,¹ the provisions of this chapter shall apply.

(Ord. 104542 § 2, 1975.)

1. Editor's Note: Ord. 104542 became effective June 25, 1975.

20.84.030 Definitions.

For the purpose of this chapter and for the purpose of administering and implementing any federal, state or local relocation assistance statute, law, ordinance, rule, regulation, order or program, applicable to any acquisition of real property or any interest therein by the city or to any program or project involving the city or any of its departments:

A. "City Department Head" means the head of the city department (such as the City Engineer, Superintendent of Parks and Recreation, Superintendent of Buildings, Director of Community Development, etc.) having authority over and responsibility for the applicable program or project and its costs.

B. The City Department Head, as defined in subsection A, is declared to be "the executive head of the local public body having authority over the applicable program or project" and "the head of the displacing entity" as those or similar terms may be used in state or federal statutes, rules, regulations or orders. (Ord. 104542 § 3, 1975.)

20.84.040 City Department Head— Authority.

The City Department Head having authority over and responsibility for a program or project of real property acquisition or for a program or project which may create a "displaced person" as that term may now or hereafter be defined by any applicable federal, state or city statute, law, ordinance, rule, regulation or order, shall with respect to such program or project have authority and responsibility for:

A. Implementing this chapter and any federal, state, or local relocation assistance statute, law, ordinance, rule, regulation, or order applicable to each such program or project which is subject to his authority;

B. Ascertaining the eligibility for and amount of benefits to be paid each applicant;

C. Giving notices of initiation of negotiations, notices and authorizations to vacate, and maintaining records (including records of delivery and service of such notices) of the activities by or for his department pertaining to acquisition, relocation assistance and claims for each program or project under his authority. Such authority and responsibility (except issuance of a final decision pursuant to Section 20.84.210) may be delegated to such persons as each City Department Head may authorize. (Ord. 104542 § 4, 1975.)

20.84.050 Written notice of initiation of negotiations.

Whenever the city or any department thereof undertakes acquisition of real property for a program or project that may create a "displaced person" as that term is defined by federal or state law, rules, regulations or orders applicable to such program or project, the City Department Head with authority over and responsibility for such program or project shall upon initiation of negotiations with the owner of the property to be acquired give written notice thereof to such owner and to tenants and other persons occupying such property, which notice shall set forth the following:

A. "Eligibility for relocation assistance and benefits which could become available after acquisition of the property by the City can be lost if the owner or any tenant or occupant moves or makes any financial commitments for replacement housing or facilities prior to receiving a written notice to vacate signed by (Title of Appropriate City Department Head) or his duly authorized agent for the (Name of Program or Project), or if the owner or any tenant or occupant otherwise fails to meet the legal requirements for such assistance or benefits;"

B. "The City's land purchase intentions and plans are subject to change and even cancellation until the acquisition is closed;"

C. "Neither the owner nor any tenant or occupant should move or make any financial commitment for replacement housing or facilities until he has received in writing:

(i) a final determination of his eligibility, or ineligibility as the case may be, for relocation payments;

(ii) a statement of the requirements which must be satisfied before such payments or benefits, if any, can be provided by the City if it purchases the property; and

(iii) a notice or authorization to vacate for the program or project; signed by (Title of appropriate City Department Head) or his duly authorized agent:"

D. Where, and from whom he can obtain full information concerning relocation assistance, eligibility for relocation payments and the requirements which must be satisfied before such payment can be made;

E. The applicable time limits for filing a claim for relocation payments; and

F. The procedure specified in Sections

20.84.110 through 20.84.210 for obtaining review of any determination concerning his eligibility for, the method of determination or amount of relocation payments.
(Ord. 104542 § 5, 1975.)

20.84.060 Written notice to vacate.

A written notice to vacate for the program or project must be given to each individual, family, business, or farm operation to be displaced; and all such notices shall be served personally or delivered by certified or registered first-class mail.

(Ord. 104542 § 6, 1975.)

20.84.070 Retention of proof of delivery of notices.

Written proof of personal service or delivery by certified or registered first-class mail, of all notices of initiation of negotiations and all notices to vacate shall be retained by the responsible City Department Head authorizing or giving such notice for not less than seven years after: (A) negotiations for acquisition are terminated, (B) the property is acquired, or (C) the time limit for applications for relocation benefits has expired, whichever is later.

(Ord. 104542 § 7, 1975.)

20.84.080 Payment of benefits upon proper application.

A displaced person who makes proper application for a payment authorized for such person by RCW Chapter 8.26, state relocation regulations or other applicable law, rules, regulations or orders shall be paid promptly after a move, or, in hardship cases, be paid in advance.

(Ord. 104542 § 8, 1975.)

20.84.090 Authorization of payments by City Department Head.

No payment shall be made and no claimant or applicant shall be informed that any claim or payment is or will be approved, authorized or paid prior to specific written authorization from the City Department Head having authority over and responsibility for the program or project which creates the claim or application.

(Ord. 104542 § 9, 1975.)

20.84.100 Time limits for applications for relocation benefits.

A. If City Acquires Real Property. Applications for benefits under RCW Chapter 8.26 and

state relocation regulations are to be made within eighteen months of the date on which the displaced person moves from the real property acquired or to be acquired, or the date on which the city makes final payment of all costs of that real property, whichever is the later date.

B. If City does not Acquire Real Property. Applications for benefits under RCW Chapter 8.26 and state relocation regulations, or any other applicable federal, state or local relocation assistance statute, law, ordinance, rule, regulation, order or program, are to be made:

1. Within twenty-four months of the date of receipt of a notice of initiation of negotiations with the owner; or

2. Within eighteen months of the date specified for vacating the property in a notice to vacate, or an authorization to vacate, issued by the City Department Head, whichever is earlier.

C. The City Department Head having authority over and administering the program or project which creates the claim may extend the time limit period upon a proper showing of good cause.

(Ord. 104542 § 10, 1975.)

20.84.110 Administrative review.

For the purposes of this chapter and any state or federal relocation assistance statute, rule, regulation or order, including RCW 8.26.030(1), RCW 8.26.130 and WAC 365-24-030(1)(a)(v), review by the City Department Head having authority over the applicable program or project, shall be in accordance with Section 20.84.110 through Section 20.84.200.

(Ord. 104542 § 11, 1975.)

20.84.120 Right of review.

Any person aggrieved by a determination as to eligibility for, method of determination, or the amount of, a payment authorized by RCW Chapter 8.26, state relocation regulations (WAC Chapter 365-24), or applicable law, rules, regulations or orders may have such determination reviewed and reconsidered by the City Department Head having authority over the applicable program or project.

(Ord. 104542 § 12, 1975.)

20.84.130 Initiation of appeal—Notice and statement.

Any person aggrieved by determination as to his eligibility for, method of determination,

or the amount of, a payment authorized by RCW 8.26, state regulations (WAC Chapter 365-24) or other applicable law, rules, regulations or orders, and desiring to invoke the appeal procedures, within thirty days following receipt of notification of the determination of such claim by the City Department Head, shall submit to such City Department Head, a notice of appeal which shall include a written statement of the facts pertinent to the case. (Ord. 104542 § 13, 1975.)

20.84.140 Form of statement.

No specified form or format is prescribed, but the statement or letter should state all of the facts and the reasons why the aggrieved person believes the claim should be paid or why he believes he is otherwise aggrieved. For identification, the letter or statement should show the project name and parcel number of the real property involved, and should bear the signature and address of the aggrieved person or his attorney. (Ord. 104542 § 14, 1975.)

20.84.150 Applicability of State Administrative Procedure Act.

A. In accordance with RCW 8.26.030(1), the provisions of the State Administrative Procedure Act (RCW 34.04) regarding the resolution of contested cases shall be utilized by the City Department Head in resolving any appeal filed pursuant to Section 20.84.130.

B. References to "agency" in the State Administrative Procedure Act shall be understood to mean City Department Head for the purposes of this chapter. (Ord. 104542 § 15, 1975.)

20.84.160 Appeal referred to Hearing Examiner and hearings.

Upon receipt of a notice of appeal, the City Department Head shall refer the matter to the Hearing Examiner. The Hearing Examiner or any Deputy Hearing Examiner or Hearing Examiner pro tempore shall hold hearings in accordance with the procedures established for hearing contested cases by the State Administration Procedure Act (RCW 34.04) and provisions of this chapter not in conflict therewith, within forty-five days following receipt by the City Department Head of the notice of appeal, and upon not less than twenty days' notice to the aggrieved person. Failure to hold such hearing within

the time specified in this section, however, shall not affect the authority of the Hearing Examiner, the necessity of the hearing or the rights of the parties involved. (Ord. 104542 § 16, 1975.)

20.84.170 Correction or amendment of notice of appeal.

If any notice of appeal is found by the City Department Head to be defective or insufficient, such City Department Head may so advise the Hearing Examiner and the aggrieved person or his attorney in writing. Upon receipt of such notice, the Hearing Examiner may issue an order requiring the persons filing the notice of appeal to correct, clarify or amend the same to conform with the requirements of RCW 8.26, state regulations (WAC Chapter 365-24) or other applicable law, rules, regulations or orders and may refuse to schedule any hearing thereon until such requirements have been complied with, or may issue an order providing for dismissal of such appeal upon failure to comply within a specified reasonable time. (Ord. 104542 § 17, 1975.)

20.84.180 Submission of proposed decision and orders.

The Hearing Examiner shall within thirty days after completion of the hearing and record prepare in writing a proposed decision and order containing findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The Hearing Examiner shall file the original, signed by him, with the City Department Head and mail by certified or registered first-class mail a copy to each aggrieved person who is a party to the appeal and to his attorney or representative of record. (Ord. 104542 § 18, 1975.)

20.84.190 Exceptions—Time for filing.

Within twenty days, or such further period as the Hearing Examiner may allow, any party to the appeal may file with the Hearing Examiner a written statement of exceptions. (Ord. 104542 § 19, 1975.)

20.84.200 Reply to exceptions.

Any party may, within fifteen days after the filing of an exception by an adverse party, submit a reply to exceptions, a written brief, or a statement of position regarding the matters on which exceptions were taken. (Ord. 104542 § 20, 1975.)

20.84.210 Submission or record and issuance of final decision.

The entire record, including all exhibits, and proposed findings of fact and conclusions of law, together with all exceptions and replies to exceptions, shall be submitted to the City Department Head having authority over the applicable program or project. Upon receipt of the entire record, the City Department Head, in a manner consistent with RCW 34.04.110, shall consider the same and may either adopt, modify, or reject the proposed findings of fact and conclusions of law and proposed order, and shall issue the final decision of the City Department Head. Such decision shall be made within a reasonable time after receipt of the entire record. The original of such decision shall be signed by the City Department Head and filed with the Hearing Examiner. Copies shall be sent to each aggrieved person who is a party to the appeal and to his attorney or representative of record, by personal service or certified or regular first-class mail.

(Ord. 104542 § 21, 1975.)

20.84.220 Judicial review.

A. Pursuant to RCW 8.26.030(1), any determination by any City Department Head administering a program or project as to payments under RCW 8.26 shall be subject to judicial review as provided in RCW 34.04 and not otherwise.

B. Whenever any person aggrieved by a final order or decision in a contested case seeks judicial review of such final order or decision, the City Department Head involved shall at the request of any party and upon payment of the reasonable costs thereof, prepare and transmit to the reviewing court a certified copy of the entire record of the proceedings or such shortened record as may be agreed to by the parties or ordered by the court. At the request or direction of the court, the City Department Head and the Hearing Examiner may take additional evidence and modify their findings or order or decision in accordance therewith. Such additional evidence and any modification shall become a part of the record and where appropriate shall be prepared and transmitted to the reviewing court as provided in this section. (Ord. 104542 § 22, 1975.)

20.84.230 Official custodian of regulations.

The City Clerk is designated as the official

custodian of all rules, regulations, and orders adopted or used (including such federal and state rules, regulations, guidelines, orders, policies and procedures as may apply) by the city or any City Department Head pertaining to relocation assistance; and any City Department Head having authority over and responsibility for any program or project of real property acquisition which may create a displaced person shall cause true copies of all such rules, regulations and orders to be filed with the City Clerk, which shall be made available for inspection and copying by the public upon the same terms and conditions as other official records of the city in the custody of the Clerk.

(Ord. 104542 § 23, 1975.)

Chapter 20.88

REAL PROPERTY LEASES BY CITY

Sections:

- 20.88.010 Authority to execute leases—Standard form.
- 20.88.020 Rental not to exceed fair market value—Determination.
- 20.88.030 Rental payments—Maximum amounts.
- 20.88.040 Rental payments—Annual adjustment.
- 20.88.050 Department or agency responsibility.

20.88.010 Authority to execute leases—Standard form.

A. The Superintendent of Buildings is authorized to negotiate and execute for and on behalf of the city, real property leases for the purpose of acquiring necessary facilities for use by city departments and agencies to carry out authorized functions and programs. The term of any such lease shall not exceed thirty-six consecutive calendar months.

B. When appropriate, the Superintendent of Buildings shall use a standard lease form or forms prepared with the assistance of and approved by the City Attorney. Execution of any lease not in the standard form shall be contingent upon approval by the City Attorney, who shall review all such nonstandard leases, indicate approval or disapproval as to form, and return

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the same to the Building Department within seventy-two hours of receipt.
(Ord. 107252 § 1, 1978.)

20.88.020 Rental not to exceed fair market value—Determination.

The rental payments provided by the terms of any lease agreement authorized in Section 20.88.010 shall not exceed the fair market rental for similar premises. Fair market rental shall be deemed to mean the rental payments which such property would bring on the open rental market, and shall be determined: (A) by a formal appraisal to establish the fair market rental for a particular property whenever it is anticipated that the monthly rental of such property will exceed Three Thousand Dollars (\$3,000.00) per month or whenever in the judgment of the Superintendent of Buildings such an appraisal will be in the interest of the city; or (B) by an informal review and determination by the Superintendent of Buildings or the Superintendent's designee of the market rentals in the general vicinity in which the property is located.
(Ord. 108125 § 1, 1979; Ord. 107252 § 2, 1978.)

20.88.030 Rental payments—Maximum amounts.

All leases executed pursuant to the authority of Section 20.88.010 shall conform to the following requirements:

A. Rental payments for office space will not exceed a rate of Nine Dollars (\$9.00) per square foot per year and the total rental payments for a single department or agency in any one calendar year shall not exceed Forty-five Thousand Dollars (\$45,000.00) for such space in any single building or other facility.

B. Rental payments for improved space other than office space shall not exceed Five Dollars (\$5.00) per square foot per year, and the total rental payments for a single department or agency in any one calendar year shall not exceed Forty-five Thousand Dollars (\$45,000.00) for such space in any single building, structure or other facility.

C. Rental payments for unimproved real estate, or land used for parking or open storage purposes shall not exceed Two Dollars and Fifty Cents (\$2.50) per square foot per year, and the total rental payments for a single department or agency in any one calendar year shall not exceed Forty-five Thousand Dollars

(\$45,000.00) for such space in any single building, structure or other facility.
(Ord. 108125 § 2, 1979; Ord. 107252 § 3, 1978.)

20.88.040 Rental payments—Annual adjustment.

Any rental payment specified in any lease may be made subject to an annual adjustment based upon the expenditure class "Rent, residential" of the Consumer Price Index for the Seattle area as compiled by the Bureau of Labor Statistics, United States Department of Labor, and any rent which is so adjusted may exceed the limits imposed by Section 20.88.030 upon rental payments provided in leases entered into by the Superintendent of Buildings pursuant to the authority granted in Section 20.88.010.
(Ord. 107252 § 4, 1978.)

20.88.050 Department or agency responsibility.

No lease shall be entered into by the Superintendent of Buildings pursuant to the authority of Section 20.88.010 unless the department or agency which is to occupy the premises to be leased shall have available to it funds which it is duly authorized to use to pay the Building Department for its anticipated billing for the use of such space during the balance of the current budget year. Funds paid by the departments and agencies using space leased by the Superintendent of Buildings pursuant to the authority of Section 20.88.010 shall be deposited in the Building Department Operating Fund.
(Ord. 107252 § 5, 1978.)