

## Title 20

PUBLIC WORKS, IMPROVEMENTS  
AND PURCHASING

## Subtitle I Public Improvements.

## Chapter 20.04

## PUBLIC IMPROVEMENT DISTRICTS

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## 20.04.010 Method of procedure.

Whenever the City Council shall provide for local improvements, this chapter and ordinances amendatory thereof shall apply. (Ord. 109729 § 1, 1981.)

## 20.04.020 Council vote required.

No ordinance relating to local improvements shall be considered passed unless it shall have received the affirmative vote of at least a majority of the members of the City Council; provided, that unless a petition for any improvement is presented, the improvement shall not be ordered except by ordinance passed by the affirmative vote of two thirds of all members of the City Council at a regular meeting, or at a meeting which is an adjournment of a regular meeting; provided, that no streets shall be ordered graded without petition, except by a unanimous vote of all members present. (Ord. 109729 § 2, 1981.)

## 20.04.030 Notice of hearings—Mailing.

The Director of Engineering shall mail all notices of hearings on proposed improvements and assessment rolls required by law to be mailed, and shall make all certificates of mailing required by law in such connection, and file the same with the City Clerk. (Ord. 109729 § 3, 1981.)

## 20.04.040 Plans, contract and management of work.

After the legislative authority has provided by ordinance for the making of any local improvement, plans therefor shall be approved, the contract let and the work supervised and accepted or rejected, all in accordance with the provisions of Article VII of the City Charter (Board of Public Works) and ordinances implementing said provisions. (Ord. 109729 § 4, 1981.)

## 20.04.050 Modes of payment.

There shall be two modes of payment for the portion of the cost and expense of any local improvement contemplated by this chapter, and payable by special assessment, to wit: “immediate payment” and “payment by bonds.” The mode adopted shall be the mode petitioned for in case the improvement shall be made upon petition. Otherwise the mode shall be the one designated in the ordinance ordering such improvement. (Ord. 109729 § 5, 1981.)

**20.04.060 Preliminary assessment roll.**

A. After the city has ordered a local improvement and created a local improvement district by ordinance, the Director of Engineering shall prepare, and within fifteen days after the improvement of work has been ordered and a local improvement district created, file with the City Treasurer the following:

1. The title of the improvement;
2. The district number;
3. Copy of a diagram or print showing the boundaries of the district;
4. Preliminary assessment roll or abstract thereof showing the lots, tracts and parcels of land that will be especially benefited;
5. The estimated cost and expense of such improvement to be borne by each such lot, tract or parcel; and
6. The name of the owner thereof, if known, but in no case shall a mistake in the name of the owner affect the validity of any assessment when the description of the property is correct.

B. The City Treasurer shall immediately post the proposed assessment roll upon his index of local improvement district assessments against the properties affected. (Ord. 109729 § 6, 1981.)

**20.04.070 Final assessment roll—Hearing—Date, notice and general procedure.**

Within ninety days following the completion and acceptance of the improvement, the Director of Engineering shall prepare and file with the City Clerk the proposed final assessment roll, unless the time for filing such roll shall be extended by the City Council by resolution, or the ordinance ordering the improvement provides otherwise. Upon receipt of such roll, the City Council shall by resolution fix a date for a hearing on the roll before the City Council, a committee thereof, the City Hearing Examiner, or an officer, as designated in the resolution, and direct the City Clerk to give notice of the time, place and purpose of the hearing by publication at least five times in the official daily newspaper or at least two times in a weekly newspaper of general circulation in the community where the improvement is constructed; provided, that at least fifteen days must elapse between the date of the last publication thereof and the date fixed for the hearing. Notice of the hearing shall be mailed by the City Clerk or a person designated

by the City Clerk to do so under his/her supervision to the owner or reputed owner of each property described on the assessment roll, at the address shown on the tax rolls of the County Comptroller at least fifteen days before the date fixed for such hearing. At the time fixed for the hearing, the City Council, a committee thereof, the Hearing Examiner, or designated officer shall sit as a Board of Equalization for the purpose of considering the assessment roll; provided, that if the ordinance authorizing the improvement so states, award of the improvement contract or commencement of work by the city shall be deferred until confirmation and filing of the assessment roll, and until funds for the improvements are assured in the judgment of the City Council expressed by resolution. (Ord. 109729 § 6A, 1981.)

**20.04.080 Final assessment roll—Departmental representatives at hearing.**

One or more representatives of the Director of Engineering and any affected department of the city may be designated by the department head to assist in the presentation of pertinent materials at the hearing. (Ord. 109729 § 6B, 1981.)

**20.04.090 Final assessment roll—Hearing—Conduct.**

In a hearing before the City Council, a committee thereof, the Hearing Examiner or designated officer, the City Attorney shall be the legal representative of the local improvement district.

A. 1. The City Council, the committee thereof, the Hearing Examiner or officer designated by the City Council shall commence the hearing on the date and at the time and place fixed by the resolution of the City Council, but may in the exercise of discretion recess the hearing to times certain in order to allow the parties to obtain essential additional information, provided, however, that an effort shall be made at all times to avoid delays which unnecessarily allow interest to accumulate upon obligations for which the local improvement district is responsible.

2. The Hearing Examiner or officer shall reduce his/her findings, recommendations and decisions to writing and shall file them with the City Clerk within twenty days following the conclusion of the hearing. Notice of the filing,

1981 updates to the Seattle Municipal Code As adopted in 1981 by the City Clerk

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together with copies of the findings, recommendations and decisions shall be mailed by the City Clerk or any person designated by the City Clerk to do so under his/her supervision within three business days of the filing to all persons who filed timely written objections to confirmation of the assessment roll as prepared. Instructions as to the filing of an appeal to the City Council shall be included in the mailing.

B. Upon receipt of the report, findings, recommendations and decisions of the Hearing Examiner or officer the City Council or a committee thereof shall review the same. As soon as all timely appeals from the findings, recommendations and decisions of the Hearing Examiner or officer have been decided or the time allowed for filing appeals has expired with no appeals having been filed the City Council may accept the assessment roll as prepared, or may correct, revise, raise, lower, change or modify the roll or any part thereof, or may set aside the roll and order the assessment to be made de novo, and at the conclusion thereof, and after the Director of Engineering has made the appropriate changes on the assessment roll at the City Council's direction, confirm the roll by ordinance. If an appeal has been filed from the findings, recommendations and decisions of the Hearing Examiner or officer it shall be heard and determined and the results thereof incorporated into the assessment roll before it is confirmed.

C. Any finding, recommendation or decision of the Hearing Examiner, or officer designated by the City Council to conduct a hearing pursuant to RCW 35.44.070 and RCW 35.44.080, shall be subject to appeal to the City Council, which may direct that the appeal shall be heard by a committee thereof.

D. 1. An appeal pursuant to subsection A3 of this section may be filed only by a party who timely perfected a protest at the initial hearing. The notice of appeal shall, in addition to requirements as to content specified elsewhere in this chapter, state clearly on the cover or cover page the number of the local improvement district and the appellant's name and shall be filed with the City Clerk no later than the fifteenth day after the day upon which the report and recommendation of the Hearing Examiner or other officer is filed with the City Clerk.

2. Upon the filing of a notice of appeal the City Clerk shall immediately notify the City

Attorney and furnish a copy of the notice to the City Council and the City Departments immediately concerned. Within fifteen days following the filing of a notice of appeal the City Council shall set a time and place for a hearing on the appeal before the City Council or a committee thereof and shall immediately mail or cause to be mailed notice of the time and place to the appellant, provided the time shall be as soon as practicable in order to avoid accumulation of additional interest on the obligations of the local improvement district.

E. Review by the City Council or council committee on appeal shall be limited to and shall be based solely upon the record from the hearing below, provided, however, that the City Council or the appropriate City Council committee may permit oral or written arguments or comments when confined to the content of the record of the hearing below. Written arguments shall not be considered unless filed with the City Council or Council Committee prior to the conclusion of the hearing on appeal, and the City Council or committee thereof may determine the appeal on the record, with or without written argument.

F. The recommendation appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party. In respect to the matter appealed the City Council may adopt or reject, in whole or in part, the findings, recommendations and decisions of the Hearing Examiner or officer or make such other disposition of the matter as is authorized by RCW 35.44.100 and subsection B above. The City Council shall reduce its determination to writing, file the original in the record of the local improvement district, and transmit a copy of the same to the appellant. No ordinance confirming an assessment roll shall be enacted by the legislative authority until all appeals to the City Council or a committee thereof are decided.

(Ord. 109729 § 6C, 1981.)

#### 20.04.100 Hearing records—Requirements.

A. All papers, exhibits, protests, documents, verbatim records of proceedings, transcripts and findings, recommendations and decisions of any kind which are filed in connection with a hearing on an assessment roll, preliminary or final, shall be placed in a Comptroller's File created by the City Clerk to receive all materials related to the assessment rolls of such local

improvement district. The City Clerk shall cause the contents of the file to be assigned sub-numbers, item by item, in the order of filing. Items filed at hearings shall be assigned the next consecutive subnumber according to the order of filing. All hearings shall be electronically recorded and a memorandum identifying and locating the tapes shall become a part of the Comptroller's File aforementioned.

B. The City Council, the Committee thereof, the Hearing Examiner or the officer conducting a hearing on a final assessment roll shall designate a person acceptable to the City Clerk to act as clerk for the hearing. Such person shall be responsible to the City Clerk for all city files required to be at the hearing and for transmitting to the City Clerk, at the conclusion of the hearing, all files obtained from the City Clerk for use during the hearing together with all additional documents, papers or exhibits of any kind which have become additions to any Comptroller's File during the hearing.

C. Separate Comptroller's Files, in such numbers as may be convenient, may be created and maintained for the estimate/contract/construction phase of any local improvement district project, in the City Clerk's discretion. All such files shall be cross-referenced to the pertinent local improvement district number and the ordinance creating said district. (Ord. 109729 § 6D, 1981.)

**20.04.110 Appeal to City Council.**

In the event of an appeal to the City Council or a committee thereof the notice of appeal shall cite by page and line and quote verbatim that portion or portions of the findings, recommendations and decisions of the Hearing Examiner or officer from which the appeal is taken. The notice of appeal shall also include a concise statement of the basis therefor and in the event that appellant deems the references on the findings, recommendations and decisions inadequate, a reference by metered index numbers to the places in the electronically prepared record of the hearing where the pertinent material may be found. The notice of appeal shall also designate by name or title and by sub-number the items or exhibits in the record to which reference will be made in argument or comment before the City Council or committee. Preparation of a written verbatim transcript of all or any designated part of the hearing shall be at the appellant's initiative and expense, but

shall not be required unless within five working days after the filing of a notice of appeal the City Council or designated committee thereof so notifies the appellant, who in no event shall be required to pay the cost of any portion of a verbatim transcript not pertinent to appellant's own appeal. (Ord. 109729 § 6E, 1981.)

**20.04.120 Confirmation by ordinance— Procedure.**

The ordinance confirming any assessment roll shall levy and assess against each lot, tract, or parcel of land, or other property appearing upon such roll, the amount charged against the same. Upon the enactment of the ordinance, the roll shall be delivered to the City Comptroller, together with a list containing the lots and the names of the owners thereof upon which the collection of local improvement district assessments will be deferred pursuant to RCW 35.43.250. The City Comptroller shall forthwith transmit the same to the City Treasurer, with his certificate that the same has been duly approved by ordinance, and annually thereafter, in the case of assessments payable by the mode of "payment of bonds," the City Treasurer shall extend the installments of principal and interest upon any unpaid balance as shown upon said approved roll. Interest shall be at the rate fixed by the ordinance confirming the assessment roll. (Ord. 109729 § 6F, 1981.)

**20.04.130 Mode of "immediate payment."**

A. Whenever the cost and expense of any improvement shall be payable by the mode of "immediate payment," the City Treasurer, upon receipt of the assessment roll as confirmed by ordinance, shall publish a notice in the official newspaper of the city once a week for two consecutive weeks that the roll is in his hands for collection and that all or any portion of the assessment may be paid within thirty days from the date of the first publication of the notice without penalty, interest or cost, and that unless payment be made within such time, the assessment or unpaid portion thereof will become delinquent. Within fifteen days of the first newspaper publication, the City Treasurer shall notify each owner or reputed owner whose name appears on the assessment roll, at the address shown on the tax rolls of the County Comptroller for each item of property described

on the assessment roll, of the nature of the assessment, of the amount of his or her property subject to such assessment, of the total amount of the assessment due, and of the time during which such assessment may be paid without penalty, interest or costs. In the case of assessments the collection of which has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100, as now existing or hereafter amended, the notice shall also state that the assessment shall be paid within the period of deferral and that unless the assessment the collection of which has been deferred is paid within such period of deferral, the assessment or any unpaid portion thereof will become delinquent. Reference to deferred collection assessments may be omitted from the notice when there is no provision for deferred collection in the ordinance creating the district.

B. Upon delinquency a penalty of five percent shall attach to, and become part of all assessments. Delinquent assessments shall bear interest until paid at a percentage rate to be fixed by the ordinance confirming the assessment roll. Delinquent assessments, penalties and interest shall forthwith be collected and the lien thereof enforced in the manner provided by statute, the City Charter and ordinances of the city.  
(Ord. 109729 § 7, 1981.)

#### 20.04.140 Mode of "payment by bonds."

A. Whenever the cost and expense of any improvement shall be payable by the mode of "payment by bonds," the City Treasurer, upon receipt of the assessment roll as confirmed by ordinance, shall publish a notice in the official newspaper of the city once a week for two consecutive weeks that the roll is in his hands for collection and that all or any portion of the assessment may be paid within thirty days from the date of the first publication of the notice without penalty, interest or cost. Within fifteen days of the first newspaper publication, the City Treasurer shall notify each owner or reputed owner whose name appears on the assessment roll, at the address shown on the tax rolls of the County Comptroller for each item of property described on the assessment roll, of the nature of the assessment, of the amount of his or her property subject to such assessment, of the total amount of the assessment due, and of the time during which such assessment may be paid without penalty, interest or costs. In the case of

assessments or of any installment thereof the collection of which has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100, as existing or hereafter amended, the notice shall also state that the assessment or any installment shall be paid within such period of deferral and that unless the assessments or installments, the collection of which have been deferred are paid within such period of deferral, such assessment or unpaid portion or installment thereof will become delinquent.

B. Unless collection of an assessment has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100 as now existing or hereafter amended, the first installment of principal and interest of any assessment payable under the mode of "payment by bonds" shall become due and payable during the thirty-day period succeeding a date one year after the date of first publication of the notice by the City Treasurer that the assessment roll is in his hands for collection, and annually thereafter each succeeding installment of principal or interest shall become due and payable in like manner. All installments must be paid in sequential order. Whenever an installment shall become due and payable, the City Treasurer shall mail a notice thereof to the owner of the property assessed, when the post office address of such owner is known, but failure to mail the same shall not affect the validity of the assessment lien. Any such installment not paid prior to the expiration of the thirty-day period during which such installment is due and payable shall thereupon become delinquent.

C. Whenever the collection of an installment of an assessment has been deferred pursuant to RCW 35.43.250 and RCW 35.54.100 as existing or hereafter amended, the installment of principal or interest shall become due and payable upon expiration of the period of such deferral and each succeeding installment of principal or interest shall become due and payable in like manner. Any such installment not paid within thirty days after expiration of the period of such deferral shall thereupon become delinquent.

D. All delinquent installments shall, until paid, be subject to an additional charge of five percent levied upon the principal and interest due on such installment or installments.  
(Ord. 109729 § 8, 1981.)

#### 20.04.150 Special fund for each district.

The ordinance creating any local improvement district shall also create a special fund to

be called "Local Improvement Fund, District No. \_\_\_\_\_," into which shall be placed all sums from any source intended for use in the prosecution of the work contemplated by such ordinance and, when the assessment roll has been confirmed, all sums paid on account of such assessment, including all interest and penalty thereon, and in the event of sale of bonds by the city, all proceeds of sale and all premiums and accrued interest on bonds issued for such improvement. The moneys in such local improvement district fund derived from assessments shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide payment for the cost and expense of the improvement.

(Ord. 109729 § 9, 1981.)

**20.04.160 Bonds—Issuance.**

Local improvement bonds shall be issued and sold in such denominations, in such form, and with such terms and conditions as shall be authorized by ordinance and as contemplated by state law, presently codified as RCW Chapter 35.45.

(Ord. 109729 § 10, 1981.)

**20.04.170 Bonds—Register required.**

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 term of payment.

(Ord. 109729 § 11, 1981.)

**20.04.180 Consolidated districts authorized when.**

The city may, from time to time, authorize the establishment of consolidated local improvement districts for the purpose of issuing bonds to fund or refund outstanding local improvement district obligations in the manner contemplated by state law, presently codified as RCW 35.45.155 and RCW 35.45.160.

(Ord. 109729 § 12, 1981.)

**20.04.190 Delinquent assessments—Foreclosure procedures.**

A. If on the first day of January in any year two installments of any local improvement assessment are delinquent, or if the final installment thereof has been delinquent for more than

one year, or the entire assessment where payable on the "immediate payment" plan, shall have been delinquent for more than one year, the City Treasurer shall, on or before the first day of July of such year, proceed with the foreclosure of such assessments, or installments thereof, in accordance with RCW 35.50.030.

B. In lieu of the foregoing procedures the legislative authority may by ordinance direct the City Attorney to institute foreclosure proceedings, in accordance with RCW 35.50.220. (Ord. 109729 § 12, 1981.)

**20.04.200 Warrants—Call and payment.**

A. It shall be the duty of the City Treasurer to call and pay in numerical order such outstanding warrants against any particular improvement fund as he may be able to pay with the money on hand credited to such fund, and whenever he shall have money on hand to the credit of such fund, but not sufficient to pay the whole of the next succeeding outstanding warrant, he may call in and pay such portion thereof as shall exhaust the amount of such fund; provided, however, that the City Treasurer may call the warrants issued to the contractor on estimates of the department head supervising the construction in any local improvement district as soon as the City Council has, by resolution or ordinance, fixed a date for the issuance of bonds in respect to such local improvement district.

B. Whenever the City Treasurer shall pay a portion of any warrant as above provided, he shall endorse upon such warrant the date and amount of such payment and take a receipt from the holder thereof, showing the number and description of such warrant and the date and amount so paid, which receipt the said treasurer shall return with his report to the City Comptroller as a voucher for the money so paid. (Ord. 109729 § 14, 1981.)

**20.04.210 Contracts—Requirements generally.**

A. Contracts for local improvements shall provide for a retainage from the moneys earned by the contractor on estimates during the progress of the improvement or work of a sum to be used as a trust fund for the protection and payment of any person or persons, mechanics, subcontractors or material men who shall perform any labor upon such contract or the doing of said work, and all persons who shall

supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to RCW Title 82 which may be due from subcontractor. Said fund shall be computed and administered pursuant to Chapter 205, 1st ex. sess., Laws of 1977, presently codified as RCW 60.28.010. No improvement shall be deemed completed until the department head supervising the project shall have filed with the City Clerk a statement in duplicate declaring the same to have been completed.

B. During the time allowed for the completion of the contract the department head supervising the project shall each month issue an estimate of the amount of work completed by the contractor during the preceding month; provided, that after the expiration of the time allowed for such completion no estimate other than the final estimate shall be issued. The final estimate shall include a statement of the amount of money due the contractor, a statement of the amount of money expended for abstracts, advertising, accounting and collection, and engineering expense incurred prior to the expiration of the time allowed for the completion of the contract. The City's engineering expenses incurred after the time allowed for the completion of the contract, shall be borne by the contractor as the minimum penalty for failure to complete the work within the specified time.

C. After the issuance of the estimate by the department head supervising the project, the City Comptroller shall, on or about the twenty-fifth day of the month, deliver to the contractor money or warrants in an amount equal to such estimate less the percentage to be retained therefrom as herein provided. After the expiration of thirty days following the final acceptance of said improvement or work and the expiration of the time for the filing of lien claims as provided by law, said reserve, or all amounts thereof in excess of a sufficient sum to meet and discharge the claims of material men and laborers who have filed their claim as provided by law, together with a sum sufficient to defray the cost of such action, and to pay attorney's fees, shall be paid to said contractor.

D. Such warrants shall be drawn against the local improvement district fund and shall bear interest at the rate prevailing in the market from the date of issuance until redeemed; provided, that warrants shall not bear interest after two

hundred forty days from the time fixed in the proposal and contract for the completion of the contract.

E. If the work is completed within the time fixed by the contract, or any extension thereof, and there is no money available for payment of contractors' warrants at the expiration of the two-hundred-forty-day period above mentioned, the contractor may be paid by separate non-interest-bearing warrants a sum equivalent to interest at the rate prevailing in the market on outstanding warrants from the date when interest on such warrants ceased to the date when funds are available for the redemption thereof.

F. If an extension of time is granted for the completion of the contract and the work is not completed when the extension period has expired, the contractor may be paid by separate non-interest-bearing warrants a sum equivalent to interest at the rate prevailing in the market on outstanding warrants from the day when interest ceased, as above mentioned, to a date two hundred forty days from the date on which the extension period expires.

G. The City Comptroller shall immediately upon receipt of the final estimate for a local improvement, file in the office of the City Clerk a certificate setting forth the total amount of said final estimate, together with accrued interest on warrants issued or to be issued.

H. All warrants issued shall be redeemed in cash, in order of issuance within two hundred forty days after the completion and acceptance of the contract, so far as payment into the local improvement district fund shall permit. Warrants not so redeemed in cash shall, except as otherwise provided in this chapter, be redeemed in order of their issuance in local improvement district bonds, the lowest numbered warrants being redeemed with the lowest numbered bonds, if the mode of payment is "payment by bonds"; or, if the mode of payment be "immediate payment," by the issuance of local improvement district fund warrants with interest at the rate prevailing in the market from the date of issuance until redeemed, such redemption to be made in the same manner as that followed under the mode of payment "payment by bonds."

I. If the mode of payment is "payment by bonds" and the bonds are sold as provided in this chapter, all such warrants not so redeemed in cash as above provided, shall be redeemed

in order of issuance in cash out of the proceeds of the sale of such bonds.  
(Ord. 109729 § 15, 1981.)

**20.04.220 Contracts—To lowest bidders—  
Notice—Check with bid.**

All the work to be done in any local improvement district shall be let in one contract or, at the option of the head of the department supervising the project, the work may be subdivided and separate contracts be let for each subdivision thereof. All local improvements to be made by contract shall be let to the lowest and best bidder therefor. Before the award of any such contract, there shall be published for at least two days in the official newspaper of the city a notice, the last publication being at least ten days before the letting of such contract, inviting sealed proposals for such work, and the plans and specifications whereof must, at the time of publication of such notice, be on file in the office of the department head supervising the project, subject to public inspection. Such notice shall state generally the work to be done and shall call for proposals for doing the same, sealed and filed with the city as specified in the notice, on or before the day and hour named therein. All bids shall be accompanied by a certified check, payable to the order of the City Treasurer, or a surety bond for a sum not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such check or bond. If, in the discretion of the head of the department supervising the project, the work should be done by the city by day labor, and under the management of the department, it is hereby empowered to proceed with the work irrespective of all such bids, and, in such case, all bids shall be rejected; provided, however, the work shall not be done by the city if the determination so to do is in conflict with the provisions of RCW 35.22.620.

(Ord. 109729 § 16, 1981.)

**20.04.230 Contracts—Opening bids—  
Acceptance, rejection  
and forfeiture conditions.**

At the time and place named, such bids shall be publicly opened and read; no bid shall be rejected for informality but shall be received if it can be understood what is meant thereby. The department head supervising the project shall proceed to determine the lowest and best

bidder, and may let such contract to such bidder, or if all bids received exceed by ten percent preliminary cost estimates prepared by an independent consulting engineer or registered professional engineer retained for that purpose by the city, he or she may reject all of them and re-advertise, or may proceed to do the work under the direction of the department head supervising the project by "day labor," and, in case of rejection of all bids all checks shall be returned to the bidders; but if the contract be let, then, and in such case, all checks shall be returned to the bidders, except that of the successful bidder, which shall be retained until the contract be entered into for making such improvement between the bidder and the city, in accordance with such bid, and the duly approved and accepted bond therefor be filed in the office of the City Comptroller. If the successful bidder fails to enter into the contract in accordance with his bid within ten days from the date at which he is notified that he is the successful bidder, the said check and the amount thereof shall be forfeited to the city, and the same shall be delivered to the City Comptroller, who shall draw said amount and pay the same into the City Treasury to the credit of the appropriate Local Improvement District Fund. Neither the department head nor the City Council shall have the power to remit such forfeiture.

(Ord. 109729 § 17, 1981.)

**20.04.240 Subdistricts authorized—  
Conditions.**

Whenever the legislative authority shall provide for the construction of any trunk sewer or trunk water main, it may divide the territory to be served thereby into subdistricts, and the construction of the improvement may be made under separate contracts for such subdistricts thereof. The legislative authority may levy assessments in each subdistrict and issue bonds to be paid by the collection of assessments against property in each subdistrict independent of any other subdistrict; provided, however, that the subdistricts shall be set forth in the ordinance providing for the improvement, and when it is proposed to pay any portion of the cost of the improvement from city funds, the ordinance shall specify approximately the amount to be apportioned to each subdistrict.

(Ord. 109729 § 18, 1981.)



**20.04.250 Unit water main assessments.**

The cost of a unit water main is the reasonable cost of a local water main and its appurtenances suited to the requirements of the territory served. Such cost may be assessed against the property specially benefited thereby. The remaining portion of the cost and expense of any water main, except where the legislative authority shall provide for the creation of a trunk water main district, shall be paid from such fund as the legislative authority shall by ordinance direct.

(Ord. 109729 § 19, 1981.)

**20.04.260 Costs--City's contribution to be specified in ordinance.**

Every ordinance ordering any local improvement shall declare what, if any, portion or proportionate amount of the cost and expense thereof shall be borne by the city out of its general fund, or other fund, and shall direct that the remainder of the cost and expense be assessed against the property within the district created therefor in the manner provided by law.

(Ord. 109729 § 20, 1981.)

**20.04.270 Items of cost and expense for estimates.**

All estimates of the cost and expense of local improvements shall include the following:

A. The cost of all of the construction or improvement authorized for the district including, but not limited to, that portion of the improvement within street intersections;

B. The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the city;

C. The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;

D. The estimated cost and expense of advertising, mailing and publishing all necessary notices;

E. The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the City Comptroller and Clerk and City Treasurer in connection with the improvement;

F. The cost of acquisition of rights-of-way, property, easements or other facilities or rights, whether acquired by eminent domain, purchase, gift, or in any other manner; provided, that any of the costs enumerated in this subsection may

be excluded from the cost and expense to be assessed against the property in the local improvement district if the legislative authority so designates by ordinance at any time and may be paid from any other moneys available therefor;

G. The cost of legal, financial, and appraisal services and any other expense incurred by the city for the district or in the formation thereof, or by the city in connection with the construction or improvement and in the financing thereof, including the issuance of any bonds;

H. A charge against each description of property in the following amounts, to wit: In case of "immediate payment," Six Dollars (\$6.00) per description; in case of assessment payable in three annual installments, Eighteen Dollars (\$18.00) per description; in case of assessment payable in five annual installments, Twenty-six Dollars (\$26.00) per description; in case of assessment payable in ten annual installments, Forty-six Dollars (\$46.00) per description; in case of assessment payable in fifteen annual installments, Sixty-six Dollars (\$66.00) per description; in case of assessment payable in twenty annual installments or more of either principal or interest, Eighty-six Dollars (\$86.00) per description; which is the charge of 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 the sum of Six Dollars (\$6.00) per description. After the expiration of such thirty-day period, the City Treasurer shall report to the City Comptroller the total amount so rebated, and in all instances wherein the contractor doing the work in any local improvement district deposits cash with the City Treasurer under the terms of his contract to cover items of cost shown by the department head supervising the contract in his or her final estimate and specified in this section, the City Treasurer and the City Comptroller shall transfer the amount of such rebate from the fund in which it has been deposited to the appropriate local improvement fund.

(Ord. 109729 § 21, 1981.)

**20.04.280 Segregation of 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 local improvement 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 said local improvement as the Director of Engineering shall certify to be chargeable to such subdivision or subdivisions in accordance with state law.

B. Whenever, on account of the filing of a plat or replat 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 for local improvements, it shall appear to be to the best interest of the city to segregate a local improvement district assessment thereupon, the Director of Engineering is authorized to make the proper certification as provided in this chapter, upon the written application of the owner, approved by the City Treasurer, and confirmed by the City Council by resolution, and upon payment of the fee hereinafter provided. In all instances it shall be the duty of the Director of Engineering to submit the necessary Resolution for Segregation for City Council approval. A fee of Sixty Dollars (\$60.00) shall be charged for each tract of land for which a segregation is to be made together with a fee of Ten Dollars (\$10.00) per description for each description added to the assessment roll, to defray the cost of the engineering and clerical work involved. Such fees shall be paid to the City Treasurer and shall be deposited in the General Fund.

C. Upon receipt of a certified copy of a resolution of the City Council authorizing segregation, the City Treasurer shall enter the segregation, together with the amount of the 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 the segregated portion, give a proper receipt; provided, that this chapter 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 the 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 instance, 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 to the Director of Engineering 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 Director of Engineering, the City Council shall determine such question of fact.  
(Ord. 109729 § 22, 1981.)

**Subtitle III Contracting**

**Chapter 20.44**

**CITY CONTRACTS—PREVENTION OF DISCRIMINATION**

**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.
- 20.44.100 Employment goals, ranges, or ratios.

**20.44.010 Definitions.**

As used in this subchapter:

A. "Bona fide occupational qualification" means a job qualification which is essential to the accomplishment of the purposes for which the person is hired.

B. "Commission" means the Human Rights Commission of the city.

C. "Consultant contracts" means contracts for expert and temporary personal services, but does 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/her designee.

G. "Protected classes" means persons or groups of persons who may be discriminated against because of race, color, sex or the presence of any sensory, mental or physical handicap, and includes but is not limited to women, Blacks, Asians (Japanese, Chinese, Filipino, Korean, Samoan), Native Americans, Aleuts, and Hispanics (Spanish Americans, Mexican Americans, Chicanos, Puerto Ricans) and other ethnic minority persons.

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. 109808 § 1, 1981; 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 members of a protected class;

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. 109808 § 2, 1981; 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:

"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, religion, creed, color, sex, marital status, sexual orientation, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap, unless based upon a 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, religion, race, color, sex, national origin, or the presence of any sensory, mental or physical handicap. 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 nondiscrimination clause.

"The 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/her designee) upon

his/her 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 these provisions, and will permit access to his/her records of employment, employment advertisements, application forms, other pertinent data and records requested by the Director for the purposes of investigation to determine compliance with this provision.

"If upon investigation the Director finds probable cause to believe that the contractor has failed to comply with any of the terms of these provisions, 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 ten 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 these provisions.

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

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

(Ord. 109808 § 3, 1981; 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, religion, race, color, sex, marital status, sexual orientation, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap."

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, religion, race, color, sex, marital status, sexual orientation, political

ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap, 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, religion, race, color, sex, national origin, or the presence of any sensory, mental or physical handicap. 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 these provisions; provided, nothing herein shall prevent an employer from giving preference in employment to members of his/her 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/her 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 requested by the Director for the purpose of investigation to determine compliance with these provisions.

"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 these provisions, the lessee (contractor) shall be so notified in writing. The contracting authority shall give the lessee (contractor) an opportunity to be heard, after ten days' notice. If the contracting authority concurs in the findings of the Director, it may suspend or terminate this lease (contract) and evict lessee (terminate the contract) in accordance with law.

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

1981 updates to the  
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"The foregoing provisions will be inserted in all subleases (subcontracts) entered into under this lease (contract)." (Ord. 109808 § 4, 1981; 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 provisions:

"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, religion, race, color, sex, marital status, sexual orientation, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical handicap, 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, religion, race, color, sex, national origin, or the presence of any sensory, mental or physical handicap. 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 protected class status, 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/she shall so notify the vendor who shall take steps as necessary to review or update his/her 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. 109808 § 5, 1981; Ord. 101432 § 3.3, 1972.)

**20.44.100 Employment goals, ranges, or ratios.**

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

1. Members of protected classes are being denied equal employment opportunity within the city in certain occupations, trades, professions or supervisory types of work included in city contracts due to existing discrimination or the effects of prior discrimination; and

2. Persons who are members of such protected classes 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 persons who are members of protected classes 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, 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 persons of such protected classes 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 treatment.

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 employment goals for protected classes 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. 109808 § 6, 1981; Ord. 101432 § 7, 1972.)

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## Chapter 20.46

WOMEN'S AND MINORITY  
BUSINESS UTILIZATION

## Sections:

20.46.050 Definitions.

20.46.130 Monitoring, reporting and  
compliance.

## 20.46.050 Definitions.

A. "Bidder" means any business which submits a bid or proposal to provide goods or services to the city.

B. "Combination women's and minority business enterprise" means an independent and continuing business for profit which performs a commercially useful function, and which is owned and controlled by a combination of women and minorities.

C. "Contract awarding authority" means the city officer, department, commission, employee, or board authorized to enter into contracts on behalf of the city.

D. "Controlled," for purposes of determining whether a business is a minority business enterprise, women's business enterprise, or combination women and minority business enterprise, means that the minorities, women or combination of minorities and women, as the context requires, shall:

1. Possess legal authority and power to manage business assets, good will and daily operations of the business; and

2. Actively and continuously exercise such authority and power in determining the policies and directing the operations of the business.

E. "Director" means the Director of the Department of Human Rights.

F. "Minority," "minorities," or "minority person" means ethnic persons of color, including but not limited to American Indians, Asians (including, but not limited to, Chinese, Filipinos, Japanese, Koreans, Pacific Islanders and Samoans), Blacks, Hispanics, and Native Alaskans.

G. "Minority business enterprise" means an independent and continuing business for profit, which performs a commercially useful function, and which is owned and controlled by one or more minority persons residing in the United States or its territories.

H. "Owned," for purposes of determining whether a business is a minority business enterprise, women's business enterprise or combination women's and minority business enterprise, means that the minorities, women, or combination of both, as the context requires, shall possess an ownership interest of at least fifty-one percent of the business, and shall:

1. Possess incidents of ownership, such as an interest in profit and loss, equal to at least the required ownership interest percentage; and

2. Contribute to capital, equipment and/or expertise to the business equal to at least the required ownership percentage.

Ownership shall be measured as though not subject to the community property interest of a spouse, if both spouses certify that:

a. only one spouse participates in the management of the business, and

b. The nonparticipating spouse relinquishes control over his/her community property interest in the subject business.

I. "Person" includes one or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, or any group of persons, including any official, agent or employee of the city.

J. "Subcontractor" means any business providing goods or services to a contractor for profit, if such goods or services are procured or used in fulfillment of the contractor's obligations arising from a contract with the city, but shall not include businesses providing goods to a contractor whose contract with the city is for the provision of materials, equipment or supplies.

K. "Women's business enterprise" means an independent and continuing business for profit which performs a commercially useful function and which is owned and controlled by one or more women residing in the United States or its territories.

(Ord. 109869 § 1, 1981; Ord. 109113 § 5, 1980.)

20.46.130 Monitoring, reporting and  
compliance.

A. The Director shall monitor compliance with these requirements during the term of the contract. If the Director determines that there

is cause to believe that a contractor or subcontractor has failed to comply with any of the requirements of this chapter, rules and regulations adopted pursuant to this chapter, or contract provisions pertaining to women's business enterprise or minority business enterprise utilization, the Director shall so notify the contract awarding authority and the contractor. The Director shall attempt to resolve the non-compliance through conciliation. If the non-compliance cannot be resolved, the Director shall submit to the contract awarding authority and the contractor a written finding of non-compliance. The contracting authority shall give the contractor an opportunity to be heard, and if the contract awarding authority concurs with the finding of the Director, it shall impose such sanctions or take such other action as will effectuate the purposes of this chapter.

B. 1. Whenever the Director finds after investigation that a contract guarding authority has failed to comply with the provisions of this chapter, a written finding specifying the nature of the noncompliance shall be transmitted to the contract awarding authority; and

2. The Director shall attempt to resolve any noncompliance through conference and conciliation. Should such attempt fail to resolve the noncompliance, the Director shall transmit a copy of the finding of noncompliance along with a finding that conciliation was attempted and failed to the Mayor who shall take appropriate action to secure compliance.

C. The Director may require such reports, information, and documentation from contractors, bidders, contract awarding authorities, and the head of any department, division, or office of the city as are reasonably necessary to determine compliance with the requirements.

D. In addition to the requirements set forth in subsection C of this section, awarding authorities shall maintain accurate records for each contract awarded, its dollar value, the nature of the goods or services to be provided, the name of the contractor awarded the contract, the efforts it employed to solicit bids from and award the contract to women's business enterprises and minority business enterprises, and all subcontracts awarded by the contractor, identifying for each its dollar value, the nature of the goods or services provided, and the name of the subcontractor.

E. The Director shall submit an annual report to the Mayor and the City Council on the

progress of the city toward the utilization goals established by Section 20.46.070, together with an identification of problems and specific recommendations for improving the city's performance.

F. If the Director has reason to believe that any person has knowingly made, filed or caused to be filed with the city any materially false or misleading statement or report made in connection with this ordinance, the Director shall report that information to the City Attorney for appropriate action under the Seattle Criminal Code (Ordinance 102843 as amended; Seattle Code Title 12).

(Ord. 109869 § 2, 1981; Ord. 109113 § 13, 1980.)

**Subtitle V Miscellaneous Provisions**

**Chapter 20.88**

**REAL PROPERTY LEASES BY CITY**

**Sections:**

**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.**

**20.88.020 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. Fair market rental shall be deemed to mean the rental payments which such property would bring on the open rental market.

(Ord. 110304 § 1, 1981; Ord. 109823 § 1, 1981; Ord. 109128 § 3, 1980; 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 shall not exceed a rate of Thirteen Dollars (\$13.00) per square foot per year and the total square

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footage leased in any one rental agreement in any one calendar year shall not exceed five thousand square feet 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 square footage leased in any one rental agreement in any one calendar year shall not exceed nine thousand square feet 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 square footage leased in any one rental agreement in any one calendar year shall not exceed eighteen thousand square feet for such space in any single building, structure or other facility.

(Ord. 110304 § 2, 1981: 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" in the Urban Wage Earners and Clerical Workers (1967 = 100) 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 hereof upon rental payments provided in leases entered into by the Director of Administrative Services pursuant to the authority granted in Section 20.88.010.

(Ord. 109823 § 2, 1981: Ord. 109128 § 4, 1980: Ord. 107252 § 4, 1978.)

**20.88.050 Department or agency responsibility.**

No lease shall be executed by the Director of Administrative Services pursuant to the authority of Section 20.88.010 of this chapter 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 Department of Administrative Services 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 Director of

Administrative Services pursuant to the authority of Section 20.88.010 of this chapter shall be deposited in the Administrative Services Fund.

(Ord. 109823 § 3, 1981: Ord. 109128 § 5, 1980: Ord. 107252 § 5, 1978.)

**Title 21**

**UTILITIES**

**Subtitle II Sewers**

**Chapter 21.16**

**SIDE SEWERS**

**Sections:**

**21.16.060 Work to be done by licensed side sewer contractor—Qualification—Insurance.**

**21.16.060 Work to be done by licensed side sewer contractor—Qualification—Insurance.**

A. It shall be unlawful for any one to construct, reconstruct or repair any side sewer in a public place unless he or she is a licensed side sewer contractor holding a current license under the City License Code,<sup>1</sup> or is an employee of the Director of Engineering performing assigned duties.

B. No side sewer contractor's license shall be issued until the applicant has appeared before the Director of Engineering and has been examined by him, by oral and/or written examination as to the applicant's knowledge of side sewer construction work and the ordinances of the city regarding side sewers. The Director of Engineering shall deny the approval of any applicant whom he finds does not possess adequate experience or knowledge. Applicants for such examination by the Director of Engineering shall pay to the City Treasurer the sum of Sixty Dollars (\$60.00) before taking the examination, and the receipt number shall be noted upon the examination and filed in the Director of Engineering's office.

C. Each side sewer contractor shall file with the Director of Engineering a certificate of insurance from an insurance company licensed to do business in the state that the contractor carries public liability and property damage