

ORDINANCE No. 111640

COUNCIL BILL No. 104180

Law Department

The City of

WP

AN ORDINANCE amending Seattle Municipal Code Subsections 20.04.130B and .200A (Ordinance 109729, Sections 7 and 14 respectively) to revise the penalty upon certain delinquent assessments and to conform with RCW 35.45.150, and SMC Section 23.12.040 and .080 (Ordinance 102560, Sections 4 and 8) to provide for the filing and recording of agreements to defer local improvement assessments.

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

4/19/84 - Finance - Pres

COMPTROLLER FILE No. _____

Introduced: MAR 26 1984	By: City Treasurer
Referred: MAR 26 1984	To: Finance
Referred:	To:
Referred:	To:
Reported: APR 23 1984	Second Reading: APR 23 1984
Third Reading: APR 23 1984	Signed: APR 23 1984
Presented to Mayor: APR 24 1984	Approved: MAY 1 1984
Returned to City Clerk: MAY 1 1984	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

REC'D CIVILS APR 24 1984

OK

Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committee on _____

was referred the within Council Bill No. _____

that we have considered the same and respectfully recommend that the same:

Committee Chair

ORDINANCE 111640

AN ORDINANCE amending Seattle Municipal Code Subsections 20.04.130B and .200A (Ordinance 109729, Sections 7 and 14 respectively) to revise the penalty upon certain delinquent assessments and to conform with RCW 35.45.150, and SMC Section 20.12.040 and .080 (Ordinance 102560, Sections 4 and 8) to provide for the filing and recording of agreements to defer local improvement assessments.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection B of Seattle Municipal Code Section 20.04.130 (Section 7 of Ordinance 109729) is amended as follows:

B. Upon delinquency a penalty of twenty percent (20%) of the assessment (~~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.

Section 2. Subsection A of Seattle Municipal Code Section 20.04.200 (the first paragraph of Section 14 of Ordinance 109729) is amended as follows:

Section 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

1 to the contractor on estimates of the department head super-
2 vising the construction in any local improvement district as
3 soon as the City Council has, by resolution or ordinance,
4 fixed a date for the issuance of bonds or installment notes
5 in respect to such local improvement district.

6 Section 3. Seattle Municipal Code Section 20.12.040
7 (Section 4 of Ordinance 102560) is amended as follows:

8 20.12.040 APPLICATIONS FOR DEFERRAL--DEATH
9 OF SPOUSE--DISABLING INJURY.

10 Applications for deferral of collection of an assessment
11 that involve any of the following must be made in writing at
12 or before the hearing of the legislative authority for con-
13 firmation of the assessment roll:

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

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

19 C. Deferral of collection of assessments by a plan pro-
20 viding phased payments during the duration of the district,
21 with a series of multiple deferrals of successive installments.

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

If the application is approved, the applicant must return
a properly signed, notarized agreement with the City no later
than thirty (30) days after the date the installment becomes
delinquent.

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2 Section 4. Seattle Municipal Code Section 20.12.080A
3 (Section 8 of Ordinance 102560) is amended as follows:

4 20.12.080 ADMINISTRATION BY CITY OFFICIALS

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

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

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

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

20 4. Secure execution and filing of any necessary instru-
21 ments, and, upon notice from the City Treasurer, note satis-
22 faction thereof;

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

26 6. Recommend to the City Treasurer the amounts to be
27 paid from the Local Improvement Guaranty Fund to the fund of
28 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.

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The agreement with the person responsible for an assessment setting forth the terms and conditions of deferral of collection of the assessment shall be recorded with the King County Office of Records and Elections and transmitted to the City Comptroller, and a copy thereof to the City Treasurer. All records retained by the Director of Engineering (~~City Engineer~~) containing the application and information received in processing an application shall be kept confidential.

I:Ordl.

(To be used for all Ordinances except Emergency.)

Section 5. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 23rd day of April, 1984,
and signed by me in open session in authentication of its passage this 23rd day of April, 1984.

[Signature]
President of the City Council.

Approved by me this 1st day of May, 1984.

[Signature]
Mayor.

Filed by me this 1st day of May, 1984.

[Signature]
Attest: City Comptroller and City Clerk.

(SEAL)

Published

By *[Signature]*
Deputy Clerk.

MEMORANDUM

DATE: March 22, 1984

TO: The Honorable Norm Rice
President, City Council

FROM: Lloyd F. Hara *lfh*

SUBJECT: REVISIONS TO SMC 20.04.130B, 20.120.040 and .080

Attached is a proposed ordinance amending the above named sections of the Seattle Municipal Code.

These changes are recommended to bring those sections of the SMC into line with current law and practice of Local Improvement District assessments, collections, financing and deferrals.

LFH:JVM/pan
Mem011

Attachment



City of Seattle

Lloyd F. Hara
City Treasurer

ROUTING SLIP FOR REQUESTS FOR LEGISLATIVE ACTION

March 20, 1984 DATE

Originating Department City Treasurer's Office

By: Jack V. McKenzie Title: Assistant City Treasurer

Subject: Revisions to SMC 20.04.130B, 20.12.040 and 080 to provide for
revisions of language on penalty amount to remove \$20.00 minimum;
to allow issuance of installment notes for interim financing of LIDs;
to set a time limit on the return of deferral agreement;
to provide for the recording of deferrals and;
to change a title from City Engineer to Director of Engineering

	<u>Date Received</u>	<u>Date Forwarded</u>
Law <u>See Memorandum attached</u>	<u>03/06/84</u>	<u>03/09/84</u>

City Clerk _____

Legislation should be routed in the order listed.

rs/pan

M E M O R A N D U M

March 9, 1984

TO: Honorable Lloyd Hara
City Treasurer

Attention: Jack McKenzie
Assistant City Treasurer

FROM: The Law Department

By: Jorgen Bader 
Assistant City Attorney

RE: Adjustment of Council Bill 103527

Pursuant to your memorandum, dated March 5, 1984, we have revised former Council Bill No. 103527 to delete its reference to the Twenty Dollar minimum penalty in Section 1 B, and forward the revised bill herewith.

JGB:mc



City of Seattle

Lloyd F. Hara
City Treasurer

MEMORANDUM

DATE: March 5, 1984
TO: Jorgen Bader, Law Department
FROM: ~~Jack V. McKenzie~~, Assistant City Treasurer
SUBJECT: ADJUSTMENT OF CORRECTING ORDINANCE

COPY OF WITHIN RECEIVED

MAR 6 1984

Douglas N. Jewett
CITY ATTORNEY

We withdrew Council Bill 103527 from consideration by the City Council due to the need for a change of language in Section 1.B.

Please review these changes and, if you approve, return the ordinance to us so we may prepare it for resubmittal to the Council.

Thank you.

JVM/pam
Memol2

Attachment

Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

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

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

Ordinance No. 111640

was published on **May 3, 1984**

P. Blau
Subscribed and sworn to before me on

May 3, 1984

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

ORDINANCE 111648

AN ORDINANCE amending Seattle Municipal Code Sections 20.04.130B and 20.04.200A (Ordinance 109729, Sections 7 and 14 respectively) to revise the penalty upon certain delinquent assessments and to conform with RCW 35.45.150, and SMC Section 20.12.040 and .080 (Ordinance 102500, Sections 4 and 8) to provide for the filing and recording of agreements to defer local improvement assessments.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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B. Upon delinquency a penalty of TWENTY PERCENT (20%) OF THE ASSESSMENT (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.

Section 2, Subsection A of Seattle Municipal Code Section 20.04.200 (the first paragraph of Section 14 of Ordinance 109729) is amended as follows:

Section 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 OR INSTALLMENT NOTES in respect to such local improvement district.

Section 3, Seattle Municipal Code Section 20.12.040 (Section 4 of Ordinance 102500) is amended as follows:

20.12.040 APPLICATIONS FOR DEFERRAL -- DEATH OF SPOUSE -- DISABILITY 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

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 at or before such installment becomes delinquent, should death of a spouse or other serious adversity render a person responsible for payment of an assessment economically disadvantaged.

IF THE APPLICATION IS APPROVED, THE APPLICANT MUST RETURN A PROPERLY SIGNED, NOTARIZED AGREEMENT WITH THE CITY NO LATER THAN THIRTY (30) DAYS

Section 4, Seattle Municipal Code Section 20.12.080A (Section 8 of Ordinance 102500) is amended as follows:

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 35.42.250, 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 RECORDED WITH THE KING COUNTY OFFICE OF RECORDS AND ELECTIONS AND transmitted to the City Comptroller, and a copy thereof to the City Treasurer. All records retained by the DIRECTOR OF ENGINEERING (City Engineer) containing the application and information received in processing an application shall be kept confidential.

Section 5. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor, otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 23rd day of April, 1984, and signed by me in open session in authentication of its passage this 23rd day of April, 1984.

NORMAN B. RICE,
President of the City Council.

Approved by me this 1st day of May, 1984.

CHARLES ROYER,
Mayor.

Filed by me this 1st day of May, 1984.

Attest: TIM HILL,
City Comptroller and City Clerk.

(Seal) By THERESA DUNBAR,
Deputy Clerk.

Publication ordered by TIM HILL,
Comptroller and City Clerk.

Date of official publication in Daily Journal of Commerce, Seattle, May 3, 1984. (C-334)