

21244A

ORDINANCE No. 114326

Law Department

COUNCIL BILL No. 107106

The City of

AN ORDINANCE relating to the Seattle Center Department; amending Ordinance 114233 and the 1989 Facility License Fee Schedule to provide an additional basis for charging a reduced license fee to a performing arts organization.

Honorable President:

Your Committee on Finance

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

COMPTROLLER FILE No. _____

Introduced: JAN 3 1988	By: <u>Galle</u>
Referred: JAN 3 1988	To: <u>Finance + Personnel</u>
Referred:	To:
Referred:	To:
Reported: JAN 4 1988	Second Reading: JAN 5 1988
Third Reading: JAN 5 1988	Signed: JAN 5 1988
Presented to Mayor: JAN 10 1988	Approved: JAN 17 1988
Returned to City Clerk: JAN 17 1988	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Pass

Vote 9-0

OK

Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on

Finance and Personnel

was referred the within Council Bill No.

107106

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

Pass

1/5/89

Vote 9-0

Virginia Galle

Committee Chair

#6
C.B.107106

ORDINANCE 114326

AN ORDINANCE relating to the Seattle Center Department;
amending Ordinance 114233 and the 1989 Facility License
Fee Schedule to provide an additional basis for charging
a reduced license fee to a performing arts organization.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. As requested by the Seattle Center Director
and recommended by the Mayor in the materials attached hereto,
Section 1 of the portion of the "1989 Seattle Center Facility
License Fee Schedule" entitled "Additional Schedule B Terms
and Conditions", which is attached to Section 1 of Ordinance
114233 and filed with the City Clerk with said ordinance, and
the comparable portion of SMC 17.16.015 are amended as
follows:

1. General Schedule B license fee rates shall be applied
as follows:

- a. To any nonprofit performing arts organization
that presents its own company as a solo perfor-
mance or event open to the general public, or
its own company in consort with or in conjunc-
tion with another entertainer, "headliner" or
performing group;
- b. To any nonprofit performing arts organization
that presents, during 1989, another entertainer,
"headliner," or performing arts group, in lieu
of its own company, in a production that consti-
tutes one element of a regular series of not
less than five, different productions at Seattle

1
2
3 Center that have performance runs of not less
4 than two days, each, and are presented to the
5 general public; Provided, that such Schedule B
6 license fee rates shall be applied to only one
7 such "in lieu of" production per eligible orga-
8 nization during 1989;

9 c. To any other nonprofit organization presenting
10 its own performing arts event produced with mem-
11 bers of its own organization and open to the
12 general public; and

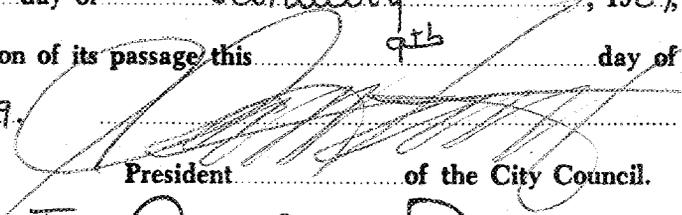
13 ~~((e-))~~ d. To any for-profit performing arts school pre-
14 senting a recital by one or more of its own stu-
15 dents in the Bagley Wright Theater.

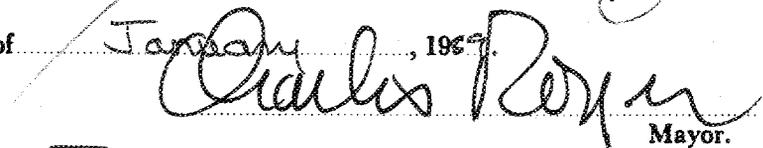
16 ~~((Notwithstanding any other provision))~~ Except as
17 provided in Section 1.b, hereof, any nonprofit orga-
18 nization that present to the general public a special
19 entertainer, "headliner" or that performing arts
20 group independent of, or not in conjunction with, a
21 performance of its own company shall pay the appli-
22 cable fees indicated in Schedule A.

23 Sec. 2. Any act consistent with the authority and prior
24 to the effective date of this ordinance is ratified and con-
25 firmed.
26
27
28

(To be used for all Ordinances except Emergency.)

Section 3... 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 9th day of January, 1989,
and signed by me in open session in authentication of its passage this 9th day of
January, 1989.

President of the City Council.

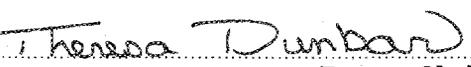
Approved by me this 17th day of January, 1989.

Mayor.

Filed by me this 17th day of January, 1989.


Attest: _____
City Comptroller and City Clerk.

(SEAL)

Published _____

By 
Deputy Clerk.

Finance and Personnel Committee
C.B. 107106

Re: Amendment, 1989 Seattle Center License Fee Schedule

Council Bill 107106 proposes to amend the 1989 License Fee Schedule for Seattle Center to permit the nonprofit performing arts groups using the Opera House to bring in an "outside big name" (or headliner) to its regularly scheduled series of at least 5 events one time only in 1989 without triggering the higher commercial rental rates. It permits each of the Opera House nonprofit prime users (Symphony, Ballet, Opera and Youth Symphony) with regular series of not less than 5 performances to use one headliner star or group one time only each in 1989 before the commercial rental rate is triggered.

The bill results from a situation which occurred in 1988 when the regularly scheduled POPS series included a performance by the New England Ragtime Ensemble because the Seattle Symphony Orchestra was unavailable to play on an evening when the Opera House was available to use. The Center was obliged to charge the "host" nonprofit group a commercial rental rate for using one of their facilities for a headliner group, even though no additional audience was attracted and no additional revenues realized.

The bill has no effect on the adopted 1989 Seattle Center revenues. If no headliners are brought in the revenues for 1989 from the nonprofit groups do not change. If one headliner each is brought in the 1989 revenues would not change. If more than one headliner is used by any one group, the 1989 revenues would increase because the commercial rental rate would be triggered.

Committee Recommendation: PASS

City of Seattle

Executive Department-Office of Management and Budget

James P. Ritch, Director
Charles Royer, Mayor

December 14, 1988

COPY RECEIVED

DEC 19 1988

The Honorable Douglas Jewett
City Attorney
City of Seattle

Douglas N. Jewett
CITY ATTORNEY

10,232
Davidson

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Seattle Center Department

SUBJECT: An Ordinance relating to the Seattle Center Department; amending Ordinance 114233 and the 1989 Facility License Fee Schedule to provide an additional basis for charging a reduced license fee to a performing arts organization.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Carol Lewis.

Sincerely,

Charles Royer
Mayor

by

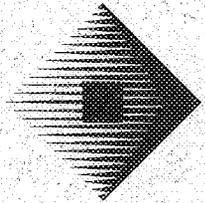
Claire McKechnie for

JAMES P. RITCH
Budget Director

JR/cm/ncn

Enclosure

cc: Director, Seattle Center Department



SEATTLE CENTER

DEC 15 1988

December 9, 1988

The Honorable Sam Smith
President
Seattle City Council
1100 Municipal Building
Seattle, Washington 98104

840348

VIA: Mayor Charles Royer

ATTENTION: Jim Ritch, Director
Office of Management & Budget

SUBJECT: AMENDMENT TO THE 1989 FACILITY LICENSE FEE SCHEDULE

Dear Council President Sam Smith:

We are forwarding for your consideration Council Bill _____ which amends the 1989 Facility License Fee Schedule for Seattle Center in order to provide the Seattle Symphony and other nonprofit performing arts organizations a limited ability to present a "headliner" group to its regularly scheduled series audience.

The need for this ordinance developed when the Seattle Symphony realized that the existing fee schedules required Seattle Center to charge a commercial rate for the presentation of the New England Ragtime Ensemble during the regularly scheduled POPS concert series. This translated into an additional \$9,000. The Symphony is asking for legislative relief from this charge because the Symphony was required to use an outside group when Opera House scheduling restrictions prohibited scheduling concerts at a time its own orchestra could play. Ed Birdwell, Managing Director of the Seattle Symphony wrote to C. David Hughbanks earlier this year:

"...the real issue for us is the application of the ordinance in this case. I am assuming that the existence of a non-profit category and a commercial category in the License Fee ordinance is to allow the resident non-profit performing arts groups an opportunity to stay alive, producing their normal series and events, while not giving them an unfair advantage over commercial agents. Because these concerts are part of our regular Pops series, they are not drawing upon any additional audience, are not producing any additional income, and are not in competition with any commercial enterprise. The only reason we are not scheduling the orchestra to play these concerts is because the Opera House

Charles Royer
Mayor
Virginia Anderson
Director

305 Harrison
Street

Seattle
Washington
98109

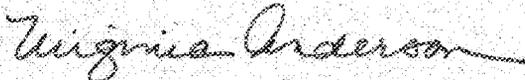
Honorable Sam Smith
December 9, 1988
Page Two

scheduling restrictions prohibited us from scheduling the concerts at a time when the orchestra was available to play. Not only are we already seriously eroding our ticket income from this series by hiring the New England Ragtime Ensemble at significant extra expense, you are telling us that we may have to pay as much as \$9,000 in additional rent."

The attached ordinance would limit the use of an outside or "headliner" performer to nonprofit performing arts organizations that already have a regular series of at least five productions at Seattle Center. Eligibility for use of this provision would therefore be limited to the Seattle Symphony, the Seattle Opera, the Pacific Northwest Ballet and the Seattle Youth Symphony.

We appreciate your consideration of this legislation. If you have any questions, please call Deputy Director Carol Lewis at 684-7334.

Sincerely,



Virginia Anderson
Director

VA:clj

Attachment

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Virginia Gale

_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

City of Seattle

ORDINANCE 114233

AN ORDINANCE relating to the Seattle Center Department; amending Ordinance 114233 and the 1989 Facility License Fee Schedule to provide an additional basis for charging a reduced license fee to a performing arts organization.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. As requested by the Seattle Center Director and recommended by the Mayor in the materials attached hereto, Section 1 of the portion of the "1989 Seattle Center Facility License Fee Schedule" entitled "Additional Schedule B Terms and Conditions", which is attached to Section 1 of Ordinance 114233 and filed with the City Clerk with said ordinance, and the comparable portion of SMC 17.16.015 are amended as follows:

1. General Schedule B license fee rates shall be applied as follows:

- a. To any nonprofit performing arts organization that presents its own company as a solo performance or event open to the general public, or its own company in consort with or in conjunction with another entertainer, "headliner" or performing group;
- b. To any nonprofit performing arts organization that presents, during 1989, another entertainer, "headliner," or performing arts group, in lieu of its own company, in a production that constitutes one element of a regular series of not less than five, different productions at Seattle Center that have performance runs of not less than two days, each, and are presented to the general public; provided, that such Schedule B license fee rates shall be applied to only one such "in lieu of" production per eligible organization during 1989;
- c. To any other nonprofit organization presenting its own performing arts event produced with members of its own organization and open to the general public; and
- ~~((or))~~ d. To any for-profit performing arts school presenting a recital by one or more of its own students in the Bagley Wright Theater.

~~((Notwithstanding any other provision))~~ Except as provided in Section 1.b. hereof, any nonprofit organization that present to the general public a special entertainer, "headliner" or that performing arts group independent of, or not in conjunction with, a performance of its own company shall pay the applicable fees indicated in Schedule A.

Sec. 2. Any act consistent with the authority and prior

