

Ordinance No. 122712

Council Bill No. 115662

AN ORDINANCE relating to the University District
Parking and Business Improvement Area;
increasing the assessment rates; and amending
Ordinance 118412, as previously amended by
Ordinance 120304, in accordance therewith.

CF No. _____

Date Introduced:	JUL 24 2006		
Date 1st Referred:	JUL 24 2006	To: (committee)	Finance & Budget
Date Re - Referred:		To: (committee)	
Date Re - Referred:		To: (committee)	
Date of Final Passage:	9-5-06	Full Council Vote:	90
Date Presented to Mayor:	9-6-06	Date Approved:	9/6/06
Date Returned to City Clerk:	9/11/06	Date Published:	4PR
Date Vetoes by Mayor:		Date Veto Published:	
Date Passed Over Veto:		Veto Sustained:	

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Richard J. McIver
Councilmember

Committee Action:

Passed 3/0 August 16th 2006 RM, DD J67

9-5-06 Passed 90

This file is complete and ready for presentation to Full Council. Committee: _____
(initial/date)

Law Department

Law Dept. Review OMP Review City Clerk Review Electronic Copy Loaded Indexed

ORDINANCE 122212

AN ORDINANCE relating to the University District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 118412, as previously amended by Ordinance 120304, in accordance therewith.

WHEREAS, the University District Parking and Business Improvement Area ("PBIA") was created in 1996 through Ordinance 118412, which provided for the levy of special assessments upon businesses within the PBIA for the purpose of enhancing conditions for the operation of those businesses; and

WHEREAS, in 2001, through Ordinance 120304, the City Council approved an assessment rate increase of approximately 4%; and

WHEREAS, this year, the University District Ratepayers Advisory Group requested an additional 10% increase in the assessment rates, as well as a 10% increase in the minimum and maximum assessments allowed by Ordinance 118412, to prevent reduction in PBIA services caused by inflation in prices since 2001; and

WHEREAS, a public hearing regarding the proposed rate adjustment was held on Aug. 16, 2006, and comments regarding the increase have been considered by City Council; and

WHEREAS, based upon information provided by the University District Ratepayers Advisory Group and comments received during the public hearing, the City Council believes it is in the best interests both of the PBIA and the City to adjust the rate structure to maintain appropriate levels of service; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3 of Ordinance 118412, as amended by Ordinance 120304, is hereby further amended as follows:

Section 3. Levy of Special Assessments. To finance the programs authorized in Section 2, there is levied upon and shall be collected from the business and property owners in the University District Parking and Business Improvement Area described in Section 1 an annual



special assessment, measured by the type of use and rate of assessment in the following table,
subject to the calculations and limitations in Sections 4 and 5:

Annual Assessment Formula

Category....Rate of Assessment

I. Retail/commercial uses

Ground Floor....(~~(\$104)~~) \$114 sq. ft.

Upper Floor....(~~(\$052)~~) \$057 sq. ft.

Below Ground Floor....(~~(\$052)~~) \$057 sq. ft.

II. Commercial Parking....(~~(\$5.20)~~) \$5.72 / space

III. Full Service Hotels/Motels....(~~(\$10.40)~~) \$11.44 / room

IV. Apartments....(~~(\$5.20)~~) \$5.72 / unit

V. Property Owners....(~~(\$052)~~) \$057 sq. ft.

Section 2. Section 4 of Ordinance 118412 is hereby amended as follows:

Section 4. Calculation of and limitations upon assessments.

* * *

(e) A minimum assessment of (~~(\$100)~~) \$110 (~~((one hundred d))~~) One Hundred Ten
Dollars) will be applied to every business, organization, and property within the BIA
boundaries.

(f) The total assessment upon any single business site within the BIA shall not initially
exceed (~~(\$10,000)~~) \$11,000 (~~((ten thousand d))~~) Eleven Thousand Dollars) annually.

Section 3. Section 14 of Ordinance 118412 is hereby amended as follows:

Section 14. Rate Changes. Any change in the assessment rate shall only be made by ordinance and as authorized in RCW 35.87A.140. No increase shall occur in the assessment rate unless recommended by the Ratepayers Advisory Board.

To prevent reduction in services due to inflation in prices the City may from time to time, upon recommendation of the Ratepayers Advisory Board and by ordinance, increase or reduce assessment rates, to reflect changes in the purchasing power of money. Any increase in the assessment formula shall be based on the increase, if any, of the Consumer Price Index (CPI) for the metropolitan Seattle area; provided, however, that the increase shall not exceed five percent (5%) in any calendar year. The percentage of increase in the assessment formula shall be computed as follows:

$$(\text{Ending CPI} - \text{Beginning CPI}) \times 100 =$$

$$(\text{Beginning CPI}) \quad \text{Percentage of Increase}$$

Rates after the percentage increase shall be rounded to the nearest one-thousandth (mil) as to square footage rates in Categories I, II, III, and IV (~~(, and nickel as to Category V)~~).

Section 4. The assessment rates provided for in Section 1 shall take effect on January 1, 2007.

Section 5. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 5th day of September, 2006, and signed by me in open session in authentication of its passage this 5th day of September, 2006.


President _____ of the City Council

Approved by me this 8th day of September, 2006.


Gregory J. Nickels, Mayor

Filed by me this 11 day of September, 2006.


City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Executive Administration	Teri Allen/4-5226	Carolyn Iblings/4-5211

Legislation Title:

AN ORDINANCE relating to the University District Parking and Business Improvement Area; increasing the assessment rates; and amending Ordinance 118412, as previously amended by Ordinance 120304, in accordance therewith.

• **Summary of the Legislation:**

The proposed legislation increases by approximately 10% the current assessment rates and the minimum and maximum assessments for the University District Parking and Business Improvement Area.

• **Background:**

The University District Parking and Business Improvement Area ("PBIA") was created in 1996 through Ordinance 118412. The ordinance provided for special assessments on various types of businesses within the PBIA, for the purpose of enhancing conditions for the operation of those businesses. Rates were assessed either by square foot of the commercial business or property, or per other relevant units. Ordinance 118412 also provided for a minimum assessment of \$100 and a maximum assessment of \$10,000 per business or property. Ordinance 118412 provided for increases in the assessment rates to prevent reduction in services due to inflation in the costs of providing PBIA services, consistent with changes in the Consumer Price Index (CPI) and with the provisions of RCW 35.87A.140.

In 2001, through Ordinance 120304, the City Council approved a rate increase of approximately 4% in each assessment category. Ordinance 120304 did not revise the minimum and maximum assessments. Through this proposed legislation, the University District Ratepayers Advisory Group recommends this second increase of approximately 10% in each assessment category, as well as 10% increases in the minimum and maximum assessments. The proposed rate increases are well within the inflationary adjustment, measured as 27% between 1996 and 2006 by the CPI for the Seattle-Tacoma-Bremerton metropolitan area.

RCW 35.87A.140 requires that assessment rate increases for parking and business improvement areas must be adopted by ordinance. The RCW also requires a resolution of intention to increase rates and set the required public hearing; this resolution of intention has been submitted separately to the City Council.



- Please check one of the following:

☐ **This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

☒ **This legislation has financial implications.** (Please complete all relevant sections that follow.)

Appropriations: This table should reflect appropriations that are a direct result of this legislation. In the event that the project/ programs associated with this ordinance have appropriations that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below.

Fund Name and Number	Department	Budget Control Level*	2006 Appropriation	2007 Anticipated Appropriation
TOTAL				

*See budget book to obtain the appropriate Budget Control Level for your department.

Notes: There are no additional appropriations associated with this legislation.

Anticipated Revenue/Reimbursement: Resulting From This Legislation: This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Fund Name and Number	Department	Revenue Source	2006 Revenue	2007 Revenue
19890 University District BIA Subfund	Executive Administration	Ratepayer Assessments	\$0	\$12,000
TOTAL			\$0	\$12,000

Notes: Anticipated revenue increases in 2007 based upon projected 2006 total revenues of \$121,000, and upon a rate increase effective date of January 1, 2007. Total projected 2007 revenue with the proposed rate increase will be approximately \$132,900.

Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE

Impact: This table should only reflect the actual number of positions created by this legislation. In the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Position Title and Department*	Fund Name	Fund Number	Part-Time/ Full Time	2006 Positions	2006 FTE	2007 Positions**	2007 FTE**
TOTAL							

* List each position separately

** 2007 positions and FTE are total 2007 position changes resulting from this legislation, not incremental changes. Therefore, under 2007, please be sure to include any continuing positions from 2006

Notes: There are no position changes associated with this ordinance.

- **Do positions sunset in the future?** (If yes, identify sunset date): Not applicable.

Spending/Cash Flow: This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.

Fund Name and Number	Department	Budget Control Level*	2006 Expenditures	2007 Anticipated Expenditures
TOTAL				

* See budget book to obtain the appropriate Budget Control Level for your department.

Notes: There are no appropriations associated with this ordinance.

What is the financial cost of not implementing the legislation?

None to the City. The City would continue to administer the University District PBIA, which would operate at current rate levels.

What are the possible alternatives to the legislation that could achieve the same or similar objectives? None. RCW 35.87A.140 requires the City to adopt an ordinance to change assessment rates for a parking and business improvement area. Improvement area services are in addition to, and not a replacement of, basic City services, and are funded by assessments on the properties that benefit from the services. If the legislation is not passed, University District PBIA services will be provided at a level feasible with revenues from current rates. Over time, inflation will erode the level of service the University District PBIA is able to provide to ratepayers.

- **Is the legislation subject to public hearing requirements?** Yes. A resolution of intention, establishing a hearing date, is before the City Council.
- **Other Issues:** None.

Please list attachments to the fiscal note below: None.



City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

July 11, 2006

Honorable Nick Licata
President
Seattle City Council
City Hall, 2nd Floor

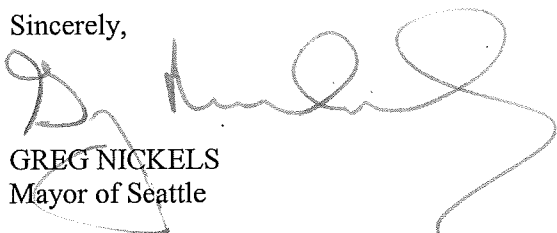
Dear Council President Licata:

The attached proposed Council Bill amends Ordinance 118412 to increase the assessment rates for the University District Parking and Business Improvement Area ("PBIA"). The University District Ratepayers Advisory Group requested the proposed rate increase to offset the effects of inflation on the costs of providing PBIA services. A public hearing before the City Council Finance and Budget Committee on the proposed rate increase, as required by RCW 35.87A.140, is planned to be held in August 2006.

The University District PBIA was created in 1996 to provide services that promote business, including litter control, security, special public events, and parking amenities. The assessments levied upon ratepayers within the University District PBIA have been raised only once before, in 2001. This legislation proposes a 10% increase in each type of assessment, as well as in the minimum and maximum assessments. The increases proposed by the ratepayer advisory board are lower than the level of inflation since 2001, as measured by the Consumer Price Index.

Providing for an increase in assessment rates will allow the University District PBIA to continue providing valuable services for businesses in that community. Thank you for your consideration of this legislation. Should you have questions, please contact Ken Nakatsu at 684-0505, or Teri Allen at 684-5226

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

202480
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

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

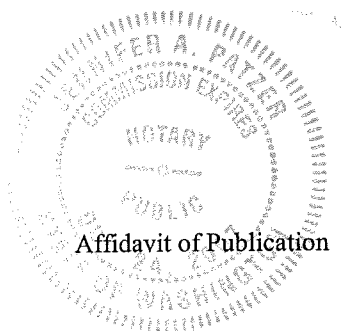
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122212 ORDINANCE

was published on

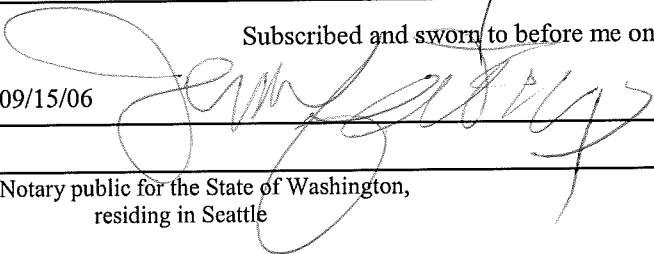
09/15/06

The amount of the fee charged for the foregoing publication is the sum of \$ 193.20, which amount has been paid in full.




Subscribed and sworn to before me on

09/15/06


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

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Passed by the City Council the 5th day of September, 2006, and signed by me in open session in authentication of its passage this 5th day of September, 2006.

Nick Licata
President of the City Council
Approved by me this 8th day of September, 2006.

Gregory J. Nickels, Mayor
Filed by me this 11th day of September, 2006.

(Seal) Judith Pippin
City Clerk

Publication ordered by JUDITH PIPPIN,
City Clerk

Date of publication in the Seattle Daily
Journal of Commerce, September 15, 2006.

9/15(202480)