

ORDINANCE No. 114233

COUNCIL BILL No. 106930

AN ORDINANCE relating to the Seattle Center Department; adding a new section, Section 17.16.020, to the Seattle Municipal Code to establish fees and charges and terms and conditions for use of certain Seattle Center facilities, and repealing Ordinance 113740 and SMC Section 17.16.015, in connection therewith.

Law Department

The City of

Honorable President:

Your Committee on

Bu

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

COMPTROLLER FILE No. _____

Introduced: SEP 26 1988	By: GALLE
Referred: SEP 26 1988	To: <i>Budget</i>
Referred:	To:
Referred:	To:
Reported: NOV 28 1988	Second Reading: NOV 28 1988
Third Reading: NOV 28 1988	Signed: NOV 28 1988
Presented to Mayor: NOV 29 1988	Approved: NOV 30 1988
Returned to City Clerk: NOV 30 1988	Published:
Vetoes by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Pass

OX

the

Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

President:

Committed on

Budget

was referred the within Council Bill No.

106930

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

Pass

11/16/88

Virginia Galle

Committee Chair

ORDINANCE 114233

AN ORDINANCE relating to the Seattle Center Department; amending Ordinance 113740 and SMC 17.16.015 to modify previously established fees and charges and terms and conditions for use of certain Seattle Center facilities.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 1989, Section 17.16.015 of the Seattle Municipal Code (§ 1 of Ordinance 113740) is amended as follows:

Section 17.16.015. The Director of the Seattle Center Department is authorized to charge and collect fees for the use, on and after January 1, (~~1988~~) 1989, of certain Seattle Center facilities, services, and equipment provided to the users thereof, and to condition such use on compliance with certain general terms and conditions, all specified in the attached exhibit ((B)) entitled "~~(1988)~~ 1989 Seattle Center Facility License Fee Schedule" (~~(attached)~~).

(To be used for all Ordinances except Emergency.)

Section 2. 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 28th day of November, 1938,
and signed by me in open session in authentication of its passage this 28th day of
November, 1938.

[Handwritten Signature]
President of the City Council.

Approved by me this 30th day of November, 1938
[Handwritten Signature]
Mayor.

Filed by me this 30th day of November, 1938

[Handwritten Signature]
Attest: City Comptroller and City Clerk.

(SEAL)

Published.....

By *[Handwritten Signature]*
Deputy Clerk.

PUBLISH DO NOT PUBLISH
CITY ATTORNEY *[Handwritten Signature]*

1 9 8 9

SEATTLE CENTER

FACILITY LICENSE FEE SCHEDULE

SEATTLE CENTER

1989 Facility License Fees and Charges

GENERAL TERMS AND CONDITIONS

1. DEFINITIONS

- a. "Nonprofit organizations" means organizations, corporations or associations that are currently recognized by the United States of America as exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1954, 26 U.S.C. 501, or a division, department or instrumentality of state or local government devoted to the arts.
- b. "Competition" means an event requiring judging, playoff, and/or preliminary games or contests prior to a final or main event on the same day and where the admission charge for the final or main event includes admission to the preliminary activities.
- c. "Convention" means a convocation of members of a not-for-profit national or international organization or association that periodically is convened as prescribed in the entity's charter, articles of incorporation, by-laws or similar governing document; the term does not mean or include any convocation of members of a state-wide or regional organization, association or other entity, nor any convocation of a for-profit business or commercial venture.
- d. "School performance" means a cultural program staged primarily for elementary, junior and senior high school students between 8:00am and 1:00pm, Monday through Friday excluding Washington State holidays.
- e. "Major facility" means the Coliseum, Opera House, Arena, Bagley Wright Theatre, Exhibition Hall and Flag Pavilion.

2. MOVE IN/OUTS

- a. On the day of the event, no additional license fee charge will be made for a move in/out accomplished between 7:00am and 12:00 midnight. Applicable overtime charges will be assessed outside of those hours at the discretion of the Director or his designee.
- b. For move in/out purposes, a licensed user that has an event scheduled on any particular day will be given preference over any other licensed user wanting to move in/out on that particular day.

3. PERCENTAGE LICENSE FEE

Percentage license fees apply to gross sales of admission tickets from all sources, less admission taxes and/or Washington State Athletic Commission taxes. If the performance, activity or use is exempt from admission taxes, then the percentage license fee is applied to total sales.

Admission sales for all events must be substantiated by a ticket manifest and box office statement certified by the box office treasurer and City tax collector or the City tax collector, only.

4. LICENSE FEE PAYMENT

Payment of minimum license fee(s) is required upon execution of the Licensing Agreement. If fee is to be calculated on a percentage, the advance payment will be based on the applicable minimum fee. The difference between that minimum and the percentage will be collected at the time of the event.

5. CONTINGENCY FEE

A contingency deposit may be required to cover some portion of the estimated labor, equipment, services, damage, or any other incidental charges incurred during the event, or as a partial security for payment in full of all event-related expenses. Any portion of the contingency deposit not utilized will be refunded.

6. CANCELLATION CHARGE

Licensed events cancelled sixty (60) days or less before scheduled date will be subject to a cancellation charge of 100 percent of the paid fee or the daily minimum license fee for each cancelled event, performance or show day, whichever is greater, less any paid contingency fee. Deposits or paid fees are not transferable to a subsequent date or facility. When events covering multiple days and facilities and licensed two or more years in advance cancel less than eighteen (18) months before the event, cancellation fee shall be 50 percent of the deposited license fee.

7. REHEARSALS

- a. On performance days, preference for rehearsal purposes will be given to the licensed user of the facility that has a performance scheduled on that day.
- b. There will be no charge for rehearsals in the facility on performance days unless an audience is present, in which case the applicable license fee shall be as specified in Schedule A or B, as appropriate.

8. EVENT PERIODS

- a. A spectator/entertainment event in any major facility is a performance as that term is used in Schedules A and B and consists of four (4) consecutive hours or any fraction thereof during a morning, afternoon or evening period, and includes ingress and egress time of patrons attending the event.
- b. A meeting, dinner dance, animal show, competition, trade show, exposition, sale, and event in the Conference Center, Northwest Rooms and Mercer Forum areas consists of eight (8) consecutive hours between 7:00am and 12:00 midnight, unless otherwise specified on the Licensing Agreement.

- c. Rehearsal Hall use permitted upon payment of the fee specified in Schedule A consists of four (4) consecutive hours. Rehearsal Hall use permitted under the fee specified in Schedule B consists of any daily use between the hours of 8:00am and 12:00 midnight.
- d. A convention as defined herein consists of twelve (12) consecutive hours between the hours of 7:00am and 12:00 midnight in all facilities.
- e. Accumulated overtime fee for any one facility for any day shall not exceed the basic or minimum license fee for one day's use.

9. SEATTLE CENTER SERVICES

Services provided by Seattle Center, on the day(s) of the event, in consideration of payment of applicable license fees shall include:

- a. heat or air conditioning as provided in the building or in accordance with any federal or state guidelines;
- b. general illumination;
- c. normal clean-up;
- d. standard approved seating configurations;
- e. facility's standard sound system;
- f. facility's standard parking permits;
- g. use of other equipment available to the facility as described in the Event Service Manual;
- h. the readerboard associated with the facility;
- i. the services of a custodian and matron, if required, but not to exceed eight (8) consecutive regular time hours;

Charges will be assessed for variations from these standard provisions at rates in effect at the time of utilization.

Other services may be made available for an additional charge as described in Event Service Manual.

ADDITIONAL SCHEDULE B TERMS AND CONDITIONS

- 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 other nonprofit organization presenting its own performing arts event produced with members of its own organization and open to the general public; and
 - c. To any for-profit, performing arts school presenting a recital by one or more of its own students in the Bagley Wright Theatre.

Notwithstanding any other provision hereof, any nonprofit organization that presents to the general public a special entertainer, "headliner" or performing group independent of, or not in conjunction with, a performance of its own company shall pay the applicable fees indicated in Schedule A.

2. The rate for school performances shall be charged whenever the licensed user has booked and the Seattle Center has confirmed the facility for regularly scheduled performances on the same, preceeding or succeeding days. Schedule A rates shall apply to all other school performances unless such performances are confirmed less than ninety (90) days in advance of the date of the event.

ADDITIONAL SCHEDULE C TERMS AND CONDITIONS (DISCOUNTS AND SPECIAL FEES)

1. CATERING

The Director or his designee may authorize a caterer to provide food and/or beverage service for an event on the Seattle Center grounds or in any facility listed below when such caterer has obtained and presented to the Seattle Center Director or his designee, the following material:

- 1) a copy of the caterer's City of Seattle business license;
- 2) a copy of the caterer's food establishment permit from the Seattle-King County Public Health Department;
- 3) a certificate of insurance demonstrating that the caterer has secured and is maintaining general comprehensive public liability insurance providing coverage of at least \$1,000,000.00, under which the City of Seattle is named as an additional insured; and
- 4) a copy of a letter of credit for an amount not less than \$2,000.00.

Any such caterer shall pay the following percentage fees, or minimum facility usage fees, whichever is greater:

a. Percentage Fees:

Food	12% of gross sales excluding Washington State sales tax
Alcoholic Beverage	22% of gross sales excluding Washington State sales tax
Rental Equipment	10% of gross sales excluding Washington State sales tax

b. Minimum Facility Usage Fee:

Exhibition Hall	\$1,275.00	Mercer Forum	\$540.00
Arena	1,500.00	Room I	75.00
Coliseum	3,000.00	Room II	82.00
Rainier Room	180.00	Room III	67.00
Olympic Room	135.00	Room IV	75.00
San Juan Suite	300.00	Room V	75.00
Orcas Room	40.00	Room VI	82.00
Lopez Room	105.00	Room VII	75.00
Fidalgo Room	75.00	Room VIII	67.00
Shaw Room	80.00	Flag Pavilion	525.00
Nisqually Room	90.00	Room A	340.00
Snoqualmie Room	180.00	Room B	185.00
Alki Room	180.00		

2. RADIO AND TELEVISION

Radio and television broadcasts may be made with the prior permission of the Director, subject to the payment of license fees in amounts specified by the Director, or his designated representative.

3. LOBBY EXHIBITS

The use of the foyer or lobby of the Opera House requires the prior permission of the Director and is subject to \$500.00 per day charge including Move In/Out days.

4. ARENA ICE USE

If an ice surface is available for use, as determined by the Seattle Center Director or his designee, then the Seattle Center Director or his designee shall charge the following fees to amateur hockey and/or ice skating associations for use of the Arena:

- a. \$200 per hour for a minimum of four (4) hours per day for any use that is requested and confirmable between thirty (30) and fifteen (15) days before the desired date of use.
- b. \$250 per hour for a minimum of four (4) hours per day for any use that is requested and confirmable fourteen (14) or fewer days before the desired date of use.

Provided that no such use shall be confirmable unless the ice surface will already be in existence on the day before, day of, or day after the desired date of use and no competing use will require the melting of such surface.

Provided further, that staff costs required for an audience shall be additional charges.

5. MISCELLANEOUS FACILITIES

License fees for miscellaneous facilities, Center House, Seattle Center grounds, areas or facilities not specifically designated or covered elsewhere in this schedule may be negotiated by the Director, or his designated representative.

6. CONVENTION CONSIDERATION (See General Terms and Conditions Sec. 1c)

- a. One 12-hour day use of the Northwest Rooms will be included with every two (2) full days' rental of the Coliseum.
- b. One 12-hour day use of the Mercer Forum will be included with every two (2) full days' rental of either the Arena or Exhibition Hall.

7. DISCOUNTS

- a. For multiple day, public, popular entertainment events in the Coliseum where anticipated gross ticket sales for each performance exceed \$150,000, the Director, at his discretion, may adjust the percentage rental fee for each performance after the first day's performance(s) to any level below twelve percent (12%) so long as the return to the City for the second and succeeding performance(s) is not less than \$15,000 per performance.

- b. For promotional purposes, on a one-time-only basis for each new customer, the Director or his designee, at his discretion, may offer introductory discounts of up to 50 percent of established fees for Mercer Forum and Conference Center rooms.
- c. Customers scheduling a meal function for 1,000 people or more in the Exhibition Hall shall be granted free use of the Mercer Forum rooms on the day of the catered event, subject to availability.
- d. The Director, at his discretion, and in order to meet known competition, may negotiate or otherwise enter into special agreements for any convention to reduce facility rental fees up to fifty percent (50%) of established fees.
- e. For public, popular entertainment events the Director, at his discretion, may establish a maximum per performance rental fee of not less than \$25,000 in the Coliseum and a maximum per performance rental fee of not less than \$10,000 in the Arena.

8. LATE PAYMENT CHARGES

Late payment charges will be assessed at the rate of 1.5% per month on outstanding accounts.

SCHEDULE A: FACILITY LICENSE FEE SCHEDULE
Effective 1/1/89

FACILITY	LICENSE FEE ¹	ADDITIONAL PERFORMANCE ON SAME DAY	FREE ADMISSION ² EACH PERF.	OVERTIME ⁶ PER HOUR	FIRST 2 DAYS PER DAY	THIRD DAY OR MORE PER DAY	REHEARSALS		WEEKDAY FEE ⁸ (M-T-W)
							PERFORMANCE DAY	OTHER THAN PERFORMANCE DAY	
Arena	12% \$2000 min.	12% \$1000 min.	\$5000	\$200	\$1000	\$2000	8am-4pm \$700	4pm-12 Midnight \$1300	---
1/2 Arena	12% 1000 min.	12% 500 min.	3000	100	500	1000	300	700	---
Bagley Wright Theatre	900	450	---	100	450	900	350	550	---
Coliseum	12% 4000 min.	12% 2000 min.	15,000	400	2000	4000	1300	2700	---
Exhibition Hall 9	12% 1700 min.	12% 850 min.	---	170	850	1700	600	1100	---
Flag Pavilion	700	---	---	70	350	700	---	---	---
A	450	---	---	45	225	450	---	---	---
B	250	---	---	25	125	250	---	---	---
Opera House	8% 2000 min.	8% 1000 min.	4000	200	1000	2000	700	1300	---
Rehearsal Hall 4	200	---	---	50	---	---	---	---	---
Conference Center	540	---	---	50	270	540	---	---	270
A	120	---	---	20	60	120	---	---	60
B	70	---	---	15	35	70	---	---	35
C	70	---	---	15	35	70	---	---	35
D	40	---	---	10	20	40	---	---	20
E	40	---	---	10	20	40	---	---	20
F	70	---	---	15	35	70	---	---	35
G	70	---	---	15	35	70	---	---	35
H	120	---	---	20	60	120	---	---	60
Mercer Forum	720	---	---	40	400	720	---	---	360
I	100	---	---	15	50	100	---	---	50
II	110	---	---	15	55	110	---	---	55
III	90	---	---	15	45	90	---	---	45
IV	100	---	---	15	50	100	---	---	50
V	100	---	---	15	50	100	---	---	50
VI	110	---	---	15	55	110	---	---	55
VII	100	---	---	15	50	100	---	---	50
VIII	90	---	---	15	45	90	---	---	45
Northwest Rooms	1300	---	---	130	650	1300	---	---	---
Alki	240	---	---	25	120	240	---	---	---
Nisqually	120	---	---	15	60	120	---	---	---
Olympic	180	---	---	20	90	180	---	---	---
Rainier	240	---	---	25	120	240	---	---	---
San Juan	400	---	---	40	200	400	---	---	---
Orcas	50	---	---	10	25	50	---	---	---
Lopez	140	---	---	15	70	140	---	---	---
Fidalgo	100	---	---	15	50	100	---	---	---
Shaw	110	---	---	15	55	110	---	---	---
Snoqualmie	240	---	---	25	120	240	---	---	---

SCHEDULE B: FACILITY LICENSE FEE SCHEDULE
FOR NONPROFIT ORGANIZATIONS PRESENTING PERFORMING ARTS EVENTS

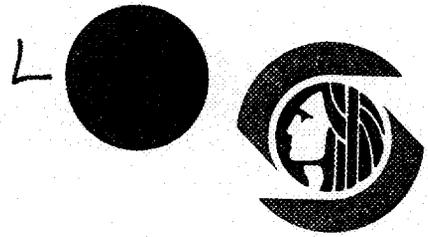
	LICENSE FEE ¹	EACH ADDITIONAL PERFORMANCE ON SAME DAY	SCHOOL PERFORMANCES ⁵	OVERTIME ⁶ PER HOUR	MOVE IN/OUT ³		REHEARSALS OTHER THAN PERFORMANCE DAY	
					FIRST 2 DAYS PER DAY	THIRD DAY OR MORE PER DAY		
Opera House	\$1200	\$600	\$600	\$120	\$600	\$1200	\$400	\$800
Rehearsal Hall ⁴	120	---	---	25	---	---	---	---
Ragley Wright Theatre	450	225	225	75	225	450	200	250

1. See General Terms and Conditions, Section 8a-d.
2. Public entertainment events only.
3. See General Terms and Conditions, Section 2.
4. See General Terms and Conditions, Section 8c.
5. See General Terms and Conditions, Section 1d & Schedule B Terms and Conditions, Section 2.
6. See General Terms and Conditions, Section 8e.
7. See General Terms and Conditions, Section 1a & Schedule B Terms and Conditions, Sections 1a-c.
8. Does not apply on move-in or out days.
9. On multiple days set-up must remain the same for all days. For meetings in full theatre style, 1,000 chairs included in rental fee; additional at 25¢ per chair.
10. No fee when used as foyer.

City of Seattle

Executive Department-Office of Management and Budget

James P. Ritch, Director
Charles Royer, Mayor



September 2, 1988

COPY RECEIVED

The Honorable Douglas Jewett
City Attorney
City of Seattle

SEP 07 1988

Douglas N. Jewett
CITY ATTORNEY

Dear Mr. Jewett:

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

REQUESTING DEPARTMENT: Office of Management and Budget

SUBJECT: An Ordinance relating to the Seattle Center Department; to establish fees and charges and terms and conditions for use of certain Seattle Center Facilities, and repealing Ordinance 113740.

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 **Victoria Runkle, OMB**. Any specific questions regarding the legislation can be directed to Victoria.

Sincerely,

Charles Royer
Mayor

by

JAMES P. RITCH
Budget Director

JR/vr/fc

Enclosure

TIME AND DATE STAMP

SPONSORSHIP

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

Virginia Gale

_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

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. 114233

was published on December 15, 1988

V. Rain

Subscribed and sworn to before me on

December 15, 1988

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

City of Seattle

ORDINANCE 114233

AN ORDINANCE relating to the Seattle Center Department; amending Ordinance 113740 and SMC 17.16.015 to modify previously established fees and charges and terms and conditions for use of certain Seattle Center facilities.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 1989, Section 17.16.015 of the Seattle Municipal Code (§ 1 of Ordinance 113740) is amended as follows:

Section 17.16.015. The Director of the Seattle Center Department is authorized to charge and collect fees for the use, on and after January 1, ~~((1988))~~ 1989, of certain Seattle Center facilities, services, and equipment provided to the users thereof, and to condition such use on compliance with certain general terms and conditions, all specified in the attached exhibit ~~((#))~~ entitled "~~((1988))~~ 1989 Seattle Center Facility License Fee Schedule" ~~((attached))~~.

Section 2. 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 28th day of November, 1988, and signed by me in open session in authentication of its passage this 28th day of November, 1988.

SAM SMITH,
President of the City Council.
Approved by me this 30th day of November, 1988.
CHARLES ROYER,
Mayor.

Filed by me this 30th day of November, 1988.

Attest: NORWARD J. BROOKS,
City Comptroller and City Clerk.
(Seal) By THERESA DUNBAR,
Deputy Clerk.

Publication ordered by NORWARD J. BROOKS, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, December 13,
1988. (10218)