



SEATTLE CITY COUNCIL

Legislative Summary

CB 119697

Record No.: CB 119697

Type: Ordinance (Ord)

Status: Passed

Version: 1

Ord. no: Ord 125974

In Control: City Clerk

File Created: 09/09/2019

Final Action: 12/02/2019

Title: AN ORDINANCE relating to public works and improvements; amending Sections 20.04.090 and 20.04.270 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Harrell

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Uploaded By: adam.schaefer@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	09/23/2019	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	10/14/2019	sent for review	Council President's Office			
1	Council President's Office	10/24/2019	sent for review	City Council			
	Action Text: The Council Bill (CB) was sent for review. to the City Council						
1	City Council	11/12/2019	referred	City Council			
	Action Text: The Council Bill (CB) was referred. to the City Council						
1	City Council	11/18/2019	passed				Pass
	Action Text: The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:						
	Notes: Council President Harrell announced that to comply with the Appearance of Fairness Doctrine, email correspondence addressed to all Councilmembers that referenced the Waterfront Improvement District and related email correspondence has been disclosed on the Agenda.						

Council President Harrell provided each Councilmember an opportunity to make a statement on the record regarding disclosure of communication dealing with the Central Waterfront Local Improvement District.

ACTION 1:

Councilmember Bagshaw stated for the record that she had participated in an email exchange with Darcy DuComb, and there was no conversation regarding final assessments.

ACTION 2:

Councilmember Herbold stated for the record that she received the same email exchange between Darby Ducomb and Councilmember Bagshaw. She did not respond to the email.

ACTION 3:

Councilmember O'Brien stated he did not see the email or the response.

ACTION 4:

Councilmember Juarez Councilmember Herbold stated for the record that she received the same email exchange between Darby Ducomb and Councilmember Bagshaw. She did not respond to the email.

ACTION 5:

Councilmember Pacheco stated for the record that he received the same email exchange between Darby Ducomb and Councilmember Bagshaw. He did not respond to the email.

ACTION 6:

Council President Harrell stated he did not see the email or the response.

ACTION 7:

Motion was made and duly seconded to pass Council Bill 119697.

In Favor: 6 Councilmember Bagshaw, Council President Harrell, Councilmember Herbold, Councilmember Juarez, Councilmember O'Brien, Councilmember Pacheco

Opposed: 0

1 City Clerk

11/20/2019 submitted for
Mayor's signature

Mayor

Legislative Summary Continued (CB 119697)

1	Mayor	11/27/2019	Signed	
1	Mayor	12/02/2019	returned	City Clerk
1	City Clerk	12/02/2019	attested by City Clerk	

Action Text: The Ordinance (Ord) was attested by City Clerk.

CITY OF SEATTLE

ORDINANCE 125974

COUNCIL BILL 119697

AN ORDINANCE relating to public works and improvements; amending Sections 20.04.090 and 20.04.270 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 20.04.090 of the Seattle Municipal Code, last amended by Ordinance 122497, is amended as follows:

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))~~ that 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))~~ file in writing any findings, recommendations, and decisions ~~((to writing and shall file them))~~ with the City Clerk ~~((within twenty (20) days following the conclusion of the hearing))~~. Notice of the filing ~~((, together with copies of the findings, recommendations and decisions))~~ shall be ~~((mailed))~~ posted or otherwise made available by the City Clerk or ~~((any person designated by the City Clerk to do~~

1 so under his/her supervision within three (3) business days of the filing to all persons who filed
2 timely written objections to confirmation of the assessment roll as prepared. Instructions as to the
3 filing of any appeal to the City Council shall be included in the mailing.) the City Clerk's
4 designee.

5 B. ~~((Upon receipt of the report, findings, recommendations and decisions of the Hearing~~
6 ~~Examiner or officer the))~~ The City Council or a committee thereof shall review the ~~((same))~~
7 material submitted to the City Clerk under subsection 20.04.090.A.2. As soon as all timely
8 appeals from the findings, recommendations and decisions of Hearing Examiner or officer have
9 been decided or the time allowed for filing appeals has expired with no appeals having been
10 filed, the City Council may: accept the assessment roll as prepared~~((, or may))~~ ; correct, revise,
11 raise, lower, change or modify the roll or any part thereof~~((;))~~ ; or ~~((may))~~ set aside the roll and
12 order the assessment to be made de novo~~((, and at the conclusion thereof, and after))~~ . After the
13 Director of Transportation has made ~~((the))~~ any appropriate changes on the assessment roll at the
14 City Council's direction, the Council may confirm the roll by ordinance. ~~((If an appeal has been~~
15 ~~filed from the findings, recommendations and decisions of the Hearing Examiner or officer it~~
16 ~~shall be heard and determined and the results thereof incorporated into the assessment roll before~~
17 ~~it is confirmed.))~~

18 C. Any finding, recommendation, or decision of the Hearing Examiner, or officer
19 designated by the City Council to conduct a hearing pursuant to RCW 35.44.070 and RCW
20 35.44.080, shall be subject to appeal to the City Council, which may direct that the appeal shall
21 be heard by a committee thereof.

22 D.

1 1. An appeal pursuant to subsection 20.04.090.C ~~((of this section))~~ may be filed
2 only by a party who timely perfected a protest at the initial hearing. The notice of appeal shall, in
3 addition to requirements as to content specified elsewhere in this ~~((chapter))~~ Chapter 20.04, state
4 clearly on the cover or cover page the number of the local improvement district and the
5 appellant's name ~~((and))~~ . The notice shall be filed with the City Clerk no later than the
6 ~~((fourteenth-))~~14th~~(())~~ day after the day upon which the ~~((report and))~~ findings,
7 recommendations, and decisions of the Hearing Examiner or other officer is filed with the City
8 Clerk.

9 2. Upon the filing of a notice of appeal the City Clerk shall immediately notify the
10 City Attorney and furnish a copy of the notice to the City Council and the City ~~((Departments))~~
11 departments immediately concerned. ~~((Within fifteen (15) days of))~~Following the filing of a
12 notice of appeal the City Council shall set a time and place for a hearing on the appeal before the
13 City Council or a committee thereof and shall give notice ~~((immediately mail or cause to be~~
14 ~~mailed notice))~~ of the time and place to the appellant~~((, provided the))~~ . The time shall be as soon
15 as practicable in order to avoid accumulation of additional interest on the obligations of the local
16 improvement district.

17 E. Review by the City Council or ~~((Council Committee))~~ a committee thereof on appeal
18 shall be limited to and shall be based solely upon the record from the hearing ~~((below)),~~
19 ~~((provided, however, that))~~ although the City Council or the ~~((appropriate City Council))~~
20 committee may permit oral or written arguments or comments ~~((when))~~ that are confined to the
21 content of ~~((the))~~ that record ~~((of the hearing below))~~. Written arguments shall not be considered
22 unless filed with the City Council or ~~((Council Committee))~~ the committee prior to the

1 conclusion of the hearing on appeal, and the City Council or the committee (~~thereof~~) may
2 determine the appeal on the record, with or without written argument.

3 F. The recommendation appealed from shall be accorded substantial weight and the
4 burden of establishing the contrary shall be upon the appealing party. In respect to the matter
5 appealed the City Council may adopt or reject, in whole or in part, the findings,
6 recommendations and decisions of the Hearing Examiner or officer or make such other
7 disposition of the matter as is authorized by RCW 35.44.100 and subsection 20.04.090.B (~~of~~
8 ~~this section above~~). The City Council shall reduce its determination to writing, file the original
9 in the record of the local improvement district, and transmit a copy of the same to the appellant.
10 No ordinance confirming an assessment roll shall be enacted by the legislative authority until all
11 appeals to the City Council or a committee thereof are decided.

12 Section 2. Section 20.04.270 of the Seattle Municipal Code, last amended by Ordinance
13 123361, is amended as follows:

14 **20.04.270 Items of cost and expense for estimates(~~(-)~~)**

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

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

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

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

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

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

3 F. The cost of acquisition of rights-of-way, property, easements, or other facilities or
4 rights, whether acquired by eminent domain, purchase, gift, or in any other manner; provided,
5 that any of the costs enumerated in this subsection 20.04.270.F may be excluded from the cost
6 and expense to be assessed against the property in the local improvement district if the legislative
7 authority so designates by ordinance at any time and may be paid from any other moneys
8 available therefor; and

9 G. The estimated cost of legal, financial, and appraisal services and any other expense
10 incurred by the City for the district or in the formation thereof, or by the City in connection with
11 the construction or improvement and in the financing thereof, including the issuance of any
12 bonds((:)) .

13 ~~((H. A charge against each description of property in the following amounts, to wit: in~~
14 ~~case of "immediate payment," \$6 per description; in case of assessment payable in three annual~~
15 ~~installments, \$18 per description; in case of assessment payable in five annual installments, \$26~~
16 ~~per description; in case of assessment payable in ten annual installments, \$46 per description; in~~
17 ~~case of assessment payable in 15 annual installments, \$66 per description; in case of assessment~~
18 ~~payable in 20 annual installments or more of either principal or interest, \$86 per description;~~
19 ~~which is the charge of accounting, clerical labor, books and blanks used by the City; provided,~~
20 ~~however, that when any assessment payable in installments is paid in full within the 30 day~~
21 ~~period fixed by law for the payment of assessments without interest, the Director of Finance and~~
22 ~~Administrative Services shall allow a rebate of the charge in this subsection in excess of the sum~~
23 ~~of \$6 per description. In all instances wherein the contractor doing the work in any local~~

1 ~~improvement district deposits cash with the Director of Finance and Administrative Services~~
2 ~~under the terms of his or her contract to cover items of cost shown by the department head~~
3 ~~supervising the contract in his or her final estimate and specified in this section, the Director of~~
4 ~~Finance and Administrative Services shall transfer the amount of such rebate from the fund in~~
5 ~~which it has been deposited to the appropriate local improvement fund.))~~

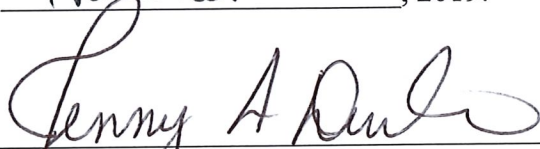
Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the 18th day of November, 2019,
and signed by me in open session in authentication of its passage this 18th day of
November, 2019.



President _____ of the City Council

Approved by me this 27th day of November, 2019.



Jenny A. Durkan, Mayor

Filed by me this 2nd day of December, 2019.



Monica Martinez Simmons, City Clerk

(Seal)

STATE OF WASHINGTON -- KING COUNTY

--SS.

380124

No.

CITY OF SEATTLE, CLERKS OFFICE

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.

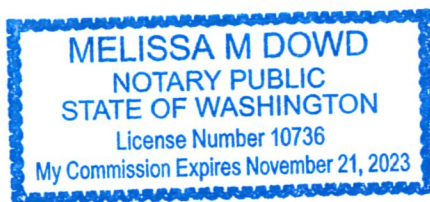
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125972-974 TITLE ONLY

was published on

12/09/19

The amount of the fee charged for the foregoing publication is the sum of \$60.03.



A handwritten signature in blue ink, likely of the subscriber, written over a horizontal line.

Subscribed and sworn to before me on

12/09/2019

A handwritten signature in blue ink, likely of the notary public, written over a horizontal line.

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on November 18, 2019, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125972

Council Bill 119702

AN ORDINANCE appropriating money to pay certain audited claims for the week of November 4, 2019 through November 8, 2019 and ordering the payment thereof.

Ordinance 125973

Council Bill 119695

AN ORDINANCE approving and confirming the plat of "Seattle Modern Living on Willow" in portions of the Southeast Quarter of the Northeast Quarter of Section 27, Township 24 North, Range 4 East, W.M., in King County, Washington.,

Ordinance 125974

Council Bill 119697

AN ORDINANCE relating to public works and improvements; amending Sections 20.04.090 and 20.04.270 of the Seattle Municipal Code.

Date of publication in the Seattle Daily Journal of Commerce, December 9, 2019.

12/9(380124)