

January 25, 2019

MEMORANDUM

To: Seattle City Council
From: Eric McConaghy, Central Staff Analyst
Subject: Appearance of Fairness regarding Waterfront Local Improvement District
Legislative Package

On January 28 the City Council is scheduled to vote on three Council Bills (C.B.) that, if adopted, would (1) form the Waterfront Local Improvement District (LID) to fund the specific aspects of the Central Waterfront Improvement Program; (2) commit Friends of the Waterfront Seattle (FOWS) to raise additional funds for capital costs, authorize an agreement between the City and FOWS for certain ongoing operations, maintenance, safety and security of the Waterfront park and public spaces, and establish a new Central Waterfront Oversight Committee; and (3) approve a protest waiver agreement between the City and LID property owners. The legislative package includes the following:

| | |
|-------------|---|
| C.B. 119447 | Waterfront LID formation ordinance |
| C.B. 119448 | Central Waterfront operations and maintenance ordinance |
| C.B. 119449 | Waterfront LID protest waiver agreement ordinance |

Attachment 1 to this memorandum discloses communications by the Office of the Waterfront and Civic Projects and FOWs with Councilmembers that may be subject to the Appearance of Fairness Doctrine¹. Attachment 2 to this memorandum discloses personal correspondence to Councilmember Johnson that referenced the LID. This memorandum will be attached to the agenda for the Council meeting on Monday, January 28th.

Attachments:

1. Office of the Waterfront and Civic Projects 2018-2019 LID Legislative Briefings
2. Disclosure of personal correspondence to Councilmember Johnson

cc: Kirstan Arestad, Central Staff Director
Dan Eder, Deputy Director

¹ Chapter 42.36 Revised Code of Washington, <https://app.leg.wa.gov/RCW/default.aspx?cite=42.36>. Last accessed January 24, 2019.

Office of the Waterfront and Civic Projects
2018-2019 LID Legislative Briefings

Council Briefings: Civic Development, Public Assets and Native Communities

| Meeting Date | Briefing & Discussion |
|---------------------------------|--|
| May 2, 2018 | Intent to form LID resolution/Friends pledge briefing [May 2] CPNa Committee @ 2p Briefing to the Civic Development, Public Assets and Native Communities Committee (CPNa) on the proposed LID legislation, including the purpose of the resolution, a summary of the special benefit results, deferral options, and next steps. |
| May 16, 2018 | Intent to form LID resolution/Friends pledge briefing and potential action [May 16] Committee @ 2p Second briefing to the CPNa committee on the Resolution of Intent to Form LID. Friends of Waterfront Seattle provided a philanthropic update on \$28.8 million funding progress to date, surpassing September 2018 goal of \$25 million. The resolution was approved to move to full council. |
| May 21, 2018 | Potential action intent to form LID resolution/Friends pledge [May 21] Full Council @ 2p City Council voted 8-0, with CM Bagshaw recusing, to approve the Resolution of Intent to Form, initiating mailing and posting requirements and public hearings. |
| September 18, 2018 | LID Formation briefing on Hearing Summary from Hearing Examiner and staff [September 18] Full Council @ 10a Briefing by Ryan Vancil, Seattle Hearing Examiner, who was hired by City Council to administer the Public hearings for the LID. Mr. Vancil reported on four public hearings, which varied in day and time to make them widely accessible to constituents, and his summary of oral and written testimony. |
| January 16 th , 2019 | LID Formation ordinance + Friends O&M briefing [January 16] Committee @ 1:30p First briefing to CPNa committee on Waterfront legislative package, including LID Formation ordinance; Funding, Operations and Maintenance ordinance; and LID Protest Waiver Agreement ordinance. |
| January 24, 2019 | LID Formation ordinance + Friends O&M briefing and potential action [January 24th] Committee @ 10a |
| January 28, 2019 | Potential action on LID Formation ordinance + Friends O&M [January 28th] Full Council @ 2p |

Attachment 1: Office of the Waterfront and Civic Projects 2018-2019 LID Legislative Briefings

Individual Briefings: Over the course of July 2018 – January 2019, the Office of Waterfront and Civic Projects (OWCP) held a series of briefings for individual Councilmembers and/or their staff and also to Central Staff.

December 20, 2018 – January 17, 2019

The following briefings to Councilmembers centered on the Waterfront Legislative Package, which includes the LID Formation ordinance; the Funding, Operations and Maintenance ordinance; and the LID Protest Waiver Agreement Ordinance. Specific topics included:

- The revision of the total LID amount from \$200 million to \$160 million and funding plan to address the additional \$40 million not covered by the LID;
- Friends’ new funding commitment, contribution schedule, and due date for Fundraising Plan;
- O&M framework, pilot agreement, long-term agreement, budget, and Oversight Committee;
- LID Protest Waiver Agreement commitments from City and property owners.

| Meeting Date | Councilmember |
|--------------|---------------|
| 1/17/2019 | CM Gonzalez |
| 1/15/2019 | CM Mosqueda |
| 1/11/2019 | CM Johnson |
| 1/11/2019 | CM O’Brien |
| 1/8/2019 | CM Juarez |
| 12/28/2018 | CM Bagshaw |

Attachment 1: Office of the Waterfront and Civic Projects 2018-2019 LID Legislative Briefings

November 6 – 15, 2018

The following briefings to Councilmembers centered on the Waterfront Legislative Package, which includes the LID Formation ordinance; the Funding, Operations and Maintenance ordinance; and the LID Protest Waiver Agreement Ordinance. At the time, the LID Protest Waiver Agreement had not been completed and the briefings focused on the concept of the agreement, commitments from property owners, and potential commitments from the City.

| Meeting Date | Councilmember |
|---------------------|-----------------------|
| 11/15/2018 | CM Sawant's staff |
| 11/6/2018 | CM Gonzalez |
| 11/6/2018 | CM Bagshaw |
| 11/6/2018 | CM Mosqueda |
| 11/6/2018 | CM O'Brien/CM Johnson |

July 27 – August 16, 2018

OWCP provided briefings to Councilmembers on the progress of LID public hearings being held by Councilmembers. The briefing also included updates on voluntary outreach efforts, including briefings to property owners on the next phases of the LID formation process and review of the City's operations and management plans and capital costs.

| Meeting Date | Councilmember |
|---------------------|------------------------|
| 8/16/2018 | CM O'Brien |
| 8/2/2018 | CM Juarez & CM Bagshaw |
| 7/27/2018 | CM O'Brien/CM Johnson |

Attachment 2: Disclosure of personal correspondence to Councilmember Johnson

Shown on this attachment is the scanned copy of personal correspondence to Councilmember Johnson. Transcribed, the note says:

During the 2017/2018 timeframe I received a note of personal correspondence from my friend Roger Bass. In that note he referenced his frustrations with the possible L.I.D. assessment. I no longer have that note but am disclosing that correspondence.

Rob

DURING THE 2017/2018
TIMEFRAME I RECEIVED A
NOTE OF PERSONAL CORRESPONDANCE
FROM MY FRIEND ROGER BASS.
IN THAT NOTE HE REFERENCED
HIS FRUSTRATIONS WITH THE
POSSIBLE L.I.D. ASSESSMENT.
I NO LONGER HAVE THAT NOTE
BUT AM DISCLOSING THAT
CORRESPONDANCE.

ROB