



# CITY OF SEATTLE

## City Council

### Agenda

Monday, June 14, 2021

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or  
Seattle Channel online.

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; [Lorena.González@seattle.gov](mailto:Lorena.González@seattle.gov)

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<http://seattle.gov/cityclerk/accommodations>.



# CITY OF SEATTLE

## City Council Agenda

June 14, 2021 - 2:00 PM

### Meeting Location:

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or Seattle Channel online.

### Committee Website:

<http://www.seattle.gov/council>

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*In-person attendance is currently prohibited per Washington State Governor's Proclamation 20-28.15, until the COVID-19 State of Emergency is terminated or Proclamation 20-28 is rescinded by the Governor or State legislature. Meeting participation is limited to access by telephone conference line and online by the Seattle Channel.*

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at

<http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the City Council meeting will begin two hours before the 2:00 p.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to all Councilmembers at

[Council@seattle.gov](mailto:Council@seattle.gov)

Sign-up to provide Public Comment at the meeting at

<http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at

<http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164

One Tap Mobile No. US: +12532158782,,5864169164#

### A. CALL TO ORDER

**B. ROLL CALL****C. PRESENTATIONS****D. APPROVAL OF THE JOURNAL**

[Min 336](#) June 7, 2021

**Attachments:** [Minutes](#)

**E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR**

*Introduction and referral to Council committees of Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF) for committee recommendation.*

[IRC 307](#) June 14, 2021

**Attachments:** [Introduction and Referral Calendar](#)

**F. APPROVAL OF THE AGENDA****G. PUBLIC COMMENT**

*Members of the public may sign up to address the Council for up to 2 minutes on matters on this agenda; total time allotted to public comment at this meeting is 20 minutes.*

Register online to speak during the Public Comment period at the 2:00 p.m. City Council meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the City Council meeting will begin two hours before the 2:00 p.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

**H. PAYMENT OF BILLS**

*These are the only Bills which the City Charter allows to be introduced and passed at the same meeting.*

- [CB 120097](#) AN ORDINANCE appropriating money to pay certain audited claims for the week of May 31, 2021 through June 4, 2021 and ordering the payment thereof.

## I. COMMITTEE REPORTS

*Discussion and vote on Council Bills (CB), Resolutions (Res), Appointments (Appt), and Clerk Files (CF).*

### **CITY COUNCIL:**

1. [CB 120096](#) AN ORDINANCE relating to appropriations for the Human Services Department; amending Ordinance 126237, which adopted the 2021 Budget; modifying a proviso imposed by Ordinance 126298; and ratifying and confirming certain prior acts.

**Supporting Documents:**

[Summary and Fiscal Note](#)  
[Proposed Amendment 1](#)

2. [Appt 01940](#) Appointment of May G. Wu as member, Seattle Chinatown International District Preservation and Development Authority Governing Council, for a term to December 31, 2022.

**Attachments:** [Appointment Packet](#)

3. [Appt 01941](#) Appointment of Cindy Ju as member, Seattle Chinatown International District Preservation and Development Authority Governing Council, for a term to December 31, 2023.

**Attachments:** [Appointment Packet](#)

4. [Appt 01942](#) Appointment of Lisa Nitze as member, Seattle Chinatown International District Preservation and Development Authority Governing Council, for a term to December 31, 2023.

**Attachments:** [Appointment Packet](#)

5. [Appt 01943](#) Reappointment of David J. Della as member, Seattle Chinatown International District Preservation and Development Authority Governing Council, for a term to December 31, 2023.

**Attachments:** [Appointment Packet](#)

6. [Appt 01944](#) Reappointment of Wayne H. Lau as member, Seattle Chinatown International District Preservation and Development Authority Governing Council, for a term to December 31, 2023.
- Attachments:** [Appointment Packet](#)
7. [CF 314476](#) Findings, Conclusions, and Decision of the City Council of the City of Seattle In the Matter of the Final Assessment Roll for Local Improvement District No. 6751 (Waterfront LID) and the Appeals of Multiple Appellants.
- Attachments:** [Unexecuted Findings, Conclusions, and Decision](#)

**PUBLIC ASSETS AND NATIVE COMMUNITIES COMMITTEE:**

8. [CB 120072](#) AN ORDINANCE modifying, approving, and confirming the final assessments and assessment roll of Local Improvement District (LID) No. 6751, for the construction of the improvements of LID No. 6751, as provided by Ordinance 125760; levying and assessing a part of the cost and expense thereof against the several lots, tracts, parcels of land, and other property as shown on the final assessment roll; and ratifying and confirming certain prior acts.
- The Committee recommends that City Council pass the Council Bill (CB).**
- In Favor: 4 - Juarez, Pedersen, Herbold, Sawant**
- Opposed: None**
- Attachments:** [Att 2 - Final Findings and Recommendation of Hearing Examiner](#)  
[Att 1 - Findings, Conclusions and Decision of City Council](#)
- Supporting Documents:** [Summary and Fiscal Note](#)

9. [CB 120073](#) AN ORDINANCE relating to financing public improvements within Local Improvement District No. 6751 (also known as the Waterfront LID); authorizing and providing for the issuance and sale of local improvement district bonds (LID Bonds, as defined herein) to provide funds to pay or reimburse a portion of the costs of the LID Improvements (as defined), to make a deposit to the Local Improvement Guaranty Fund, and to pay the costs of issuance of the bonds; pledging the LID assessments collected in the Waterfront LID and the amounts available in the Local Improvement Guaranty Fund to pay and secure the LID Bonds; providing parameters for Bond Sale Terms including conditions, covenants, and other sale terms; providing for and fixing the installment payment terms and interest rate on assessments in the Waterfront LID; amending Section 20.08.020 of the Seattle Municipal Code to conform to changes in state law; and ratifying and confirming certain prior acts.

**The Committee recommends that City Council pass the Council Bill (CB).**

**In Favor: 4 - Juarez, Pedersen, Herbold, Sawant**

**Opposed: None**

**Attachments:** [Ex A – Form of Continuing Disclosure Agreement](#)

**Supporting Documents:** [Summary and Fiscal Note](#)

10. [CB 120051](#) AN ORDINANCE relating to public assets, land use, and zoning; establishing regulations for the Center Campus Subarea within the sign overlay district for the Seattle Center; amending Section 23.55.054 of, and adding a new Section 23.55.062 to, the Seattle Municipal Code.

**The Committee recommends that City Council pass the Council Bill (CB).**

**In Favor: 4 - Juarez, Pedersen, Herbold, Sawant**

**Opposed: None**

**Attachments:** [Full Text: CB 120051](#)

**Supporting Documents:** [Summary and Fiscal Note](#)

11. [CB 120032](#) AN ORDINANCE relating to Woodland Park; transferring jurisdiction of a portion of Whitman Avenue N from the Seattle Department of Transportation to Seattle Parks and Recreation for open space, park, and recreation purposes; transferring a portion of Woodland Park adjacent to East Green Lake Way N from Seattle Parks and Recreation to the Seattle Department of Transportation for transportation purposes; and finding, after a public hearing, that the exchange of property meets the requirements of Ordinance 118477, which adopted Initiative 42.

**The Committee recommends that City Council pass as amended the Council Bill (CB).**

**In Favor: 4 - Juarez, Pedersen, Herbold, Sawant**

**Opposed: None**

**Attachments:** [Ex A – Whitman Ave N Transfer Map](#)  
[Ex B – Woodland Park Transfer Map](#)

**Supporting Documents:** [Summary and Fiscal Note](#)

#### **FINANCE AND HOUSING COMMITTEE:**

12. [CB 120069](#) AN ORDINANCE relating to independent contractors in Seattle; establishing labor standards requirements for independent contractors working in Seattle; amending Sections 3.02.125, 3.15.000, and 6.208.020 of the Seattle Municipal Code; and adding a new Chapter 14.34 to the Seattle Municipal Code.

**The Committee recommends that City Council pass as amended the Council Bill (CB).**

**In Favor: 5 - Mosqueda, Herbold, González , Lewis, Morales**

**Opposed: None**

**Supporting Documents:** [Summary and Fiscal Note](#)

#### **COMMUNITY ECONOMIC DEVELOPMENT COMMITTEE:**

13. [CB 120092](#) AN ORDINANCE relating to the regulation of food delivery businesses and platforms; adding a new Chapter 7.30 to the Seattle Municipal Code.

**The Committee recommends that City Council pass the Council Bill (CB).**

**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**

**Opposed: None**

**Supporting Documents:**

[Summary and Fiscal Note](#)

14. [Appt 01920](#) Appointment of Andrew Ashiofu as member, Seattle LGBTQ Commission, for a term to April 30, 2022.

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**

**Opposed: None**

**Attachments:** [Appointment Packet](#)

15. [Appt 01921](#) Appointment of Diondra Braswell as member, Seattle LGBTQ Commission, for a term to April 30, 2022.

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**

**Opposed: None**

**Attachments:** [Appointment Packet](#)

16. [Appt 01922](#) Appointment of Raja Fouad as member, Seattle LGBTQ Commission, for a term to October 31, 2022.

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**

**Opposed: None**

**Attachments:** [Appointment Packet](#)

17. [Appt 01923](#) Reappointment of Latosha Correll as member, Seattle LGBTQ Commission, for a term to April 30, 2023.
- The Committee recommends that City Council confirm the Appointment (Appt).**  
**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**  
**Opposed: None**
- Attachments:** [Appointment Packet](#)
18. [Appt 01924](#) Reappointment of DeAunte' Damper as member, Seattle LGBTQ Commission, for a term to April 30, 2023.
- The Committee recommends that City Council confirm the Appointment (Appt).**  
**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**  
**Opposed: None**
- Attachments:** [Appointment Packet](#)
19. [Appt 01925](#) Reappointment of Byram Simpson as member, Seattle LGBTQ Commission, for a term to April 30, 2023.
- The Committee recommends that City Council confirm the Appointment (Appt).**  
**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**  
**Opposed: None**
- Attachments:** [Appointment Packet](#)
20. [Appt 01926](#) Appointment of Heyiwot Amare as member, Seattle Disability Commission, for a term to April 30, 2022.
- The Committee recommends that City Council confirm the Appointment (Appt).**  
**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**  
**Opposed: None**
- Attachments:** [Appointment Packet](#)
21. [Appt 01927](#) Appointment of Christine Lew as member, Seattle Disability Commission, for a term to April 30, 2023.
- The Committee recommends that City Council confirm the Appointment (Appt).**  
**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**  
**Opposed: None**
- Attachments:** [Appointment Packet](#)

22. [Appt 01928](#) Appointment of Dawn Dailey as member, Seattle Disability Commission, for a term to October 31, 2022.
- The Committee recommends that City Council confirm the Appointment (Appt).**  
**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**  
**Opposed: None**
- Attachments:** [Appointment Packet](#)
23. [Appt 01929](#) Appointment of Taylor Woods as member, Seattle Disability Commission, for a term to October 31, 2022.
- The Committee recommends that City Council confirm the Appointment (Appt).**  
**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**  
**Opposed: None**
- Attachments:** [Appointment Packet](#)
24. [Appt 01930](#) Appointment of April Snow as member, Seattle Disability Commission, for a term to October 31, 2021.
- The Committee recommends that City Council confirm the Appointment (Appt).**  
**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**  
**Opposed: None**
- Attachments:** [Appointment Packet](#)
25. [Appt 01931](#) Reappointment of Joleen Winther Hughes as member, Seattle Music Commission, for a term to August 31, 2023.
- The Committee recommends that City Council confirm the Appointment (Appt).**  
**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**  
**Opposed: None**
- Attachments:** [Appointment Packet](#)
26. [Appt 01933](#) Reappointment of Paula Olivia Nava Madrigal as member, Seattle Music Commission, for a term to August 31, 2024.
- The Committee recommends that City Council confirm the Appointment (Appt).**  
**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**  
**Opposed: None**
- Attachments:** [Appointment Packet](#)

27. [Appt 01934](#) Reappointment of Judi Rafaela Martinez as member, Seattle Music Commission, for a term to August 31, 2024.

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**

**Opposed: None**

**Attachments:** [Appointment Packet](#)

28. [Appt 01935](#) Reappointment of Terry D. Morgan as member, Seattle Music Commission, for a term to August 31, 2024.

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor: 5 - Morales, Lewis, Juarez, Pedersen, Sawant**

**Opposed: None**

**Attachments:** [Appointment Packet](#)

**GOVERNANCE AND EDUCATION COMMITTEE:**

29. [Appt 01945](#) Appointment of Rory O'Sullivan as member, Districting Commission.

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor: 5 - González , Juarez, Mosqueda, Sawant, Strauss**

**Opposed: None**

**Attachments:** [Appointment Packet](#)

30. [Appt 01946](#) Appointment of Eliseo Juarez as member, Districting Commission.

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor: 5 - González , Juarez, Mosqueda, Sawant, Strauss**

**Opposed: None**

**Attachments:** [Appointment Packet](#)

31. [Appt 01939](#) Appointment of Manuela Slye as member, Families, Education, Preschool and Promise Levy Oversight Committee, for a term to December 31, 2023.

**The Committee recommends that City Council confirm the Appointment (Appt).**

**In Favor: 5 - González , Juarez, Mosqueda, Sawant, Strauss**

**Opposed: None**

**Attachments:** [Appointment Packet](#)

**J. ADOPTION OF OTHER RESOLUTIONS**

**K. OTHER BUSINESS**

**L. ADJOURNMENT**



Legislation Text

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**File #:** Min 336, **Version:** 1

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June 7, 2021

# SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor  
Seattle, WA 98104



## Journal of the Proceedings of the Seattle City Council

Monday, June 7, 2021

2:00 PM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or  
Seattle Channel online.

### City Council

*M. Lorena González, President*

*Lisa Herbold, Member*

*Debora Juarez, Member*

*Andrew J. Lewis, Member*

*Tammy J. Morales, Member*

*Teresa Mosqueda, Member*

*Alex Pedersen, Member*

*Kshama Sawant, Member*

*Dan Strauss, Member*

Chair Info: 206-684-8809; [Lorena.González@seattle.gov](mailto:Lorena.González@seattle.gov)

*In-person attendance is currently prohibited per Washington State Governor's Proclamation 20-28.15, until the COVID-19 State of Emergency is terminated or Proclamation 20-28 is rescinded by the Governor or State legislature. Meeting participation is limited to access by telephone conference line and online by the Seattle Channel.*

#### **A. CALL TO ORDER**

The City Council of The City of Seattle met remotely pursuant to Washington State Governor's Proclamation 20-28.15, and guidance provided by the Attorney General's Office, on June 7, 2021, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President González presiding.

#### **B. ROLL CALL**

**The following Councilmembers were present and participating electronically:**

**Present:** 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

**Excused:** 2 - Herbold, Strauss

#### **C. PRESENTATIONS**

There were none.

#### **D. APPROVAL OF THE JOURNAL**

[Min 335](#)

**June 1, 2021**

**Motion was made, duly seconded and carried, to adopt the proposed Minutes by the following vote, and the President signed the Minutes:**

**In Favor:** 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

**Opposed:** None

#### **E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR**

[IRC 306](#)**June 7, 2021**ACTION 1:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar (IRC).

ACTION 2:

Motion was made by Councilmember Lewis, duly seconded and carried, to amend the proposed Introduction and Referral Calendar by introducing Council Bill 120096, and by referring it to the City Council.

Council Bill 120096, AN ORDINANCE relating to appropriations for the Human Services Department; amending Ordinance 126237, which adopted the 2021 Budget; modifying a proviso imposed by Ordinance 126298; and ratifying and confirming certain prior acts.

ACTION 3:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar as amended.

**The Motion carried, and the Introduction & Referral Calendar (IRC) was adopted as amended by the following vote:**

**In Favor:** 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

**Opposed:** None

**F. APPROVAL OF THE AGENDA**

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

**G. PUBLIC COMMENT**

By unanimous consent, the Council Rules were suspended to provide a 60 minute Public Comment period.

The following individuals addressed the Council:

Daniel Kavanaugh  
Jordan Van Voast  
Kate Rubin  
May Saelee  
Tram Tran-Larson  
Angie Gerrald  
Bia Lacombe  
Hannah Swoboda  
Jack Francis  
Jacob Schear  
Laura Loe  
Kate Martin  
Charlotte Thistle  
Kody Zalewski  
Tatiana Quintana  
Jeffrey Flogel  
Derrick Speller  
Jessica Scalzo  
Jennifer Kim  
Keith Cushner  
Cory Brewer  
Kevin Vitz-Wong  
Ben Sercombe  
Sean Butterfield  
Vallen Solomon  
Logan Swan  
Arianna Laureano  
Chris Graves  
Ryan Miller  
Chris Rudy  
Parmeshta Jain  
Madeline Olson  
Blythe Serrano  
Uti Hawkins  
Daniel McCraw  
Nathan Cathersal  
Luke Duffy  
Sungeeta Jain

Barbara Phinney  
Jon Grant  
Sarah Champernowne  
Sonja Ponath  
Broehe Karpenko  
Raghav Kaushik  
Eric Swenson  
Daniel Arauz  
Sebastian Stockpyle  
Mason Marks  
Matt Smith  
Elizabeth Cowan

## H. PAYMENT OF BILLS

[CB 120095](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of May 24, 2021 through May 28, 2021 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 120095.

**The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):**

**In Favor:** 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

**Opposed:** None

## I. COMMITTEE REPORTS

### CITY COUNCIL:

1. [CB 120080](#) **AN ORDINANCE relating to land use and zoning; extending for six months a moratorium established by Ordinance 125764, and extended by Ordinances 126006, 126090, and 126241, on the filing, acceptance, processing, and/or approval of any application to establish a new principal or accessory use, or change a principal or accessory use, for any site currently used as a mobile home park, as defined in Section 23.84A.032 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.**

Motion was made and duly seconded to pass Council Bill 120080.

**The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):**

**In Favor:** 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

**Opposed:** None

2. [Res 31998](#) **A RESOLUTION urging Mayor Durkan and Governor Inslee to extend the City and State emergency moratoriums on evictions through no earlier than the end of 2021.**

ACTION 1:

Motion was made and duly seconded to adopt Resolution 31998.

ACTION 2:

Motion was made by Councilmember Sawant, duly seconded and carried, to amend Resolution 31988, by amending the recitals, as shown in Attachment 1 to the Minutes.

ACTION 3:

Motion was made and duly seconded to adopt Resolution 31998 as amended.

**The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution (Res):**

**In Favor:** 7 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant

**Opposed:** None

**SUSTAINABILITY AND RENTERS' RIGHTS COMMITTEE:**

3. [CB 120046](#) **AN ORDINANCE relating to termination of residential rental tenancies; providing a defense to certain evictions of children, their families, and educators during the school year; and amending Section 22.206.160 of the Seattle Municipal Code.**

**The Committee recommends that City Council pass the Council Bill (CB) with a Divided Report.**

**In Favor: 3 - Sawant, Morales, Lewis**

**Opposed: 1 - Pedersen**

ACTION 1:

Motion was made by Councilmember Sawant, duly seconded and carried, to amend Council Bill 120046, by adding a new Section 2, and renumbering the remaining sections accordingly, as shown in the underlined language below:

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

ACTION 2:

Motion was made by Councilmember Mosqueda and duly seconded, to amend Council Bill 120046, by amending Section 1, Seattle Municipal Code Section 22.206.160, as shown in Attachment 2 to the Minutes.

The Motion carried by the following vote:

In Favor: 6 - González, Juarez, Lewis, Morales, Mosqueda, Pedersen

Opposed: 1 - Sawant

ACTION 3:

Motion was made and duly seconded to pass Council Bill 120046 as amended.

**The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Council Bill (CB):**

**In Favor: 6 - González, Juarez, Lewis, Morales, Mosqueda, Sawant**

**Opposed:** 1 - Pedersen

4. [CB 120077](#) **AN ORDINANCE relating to the termination of residential rental tenancies; providing a defense to eviction for rent due during the City’s COVID-19 civil emergency; and amending Section 22.206.160 of the Seattle Municipal Code.**

**The Committee recommends that City Council pass the Council Bill (CB) with a Divided Report.**

**In Favor: 3 - Sawant, Morales, Lewis**

**Opposed: 1 - Pedersen**

**The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):**

**In Favor:** 5 - González , Lewis, Morales, Mosqueda, Sawant

**Opposed:** 2 - Juarez, Pedersen

5. [CB 120090](#) **AN ORDINANCE relating to new residential rental tenancies; giving a tenant a right of first refusal of a new tenancy after the expiration of a tenancy for a specified time; requiring a landlord to have just cause for declining to give a tenant the right of first refusal; requiring notice in advance of asserting just cause; creating a private right for action for the tenant; providing a defense to eviction when a landlord fails to give a tenant a right of first refusal; allowing a tenant to rescind a termination agreement; and amending Sections 7.24.030, 14.08.050, and 22.206.160 of the Seattle Municipal Code.**

**The Committee recommends that City Council pass the Council Bill (CB) with a Divided Report.**

**In Favor: 3 - Sawant, Morales, Lewis**

**Opposed: 1 - Pedersen**

ACTION 1:

Motion was made by Councilmember Morales, duly seconded and carried, to amend Council Bill 120090, by amending Section 1, Seattle Municipal Code Subsection 7.24.030.K, and by amending Section 3, Seattle Municipal Code Subsection 22.206.160.C.10, as shown on Attachment 3 to the Minutes.

ACTION 2:

Motion was made by Councilmember Morales, duly seconded and carried, to amend Council Bill 120090, by amending Section 1, Seattle Municipal Code Subjection 7.24.030.J, as shown on Attachment 4 to the Minutes.

ACTION 3:

Motion was made by Councilmember Morales, duly seconded and carried, to amend Council Bill 120090, by amending Section 1, Seattle Municipal Code Subsection 7.24.030.J, as shown on Attachment 5 to the Minutes.

ACTION 4:

Motion was made by Councilmember Sawant, duly seconded and carried, to amend Council Bill 120090, by amending Section 3, Seattle Municipal Code Subsection 22.206.160.C.10, as shown on Attachment 6 to the Minutes.

ACTION 5:

Motion was made and duly seconded to pass Council Bill 120090 as amended.

**The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Council Bill (CB):**

**In Favor:** 5 - González , Lewis, Morales, Mosqueda, Sawant

**Opposed:** 2 - Juarez, Pedersen

**J. ADOPTION OF OTHER RESOLUTIONS**

There were none.

**K. OTHER BUSINESS**

There was none.

**L. ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 4:41 p.m.

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**Jodee Schwinn, Deputy City Clerk**

**Signed by me in Open Session, upon approval of the Council, on June 14, 2021.**

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**M. Lorena González, Council President of the City Council**

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**Monica Martinez Simmons, City Clerk**

- Att 1 - Action 2 of RES 31998**
- Att 2 - Action 2 of CB 120046**
- Att 3 - Action 1 of CB 120090**
- Att 4 - Action 2 of CB 120090**
- Att 5 - Action 3 of CB 120090**
- Att 6 - Action 4 of CB 120090**

Att 1 – Action 2 of RES 31998

**Amendment 1**  
**to**  
**RES 31998 – Eviction Moratorium**

**Sponsor:** CM Sawant

Updating recitals and requesting the Governor establish a new eviction moratorium

Amend the following as shown:

\* \* \*

WHEREAS, on March 18, 2020, the Washington Governor issued Proclamation 20-19, to temporarily prohibit residential evictions statewide until April 17, 2020, and has subsequently amended the prohibition on residential evictions statewide, currently in place through ~~March 31~~June 30, 2021; and

WHEREAS, on April 22, 2021, the Washington Governor signed into law Engrossed Second Substitute Senate Bill (ESSB) 5160, which states that “[t]he eviction moratorium instituted by the governor of the state of Washington's proclamation 20-19.6 shall end on June 30, 2021”; and

WHEREAS, there is nothing in ESSB 5160 or in other legislation preventing the Washington Governor from issuing a proclamation declaring a new eviction moratorium after June 30, 2021; and

WHEREAS, on March 14, 2020, as a result of the continued worldwide spread of COVID-19, its significant progression in Seattle, and the high risk it poses to the most vulnerable populations, Mayor Durkan issued an emergency order imposing an eviction moratorium, subsequently extended, and currently in place until ~~March 31~~June 30, 2021; and

\* \* \*

WHEREAS, on March 4, 2021, 47 unions, tenant advocates, immigrant rights groups, and other organizations sent an open letter to Mayor Durkan stating, “we are writing to urge you to extend Seattle’s eviction moratorium for residents, small businesses, and nonprofits beyond its current expiration date of March 31, 2021. We ask that it be extended through the end of this year, and that you announce this extension as soon as possible”; and

WHEREAS, on May 17, 2021, the Washington Community Action Network began a letter writing campaign to Governor Inslee stating, “[w]e are calling for an extension of the Eviction Moratorium through the end of the year to make sure renters have time to access rent relief programs, get back to their normal incomes, and can get caught up on rent. We won some important policies in the state legislature, but to make sure those policies are effective, we need to ensure renters have time to catch up on rent”; and

WHEREAS, on May 27, 2021, the Washington Low Income Housing Alliance began a letter writing campaign to Governor Inslee stating that, “incredible numbers of renters are applying for rental assistance and it will take months to get the funds distributed. Lifting the moratorium and allowing landlords to proceed with evictions a month from now would be grossly irresponsible”; and

WHEREAS, on May 19, 2021, the U.S. Census Bureau published the Household Pulse Survey, which found that 270,000 Washington State renters have no or little confidence they will be able to pay rent next month (18 percent of all state renters), and 98,000 Washington State renters think it is very or somewhat likely they will be evicted in the next two months;

~~WHEREAS, before the pandemic, 78 percent of American workers were living paycheck to-paycheck, and nearly 75 percent reported being in debt, and as a result of COVID and the~~

~~economic recession, more than 30 million Americans—including at least 650,000 Washingtonians—are at risk of eviction if current emergency measures expire at the end of March; and~~

~~WHEREAS, on March 1, 2021, the Associated Press reported that “a senior World Health Organization official said Monday it was “premature” and “unrealistic” to think the pandemic might be stopped by the end of the year”;~~ NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE THAT:**

Section 1. The Seattle City Council urges Washington Governor Jay Inslee to ~~amend~~ issue a new proclamation, substantively similar to Proclamation 20-19, to ~~extend the~~ establish a statewide moratorium on residential evictions through no earlier than the end of 2021, and to make that announcement as soon as possible. The Seattle City Council requests the Office of Intergovernmental Relations convey the content of this resolution to the Office of the Governor.

\* \* \*

Att 2 – Action 2 of CB 120046

**Amendment 2**  
**to**  
**CB 120046 – School Year Eviction Moratorium**  
**ORD Sponsor: CM Mosqueda**  
**Permit Eviction for Owner to Occupy Unit**

*Amend Section 1 of CB 120046 as shown:*

Section 1. Subsection 22.206.160.C of the Seattle Municipal Code, which section was last amended by Ordinance 126278, is amended as follows:

**22.206.160 Duties of owners**

\* \* \*

10.

a. Except as provided in subsection 22.206.160.C.10.b, it is a defense to eviction if:

1) The eviction would result in the tenant having to vacate the housing unit during the school year; and

2) The tenant is any of the following:

a) A child or student; or

b) A person having legal custody of a child or student, including but not limited to the child’s or student’s parent, step-parent, adoptive parent, guardian, foster parent, or custodian; or

c) An educator.

b. The eviction may occur as otherwise allowed by law if the reason for terminating the tenancy is due to conditions described in subsections

22.206.160.C.1.e, 22.206.160.C.1.j, 22.206.160.C.1.k, 22.206.160.C.1.l, 22.206.160.C.1.m, 22.206.160.C.1.n, 22.206.160.C.1.o, or 22.206.160.C.1.p; the tenant’s failure to comply with a three day notice to vacate for a drug-related activity nuisance pursuant to chapter 7.43 RCW; or maintenance of an unlawful business or conduct pursuant to RCW 59.12.030(5).

c. For purposes of this subsection 22.206.160.C.10:

1) “Child or student” means any person either under the age of 18 years or currently enrolled in a school.

2) “Educator” means any person who works at a school in Seattle as an employee or independent contractor of the school or its governing body, including but not limited to all teachers, substitute teachers, paraprofessionals, substitute paraprofessionals, administrators, administrative staff, counselors, social workers, psychologists, school nurses, speech pathologists, custodians, cafeteria workers, and maintenance workers.

3) “School” means any child care, early childhood education and assistance program, or head start facility, and any public, private, or parochial institution that provides educational instruction in any or all of the grades and age groups up to and including twelfth grade.

4) “School year” means the period from (and including) the first day of the academic year to the last day of the academic year, as set by Seattle School District No. 1, or its successor, on its calendar for first through twelfth grade students. If for those grades there are multiple dates for the first day or last day of the academic year, the earliest and latest dates, respectively, shall define the period.

Att 3 – Action 1 of CB 120090

**Amendment 1**

to

**CB 120090 – Right of First Refusal**

**Sponsor:** CMs Sawant and Morales

Explicitly establishing that federal law controls in case of a conflict

Amend Section 7.24.030 as follows:

\* \* \*

K. Nothing in this Section 7.24.030 shall be interpreted or applied so as to create any power or duty in conflict with federal law. In the event of any conflict, federal requirements shall supersede the requirements of this Section 7.24.030.

\* \* \*

Amend Section 22.206.160.C.10 as follows:

10. If a tenant has agreed to terminate a tenancy, including but not limited to termination within a rental agreement or in a separate termination agreement, the tenant may rescind that agreement to terminate a tenancy:

a. Within ten business days after signing the agreement by delivering written notice of rescission to the landlord, unless subsection 22.206.160.C.10.c applies; or

b. More than ten business days after signing the agreement by delivering written notice of rescission to the landlord if the tenant signed the agreement: without representation by an attorney or other tenant advocate; or outside of a proceeding mediated by a neutral third party.

c. Subsection 22.206.160.C.10.a does not apply to a mutual termination agreement described in 24 CFR 982.354, in which a tenant with a housing choice voucher may move to a new unit when a lease has terminated only via mutual termination agreement.

d. Nothing in this subsection 22.206.160.C.10 shall be interpreted or applied so as to create any power or duty in conflict with federal law. In the event of any conflict, federal requirements shall supersede the requirements of this subsection 22.206.160.C.10.

Att 4 – Action 2 of CB 120090

**Amendment 2**

to

**CB 120090 – Right of First Refusal**

**Sponsor:** CMs Sawant and Morales

Ensuring contiguous tenancy

Amend 7.24.030.J as follows:

J. Right of first refusal

1. Except as provided in subsection 7.24.030.J.2, the landlord must offer the tenant for whom the tenancy for a specified time is expiring a new tenancy on reasonable terms for the same rental unit, with the new tenancy starting on the day after the expiration of the tenancy for a specified time. The landlord must make that offer between 60 and 90 days before the expiration of the tenancy for a specified time and before the landlord offers tenancy to any third party. The landlord must deliver a proposed rental agreement to the tenant in accordance with RCW 59.12.040 and give the tenant 30 days to accept or decline the proposed rental agreement. There shall be a rebuttable presumption that the landlord failed to offer a new tenancy on reasonable terms if: the existing tenant declines to enter the proposed rental agreement; and, within 30 days after the tenant has vacated, the landlord lists the unit for rent on terms materially more favorable to a prospective tenant.

\* \* \*

Att 5 – Action 3 of CB 120090

**Amendment 3**

to

**CB 120090 – Right of First Refusal**

**Sponsor:** CMs Sawant and Morales

Making explicit that nothing prohibits landlords and tenants from agreeing on a lease more than 90 days before expiration of the tenancy for a specified time.

Amend 7.24.030.J as follows:

J. Right of first refusal

1. Except as provided in subsection 7.24.030.J.2, the landlord must offer the tenant for whom the tenancy for a specified time is expiring a new tenancy on reasonable terms for the same rental unit. The landlord must make that offer between 60 and 90 days before the expiration of the tenancy for a specified time and before the landlord offers tenancy to any third party. The landlord must deliver a proposed rental agreement to the tenant in accordance with RCW 59.12.040 and give the tenant 30 days to accept or decline the proposed rental agreement. There shall be a rebuttable presumption that the landlord failed to offer a new tenancy on reasonable terms if: the existing tenant declines to enter the proposed rental agreement; and, within 30 days after the tenant has vacated, the landlord lists the unit for rent on terms materially more favorable to a prospective tenant.

2. A landlord may decline to offer a new tenancy under subsection 7.24.030.J.1 if:

a. The tenant, at least 60 days before the expiration of the tenancy for a specified time, provides the landlord written notice that the tenant intends to vacate voluntarily after the rental agreement expires;

b. The landlord asserts a just cause under subsection 22.206.160.C.1 and complies with subsection 7.24.030.J.3;~~or~~

c. The existing rental agreement provides for the tenancy to continue as a month-to-month tenancy after the agreement expires;~~or~~

d. More than 90 days before the expiration of the tenancy for a specified time, the landlord and tenant agree to a new rental agreement for the same rental unit, with the new tenancy starting on the day after the expiration of the previous tenancy for a specified time.

\* \* \*

Att 6 – Action 4 of CB 120090

**Amendment 4**

to

**CB 120090 – Right of First Refusal**

**Sponsor:** CM Morales

Ensuring equivalent protections for housing choice voucher holders.

Amend Section 22.206.160.C.10 as follows:

10. If a tenant has agreed to terminate a tenancy, including but not limited to termination within a rental agreement or in a separate termination agreement, the tenant may rescind that agreement to terminate a tenancy:

a. Within ten business days after signing the agreement by delivering written notice of rescission to the landlord, unless subsection 22.206.160.C.10.c applies; or

b. More than ten business days after signing the agreement by delivering written notice of rescission to the landlord if the tenant signed the agreement: without representation by an attorney or other tenant advocate; or outside of a proceeding mediated by a neutral third party.

~~e. Subsection 22.206.160.C.10.a does not apply to a mutual termination agreement described in 24 CFR 982.354, in which a tenant with a housing choice voucher may move to a new unit when a lease has terminated only via mutual termination agreement.~~

\* \* \*



Legislation Text

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**File #:** IRC 307, **Version:** 1

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June 14, 2021



## Introduction and Referral Calendar

List of proposed Council Bills (CB), Resolutions (Res), Appointments (Appt) and Clerk Files (CF) to be introduced and referred to a City Council committee

Record No.	Title	Committee Referral
<b><u>By: Mosqueda</u></b>		
1. <a href="#">CB 120097</a>	AN ORDINANCE appropriating money to pay certain audited claims for the week of May 31, 2021 through June 4, 2021 and ordering the payment thereof.	City Council
<b><u>By: González</u></b>		
2. <a href="#">CB 120102</a>	AN ORDINANCE relating to City employment; authorizing the execution of a collective bargaining agreement between The City of Seattle and the International Brotherhood of Electrical Workers Local 77 to be effective January 23, 2021 to January 22, 2023; amending Ordinance 126237, which adopted the 2021 Budget, by increasing appropriations to Seattle City Light for 2021 payments therefor; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.	City Council
<b><u>By: Mosqueda</u></b>		
3. <a href="#">CB 120101</a>	AN ORDINANCE relating to housing for low-income households; adopting the Housing Levy Administrative and Financial Plan for program years 2021-2023; adopting Housing Funding Policies for the 2016 Housing Levy and other fund sources; authorizing actions by the Director of Housing regarding past and future housing loans and contracts; and ratifying and confirming certain prior acts.	Finance and Housing Committee
<b><u>By: Herbold</u></b>		
4. <a href="#">Appt 01950</a>	Appointment of Meghann McCann as Court Administrator of the Seattle Municipal Court.	Public Safety and Human Services Committee
<b><u>By: Pedersen</u></b>		
5. <a href="#">CB 120099</a>	AN ORDINANCE relating to the City Light Department ("City Light"), the Seattle Department of Parks and Recreation, and the Seattle Department of Transportation; declaring certain real property rights to be surplus to the needs of City Light; and transferring jurisdiction of certain properties located in the Georgetown neighborhood in Section 29, Township 24 N, Range 4 E, from the City Light Department to the Seattle Department of Parks and Recreation and to the Seattle Department of Transportation.	Transportation and Utilities Committee

**By: Pedersen**

6. [CB 120100](#) AN ORDINANCE relating to Seattle Public Utilities; authorizing the General Manager/CEO of Seattle Public Utilities to enter into a Water Quality Combined Financial Assistance Agreement between the State of Washington Department of Ecology and The City of Seattle, Public Utilities Department, to partially finance costs related to the construction of the Ship Canal Water Quality Project through a Clean Water State Revolving Fund Loan.
- Transportation and Utilities Committee

**By: Pedersen**

7. [CB 120103](#) AN ORDINANCE relating to the City Light Department; authorizing the Chief Executive Officer and General Manager to execute a long-term lease and operating agreement with the Georgetown Steam Plant Community Development Authority for the use and occupancy of the City's Georgetown Steam Plant property, a National Historic Landmark; allowing the Authority to assume regular public programming in the Georgetown Steam Plant for the purposes of historical interpretation as well as education in the areas of science, technology, education, arts, math, and related events, and also to provide continual general upkeep and stewardship of the Georgetown Steam Plant, including the addition of amenities enabling more and better community access.
- Transportation and Utilities Committee

**By: Pedersen**

8. [Res 32007](#) A RESOLUTION related to the City Light Department, adopting a 2022-2026 Strategic Plan for the City Light Department and endorsing the associated five-year rate path.
- Transportation and Utilities Committee

**By: Pedersen**

9. [Appt 01947](#) Appointment of Erin K. Fitzpatrick as member, Seattle Pedestrian Advisory Board, for a term to March 31, 2023.
- Transportation and Utilities Committee

**By: Pedersen**

10. [Appt 01948](#) Appointment of Hang Nguyen as member, Seattle Pedestrian Advisory Board, for a term to March 31, 2023.
- Transportation and Utilities Committee

**By: Pedersen**

11. [Appt 01949](#) Appointment of Greyson Simon as member, Seattle Pedestrian Advisory Board, for a term to March 31, 2023.
- Transportation and Utilities Committee



Legislation Text

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File #: CB 120097, Version: 1

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CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE appropriating money to pay certain audited claims for the week of May 31, 2021 through June 4, 2021 and ordering the payment thereof.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Payment of the sum of \$18,699,900.39 on PeopleSoft 9.2 mechanical warrants numbered 4100465221- 4100466727 plus manual or cancellation issues for claims, E-Payables of \$112,310.86 on PeopleSoft 9.2 9100009356- 9100009402 and Electronic Financial Transactions (EFT) in the amount of \$86,726,458.02 are presented for ratification by the City Council per RCW 42.24.180.

Section 2. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby ratified and confirmed.

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 14th day of June 2021 and signed by me in open session in authentication of its passage this 14th day of June 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)



Legislation Text

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**File #:** CB 120096, **Version:** 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to appropriations for the Human Services Department; amending Ordinance 126237, which adopted the 2021 Budget; modifying a proviso imposed by Ordinance 126298; and ratifying and confirming certain prior acts.

WHEREAS, on February 29, 2020, the Washington Governor issued Proclamation 20-05, proclaiming a state of emergency for all counties throughout the state of Washington in response to new cases of the Coronavirus Disease 2019 (COVID-19); and

WHEREAS, on March 3, 2020, Mayor Jenny A. Durkan proclaimed a civil emergency in Seattle; and

WHEREAS, on March 5, 2020, the City Council adopted Resolution 31937 affirming the civil emergency, modifying orders transmitted by the Mayor related to the emergency, and establishing Council's expectations related to future orders and reporting by the Mayor during the civil emergency; and

WHEREAS, on March 11, 2020, the World Health Organization announced that COVID-19 is officially a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, on December 11, 2020, the U.S. Food and Drug Administration issued the first emergency use authorization for a vaccine to prevent COVID-19, which allowed the vaccine to be distributed in the United States. Days later, the first doses of the COVID-19 vaccine arrived in King County, which were administered to front-line healthcare workers. As of May 3, 2021, the county's vaccination efforts have resulted in the administration of approximately 1,225,000 doses of COVID-19 vaccine; and

WHEREAS, The City of Seattle has administered more than 230,000 vaccinations, totaling at least 128,000 individuals, 48 percent of whom identify as Black, Indigenous, and other people of color (BIPOC); and

WHEREAS, working with Public Health-Seattle & King County, as of May 25, 2021, more than 76 percent of Seattle residents have begun the vaccination process, and 60 percent are fully vaccinated; and

WHEREAS, on January 5, 2021, the Governor announced “Healthy Washington: Roadmap to Recovery,” a COVID-19 phased recovery plan. Under this plan, a region in the state may move into a new phase, forward or backward, depending upon whether metrics measuring the region’s community disease levels and health system capacity meet state Department of Health criteria; and

WHEREAS, on March 22, 2021, the Puget Sound region, including King County, moved to Phase 3 of the plan, which permits indoor dining, retail, fitness, and worship services at 50 percent capacity, as well as at-home social gatherings limited in size. Further, on May 21, 2021, the Washington Governor issued Proclamation 20-25.13, amending Proclamations 20-05 and 20-25, memorializing moving all counties to Phase 3 as of May 18, 2021; and

WHEREAS, King County’s Department of Community and Human Services has demonstrated success utilizing hotels to provide non-congregate shelter to respond to the COVID-19 pandemic with its funding of the JustCARE program and use of hotels to deintensify and increase social distancing for people utilizing shelters operated by the Downtown Emergency Services Center (DESC) and Catholic Community Services; and

WHEREAS, the State of Washington in its 2021-2023 Biennial Budget and 2021 Supplemental Budget has appropriated a total of \$10 million to reimburse local governments for expenditures on non-congregate shelter that is in operation prior to June 30, 2021, when those governments are not successful in using federal funds to support those expenditures; and

WHEREAS, additional resources to provide additional non-congregate shelter will help address the needs of people experiencing homelessness and support reopening of businesses and other activities in

neighborhoods throughout Seattle; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The restriction imposed by the following budget proviso in Ordinance 126298, which limits spending on the following item, is modified as follows:

“Of the appropriation in the 2021 budget for the Addressing Homelessness Budget Summary Level (HSD-BO-HS-H3000) in the General Fund (00100) and notwithstanding powers provided to the Mayor by Section 3 of the Proclamation of Civil Emergency dated March 3, 2020, \$12,000,000 is appropriated solely to provide non-congregate shelter in hotel rooms, tiny home villages, and non-congregate enhanced shelters for individuals experiencing homelessness (~~(who are at increased risk for contracting or having severe outcomes from COVID-19 using a competitive procurement process and obtaining federal approval or pre-approval for the program, if necessary,))~~) and may be spent for no other purpose.”

Section 2. Statement of Intent. By establishing this Section 2, the Council expresses the following policy intent:

A. The Council requests that the Human Services Department expend these funds expeditiously to provide critical services to people experiencing homelessness and to support reopening activities throughout Seattle. In doing so, the Department should, either directly or in collaboration with King County, enter into a contract with a homelessness or human services agency for the agency to acquire access to hotel rooms to operate as emergency shelter and provide the supportive services and outreach for individuals who would utilize the shelter, similar to the models piloted by JustCARE and CoLEAD.

B. The Council will consider an interfund loan through future legislation to support these expenditures if deemed necessary to ensure that expenditures and revenues are balanced before the end of 2021.

Section 3. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 4. 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 a 3/4 vote of all the members of the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Aly Pennucci / 684-8148	n/a

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to appropriations for the Human Services Department; amending Ordinance 126237, which adopted the 2021 Budget; modifying a proviso imposed by Ordinance 126298; and ratifying and confirming certain prior acts.

**Summary and background of the Legislation:** On March 22, 2021, the Council passed Ordinance 126298 that appropriated \$12 million to provide non-congregate shelter services in hotel rooms, tiny home villages, or enhanced shelters for individuals experiencing homelessness who are at increased risk for contracting or having severe outcomes from COVID-19. That legislation imposed a proviso that required a competitive procurement process and obtaining federal approval. This legislation modifies the proviso to give the department more flexibility in how these funds are expended and states Council’s intent that (1) the department act expeditiously to provide additional non-congregate shelter options for people experiencing homelessness and (2) to authorize an interfund loan, if necessary, to ensure that expenditures and revenues are balanced before the end of 2021.

**2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?**          Yes   X   No

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

<b>Project Name:</b>	<b>Project I.D.:</b>	<b>Project Location:</b>	<b>Start Date:</b>	<b>End Date:</b>	<b>Total Project Cost Through 2026:</b>

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

**Does this legislation amend the Adopted Budget?**        X   Yes     No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs or consequences.

If there are no changes to appropriations, revenues, or positions, please delete sections 3.a., 3.b., and 3.c. and answer the questions in Section 4.

**3.a. Appropriations**

This legislation adds, changes, or deletes appropriations.

Fund Name and number	Dept	Budget Control Level Name/##*	2021 Appropriation Change	2022 Estimated Appropriation Change
<b>TOTAL</b>				

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

This table should reflect appropriations that are a direct result of this legislation. In the event that the project/programs associated with this ordinance had, or will have, appropriations in other legislation please provide details in the Appropriation Notes section below. If the appropriation is not completely supported by revenue/reimbursements listed below, please identify the funding source (e.g. available fund balance) to cover this appropriation in the notes section. Also indicate if the legislation changes appropriations one-time, ongoing, or both.

**Is this change one-time or ongoing?**

Please explain any complicated scenarios – e.g. three-year funding agreement but not permanent ongoing.

**Appropriations Notes:**

**3.b. Revenues/Reimbursements**

This legislation adds, changes, or deletes revenues or reimbursements.

If this box is checked, please complete this section. If this box is not checked, please proceed to Positions.

**Anticipated Revenue/Reimbursement Resulting from this Legislation:**

Fund Name and Number	Dept	Revenue Source	2021 Revenue	2022 Estimated Revenue
<b>TOTAL</b>				

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. Do the revenue sources have match requirements? If so, what are they?

**Is this change one-time or ongoing?**

Please explain any complicated scenarios – e.g. three-year funding agreement but not permanent ongoing.

**Revenue/Reimbursement Notes:**

**3.c. Positions**

This legislation adds, changes, or deletes positions.

If this box is checked, please complete this section. If this box is not checked, please proceed to Other Implications.

**Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:**

Position # for Existing Positions	Position Title & Department*	Fund Name & #	Program & BCL	PT/FT	2021 Positions	2021 FTE	Does it sunset? (If yes, explain below in Position Notes)
<b>TOTAL</b>							

\* List each position separately

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.

**Position Notes:**

**4. OTHER IMPLICATIONS**

- a. Does this legislation affect any departments besides the originating department?**  
 Yes, the Human Services Department is the entity that would administer contracts with service providers for these services.
- b. Is a public hearing required for this legislation?**  
 No
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
 No
- d. Does this legislation affect a piece of property?**  
 No.
- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
 Black, Indigenous, and other people of color are disproportionately affected by COVID-19. In addition, Black, Indigenous, and other people of color disproportionately experience homelessness, of which unsheltered homelessness is an especially acute condition. An intervention that will ameliorate some of the conditions of homelessness is, therefore, likely to disproportionately benefit Black, Indigenous, and other people of color, both the housed and those experiencing homelessness.
- f. Climate Change Implications**
  - 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**  
 N/a

- 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

n/a

- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)?**

The program is anticipated to provide enhanced shelter services for people experiencing homelessness and support reopening of businesses and other activities in neighborhoods throughout the city.

**List attachments/exhibits below:**

Aly Pennucci  
Full Council  
Date: June 14, 2021  
Version: 1

**Amendment Council Bill 120096 - Hotel Shelter Supplemental Budget Proviso ORD**

**Sponsor:** Councilmember Herbold

**Co-Sponsors:** Councilmember Lewis and Councilmember Morales

Modify the proviso to include funding for the LEAD program

Amend Section 1 of CB 120096 as follows:

Section 1. The restriction imposed by the following budget proviso in Ordinance 126298, which limits spending on the following item, is modified as follows:

“Of the appropriation in the 2021 budget for the Addressing Homelessness Budget Summary Level (HSD-BO-HS-H3000) in the General Fund (00100) and notwithstanding powers provided to the Mayor by Section 3 of the Proclamation of Civil Emergency dated March 3, 2020, ~~\$12,000,000~~ \$9,000,000 is appropriated solely to provide non-congregate shelter in hotel rooms, tiny home villages, and non-congregate enhanced shelters for individuals experiencing homelessness (~~who are at increased risk for contracting or having severe outcomes from COVID-19 using a competitive procurement process and obtaining federal approval or pre-approval for the program, if necessary,~~) and may be spent for no other purpose, and \$3,000,000 is appropriated solely to increase funding in 2021 for the Law Enforcement Assisted Diversion Program (LEAD) and may be spent for no other purpose.”

**Effect:** This amendment further modifies the proviso to allocate \$9 million for non-congregate shelter and \$3 million to increase the funding for the 2021 contract for LEAD. The intent is that the combination will provide adequate funding to secure a lease with two hotels and provide resource to support related services, including the \$3 million for LEAD.



Legislation Text

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**File #:** Appt 01940, **Version:** 1

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Appointment of May G. Wu as member, Seattle Chinatown International District Preservation and Development Authority Governing Council, for a term to December 31, 2022.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> May G Wu		
<b>Board/Commission Name:</b> Seattle Chinatown International District Preservation and Development Authority		<b>Position Title:</b> Member
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> Council <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other: <i>Fill in appointing authority</i> PDA <sup>AS</sup>	<b>Date Appointed:</b> 8/20/2019	<b>Term of Position: *</b> <sup>AS</sup> <del>8/20/2019</del> - 11/1/2020 to <del>12/31/2019</del> - 12/31/2022
<b>Residential Neighborhood:</b> Council District 3	<b>Zip Code:</b> 98122	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> May Wu is currently the Internal Controls & Change Management Director in the finance department at Holland America, and was previously at Starbucks Corporation and Deloitte & Touche, LLP. She obtained both her Masters of Professional Accountancy and Bachelors of Arts degree in Business Administration from the University of Washington, and is a licensed CPA. May spent her early years living in the West Kon Yick Building of the Chinatown International District, and even after her family moved from the neighborhood she would often return to visit her uncle's restaurant.		
<b>Authorizing Signature (original signature):</b> 	<b>Appointing Signatory:</b> Mindy Au Board President	

\*Term begin and end date is fixed and tied to the position and not appointment date or appointee.  
August 30, 2016

Last revised

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**SUMMARY OF QUALIFICATIONS**

- Ability to understand the broader view and objectives while in the details
- Results oriented with excellent organization, communication and managing skills
- Drive improvements related to internal controls, processes and documentation
- Effective team player and leader who is a motivator, problem solver and contributor

**PROFESSIONAL EXPERIENCE**

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**HOLLAND AMERICA**

August 2017 – Present

Seattle, Washington

**Internal Controls & Change Management Director, Finance**

- Building a SOX compliance program from ground up with trainings across the organizations
- Successfully implemented new compliance software for process improvement, standardization & accountability
- Overhaul and standardize process documentation for better understanding of business processes
- Analyze financial reporting risks and design mitigating controls across the organization
- Significantly improved business relationship with external and internal auditors
- Drive continuous improvements to better the finance organization

**STARBUCKS CORPORATION**

September 2013 – July 2017

Seattle, Washington

**Accounting Manager, Corporate Accounting, October 2015 – Present**

- Managed monthly and quarterly close, analyze forecast v. actual results for various finance customers
- Reviewed monthly close packages & 10K/Q disclosures in accordance with US GAAP & SEC guidelines
- Implemented process improvements for payroll accounting to reduce manual work by 1.5 weeks
- Designed & implemented new internal controls to significantly improve oversight and SOX compliance
- Planned & integrated acquisitions & new company concepts into system ensuring accurate & complete accounting
- Updated and facilitated training for the JE, Reconciliation and Workpaper Documentation policies
- Setting the groundwork for the future of accounting through optimal use of Blackline

**Accounting Analysis Manager, Internal Controls Team, January 2015 – September 2015**

- Developed and strengthen SOX program locally and internationally (UK, Amsterdam, China, & Japan)
- Standardize SOX documentations including reliance on third-party service providers
- Created training materials and facilitated trainings to educate SOX requirements
- Performed COSO 2013 gap analysis and implemented controls to adopt the COSO 2013 Framework
- Coordinated and managed SOX documentation updates for over 300 key controls and 40 processes
- Liaison between internal audit, Deloitte and accounting/business contacts

**Accounting Analysis Manager, Corporate Accounting, September 2013 – January 2015**

- Improved month and quarter end deliverables by improving processes and documentations
- Collaborated work with cross functions including international contacts
- Improved control documentations & monitored deficiencies

**DELOITTE & TOUCHE, LLP**

January 2007 – September 2013

Seattle, Washington

**Audit Manager, Assurance Services, September 2012 – September 2013**

**Internship, Staff, Audit Senior, Assurance Services, January 2007 – August 2012**

- Managed audits of 10-K&Q reports & financial statement reviews from large SEC Companies to small startups
- Led an inexperienced team to understand a new industry and developed an audit plan for risks areas
- Coordinated SOX planning and testing between the internal and external audit teams
- Acquired extensive knowledge SEC reporting requirements and US GAAP
- Facilitated national training for summer interns
- Mentored, managed and evaluated associates, providing feedback, serving as their advocate, and ensuring their professional growth and development

## **EDUCATION**

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**University of Washington – Foster School of Business** - Seattle, Washington  
Masters of Professional Accountancy, June 2007

**University of Washington - Foster School of Business** - Seattle, Washington  
Bachelors of Arts Degree, Business Administration - Accounting, June 2006

## **LICENSE**

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Certified Public Accountant, Washington #29378

# Chinatown-International District Preservation and Development Authority (SCIDpda)

No fewer than nine (9) members and no more than seventeen (17) members: Per RCW 35.21.730 and Seattle Municipal Code (SMC) 3.110, all subject to City Council confirmation, up to 3-year terms:

- 4 Mayor-appointed
- 5 to 13 SCIDpda Governing Council-appointed

**Roster:**

*D	**G	Position No.	Position Title	Name	Term Start Date	Term End Date	Term #	Appointed By
1	M	1.	Member	David J. Della	1/1/21	12/31/23	2	Governing Council
6	M	2.	Member	Tiernan Martin	1/1/20	12/31/22	1	Governing Council
1	F	3.	Member	Jerilyn Young	1/1/20	12/31/22	2	Governing Council
	M	4.	Member	Elliot Sun	1/1/21	12/31/23	1	Governing Council
6	F	5.	Member	Lisa Nitze	1/1/21	12/31/23	1	Governing Council
1	F	6.	Member	Cindy Ju	1/1/21	12/31/23	1	Governing Council
1	F	7.	Member	Casey Huang	1/1/20	12/31/22	3	Governing Council
1	F	8.	Member	May G. Wu	1/1/20	12/31/22	1	Governing Council
1	M	9.	Member	Phillip Sit	1/1/20	12/31/22	3	Governing Council
1	M	10.	Member	Wayne H. Lau	1/1/21	12/31/23	3	Governing Council
		11.	Member					Governing Council
1	M	12.	Member	Scott Yasui	1/1/19	12/31/21	3	Governing Council
		13.	Member					Governing Council
1	F	14.	Member	Miye Moriguchi	1/1/19	12/31/21	1	Mayor
1	F	15.	Member	Aileen Balahadia	1/1/19	12/31/21	2	Mayor
1	F	16.	Member	Jennifer Reyes	1/1/19	12/31/21	2	Mayor
1	F	17.	President	Mindy Au	1/1/19	12/31/21	1	Mayor

**Diversity Chart:**

			(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)		
	Men	Women	Vacant	Minority	Asian-American	Black/African American	Hispanic/Latino	American Indian/Alaska Native	***Other	Caucasian/Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	0	4	0		4								
PDA Council	6	5	3		8					2			
Other													
<b>Total</b>	<b>6</b>	<b>9</b>	<b>3</b>		<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>



## Legislation Text

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**File #:** Appt 01941, **Version:** 1

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Appointment of Cindy Ju as member, Seattle Chinatown International District Preservation and Development Authority Governing Council, for a term to December 31, 2023.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Cindy Ju	
<b>Board/Commission Name:</b> Seattle Chinatown International District Preservation and Development Board	<b>Position Title:</b> Board Member
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment	<b>City Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other: <i>Fill in appointing authority</i> <i>PDA governing council</i>	<b>Term of Position: *</b> 1/1/2021 to 12/31/2023  <input type="checkbox"/> Serving remaining term of a vacant position
<b>Residential Neighborhood:</b> Council District 4	<b>Zip Code:</b> 98115 <b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> <i>Cindy is a recent graduate of the Harvard Business School and is passionate about creating a positive impact on community economic outcomes and affordability via investing in urban development and real estate. She is an active member of the Young Leader's Group within the Urban Land Institute (ULI) of Seattle. Previously, Cindy was an investor at Oaktree Capital Management, a leading global alternative asset management firm with expertise in credit strategies. There, she was a member of the U.S. High Yield Bonds Fund with \$20 billion under management. Prior to that, Cindy worked as an investment banker at Houlihan Lokey, primarily focusing on restructuring transactions and corporate M&amp;A. She dedicates her time to community and non-profit organizations, with prior experiences on the board of directors for Girls on the Run and mentoring with Minds Matter. Cindy received her bachelor's degree in finance and operations &amp; information management from the Wharton School of Business at the University of Pennsylvania and her MBA from the Harvard Business School.</i>	
<b>Authorizing Signature (original signature):</b>  Digitally signed by Mindy Au Date: 2021.01.20 17:01:21 -0800 <b>Mindy Au</b>  <b>Date Signed (appointed):</b> 1/20/21	<b>Appointing Signatory:</b>  <b>Mindy Au</b> <b>Board President</b>

\*Term begin and end date is fixed and tied to the position and not the appointment date.

## CINDY JU

### education

- 2017-2019 **HARVARD BUSINESS SCHOOL** **BOSTON, MA**  
Master in Business Administration, May 2019. Social Enterprise Summer Fellow 2018. Chair of Social Entrepreneurship Interest Group. Member of Real Estate Club, Outdoors Club. ARGUS Training Course Completion.
- 2008-2012 **UNIVERSITY OF PENNSYLVANIA – THE WHARTON SCHOOL** **PHILADELPHIA, PA**  
Bachelor of Science, *magna cum laude*, in Economics. Dean's List 2009-2012. GPA: 3.71/4.00. Concentrations in Operations & Information Management and Finance. Minor in Asian American Studies. Elected President of Alpha Kappa Delta Phi Sorority. Elected Board Member of the Asian Pacific Student Coalition.

### experience

- summer 2018 **MOBILITY INNOVATION DEPARTMENT, CITY OF DETROIT MAYOR'S OFFICE** **DETROIT, MI**  
**Summer Policy Associate**  
Direct report to the Chief of Mobility Innovation appointed by Detroit Mayor Mike Duggan. The Mobility Innovation Department identifies mobility challenges in Detroit and deploys solutions using innovative ideas and technologies.
- Utilized a human-centered design approach to deliver a Commuter Transportation Benefits Plan serving 9,700+ City of Detroit employees; incentivizing the use of alternative transportation to alleviate parking constraints.
    - Created and distributed first commute survey to employees in years; received 743 individual responses.
    - Built a bottoms-up financial model with sensitivity analysis addressing Sources & Uses of program funds and illustrating a cost-neutral solution for the budget-constrained municipality.
    - Led to the implementation of a pilot program, the success of which will result in allocation of funds in the City of Detroit Annual Budget.

- 2014-2017 **OAKTREE CAPITAL MANAGEMENT** **LOS ANGELES, CA**  
**Investment Associate**  
Leading global alternative asset management firm with expertise in credit strategies. Member of the U.S. High Yield Bonds Fund with \$20 billion under management. Covered Building Materials, Food, and Healthcare sectors.
- Covered 55 investments, nearly one-third of the portfolio, including several publicly traded REITs.
  - Led \$20 million investment of 5.5% coupon bonds in a technology hardware company on behalf of senior directors through interaction with industry experts and sell-side analysts.
  - Selected by Managing Directors to represent the team in 1-1 meetings with senior management of public high-yield companies in order to build rapport and conduct due diligence on names within the portfolio.
  - Created an updated Associate Training Guide to help codify best practices and facilitate new Associates' transition into their roles within the high yield bonds team.
  - Received a third-year offer prior to completion of first year (extending initial two-year agreement).

- 2012-2014 **HOULIHAN LOKEY CAPITAL** **LOS ANGELES, CA**  
**Investment Banking Analyst**  
Global investment bank providing M&A and financial restructuring services. Worked in Media & Telecom practice.
- Selected onto the deal team for the \$1.2 billion restructuring and post-restructuring debt issuance of national newspaper conglomerate GateHouse Media, one of the largest deals the firm has ever been engaged on.
  - Closed \$100 million+ sell-side TV broadcast transaction in which three hedge funds sold television stations to multiple strategic buyers.

### community

- 2020-Present **THE URBAN LAND INSTITUTE (ULI) SEATTLE** **SEATTLE, WA**  
**Co-Captain** (*Young Leaders Group, Partnership Forum Group*)  
Create monthly programming to foster mentorship and continued learning among a group of young real estate professionals. Programming includes: speaker events, mentor lectures, and networking happy hours.
- 2015-2017 **GIRLS ON THE RUN OF LOS ANGELES COUNTY** **LOS ANGELES, CA**  
**Board of Directors** (*Secretary & Finance Committee*)  
National non-profit dedicated to teaching 3<sup>rd</sup> - 8<sup>th</sup> grade girls life skills through interactive running-based activities. Youngest member of the board and nominated by peers onto the executive officer slate and elected as Secretary.

### personal

RYT 200 yoga instructor certified, skiing, social science literature, distance running (Tough Mudder Finisher).

# Chinatown-International District Preservation and Development Authority (SCIDpda)

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- 5 to 13 SCIDpda Governing Council-appointed

**Roster:**

*D	**G	Position No.	Position Title	Name	Term Start Date	Term End Date	Term #	Appointed By
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	M	4.	Member	Elliot Sun	1/1/21	12/31/23	1	Governing Council
6	F	5.	Member	Lisa Nitze	1/1/21	12/31/23	1	Governing Council
1	F	6.	Member	Cindy Ju	1/1/21	12/31/23	1	Governing Council
1	F	7.	Member	Casey Huang	1/1/20	12/31/22	3	Governing Council
1	F	8.	Member	May G. Wu	1/1/20	12/31/22	1	Governing Council
1	M	9.	Member	Phillip Sit	1/1/20	12/31/22	3	Governing Council
1	M	10.	Member	Wayne H. Lau	1/1/21	12/31/23	3	Governing Council
		11.	Member					Governing Council
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1	F	17.	President	Mindy Au	1/1/19	12/31/21	1	Mayor

**Diversity Chart:**

			(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)		
	Men	Women	Vacant	Minority	Asian-American	Black/African American	Hispanic/Latino	American Indian/Alaska Native	***Other	Caucasian/Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	0	4	0		4								
PDA Council	6	5	3		8					2			
Other													
<b>Total</b>	<b>6</b>	<b>9</b>	<b>3</b>		<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>



Legislation Text

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**File #:** Appt 01942, **Version:** 1

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Appointment of Lisa Nitze as member, Seattle Chinatown International District Preservation and Development Authority Governing Council, for a term to December 31, 2023.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> <i>Lisa Nitze</i>	
<b>Board/Commission Name:</b> Seattle Chinatown International District Preservation and Development Board	<b>Position Title:</b> Board Member
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment	<b>City Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> <del>City Council</del> <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other: <i>Fill in appointing authority</i> <i>PDA governing council</i>	<b>Term of Position: *</b> 1/1/2021 to 12/31/2023  <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> <i>Council District 1</i>	<b>Zip Code:</b> 98136 <b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> <i>Lisa is V.P., Marketing, Investment and Community Partnerships for Nitze-Stagen &amp; Co., an integrated real estate investment, development and management firm with a portfolio of properties located in Seattle including the Union Station Garage in the CID.</i>  <i>Previously, Lisa was CEO of Social Venture Partners Seattle an organization comprised of philanthropists who pool approximately \$1M each year to contribute to local social enterprises and collective impact initiatives. Lisa has 30 years of experience leading public/private partnership organizations and initiatives, working with government, corporations, foundations, nonprofits and educational institutions, to develop and implement strategies for building sustainable social systems change and for maximizing social impact.</i>  <i>She has started and led four nonprofits. As Washington D.C. Managing Director of Mission Measurement LLC, Lisa worked with leading organizations in many sectors to advise them on measurement, evaluation and reporting of social impact. A former CEO of the U.S. Social Enterprise Alliance and Speaker Specialist for the U.S. State Department on social entrepreneurship, Lisa has traveled extensively abroad and across the U.S. speaking and consulting on the power of social enterprise for social and economic development. As V.P. Global Engagement for the Ashoka Foundation, Lisa led a team working with corporations, foundations and philanthropists to secure investment in social enterprises around the world. Lisa has a BA from Harvard and an MBA from Stanford University.</i>	
<b>Authorizing Signature (original signature):</b>  <i>Mindy Au</i> <small>Digitally signed by Mindy Au Date: 2021.01.20 17:01:48 -0800</small>	<b>Appointing Signatory:</b>  <b>Mindy Au</b> <b>Board President</b>
<b>Date Signed (appointed):</b> 1/20/21	

\*Term begin and end date is fixed and tied to the position and not the appointment date.

**Lisa Nitze**



A recognized expert in social entrepreneurship, social enterprise, philanthropy, social impact investing, social impact measurement and evaluation, and systems change solutions to address critical global problems. Over 35 years of experience launching, building, managing, leading and advising nonprofit, corporate, foundation and public private partnership organizations and initiatives supporting sustainable communities and a sustainable world.

**Career Summary**

- 2018-Present Nitze-Stagen** **Seattle WA**  
*Vice President Marketing, Investments, Community Partnerships*  
Manage marketing and community engagement for an integrated real estate acquisition, development and management company with a deep history in Seattle. Engage impact investors in the company's Opportunity Zone deals and pursue public policy issues of importance to the communities where Nitze-Stagen does or seeks to own properties.
- 2015 – 2017 Social Venture Partners Seattle** **Seattle, WA**  
*CEO*  
Led organization of 10 employees and a Partnership of over 500 philanthropists in Seattle and the surrounding region. Pooled philanthropic funds and expertise to invest in systems change in King County in the areas of education and sustainable communities. Disbursed \$1 million a year into the community in non-profit grants. Partnered with public and private sector community stakeholders for collective impact.
- 2014 -2015 Achieving the Dream, Inc.** **Rock Spring, MD**  
*Vice President, Strategic Partnerships*  
Responsible for developing shared value partnerships with corporations, foundations and community-based organizations. Led organization-wide development efforts to fund nearly \$16 million annual budget through foundation and corporate grants and earned revenue.
- 2013-2015 American University, School of International Service, Social Enterprise Program**  
*Professorial Lecturer* **Washington, D.C**  
Created and taught practice-based courses on Social Mission Businesses, Corporate Social Responsibility and Public Private Partnerships in the only graduate-level program on social enterprise in the U.S.
- 2012-2013 Mission Measurement LLC** **Washington, D.C**  
*Managing Director*  
Co-managed a team of 30 consultants advising leading corporations, foundations, international aid organizations and nonprofits on social value creation strategies, measurement and evaluation. Clients included Achieving the Dream, USAID, IADB, Skoll Foundation, Mercy Corps, Sigma-Aldrich, Cisco, Technoserve, Coke, Vulcan, Walmart, Microsoft.

- 2010-2011**      **Social Enterprise Alliance**      **Washington, D.C.**  
*President & CEO*  
 Led the largest membership network of social-mission businesses in North America offering education, advocacy and networking. Launched regional network Chapters in S.F., L.A., Twin Cities, Chicago, Dallas, Denver, Baltimore, Boston, New York, Nashville, Tampa and St. Louis. Partnered with White House Office of Social Innovation to advocate for legislation favorable to the field. Engaged YPO/WPO, Citi, UPS, Western Union, Boeing and Goodwill Industries Intl. in supporting social enterprise. Conducted public speaking events throughout U.S.
- 2006-2010**      **Ashoka: Innovators for the Public**      **Arlington, VA**  
*Vice-President, Global Engagement*  
 Responsible for all development efforts for the Ashoka Foundation supporting work in 70 countries and an annual budget of nearly \$40M. Managed global staff of 30 that engaged corporations, foundations, business associations and individuals in support of social entrepreneurship. Built a global network of business entrepreneurs who supported social entrepreneurs through investment and mentoring. Developed engagement programs and services for all funder segments. Developed partnerships with an affiliate of the Bill and Melinda Gates Foundation, Lodestar and Deshpande Foundations, Inter-American Development Bank, General Electric Foundation, Green Mountain Coffee, Goldman Sachs Foundation and Exxon Foundation.
- 2005**      **Duke Farms Foundation**      **Somerset, NJ**  
*Group Leader, Strategic Planning, Partnerships and Programs*  
 Developed and directed public programs and events at Duke Farms for approximately 50,000 annual visitors. Managed a staff of 25. Directed sustainable communities master plan development for the Doris Duke Charitable Foundation's 3,000-acre, 150-building estate. Initiated, developed and managed community partnerships for Duke Farms Foundation.
- 1998-2002**      **Save Ellis Island! Inc.**      **Gladstone, NJ**  
*Executive Director, New Jersey Governor's Advisory Committee on the Preservation and Use of Ellis Island*  
 Secured over \$10M to stabilize Ellis Island's 30 abandoned buildings. Formed nonprofit Save Ellis Island! Inc. to partner with National Park Service in raising \$500M needed to restore abandoned buildings. Directed Advisory Committee proceedings, public hearings, and the development and public release of Governor Whitman's Proposed Restoration and Reuse Plan for Ellis Island.
- 1995-1997**      **Prosperity New Jersey**      **Trenton, NJ**  
*Executive Director*  
 Created and directed statewide public/private partnership for economic development overseen by a Board of Directors consisting of leaders in state government, business, education, labor and environment. Harnessed the combined resources represented on the Board of Directors to improve the business climate in New Jersey. Developed urban economic development partnerships in cities of Newark and Camden; developed and promoted statewide regulatory reform plan; created coordinated public/private sector rapid response capabilities for recruiting and retaining business in New Jersey, developed tourism and technology growth plan. Initiative leadership included Robert Wood Johnson Foundation, Amelior Foundation, Princeton

University, Beneficial, Prudential, Lucent Technologies, Public Service Electric and Gas, Johnson and Johnson, CoreStates Bank, and Continental Airlines.

**1990-1992      World Trade Center Baltimore      Baltimore, MD**  
**World Trade Center Institute**

*Executive Director*

Created and directed statewide membership organization to assist Maryland companies in penetrating foreign markets and attracting reverse investment. Delivered events, services and networking opportunities to members. Recruited Board of Directors representing leaders from Maryland's state government, multi-national manufacturing and service sector corporations and its universities. Leadership included Abell Foundation, University of Maryland, RTKL Assoc., Legg Mason, Inc., McCormick Spice, Black & Decker, and PricewaterhouseCoopers.

**Education**

**1985-1987      Stanford University Graduate School of Business      Palo Alto, CA**

M.B.A with course emphasis in marketing and strategic planning.

Advisory committee on media relations. Contributing writer to *The Reporter*.

**1978-1982      Harvard College      Cambridge, MA**

B.A. with honors in Government. Varsity lacrosse. Educational tutoring in prison.

**Other**

**U.S. Department of State      Washington, DC**

Speaker Specialist on Social Enterprise for U.S. Embassies in India, Africa and Latin America.

Mentor for Pathways to Progress program's women entrepreneurs in Latin America.

**University of Washington, Foster School of Business      Seattle, WA**

Professorial Lecturer on Impact Entrepreneurship

**Board Participation      Seattle, WA**

SODO Business and Industry Association, Historic Seattle Foundation, Washington Technology and Industry Association ION Collaborators, International Coaching Federation, Weld

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1	F	8.	Member	May G. Wu	1/1/20	12/31/22	1	Governing Council
1	M	9.	Member	Phillip Sit	1/1/20	12/31/22	3	Governing Council
1	M	10.	Member	Wayne H. Lau	1/1/21	12/31/23	3	Governing Council
		11.	Member					Governing Council
1	M	12.	Member	Scott Yasui	1/1/19	12/31/21	3	Governing Council
		13.	Member					Governing Council
1	F	14.	Member	Miye Moriguchi	1/1/19	12/31/21	1	Mayor
1	F	15.	Member	Aileen Balahadia	1/1/19	12/31/21	2	Mayor
1	F	16.	Member	Jennifer Reyes	1/1/19	12/31/21	2	Mayor
1	F	17.	President	Mindy Au	1/1/19	12/31/21	1	Mayor

**Diversity Chart:**

	Men		Women		Vacant		Minority		(1) Asian-American		(2) Black/African American		(3) Hispanic/Latino		(4) American Indian/Alaska Native		(5) ***Other		(6) Caucasian/Non-Hispanic		(7) Pacific Islander		(8) Middle Eastern		(9) Multiracial	
Mayor	0	4	0		4																					
PDA Council	6	5	3		8												2									
Other																										
<b>Total</b>	<b>6</b>	<b>9</b>	<b>3</b>		<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	



## Legislation Text

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**File #:** Appt 01943, **Version:** 1

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Reappointment of David J. Della as member, Seattle Chinatown International District Preservation and Development Authority Governing Council, for a term to December 31, 2023.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> <i>David J. Della</i>		
<b>Board/Commission Name:</b> <i>Seattle Chinatown International District Preservation and Development Authority (SCIDpda)</i>		<b>Position Title:</b> <i>Member</i>
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment		<b>City Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other: <i>Fill in appointing authority</i> <i>PDA governing council</i>		<b>Term of Position: *</b> 1/1/2021 to 12/31/2023  <input type="checkbox"/> Serving remaining term of a vacant position
<b>Residential Neighborhood:</b> <i>Queen Anne</i>	<b>Zip Code:</b> 98109	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> <i>David J. Della is a lifelong resident of Seattle and spent many of his youth and early adult years in and around the Chinatown-International District. He is a government, business, and community relations professional with over 20 years' experience in the public sector in appointed, elected and managerial positions in local and state government including serving as a Deputy Chief of Staff to Mayor Norman Rice, Executive Director of the Washington State Commission on Asian Pacific American Affairs and a former member of the Seattle City Council. He has also worked for over a decade in the private and non-profit sectors through his own sustainability consulting firm, managing contracts/community relations for a national environmental services company, directing community/government relations for a prominent local non-profit, and currently a partner at Green Shoots Consulting, LLC, a business and real estate consulting firm. His expertise is in government policy, legislative advocacy, community and coalition building, and resource development.</i>		
<b>Authorizing Signature (original signature):</b>	<b>Appointing Signatory:</b> <i>Mindy Au</i>  <i>Board President</i>	
<b>Date Signed (appointed):</b>	<b>Mindy Au</b> <small>Digitally signed by Mindy Au Date: 2021.01.20 17:00:58 -0800</small>	

\*Term begin and end date is fixed and tied to the position and not the appointment date.

DAVID J. DELLA

Experience

Della Strategies  
October 2016 – Present  
Position: Owner

Government Relations and Business Consulting practice with emphasis on Real Estate development, sustainable business planning.

Waste Management (WM)  
January 2014 – September 2016  
Position: Public Sector Manager PNW

Responsible for WM's contract management, government, and community relations for cities served by the Seattle Hauling District in the Central Puget Sound Area.

- Provide contract management to comprehensive waste service contracts worth \$53,748,674 annually to various cities in my book of business.
- Enhanced revenue to book of business worth \$142,000 in 2014-2015.
- Built relationships and regular communication with city elected officials and staff around Waste Management's Services.
- Provided strategic advice to city Public Works/Solid Waste Staff on issues related to waste and recycling practices and services.
- Increased Waste Management's visibility in the community through strategic sponsorships and donations worth an annual \$100,000 to community activities and key community partners.

Eco-Ready, LLC  
January 2008 – December 2013  
Position: Principal

Represented and worked with business, public institutions and tribes to provide access to information and resources for energy efficiency and sustainable development. Eco-Ready specialized in federal, state, and local government relations, and helped these organizations gain access to public and private resources for business and workforce development.

Seattle City Council  
January 2004 – December 2007  
Position: Seattle City Councilmember

- Committee Assignments: Council and External Organizations
- Chair – Parks, Education, Libraries and Neighborhoods Committee.
  - Vice-Chair – Energy and Technology Committee.
  - Vice-Chair – Public Safety Committee.
  - Member – Finance and Budget Committee.
  - Vice-President – Economic Development District Board.

- Member – Puget Sound District Council – Economic Development and Growth Management Committees.
- Member – Enterprise Seattle Board of Directors
- Member – Trade Development Alliance Board of Directors.
- Vice-Chair – Puget Sound Industrial Excellence Center – South Seattle Community College.
- Chair – Puget Sound Regional Council/Prosperity Partnership Multicultural Business Development Committee.

**Major Accomplishments:**

- Developed and passed a voter approved 7 year, \$117 million Families and Education Levy in 2004;
- Oversaw the implementation of a voter approved 7 year \$298 million Green and Open Spaces Levy;
- Enacted strong financial, conservation policies and leadership development at Seattle City Light;
- Maintained city funding for key Workforce/Economic Development programs, such as, Office of PortJobs, Seattle Jobs Initiative, Prosperity Partnership, Enterprise Seattle, Trade Development Alliance;
- Co-sponsored a Manufacturing Summit 2004 involving the City of Seattle, Manufacturing Businesses and Labor;
- Provided Council support for expanded city apprenticeship opportunities in various departments;
- Secured city funding for various community based organizations involved with health and human services and employment training, including \$300,000 for the Puget Sound Industrial Excellence Center in the 2008 Budget; and
- Established Multicultural Business Development Committee and Plan for Puget Sound Regional Council/Prosperity Partnership

**United Way of King County, Seattle, WA**

**July 2001 – December 2003**

**Position: Director of Community Affairs and Public Policy**

- Oversaw United Way's Community and Public Policy efforts in King County;
- Supervised four Community Affairs Managers in North, East, South King County and Metropolitan Seattle;
- Identified critical community needs throughout King County and created partnerships with other community groups or sectors to address system-wide issues;
- Developed strategies with communities, government and businesses to address policy and legislative issues relating to health and human services; and
- Designed and developed strategies for community building efforts and initiatives.

**United Way of King County, Seattle, WA**

**1999 - 2001**

**Position: Community Affairs Manager - Seattle**

- Oversaw United Way's Community Affairs efforts;
- Coordinated with health and human services organizations, community and neighborhood organizations, and coalitions to identify gaps in delivery of health and human services in the city;

- Developed infrastructures of support for communities and families to meet their basic needs; and
- Created partnerships with other organizations to address system-wide issues to address issues relating to health and human services.

**Washington State Commission on Asian Pacific American Affairs  
Olympia, WA**

1994 - 1999

**Position: Executive Director**

- Appointed by the Governor to manage the day-to-day affairs of a statewide 12-member commission to address issues of concern and identify priorities of the State's Asian and Pacific Islander communities;
- Provided the liaison between state government and the Asian and Pacific Islander communities in areas of research, public policy, legislation and programs;
- Advised the Governor and staff, the Legislature, and various state agencies regarding issues affecting the Asian and Pacific Islander communities;

**Office of the Mayor**

**Seattle, WA**

1990 - 1994

**Position: Deputy Chief of Staff**

- Advised the Mayor regarding policies relating to general government issues;
- Developed and implemented executive policies in areas of city personnel, labor relations, finance, consumer, energy, international affairs and diversity issues;
- Served as the Mayor's representative on a county-wide task force comprised of other representatives from local, state and federal agencies, which dealt with small business development, employment and workforce development issues; and
- Coordinated with various constituent groups and communities regarding the Mayor's policies and city programs in the following areas: economic and business development, workforce development, international, and environmental issues.

**Education:**

**University of Washington**

Seattle, WA

Attended from 1973 to 1976

Major – Architecture, Urban Planning, Political Science

# Chinatown-International District Preservation and Development Authority (SCIDpda)

No fewer than nine (9) members and no more than seventeen (17) members: Per RCW 35.21.730 and Seattle Municipal Code (SMC) 3.110, all subject to City Council confirmation, up to 3-year terms:

- 4 Mayor-appointed
- 5 to 13 SCIDpda Governing Council-appointed

**Roster:**

*D	**G	Position No.	Position Title	Name	Term Start Date	Term End Date	Term #	Appointed By
1	M	1.	Member	David J. Della	1/1/21	12/31/23	2	Governing Council
6	M	2.	Member	Tiernan Martin	1/1/20	12/31/22	1	Governing Council
1	F	3.	Member	Jerilyn Young	1/1/20	12/31/22	2	Governing Council
	M	4.	Member	Elliot Sun	1/1/21	12/31/23	1	Governing Council
6	F	5.	Member	Lisa Nitze	1/1/21	12/31/23	1	Governing Council
1	F	6.	Member	Cindy Ju	1/1/21	12/31/23	1	Governing Council
1	F	7.	Member	Casey Huang	1/1/20	12/31/22	3	Governing Council
1	F	8.	Member	May G. Wu	1/1/20	12/31/22	1	Governing Council
1	M	9.	Member	Phillip Sit	1/1/20	12/31/22	3	Governing Council
1	M	10.	Member	Wayne H. Lau	1/1/21	12/31/23	3	Governing Council
		11.	Member					Governing Council
1	M	12.	Member	Scott Yasui	1/1/19	12/31/21	3	Governing Council
		13.	Member					Governing Council
1	F	14.	Member	Miye Moriguchi	1/1/19	12/31/21	1	Mayor
1	F	15.	Member	Aileen Balahadia	1/1/19	12/31/21	2	Mayor
1	F	16.	Member	Jennifer Reyes	1/1/19	12/31/21	2	Mayor
1	F	17.	President	Mindy Au	1/1/19	12/31/21	1	Mayor

**Diversity Chart:**

			(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)		
	Men	Women	Vacant	Minority	Asian-American	Black/African American	Hispanic/Latino	American Indian/Alaska Native	***Other	Caucasian/Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	0	4	0		4								
PDA Council	6	5	3		8					2			
Other													
<b>Total</b>	<b>6</b>	<b>9</b>	<b>3</b>		<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>



## Legislation Text

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**File #:** Appt 01944, **Version:** 1

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Reappointment of Wayne H. Lau as member, Seattle Chinatown International District Preservation and Development Authority Governing Council, for a term to December 31, 2023.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Wayne H. Lau		
<b>Board/Commission Name:</b> Seattle Chinatown International District Preservation and Development Authority (SCIDpda)		<b>Position Title:</b> Member
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment		<b>City Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <del><input checked="" type="checkbox"/> City Council</del> <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other: <i>Fill in appointing authority</i> <i>PDA governing council HS</i>		<b>Term of Position: *</b> 1/1/2021 to 12/31/2023  <input type="checkbox"/> Serving remaining term of a vacant position
<b>Residential Neighborhood:</b> West Seattle	<b>Zip Code:</b> 98116	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> Wayne Lau has been a resident in Seattle since 1956, having attended public schools here and is a graduate of Rainier Beach High School. He has a 35 year career in commercial real estate lending and small business lending. In 1990, he was a founding executive of a local community commercial bank which had a strong niche and market focus on immigrant entrepreneurs and real estate investors. In 2012, he accepted a position as executive director of the Rainier Valley Community Development Fund. This organization is involved in deployment of mitigation grant funds during construction of the Sound Transit light rail in SE Seattle. Wayne is a 1st generation immigrant and speaks Cantonese Chinese fluently. He is a graduate of Occidental College (Economics) and has earned an M.B.A. from University of Chicago in Finance and Accounting.		
<b>Authorizing Signature (original signature):</b>		<b>Appointing Signatory:</b> Mindy Au Board President
<b>Date Signed (appointed):</b>		<b>Mindy Au</b> <small>Digitaly signed by Mindy Au Date: 2021.01.20 17:00:52 -08:00</small>

\*Term begin and end date is fixed and tied to the position and not the appointment date.

# Wayne H. Lau

## Summary

Financial Institution senior level management.  
Community Economic Development.  
Credit and financial analysis skills to make sound lending decisions.  
Mentoring and financial guidance for start-up and small business.  
Niche marketing to immigrant and foreign-based businesses and investors.  
Strategy development and implementation.  
Nonprofit board experience.

### **RAINIER VALLEY COMMUNITY DEVELOPMENT FUND – Executive Director, Seattle WA**

Jan 2012 – present

- Nonprofit community development fund in Southeast Seattle, originally funded with \$50 Million Federal Community Development Block Grants as a result of Sound Transit light rail constructed and operating in this community.
- Manage and direct lending staff to deploy funds into business and real estate lending in this community, with mission of enhancing economic activity, attracting new businesses and jobs to area, and providing business consulting services.
- Responsible for community outreach and engagement, deployment of loan products, and credit quality.
- Work closely with City of Seattle Office of Economic Development, Office of Housing, and Dept of Neighborhoods, City Council and Mayor's Office. Also work with Sound Transit and neighborhood groups who are advocates for Transit Oriented Development and Transit Communities along the light rail stations.
- Co-chair Commercial Stability and Business Attraction/Retention committees for Community Cornerstones program funded by HUD through City of Seattle, targeting the ML King business district between Graham and Othello. Almost all businesses there are immigrant-owned.
- Report to board of directors comprised of local businesspeople and residents.

### **INDEPENDENT LOAN CONSULTANT**

AUGUST 2010 – DEC 2012

- Consulted with loan clients of my previous bank on refinance and loan workout strategies
- Collaborated with CEO and Chairman of former bank (Washington First) to work out holding company investments

### **WASHINGTON FIRST INTERNATIONAL BANK – Senior Vice President, Seattle, WA**

1990 – August 2010

- One of original founding officers of this state-chartered commercial bank which had special niche serving the Asian immigrant community and providing high-level private banking services
- Served since the opening of this Bank in 1990, serving on Senior Management committee comprising of the top four officers of the bank and served as Corporate Secretary for full Board of Directors
- Since Bank opening, managed and led the Commercial Real Estate Loan Dept. Before reduction of loan concentration per regulatory directives, this was the bank's largest portfolio, with loans outstanding of over \$275 Million in 2007.
- In 1993, opened up Bellevue banking branch and served as Branch Manager, overseeing depository and loan activities at this full service branch. Devised and led marketing activities to bring in small to medium business banking relationships. Managed and mentored three Commercial/Industrial lenders.
- In 2004, assumed Manager role of International District branch, responsible for branch deposit and sales goals. Coordinated physical move of branch from its original location to a new building. Clientele was diverse group of Asian immigrants and small business. This branch was dominant banking institution serving the Asian community in International District/Chinatown in deposits and business relationships. Also did lending and banking in the 12<sup>th</sup> and Jackson ('Little Saigon') business district.
- Bank was taken over by East West Bank (Pasadena, CA) in June 2010. My position eliminated in August 2010

**FIRST INTERSTATE BANK OF OREGON (Now Well Fargo) – Vice President & Team Leader**

1986- 1990

- Loan Production Officer in Commercial Real Estate Lending Division
- Team leader of the production unit which had highest loan volume production of all the teams
- Individually managed the largest portfolio of any loan officer in the Oregon bank system, including several of the bank's largest corporate clients
- Served on Oregon Mortgage Bankers' Income Property committee

**SEAFIRST BANK (Now Bank of America) – Vice President, Seattle, WA**

1981-1985

- Loan production officer in Commercial Real Estate Group for both bank portfolio and correspondent lenders
- Worked in team effort with branch business loan officers to accommodate their customer commercial real estate needs

**BANK OF CALIFORNIA ( Now Union Bank) – Vice President, Portland, OR**

1977-1981

- Began in Seattle office with primary responsibility of construction loan production
- Promoted to Vice President and transferred to Portland office as Real Estate Loan Dept Manager, and part of the Bank's Corporate Banking Division. Extensive work with small community correspondent banks in all parts of Oregon State

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**COMMUNITY WORK**

**Past Board Chair** (2010-11) and current Board member, **Seattle Goodwill Industries**, a \$75 Million nonprofit with 24 retail thrift outlets and 9 job training centers. Board member since 2007, currently serving on Site Development Committee and Finance Committee. Organization recently completed construction of \$17 Million administrative/classroom building. Worked closely with Goodwill's CFO to obtain and negotiate \$35 Million bond financing package for this new building as well as future acquisitions.

**Past board member and Treasurer of Seattle Chinatown International District Preservation Development Authority (SCIDPDA)**. Joined Board when Bob Santos was Executive Director and served during Sue Taoka's tenure at SCIDPDA. Worked on restructuring of financing for New Central. Managed bond financing package for construction and permanent financing of International District Village Square One.

**Education**

**UNIVERSITY OF CHICAGO GRADUATE SCHOOL OF BUSINESS**, Masters of Business Administration, Finance and Accounting

**OCCIDENTAL COLLEGE** (Los Angeles), Bachelor of Arts, Economics. 3rd year abroad in German university (Saarbruecken) with all classes in German.

**Personal**

Born in HongKong, have retained strong conversational ability in Cantonese Chinese. Moved to Seattle in 1957 and lived in Chinatown from 1957 – 1962, attending the old Bailey Gatzert School. Moved to Rainier Beach, attended middle school and graduated from Rainier Beach Junior-Senior High School. Grandfather and father were active in Chinatown – ID business community. Resident of West Seattle. Wife is para-professional with Seattle Public Schools.

# Chinatown-International District Preservation and Development Authority (SCIDpda)

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- 4 Mayor-appointed
- 5 to 13 SCIDpda Governing Council-appointed

**Roster:**

*D	**G	Position No.	Position Title	Name	Term Start Date	Term End Date	Term #	Appointed By
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Mayor	0	4	0		4								
PDA Council	6	5	3		8					2			
Other													
<b>Total</b>	<b>6</b>	<b>9</b>	<b>3</b>		<b>11</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>



Legislation Text

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**File #:** CF 314476, **Version:** 1

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Findings, Conclusions, and Decision of the City Council of the City of Seattle In the Matter of the Final Assessment Roll for Local Improvement District No. 6751 (Waterfront LID) and the Appeals of Multiple Appellants.

**FINDINGS, CONCLUSIONS AND DECISION  
OF THE CITY COUNCIL OF THE CITY OF SEATTLE**

In the Matter of the Final Assessment Roll	)	C.F. 314476
for Local Improvement District No. 6751	)	
(Waterfront LID) and the Appeals of	)	FINDINGS, CONCLUSIONS
Multiple Appellants	)	AND DECISION
	)	

**Background**

In May 2018, Council, with the Mayor concurring, adopted Resolution 31812 declaring the City’s intent to construct the Seattle Central Waterfront Improvement Program and to create a local improvement district (LID) to assess a part of the cost and expense of those improvements against the properties specially benefited by the improvements. Resolution 31812 also notified all persons who object to such improvements to appear and present their objections at scheduled public hearings. It directed the City Clerk to give notice of the adoption of the resolution, provide information about the proposed LID, and share notice of the hearings with potentially affected property owners.

The Hearing Examiner subsequently conducted hearings, prepared a report, and delivered the report to Council for consideration before the Council’s decision to form the Local Improvement District No. 6751 ("Waterfront LID") by passing Ordinance 125760 with the Mayor’s approval in January 2019.

Via Ordinance 125760, the City ordered the preparation of the final assessment roll for the Waterfront LID. Ordinance 125760 limits the total of all assessments of property specially benefited by the Waterfront LID improvements to no more than \$160 million plus the amount necessary to pay the costs of financing.

In January 2019, the City commissioned ABS Valuation (City Appraiser) to perform a Final Special Benefit Study to determine the special benefit that each property located within the Waterfront LID boundary would receive from the LID improvements. In November 2019, based on the estimates in the Final Special Benefit Study, the Director of Transportation prepared the proposed final assessment roll for the Waterfront LID and filed it with the City Clerk.

In November 2019, the Council adopted Resolution 31915 with the Mayor concurring, which initiated the process to confirm Waterfront LID assessments and designated February 4, 2020, as the date for the required hearing on the Waterfront LID final assessment. The Hearing Examiner conducted the hearing and subsequently filed his report of findings and recommendation with the City Clerk on September 8, 2020 (“Initial Report” – see Clerk File 321780).

Revised Code of Washington (RCW) 35.44.070 and Seattle Municipal Code (SMC) 20.04.090 require the Council to hear any appeals from the report of the Hearing Examiner on the final assessment roll for local improvement districts. SMC 20.04.090 and City Council Rules for Quasi-Judicial Proceedings (QJ Rules) subsection V.A.2 require that an appellant must file a notice of appeal from said report with the City Clerk within 14 days of the Hearing Examiner's filing of the recommendation with the City Clerk.

SMC 20.04.090 requires the Council to set a time and place for a hearing on the appeal before the City Council or a committee thereof and to give notice of the time and place to the appellant following the filing of the notice of appeal. QJ Rules subsection IV.A states that the Council may delegate the appeal review to a committee and that the committee would make a recommendation to the full Council on the appeal. QJ Rules subsection VI.A requires the delegated committee to set the time and place for the hearing on the appeal within 15 days following the filing of the appeal with the City Clerk.

After the Hearing Examiner filed the Initial Report, multiple appellants filed timely appeals from the Initial Report with the City Clerk. Council delegated appeals to the Council's Public Assets and Native Communities Committee (Committee) and fixed dates for hearing on the appeals by adopting Resolutions 31969, 31972, 31973 and 31974.

In the Initial Report, the Hearing Examiner recommended the remand of certain properties ("Remanded Properties") to ABS Valuation (the "City Appraiser") for further analysis of its valuation before making a final recommendation on the final assessment of the Remanded Properties.

In November 2020, Council adopted Resolution 31979 in response to the Hearing Examiner's recommendation to remand properties to the City Appraiser and to address the need to postpone hearings previously scheduled for December 1, 2020 and January 5, 2020 meetings of the Committee to March 2, 2021 and April 6, 2021, respectively. Through Resolution 31979, the Council:

- Remanded to the City Appraiser for further analysis the valuation of the 17 Remanded Properties;
- Directed the City Appraiser to submit further analysis concerning valuation of the Remanded Properties to the Hearing Examiner no later than November 30, 2020;
- Directed the Hearing Examiner to review the City Appraiser's further analysis for the Remanded Properties and to provide notice and hold a hearing on the results of the analysis on the Remanded Properties;
- Directed the Hearing Examiner to reduce any findings, recommendations, and decisions on the Remanded Properties to writing and consolidate them with the findings and recommendations of the Initial Report into a "Final Report";

- Requested the Hearing Examiner to file the Final Report with the City Clerk no later than February 1, 2021;
- Directed the City Clerk to post the filing or otherwise make it available;
- Provided for appeal of the Final Report by any party who made a timely protest at the initial hearing;
- Provided for the filing of an amendment to an appeal that was properly submitted in response to the Initial Report; and
- Clarified that parties who properly filed appeals in response to the Initial Report and who do not wish to amend their appeals in response to the Final Report are not required to take any further action for their appeals to be heard.

The City Appraiser and the Hearing Examiner acted in accordance with the provisions in Resolution 31979. On Monday, February 1, 2021 the Hearing Examiner filed the Final Report with the City Clerk (see Clerk File 321888). The City Clerk provided notice of the filing.

After the Hearing Examiner filed the Final Report, multiple appellants filed timely appeals from the Final Report with the City Clerk. By adopting Resolutions 31990, 31996, and 31997 Council scheduled hearings on the appeals from the Final Report for multiple appellants to be held before the Committee on April 6, 2021. Those persons who filed timely appeals from the Initial Report and those persons who filed timely appeals from the Final Report are known together as the “Appellants.”

On March 2, 2021, the Committee held the hearing for multiple appeals of the Initial Report (see Clerk File 321893). On April 6, 2021, the Committee heard appeals from the Initial Report and appeals from the Final Report (see Clerk File 321914). If an appeal of the Final Report amended an of appeal of the Initial Report, the submitted appeal materials were considered together for a given case number.

### **Findings of Fact**

The City Council hereby adopts the following Findings of Fact as stated in the Hearing Examiner’s Final Report dated January 29, 2021.

## Conclusions

The City Council hereby adopts the Hearing Examiner's Recommendations as stated in the Hearing Examiner's Final Report dated January 29, 2021. Additionally, the Council makes the following further conclusions:

1. The Council has jurisdiction over this matter. Seattle Municipal Code (SMC) 20.04.090.
2. On appeals to the Council, the recommendation of the Hearing Examiner must be accorded substantial weight and the appellant carries the burden of proof. SMC 20.04.090.F.
3. In reviewing appeals, the Council applies the standard of review applied by the Hearing Examiner.
4. Council's review of the appeals "...shall be limited to and shall be based solely upon the record from the hearing..." before the Hearing Examiner. SMC 20.040.090.E
5. Appellants presented testimony to the Hearing Examiner, entered exhibits and received a full and fair hearing on their protest.
6. The Hearing Examiner's recommendations on the protests in his Final Report are supported and accurate.
7. Appellants have failed to demonstrate that the assessment of their property was done on a fundamentally wrong basis or that the assessment was arbitrary and capricious.

## Decision

The Final Assessment Roll for Local Improvement District No. 6751 with the revisions recommended by the Hearing Examiner is hereby approved. The City Council's decision on each of the appeals, referenced by Hearing Examiner Case Number, are shown as follows:

- |          |   |
|----------|---|
| CWF-0015 | The Hearing Examiner's recommendation is confirmed. The appeal is denied. |
| CWF-0022 | The Hearing Examiner's recommendation is confirmed. The appeal is denied. |
| CWF-0063 | The Hearing Examiner's recommendation is confirmed. The appeal is denied. |
| CWF-0067 | The Hearing Examiner's recommendation is confirmed. The appeal is denied. |
| CWF-0078 | The Hearing Examiner's recommendation is confirmed. The appeal is denied. |
| CWF-0089 | The Hearing Examiner's recommendation is confirmed. The appeal is denied. |

CWF-0094 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0097 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0133 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0134 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0136 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0137 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0149 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0154 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0168 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0171 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0176 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0189 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0204 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0206 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0215 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0216 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0227 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0228 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0230 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0231 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0236 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0243 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0252 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0259 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0265 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0270 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0280 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0283 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0295 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0301 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0314 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0318 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0338 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0353 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0375 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0392 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0410 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0411 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0412 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0413 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0414 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0415 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0416 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0417 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0418 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0420 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

- CWF-0421 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0422 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0423 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0425 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0426 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0427 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0429 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0430 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0431 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0432 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0433 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0434 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0435 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0436 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0437 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0438 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0439 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0440 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.
- CWF-0441 The Hearing Examiner’s recommendation is confirmed. The appeal is denied.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
City Council President



Legislation Text

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**File #:** CB 120072, **Version:** 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE modifying, approving, and confirming the final assessments and assessment roll of Local Improvement District (LID) No. 6751, for the construction of the improvements of LID No. 6751, as provided by Ordinance 125760; levying and assessing a part of the cost and expense thereof against the several lots, tracts, parcels of land, and other property as shown on the final assessment roll; and ratifying and confirming certain prior acts.

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. Findings. A copy of the findings, conclusions, and decision adopted by the City Council on the proposed Final Assessment Roll and the appeals of multiple appellants from the Hearing Examiner's Recommendation is attached to this ordinance as Attachment 1, and the City Clerk is directed to file the original in Clerk File 314476. The Final Findings and Recommendation ("Final Report") of the Hearing Examiner for The City of Seattle on the Final Assessment Roll for the Waterfront Local Improvement District (LID) No. 6751 (the "Waterfront LID") filed with the City Clerk on February 1, 2021, Attachment 2 to this ordinance, is hereby adopted. The Final Report is filed in Clerk File 321888. The Director of Transportation is hereby directed to modify the Final Assessment Roll in accordance with the Hearing Examiner's Final Report and file the same with the City Clerk. As permitted under Revised Code of Washington (RCW) 35.44.410, the Director of Transportation is further directed to identify any parcel in the Waterfront LID that has been sold in part, subdivided, or merged in the time period between the initial filing of Clerk File 321491, Final Assessment Roll for Waterfront LID, on November 8, 2019, and the date of passage of this ordinance, and to segregate the assessment levied against such land; apportioning the assessment by percent ownership as reflected in the records of the King County Assessor, and to modify the Final Assessment Roll to reflect the apportionment, and

file the same with the City Clerk.

Section 2. The final assessments and the Final Assessment Roll of the Waterfront LID, for the purpose of constructing the improvements of LID No. 6751 (“LID Improvements”) as provided by Ordinance 125760, and as modified in accordance with Section 1 of this ordinance, are hereby approved and confirmed in the total amount of \$174,379,463.

Section 3. Each of the lots, tracts, parcels of land, and other property shown upon the Final Assessment Roll is determined and declared to be specially benefited by the Waterfront LID Improvements in at least the amount charged against the same, and the assessment appearing against the same is in proportion to the several assessments appearing upon the roll. There is levied and assessed against each lot, tract, or parcel of land and other property appearing upon the roll the amount finally charged against the same thereon.

Section 4. The City Clerk shall transmit the assessment roll as approved and confirmed to the Director of Finance and Administrative Services for collection. Pursuant to RCW 35.49.010 and Seattle Municipal Code (SMC) 20.04.130, the Director of Finance and Administrative Services shall publish notice once a week for two consecutive weeks, stating that the roll is in the Director’s hands for collection and that all or any portion of the assessment may be paid within 30 days from the date of the first publication of the notice without penalty, interest, or costs. Payment of assessments and interest thereon will be as follows:

A. Payment of Assessments within 30-Day Prepayment Period. Payment of any assessment or payment of any portion of such assessment can be made at any time within 30 days from the date of first publication of such notice without penalty, interest, or cost.

B. Assessments Payable in Installments. Waterfront LID assessments remaining unpaid at the expiration of the 30-day prepayment period shall be payable in accordance with RCW 35.49.020. Interest on Waterfront LID assessments remaining unpaid at the expiration of the 30-day prepayment period shall accrue per annum at an estimated interest rate equal to 6.5 percent. This an estimated interest rate and, notwithstanding SMC 20.04.120, the final rate (the “Interest Rate”) shall be fixed in accordance with RCW 35.49.020 and in

accordance with the ordinance authorizing the issuance and sale of the local improvement bonds (“LID Bond Ordinance”) for the Waterfront LID.

C. Interest-Only Assessment Payments in Years 1 through 10. Pursuant to RCW 35.49.020, the City hereby adopts the ten-year “interest only” provision allowing cities to collect interest-only assessment payments for the first ten years of a local improvement district for all properties. All assessments, or portions of assessments, unpaid after the 30-day period allowed for payment of assessments without penalty or interest may be paid in ten equal installments (“Principal Installments”) beginning with the eleventh year and ending with the twentieth year from the expiration of the 30-day period, together with interest on the unpaid Principal Installments at the Interest Rate. In each of the first ten years after the expiration of the 30-day period, an installment of interest on the principal sum of the outstanding assessment balance, calculated at the Interest Rate, shall be paid and collected. Beginning with the eleventh year, a Principal Installment, together with the interest due on the outstanding principal balance, shall be paid and collected. As a result of this provision, assessment payments due starting in the eleventh year will reflect a significantly increased payment over the payment due in the tenth year because the installments commencing in that eleventh year will include (1) a Principal Installment; plus (2) the interest (calculated at the Interest Rate) on the then total outstanding principal balance; plus (3) any delinquency or penalty amounts due. There is no penalty for prepayment of a portion or all of the principal balance of assessments outstanding at any time; however, a prepayment on any date other than an installment payment date will include interest calculated at the Interest Rate to the next upcoming installment payment date.

D. Delinquent Payments. Any interest or installment not paid when such payment of interest or installment is due shall be considered delinquent. Notwithstanding the provisions of SMC 20.04.130.B, each delinquent installment shall be subject, at the time of delinquency, to a charge of a ten percent penalty levied on interest or both the principal and interest due upon that installment depending on the collection year pursuant to Section 4(B) of this ordinance. All delinquent installments including the penalty levied shall be charged interest

at the Interest Rate. The collection of such delinquent interest payments and installments and foreclosure, including foreclosure on any accelerated obligation to pay the entire assessment, shall be enforced in the manner provided for by law.

Section 5. Deferral of Assessments for Economically Disadvantaged Property Owners. The collection of an assessment upon property assessed by a local improvement district, or any installment thereof, may be deferred as provided in RCW 35.43.250 and 35.54.100, as now existing or hereafter amended, upon the application of a person responsible for the payment of an assessment, who is economically disadvantaged. The terms and conditions for the deferral of collection of such assessments, the persons eligible therefor, the rate of interest, and the duties of the respective City officials and the obligations of the City's previously created Local Improvement Guaranty Fund with respect thereto, shall be in accordance with Chapter 20.12 SMC and with RCW 35.43.250 and 35.54.100 as now existing or hereafter amended.

Section 6. 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.

Section 7. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Attachments:

Attachment 1 - Findings, Conclusions and Decision of the City Council of The City of Seattle in the Matter of the Final Assessment Roll for Local Improvement District No. 6751 (Waterfront LID) and the Appeals of Multiple Appellants

Attachment 2 - The Final Findings and Recommendation of the Hearing Examiner for The City of Seattle on the Final Assessment Roll for the Waterfront Local Improvement District (LID No. 6751)

**FILED**

7:31 am, Mon, February 01, 2021

OFFICE OF THE CITY CLERK

**FINAL FINDINGS AND RECOMMENDATION  
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE**

**I. Overview and Hearing Program**

**Introduction**

On January 28, 2019, the City Council unanimously passed Ordinance 125760, implementing the City’s plan to create a local improvement district (“LID”) for the purpose of partially funding the Seattle Central Waterfront Improvement Program by assessing a part of the cost and expense of certain program improvements against properties identified as specially benefiting from the improvements.

The City of Seattle Office of Hearing Examiner was designated by the City Council to conduct the Waterfront Local Improvement District Assessment Hearing to hear objections from property owners, presentations from the City, and provide a recommendation to the City Council. All oral and written argument, along with evidence submitted as part of an objection or by the City, has been considered by the Hearing Examiner for purposes of making a recommendation to the City Council for its final decision on the assessments.

Where, as here, the City Council has appointed a hearing examiner to oversee the hearing, the hearing examiner “sits as a board of equalization” to consider the objections. SMC 20.04.070(A); RCW 35.44.070, .080. In this case, to be considered at the hearing, objections must have been submitted in writing on or before February 4, 2020. RCW 35.44.110; Seattle, Wash., Resolution 31915. Where a property owner has failed to clearly state the grounds of its objection or failed to timely submit that objection in writing, the objection “shall be conclusively presumed to have been waived.” RCW 35.44.110.

**A. Hearing**

**1. Notice of Hearing and Availability of Record**

Notice of the assessment hearing was mailed to property owners whose names appear on the final assessment roll on December 30, 2019. The notice specified the time and place of the assessment hearing as February 4, 2020 and stated that objections must be made in writing and filed with the Clerk on or before the hearing date. The notice identified each property owner’s proposed final assessment and provided information about how to object to the assessment. Finally, as required by RCW 35.44.090, the City published notice of the hearing to the public at large.

The proposed assessments were available on the website of Seattle’s City Clerk beginning November 19, 2019. The Final Special Benefit Study and Addenda were

available on the website of Seattle's Office of the Waterfront and Civic Projects starting January 7, 2020. The City emailed a link to the proposed final assessment roll on December 3, 2019.

## **2. Hearing Conducted**

Approximately 430 property owners (of the 6,238 properties subject to LID assessments) submitted timely objections.<sup>1</sup>

To accommodate the objections, the Waterfront Local Improvement District Assessment Hearing was conducted over a series of days (it was continued as a single consolidated hearing for purposes of the record), as follows:

- a. The hearing opened on February 4, 2020 at 9 a.m. in the Seattle City Hall Council Chambers. The hearing opened with some opening comments from the Hearing Examiner concerning the hearing schedule and process. Following the opening statement, Objectors were identified by the amount of time they were requesting to present their objection. Each Objector was allotted the amount of time they requested to present their objection – no time limit was placed on Objector presentations. A group of Objectors needing less than ten minutes each to present their objections completed their presentations on February 4, 2020. Objectors requiring more than ten minutes to present their objections were scheduled for subsequent hearing dates according to the amount of time they requested to present their objection.
- b. The hearing was continued to the following additional dates to hear from individual Objectors and their representatives or witnesses: February 5, 11, 12, 13, 18, 19, 24, 25, and 26; March 3, 5, 10, 11, 12, and 26; and April 2, 13, 14, and 16. These hearing dates were conducted in person in the hearing room of the Office of Hearing Examiner, through March 12, 2020 at which time in person hearings were no longer possible due to the COVID-19 pandemic and the governor's related stay-at-home order. Some witnesses had appeared remotely up to March 12<sup>th</sup>, but from that time the remainder of the hearing dates were conducted entirely using Zoom for remote hearings.
- c. On June 10, 2020 a prehearing conference was held to allow Objectors participating in cross-examination of City witnesses to coordinate.
- d. The City presented its case in chief on June 18 and 19, 2020.

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<sup>1</sup> Case numbers CWF-0001 through CWF-0442 were assigned to objections as they were filed. However, at least 11 Objectors submitted the same objection using multiple means of filing e.g. email, mail in and personal service. Therefore, the actual number of objections is less than 442.

- e. June 23 and 25, with June 26, 2020 were dedicated to cross-examination of City witnesses by Objectors.
- f. July 7, 2020 was the deadline for Objectors to file final briefing to address any issues raised during cross-examination of City witnesses and to submit responses to declarations submitted by the City.
- g. July 14, 2020 was the deadline for the City to submit a reply to Objectors' responding declarations, and the record closed on that date.

Audio and video recordings were maintained for the entire hearing. A transcript of the hearing was produced during the course of the hearing by an independent court reporter service.

## **B. Scheduling**

One Objector filed a Motion for Continuance of Hearing, and many other individual Objectors included a request for continuance as part of their objection. The Objectors alleged that they did not have adequate time to prepare for hearing based on the City's release date of documents and the timing of notice for the hearing relative to the date of the hearing.

Some of the objections filed include the following paragraph or something similar:

Request for Delay of Assessment Hearing. In preparation of this object and appeal, we have been informed that the Final Special Benefit Study, and Addenda Volume had not been made available to property owners until January 4, 2020, although the 237-page Final Study is dated November 18, 2019 and the 214-page Addenda Volume dated November 12, 2019. The Hearing Examiner should continue the final assessment hearings currently set for February 4, 2020 for at least 90 days to allow time for property owners to locate, analyze, and respond to the Final Special Benefit Study.

None of these requests for continuance identified any specific hardship to the Objectors.

The City issued notice of the February 4, 2020 Waterfront LID Assessment Hearing on December 30, 2019. Proposed final Waterfront LID assessments were available on the website of Seattle's City Clerk and Office of the Waterfront and Civic Projects since at least November 19, 2019. In addition, the City sent a link to the proposed final assessment roll via e-mail to a standing property owner listserv on December 3, 2019.

Lastly, the Final Special Benefit Study authored by the City's appraiser (ABS Valuation) and its addenda have been available on the same websites since January 7, 2020.

The Objectors primarily argued that making the Final Special Benefit Study available on January 7, 2020 was not adequate, due to the need to review hundreds of pages of materials in advance of the hearing.

In this case, notice was initiated thirty-six days in advance of the opening of the hearing on February 4, 2020. Most of the relevant materials were provided months in advance of the hearing, with the Final Special Benefit Study being made available four weeks in advance of the hearing. Contrary to Objectors' allegation that they needed to work through hundreds of pages of materials, only a portion of the materials related directly to any particular parcel at issue in an objection, and in some cases the Final Special Benefit Study resulted in a decrease of the assessment for the Objector. The Hearing Examiner determined that there was no special hardship to the Objectors requiring a continuance of the hearing, and the motions were denied.

### **C. Record**

All materials that were submitted for the hearing were posted to the Office of Hearing Examiner website main page, especially for ease of access for Objectors during the hearing. All information from the hearing record, including objections, exhibits submitted, copies of transcripts, and recordings of hearings, were located on a specially established site for this hearing on the Office of Hearing Examiner's website at [www.seattle.gov/hearing-examiner](http://www.seattle.gov/hearing-examiner).

Some written motions to supplement the record were submitted after an Objector had presented his or her case. Motions were granted where material was non-duplicative of material already submitted by the Objector or of materials submitted by other Objectors that could be cross-referenced, and where the impact on the hearing schedule, record, hearing examiner resources, and other Objectors would be limited.

### **D. COVID-19 Remote Hearing Processes**

The hearing was initiated prior to the start of the pandemic but was in progress when it started and progressed. The first day of the hearing—during which the Hearing Examiner delivered opening remarks, many Objectors presented oral argument for their objections, and all other Objectors were scheduled for later appearances—was conducted in person, as were many individual Objector's presentations to the Hearing Examiner.

However, as the pandemic manifested and then progressed, hearing conditions were modified to accommodate rapidly changing circumstances. The hearing continued with

live presentation of Objectors' cases through the end of February. This completed presentation by all but a handful of Objectors. In early March, the remaining Objectors began to have witness presentation by Skype, with the Hearing Examiner, his staff, and legal counsel for the parties present in the hearing room. The remote platform for presentation was later changed to Zoom when Skype was determined to be inadequate to serve the purposes of a remote hearing (except in the case of a single witness presenting to individuals present in the hearing room). This continued through mid-March, until the only remaining group of Objectors (CWF-0233, CWF-0318, CWF-0409-0441), represented by Perkins Coie LLP, were able to either conclude their live witness testimony or identify witnesses whose testimony could be submitted by declaration. On completion of Objectors' presentations, the remaining portions of the hearing were the City's presentation of its case in chief and cross-examination of the City's witnesses by Objectors.

Initially, with no knowledge concerning the duration of the pandemic, and based on the fact that many Objectors would likely be participating and/or observing the portion of the hearing that included City's presentation and cross-examination of the City's witnesses, the Hearing Examiner set the hearing to be in person for late April. As the governor's stay-at-home order was initially put in place, those dates were continued to May 18–21. When the governor's stay-at-home order was extended, a second continuance set the remaining hearing dates for June 18, 19, 23, 25, and 26.

At a June 10 prehearing conference scheduled to allow time for Objectors cross-examining City witnesses, the Hearing Examiner announced that the hearing would proceed on June 18, 19, 23, 25, and 26 but that this remaining hearing period would be conducted by Zoom. As of early June, it was clear that no date in sight would allow a large group of almost fifty people (perhaps more) to attend a hearing (as of this writing there still is no such possibility within the foreseeable future). This observation, coupled with the Office of Hearing Examiner's increased capacity and skill in conducting remote hearings, the Hearing Examiner elected to proceed to conclude the hearing. Opportunities were also provided to the parties to supplement the record with declarations and responsive briefing.

## **E. Discovery**

At the opening of the hearing, a group of the Objectors requested the opportunity to depose the City appraiser Robert Macauley. It is unusual to conduct depositions in the context of a special assessment hearing, and the Hearing Examiner has never allowed for a deposition of a witness *after* the hearing has opened. However, due to the specificity of the request and time remaining in the extensive hearing, the Hearing Examiner asked the

City to make a good faith effort to make Mr. Macauley available for deposition. The City provided this opportunity, and a number of Objectors participated in deposing him.

#### **F. Cross-Examination of City Witnesses**

In April, for scheduling purposes, the Office of Hearing Examiner requested that Objectors indicate if they would be seeking to participate in cross-examination of the City's appraiser and/or other witnesses. Fifty-four Objectors responded in the affirmative. In order to facilitate an efficient hearing, and to ensure that the hearing was meeting the purpose of eliciting evidence to support either Objectors' or the City's cases, the Hearing Examiner qualified participation in cross-examination.

To participate in cross-examination an Objector must (1) have presented expert witness evidence or substantive lay evidence in support of their objection to the special assessment,<sup>2</sup> and (2) be prepared to coordinate with other cross-examining Objectors to ensure that questioning would not be redundant.

Twenty-nine of the Objectors indicating an interest in participating in cross-examination qualified (the remaining twenty-four had presented no adequate evidence in support of their objections, e.g. most had only filed an objection with no supporting evidence).<sup>3</sup>

Objectors who would participate in cross-examination were requested to coordinate with each other to ensure that questioning was not redundant and to make additional efforts to determine how the Objectors would organize the cross-examination time they had. The Hearing Examiner convened a prehearing conference on June 10, 2020 for the purpose of providing cross-examining Objectors an opportunity to coordinate.<sup>4</sup> Exemplary efforts were made by the representatives from Perkins Coie LLP and some of the *pro se* litigants

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<sup>2</sup> Many Objectors only filed statements with no adequate evidence to support the objection, and cross-examination of a City witness could not have elicited the appropriate level of evidence necessary. In addition, all of these Objectors were *pro se*, many had expressed outright disdain and contempt for the City appraiser, and many had made overt but procedurally unsupportable efforts to delay the hearing. Therefore, to ensure against an unruly or combative confrontation that would not serve an evidentiary purpose, the Hearing Examiner determined that qualification to participate in cross-examination was necessary.

<sup>3</sup> Two Objectors (CWF-0206 and CWF-0358) were allowed cross-examination for limited purposes due to the limited nature of issues raised in their objections, and/or the limited evidence submitted in support of an issues raised in their objections.

<sup>4</sup> This prehearing conference was not mandatory. It was provided as an optional opportunity for Objectors who would be participating in cross-examination of the City witnesses to coordinate in accordance with the Hearing Examiner's Amended Order on Hearing Schedule and Cross Examination issued on May 28, 2020 ("Order"). This was an extraordinary offer of time from the Office of Hearing Examiner matching the challenging circumstances of the pandemic—normally it is entirely parties' responsibility to organize themselves.

to coordinate their cross-examination schedule, and cross-examination was completed in an efficient, well-conducted manner within the time allotted.

#### G. Remand of Hearing Examiner Recommendation

The Hearing Examiner issued Findings and Recommendation for the Seattle Waterfront Program Local Improvement District Assessment on September 8, 2020 (“Initial Recommendation”).

By Resolution 31979, the Seattle City Council (“City Council”) remanded certain properties in the Waterfront LID Assessment to ABS Valuation, the City’s appraiser, for further analysis consistent with the Initial Recommendation. Resolution 31979 provided in part:

Section 1. The City Council (“Council”) remands the following matters to ABS Valuation (“City Appraiser”) for further analysis concerning the valuation of the subject properties consistent with the Findings and Recommendation of the Hearing Examiner for The City of Seattle on the Final Assessment Roll for the Waterfront Local Improvement District (LID #6751) dated September 8, 2020 (“Initial Report”): CWF-0133, CWF-0134, CWF-0136, CWF-0168, CWF-0318, CWF-0328, CWF-0329, CWF-0353, CWF-0392, CWF-0413, CWF-0415, CWF-0417, CWF-0418, CWF-0423, CWF-0429, CWF-0436, and CWF-442. The City Appraiser is directed to submit the further analysis concerning valuation of these properties to the Hearing Examiner no later than November 30, 2020.

Section 2. The Council returns jurisdiction to the Hearing Examiner in the matter of the final recommendation on the remanded properties as informed by the further analysis of the City Appraiser. The Hearing Examiner is directed to review the City Appraiser’s further analysis for the properties remanded with this resolution, to hold a hearing pursuant to Seattle Municipal Code (SMC) 20.04.070, 20.04.080, and 20.04.090 providing for opportunity for comment and response by the respective property owners of the remanded properties and to provide notice of the hearing to all property owners of the remanded properties.

Section 3. Following the conclusion of the hearing on the assessment of the remanded properties, the Hearing Examiner shall reduce any findings, recommendations, and decisions on the remanded properties to writing and consolidate them with the findings and recommendations of the Initial Report into a final Findings and Recommendation on the Final Assessment Roll for the Waterfront Local Improvement District (LID #6751) (“Final Report”). The Council directs the Hearing Examiner to file the Final Report with the City Clerk no later than February 1, 2021. Notice of the filing shall be posted

or otherwise made available by the City Clerk or any person designated by the City Clerk to do so under the City Clerk's supervision.

During the prehearing conference the parties identified a schedule for submission of materials and argument to satisfy the procedural requirements called for by City Council Resolution 31979. The parties agreed that written submissions would be adequate, and that oral argument and/or testimony was not necessary. Following various submissions of briefing and declarations from the parties, closing argument from all parties was due January 15, 2021, and the record closed on that date.

## **II. Findings<sup>5</sup>**

1. The Seattle Central Waterfront Improvement Program or "Waterfront Seattle Program," is a \$724 million, multi-year investment program that will include new waterfront features such as a park promenade along the water, a new surface street along Alaskan Way, a rebuild of Pier 58 and Pier 62, an elevated connection from Pike Place Market to the waterfront, and added improvements to east-west connections between downtown and Elliott Bay.
2. The City plans to fund the Waterfront Seattle Program through a variety of sources, including funding from the City budget, state funding, philanthropy, and through the LID.
3. There are six improvements that the City anticipates will be partially funded by the LID: (1) the Promenade, (2) the Overlook Walk, (3) the Pioneer Square Street Improvements, (4) the Union Street Pedestrian Connection, (5) the Pike/Pine Streetscape Improvements, and (6) Pier 58 (collectively, the "LID Improvements").
4. To determine whether a LID would be an appropriate funding mechanism for a portion of the Waterfront Seattle Program costs, the City commissioned ABS Valuation, Inc. ("City appraiser," "ABS Valuation," or "ABS") in August 2016 to perform a special benefit study.
5. In August 2017, ABS Valuation issued the "Waterfront Seattle Project Special Benefit Feasibility Study" ("Feasibility Study") to the City. The Feasibility Study concluded that the proposed improvements would likely provide between \$300 and \$420 million in special benefits to nearby properties.

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<sup>5</sup> The contents of the above "Overview and Hearing Program" section is hereby incorporated as Findings of the Hearing Examiner.

6. The City hired ABS Valuation to perform a study to determine the LID boundary and a preliminary estimate of the special benefits and assessments for properties located within the LID boundary. On May 9, 2018, ABS Valuation issued the “Waterfront Seattle Project Formation Special Benefit/Proportionate Assessment Study for Local Improvement District (LID)” (“Formation Study”) to the City. In the Formation Study, ABS Valuation performed a parcel-by-parcel analysis of the properties in the downtown Seattle area to determine whether any properties would receive a special benefit from the LID Improvements and if so, which ones. While not a direct appraisal for each property within the LID, the parcel-by-parcel analysis assessed properties in accordance with their special benefit and the assessments were roughly proportionate. Based on the Formation Study, ABS Valuation recommended a LID boundary that encompassed approximately 6,200 properties in the downtown Seattle area and estimated a total special benefit to properties within the recommended LID boundary of \$414,714,100.
7. Pursuant to Ordinance 125760, the Waterfront LID will be used to fund \$160 million (plus financing costs) of the total \$330,570,000 cost of the LID Improvements. RCW 35.43.040 allows the City to assess 100% of the entire special benefit. In this case, the affected property owners are being assessed by the City 39.2% of the special benefit each property is estimated to receive.
8. Following the formation of the LID in January 2019, the City commissioned ABS Valuation to perform a Final Special Benefit Study (“Final Special Benefit Study”) to determine the special benefit that each property located within the Waterfront LID boundary would receive from the LID Improvements.
9. The Final Special Benefit Study was issued on November 18, 2019 and determined that the estimated special benefit to the 6,238 assessable properties within the LID is \$447,908,000.
10. A discussion of ABS Valuation’s methodology and results are detailed in the Final Special Benefit Study.
11. Based on the estimates in the Final Special Benefit Study, the City’s Director of Transportation submitted the proposed Waterfront LID final assessment roll to the City Clerk on November 7, 2019.
12. Several Objectors retained Peter Shorett, MAI, of Kidder Mathews to perform an Appraisal Review of the Final Special Benefit Study. Mr. Shorett also prepared a Supplement to his Appraisal Review. Mr. Shorett’s Appraisal Review and Supplement did not provide evidence about the current value of specific properties and did not calculate or quantify the special benefits that would accrue

- to the concerned properties but identified concerns Mr. Shorett had with the Final Special Benefit Study and the credibility of the special benefit calculations therein. The concerns raised by Mr. Shorett are addressed in various sections within the Legal Analysis section below.
13. Harbor Steps and the Helios Apartments commissioned Brian O'Connor, MAI, to perform an Appraisal Review of the ABS Valuation Final Special Benefit Study. As part of his review, Mr. O'Connor conducted an income analysis for these two properties, but he did not perform direct appraisals of the properties compliant with USPAP standards. Mr. O'Connor testified that he has never performed a special benefit study. Additionally, he testified that he had not conducted an independent special benefit analysis for the properties or calculated what benefit, if any, would accrue to the properties as a result of the LID Improvements. Mr. O'Connor provided a general critique of the ABS Valuation Final Special Benefit Study, raising similar arguments as Anthony Gibbons and Peter Shorett, which are addressed below in the Legal Analysis section.
  14. Several Objectors hired Randall Scott of Northwest Property Tax Consultants to perform an Appraisal Review of the ABS Final Special Benefit Study and to provide testimony regarding that review at the assessment hearing. Mr. Scott is not a licensed appraiser, a Member of the Appraisal Institute (MAI) or a Certified Assessment Evaluator (CAE). Mr. Scott's Appraisal Review and testimony critiqued ABS Valuation's Final Special Benefit Study, arguing that the study failed to comply with USPAP standards 5 and 6. Mr. Scott did not provide any evidence or testimony regarding the current market value of the Objectors' properties, or whether those properties would be specially benefitted by the LID Improvements.
  15. The same Objectors that retained Randall Scott retained Benjamin Scott of Northwest Property Tax Consultants to review the special benefits for each of the subject properties. Mr. Scott testified that he is not a licensed appraiser, is not qualified to prepare a mass appraisal, and has never been retained to prepare a special benefit study. He also testified that his reports are not compliant with USPAP standards, as they are not appraisal reviews. Mr. Scott testified that he did not calculate a special benefit for any of the properties under his review or quantify the impact of any conclusions in his reports on the property values.
  16. Eleven objecting hotel properties<sup>6</sup> retained John Gordon, MAI, of Kidder Mathews to perform Restricted Appraisals of their properties and provide

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<sup>6</sup> Hotel Monaco (CWF-133), Hotel Vintage (CWF-134), Edgewater Hotel (CWF-136), Thompson Hotel/Sequel Apartments (CWF-168), Alexis Hotel (CWF-318), Seattle Hilton (CWF-353), Hyatt Regency Hotel (CWF-413), Sound Hotel/Arrive Apartments (CWF-415), Renaissance Hotel (CWF-418), Hyatt at Olive 8 (CWF-429), and Grand Hyatt Hotel (CWF-436).

testimony regarding the Final Special Benefit Study's value opinions for those properties. Mr. Gordon's appraisals state different, lower current market value opinions than those of the City valuation. This is due in part to Kidder Mathews not valuing the properties in their before LID condition, taking into account changes such as the view amenity provided by the complete removal of the Alaskan Way Viaduct and the surface-level rebuilds of Alaskan Way and Elliot Way – thus in this respect Kidder Mathews's result are not an equal comparison with the City's valuation which took into account before LID conditions. However, Mr. Gordon's testimony concerning valuation was supported by an appraisal review conducted according to USPAP standards, STAR reports, and specific property valuation information. Mr. Gordon is a specialist expert in appraising hotels and in the Initial Recommendation the Hearing Examiner found "his expert opinion, in addition to the specific information he relied on for that opinion, is superior to the opinion and supporting data of the City in its valuation." On remand the City appraiser reviewed the Kidder Mathews Restricted Appraisals for these properties, together with supplemental information provided on some of the ownerships. The primary difference, noted by the City appraiser, between ABS Valuation's original analysis and what was presented by Kidder Mathews, is the average daily room rate ("ADR") used in each analysis. Other factors of the analysis (occupancy rates, expense ratios and overall capitalization rates) are roughly similar. The City appraiser remand analysis included consideration of all data submitted at hearing for these properties. Therefore, the remand analysis benefitted from the expert analysis and specific data (e.g. room rates) that Objectors presented at hearing, and as a result the City analysis was improved on remand.

17. Additional hotel property representatives offered general statements regarding their beliefs about whether the LID Improvements would specially benefit their properties. None of the hotels appraised by Kidder Mathews presented expert testimony about the impact of the LID Improvements on the property values of the hotels. These witnesses, regardless of their expertise in the industry from which they hail, did not present any analysis concerning, or show any expertise in, analysis of special benefits in the context of a special assessment valuation.
18. Some Objectors relied on testimony and evidence from John Crompton, PhD, the author of one of the studies relied upon by ABS Valuation in determining special benefits, as well as the GIS mapping work of Ellen Kersten, PhD. Dr. John Crompton testified regarding his impression of ABS Valuation's use of his study in assessing special benefits. Dr. Crompton, in turn, relied on Dr. Kersten's GIS mapping as part of his review of the Final Special Benefit Study.
19. Mr. Macaulay explained that ABS addressed the rebuild of Alaskan Way (and removal of the viaduct) and other changes in the Final Special Benefit Study. For

example, in the Final Special Benefit Study, the “before” condition did not assign any special benefit due to the view amenity provided by the removal of the viaduct; any benefit from the removal of the viaduct was included in the “before” values.

Mr. Macaulay testified that in the Final Special Benefit Study ABS did not apply a percentage to arrive at the “with LID” or “after LID” values. Instead, ABS calculated the value lift for each property in dollar terms. A percentage did result from this process, and this was shown in the spreadsheets in the Final Special Benefit Study to demonstrate the calculated increase in value as a percentage, not as a pre-applied formulaic percentage.

20. Mr. Macaulay testified that the Final Special Benefit Study’s conclusion that the LID Improvements will improve the quality of the waterfront area is supported by the economic studies ABS reviewed. He also indicated that increased access to the waterfront is one aspect of the LID Improvements that will contribute to an increase in the subjective quality of the waterfront.
21. The City’s witnesses testified that ABS utilized over twenty-five studies and reports in its research (including peer-reviewed research, independent and municipal economic reports, studies of completed civic projects, etc.), in addition to market participant interviews and market research of comparable projects. For example, ABS studied projects such as the Boston Rose Kennedy Greenway, the San Francisco Embarcadero, and Portland’s Tom McCall Waterfront Park, among others. ABS’s review of the Boston Rose Kennedy Greenway included a peer-reviewed research report completed by Kayo Tajma at Tufts University entitled “New Estimates of the Demand for Urban Green Space: Implications for Valuing the Environmental Benefits of Boston’s Big Dig Project,” an HR&A economic report about the Rose Kennedy Greenway, articles about the observed changes in real estate values attributable to the greenway published in the New York Times, City of Boston economic impact reports, and most importantly, interviews with real estate professionals working within the direct Boston market. ABS also reviewed various articles, market data, interviews, research papers, and economic reports for each of the project market areas that it studied. The data from these studies and reports were utilized to support ABS’s determination that direct real estate value gains at a distance of up to four blocks were attributable to the Waterfront LID Improvements. The research reports ABS reviewed stated that their findings were averages and/or general summations of benefit areas that took into account many variables, including geography, the varying lengths of city blocks, and other overall market influences.
22. The City’s appraisal experts explained that they spent a great deal of time understanding the exact specifics of the proposed LID Improvements (e.g. direct

- hardscape elements, maintenance/safety support, overall quality, etc.) within the proposed project and how those improvements would interact with the unique market influences located within the LID. They indicated that they walked the entire proposed project area and abutting market (taking pictures, making notes of conditions and influences, etc.), looked at topographical and traffic maps, and interviewed current market participants to understand how all of these components influence the general market area. This site-specific research was done so that ABS could understand how the LID market area was similar or different to the market areas researched within the various reports and comparable project areas discussed above. ABS then compared the projects in the market studies to the elements in the LID to understand how improvements like those involved in the LID would impact real estate marketing times, demand, and overall property values.
23. Mr. Macaulay testified that ABS looked for similar properties in other projects as much as possible and in those cases was able to perform some matched pair analysis; because of the unique elements of the Waterfront LID Improvements, however, a matched pair was not always possible to identify. He indicated that where matched pairs were unavailable, ABS compared elements of the case studies identified in the Final Special Benefit Study to the elements at issue in the LID project to determine what impact such elements would have on the values of the properties.
24. Mr. Macaulay testified that the LID boundary was based on ABS's Formation Study, which considered which properties would receive a special benefit from the LID Improvements. As a result, the LID boundary represents the extent to which, in the opinion of the City's appraiser, there is a measurable special benefit. Mr. Macaulay testified that this analysis was supported by the studies and market data that ABS reviewed described above. There is no statutory requirement that the City limit the LID to properties directly abutting, or within a certain distance of, the LID Improvements. Physical proximity may be an important element of the special benefit analysis for a property, but it is not the only consideration. Other relevant factors in determining whether the property specially benefits (i.e., increases in value) include its use, size, and condition.
25. Mr. Macaulay testified to the fact that the Final Special Benefit Study expressly specifies that ABS considered the impact of lost parking in its special benefit analysis. Mr. Macaulay also testified that he had received sufficient details and information from the City to render an opinion of value and that the precise timing of construction would not materially impact his value conclusions.
26. The City's experts testified that their research demonstrated that the streetscape updates along the Pike/Pine corridor and other connector streets have attributable

- value impacts. That research included the City of New York commissioned report “The Economic Benefits of Sustainable Streetscape.”
27. The City’s expert appraiser testified that there is no industry standard margin of error for a mass appraisal and that the special benefits in the Final Special Benefit Study are measurable, despite the fact that the percentage increases appear small.
  28. Mr. Macaulay’s testimony and the Final Special Benefit Study with supporting data demonstrate that the Study complied with the requirements of USPAP including Standards 1, 2, 5, and 6.
  29. Mr. Macaulay testified that ABS did not use square footage alone to value the properties because ABS was required to determine the current market value of each property, which requires the inclusion of any improvements on the properties at the time of the appraisal. As a result, ABS valued each property based on the bundle of rights existing at the date of value, including any improvements.
  30. The economic studies relied upon by ABS in its Final Special Benefit Study support ABS’s conclusion that the properties in the LID boundary will specially benefit from the LID Improvements. Mr. Macaulay testified that the economic studies provided useful confirmation that the LID Improvements would likely provide benefits to surrounding properties of a similar kind as those researched in comparative projects. He testified that from this research, ABS determined that the property surrounding the Improvements would see a special benefit through increased property value.
  31. The record demonstrates that ABS is highly experienced and competent at completing mass appraisals. Mr. Macaulay stated that he had conducted more than 120 LID appraisals in Washington State during the last thirty years. No appraiser or financial expert presenting for Objectors demonstrated adequate, and certainly not equal, mass appraisal experience. While the mass appraisal in this case presented unique elements (including its significant scope) that may have been new to ABS in a mass appraisal, its experience in conducting mass appraisals nonetheless remains significantly beyond any other expert presenter in the hearing.
  32. The City presented evidence in response to Dr. Crompton’s assertions and testimony about the City’s use of his study. Essentially, the City argued that assertions that the Final Special Benefit Study did not accurately reflect Dr. Crompton’s study were not relevant, because the study was only one source of information for the Final Special Benefit Study. For example, Dr. Crompton pointed out that his study relied on standard city blocks (to the degree there is a standard), whereas City of Seattle blocks are longer than these standards—

therefore, if the City relied on his study, then the measure of special benefit from LID Improvements should be a distance in keeping with Dr. Crompton's standards. The City's experts testified that the distance and value conclusions contained in the Final Special Benefit Study do not represent a direct application of Dr. Crompton's research. In his declaration dated April 30, 2020, Mr. Macaulay stated:

The LID boundary and value conclusions contained in the Special Benefit Studies do not represent a direct application of Dr. Crompton's work. In my professional opinion, it would be inappropriate to rely on any single study to support a special benefit study let alone any type of mass appraisal.

Declaration of Robert Macaulay April 30, 2020 at 5.

And,

A direct application of Dr. Crompton's research would also have been inappropriate in this context because the LID Improvements contain a mix of park and streetscape amenities and the LID includes both commercial and residential properties. In my professional opinion, it is reasonable to rely on elements of Dr. Crompton's research when analyzing the potential value lift associated with the park amenities included in the LID Improvements.

*Id.*

In addition, Dr. Crompton opined that the view amenity provided by the removal of the viaduct would make it difficult for the LID Improvements to provide additional value. However, Dr. Crompton did not complete any site-specific analysis of the area in relation to the Waterfront LID Improvements, subject properties, or special benefits. Mr. Macaulay testified that the City's research included analysis of comparable projects with similar view amenities where streetscape and park improvements still increased property values, rebutting Dr. Crompton's opinion.

33. Marshall Foster, director of the Office of the Waterfront and Civic Projects, testified on behalf of the City. Mr. Foster described various aspects of planning for the proposal including plans for maintaining the waterfront following completion. Mr. Foster also described the environmental review that has been completed for the proposed Waterfront LID Improvements. Mr. Foster indicated

that State Environmental Policy Act (“SEPA”) review had been completed for many elements of the proposal and that additional review would occur at the appropriate permitting phase for certain specific portions of the proposal.

34. Objector representatives and individual property owners of Waterfront Landings Condominium raised the following argument (or similar):

The Special Benefit assessments assigned to the Waterfront Landings Condominium (WFL) parcels are inaccurate and do not reflect the detriments and decreases to both Before and After (With and Without) property values caused by the Pine Street Connector Road and the Overlook Walk.

The argument is that the Pine Street Connector Road and the Overlook Walk will have negative impacts on views from the condominium units and that these negative impacts were not considered by the City appraiser. The Objectors identify issues with the background data from the City and also opine that there is no measurable difference between the before and after valuations. The objection further argues that the unique nature of the property was not considered by the City appraiser (e.g. they argue that the City appraiser considered the structure a square high rise with corner units, when in fact that is not the case).

The objection is supported by a comment letter from appraiser Anthony Gibbons dated April 3, 2019. The letter does not provide a special benefit analysis for the property and is not a property-specific appraisal for valuation. However, the letter does reiterate Objectors’ concerns regarding view blockage and the lack of consideration of this issue by the City appraisal.

The City appraiser Mr. Macaulay testified that the City appraisal did consider these negative impacts.

35. On remand, the City appraiser conducted further analysis, including reviews of “research, factual data and valuation analysis pertaining to the 17 Remanded Properties.” Declaration of Robert J. Macaulay, Regarding Remanded Properties dated December 4, 2020. Following the revised analysis the City appraiser reduced the assessments for 15 of the 17 remanded properties. Any property specific analysis or recommended revisions to ABS Valuation’s conclusions for specific properties are discussed below under Specific Case Findings.

36. Eleven of the remanded properties were hotels, while the other six properties were either commercial or residential properties. Only the hotel properties and one of the non-hotel properties (CWF-392) submitted materials in

the remand proceedings. In response to the City appraisers further analysis, Objectors for CWF-0133, CWF-0134, CWF-0136, CWF-0168, CWF-0318, CWF-0328, CWF-0329, CWF-0353, CWF-0392, CWF-0413, CWF-0415, CWF-0417, CWF-0418, CWF-0423, CWF-0429, CWF-0436, and CWF-442 all filed various briefing and declarations. Where relevant to the Hearing Examiner's recommendation, such responses are discussed below under Specific Case Findings.

### **III. Specific Case Findings**

CWF-0001 (1843050250) – Objector raised only a single issue in the objection challenging the LID on the basis that it will “tax Condo owners twice for the same ‘improvement.’” Taxation issues are not within the Hearing Examiner's jurisdiction to consider in the context of an assessment hearing. Furthermore, Objector introduced no evidence or testimony in support of the objection.

Recommendation: denial

CWF-0002 (7457200840) – Objector raised only a single issue in the objection challenging the LID on the basis that “the committee has failed to provide substantial evidence in how this improvement will benefits [sic] me as a resident. On the contrary, this improvement will exacerbate the current issues of this neighborhood including lack of parking, increase panhandling, and theft.” Objector introduced no evidence or testimony in support of the objection and failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0003 and CWF-0095 (5160450300 and 5160451270) – The objections raise the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0004 (8729751830) – Objector identified three grounds for the objection: (1) the selection of Wall Street/Denny Way and I-5 as LID boundaries is arbitrary and capricious, (2) there will be no special benefit to the property, and (3) the City appraisal's property values are speculative. In arguing the first issue, the Objector did not demonstrate with supporting evidence that other properties it describes are “similarly situated” for purposes of the referenced standard in *Gerlach v. City of Spokane*, 68 Wash. 589, 597 (1912). Similarly, the remaining two issues in the objection are stated as mere conclusions and are unsupported by evidence or testimony. The Objector failed to meet

the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0005 (1766000660 and 2382001250) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0006 (7802000630) – Objector argued that the proposal will block views from the subject property and will reduce property value. However, the argument is not adequately supported by evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0007 (2585000500) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0008 (2382000290) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0009 (3589003010) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0010 (3589004250) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The

Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0011 (7802000040) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0012 (7802000380) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0013 (6065011000) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0014 (1766000140, 1766000620, and 2382000910) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0015 (6065010340 and 6065011120) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0016 (6065011460) – The objection is only a series of questions and conclusory statements in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0017 (9195871870) – The Objector’s primary issue is that the subject property is unique because it is heavily impacted by ongoing construction noise. The Objector did not demonstrate how this ongoing existing condition, while likely very challenging to the living conditions of the Objector, would result in no special benefit from the proposal. Only posing the issue with supporting evidence that a negative condition exists on the property now is not sufficient to meet the evidentiary standard for this matter. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0018 (1745501050) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0019 (9195870340) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0020 (1745500950 and 1745500960) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0021 and CWF-0055 (2538831330) – The objection raises the following common legal issues addressed below in the “Legal Analysis” section B: 1, 2, 3, 4, and 5. The Objector also argued that the proposal is not necessary, purely aesthetic, not local, and will add nothing new to existing infrastructure. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to these issues, the objection only makes conclusory statements that are not supported by reliable evidence or testimony. Lastly, the Objector also included some historic property valuation information and NWLS listings. Without additional supporting evidence, the historic property valuation information and NWLS listings are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0022 and CWF-0050 (2538830530) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition, the objection argues the following issues: (1) the subject property will receive no special benefit, (2) the appraisal for the subject property is excessive, and (3) the appraisal process is pretextual. The Objector included a closing argument document following cross-examination. Many issues raised by the Objector's closing argument are addressed below in the Legal Analysis section.

Objector submitted a comparative market analysis prepared by realtor Jenee Curran as evidence of current market value and included Redfin and Zillow estimates. Without additional supporting evidence, the comparative market analyses information and Redfin and Zillow estimates are not adequate to demonstrate an error in the special assessment for this property. These sources failed to identify how or why that valuation is more accurate than the City's. Instead, they are simply presented as alternative valuations that are more favorable to the Objector. This valuation information is not more reliable than the City appraiser's expert opinions and findings, and supporting data identified in the record. The City's conclusion reasonably falls within the range demonstrated by direct market sales evidence.

The City appraiser based special benefit conclusions on its professional judgment of the impact of the LID Improvements on Objector's parcel, given its use, condition, and location. As with all residential properties, ABS used a sales comparison approach to valuation to arrive at its value conclusions.

In this case, the City appraiser found that unit numbers 1502 and 2602 are identical in size, bedroom count, and listed view amenity per King County Assessor's records (each is 1,729 square feet in size, with two bedrooms and 1.75 baths). The market value of both units in the before condition was estimated in the City study at \$1,100 per square foot, or \$1,901,900. This conclusion falls within the range demonstrated by direct market sales evidence. The King County Assessor listed both units as having equal view amenities, and market data research gathered and utilized in the analysis did not indicate a definitive, quantifiable value difference between the units based solely on floor placement.

Objector argued that the City appraisal was in error because it concluded that several parcels within 1521 2nd Avenue have the same before value, even though Objector identifies differentiation between the properties (e.g. properties located on different floors). The City conducted a mass appraisal relying on King County Assessor information to determine individual unit data, and according to that data, found no quantifiable difference between the units. Objector did not provide adequate evidence to rebut the City's determination with regard to this issue. Objector failed to support its

contention that the property will receive no special benefit with adequate expert evidence to overcome the presumption in favor of the City's determination.

The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0023 (2538830940) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0024 (6065011850) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0025 (2538830360) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by reliable evidence or testimony. The objection also argues that the owner will not use the property much and has already received past assessments. These last arguments fail to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0026 (6391350450) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0027 (3589006080) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The

Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0028 (6065011170) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0029 (6065010800) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0030, CWF-0062, CWF-0083, and CWF-0084 (9195872030) – The objection raises the following common objection issues addressed below in the “Legal Analysis” section B: 7, 8, and 9. In addition, the objection raises several conclusory statements in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

The Objector raised the issue that the correct address for Parcel No. 9195872030 must be indicated—the correct address is 2000 Alaskan Way #444 Seattle, WA 98121 and **not** 1900 Alaskan Way #444 Seattle, WA 98121 as indicated in City records for the assessment.

Recommendation: denial [the City should ensure that the correct address is applied to this assessment]

CWF-0031 (1697500400) – The objection is mostly a conclusory statement in opposition to the Waterfront LID, and where it identifies issues these are not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0032 (1843051760 and 7802001290) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special

assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0033 (6065011840) – The objection raises the following common objection issue addressed below in the Legal Analysis section B: G. In addition, the objection raises several conclusory statements in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0034 (2382000820) – This objection simply restates the objection issues raised in CWF-0033.

Recommendation: denial

CWF-0035 (0699000400) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0036 and CWF-0069 (2538830730) – The objection is mostly a conclusory statement in opposition to the Waterfront LID and in many instances identifies issues that are not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The objection also raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0037 (1843051070) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0038 (3589001490, 7457200120, 7457201180, 7457202070, and 7457203140) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the

burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0039 (0659000920) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0040 (0942000115) – This objection simply restates the objection issues raised in CWF-0039.

Recommendation: denial

CWF-0041 (1977201181) – This objection simply restates the objection issues raised in CWF-0039.

Recommendation: denial

CWF-0042 (0694000195) – This objection simply restates the objection issues raised in CWF-0039.

Recommendation: denial

CWF-0043 (0694000110) – This objection simply restates the objection issues raised in CWF-0039.

Recommendation: denial

CWF-0044 (1977200690) – This objection simply restates the objection issues raised in CWF-0039.

Recommendation: denial

CWF-0045 (2538831240) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by reliable evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0046 (3646500060) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection argues that the subject property will not receive a

special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by reliable evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0047 (6364001320) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0048 and CWF-0393 (5160650140) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0049 (2867400310) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0050 – see CWF-0022

CWF-0051 (5160650600) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by reliable evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0052 (2382001360) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by reliable evidence or testimony. The Objector failed to

meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0053 (2382000940) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0054 (2538830660) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0055 – see CWF-0021

CWF-0056 (3324000370 and 3324000390) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0057 (9195871150) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 5 and 10. Additional comments in the objection are only conclusory statements in opposition to the Waterfront LID. Objectors submitted an appraisal of their property prepared by Quintin Rushi Brown of Sweetgrass Appraisal Company, dated September 30, 2019. The appraisal expressed an opinion of value of \$1,098,000, compared to ABS Valuation's current market value of \$994,375. Appraisers use experience and judgment to arrive at value conclusions, and it is not uncommon, nor indicative of error, for two appraisers to arrive at different value conclusions for the same property. ABS performed a mass appraisal and its value conclusions are within a reasonable range of opinion. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed. The Objector also raised additional issues in their oral testimony that were not identified in their written objection and were therefore not considered by the Hearing Examiner.

Recommendation: denial

CWF-0058 and CWF-0075 (2382001640) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0059 – An objection was attempted to be filed on January 10, 2020 and was assigned case number CWF-0059. However, the Objector filed its objection by providing a link to a file-sharing service that was inaccessible. Both FAS and OHE made efforts to contact the Objector, but the Objector was unresponsive. Therefore, the objection should be considered not timely filed.

Recommendation: denial

CWF-0060 (8729751800) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0061 (6065010250) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0062 – see CWF-0030

CWF-0063 (2538830890) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector included a closing argument document following cross-examination. Many issues raised by the Objector's closing argument are addressed below in the Legal Analysis section. The closing argument is a series of issues and concerns raised by the Objector with regard to the City's special benefit and valuation analysis. Objector adopts the stance adopted by many Objectors throughout the hearing process—attacking and criticizing the City's appraisal and its processes without first identifying themselves or the source of their information as being based in the requisite expertise in order to overcome the presumption that the City's assessments of the properties are correct. In this case, the Objector raised many issues in the closing argument but did nothing to demonstrate that they had any expertise in special assessments or appraisals, or that the issues were based on evidence or analysis from a source with such expertise. The closing

arguments also include new issues raised by the Objector that were not included in their original written objection. Evidence submitted with the objection includes what it identified as a direct appraisal by Compass Washington. The report by Compass Washington showed a different valuation for the subject property but did not include any analysis refuting the City's findings that the property would receive a special benefit and did not include any analysis showing an error in the City's valuation. The mere submission of a different valuation conclusion is not adequate to overcome the presumption that the City's assessment of the property is correct. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0064 and CWF-0070 (5160450610) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition, the objection includes a conclusory remark that homelessness and lack of policing will reduce the value of any special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0065 (6094500490) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0066 and CWF-0074 (2538830150) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition, the objection includes a conclusory remark that homelessness and lack of policing will reduce the value of any special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0067 (9197200810) – The objection is submitted by Anthony Gibbons on behalf of his own property. Mr. Gibbons is an expert appraiser that also submitted evidence and testimony on behalf of other Objectors. The objection lists issues that are addressed below in the Legal Analysis section. The issues raised by the objection are general in nature and concern the City's appraisal. The objection does not provide any analysis specific to the subject property with regard to special benefits or valuation. The Objector failed to state a case or meet the burden of proof required to demonstrate that the subject property will not receive a special benefit. The Objector also did not meet the burden of proof required to demonstrate that the City appraisal process was flawed.

Recommendation: denial

CWF-0068 (1745500440) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition, the objection includes a conclusory remark that homelessness and lack of policing will reduce the value of any special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0069 – see CWF-0036

CWF-0070 – see CWF-0064

CWF-0071 (7666202565, 7666202566, and 7666202570) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0072 (7457200590, 7457201650, and 7457202170) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0073 (5160650700) – The objection is only a conclusory statement of issues in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0074 – see CWF-0066

CWF-0075 – see CWF-0058

CWF-0076 (9195871630) – The objection includes conclusory statements of issues in opposition to the Waterfront LID that were not considered by the Hearing Examiner. The objection also raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection raises a series of additional issues concerning the City appraisal process but did not include any reliable appraisal or special assessment evidence or testimony to challenge the special assessment. The additional issues raised

by the objection concerning the special assessment were in some cases conclusory statements in opposition to the Waterfront LID, or restatements of some of the issues identified above (especially that the Waterfront LID Improvements would have a negative effect on property value). The only evidence submitted by the Objector in response to the valuation of the property to challenge the special assessment were past valuations of the property by the King County Assessor. Without additional supporting evidence, the past valuations of the property by the King County Assessor are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0077 (9195872240 and 9195872260) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection raise three additional issues: (1) the special assessment is inaccurate because the property (condominium units) is located multiple blocks from the Waterfront LID Improvements, (2) the City appraisal failed to take into account specific negative impacts of the proposal on the property, and (3) the differentiation in valuation between residential and retail/commercial properties is disparate and reflects an error in the City valuation process. These latter issues are stated as mere conclusions and are unsupported by reliable evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0078 (2538830430) – The objection also raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector included a Redfin estimate to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the Redfin estimate is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0079 (2382000570) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0080 (3589003070) – The objection challenges the special assessment and valuation of the property by the City appraisal by offering a comparison to another condominium in the same building. Without additional supporting evidence, a

comparison to another condominium in the same building is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0081 (7802000470) – The objection also raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. Notably, the Objector included the list of these objection issues when it was clearly a template and included no property-specific information. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0082 (2382002390) – This objection simply restates the objection issues raised in CWF-0081.

Recommendation: denial

CWF-0083 – see CWF-0030

CWF-0084 – see CWF-0030

CWF-0085 (7457200820, 7457201600, and 7457202360) – The objection is only a conclusory statement of issues in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0086 (1745501180) – The objection raises several points related to arguing that the Waterfront LID Improvements will have negative impacts. Thus, the objection raises the following common objection issue addressed below in the Legal Analysis section B: H. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0087 (1745500540) – The objection only raises questions regarding the Waterfront LID proposal and does not state an objection.

Recommendation: denial

CWF-0088 (2382002340) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition, the objection includes generalized statements in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the

property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0089 (2382002330) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 7 and 10. The objection also includes generalized statements in opposition to the Waterfront LID. The Objector also raised issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. complaints about the LID formation process, and suggestions for alternative means of securing revenue for the proposal). In addition to these issues, the Objector indicated the City appraisal was higher than the King County assessed amount for the property, as the basis to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the King County assessed value is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0090 (6065010310) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0091 (3589006190) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0092 (6065010140) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector also raised issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. constitutional issues, Open Public Meetings Act violations, and the failure of the LID to provide for housing). The objection also indicates “post-viaduct property speculation has resulted in unfair valuations which are being assessed on a significantly lower level,” as the basis for challenging the special benefit assessment. However, this conclusory remark is not supported by additional evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0093 (2382001480) – The objection is only a conclusory statement of issues in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0094 (2538830950) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0095 – see CWF-0003

CWF-0096 (6065010890) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector also raised issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. constitutional issues, Open Public Meetings Act violations, and the failure of the LID to provide for housing). The objection also indicates “post-viaduct property speculation has resulted in unfair valuations which are being assessed on a significantly lower level,” as the basis for challenging the special benefit assessment. However, this conclusory remark is not supported by additional evidence. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by reliable evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0097 (2538831120) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 3, 8, and 10. In addition to these issues, the Objector alleges that the subject property will receive no special benefit and that the value of the property by the City appraiser is inaccurate. The objection identifies aspects of the subject property that the Objector believes are unique and limit the special benefit it will receive. The objection also raises general concerns with regard to the City special assessment and valuation analysis. In addition, the objection incorporates issues identified by Anthony Gibbons, which are addressed below in the Legal Analysis section. It also lists issues Objector believed showed the City analysis was in error concerning the before conditions. Objector raised many issues but did not demonstrate that Objector had any expertise in special assessments or appraisals. The objection lacks adequate evidence demonstrating that the subject property will not receive a special benefit, or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof

required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0098 (1975700275) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0099 (6094500090) – The objection is only a conclusory statement of issues in opposition to the Waterfront LID. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0100 (6094500270) – This objection simply restates the objection issues raised in CWF-0099.

Recommendation: denial

CWF-0101 (0699002060) – The objection is only a conclusory statement of issues in opposition to the Waterfront LID and questions concerning the proposal. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0102 (6065010060) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, and 7. No supporting evidence or testimony was provided to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0103 (0699002260) – The objection raises the issue that the property will receive no special benefit because it is not close enough to the improvements but fails to provide any supporting evidence or testimony in support of its argument. In addition, the objection raises issues that are not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0104 (6065010530) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector also raised issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. due process issues, and Open Public

Meetings Act violations). The objection also indicates “post-viaduct property speculation has resulted in unfair valuations which are being assessed on a significantly lower level,” as the basis for challenging the special benefit assessment. However, this conclusory remark is not supported by additional evidence. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by reliable evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0105 (1843050770) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. No supporting evidence or testimony was provided to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0106 (9195872000) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. No supporting evidence or testimony was provided to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0107 (9195870180) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. No supporting evidence or testimony was provided to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0108 (2585000960) – The objection is only a conclusory statement of issues in opposition to the Waterfront LID and questions concerning the proposal. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0109 (9195871090) – The objection raises the following common objection issue addressed below in the Legal Analysis section B: 8. No supporting evidence was provided to support the objection; therefore, the Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0110 (1843051970) – The objection appears to indicate that the City appraisal is inconsistent with the King County assessed amount for the property, as the basis to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the King County assessed value (which was not even provided as evidence to support the objection) is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0111 – CWF-0111 was only an initial contact/holding file for case numbers CWF-0133, CWF-0134, CWF-0135, CWF-0136, CWF-0168, CWF-0218, CWF-0219, CWF-0220, CWF-0353. There is no parcel-specific objection associated with this file number.

CWF-0112 (1843051690) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 6, 7, and 8. No supporting evidence or testimony was provided to support the objection. In addition to these issues, the Objector included Redfin and Zillow estimates to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the Redfin and Zillow estimates are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0113 (5160450620) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. No supporting evidence or testimony was provided to support the objection. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by reliable evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0114 (6065010970) – The objection is mostly a conclusory statement in opposition to the Waterfront LID, and in many instances it identifies issues that are not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The objection also raises the following common objection issue addressed below in the Legal Analysis section B: G. No supporting evidence or testimony was provided to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0115 (9195870130) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. No supporting evidence or testimony was provided to support the objection. In addition to these issues, the Objector included Zillow and Redfin estimates to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the Zillow and Redfin estimates are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0116 (1843050150) – The objection fails to state an issue within the jurisdiction of the Hearing Examiner to consider in the context of a special assessment hearing.

Recommendation: denial

CWF-0117 (1745501070 and 1745501080) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection also identifies issues that are not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. No supporting evidence or testimony was provided to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0118 (2538831180) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection also identifies issues that are not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. taxation without representation, and the ability of the Objector to vote on the LID). In addition to these issues, the Objector included a short chart showing ostensible comparable sales to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the comparable sales data are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0119 (9195900030) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. No supporting evidence or testimony was provided to support the objection. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection is based on an argument that the subject property is unfairly burdened more than properties further from the Waterfront LID

Improvements, and simultaneously is located too distantly from the improvements to receive a benefit. Without additional supporting evidence, the claims that the property is not benefitted due to its location are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0120 (5160650430) – The objection identifies issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. the LID is not a LID but is a Business Improvement District, residents cannot pass along costs, and a request that the Examiner consider an exemption for owner-occupied residences). No supporting evidence or testimony was provided to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0121 (2285430180) – The objection includes a brief statement concerning the Objector's opinion that the subject property has not been properly valued by the City's appraisal. Without additional supporting evidence, the subjective opinion of the Objector is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0122 (6065011310) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 2, 4, 5, 7, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0123 (9195871010) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition, the objection identifies issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. No supporting evidence or testimony was provided to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0124 (9195871590) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection includes a brief statement concerning the Objector's opinion that the subject

property has not been properly valued by the City's appraisal. Without additional supporting evidence, the subjective opinion of the Objector is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0125 (1843051180) – The objection includes a brief statement concerning the Objector's opinion that the subject property has not been properly valued by the City's appraisal. Without additional supporting evidence, the subjective opinion of the Objector is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0126 (1843051830) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0127 (2382001210) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0128 (9195870880) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes the conclusory statement that a portion of the improvements will devalue the property. This allegation is not supported by reliable evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0129 (9195871000) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes the conclusory statement that a portion of the improvements will devalue the property. This allegation is

not supported by reliable evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0130 (9195872080) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes the conclusory statement that a portion of the improvements will devalue the property. This allegation is not supported by reliable evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0131 (1843051860) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0132 (9195871060) – The objection indicates that the City valuation process failed to take into account devaluation of the subject property due to loss of view from tree placement, and placement of the Overlook Walk. Concerning this issue, the objection fails to provide supporting evidence to demonstrate any devaluation, and instead only presents this issue in the form of conclusory statements. The objection also raises the following common objection issue addressed below in the Legal Analysis section B: 7. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0133 (CWF-0134, CWF-0135, CWF-0136, CWF-0168, CWF-0218, CWF-0219, CWF-0220, CWF-0333, CWF-0353) (multiple parcel numbers) – Case number CWF-0133 is part of a group of Objectors represented by Foster Pepper PLLC that also includes CWF-0134, CWF-0135, CWF-0136, CWF-0168, CWF-0218, CWF-0219, CWF-0220, CWF-0333, and CWF-0353.

The objections raise the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. These objections raise many of the arguments raised by other Objectors that are addressed below in the Legal Analysis section (e.g. issues raised by appraiser Anthony Gibbons, issues related to comments by Dr. Crompton). The objections also raise issues not within the jurisdiction of the Hearing

Examiner to consider in the context of a special assessment hearing (e.g. the LID is a quid pro quo for private donations, need for Seattle Metropolitan Park District approval).

The objections also argue that the properties would not receive a special benefit. In part, the objections argue that there would be no special benefit due to the distance of the subject properties from the proposed Waterfront LID Improvements. In addition, Objectors contended that the City could not establish the existence of what Objectors characterize as a “micro benefit” when its information is based on a mass appraisal, and, as a result, any property assigned a benefit less than 1.0% should be removed from the LID. However, Objectors’ consultants did not establish that they have equal or greater expertise in conducting mass appraisals when compared to the City appraiser, and demonstrated an inadequate basis for their contention.

The objections also complain that, for certain of the subject properties, neighboring commercial office buildings received different special benefit percentages. This argument fails to undermine the City appraisal. The City based its special benefit estimate for each parcel on expert appraiser professional judgment concerning the impact of the LID Improvements on each parcel. Proximity to LID Improvements could be similar between neighboring commercial office properties, but points of differentiation could also occur including the use, size, and condition of buildings on the property, and, for example, recorded restrictions on the property’s title. Thus, under the income approach to valuation, differences in estimated special benefits between properties—even adjacent ones—could occur. This does not demonstrate an error on the part of the City; on the contrary, it goes to rebutting many Objectors’ contention that the City simply applied a set of percentage benefits across the scope of the LID area.

The objections further challenge the City’s boundary for the LID but did not present adequate evidence to counter the City’s determination.

The objections also challenge the City’s valuation of the properties. For the hotel Objectors CWF-0133, CWF-0134, CWF-0136, CWF-0168, and CWF-0353, findings concerning this issue can be found in Finding 16 above, and section C.10 below in the Legal Analysis section. The objections for CWF-0135, CWF-0218, CWF-0219, and CWF-0220 do not provide adequate evidence to challenge the valuation of the City.

The Objectors failed to meet the burden of proof required to demonstrate that the properties will not receive a special benefit. In the Initial Recommendation the Hearing Examiner recommended that, CWF-0133, CWF-0134, CWF-0136, CWF-0168, and CWF-0353 should be remanded to the City for reconsideration of the property-specific information provided in the hearing for valuation purposes with an opportunity for response by Objectors. The City appraiser remand analysis included consideration of all data submitted at hearing by the Objector for these properties, and was also informed by a comparable sales analysis. Responses from Objectors to the City appraiser remand

analysis did not establish error in the City appraiser's review process, but instead highlighted different valuation methodologies that were not superior to the methods used by the City.

Recommendation CWF-0133: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0134 – see CWF-0133

Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0135 – see CWF-0133

Recommendation: denial

CWF-0136 – see CWF-0133

Objector Edgewater Hotel argued that it should be assessed a lower amount because it leases its underlying land. Objector did not rebut the City appraiser's understanding that Washington requires the measurement of special benefit for a property based on the fee simple interest in the property. The fact that the Objector is a lessor may only affect how that lessor is allocated costs such as the special assessment under its lease, which is not an issue concerning the special assessment for the underlying parcel.

Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0137 (2538830170) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector included King County Assessor data and a Redfin estimate to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the King County Assessor data and a Redfin estimate are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0138 (1745500310) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0139 (9195872190) – The issues raised by the objection are (1) a brief four-sentence comparison between valuations of condominiums in the subject property

building, (2) a challenge that the City's appraiser failed to consider negative impacts on the subject property, and (3) a generalized objection to the LID. The objection is a brief three paragraphs unsupported by additional evidence or testimony; thus, the first two issues, even if they could be proved, lack any evidentiary support. The third issue is not within the jurisdiction of the Hearing Examiner. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0140 (9195870820) – The objection generally complains that the proposal will have negative impacts on property value, use, and enjoyment of the property and access to the waterfront, and includes a general complaint against the LID. The objection fails to provide supporting evidence to demonstrate any devaluation or negative impact, and instead only presents these issues in the form of conclusory statements. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0141 (1843051160) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector included a Zestimates estimate to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the Zestimates estimate is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-142 (2538831190) – The objection includes general complaints against the LID. In addition, the objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, and 4. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0143 (2538830510) – This objection simply restates the objection issues raised in CWF-0142.

Recommendation: denial

CWF-0144 (9195870440) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector alleges that the subject property will receive no special benefit and that the value of the property by the City appraiser is inaccurate.

Without supporting evidence, these latter assertions are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0145 (2585000140) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0146 (6364001370) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector alleges that the subject property will receive no special benefit, and provided a single comparable to challenge the City's valuation of the property. Without supporting evidence, these latter assertions are not adequate to demonstrate an error in the special assessment for this property. In addition, the objection contains issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. election and representation issues concerning the City Council). The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0147 (1843051390) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 3, 5, 7, and 10. In addition to these issues, the Objector included a King County Assessor valuation, and estimates from Redfin and Zillow to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the King County Assessor valuation and estimates from Redfin and Zillow are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0148 (1745501190) – The objection is primarily a conclusory statement in opposition to the Waterfront LID, which fails to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. In addition, the objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. No supporting evidence was

submitted with the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0149 (2538831080) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0150 (2382001260) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0151 (2538840030) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0152 (5017300210) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0153 (9195870310) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 3, 5, 7, and 10. In addition to these issues, the Objector alleges that the subject property will receive no special benefit. Without supporting evidence, this latter assertion is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0154 (2538831300) – The objection is mostly a conclusory statement in opposition to the Waterfront LID. In addition to these statements, the Objector indicated that the City appraiser overvalued the subject property in a challenge to the City appraiser's

valuation for the property. Without additional supporting evidence, the brief statement about valuation in the objection is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0155 (9195871910) – The objection is only a conclusory statement in opposition to the Waterfront LID. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0156 (6391350360) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0157 (3589006470)v The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 5, and 6. In addition, the objection raises issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0158 (9195871240) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. No evidence was submitted to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0159 (2382000730) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0160 (2382002420) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0161 (2867400660 and 5160650390) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0162 (1745501270) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. No evidence was submitted to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0163 (9195871650) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0164 (9195871270) – The objection is only a brief statement in opposition to the Waterfront LID, alleging that the property will be negatively impacted by the proposal and that the property will receive no special benefit. Documents submitted in support of the objection fail to support the issues raised in the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0165 (2538830630) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0166 (3324000200) – The objection raises a series of considerations that are of a political nature, and not issues within the jurisdiction of the Hearing Examiner to consider in the context of a special assessment hearing. The Objector failed to state an issue within the jurisdiction of the Hearing Examiner. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0167 (9195870460) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0168 – see CWF-0133

Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0169 (7666206640) – The sole issue raised in the objection is that the Objector believes they will receive no special benefit as the subject property is not proximate to the proposed improvements. The issue is stated in conclusory fashion and is not accompanied by any evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0170 (9197200930) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 3, 5, 7, and 10. In addition to these issues, the objection argues that the subject property will receive no special benefit, and that the City appraisal process is flawed. Without additional supporting evidence, these arguments are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0171 (2382001180) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 3, and 4. The objection also argues that: (1) the ABS valuation did not differentiate between general and special benefits (this issue is addressed below in the Legal Analysis section), (2) the comparison park projects relied upon by ABS were not actually comparable to the proposed Waterfront LID Improvements, and (3) the ABS valuation improperly relied on 2018 assessments and inaccurately assumed increases in the subject property value. With regard to these latter two arguments, the Objectors failed to support their arguments with adequate appraisal or valuation evidence. Without such supporting evidence, the lay observations of Objectors are not sufficient to overcome the value of the City's expert appraiser testimony. Objectors argue that the City's before value conclusions are inaccurate because ABS reached the same before value conclusions in both its Preliminary Special Benefit/Proportionate Assessment Study and the Final Special Benefit Study. Objectors contend that this demonstrates that the City appraiser did not take into account a declining market for Seattle condominiums in 2019. The City's final value conclusion

for condominiums in the Escala building included sixteen condominium sales in the building from January to September 2019. The City explained that although the market did experience a decline in late 2018 through early 2019, it had started to rebound by the summer of 2019 with the new overall values matching those seen in mid-2018. The City's value conclusions fall within the ranges indicated by these 2019 sales. Objectors also raised issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. violations of the Open Public Meetings Act, the LID is a quid pro quo for getting private donations). Without additional adequate supporting evidence, Objector's arguments are not sufficient to demonstrate an error in the special assessment for this property, and they do not overcome the presumption in favor of the City's appraisal. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0172 (6094500170) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0173 (2382000110) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0174 (1843050510) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. No evidence was submitted to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0175 (9195871660) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the objection argues that the subject property will receive no special benefit, and that the City appraisal process is flawed. Without additional supporting evidence, these arguments are not adequate to demonstrate an error in the special assessment for this property. The objection also raises general concerns about the LID that are not within the Hearing Examiner's jurisdiction to address in the context of a special assessment hearing. The Objector failed to meet the burden of proof required to

demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0176 (9195900200) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection also argues that the City valuation treatment of before values for the subject property considering the removal of the viaduct was oversimplified and inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed. With regard to this latter issue, the objection fails to support this argument with any expert appraisal or valuation evidence. Without such supporting evidence, the lay observations of the Objector are not sufficient to overcome the presumption in favor the City’s expert appraiser. In addition to these issues, the objection argues that the subject property would receive no special benefit. To support this argument Objector included a letter from the property HOA president to challenge the City appraisal’s special assessment for the property. Objectors claim that their unit was overvalued due to the City appraisal, because the property view has less value than determined by the City. Objector provides no appraisal evidence to indicate that the City’s calculation or reliance on King County Assessor’s view data are inaccurate. Objector also argues that a view-altering development project adjacent to the subject property was not adequately considered by the City. However, the City confirmed that it was aware of the new construction project in 2018, and that it was reflected in their appraisal. In addition, Objector also provided no evidence that the new development will negatively impact the view from the subject property, and they did not provide any expert evidence that the new development renders the City’s assessment of their parcel inaccurate. Without additional supporting evidence, this opinion letter is not adequate to demonstrate an error in the City’s special assessment for this property. In a closing statement, Objector raised additional issues not identified in their written objection. To the degree these issues were within the Hearing Examiner’s jurisdiction to address they are addressed below in the Legal Analysis section (e.g. use of the Dr. Crompton report, inconsistencies in condominium valuations, etc.). Without additional adequate supporting evidence, Objector’s arguments are not sufficient to demonstrate an error in the special assessment for this property, and they do not overcome the presumption in favor of the City’s appraisal. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0177 (9195870280) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 6, and 7. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0178 (9195870190) – The objection raises the issue that the proposal includes elements that may block views from the subject property, and therefore decrease the value of the property. The objection also references two conversations with real estate agents concerning estimates of value. The objection also generally alleges it will receive no special benefit. The objection is not accompanied by any property value analysis to support the issues it raises. The objection raises the following common objection issues addressed below in the Legal Analysis section B: 7 and 10. No evidence was submitted to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0179 (3589003040) – The objection raises the issue that the LID is based on unfair distribution of assessments. No evidence was submitted to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0180 (9195872210) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, and 9. No evidence was submitted to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0181 (1843051010) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0182 (2382001270) – The objection raises general but unsupported statements against the LID. The objection also raises the following common objection issues addressed below in the Legal Analysis section B: 2, 3, and 5. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0183 (2382002720) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector

failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0184 (0660000485, 7666202365, 7666202367, 7666202368, 7666202420, and 7666202422) – Objector withdrew objection February 3, 2020.

CWF-0185 (6065011160) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, and 9. No evidence specific to the subject property was submitted to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0186 (5479650040) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0187 (2382002600) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0188 (9195870430) – The objection raises the issue that the proposal includes elements that may block views from the subject property, and therefore decrease the value of the property. The objection also generally alleges it will receive no special benefit and raises concerns that are not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The objection is not accompanied by any property value analysis to support the issues it raises. The objection raises the following common objection issues addressed below in the Legal Analysis section B: 7 and 10. No evidence was submitted to support the objection. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0189 (2538831110) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection includes these issues in the same summary form as many other objections but does include much more additional argument. Regardless of the amount of argument for the points raised by the Objector, there was no evidence specific to the subject property

provided with the objection to support the issues raised, or to show that the property would not receive a special benefit, or that the valuation had been inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0190 (9195871740) – The objection is only a conclusory statement in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.  
Recommendation: denial

CWF-0191 (2538831250) – The objection is only a brief list of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.  
Recommendation: denial

CWF-0192 (6065010840) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 3, 6, and 10. The objection includes these issues in the same summary form as many other objections but does include much more additional argument. Regardless of the amount of argument for the points raised by the Objector, there was no evidence specific to the subject property provided with the objection to support the issues raised, or to show that the property would not receive a special benefit, or that the valuation had been inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0193 (2538830960) – The objection argues that the property will receive no special benefit but is not accompanied by any special benefit analysis. The Objector did make an effort more than many other Objectors and included a comparative sales analysis relevant to the subject property. However, the objection only summarily states that this comparative sales analysis is more reliable than the King County Assessor data and the City appraisal and provides no evidence to support this argument. This is not sufficient to overcome the presumption called for by law in favor of the City appraisal. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0194 (9195870580) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. There was no evidence specific to the subject property provided with the objection to support

the issues raised, or to show that the property would not receive a special benefit, or that the valuation had been inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0195 (3589002520) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector did make an effort more than many other Objectors, and included several comparative sales analysis relevant to the subject property. However, the objection only summarily states that this comparative sales analysis is more reliable than the King County Assessor data and the City appraisal and provides no evidence to support this argument. This is not sufficient to overcome the presumption called for by law in favor of the City appraisal. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0196 (1766000560) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0197 (1843051320) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. There was no evidence specific to the subject property provided with the objection to support the issues raised, or to show that the property would not receive a special benefit, or that the valuation had been inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0198 (1843051930) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. There was no evidence specific to the subject property provided with the objection to support the issues raised, or to show that the property would not receive a special benefit, or that the valuation had been inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0199 (3324000230) – The objection is only a statement in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0200 (9195872170) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 7 and 10. In addition, generalized issues opposing the LID were raised. There was no evidence specific to the subject property provided with the objection to support the issues raised, or to show that the property would not receive a special benefit, or that the valuation had been inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0201 (9195871110 and 9195871130) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition, the objection raises specific issues alleging that the LID proposal will have negative impacts on the subject property value and is problematic in implementation. The objection includes these issues in the same summary form as many other objections but does include more additional argument. Regardless of the amount of argument for the points raised by the Objector, there was no evidence specific to the subject property provided with the objection to support the issues raised, or to show that the property would not receive a special benefit, or that the valuation had been inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0202 (1843050340) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition, the objection raises the specific issue that the subject property is unfairly valued compared with other condominiums in the same building. There was not adequate evidence specific to the subject property provided with the objection to support the issues raised, or to show that the property would not receive a special benefit, or that the valuation had been inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0203 (2538830240) – The objection alleges that the City valuation and King County Assessor assessment are inaccurate. In addition, the objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. There was not adequate evidence specific to the subject

property provided with the objection to support the issues raised, or to show that the property would not receive a special benefit, or that the valuation had been inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0204 (9195871350) – The objection indicates that the City valuation process failed to take into account devaluation of the subject property due to plans for the Pine Street Connector and Overlook Walk, which they allege will block views, remove access, and increase noise and traffic. Concerning this issue, the objection fails to provide supporting evidence to demonstrate any devaluation and instead only presents this issue in the form of conclusory statements. The objection challenges the accuracy of the City valuation for their condominium properties because of a lack of differentiation between valuation of condominium units within the same building. The record does not reflect an analysis performed by a qualified appraiser demonstrating that the City appraisal was inadequate or performed in error in this respect. There was not adequate evidence specific to the subject property provided with the objection to support the issues raised, or to show that the property would not receive a special benefit or that the valuation had been inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed. The objection also raises issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. constitutional issues).  
Recommendation: denial

CWF-0205 (6065010930) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector also raised issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. due process issues, Open Public Meetings Act violations, lack of housing mitigation). The objection also indicates “post-viaduct property speculation has resulted in unfair valuations which are being assessed on a significantly lower level,” as the basis for challenging the special benefit assessment. However, this conclusory remark is not supported by additional evidence. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by adequate evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0206 (0942000255) – Objector’s final briefing raises issues not raised in the written objection. The purpose of allowing final briefing was to provide an opportunity for Objectors cross-examining the City experts to provide final arguments regarding issues raised during cross-examination. Raising issues for the first time in such briefing

that was not included in the Objector's written objection is procedurally inappropriate. In this case it is particularly unwarranted as the Objector had raised only a narrow issue in the objection and the order providing for the Objector's participation in cross-examination explicitly conditioned the Objector's participation by stating Objector "participation in cross-examination is limited. Objector only introduced single page objection with succinct comparison-based objection, cross-examination is allowed only as to issue raised in objection." Even if Objector's additional issues concerning the City's valuation of the subject property are allowed, those arguments rely solely on data collected from the King County Assessor's Office and the declaration of the Objector's Executive Manager; this is not sufficient evidence to overcome the expert evidence submitted by the City appraiser. Objector argues that it is being assessed disproportionately to other similarly situated properties. However, Objector fails to provide credible, expert valuation evidence and has failed to account for important differences between Objector's property and the selected "comparable" properties. Most notably, Objector failed to take into account differing property rights associated with the parcels in question. The Objector uses the Rainier Club parcel as a comparable, but as the City describes in the record, the Rainier Club has sold the air rights to its property, whereas the subject property has retained those rights and therefore the value associated with them. The City indicated that it took this into account as part of the review for the property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City valuation was flawed.

Recommendation: denial

CWF-0207 (0694000030) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence or testimony to demonstrate that the property would receive no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0208 (9195870910) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection also indicates the City valuation failed to take into account negative impacts of the proposal on the value of the subject property, as the basis for challenging the special benefit assessment. However, this conclusory remark is not supported by additional evidence. In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by adequate evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0209 (2382002070) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence or testimony to demonstrate that the

property would receive no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0210 (9195871280) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0211 (6065010600) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector also raised issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. due process issues, constitutional issues). In addition to these issues, the objection argues that the subject property will not receive a special benefit. With regard to this issue, the objection only makes a conclusory statement that is not supported by adequate evidence or testimony. In addition to these issues, the Objector included an appraisal for the subject property to challenge the City appraiser's valuation for the property. That appraisal did not demonstrate an error in the special assessment for this property. The appraisal valued the property at \$785,000, in contrast to the City's valuation of \$817,700. Appraisers use experience and judgment to arrive at value conclusions, and it is not uncommon, nor indicative of error, for two appraisers to arrive at different value conclusions for the same property. ABS performed a mass appraisal and its value conclusions are within a reasonable range of opinion. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0212 (6065010940) – This objection simply restates the objection issues raised in CWF-0211.

Recommendation: denial

CWF-0213 (6065011640) – This objection simply restates the objection issues raised in CWF-0211.

Recommendation: denial

CWF-0214 (1977200630) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0215 (2570280140) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector included a discussion concerning valuations of other condominiums in the same building, and also questioned the City valuation process as a challenge to the City appraiser’s valuation for the property. Without additional supporting evidence concerning the valuations of comparable condominiums, the concerns related to the City valuation process and the absence of analysis and data concerning the subject property are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0216 (1975700465) – The objection raises five issues:

1. The objection indicates that the property square footage relied upon by the City is inaccurate. The City relied upon data from the King County Assessor. Objector indicates that it has “been working with King County Assessor’s Office to correct this false data.” However, the objection does not indicate that this matter has been resolved with the King County Assessor. In addition, the objection does not include information (except the bare assertion in the objection) to support the veracity of the claim.
2. Objector challenges the City valuation of the property by referencing King County Assessor data for the property. The objection does not include any King County Assessor data to support this claim. Regardless, as detailed elsewhere in this recommendation, King County Assessor data are insufficient evidence to overcome the expert appraisal conducted by the City.
3. The objection indicates the property is affected by congested traffic and argues that it will be worse with the LID Improvements.
4. The objection indicates the property is affected by homelessness and drug use in the area and seems to argue that it will be worse with the LID Improvements.
5. The objection appears to reference back to items 3 and 4 and argues that until these issues are addressed, no property value increase will accrue in the City of Seattle.

As to items 3–5, the objection is not supported by any evidence concerning negative value impacts either before or after LID Improvements would be implemented. This issue is also addressed in the Legal Analysis section below.

The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0217 (9197200520) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence or testimony demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0218 – see CWF-0133

Recommendation: denial

CWF-0219 – see CWF-0133

Recommendation: denial

CWF-0220 – see CWF-0133

Recommendation: denial

CWF-0221 (9195870860) – The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0222 (5160650710) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0223 (9195870170) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence or testimony. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0224 (6065010580) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0225 (6065010690 and 6065011510) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence or testimony demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0226 (2585001060) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0227 (2538830420) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection includes these issues in the same summary form as many other objections but does include much more additional argument. Regardless of the amount of argument for the points raised by the Objector, the objection raises these issues without adequate supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0228 (2538830090) – The objection includes general statements in opposition to the LID. The objection raises the following common objection issues addressed below in the Legal Analysis section B: 6 and 10. The objection also incorporates issues raised by appraiser Anthony Gibbons, which are addressed below. The objection argues that the property will receive no special benefit. However, the objection is not supported by an expert special assessment analysis. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City valuation was flawed.

Recommendation: denial

CWF-0229 (9195872060) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence or testimony demonstrating that the subject property will not

receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0230 (9195871180) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence or testimony. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0231 (7804110010) – The objection raises two issues in challenging that the City special assessment is inaccurate: (1) the property parking garage is reserved for members only and thus will receive no benefit and (2) the City erred in the market value analysis for the property. Concerning the first issue, the City appraisal is directed at highest use for the property, not just current use. The objection includes no evidence showing that the parking garage property is permanently restricted for use as a parking garage for members. Therefore, that current use of the property does not dictate the highest value for the property. The objection is not accompanied by any expert analysis demonstrating error in the City's appraisal of the property. The objection lacks adequate evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0232 (2538830500) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0233, CWF-0318, and CWP-0409-0441 (multiple parcel numbers) – Case number CWF-0233 was part of a large group of Objectors represented by Perkins Coie LLP that also includes CWF-0318 and CWP-0409-0441.

The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. These objections raise many of the

arguments raised by other Objectors that are addressed below in the Legal Analysis section (e.g. issues raised by appraiser Anthony Gibbons, issues related to comments by Dr. Crompton). The objections raise issues not within the jurisdiction of the Hearing Examiner to consider in the context of a special assessment hearing (e.g. constitutional due process issues).

In addition to these issues, the objections argue that the subject properties would receive no special benefit. In part, the objections argue that there would be no special benefit due to the distance of the subject properties from the proposed Waterfront LID Improvements. In addition, Objectors contended that the City could not establish the existence of what Objectors characterize as a “micro benefit” when its information is based on a mass appraisal, and, as a result, any property assigned a benefit less than 1.0% should be removed from the LID. However, Objectors’ consultants did not establish that they have equal or greater expertise in conducting mass appraisals when compared to the City appraiser and demonstrated an inadequate basis for their contention.

The objections also complain that for certain of the subject properties, neighboring commercial office buildings received different special benefit percentages. This argument fails to undermine the City appraisal. The City based its special benefit estimate for each parcel on expert appraiser professional judgment concerning the impact of the LID Improvements on each parcel. Proximity to LID Improvements could be similar between neighboring commercial office properties, but points of differentiation could also occur including the use, size, and condition of buildings on the property, and for example, recorded restrictions on the property’s title. Thus, under the income approach to valuation, differences in estimated special benefits between properties—even adjacent ones—could occur. This does not demonstrate an error on the part of the City; on the contrary, it goes to rebutting many Objectors’ contention that the City simply applied a set of percentage benefits across the scope of the LID area.

The objections further challenge the City’s boundary for the LID but did not present adequate evidence to counter the City’s determination.

The objections also challenge the City’s valuation of the properties. For the hotel Objectors in this group—CWF-0318, CWF-0413, CWF-0415, CWF-0418, CWF-0429, and CWF-0436—findings concerning this issue can be found in Finding 17 above, and section C.10 below in the Legal Analysis section. The remainder of the objections raised by this group of Objectors do not provide adequate evidence to challenge the valuation of the City.

The Objectors failed to meet the burden of proof required to demonstrate that the properties will not receive a special benefit. In the Initial Recommendation the Hearing Examiner recommended that, CWF-0318, CWF-0413, CWF-0415, CWF-0417, CWF-0418, CWF-0423, CWF-0429, and CWF-0436 should be remanded to the City for

reconsideration of the property-specific information provided in the hearing for valuation purposes, with an opportunity for response by Objectors. The City appraiser remand analysis included consideration of all data submitted at hearing by the Objectors for these properties, and was also informed by a comparable sales analysis. Responses from Objectors to the City appraiser remand analysis did not establish error in the City appraiser's review process, but instead highlighted different valuation methodologies that were not superior to the methods used by the City.

Recommendation CWF-0233: denial

CWF-0234 (1843051820) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without providing any supporting quantitative analysis demonstrating that the subject property will not receive a special benefit or that the City valuation is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0235 (2538831340) – This objection simply restates the objection issues raised in CWF-0234.

Recommendation: denial

CWF-0236 (2538830060) – The objection identifies Objector Julie Marie Biniasz as a “Real Estate Broker that has been the Listing Broker or Selling Broker for a significant number of downtown residents that are in, or proximal to the LID during the past 15 years. Her knowledge of property valuation is significant,” and Objector Blaine Jeffrey Webster as a Washington State licensed/registered Architect and Designated Architect that was elected by three Washington State governors to serve three consecutive terms on the Washington State Board for Architects, for a twelve-year period. He chaired the Downtown Design Review Board [for the City of Seattle] where he served for four years; he also chaired the Ethics and Practice Committee of AIA Seattle prior to his service on the WSBFA. He is currently a member of AIA Washington, and consults/testifies regarding proposed Washington State legislation. This is adequate for the Hearing Examiner to consider Objectors experts in real estate and development in the City of Seattle. However, the objection is not accompanied by special assessment analysis or property valuation analysis performed by either Objector.

The objection argues that the property will receive no special benefit. However, the objection is not accompanied by any expert special assessment analysis, either by the Objectors or otherwise. The objection with regard to the special assessment is merely a

series of conclusory statements raised without any supporting analysis. Without such analysis, the objection is inadequate to overcome the presumption in favor of the City's appraisal concerning whether the property will receive a special benefit.

The objection raises the following common objection issues addressed below in the Legal Analysis section B: 8 and 10. The objection also raises issues not within the jurisdiction of the Hearing Examiner to consider in the context of a special assessment hearing (e.g. constitutional issues). The objection also includes general statements in opposition to the LID that do not raise legally cognizable issues. The objection raises issues addressed below in the Legal Analysis section, including issues raised by appraiser Anthony Gibbons. The objection also challenges the City valuation of the subject property but is only accompanied by a brief reference to the King County Assessor's valuation of the property and a Redfin estimate. This reference is not adequate evidence to demonstrate that the City valuation is inadequate or that the Objector's evidence should carry more weight with regard to this issue. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0237 (1843050120) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence or testimony demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0238 (1977200890) – The objection argues that the City valuation of the subject property is incorrect. With regard to this issue, the objection only makes a conclusory statement that is not supported by adequate evidence or testimony. Without adequate analysis and supporting evidence demonstrating an error in the valuation of the property, the objection fails to overcome the evidentiary value of the City appraisal. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0239 (9197200560) – The objection summarily argues that the subject property would receive no special benefit. The objection raises the following common objection issue addressed below in the Legal Analysis section B: J. The objection is not accompanied by any evidence to support its allegations. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0240 (9197200570) – This objection simply restates the objection issues raised in CWF-0239.

Recommendation: denial

CWF-0241 (2538830050) – The objection raises several issues:

1. The subject property should be exempt from the Waterfront LID assessment, as it is exempt from King County property tax because it is a nonprofit church organization. This issue does not address whether the Waterfront LID would result in a special benefit to the subject property, or whether the City valuation process was adequate, which are the issues within the Hearing Examiner's jurisdiction to consider in this hearing.
2. The objection also incorporated by reference comments made by Anthony Gibbons in his letter dated March 2, 2018, which issue is addressed below in the Legal Analysis section.
3. The objection raises the following common objection issue addressed below in the Legal Analysis section B: 10.

The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0242 (9195872110) – The objection argues that the subject property will receive no special benefit. The objection indicates of the Objector: "I am licensed architect, commercial real estate broker, and real estate investor. I was licensed to practice architecture in 1980, and licensed as a real estate broker since 1985." Objector could therefore be considered to have some relevant experience. However, the objection is not accompanied by any special assessment analysis or appraisal valuation. The objection primarily indicates that the property will have negative impacts from the LID Improvements. This issue is not supported by any adequate evidence. In addition, this issue is addressed below in the Legal Analysis section. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0243 (1977201130) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence or testimony. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0244 (2538830780) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection includes a brief statement concerning the Objector’s opinion that the subject property has not been properly valued by the City’s appraisal. Without additional supporting evidence, the subjective opinion of the Objector is not adequate to demonstrate an error in the special assessment for this property. The objection lacks evidence or testimony demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0245 (5160650080) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, and 7. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0246 (5160650120) – This objection simply restates the objection issues raised in CWF-0245.

Recommendation: denial

CWF-0247 (9195870890) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0248 (2382000250) – The objection is only a brief statement indicating the Objector believes that the subject property valuation is inaccurate and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0249 (5160650330) – The objection is a series of assertions in opposition to the Waterfront LID. The objection includes inadequate supporting evidence specific to the subject property to show either that the property will not receive a special benefit or that the City valuation process was flawed. In addition, the objection raises issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. double taxation and a request for exemption for residential properties). The

Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0250 (9195871510) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0251 (6364000420) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0252 (2538830860) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0253 (6065010030) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0254 (1843051240) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0255 (1843050920) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the

burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0256 (9195871800) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0257 (2538830550) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0258 (1843050930) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0259 (2538830100) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without adequate supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector included King County assessment information and Redfin estimates to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the King County assessment information and Redfin estimate are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0260 (2382001150 and 2382001970) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The

Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0261 (6065011570) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0262 (5160650060) – The objection is only a two-sentence statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0263 (9195871430) – This objection simply restates the objection issues raised in CWF-0263.

Recommendation: denial

CWF-0264 (2538831320) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without adequate supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector included general property value information and Redfin estimates to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property value information and Redfin estimate are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0265 (2538830210) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without adequate supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector included general property value information and Redfin estimates to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property value information

and Redfin estimate are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0266 (9195871700) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0267 (2568000240 and 2568000300) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. In particular, the objection challenges the scope and area of the Waterfront LID but does so only by raising questions and concerns about the proposal, raising brief issues that are not supported by any evidence or analysis to show that the concern has any basis. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0268 (2538831350) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0269 (3589005400) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0270 (2538830130) – The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without adequate supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector included general property value information and Redfin estimates to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property value information and Redfin estimate are not adequate to demonstrate an error in the special assessment for this property. The objection indicates that the City

should rely on the assessment valuation from the King County Assessor but fails to identify how or why that valuation is more accurate than the City's. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0271 (1843051660) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without adequate supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector included general property value information and Redfin estimates to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property value information and Redfin estimate are not adequate to demonstrate an error in the special assessment for this property. The objection indicates that the City should rely on the assessment valuation from the King County Assessor but fails to identify how or why that valuation is more accurate than the City's. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0272 (5160650640) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate property-specific supporting evidence. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without adequate supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector included general property value information to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property value information is not adequate to demonstrate an error in the special assessment for this property. The objection indicates that the City should rely on the assessment valuation from the King County Assessor but fails to identify how or why that valuation is more accurate than the City's. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0273 (5160650670) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0274 (5160650350) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate property-specific supporting evidence. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without adequate supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector included general property value information to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the general property value information is not adequate to demonstrate an error in the special assessment for this property. The objection indicates that the City should rely on the assessment valuation from the King County Assessor but fails to identify how or why that valuation is more accurate than the City’s. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0275 (6065011810) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0276 (5160650090) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 3, and 7. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0277 (0656000215, 0659001010, 0659001015, and 0659001020) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence adequate to demonstrate that the property will receive no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0278 (7802000070) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the

burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0279 (2570280020) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0280 (5160650480) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate supporting evidence. The Objector included some general property valuation information to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0281 (1843051290) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection is not supported by any evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0282 (6065011880) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection is not supported by any evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0283 (9197200740) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector included some general property value information to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property value information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to

meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0284 (1843051040) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0285 (5160650050) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate supporting evidence. The Objector included some general property valuation information to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0286 (5160650420) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate supporting evidence. The Objector included some general property valuation information to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0287 (2937600090) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0288 (1843051770) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate supporting evidence. The Objector included some general property valuation information to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof

required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0289 (2538830830) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by evidence. Finally, The Objector included some general property valuation information to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the general property valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0290 (1745500550) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0291 (9195870380) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0292 (2867400940) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0293 (1843050720) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0294 (5160650740) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate supporting evidence. The Objector included some general property valuation information to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the general property valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0295 (5160650560) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate supporting evidence. The Objector included some general property valuation information to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the general property valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0296 (unknown) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0297 (1975700380) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate supporting evidence. The Objector included some general property valuation information to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the general property valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0298 (2538831200) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0299 (0655000050) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate supporting evidence. The Objector included some general property valuation information to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the general property valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0300 (2538830120) – The objection argues that the property will receive no special benefit. However, the objection is not accompanied by any expert special assessment analysis. The objection with regard to the special assessment is merely a series of conclusory statements raised without any supporting expert analysis. Without such analysis, the objection is inadequate to overcome the presumption in favor of the City’s appraisal concerning whether the property will receive a special benefit. The objection raises issues addressed below in the Legal Analysis section, including issues raised by appraiser Anthony Gibbons. The objection also includes general statements in opposition to the LID that do not raise legally cognizable issues. The objection raises the following common objection issues addressed below in the Legal Analysis section B: C, H, and J.

The objection also challenges the City valuation of the subject property and is accompanied by a property-specific comparables analysis. This analysis is addressed in the Legal Analysis section C.10. This analysis is not adequate evidence to demonstrate that the City valuation is inadequate or that the Objector’s evidence should carry more weight with regard to this issue. The comparative market analysis provided with the objection fails to identify any error with the City appraisal process; instead, it simply presents a different valuation for the property with no indication as to why that valuation should be given weight over the City’s expert appraisal analysis.

The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0301 (2538831450) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0302 (9195870500) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0303 (2538830300) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.  
Recommendation: denial

CWF-0304 (1745501170) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. These issues are not supported by any evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0305 (9195871830) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0306 (9195870030) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no adequate supporting evidence. The Objector included some general property valuation information to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the general property valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0307 (2382002120) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. These issues are not supported by any evidence. The Objector failed to meet the burden of

proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0308 (9195871100) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0309 (1843051350) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. These issues are not supported by any evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0310 (5160450570) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. These issues are not supported by any evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0311 (9195871640) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. These issues are not supported by any evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0312 (9195900170) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0313 (0942000510) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence. The objection includes a brief list of comparables to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the list of comparables is not adequate to demonstrate an

error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0314 (0659000070) – The objection challenges the City valuation for the subject property and the proportionality of the special benefit.

The City's before LID value for the subject property is supported by market rental rates and comparable sales data. The capitalized market value estimate for this property was \$243,978,000 or \$376±/SF of net rentable area, which also recognized that the Nordstrom building has a historic designation. The objection cited the King County Assessor's assessed value of \$80,304,000 or \$124±/SF of net rentable area to counter the City's findings. The City appraiser did not rely on the King County Assessor's valuation of this parcel (or for others in the Waterfront LID) but instead utilized what it identified as more reliable data in its professional opinion. The City appraiser found that:

There is nothing in the comparable sales database to support a market value estimate for the property as low as the King County Assessor's assessed value figure (\$124±/SF), especially considering the Nordstrom building's good condition and excellent location. For example, the Dexter Horton building sold in January 2019 for \$488±/SF; it contains less retail and more office space but is in an inferior location. It also has an historic designation. Other historic-designated buildings researched typically sold for \$250±/SF to \$400/SF or more. In short, there is no justification or market support for the King County Assessor's low value estimate for this property.

Third Declaration of Robert J. Macaulay dated July 14, 2020 at 13.

We did not rely on older (2017) data in analyzing the Nordstrom property, as is evidenced in the improved comparable sales chart and comparable rental information in the collection of back up-data presented. The most recent comparable sales data in existence was utilized, such as the 2019 Dexter Horton building sale, and current rental/capitalization rate information published in timely market research reports and from other sources.

Adjustments in rental and capitalization rates in the commercial spreadsheets are based on our review of comparable projects in other cities, relevant published data and analysis of the impact on retail sales of amenities similar to what the LID provides, together

with review of local market conditions and estimates of the probable increases in tourism and enhanced market appeal that will be provided by the Waterfront Seattle project. These data indicate modest percentage increases in the various metrics such as rental rates and vacancy, as reflected in our study and summary report.

Westlake Center and Pacific Place are retail properties and the Nordstrom building has 280,000± SF of retail space, but also 265,000 SF of office area. Additionally, we are not basing the analysis on the county's assessed value, but on independent market value estimates. Recognizing the differences in use, the special benefit and assessment amounts for the properties are roughly proportionate. Westlake Center retail (between 4th-5th Avenue and Pine Street) reflects a 2.05% special benefit (market value increase); Pacific Place retail (between 6th-7th Avenue and Pine Street) indicates a 1.70% value increase compared to Nordstrom (retail and office) located between 5th-6th and Pine Street, with an indicated 1.60% market value increase (special benefit).

Third Declaration of Robert J. Macaulay dated July 14, 2020 at 14.

The City's valuation process is more reliable than the King County Assessor data and other information submitted with the objection.

The objection alleges disproportionality between its assessment and those for Westlake Center and Pacific Place. However, the subject property received the lowest percentage increase in value attributable to special benefits among these properties, and all three parcels are within a reasonable range demonstrating proportionality. The objection also does not take into account the difference between the compared properties—that the subject property has substantial office spaces along with expansive retail space, while the compared properties are predominantly retail. The Objector's argument does not present valuation evidence sufficient to demonstrate an error with the City's assessment and has not demonstrated disproportionality in the Final Special Benefit Study with respect to its property. The Objector did not challenge whether the subject property will receive a special benefit. The Objector did not demonstrate that the City appraisal process was flawed.

Recommendation: denial

CWF-0315 (2585000330) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0316 (0656000290) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0317 (2585000810) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 2, 5, 6, and 7. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0318 (1974600025 and 1974600035) – see CWF-0233  
Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0319 (9195870700) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence specific to the subject property. The objection includes the argument that the subject property would not receive a special benefit and would be devalued by the Waterfront LID Improvements. The objection also raises the following common objection issues addressed below in the Legal Analysis section B: 2, 3, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0320 (0656000180, 2301950000, 2301950010, 2301950010, 2301950020, 8729690000, 8729690010, 8729690010, and 8729690020) – The objection is only a brief statement in opposition to the Waterfront LID and includes no adequate supporting analysis or evidence. The objection includes a brief concern that allegedly comparable properties had been treated disproportionately under the City valuation for the LID. Without additional supporting evidence, the list of comparables is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0321 (2538830340) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0322 (1843050380) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0323 (unknown) – no objection filed.

CWF-0324 (5160450480, 5160450960, and 5160650530) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence. In addition to these issues, the Objector included general comparables information and King County assessor data to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the comparables information and King County assessor data are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0325 (0659000030) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0326 (1976700010) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0327 (0659000625 and 0659000640) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence.

The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0328 (7666202632) – The Port of Seattle indicates that it is not the owner of parcel 7666202632 and should therefore not be assessed for this property. This issue does not appear to be refuted in the record. On remand the City appraiser indicated that further research indicated that the Port of Seattle is correct regarding ownership of that parcel, and the State of Washington is the current owner of the property.  
Recommendation: The City assessment record for ownership of this property should be corrected to be the State of Washington.<sup>7</sup>

CWF-0329 (0660002030 and 0660002030) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection raises issues addressed below in the Legal Analysis section, including issues raised by appraiser Anthony Gibbons. The objection also includes general statements in opposition to the LID that do not raise legally cognizable issues. Objectors also raised issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. the LID is a quid pro quo for getting private donations, LID location within the Seattle Metropolitan Park District). The objection argues that the property will receive no special benefit. However, the objection is not accompanied by qualified expert special assessment analysis—the statements of an Objector or an attorney representative do not rise to the level of showing the requisite appraisal expertise. Without such expert analysis, the objection is inadequate to overcome the presumption in favor of the City’s appraisal concerning whether the property will receive a special benefit.

The objection argues that the valuation for the subject property is inaccurate and provides a real estate appraisal of the property dated September 30, 2017. The value conclusion of the appraisal for the property is \$19,700,000, in contrast to the Proposed Final LID assessment which found that the current value of the subject property is \$56,253,000. The effective date of the appraisal is September 30, 2017, which is approximately two years prior to the City appraisal’s effective date of October 1, 2019. The objection fails to identify any error with the City appraisal process; instead, it presents a different appraisal valuation for the property with no indication as to why that valuation should be given weight over the City’s expert appraisal analysis. The two-year difference in valuations may account for the differentiation; however, the differentiation is vast, and the City failed to provide responsive evidence concerning this appraisal. In the Initial Recommendation the Examiner stated he “declines to speculate as to the difference

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<sup>7</sup> The Hearing Examiner’s jurisdiction in this Assessment Hearing extends only to hearing objections and making a recommendation on those to Council. Therefore, any issues not raised by an objection concerning the misidentification of the property owner for this assessment are not addressed in this recommendation.

between these appraisals, and with inadequate analysis from both the City and Objector in this regard, the issue of valuation should be remanded to the City for review and consideration.” On remand the City appraiser reviewed the information from the Objector and formed an opinion that no changes to the original recommendation were warranted. The Objector declined to submit any new material for consideration as part of the remand.

The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0330 (9195870110) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0331 (7628750040) – withdrawn by Objector August 17, 2020.

CWF-0332 (2538830280) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector raised some general concerns and issues in objection to the Waterfront LID. These issues are not supported by adequate evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0333 (5247800005) – see CWF-0111

Recommendation: denial

CWF-0334 (2538830590) – The objection is only a brief statement in opposition to the Waterfront LID and includes no adequate supporting analysis or evidence. The objection includes a brief concern that allegedly comparable properties had been treated disproportionately under the City valuation for the LID. Without additional supporting evidence, the list of comparables is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0335 (3324000260) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector

failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0336 and CWF-0342 (7666204878) – The objections argue that the City assessments for these subject properties are inaccurate because: (1) they are not physically proximate to the Waterfront LID Improvements, (2) the City’s special benefits analysis is speculative, and (3) the subject properties will not receive a special benefit from the Waterfront LID Improvements. Objectors also request a \$3 million offset for unrelated streetscape improvements that were required to be constructed more than two years ago for new development at 255 S King Street. Some of the issues raised by these objections are addressed below in the Legal Analysis section.

Objectors presented no adequate expert evidence to show that the assessments for the subject properties are disproportionate due to their location within the LID boundary. The subject properties are located within the midst of the proposed Pioneer Square Street improvements and within blocks of the Promenade LID Improvements. Contrary to the objections, the City did consider property-specific values such as leases and occupancy rates. The City demonstrated that the subject properties will receive a special benefit from the Waterfront LID Improvements and Objectors have failed to provide adequate expert evidence to the contrary.

In the case of these subject properties, it was reasonably appropriate for the City to use publicly available hotel information in its appraisals. While more property-specific information could overcome the City’s approach—as it has with other hotel property Objectors—in this case, the Objectors did not produce adequate property-specific evidence to demonstrate inadequacy in the City’s results. Objectors only referenced the occupancy rates and daily room rates of its hotels in a single month, October 2019, which is not an adequate basis on which to demonstrate current market value for appraisal purposes. As detailed in the record, the City utilized the income approach to value hotels, which requires an appraiser to estimate the future performance of the hotel, including its ADR, occupancy, and expenses. This is a more reliable approach for the appraisal of a hotel than simply analyzing a single month’s worth of performance data. Objectors argue with regard to 1000 1st Avenue South, Parcel No. 766620-6678, that it is a vacant parking lot, and therefore no assessment should be due on that property. However, this argument is not supported by any adequate appraisal report. Further, the City’s assessment approach is based on the highest and best use market value of affected property without, as opposed to with, the Waterfront LID. In this context, the property will receive the special benefit identified by the City appraiser.

The City has put forth adequate evidence from its experts that the valuations for these subject properties in the Final Special Benefit Study are valid and proportionate. The

Objectors failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal was flawed.

Recommendation: denial

CWF-0337 (0939000080) – see CWF-0336

Recommendation: denial

CWF-0338 (2538830600) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector included a property-specific comparative analysis and a Redfin estimate to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the property comparative analysis and Redfin estimate are not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0339 (7666206676) – see CWF-0336

CWF-0340 (7666206678) – see CWF-0336

CWF-0341 (6364000400) – The objection is only a brief list of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0342 (7666206690) – see CWF-0336

CWF-0343 (5247800095) – The objection raises issues specific to the value of the subject property. The objection indicates that: (1) the property façade has been placed on the National Historic Register, (2) the property use is restricted by the City's rules for Pioneer Square Preservation (restricting teardown, modernization, or changes to the façade, height, etc.), and (3) the property cannot be joined with other properties to maximize the value of potential redevelopment. The record reflects that the City appraiser recognized the development constraints that exist in the Pioneer Square District and reflected this in the City analysis. The objection also argues that the property will receive no special benefit. Without expert evidence, this mere allegation is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0344 (2538830390) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector included a property-specific comparative analysis to challenge the City appraiser’s valuation for the property. Without additional evidence, the comparative analysis and Redfin estimate are not adequate to demonstrate an error in the special assessment for this property, as they fail to show any error in the City calculations—they merely present a different conclusion that could be reached within the range of valuations possible. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0345 (1843051310) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector included some general valuation information as a challenge to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the general valuation information is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0346 (1975700480) – The objection challenges the City valuation proportionality and also indicates that the City appraisal inappropriately designated the property for commercial use when the property is zoned Downtown Mixed Commercial, which sets some limitations on commercial use.

With regard to proportionality, the objection also complains that for certain of the subject properties, neighboring commercial buildings received different special benefit assessments. This argument fails to undermine the City appraisal. The City based its special benefit estimate for each parcel on expert appraiser professional judgment concerning the impact of the LID Improvements on each parcel. Proximity to LID Improvements could be similar between neighboring commercial office properties, but points of differentiation could also occur, including the use, size, and condition of buildings on the property, and for example, recorded restrictions on the property’s title. Thus, under the income approach to valuation, differences in estimated special benefits between properties—even adjacent ones—could occur. This does not demonstrate an error on the part of the City; on the contrary, it goes to rebutting many Objectors’ contention that the City simply applied a set of percentage benefits across the scope of the LID area. The objection does not provide sufficient evidentiary detail to support a finding that the property is not proportionally assessed.

In addition, the objection fails to provide adequate evidence of valuation for the subject property to refute the City's findings.

The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0347 (5160451380 and 5160650180) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. It also argues that ABS study failed to adequately address special benefits versus general benefits.<sup>8</sup> The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0348 (1843051450) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. In addition to these issues, the Objector included a Redfin estimate to challenge the City appraiser's valuation for the property. Without additional supporting evidence, the Redfin estimate is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0349 (0659000220) – The objection raises the following common objection issue addressed below in the Legal Analysis section B: 1. In addition to these issues, the objection alleges that the Waterfront LID will convey only general benefits and not special benefits. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.  
Recommendation: denial

CWF-0350 (1975700645) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.  
Recommendation: denial

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<sup>8</sup> This issue was raised in the ReSolve letter dated May 2, 2018 and is addressed along with all other issues raised in that letter below in the Legal Analysis section.

CWF-0351 (1977200030) – The objection challenges the valuation of the subject property. The objection includes King County assessment data and a property-specific valuation printed December 15, 2017 to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the included King County assessment data and property-specific valuation are not adequate to demonstrate an error in the special assessment for this property. The objection raises these issues without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0352 (5160650260) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection includes general comments in opposition to the LID that do not raise a legally cognizable issue. The objection raises issues addressed below in the Legal Analysis section (e.g. issues concerning Dr. Crompton’s report, the scope of the LID boundary, etc.). The objection raises issues not within the jurisdiction of the Hearing Examiner to consider in the context of a special assessment hearing (e.g. violation of Open Public Meetings Act by Council). The objection raises the issue that the valuation for the subject property is not accurate but fails to provide adequate evidence demonstrating property valuation that counters the City’s conclusions. The objection also argues that the Waterfront LID will confer no special benefit. The objection raises these issues with only lay analysis that is not sufficient to demonstrate that the City special assessment is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City’s valuation of the property was flawed.

Recommendation: denial

CWF-0353 – see CWF-0133

Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0354 (9195870560) – The objection argues that the Waterfront LID will confer no special benefit and identifies general differences between condominium units in the subject property building. The objection raises these issues without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0355 (1843050850) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 5, 7, and 10. In addition to these issues, the Objector included a Zestimante estimate to challenge the City appraiser’s

valuation for the property. Without additional supporting evidence, the Zestimate estimate is not adequate to demonstrate an error in the special assessment for this property. Also, without supporting argument or evidence, the objection indicates that the property will receive no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0356 (1843050870 and 1843051610) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0357 (1843051340) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection also raises issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. issues concerning the Downtown Development Association). In addition, the objection raises general concerns about the LID proposal that do not raise cognizable legal issues (e.g. lack of support for a new park). The objection's reference to King County Assessor data for the property is unsupported by analysis and is not adequate on its face to demonstrate an error with the City valuation. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0358 (2382002440) – The objection raises general statements in opposition to the LID. The objection identifies issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing (e.g. constitutional issues, request to review the purpose of the LID). The objection contends that the subject property will receive no special benefit. Objectors offered no evidence prepared by a qualified expert to support their claims. Issues raised concerning Dr. Crompton's testimony are addressed below in the Legal Analysis section. The objection raises the following common objection issues addressed below in the Legal Analysis section B: B and E. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0359 (2538830230) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0360 (2538830810) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0361 (2538830820) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0362 (2538830880) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0363 (2538831170) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0364 (2538831420) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The

objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0365 (2764700030) – The objection raises an issue that property is exempt as a religious institution. The Hearing Examiner is not aware that this raises an issue relevant to a special assessment, or that it is within the jurisdiction of the Hearing Examiner to determine. The objection also alleges that the subject property will receive no special benefit. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0366 (5160650270) – The objection includes general comments in opposition to the Waterfront LID that do not raise legal issues that the Hearing Examiner can address. The objection also raises issues not within the jurisdiction of the Hearing Examiner to address within the context of a special assessment hearing (e.g. regional mobility value of the Alaskan Way corridor, the need for a LID). The objection also challenges the special assessment by raising various issues that the Objector believes make the property unique and that Objector argues were not considered by the City. In addition, the objection challenges the adequacy of the special assessment, raising some issues that are addressed below in the Legal Analysis section (e.g. use of Dr. Crompton’s report). The objection challenges the proportionality of the special assessment but does so only through generalized assertions that are not property specific. Lastly, the objection raises the following common objection issue addressed below in the Legal Analysis section B: 10. By its own wording, the objection is based on what it identifies as “common sense,” and is not supported by any expert special assessment analysis. These arguments are not adequate to overcome presumption in favor of the City’s special assessment. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0367 (6065010710) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0368 (6065011030) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0369 (7628750210) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0370 (9195871310) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0371 (2570280160) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0372 (9195872140) – The objection fails to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing.

Recommendation: denial

CWF-0373 (197720018708) – The objection fails to state an issue within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing.

Recommendation: denial

CWF-0374 (9195872250) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0375 (2538830850)<sup>9</sup> – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 2, 3, 4, 8, and 10. The objection also raises generalized concerns about the Waterfront LID proposal. The objection raises issues not within the jurisdiction of the Hearing Examiner to address in the context of a special assessment hearing. The objection raises issues addressed below in the Legal Analysis section (e.g. issues concerning Dr. Crompton’s report). It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. Objector failed to support its contention that the property will receive no special benefit with adequate expert evidence to overcome the presumption in favor of the City’s determination. The Objector included a closing argument document following cross-examination. Many issues raised by the Objector’s closing argument are addressed below in the Legal Analysis section. The objection challenges the valuation of the subject property. The City appraiser used a sales comparison approach to valuation to arrive at its value conclusions. Objector did not submit adequate evidence demonstrating that the City appraiser’s valuation was inaccurate for the property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation was inaccurate.

Recommendation: denial

CWF-0376 (6065010430) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection also raises generalized concerns about the Waterfront LID proposal. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0377 (1843050890) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special

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<sup>9</sup> If sheer dedication was the indicator of success in a special assessment hearing, especially for a *pro se* litigant, Victor Moses would certainly have prevailed on this alone. It is noteworthy that in contrast to the majority of other *pro se* Objectors, Mr. Moses committed himself to understanding and navigating a very challenging legal forum and procedures, and even proved to be an asset to organization of the hearing during cross-examination.

benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0378 (9195870520) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0379 (5160650800) – The objection includes general comments in opposition to the Waterfront LID that do not raise legal issues that the Hearing Examiner can address. The objection also raises issues not within the jurisdiction of the Hearing Examiner to address within the context of a special assessment hearing (e.g. regional mobility value of the Alaskan Way corridor, the need for a LID). The objection also challenges the special assessment by raising various issues that the Objector believes make the property unique and that Objector argues were not considered by the City. In addition, the objection challenges the adequacy of the special assessment, raising some issues that are addressed below in the Legal Analysis section (e.g. use of Dr. Crompton’s report). The objection challenges the proportionality of the special assessment but does so only through generalized assertions that are not property specific. Lastly, the objection raises the following common objection issue addressed below in the Legal Analysis section B: 10. By its own wording, the objection is based on what it identifies as “common sense,” and is not supported by any expert special assessment analysis. These arguments are not adequate to overcome presumption in favor of the City’s special assessment. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0380 (6391350420) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0381 (5160650320) – The objection includes general comments in opposition to the Waterfront LID that do not raise legal issues that the Hearing Examiner can address. The objection also raises issues not within the jurisdiction of the Hearing Examiner to address within the context of a special assessment hearing (e.g. regional mobility value of the Alaskan Way corridor, the need for a LID). The objection also challenges the special

assessment by raising various issues that the Objector believes make the property unique, and that Objector argues were not considered by the City. In addition, the objection challenges the adequacy of the special assessment, raising some issues that are addressed below in the Legal Analysis section (e.g. use of Dr. Crompton's report). The objection challenges the proportionality of the special assessment but does so only through generalized assertions that are not property specific. Lastly, the objection raises the following common objection issue addressed below in the Legal Analysis section B: 10. By its own wording, the objection is based on what it identifies as "common sense," and is not supported by any expert special assessment analysis. These arguments are not adequate to overcome presumption in favor of the City's special assessment. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0382 (6065010350) – see CWF-0192

CWF-0383 (2538830190) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0384 (9195872320) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0385 (5160650110) – The objection includes general comments in opposition to the Waterfront LID that do not raise legal issues that the Hearing Examiner can address. The objection also raises issues not within the jurisdiction of the Hearing Examiner to address within the context of a special assessment hearing (e.g. regional mobility value of the Alaskan Way corridor, the need for a LID). The objection also challenges the special assessment by raising various issues that the Objector believes make the property unique, and that Objector argues were not considered by the City. In addition, the objection challenges the adequacy of the special assessment, raising some issues that are addressed below in the Legal Analysis section (e.g. use of Dr. Crompton's report). The objection challenges the proportionality of the special assessment but does so only through generalized assertions that are not property specific. Lastly, the objection raises the following common objection issue addressed below in the Legal Analysis section B: 10. By its own wording, the objection is based on what it identifies as "common sense," and

is not supported by any expert special assessment analysis. These arguments are not adequate to overcome presumption in favor of the City's special assessment. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0386 (1745500090) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 2, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises this issue without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0387 (5160650810) – The objection includes general comments in opposition to the Waterfront LID that do not raise legal issues that the Hearing Examiner can address. The objection also raises issues not within the jurisdiction of the Hearing Examiner to address within the context of a special assessment hearing (e.g. regional mobility value of the Alaskan Way corridor, the need for a LID). The objection also challenges the special assessment by raising various issues that the Objector believes make the property unique and that Objector argues were not considered by the City. In addition, the objection challenges the adequacy of the special assessment, raising some issues that are addressed below in the Legal Analysis section (e.g. use of Dr. Crompton's report). The objection challenges the proportionality of the special assessment but does so only through generalized assertions that are not property specific. Lastly, the objection raises the following common objection issue addressed below in the Legal Analysis section B: 10. By its own wording, the objection is based on what it identifies as "common sense," and is not supported by any expert special assessment analysis. These arguments are not adequate to overcome presumption in favor of the City's special assessment. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0388 (2538830580) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without any supporting

quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0389 (9195871770) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The objection lacks evidence demonstrating that the subject property will not receive a special benefit or that the valuation by the City is inaccurate. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0390 (7666202630, 7666206950, and 7666206955) – Objector argues that it should not have to pay Waterfront LID assessments on three parcels it owns: Pier 48 and two former Washington-Oregon Shippers Cooperative Association terminal properties. The objection does not dispute, through appraisal evidence or otherwise, the actual amounts assessed for these parcels. Objector claims that the parcels cannot be sold unless and until they are declared surplus property by the Objector. However, this issue is not relevant to the special assessment, the purpose of which is to measure the increase in market value of the parcels as a result of the Waterfront LID Improvements. Objector argues that Pier 58 should be considered highway right-of-way but offers no evidence to support the contention that it should be designated as such, except for a temporary current use as a staging area for parking. Objector also argues that the City improperly speculated about the three parcels' value since there is no record evidence that the Objector intends to declare the parcels surplus in the "reasonably foreseeable future." However, a municipality does not need to produce evidence that a property owner intends to satisfy all conditions precedent for a potential future sale. Objector also asks in the alternative that the assessments be suspended until such time as it declares the parcels surplus property. The Hearing Examiner does not have jurisdiction to make such a determination. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0391 (9195870240) – The objection includes general comments in opposition to the LID. The objection challenges the City's valuation of the subject property but provides no adequate evidence to support this contention. The objection complains about lack of consideration of negative impacts to the property that were not considered by the

City appraiser; however, the record contradicts this allegation—the City appraiser has considered these issues. The issues in the objection are also addressed in finding 17 above and in the Legal Analysis below. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0392 (197720-0385, 8008550000) – The objection identifies errors concerning two parcels: Tax Parcel Nos. 1977200385 and 8008550000.

Following the close of the record, the City submitted several amendments it was seeking to the special benefit estimates for several properties. With regard to Tax Parcel No. 197720-0385, the City concluded that “ABS Valuation’s original analysis reflected an error in parcel ownership. Parcel is owned by Pike Place Market not Seattle Department of Transportation as assumed in original analysis. Because of Pike Place Market ownership and attendant legal constraints, special benefit estimate should be reduced to be more proportionate to similar Pike Place Market properties.” These conclusions were submitted after the close of record and with no opportunity to comment or object from Objector.

The City did not provide comment or response in the record for the initial hearing concerning the objection’s issues concerning Tax Parcel No. 8008550000. This left the Hearing Examiner with an inadequate record upon which to make a recommendation, and this property was recommended for consideration on remand.

With respect to Tax Parcel No. 197720-0385, the special assessment was also recommended to be remanded to allow the City to make appropriate changes and for the Objector to determine if these new findings are still at issue, and to provide comment if so. On remand, with respect to Tax Parcel No. 197720-0385, the City appraiser found that “based on information provided by representatives of the Pike Place Market and review of the last deed, the current owners are the Pike Place Market PDA.” The City appraiser also reiterated his earlier late filings from the initial hearing, and indicated that “because of Pike Place Market ownership and attendant legal constraints, the special benefit estimate should be reduced to be more proportionate to similar Pike Place Market properties,” and that “the assessment be reduced to \$71,736.”

On remand, the Objector appears to argue that two units of the Stewart House Condominium property should receive a zero assessment based on a HUD contract that, it argued, restricted the use of the units to low-income housing until 2032. However, as indicated by the City, the HUD contract upon which Objector relies, includes a provision that allows the owner to terminate the contract upon written notice. Where the HUD contract is not an absolute restriction on use, and because it is possible for the owner to use it as something other than low-income housing, a zero assessment for the two units of Stewart House Condominiums is not warranted. Therefore, the assessment reduction

argued for by Objector on remand beyond that identified by the City on remand, is not supported by adequate evidence.

Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0393 (5160650140) – see CWF-0048

CWF-0394 (6785700070) – The objection raises a series of issues but is not supported by adequate evidence. The Objector argues that the City appraisal failed to assess general benefits against special benefits. That issue is addressed below in the Legal Analysis section. The objection argues generally that the property will receive no special assessment but is not supported by the requisite expert analysis to overcome the legally imposed presumption in favor of the City appraisal. In addition, the objection raises issues addressed below in the Legal Analysis section. The objection raises the following common objection issues addressed below in the Legal Analysis section B: 3, 4, 5, 7, and 10. The objection also raises general comments in opposition to the LID. The objection raises these issues without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0395 (6785700040) – The objection raises a series of issues but is not supported by adequate evidence. The Objector argues that the City appraisal failed to assess general benefits against special benefits. That issue is addressed below in the Legal Analysis section. The objection argues generally that the property will receive no special assessment but is not supported by the requisite expert analysis to overcome the legally imposed presumption in favor of the City appraisal. In addition, the objection raises issues addressed below in the Legal Analysis section. The objection raises the following common objection issues addressed below in the Legal Analysis section B: 3, 4, 5, 7, and 10. The objection also raises general comments in opposition to the LID. The objection raises these issues without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0396 (9195870410) – The objection raises the following common objection issues addressed below in the Legal Analysis section B: 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0397 (2382002260) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0398 (9195870000) – The objection is ostensibly presented on behalf of the Waterfront Landings Condominium and raises issues identified in the above finding specific to that property, and also in the Legal Analysis section below. Objector indicates in a closing argument in response to cross-examination that the objection is submitted on behalf of all Waterfront Landing Condominium owners. The purpose of the final closing statements was to be response to cross-examination only. Objector cannot now at this late date attempt to submit objections for specific parcels not identified in the original written objection, or as part of Objector’s case in chief presentation. In addition, Objector provided no evidence that she is authorized to speak on behalf of all Waterfront Landing Condominium owners regarding their individual property assessments. The objection also challenges the special benefit determination for the property. However, no special benefit analysis performed by an expert was submitted on behalf of the property to overcome the presumption in favor of the City’s special assessment findings (comments from Mr. Gibbons about the special assessment for the property were general and did not constitute a special benefit analysis). The objection raises the following common objection issue addressed below in the Legal Analysis section B: 8. The objection challenges the proportionality of the special assessment but does so only through generalized assertions that are not property specific. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal was flawed.

Recommendation: denial

CWF-0399 (2585000900) – The objection includes general comments in opposition to the Waterfront LID that do not raise legal issues that the Hearing Examiner can address. The objection also raises issues not within the jurisdiction of the Hearing Examiner to address within the context of a special assessment hearing (e.g. City lack of authority to establish the LID, LID is ultra vires, Council procedural issues). The objection raises the following common objection issues addressed below in the Legal Analysis section B: 7 and 8. Finally, the objection challenges the boundaries or scope of the special assessment but provides no supporting expert evidence to support this argument. These arguments are not adequate to overcome presumption in favor of the City’s special assessment. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0400 (5160650290) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0401 (0696000095) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0402 (2748000010 and 2748000020) – The objection fails to raise an issue with the jurisdiction of the Hearing Examiner to consider in the context of a special assessment hearing. While public benefit is surely provided by the Objector, consideration of this value is more within the political consideration powers of the Council than it is within the legal issue consideration of the Hearing Examiner. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City's appraisal is flawed.

Recommendation: denial

CWF-0403 (1843051110) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence concerning the subject property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0404 (unknown) – The objection is only a brief statement in opposition to the Waterfront LID and includes no supporting evidence concerning the subject property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0405 (5160650690) – The objection includes general comments in opposition to the Waterfront LID that do not raise legal issues that the Hearing Examiner can address. The objection also raises issues not within the jurisdiction of the Hearing Examiner to address within the context of a special assessment hearing (e.g. regional mobility value of the Alaskan Way corridor, the need for a LID). The objection also challenges the special assessment by raising various issues that the Objector believes make the property unique and that Objector argues were not considered by the City. In addition, the objection challenges the adequacy of the special assessment, raising some issues that are addressed below in the Legal Analysis section (e.g. use of Dr. Crompton's report). The objection challenges the proportionality of the special assessment but does so only through

generalized assertions that are not property specific. Lastly, the objection raises the following common objection issue addressed below in the Legal Analysis section B: 10. By its own wording, the objection is based on what it identifies as “common sense,” and is not supported by any expert special assessment analysis. These arguments are not adequate to overcome presumption in favor of the City’s special assessment. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0406 (2538830720) – The objection challenges the valuation of the subject property and includes a valuation of the subject property to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the valuation of the subject property is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0407 (2538830800) – The objection challenges the valuation of the subject property and includes a valuation of the subject property to challenge the City appraiser’s valuation for the property. Without additional supporting evidence, the valuation of the subject property is not adequate to demonstrate an error in the special assessment for this property. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0408 (9195871040) – The objection is only a brief statement of issues in opposition to the Waterfront LID and includes no supporting evidence or testimony. The objection challenges the valuation of the subject property. It also indicates that the property will not receive a special benefit because of detrimental impacts to the property from the proposed improvements. The objection raises these issues without any supporting quantitative analysis demonstrating that the City valuation is inaccurate or that there will be no special benefit. The Objector failed to meet the burden of proof required to demonstrate that the property will not receive a special benefit.

Recommendation: denial

CWF-0409 (0656000550) – see CWF-0233

Recommendation: denial

CWF-0410 (0660000540) – see CWF-0233

Recommendation: denial

CWF-0411 (0660000545) – see CWF-0233  
Recommendation: denial

CWF-0412 (0660000575) – see CWF-0233  
Recommendation: denial

CWF-0413 (0660000708) – see CWF-0233  
Recommendation: Grant Objection in accordance with remand analysis by City appraiser,  
but otherwise deny Objection.

CWF-0414 (0660000740) – see CWF-0233  
Recommendation: denial

CWF-0415 (0696000015) – see CWF-0233  
Recommendation: Grant Objection in accordance with remand analysis by City appraiser,  
but otherwise deny Objection.

CWF-0416 (0696000055) – see CWF-0233  
Recommendation: denial

CWF-0417 (0939000240) – see CWF-0233  
Following the close of the record the City submitted several amendments it was seeking to the special benefit estimates for several properties. With regard to Tax Parcel No. 0939000240, the City concluded that “[t]he property sold its air rights. This was not considered in the analysis and a recommended revision is made.” These conclusions were submitted after the close of record and with no opportunity to comment or object from Objector.

The Hearing Examiner recommended remanding the special assessment to allow the City to make appropriate changes and for the Objector to determine if these new findings are still at issue, and to provide comment if so. On remand the City appraiser concluded “Based on that new information, we recommend that the assessment be reduced to \$81,928.” The Objector did not “contest Mr. Macaulay’s proposed revised assessments.” Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0418 (0942000430) – see CWF-0233  
The City appraiser indicated they were aware that redevelopment of the parcel was restricted as the parcel’s development rights had been sold, and that the before and after LID valuations considered the parcel’s highest and best use to be “as improved.” The current improvements on the parcel provide significant contribution value to the property.

The City appraiser properly found that the property would benefit from its proximity to the LID Improvements. The Objector's evidence concerning the special assessment did not demonstrate that the property will not receive a special benefit.

Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0419 (1117080000) – see CWF-0233

Recommendation: denial

CWF-0420 (1117080020) – see CWF-0233

Objector alleged that the City appraisal failed to consider the sale of development rights associated with the property but failed to do more than allege this as an issue—they introduced no evidence to indicate that this is the case. In contrast, the City appraiser testified that he was aware of the sold development rights and considered that in his analysis.

Recommendation: denial

CWF-0421 (1974700175) – see CWF-0233

The objection alleges that the City appraisal “double-counted” the subject property 2+U Building. However, the record does not reflect this. The ownership of the 2+U Building is comprised of three individual tax parcels and, under Washington State statutes, each tax parcel must be assigned individual special benefit and assessment amounts. The City appraisal data show that the individual amounts for each of the three tax parcels comprising the subject properties is estimated for the 2+U property.

Recommendation: denial

CWF-0422 (1975700235) – see CWF-0233

The Objector's evidence concerning the special assessment did not demonstrate that the property will not receive a special benefit or that the City appraisal valuation process was flawed.

Recommendation: denial

CWF-0423 (1975700365) – see CWF-0233

Following the close of the record, the City submitted several amendments it was seeking to the special benefit estimates for several properties. With regard to Tax Parcel No. 197570-0365, the City concluded that “the property sold its air rights. This was not considered in the analysis and a recommended revision is made.” These conclusions were submitted after the close of record and with no opportunity to comment or object from Objector. The Hearing Examiner recommended remanding the special assessment to allow the City to make appropriate changes and for the Objector to determine if these new findings are still at issue, and to provide comment if so. On remand the City appraiser concluded “Based on that new information, we recommend that the assessment

be reduced to \$158,760.” The Objector did not “contest Mr. Macaulay’s proposed revised assessments.”

Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0424 (1976200062) – see CWF-0233  
Recommendation: denial

CWF-0425 (1976200070) – see CWF-0233  
Recommendation: denial

CWF-0426 (1976200075) – see CWF-0233  
Recommendation: denial

CWF-0427 (1976200076) – see CWF-0233  
Recommendation: denial

CWF-0428 (1977201140) – see CWF-0233  
Recommendation: denial

CWF-0429 (2285130010) – see CWF-0233  
Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0430 (2538831460) – see CWF-0233  
Recommendation: denial

CWF-0431 (2538831480) – see CWF-0233  
Recommendation: denial

CWF-0432 (6094670010) – see CWF-0233  
Recommendation: denial

CWF-0433 (6094670020) – see CWF-0233  
Recommendation: denial

CWF-0434 (6094670030) – see CWF-0233  
Recommendation: denial

CWF-0435 (6094680050) – see CWF-0233  
Recommendation: denial

CWF-0436 (6195000030) – see CWF-0233

Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

CWF-0437 (6792120010) – see CWF-0233

Recommendation: denial

CWF-0438 (6792120020) – see CWF-0233

Recommendation: denial

CWF-0439 (7666202345) – see also CWF-0233

The Objector challenged the proportionality of the City valuation. The City concluded that the Seattle Marriott will receive a 3.2% increase in value as a result of the Waterfront LID Improvements, which is higher than hotels like the Edgewater Hotel—which is estimated to receive a 0.92% increase in value—and are more proximate to the LID Improvements. The City’s valuation was based on relative proximity to the promenade (a focal point of the project that provides improved access between downtown and waterfront properties) and park improvements along the waterfront. The City determined that other comparable hotels, like the Edgewater Hotel, are not located as closely to the LID Improvements along the waterfront and, therefore, will not receive the same amount of special benefit from the LID Improvements. The City’s argument is more persuasive in this regard.

Recommendation: denial

CWF-0440 (7666202465) – see CWF-0233

Recommendation: denial

CWF-0441 (7683890010) – see CWF-0233

Recommendation: denial

CWF-0442 (214129-0000) – Following the initial remand hearing, the objection for this matter was found by the Hearing Examiner embedded within the 2,700+ page record for Case Nos. 233 et. al.<sup>10</sup> The objection was timely filed on February 3, 2020. The objection states in its entirety:

ACT Theatre received the Local Improvement District No. 6751 assessment to finance a portion of the improvements of the Seattle Waterfront.

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<sup>10</sup> At page 2779 of the electronic file pdf for Case Nos. 233 et. al.

The board and staff of ACT Theatre look forward to the waterfront development and hope that all residents and visitors are able to appreciate all it will offer for our city and the surrounding downtown attractions.

We would like to communicate some of the unique attributes to Eagles Theatre Center that may not have been considered in the assessment.

- Eagles Theatre Center is a national historic landmark and a designated City of Seattle landmark with many protected interior and exterior architectural features. There is a covenant on the building requiring its use as a world-class theatre through the year 2036. The ability for Eagles Theatre Center to benefit from an increased value to the building due to its proximity to the waterfront is highly unlikely.
- ACT Theatre is a not-for-profit arts organization stewarding the historic building for the good of the City, however there is not consistent support to help maintain the Eagles Theatre Center.
- The Eagles Theatre Center building is 95 years old and requires significant capital repairs to remain a safe structure. While a payment plan to fulfill our assessment obligation will be helpful, ACT's need to raise funds for the assessment will put the organization behind in its ability to raise support for the urgent repair needs of the facility.

Again, we support the waterfront improvement and we respect the community leaders who have advocated for its development. This letter is to communicate the impact of the assessment on small and mid-size not-for-profits owning historic landmark buildings in the assessment.

The record does not reflect Objector's attendance at the noticed hearing date of February 4, 2020, and no evidence was submitted following the original submission. Much of the objection fails to state issues within the jurisdiction of the Hearing Examiner to consider in the context of a special assessment hearing (e.g. that the ACT Theatre is a non-profit stewarding the building for the good of the City, and expected costs for future building repairs). The objection generally speculates that the property will not benefit from the special assessment, but fails to support this conclusory statement. However, the objection raises a single issue that warranted consideration, and which was not addressed by the City at the initial hearing. To address the objection statement that "Eagles Theatre Center is a national historic landmark and a designated City of Seattle landmark with many protected interior and exterior architectural features. There is a covenant on the building requiring its use as a world-class theatre through the year 2036," this objection we remanded to the City to provide an indication that this item had been considered, or if

it was not, to review the assessment in context of the information and make any necessary adjustments. On remand the City appraiser concluded “During our original analysis we were aware of the property's historic landmark status but were not aware of a deed covenant restricting use (until the year 2036) of the theatre condominium portion. Recognizing this restrictive covenant, it is recommended that the estimated special benefit on tax parcel number 214129-0010 be reduced to zero.”

Recommendation: Grant Objection in accordance with remand analysis by City appraiser, but otherwise deny Objection.

#### **IV. Legal Analysis and Additional Findings**

##### **A. Standard of Review**

RCW 35.44.010 requires the City to assess properties within the LID in accordance with the “special benefits conferred thereon.” RCW 35.44.047 permits the City to use any assessment method which it deems to fairly represent the special benefits accruing to properties within the LID. An assessment cannot “substantially exceed” a property’s special benefit. *Hamilton Corner I, LLC v. City of Napavine*, 200 Wn. App. 258, 266, 402, P.3d 368 (2017). The assessments also must be roughly proportional throughout the LID. *See Bellevue Assocs. v. City of Bellevue*, 108 Wn.2d 671, 678–79, 741 P.2d 993 (1987). However, proportionality does not require that all properties be assessed the same percentage of special benefit. *Id.*

A property’s special benefit is measured by the increase in the property’s fair market value as a result of the improvements. *Hamilton Corner I, LLC*, 200 Wn. App. at 266. “Fair market value means ‘neither a panic price, auction value, speculative value nor a value fixed by depressed or inflated prices. [It is] ... the amount of money which a purchaser willing, but not obliged to buy the property would pay an owner willing, but not obligated, to sell it, taking into consideration all uses to which the property is adapted and might in reason be applied.’” *Time Oil Co. v. City of Port Angeles*, 42 Wn. App. 473, 479–80, 712 P.2 311 (1985) (alteration in original) (quoting *Donaldson v. Greenwood*, 40 Wn.2d 238, 252, 242 P.2d 1038 (1952)). “Whether property is specially benefited by the improvement and the extent of the benefit are questions of fact to be proved by expert testimony.” *In re Indian Trail Trunk Sewer*, 35 Wn. App. at 842 (internal citations omitted).

The Final Assessment Roll is presumed correct and, unless Objectors submit credible evidence overcoming that presumption, the roll should be confirmed. *Hamilton Corner I, LLC*, 200, Wn. App. at 268; *Hasit LLC v. City of Edgewood*, 179 Wn. App. 917, 949, 320 P.3d 163 (2014); *City of Seattle v. Rogers Clothing for Men, Inc.*, 114 Wn.2d 213, 231, 787 P.2d 39 (1990); *Time Oil Co. v. City of Port Angeles*, 42 Wn. App. 473, 479, 712 P.2d 311 (1985).

Expert evidence is required to challenge a special assessment. *Hasit LLC v. City of Edgewood*, 179 Wn. App. 917, 949, 320 P.3d 163 (2014). However, expert testimony is not necessarily required to challenge the proportionality of an assessment. In addition, not all Objectors must present expert evidence of their own but may rely on the expert evidence presented by other Objectors. *Id.* at 946.

An Objector may rely on expert evidence presented by other property owners to contest their assessment amount, so long as that expert evidence is relevant to their property. However, property owners still bear the burden of either producing or pointing to expert evidence produced by others to challenge the amount of their special benefit assessment.

Mere assertions that a property does not receive a special benefit from the improvements without supporting expert testimony cannot overcome the presumption in favor of the assessment roll. See *Hansen*, 54 Wn. App. at 263.

The City seems to assert that *Hasit* and *Hansen* stand not only for the proposition that disputing the existence of the purported special benefit would require expert testimony, but that such expert testimony is also required to dispute the City's basis for market value ("valuation") of a subject property. The Hearing Examiner does not find that these cases clearly delineate this standard for challenging the valuation, particularly where the Hearing Examiner/City Council are directed to sit as a board of equalization, and where such a body typically does not apply such a high standard of review. Therefore, in this case the Examiner has considered all valuation evidence—expert or not—in weighing it against the values identified by the City's expert appraiser.

## **B. Findings with Regard to Common Objection Issues and Evidence**

Many Objectors submitted objections citing the same or similar issues. In many cases, it is clear that a specific template was circulated among the Objectors, and the Objectors submitted that template as the objection with some changes (or in some cases, none). The "common" legal issues are addressed below.

### **1. Plans and Specifications are not on file with the City Clerk's Office as called for in Ordinance 125760.**

The purpose of this hearing is not to enforce Ordinance 125760. This issue is not relevant to whether any specific property will receive a special benefit or whether the City appraisal process was flawed and is therefore not within the Hearing Examiner's jurisdiction to consider in the context of an assessment hearing.

### **2. Plans and Specifications for the Proposal were not sufficient to allow an accurate measure of special assessment.**

Objectors argued that the Final Special Benefit Study ignores the impacts for development not expected to be completed until 2023/2024 and ignores the uncertainty of completing a five-year project on time and on budget. The LID statutes do not require the consideration of these impacts even though the assessment of special benefits may be done prior to completion of the improvements. In addition, Mr. Macaulay testified that appraisals are predictive and represent his expert conclusion about the value of a property and, in the case of a special benefit study, what the value will be if the improvements are in place. Objectors failed to contradict that position by reference to either the LID statutes or case law.

**3. There has been no State Environmental Policy Act (“SEPA”) review of the Waterfront LID formation ordinance, and the SEPA review for proposed LID Improvements is not complete.**

Objectors’ claims that the proposed Waterfront LID Improvements have not undergone required environmental review State Environmental Policy Act (“SEPA”) are misplaced in this forum. No SEPA appeal was filed, and such an appeal would have been inappropriate in the context of a special assessment hearing.

No Objector cited authority for SEPA issues to be addressed in a special assessment hearing. Instead, Objectors cited general principles of SEPA case law (if citations for authority were provided at all), such as the call to complete SEPA review at the earliest possible phase of proposed development. See e.g. *King County v. Washington State Boundary Review Bd. for King County*, 122 Wash.2d 648, 663, 860 P.2d 1024 (1993). Even under this generalized theory (that SEPA appellants can appeal in any forum desired simply based on the general principle of SEPA review being required at the earliest possible time), no Objector identified why the assessment hearing is the appropriate forum for a SEPA appeal, when in fact, earlier “opportunities” for raising SEPA challenges presented themselves—such as the Waterfront LID formation hearing and the Superior Court challenge under Chapter 35.43 RCW.

Even if SEPA issues were appropriate for this forum, the Objectors failed to demonstrate that SEPA review was incomplete for the proposal. Marshall Foster testified for the City and described the environmental review that has been completed for the proposed Waterfront LID Improvements. Mr. Foster indicated that State Environmental Policy Act (“SEPA”) review had been completed for many elements of the proposal and that additional review would occur at the appropriate permitting phase for certain specific portions of the proposal. In addition, the Declaration of Jill Macik dated April 30, 2020 provides extensive

detail concerning the status of SEPA review, NEPA review, and permitting for the Waterfront LID.

**4. The estimated value lift applied by ABS is less than 4%, which is within the margin of error for any appraisal and is therefore speculative.**

Several appraisers testifying on behalf of various Objectors raised this issue. However, as described by these appraisers, the 4% margin of error is viewed as a rule of thumb and is not a hard legal standard. As such, Objectors failed to show that the City appraisal was completed in error in the context of this issue.

**5. Final assessments will bind future City Councils and budgets to complete the LID Improvements regardless of cost. It is unlawful to bind future City Councils and budgets.**

This issue is not within the jurisdiction of the Hearing Examiner to consider in the context of a special assessment hearing. The purpose of this hearing is not to consider and rule on every possible potential future outcome of the LID. Further, no Objector cited any authority for the Hearing Examiner to consider such an issue.

**6. Completion of the Waterfront LID proposal is too speculative to provide a special benefit.**

Some Objectors have argued that the special assessments are speculative because the designs for the Improvements are not yet complete, are subject to change, and that environmental permitting processes may require the City to alter the designs for the LID Improvements. Objectors offered no evidence that any potential changes would, in fact, alter the amount of special benefit provided by the Improvements. Conjecture of potential changes is not adequate to meet Objectors' burden. Absent credible evidence that potential changes would impact the special benefit analysis, the assessments are valid so long as the LID's fundamental purpose is accomplished.

**7. The LID Improvements provide regional benefits and do not provide local special benefits.**

The fact that the LID Improvements will provide benefits to the broader region or City does not prevent the LID Improvements from being considered "local improvements" that confer a special benefit to local properties. Washington courts have long recognized that a "local improvement" may provide both special and general benefits. *See e.g. Ankeny v. City of Spokane*, 92 Wn. 549, 552, 159 P.

806 (1916); and *City of Seattle v. Rogers Clothing for Men, Inc.*, 114 Wn.2d 213, 228, 787 P.2d 39 (1990).

**8. The LID Improvements will have negative impacts on value that were not considered by the City's valuation.**

Objectors argued that the Final Special Benefit Study failed to consider various negative impacts. Objectors allege that the Waterfront LID Improvements will have.

Objectors pointed out that the proposal will result in lost parking opportunities. The Final Special Benefit Study expressly specifies that ABS considered the impact of lost parking in its special benefit analysis.

Many Objectors argued that the LID Improvements will result in increased incidents of drug use and crime and provide a haven for the homeless. Except for anecdotal evidence, no Objector provided any analysis or evidence concerning such impacts, and none demonstrated that there would be a negative impact on subject property value. Most of these concerns were related to existing circumstances and merely speculated that the LID Improvements would worsen conditions.<sup>11</sup> In addition, the City's witnesses testified that a maintenance ordinance will help ensure clean, well-maintained improvements and that such measures are beneficial.

Objectors presented no credible evidence that the City's appraiser failed to consider detriments that would result from the LID Improvements, or that the risk of these alleged detriments would have a net negative impact on their property values. Finally, in the hearing, the City offered specific evidence that the "negative impact" Objectors perceived with regard to pedestrian traffic and noise does not measurably affect property value in urban areas like Seattle.

**9. The LID Improvements do not add anything significant to the Central Waterfront beyond what is already provided by existing infrastructure.**

This issue essentially raised a matter of opinion that was not supported by adequate evidence from Objectors in any instance.

**10. Incorporation by reference of all objections made as part of King County Superior Court Case No. 19-2-05733-5 SEA.**

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<sup>11</sup> This certainly does not denigrate the fact that the City is experiencing a crisis concerning homelessness and related issues. Objectors' experiences of negative impacts, and fears of more of the same are certainly valid on a personal level. However, this special assessment hearing is not an opportunity for individuals to put the City Council on trial for every perceived or actual ill they experience in the City.

The Hearing Examiner does not have jurisdiction over matters raised within the context of a Superior Court appeal. Furthermore, the significant majority simply raised and dropped these issues by mere reference and incorporation. No effort was made to provide supporting argument or evidence to incorporate the issues raised in the Superior Court complaint.

## 11. Evidence

Many Objectors (particularly those who relied on the template of common objection issues addressed above) submitted several of the same documents as evidence to support their objection. These documents are addressed below.

### a. Resolve Letters

Appraiser Anthony Gibbons wrote several letters raising essentially the same issues and concerns regarding the Final Special Benefit Study. See e.g. Ex. C-21; Ex. 41 in CWF-0336, 0337, 0339, 0340, & 0342. Many objections rely on some version of the letter but fail to provide any other valuation or expert evidence. Mr. Gibbons's letters do not address valuations for individual parcels or their special benefits. Therefore, where a letter has been submitted to provide support for arguments that a property is not specially benefitted or is improperly valued, the letter is not adequate to support such an argument.

- i. The Final Special Benefit Study is not credible because it failed to “assess [the] General Benefit, and does not offset the apparent measure of special benefits with general benefits.”

Mr. Gibbons's argument that measurement of a special benefit requires a parallel calculation of “general benefit” is contradicted by LID case law. Washington courts have consistently held that “[s]pecial benefit” is “the increase in fair market value attributable to the local improvements.” *Hamilton Corner I, LLC*, 200 Wn. App. at 266 (quoting *Doolittle v. City of Everett*, 114 Wn.2d 88, 103, 786 P.2d 253 (1990)); *Bellevue Assocs. v. City of Bellevue*, 108 Wn.2d 671, 675, 741 P.2d 993 (1987); *Hansen v. Local Imp. Dist. No. 335*, 54 Wn. App. 257, 262, 733 P.2d 436 (1989); *Time Oil Co. v. City of Port Angeles*, 42 Wn. App. 473, 479, 712 P.2d 311 (1985). Objectors failed to cite case law supportive of Mr. Gibbons's proposition.

Washington courts recognize that projects funded by LIDs may provide general benefits beyond the special benefit (i.e., increase in fair market value) accruing to assessed parcels. *City of Seattle v. Rogers Clothing for Men, Inc.*, 114 Wn.2d 213, 228, 787 P.2d 39 (1990).

The eminent domain jurisprudence that Mr. Gibbons relies upon is inapposite and not applicable in this forum.

- ii. The City appraisal does not adequately identify or describe the before condition.

Here the critique of the appraisal appears to be a difference of professional opinion rather than a demonstration by Objectors that the City failed to meet a required legal standard for the LID appraisal. The City appraiser Mr. Macaulay explained that ABS addressed the rebuild of Alaskan Way (and removal of the viaduct) and other changes in the Final Special Benefit Study. For example, in the Final Special Benefit Study the before condition did not assign any special benefit due to the view amenity provided by the removal of the viaduct; any benefit from the removal of the viaduct was included in the before values. While this was dismissed by Mr. Gibbons as inadequate, no legal standard supports finding that the special assessment was improperly performed because the before condition description did not meet the standard argued by Mr. Gibbons.

- iii. The City appraiser did not measure the special benefit accruing to each property but instead applied a special benefit formulaic percentage to properties.

Testimony from Mr. Macaulay and the Final Special Benefit Study demonstrated that ABS did not apply a percentage to arrive at the “with LID” or “after LID” values. Instead, ABS calculated the value lift for each property in dollar terms. A percentage did result from this process, and this was shown in the spreadsheets in the Final Special Benefit Study to demonstrate the calculated increase in value as a percentage, not as a pre-applied formulaic percentage. Mr. Gibbons’s (and other Objector representatives’) belief that ABS applied a special benefit percentage formula seems to have been based on an understanding of the ABS process prior to receiving additional information from ABS on its processes that were revealed during the deposition and hearing process.

- iv. The aggregate value of the properties within the LID demonstrates that the LID Improvements do not provide special benefits.

**b. Complaint for King County Superior Court Case No. 19-2-05733-5 SEA.**

As indicated above, the Hearing Examiner does not have jurisdiction over matters raised within the context of a Superior Court appeal. The issues raised

in this complaint did not provide supporting evidence to any objection as there is nothing in it that provides factual support to an objection to a special assessment, and it includes no adequate property-specific information to support such an objection. Thus, this document is not relevant to the Hearing Examiner's recommendation.

**c. AG Opinion**

This document is included with many objections, often with no explanation as to how it is supportive of the objection. It is assumed that it is provided as supporting argument for the common objection issue "E" addressed above. As indicated above, that issue is not within the jurisdiction of the Hearing Examiner to consider in the context of a special assessment hearing. Therefore, this document is not relevant to the Hearing Examiner's recommendation.

**C. Findings with Regard to Objection Issues**

1. The above Specific Case Findings are hereby incorporated by reference.
2. Peter Shorett's analysis and testimony did not provide sufficient evidence to rebut the presumption that the City's special assessment is correct. Mr. Shorett did not provide an analysis of the current market value of the properties he was addressing or the effect of the LID Improvements on any specific property.
3. Some Objectors argued that there is no support for the Final Special Benefit Study conclusion that the LID Improvements will create a special benefit because access to the waterfront already exists from the subject properties. Some Objectors rely on *In re Jones*, 52 Wn.2d 143, 324 P.2d 259 (1958) in support of their claim that the LID Improvements will not provide a special benefit. In *In re Jones*, the Supreme Court held that a property owner could not be forced to pay a special assessment for the installation of a water main and fire hydrant on a street abutting his property because his property was already adequately connected to the City's water system. In holding that the additional improvements did not specially benefit the property, the Court stated "[t]he properties are not specially benefited by the improvement for the simple reason that they now enjoy from the city the identical services for which the local improvement assessment has been made."

The City argues that these arguments ignore the scope and nature of the LID Improvements, misunderstand LID case law, and that the type of benefits accruing from the LID Improvements are distinguishable from those at issue in *In re Jones*, because the LID streetscape and park improvements provide a broader

and more generalized array of benefits than the hardscape water system at issue in *In re Jones*.

The City's argument is supported by testimony and evidence from its experts, but no case law is provided to support the differentiation between a hardscape benefit and the more ephemeral benefits of a park and/or related infrastructure.

Regardless, the burden was not on the City to prove its case in this regard. Instead, Objectors had the burden of proof to demonstrate through evidence that properties will not be benefitted by the LID Improvements. In this case, Objectors simply adopted an accusatory tone and asserted that they are already benefitted by access; they provided no evidence analyzing a contrast between their current circumstances and the proposed improvements. Therefore, Objectors failed to meet their burden with regard to this issue.

4. Objectors' position that the LID Improvements provide only a general benefit, and that there is insufficient evidence in the Final Special Benefit Study to support a conclusion of special benefits, was not supported given the evidence and testimony presented by the City and the contents of the Final Special Benefit Study. Concerning this issue, the Objectors failed to meet their burden of proof.
5. The City successfully rebutted Objector's argument that the streetscape improvements in Pioneer Square and the Pike/Pine corridor are not part of the LID project and that they do not result in special benefits. The City's expert witnesses indicated that these street improvements are part of the LID project and that their analysis of special benefits included these improvements.
6. Some Objectors argued that the Final Special Benefit Study should have included provisions for latecomer fees. However, latecomer fees are not applicable in LIDs.
7. The evidence provided by Brian O'Connor is not sufficient expert appraisal evidence to rebut the presumption that the City's assessment is correct for the Harbor Steps and the Helios Apartments. Mr. O'Connor testified that he has never performed a special benefit study. Additionally, he testified that he had not conducted an independent special benefit analysis for the properties or calculated what benefit, if any, would accrue to the properties as a result of the LID Improvements. Objectors wrongly conclude that the City appraiser did not account for negative impacts of the LID Improvements to the Harbor Steps property. The record reflects that ABS considered disamenities in its special benefits analysis for all of the properties in the LID, including Harbor Steps. In this hearing, the City appraiser specifically explained that he did not consider increased connectivity to the waterfront to be a disamenity to Harbor Steps

- because he disagreed with Mr. Scott's contention that increased connectivity would harm Harbor Steps by drawing people away from its retail. The evidence provided by Mr. Scott did not adequately contravene the City appraiser.<sup>12</sup> ABS performed an appraisal of these two properties, consistent with USPAP standards, and arrived at value conclusions for Harbor Steps and the Helios Apartments that were within a reasonable range of opinion.
8. Randall Scott's Appraisal Review is insufficient to rebut the presumption that the City's assessments for the properties he addressed are valid. Mr. Scott's primary argument that the City appraisal did not meet USPAP standards 5 and 6, even if true, did not challenge the validity of ABS's special benefit calculations. In addition, the Final Special Benefit Study demonstrates that the Study complied with the requirements of USPAP.
  9. Benjamin Scott's reports and testimony are insufficient appraisal evidence to rebut the presumption that the City's assessments are correct for the properties he reviewed.
  10. As indicated above, John Gordon, expert witness for a group of hotels, at the initial hearing provided testimony and evidence for hotel valuations that were of higher value than the City appraisal due to the specialist nature of Mr. Gordon's background and the specificity of the valuation data upon which he relied.

The Hearing Examiner's Initial Recommendation found "[t]he City argues that a reason for difference in valuations presented by the City and Kidder Matthews is that the subject property hotel owners had not provided ABS with the specific information it did to Kidder Matthews, and that an opportunity for that had been provided. If any opportunity had been provided to submit specific hotel property information, that opportunity was passive—there was no indication in the record that a specific notice or solicitation to property owners had been provided by the City.<sup>13</sup> The City does not identify any legal requirement for the hotel owners to have provided their data at an earlier time. In addition, the information in the STAR reports relied upon by the Objectors was available to the City if it had sought such specific information. Further, the hoteliers have exercised their right to object to the valuation as part of the special assessment hearing, and it is within their rights to present property-specific data during the hearing—it is a major purpose of the hearing. None of the hotel properties presented credible evidence

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<sup>12</sup> The same is true for this issue raised by Objector 2+U Building (CWF-421).

<sup>13</sup> It is notable that the City's own expert Mark Lukens stated: "In my experience, it is highly unlikely that the hotels in the LID boundary would have provided financial and/or performance data if requested by the City and/or ABS Valuation, as hotels consider such information to be confidential and proprietary, and believe that the release of such information could put them at a competitive disadvantage." Declaration of Mark Lukens dated April 30, 2020 at 3.

to rebut the City's finding that the properties will receive a special benefit. However, the valuations of these properties should be remanded for recalculation by the City appraiser based on the information provided by these Objectors."

On remand, the City appraiser reviewed "the Kidder Mathews Restricted Appraisals for these eleven [hotel] properties, together with supplemental information provided on some of the ownerships."

11. Findings specific to each Objector are included above. Generally, many Objectors submitted non-appraisal valuation evidence to contest the City's valuation of their properties. However, this evidence was in many instances not adequate to show an error in the City's valuation for these properties. For example, several Objectors who own condos in the 1521 2nd Avenue building retained Jenee Curran, a real estate agent at Compass Washington, to perform Comparative Market Analyses for their condos (the "Compass Reports"). The Compass Reports are comparative market analyses presenting information about comparable sales of similar condo units; they are not an appraisal performed by a licensed appraiser and do not meet USPAP standards. These reports are a market review of recent sales performed by a real estate agent with no individual analysis or adjustments in direct comparison to the Objectors' units. The Compass Reports are not based in the same level of expertise as the City appraisal. While an expert may not be required for valuation evidence, generally an expert in a particular subject (e.g. appraisals or mass appraisals) will be accorded more weight in evidentiary value, unless that expert is shown to be in error. These reports do not provide any analysis showing an error in the City valuation. They only show a value of the property that is different than that identified by the City. Difference alone is not indicative of superior value in the evidence and does not demonstrate how the opposing party evidence is in error or of less probative value. Here the record demonstrates detailed consideration of valuation of properties parcel-by-parcel by the City appraiser using a mass appraisal method that meets USPAP standards. The City's valuations fall within the range of reasonable values for the subject properties, except where a property owner demonstrates it has superior property value information and/or the City has made an actual error in valuation of the property (e.g. as is the case for some hotel property Objectors). In this case, except where noted in individual case findings, Objectors challenging values did not show that they information they were presenting was of greater value, or that the City valuation for their property was completed with errors.

Some Objectors presented King County Assessor property values as evidence of current market value for their parcels. King County Assessor values are generally not reliable estimates of current market value. Assessor valuations are typically not based on recent market data and are not considered reasonable indicators of

current value in the appraisal field. County assessors use different methods for gathering information than appraisers. It is common for a property to sell at a significantly higher value than that property's assessed value. In the appraisal field, it is inappropriate to rely solely on a property's assessed value in determining its current market value.

Some Objectors included estimates from online listing services such as Redfin, Zestimates, or Zillow with their objections as evidence of current market value for their properties. These online listing services generally did not produce reliable estimates of value in comparison to the City's appraisal performed by a licensed appraiser, which met USPAP standards. Some of these online services note that a parcel has a 50 percent chance of selling within their stated range. Such valuations are not adequate estimates of property value sufficient to challenge the City's appraisal evidence.

12. Some objections complain that the assessment was made prior to completion of the LID Improvements. Under Washington law, a municipality is permitted to collect LID assessments prior to the completion of the improvements. *See e.g. Little Deli Marts, Inc. v. City of Kent*, 108 Wash.App. 1, 6, 32 P.3d 286 (2001). Objectors offer no authority suggesting that selecting an assessment date prior to the completion of the Improvements is impermissible or renders the assessments speculative. The City Code also permits the City to begin the assessment process upon formation of the Waterfront LID, regardless of the construction status of the LID Improvements. SMC § 20.04.070(B)(3). Therefore, under both state and local law, the City acted legally when it began the assessment process following the formation of the Waterfront LID. Further, Objectors offer no authority suggesting that the City is required (or even permitted) to consider the potential temporary negative effects of construction on property value.
13. Some Objectors argued that they should receive credits against their assessments under RCW 35.44.420. RCW 35.44.420 states: "A city legislative authority may give credit for all or any portion of any property donation against an assessment, charge, or other required financial contribution for transportation improvements within a local improvement district. The credit granted is available against any assessment, charge, or other required financial contribution for any transportation purpose that uses the donated property." RCW 35.44.420 does not entitle Objectors to an offset or credit. RCW 35.44.420 *permits* the City to offer a credit against assessments at its discretion; it does not require the City to do so. The statute also allows credits against LID assessments for property donations for transportation purposes. Objectors provided no evidence that they have donated property to the City. Thus, they are not entitled to a credit under RCW 35.44.420. The improvements identified by Objectors have no bearing on the special benefit created by the Waterfront LID Improvements.

14. A group of Objectors and their witnesses referenced impacts from COVID-19 on businesses and property value. The COVID-19 pandemic does not have any relevancy with concern to the issues addressed in the special assessment hearing, which is to determine if the City committed an error in the calculation of special assessments or valuation. The pandemic has no impact on the ABS appraisals in the Special Benefit Study because the date of valuation, October 1, 2019, predated the virus and appraisers are not required to predict unforeseeable events as part of their value analyses. The question of providing any relief to property owners on the basis of impacts from COVID-19 is a political question, not a legal issue on which the Hearing Examiner should provide a recommendation.
15. Some Objectors challenged the accuracy of the City valuation for their condominium properties because of a lack of differentiation between valuation of condominium units within the same building. Except where otherwise determined by the Hearing Examiner, the record does not reflect an adequate analysis demonstrating that the City appraisal was inadequate or performed in error in this respect. Therefore, Objectors failed to meet the burden of proof required to demonstrate that the City appraisal process was flawed in this regard.
16. A group of Objectors identified an error within the Final Special Benefit Study where it states: “The Waterfront Trolley, a service using old-fashioned trolley cars, runs along the entire waterfront and is heavily used by sightseers and other visitors to the area, especially in the summer.” Objectors indicate that the trolley has not operated in over twelve years and cite this as a prime example that the Final Special Benefit Study cannot be relied upon. This reflects a theme expressed by many Objectors that seems to suggest that if they find any error in the Final Special Benefit Study it should be thrown out, and that the only thing Objectors need to do is point out errors (often wholly subjective) and provide no supporting expert or equivalent evidence to support their arguments in order to prevail. This fails to recognize the presumption in favor the City’s expert appraiser established by Washington case law. The reference to the trolley is clearly an error, but it is also a minor error; absent adequate actual evidence, this minor example does not support a finding that the City appraisal is inadequate.
17. Objector representatives and individual property owners of Waterfront Landings Condominium raised issues identified above, concerning the failure of the City to consider negative impacts on views to the condominium units from the proposed development of the Pine Street Connector Road and the Overlook Walk in the valuation and special assessment for the properties. They also raised issues arguing that the unique nature of the condominium structure was not considered by the City appraiser. The City appraiser Mr. Macaulay testified that the City appraisal did consider these negative impacts, though it is not clear from the

record how that is the case. In addition, contrary to the argument that the City did not include sales data of condominiums that could be impacted by the proposed development, five of the sales considered by the City were for units directly impacted by the construction of the Pine Street Connector. ABS indicated in the record that it spoke to the brokers involved in three of these sales and confirmed that the buyers were aware of the upcoming projects. In addition, one Objector argued that the City only utilized eleven condominium sales to inform its analysis. That is not the case. Instead, the City's valuation data files show a total of twenty-five sales for the site, including two sales in 2019 and seven sales in 2018. This information was made available on the City Clerk's website. This is wholly sufficient evidence to demonstrate that the City adequately considered this evidence. Finally, Objectors offered no evidence of sales demonstrating a negative impact from the projects nor contradicted the City's value conclusions. Waterfront Landings Condominium failed to introduce adequate expert evidence to overcome the City's special assessment for the property.

18. Objectors for Case Nos. CWF-0233, CWF-0318, and CWP-0409-0441 filed a motion to reopen the record on August 25, 2020. Objectors seek to reopen the record "to require the City of Seattle to provide assurances that Objectors will not be improperly assessed for Pier 58 rehabilitation costs." Objectors fail to state an issue within the jurisdiction of the Hearing Examiner to consider in the context of a special assessment hearing. The issue raised is directly tied to use of LID funds, which is not relevant to a hearing addressing challenges to the City's special assessment process.

## **V. Recommendation**

That the following objections be denied, and with respect to the relevant parcel confirm the Waterfront LID assessment roll:

CWF-0001-CWF-0029; CWF-0030 should be denied but the correct address for the property should be identified in the assessment role; CWF-0031- CWF-0110; CWF-0112-CWF-132; CWF-135; CWF-137-CWF-167; CWF-169-CWF-183; CWF-185-CWF-317; CWF-319-CWF-322; CWF-324-CWF-327; CWF-329; CWF-330; CWF-332-CWF-352; CWF-354-CWF-391; CWF-393-CWF-416; CWF-419-CWF-422; CWF-424-CWF-428; CWF-430-CWF-435; CWF-437-CWF-441.

Consistent with the Findings above, the Hearing Examiner recommends that the City Council adopt the revised special assessment values for the following matters as set forth in the Declaration of Robert J. Macaulay, MAI, Regarding Remanded Properties Dated December 4, 2020:

CWF-0133, CWF-0134, CWF-0136, CWF-0168, CWF-0318, CWF-0353, CWF-0392, CWF-0413, CWF-0415, CWF-0417, CWF-0418, CWF-0423, CWF-0429, CWF-0436 and CWF-442.

That the property owner of record be corrected for CWF-0328, as addressed above in the Specific Case Findings for this matter.

Respectfully submitted, this 29<sup>th</sup> day of January 2021.

s/Ryan Vancil  
Ryan P. Vancil, Hearing Examiner

#### CONCERNING FURTHER REVIEW

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner's recommendation to consult appropriate Code sections and other relevant law to determine applicable rights and responsibilities.

Pursuant to SMC 20.04.090.C, any person substantially affected by a recommendation of the Hearing Examiner may submit an appeal of the recommendation in writing to the City Council. The appeal must be submitted within fourteen (14) calendar days following the date the recommendation of the Hearing Examiner is filed with the City Clerk. Submit an appeal to:

Submission by Email: [cityclerkfiling@seattle.gov](mailto:cityclerkfiling@seattle.gov); Subject line- Attention: Waterfront LID Appeal

Submission by Mail: City of Seattle Office of the City Clerk;  
Attention: Waterfront LID Appeal  
P.O. Box 94728; Seattle, WA 98124-4728

The appeal must clearly identify specific objections to the Hearing Examiner's recommendation and specify the relief sought.

**FINDINGS, CONCLUSIONS AND DECISION  
OF THE CITY COUNCIL OF THE CITY OF SEATTLE**

In the Matter of the Final Assessment Roll	)	C.F. 314476
for Local Improvement District No. 6751	)	
(Waterfront LID) and the Appeals of	)	FINDINGS, CONCLUSIONS
Multiple Appellants	)	AND DECISION
	)	

**Background**

In May 2018, Council, with the Mayor concurring, adopted Resolution 31812 declaring the City’s intent to construct the Seattle Central Waterfront Improvement Program and to create a local improvement district (LID) to assess a part of the cost and expense of those improvements against the properties specially benefited by the improvements. Resolution 31812 also notified all persons who object to such improvements to appear and present their objections at scheduled public hearings. It directed the City Clerk to give notice of the adoption of the resolution, provide information about the proposed LID, and share notice of the hearings with potentially affected property owners.

The Hearing Examiner subsequently conducted hearings, prepared a report, and delivered the report to Council for consideration before the Council’s decision to form the Local Improvement District No. 6751 ("Waterfront LID") by passing Ordinance 125760 with the Mayor’s approval in January 2019.

Via Ordinance 125760, the City ordered the preparation of the final assessment roll for the Waterfront LID. Ordinance 125760 limits the total of all assessments of property specially benefited by the Waterfront LID improvements to no more than \$160 million plus the amount necessary to pay the costs of financing.

In January 2019, the City commissioned ABS Valuation (City Appraiser) to perform a Final Special Benefit Study to determine the special benefit that each property located within the Waterfront LID boundary would receive from the LID improvements. In November 2019, based on the estimates in the Final Special Benefit Study, the Director of Transportation prepared the proposed final assessment roll for the Waterfront LID and filed it with the City Clerk.

In November 2019, the Council adopted Resolution 31915 with the Mayor concurring, which initiated the process to confirm Waterfront LID assessments and designated February 4, 2020, as the date for the required hearing on the Waterfront LID final assessment. The Hearing Examiner conducted the hearing and subsequently filed his report of findings and recommendation with the City Clerk on September 8, 2020 (“Initial Report” – see Clerk File 321780).

Revised Code of Washington (RCW) 35.44.070 and Seattle Municipal Code (SMC) 20.04.090 require the Council to hear any appeals from the report of the Hearing Examiner on the final assessment roll for local improvement districts. SMC 20.04.090 and City Council Rules for Quasi-Judicial Proceedings (QJ Rules) subsection V.A.2 require that an appellant must file a notice of appeal from said report with the City Clerk within 14 days of the Hearing Examiner's filing of the recommendation with the City Clerk.

SMC 20.04.090 requires the Council to set a time and place for a hearing on the appeal before the City Council or a committee thereof and to give notice of the time and place to the appellant following the filing of the notice of appeal. QJ Rules subsection IV.A states that the Council may delegate the appeal review to a committee and that the committee would make a recommendation to the full Council on the appeal. QJ Rules subsection VI.A requires the delegated committee to set the time and place for the hearing on the appeal within 15 days following the filing of the appeal with the City Clerk.

After the Hearing Examiner filed the Initial Report, multiple appellants filed timely appeals from the Initial Report with the City Clerk. Council delegated appeals to the Council's Public Assets and Native Communities Committee (Committee) and fixed dates for hearing on the appeals by adopting Resolutions 31969, 31972, 31973 and 31974.

In the Initial Report, the Hearing Examiner recommended the remand of certain properties ("Remanded Properties") to ABS Valuation (the "City Appraiser") for further analysis of its valuation before making a final recommendation on the final assessment of the Remanded Properties.

In November 2020, Council adopted Resolution 31979 in response to the Hearing Examiner's recommendation to remand properties to the City Appraiser and to address the need to postpone hearings previously scheduled for December 1, 2020 and January 5, 2020 meetings of the Committee to March 2, 2021 and April 6, 2021, respectively. Through Resolution 31979, the Council:

- Remanded to the City Appraiser for further analysis the valuation of the 17 Remanded Properties;
- Directed the City Appraiser to submit further analysis concerning valuation of the Remanded Properties to the Hearing Examiner no later than November 30, 2020;
- Directed the Hearing Examiner to review the City Appraiser's further analysis for the Remanded Properties and to provide notice and hold a hearing on the results of the analysis on the Remanded Properties;
- Directed the Hearing Examiner to reduce any findings, recommendations, and decisions on the Remanded Properties to writing and consolidate them with the findings and recommendations of the Initial Report into a "Final Report";

- Requested the Hearing Examiner to file the Final Report with the City Clerk no later than February 1, 2021;
- Directed the City Clerk to post the filing or otherwise make it available;
- Provided for appeal of the Final Report by any party who made a timely protest at the initial hearing;
- Provided for the filing of an amendment to an appeal that was properly submitted in response to the Initial Report; and
- Clarified that parties who properly filed appeals in response to the Initial Report and who do not wish to amend their appeals in response to the Final Report are not required to take any further action for their appeals to be heard.

The City Appraiser and the Hearing Examiner acted in accordance with the provisions in Resolution 31979. On Monday, February 1, 2021 the Hearing Examiner filed the Final Report with the City Clerk (see Clerk File 321888). The City Clerk provided notice of the filing.

After the Hearing Examiner filed the Final Report, multiple appellants filed timely appeals from the Final Report with the City Clerk. By adopting Resolutions 31990, 31996, and 31997 Council scheduled hearings on the appeals from the Final Report for multiple appellants to be held before the Committee on April 6, 2021. Those persons who filed timely appeals from the Initial Report and those persons who filed timely appeals from the Final Report are known together as the “Appellants.”

On March 2, 2021, the Committee held the hearing for multiple appeals of the Initial Report (see Clerk File 321893). On April 6, 2021, the Committee heard appeals from the Initial Report and appeals from the Final Report (see Clerk File 321914). If an appeal of the Final Report amended an of appeal of the Initial Report, the submitted appeal materials were considered together for a given case number.

### **Findings of Fact**

The City Council hereby adopts the following Findings of Fact as stated in the Hearing Examiner’s Final Report dated January 29, 2021.

### **Conclusions**

The City Council hereby adopts the Hearing Examiner's Recommendations as stated in the Hearing Examiner's Final Report dated January 29, 2021. Additionally, the Council makes the following further conclusions:

1. The Council has jurisdiction over this matter. Seattle Municipal Code (SMC) 20.04.090.
2. On appeals to the Council, the recommendation of the Hearing Examiner must be accorded substantial weight and the appellant carries the burden of proof. SMC 20.04.090.F.
3. In reviewing appeals, the Council applies the standard of review applied by the Hearing Examiner.
4. Council's review of the appeals "...shall be limited to and shall be based solely upon the record from the hearing..." before the Hearing Examiner. SMC 20.040.090.E
5. Appellants presented testimony to the Hearing Examiner, entered exhibits and received a full and fair hearing on their protest.
6. The Hearing Examiner's recommendations on the protests in his Final Report are supported and accurate.
7. Appellants have failed to demonstrate that the assessment of their property was done on a fundamentally wrong basis or that the assessment was arbitrary and capricious.

### **Decision**

The Final Assessment Roll for Local Improvement District No. 6751 with the revisions recommended by the Hearing Examiner is hereby approved. The City Council's decision on each of the appeals, referenced by Hearing Examiner Case Number, are shown as follows:

- CWF-0015     The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0022     The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0063     The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0067     The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0078     The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0089     The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0094 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0097 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0133 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0134 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0136 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0137 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0149 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0154 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0168 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0171 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0176 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0189 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0204 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0206 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0215 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0216 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0227 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0228 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0230 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0231 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0236 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0243 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0252 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0259 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0265 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0270 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0280 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0283 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0295 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0301 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0314 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0318 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0338 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0353 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0375 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0392 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0410 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0411 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0412 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0413 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0414 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0415 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0416 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0417 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0418 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

CWF-0420 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

- CWF-0421 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0422 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0423 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0425 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0426 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0427 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0429 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0430 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0431 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0432 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0433 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0434 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0435 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0436 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0437 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0438 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0439 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0440 The Hearing Examiner's recommendation is confirmed. The appeal is denied.
- CWF-0441 The Hearing Examiner's recommendation is confirmed. The appeal is denied.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
City Council President

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Legislative	Eric McConaghy/206 615 1071	none

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE modifying, approving, and confirming the final assessments and assessment roll of Local Improvement District (LID) No. 6751, for the construction of the improvements of LID No. 6751, as provided by Ordinance 125760; levying and assessing a part of the cost and expense thereof against the several lots, tracts, parcels of land, and other property as shown on the final assessment roll; and ratifying and confirming certain prior acts.

**Summary of the Legislation:** This Waterfront LID Final Assessments and Assessment Roll Ordinance would approve the final assessments and final assessment roll for Local Improvement District (LID) No. 6751 – the Waterfront LID – in the total amount of \$174,379,463. Approval of the legislation would also declare the levy on Waterfront LID properties – the collection of the assessed amount for each property – according to the approved assessments in the final assessment roll.

The legislation directs the Director of the Department of Transportation (SDOT Director) to modify the final assessment roll according to the recommendations of the Hearing Examiner (HE) and to address changes to parcels within the Waterfront LID due to any subdivision, merger and/or sales. The SDOT Director is charged with filing the final assessment roll with the City Clerk; the City Clerk is charged with transmitting the same to the Director of Department of Finance and Administrative Services (FAS Director). The FAS Director would publish the final assessment roll and begin collecting the payments of assessments.

The legislation would establish the following modes of payment: 1) prepayment, meaning within 30 days of the official publication of the final assessment roll; or 2) installments over 20 years, with interest-only being due for each of the first 10 years and 10 equal, principal-plus-interest installments due annually on the outstanding principal for the second 10 years. The estimated annual interest rate would be 6.5 percent, with the actual annual interest rate to be set by the ordinance authorizing the issuance and sale of the local improvement bonds for the Waterfront LID (Waterfront LID Bonds Ordinance). There would be no penalty for prepayment of a portion or all the principal balance outstanding any time.

The legislation would also provide for handling delinquent payments and for deferral of payments for economically disadvantaged property owners.

**Background:** The City formed the Waterfront LID in 2019 via Ordinance 125760. Ordinance 125760 also called for the preparation of the final assessment roll for the Waterfront LID. The final assessment roll for any LID is a listing of all properties in the LID and the amount to be

assessed against each property based on the increase in value accruing to each property (the “special benefit”) that is attributable to the construction of the local improvements.

Before Council takes action on this legislation, the City will have completed the necessary steps between the formation of the Waterfront LID and Council’s decision on the final assessments and final assessment roll for the Waterfront LID. To date, the City has completed the following:

- 1) The City commissioned ABS Valuation (City Appraiser) to perform a Final Special Benefit Study;
- 2) The SDOT Director filed the final assessment roll based on the Final Special Benefit Study with the City Clerk;
- 3) The City set the date for the hearing and designated the HE to hold the hearing on the final assessment roll;
- 4) The HE conducted the hearing;
- 5) The HE filed his findings and recommendations based on the record from the hearing (the Initial Report), including recommendations to remand 17 properties (Remanded Properties) for further analysis;
- 6) Based on the HE’s recommendations, Council directed the City Appraiser to submit further analysis concerning valuation of the Remanded Properties to the HE – the City Appraiser fulfilled the direction;
- 7) Council directed the HE to review the City Appraiser’s further analysis for the Remanded Properties and to hold a hearing on the results of the analysis on the Remanded Properties – the HE fulfilled the direction;
- 8) Council directed the Hearing Examiner to reduce any findings, recommendations, and decisions on the Remanded Properties to writing and to consolidate them with the findings and recommendations of the Initial Report into a “Final Report” – the HE fulfilled the direction;
- 9) As designated by Council, the Public Assets and Native Communities Committee (Committee) held hearings of all appeals from the HE’s recommendations for both the Initial Report and the Final Report; and
- 10) The Committee recommended that Council deny each appeal and that Council approve the final assessments and the final assessment roll for Waterfront LID, with the revisions recommended by the HE.

Council has not yet completed the necessary, final step at the time of the introduction and referral of this proposed ordinance. For the final step, Council must decide on each of the appeals and approve the final assessments and final assessment roll for the Waterfront LID before voting on this legislation. Council would officially demonstrate the decision by adopting the Findings, Conclusions and Decision of the City Council of the City of Seattle In the Matter of the Final Assessment Roll for Local Improvement District No. 6751 (Waterfront LID) and the Appeals of Multiple Appellants (FCD). Council could take action on the FCD at the same Council meeting as action on this proposed ordinance.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?        X   Yes       No

This legislation would enable the City to assess and levy the properties in the Waterfront LID according to final assessments approved by the passage of this ordinance. The levy funds would support the construction of the Waterfront LID improvements specified by Ordinance 126760 by backing the bonds that would be sold if authorized by the approval of a separate Waterfront LID Bonds ordinance. The proceeds of the bonds would pay for the Waterfront LID improvements. The Waterfront LID Bonds Ordinance relies on the passage of this Waterfront LID Final Assessments and Assessment Roll Ordinance.

The total estimated cost of the Waterfront LID improvements is approximately \$347 million, including the planning, design, and construction, together with administration costs of the Waterfront LID and financing costs. The funds from the Waterfront LID would pay for 50 percent of the total estimated cost. The remaining funds would come from City, state and philanthropic sources.

The Waterfront LID improvements are:

**Promenade** A continuous public open space extending along the west side of Alaskan Way from King Street to Pine Street.

**Overlook Walk** An elevated pedestrian bridge situated at the terminus of the Pike/Pine corridor, would include several buildings, an elevated lid over the surface street, open space with excellent view amenities, and an accessible pedestrian pathway with many connections between the Pike Place Market and the waterfront.

**Pioneer Square Street Improvements** Streetscape and new roadway/ sidewalk improvements to portions of S Main Street, S Washington Street, Yesler Way and S King Street from Alaskan Way/First Avenue east to 2nd Avenue S. The improvements would create pedestrian-friendly links from Pioneer Square to the waterfront.

**Union Street Pedestrian Connection** A universally accessible pedestrian link between the new waterfront and Western Avenue. An elevated pedestrian walkway and elevator extends from the southwest corner of Union Street and Western Avenue to the eastern side of Alaskan Way.

**Pike/Pine Streetscape Improvements** Pedestrian improvements along Pike and Pine streets from First Avenue to Ninth Avenue, providing enhanced pedestrian access to and from the Pike Place Market and waterfront.

**Waterfront Park** A rebuilt pier park located at the base of Union Street, would provide a unique atmosphere for social gathering/performance spaces with excellent view amenities.

The improvements are components of three, separate projects of the 2021-2026 Adopted Capital Improvement Program (CIP). Each of the projects is funded from multiple sources in addition to the Waterfront LID:



**b. Is a public hearing required for this legislation?**

No.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**d. Does this legislation affect a piece of property?**

This legislation affects the assessment of the properties located within the Waterfront LID as specified by Ordinance 125760.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation would result in assessments to fund the construction of public spaces in the Waterfront LID. These spaces have been designed to encourage use by people of all ages, incomes, and abilities and supports free expression. Construction contracts associated with the Waterfront improvements will meet the City's women- and minority-owned businesses (WMBE) and priority hire program requirements. Employment associated with operating and maintaining waterfront parks and public spaces will provide living-wage jobs to local citizens regardless of their age, ethnicity, gender, or sexual orientation. This legislation provides for Deferral of Assessments for Economically Disadvantaged Property Owners per Seattle Municipal Code 20.12 and Revised Code of Washington 35.43.250 and 35.54.100

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

The Waterfront LID projects are designed to improve mobility and access for walkers and bikers in downtown Seattle. In addition, many areas that were previously paved along the waterfront will be replaced landscaping areas with native plantings and trees, providing for improved air quality.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

No.



Legislation Text

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File #: CB 120073, Version: 1

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CITY OF SEATTLE

ORDINANCE \_\_\_\_\_

COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to financing public improvements within Local Improvement District No. 6751 (also known as the Waterfront LID); authorizing and providing for the issuance and sale of local improvement district bonds (LID Bonds, as defined herein) to provide funds to pay or reimburse a portion of the costs of the LID Improvements (as defined), to make a deposit to the Local Improvement Guaranty Fund, and to pay the costs of issuance of the bonds; pledging the LID assessments collected in the Waterfront LID and the amounts available in the Local Improvement Guaranty Fund to pay and secure the LID Bonds; providing parameters for Bond Sale Terms including conditions, covenants, and other sale terms; providing for and fixing the installment payment terms and interest rate on assessments in the Waterfront LID; amending Section 20.08.020 of the Seattle Municipal Code to conform to changes in state law; and ratifying and confirming certain prior acts.

WHEREAS, The City of Seattle, Washington (the “City”) is authorized, pursuant to chapter 35.43 RCW, et seq., and Chapters 20.04, 20.08, and 20.12 of the Seattle Municipal Code, to form local public improvement districts for the purpose of constructing local public improvements, to levy and collect special assessments on property specially benefited thereby in order to pay the whole or any part of the expense of such improvements, and to issue local improvement district warrants, notes, bonds, or other obligations pursuant to chapter 35.45 RCW to finance such improvements; and

WHEREAS, pursuant to Ordinance 125760 (the “LID Formation Ordinance”), passed on January 22, 2019 after the requisite public process, the City created Local Improvement District No. 6751 to finance the LID Improvements and created a local improvement fund (the “Waterfront LID Fund”), the statutory period under RCW 35.43.100 and 35.43.180 for bringing any protest or legal challenge to the LID Formation ordinance has expired, and all challenges brought within the appropriate time have been resolved or dismissed; and

WHEREAS, by Resolution 31915, the City Council initiated the process to confirm Waterfront LID assessments, fixed the date for a hearing on the final assessment roll where property owners subject to assessment may object to their assessments, and designated the Hearing Examiner for the City of Seattle to conduct the required hearing on the LID final assessment roll pursuant to RCW 35.44.070; and

WHEREAS, the Hearing Examiner filed a report of Findings and Recommendations (“Initial Report”) on the final assessment roll with the City Clerk on September 8, 2020 and, by Resolution 31979, the City Council remanded certain properties to the City Appraiser for further analysis concerning valuation consistent with the recommendations in the Initial Report; and

WHEREAS, the Hearing Examiner filed a final report of Findings and Recommendations (“Final Report”) with the City Clerk on February 1, 2021, which included findings by the Hearing Examiner following further analysis of the valuation of certain properties referred to as remanded properties in accordance with Resolution 31979; and

WHEREAS, pursuant to RCW 35.44.070 and SMC 20.04.090, the Council is required to hear any appeals from the report of the Hearing Examiner on the final assessment roll for local improvement districts; and

WHEREAS, by adopting Resolutions 31969, 31972, 31973, and 31974, Council fixed the dates for hearing appeals by property owners regarding the Final Report of the Hearing Examiner on the final assessment roll on March 2, 2021 and April 6, 2021; and

WHEREAS, after such hearing and resolution of all appeals, the City Council has considered and approved Council Bill 120072 confirming the final assessment roll for the Waterfront LID; and

WHEREAS, a total of approximately \$21.9 million in expenses for the cost of the LID Improvements will have been incurred in Central Waterfront Improvement Fund 35900 (“CWIF”) which are required to be repaid with available LID assessments or proceeds of the bonds. Of this total, the City currently estimates that approximately \$9.675 million in expenditures for the LID Improvements have been

temporarily supported by other revenues related to the Central Waterfront Program available within the CWIF (Fund 35900), and is expected to be reimbursed with available LID assessments or proceeds of the Bonds; and

WHEREAS, by Ordinance 123761, as amended by Ordinance 125990, the City authorized an interfund loan in an amount not to exceed \$12.225 million to the CWIF (Fund 35900) (the “CWIF Interfund Loan”) to pay various costs of the Central Waterfront Program. The City currently estimates that a portion of the approximately \$21.9 million of the costs of the LID Improvements incurred in CWIF (Fund 35900) is allocated to the CWIF Interfund Loan, and the full authorized amount (approximately \$12.225 million) of the CWIF Interfund Loan is expected to be repaid with available LID assessments or proceeds of the Bonds; and

WHEREAS, by Ordinance 125991, the City authorized an interfund loan to the Waterfront LID Fund (the “LID Interfund Loan” and together with the CWIF Interfund Loan, the “Interfund Loans”) to pay the costs of the LID Improvements in an amount not to exceed \$19.0 million. The City currently estimates that approximately \$7.9 million will be drawn to pay costs of the LID Improvements and is expected to be repaid with available LID assessments or proceeds of the Bonds; and

WHEREAS, in order to provide financing (including refinancing the Interfund Loans and reimbursing certain costs paid out of the CWIF (Fund 35900)) for the costs of the LID Improvements, the City Council finds that it is necessary or desirable to issue and sell the local improvement district bonds (the “LID Bonds”) as authorized herein; and

WHEREAS, the City Council has determined that the LID Bonds authorized herein are consistent with the Debt Management Policies adopted in Resolution 31553; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. **Definitions.** As used in this ordinance:

“**Authorized Denomination**” means \$5,000 or any integral multiple thereof within an Estimated

Redemption Group, or such other minimum authorized denominations as may be specified in the applicable Bond Documents.

**“Beneficial Owner”** means, with regard to any Bond, the owner of any beneficial interest in that Bond, as applicable.

**“Bond”** means any of the Local Improvement District No. 6751 bonds authorized to be issued by this ordinance.

**“Bond Counsel”** means a lawyer or a firm of lawyers, selected by the City, of nationally recognized standing in matters pertaining to bonds issued by states and their political subdivisions.

**“Bond Documents”** means (a) this ordinance (including any amendatory or supplemental ordinances) and any future ordinance setting forth the parameters for the Bond Sale Terms; (b) the authenticated bond form; and (c) the written agreement(s) setting forth the Bond Sale Terms and additional terms, conditions, or covenants pursuant to which such Bond was issued and sold, as set forth in any one or more of the following (if any): (i) a sale resolution, (ii) a bond purchase contract (as defined in the applicable authorizing ordinance), (iii) a bond indenture or a fiscal agent or paying agent agreement (other than the State fiscal agency contract), and (iv) a direct purchase or continuing covenant agreement.

**“Bond Purchase Contract”** means a written offer to purchase the Bonds pursuant to certain Bond Sale Terms, which offer has been accepted by the City in accordance with this ordinance. In the case of a competitive sale, the Purchaser’s bid for the Bonds, together with the official notice of sale and Pricing Certificate confirming the Bond Sale Terms, shall comprise the purchase contract.

**“Bond Register”** means the books or records maintained by the Registrar for the purpose of registering ownership of each Bond.

**“Bond Sale Terms”** means the terms and conditions for the sale of the Bonds approved by the Director of Finance consistent with the parameters set forth in Section 4 of this ordinance, including the amount, date or dates, denominations, interest rate or rates (or mechanism for determining interest rate or rates), payment dates,

Estimated Redemption Dates, final maturity, redemption rights, price, and other terms, conditions or covenants.

In connection with a negotiated sale or private placement, the Bond Sale Terms shall be set forth in the Bond Purchase Contract; in connection with a competitive sale, the Bond Sale Terms shall be set forth in a Pricing Certificate.

**“Book-Entry Form”** means a fully registered form in which physical bond or note certificates are registered only in the name of the Securities Depository (or its nominee), as Registered Owner, with the physical certificates held by and immobilized in the custody of the Securities Depository (or its designee), where the system for recording and identifying the transfer of the ownership interests of the Beneficial Owners in those bonds or notes is neither maintained by nor the responsibility of the City or the Registrar.

**“City”** means The City of Seattle, Washington.

**“Continuing Disclosure Agreement”** means, for Bonds sold in an offering subject to federal securities regulations requiring a written undertaking to provide continuing disclosure, a continuing disclosure agreement entered into pursuant to Section 13(c) of this ordinance, in substantially the form attached as Exhibit A.

**“DTC”** means The Depository Trust Company, New York, New York.

**“Director of Finance”** means the Director of the Finance Division of the Department of Finance and Administrative Services of the City, or any other officer who succeeds to substantially all of the responsibilities of that office.

**“Estimated Redemption Date”** means the date on which each Bond is estimated to be redeemed prior to the Maturity Date, as set forth in the Bond Documents.

**“Estimated Redemption Group”** means all Bonds bearing the same Estimated Redemption Date and bearing the same serial number.

**“Estimated Redemption Schedule”** means a schedule of showing the Estimated Redemption Dates and identifying the Bonds assigned to each Estimated Redemption Group.

**“Fiscal Agent”** means the fiscal agent of the State, as the same may be designated by the State from

time to time.

**“Government Obligations”** means, unless otherwise limited in the Bond Documents, any government obligation as that term is defined in RCW 39.53.010, as now in effect or as may hereafter be amended.

**“Interfund Loans”** means, together (a) the interfund loan to the Waterfront LID Fund authorized by Ordinance 125991 (the “LID Interfund Loan”) to pay the costs of the LID Improvements; and (b) the interfund loan to the Central Waterfront Improvement Fund authorized by Ordinance 123761, as amended by Ordinance 125990 (the “CWIF Interfund Loan”) allocated to paying costs of the LID Improvements.

**“Internal Revenue Code”** means the Internal Revenue Code of 1986, or any successor thereto, as it has been and may be amended from time to time, and regulations thereunder.

**“Issue Date”** means, with respect to a Bond, the date on which that Bond is issued and delivered to the initial Purchaser in exchange for its purchase price.

**“LID Assessments”** means all collections pertaining to assessments on the assessment roll of the Waterfront LID, including without limitation prepayments, installments, interest, and penalties, if any.

**“LID Bond Redemption Account”** means such account, subaccount, or other method of segregation for accounting purposes within the Waterfront LID Fund designated by the Director of Finance to be used for the payment of the principal of and interest on the Bonds.

**“LID Formation Ordinance”** means Ordinance 125760, ordering that a local improvement district, to be known as the Waterfront LID, be created, authorizing creation of the Waterfront LID Fund, and ordering that the LID Improvements be carried out.

**“LID Improvements”** means those improvements identified in the LID Formation Ordinance, which are authorized to be constructed in the Waterfront LID and designated as “payable by bonds” to be repaid from collections in respect of LID Assessments levied on properties in the Waterfront LID.

**“Letter of Representations”** means the Blanket Issuer Letter of Representations between the City and DTC dated October 4, 2006, as it may be amended from time to time, or an agreement with a substitute or

successor Securities Depository.

“**Local Improvement Guaranty Fund**” means the fund of that name created by Ordinance 52903 and described in Chapter 20.08 SMC.

“**Maturity Date**” means such date as the Director of Finance may agree to in the Bond Sale Terms, which is not more than 22 years after the Issue Date.

“**Owner**” means, without distinction, the Registered Owner and the Beneficial Owner of a Bond.

“**Pricing Certificate**” means a certificate executed by the Director of Finance as of the pricing date confirming the Bond Sale Terms for the sale of the Bonds to the Purchaser in a competitive sale, in accordance with the parameters set forth in Section 4 of this ordinance.

“**Purchaser**” means an entity (or entities) selected by the Director of Finance in accordance with this ordinance to serve as underwriter, purchaser or successful bidder in a sale of the Bonds.

“**Rating Agency**” means any nationally recognized rating agency then maintaining a rating on the Bonds at the request of the City.

“**Record Date**” means, unless otherwise defined in the Bond Documents, in the case of each interest or principal payment date, the Registrar’s close of business on the 15th day of the month preceding the interest or principal payment date. With regard to redemption of a Bond prior to its maturity, the Record Date shall mean the Registrar’s close of business on the day prior to the date on which the Registrar sends the notice of redemption to the Registered Owner(s) of the affected Bonds.

“**Registered Owner**” means, with regard to a Bond, the person in whose name that Bond is registered on the Bond Register. For so long as the Bonds are held in Book-Entry Form under a Letter of Representations, Registered Owner shall mean the Securities Depository.

“**Registrar**” means the Fiscal Agent (unless the Director of Finance appoints a different person to act as Registrar with respect to the Bonds), or any successor Registrar selected in accordance with the Registration Ordinance.

“**Registration Ordinance**” means Chapter 5.10 SMC, as amended.

“**Rule 15c2-12**” means Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934, as amended.

“**SEC**” means the United States Securities and Exchange Commission.

“**SMC**” means the Seattle Municipal Code.

“**Securities Depository**” means DTC, any successor thereto, any substitute securities depository selected by the City, or the nominee of any of the foregoing. Any successor or substitute Securities Depository must be qualified under applicable laws and regulations to provide the services proposed to be provided by it.

“**State**” means the State of Washington.

“**Waterfront LID Fund**” means the City’s Local Improvement District No. 6751 Fund previously created by the LID Formation Ordinance and authorized by SMC 20.04.150.

Section 2.     **Authorization and Description of Bonds.** The City is authorized to issue local improvement district bonds (the “Bonds”) in a maximum aggregate principal amount not to exceed the amount stated in Section 4 of this ordinance, for the purpose of providing funds (a) to pay or reimburse a portion of the costs of the LID Improvements as permitted under RCW 35.43.020 (including repaying the Interfund Loans and reimbursing the CWIF (Fund 35900) for Local Improvement costs); (b) to make a deposit to the Local Improvement Guaranty Fund; and (c) to pay the costs of issuance of the Bonds. The Bonds shall be designated local improvement district bonds, shall be numbered serially for each Estimated Redemption Group as set forth in an Estimated Redemption Schedule, and shall have such name, year, and other additional label or designation as deemed necessary or appropriate by the Director of Finance.

The Bonds shall be paid and redeemed by the collection of the LID Assessments, which shall be payable as set forth in Section 11 of this ordinance.

Section 3.     **Manner of Sale of Bonds.** The Director of Finance may provide for the sale of the Bonds by competitive sale, negotiated sale, limited offering, or private placement. The Purchaser of the Bonds

shall be chosen through a selection process acceptable to the Director of Finance. The Director of Finance is authorized to specify the date and time of sale and a date and time for the delivery of the Bonds; in the case of a competitive sale, to give an official notice of sale including bid parameters and other bid requirements and provide for the use of an electronic bidding mechanism; to provide for and determine matters relating to the forward or delayed delivery of the Bonds, if deemed desirable; and to specify other matters in his or her determination necessary, appropriate, or desirable in order to carry out the sale of the Bonds. The Bonds must be sold pursuant to a Bond Purchase Contract that reflects Bond Sale Terms consistent with the parameters set forth in Section 4 of this ordinance.

Section 4. **Appointment of Designated Representative; Bond Sale Terms.**

(a) **Designated Representative.** The Director of Finance is appointed to serve as the City's designated representative in connection with the issuance and sale of the Bonds in accordance with RCW 39.46.040(2) and for purposes of making other determinations pursuant to this ordinance.

(b) **Parameters for Bond Sale Terms.** The Director of Finance, acting on behalf of the City, is authorized to approve Bond Sale Terms for the sale of the Bonds, and in connection with such sale, to execute a Bond Purchase Contract (or, in the case of a competitive sale, a Pricing Certificate confirming the Bond Sale Terms) and such related agreements as may be necessary or desirable, consistent with the following parameters:

(i) **Maximum Principal Amount.** The Bonds are authorized to be issued in a maximum aggregate principal amount equal to the amount of the final assessment roll confirmed by Council Bill 120072 and may not exceed the total amount of unpaid LID Assessments outstanding as of the expiration of the 30-day period for prepayment of LID Assessments described in RCW 35.49.040.

(ii) **Date or Dates.** Each Bond shall be dated its Issue Date, as determined by the Director of Finance. The Issue Date shall be no earlier than the effective date of Council Bill 120072 and shall be at least 20 days after the expiration of the 30-day period for prepayment of LID Assessments consistent with RCW 35.45.010.

(iii) **Denominations.** The Bonds shall be issued in Authorized Denominations, except for the Bonds in the Estimated Redemption Group assigned the highest serial number, which shall reflect the remaining principal amount of the Bonds.

(iv) **Interest Rate(s).** Each Bond shall bear interest from its Issue Date or from the most recent date to which interest has been paid or duly provided, unless otherwise provided in the applicable Bond Documents. One or more fixed rates of interest shall be established for each Estimated Redemption Group.

(v) **Payment Dates.** Interest shall be payable annually on dates acceptable to the Director of Finance. Principal of the Bonds shall be payable on the Maturity Date. Principal of the Bonds may be additionally redeemed annually, at the City's option, on such interest payment dates as may be established in accordance with the applicable Bond Documents.

(vi) **Maximum Term.** The Bonds shall mature on the interest payment date next occurring after the 22nd anniversary of the expiration of the 30-day period for prepayment of LID Assessments.

(vii) **Redemption Prior to Maturity.** Each Bond shall be subject to optional redemption prior to its maturity. The Bond Sale Terms shall set forth an Estimated Redemption Schedule for the Bonds. Notwithstanding that Estimated Redemption Schedule, principal of the Bonds shall be redeemed, in serial order, prior to maturity annually (on each interest payment date next occurring after the anniversary of the expiration of the 30-day period for prepayment of LID Assessments) in principal amounts equal to the amount (if any) then available in the LID Bond Redemption Account in excess of the amounts necessary to pay the interest then due and payable, adjusting for redemption of Bonds in Authorized Denominations.

(viii) **Price.** The Bonds shall be sold at par.

(ix) **Additional Terms, Conditions, and Agreements.**

(A) **Local Improvement Guaranty Fund.** The Bond Sale Terms shall provide for a deposit to the Local Improvement Guaranty Fund in an amount determined by the Director of Finance, consistent with Section 12 of this ordinance.

(B) **Other Terms, Conditions, and Covenants.** The Director of Finance is authorized to execute, on behalf of the City, such additional certificates and agreements as the Director of Finance may deem necessary or desirable to reflect the Bond Sale Terms and any additional credit support, liquidity, terms, conditions, and covenants.

Section 5. **Registrar; Registration and Transfer of Bonds.**

(a) **Registration and Registrar.** The Bonds shall be issued only in registered form as to both principal and interest and shall be recorded on the Bond Register. The Fiscal Agent is appointed to act as Registrar for the Bonds, unless otherwise determined by the Director of Finance.

(b) **Transfer and Exchange.** The Registrar shall keep, or cause to be kept, sufficient books for the registration and transfer of the Bonds, which shall be open to inspection by the City at all times. The Bond Register shall contain the name and mailing address of the Registered Owner of each Bond and the principal amount and number of each of the Bonds held by each Registered Owner.

The Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of the Bonds and this ordinance, to serve as the City's paying agent for the Bonds and to carry out all of the Registrar's powers and duties under this ordinance and the Registration Ordinance.

The Registrar shall be responsible for its representations contained in the Registrar's certificate of authentication on the Bonds. The Registrar may become an Owner of Bonds with the same rights it would have if it were not the Registrar and, to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as members of, or in any other capacity with respect to, any committee formed to protect the rights of Owners.

Bonds surrendered to the Registrar may be exchanged for Bonds in any Authorized Denomination of an equal aggregate principal amount and of the same security, interest rate, and Estimated Redemption Group. Bonds may be transferred only if endorsed in the manner provided thereon and surrendered to the Registrar.

Any exchange or transfer shall be without cost to an Owner or transferee. The Registrar shall not be obligated to exchange or transfer any Bond during the period between the Record Date and the corresponding interest payment date or redemption date.

(c) **Securities Depository; Book-Entry Form.** Unless otherwise determined by the Director of Finance, the Bonds initially shall be issued in Book-Entry Form and registered in the name of the Securities Depository. The Bonds so registered shall be held fully immobilized in Book-Entry Form by the Securities Depository in accordance with the provisions of the Letter of Representations. Neither the City nor the Bond Registrar shall have any responsibility or obligation to participants of the Securities Depository or the persons for whom they act as nominees with respect to the Bonds regarding the accuracy of any records maintained by the Securities Depository or its participants of any amount in respect of principal of or interest on the Bonds, or any notice which is permitted or required to be given to Registered Owners hereunder (except such notice as is required to be given by the Bond Registrar to the Securities Depository). Registered ownership of a Bond initially held in Book-Entry Form, or any portion thereof, may not be transferred except: (i) to any successor Securities Depository; (ii) to any substitute Securities Depository appointed by the City or such substitute Securities Depository's successor; or (iii) to any person if the Bond is no longer held in Book-Entry Form.

Upon the resignation of the Securities Depository from its functions as depository, or upon a determination by the Director of Finance to discontinue utilizing the then-current Securities Depository, the Director of Finance may appoint a substitute Securities Depository. If the Securities Depository resigns from its functions as depository and no substitute Securities Depository can be obtained, or if the Director of Finance determines not to utilize a Securities Depository, then the Bonds shall no longer be held in Book-Entry Form and ownership may be transferred only as provided herein.

Nothing herein shall prevent the Bond Sale Terms from providing that the Bonds shall be issued in certificated form without utilizing a Securities Depository, and that the Bonds shall be registered as of their Issue Date in the names of the Owners thereof, in which case ownership may be transferred only as provided

herein.

(d) **Lost or Stolen Bonds.** In case any Bond shall be lost, stolen or destroyed, the Registrar may authenticate and deliver a new Bond or Bonds of like amount, date, tenor, and effect to the Registered Owner(s) thereof upon the Registered Owner(s)' paying the expenses and charges of the City in connection therewith and upon filing with the Registrar evidence satisfactory to the Registrar that such Bond or Bonds were actually lost, stolen, or destroyed and of Registered Ownership thereof, and upon furnishing the City with indemnity satisfactory to both.

Section 6. **Payment of Bonds.**

(a) **Payment.** Both principal of and interest on the Bonds shall be payable solely out of the LID Bond Redemption Account and from the Local Improvement Guaranty Fund. The Bonds shall be payable in lawful money of the United States of America on the dates and in the amounts as provided in the Bond Documents.

(b) **Bonds Held In Book-Entry Form.** Principal of and interest on each Bond held in Book-Entry Form shall be payable in the manner set forth in the Letter of Representations.

(c) **Bonds Not Held In Book-Entry Form.** Unless otherwise set forth in the Bond Documents, interest on each Bond not held in Book-Entry Form shall be payable by electronic transfer on the interest payment date, or by check or draft of the Bond Registrar mailed on the interest payment date to the Registered Owner at the address appearing on the Bond Register on the Record Date. The City, however, shall not be required to make electronic transfers except pursuant to a request by a Registered Owner in writing received at least ten days prior to the Record Date and at the sole expense of the Registered Owner. Unless otherwise set forth in the Bond Documents, principal of each Bond not held in Book-Entry Form shall be payable upon presentation and surrender of the Bond by the Registered Owner to the Bond Registrar.

Section 7. **Redemption and Purchase of Bonds.**

(a) **Redemption of Bonds Prior to Maturity.** The Bonds shall be subject to redemption prior to

the Maturity Date on each annual interest payment date on which there is money in the LID Bond Redemption Account over and above the amount required for the payment of the interest due on that interest payment date on all unpaid Bonds. All or a portion of the principal amount of any Bond that is to be redeemed may be redeemed in an Authorized Denomination. Interest on Bonds (or portions thereof) called for redemption shall cease to accrue on the date fixed for redemption, and the Bond or Bonds (or portion thereof) called shall no longer be deemed to be outstanding, unless that principal amount of Bonds is not redeemed when presented pursuant to the call.

(b) **Selection of Bonds for Redemption; Estimated Redemption Schedule.** The Bonds shall be called for redemption in the order of Estimated Redemption Groups set forth on the Estimated Redemption Schedule.

(c) **Partial Redemption.** If the Bonds are held in Book-Entry Form and less than all of the principal amount of an Estimated Redemption Group is to be redeemed, the portion of such Estimated Redemption Group to be redeemed shall be selected for redemption by the Securities Depository in accordance with the Letter of Representations. If the Bonds are not then held in Book-Entry Form, the portion of such Estimated Redemption Group to be redeemed shall be selected by the Registrar randomly in such manner as the Registrar shall determine. If less than all of the outstanding principal amount of any Bond is redeemed, upon surrender of that Bond to the Registrar there shall be issued to the Registered Owner, without charge, a new Bond (or Bonds, at the option of the Registered Owner) of the same security, Estimated Redemption Group, and interest rate, representing the aggregate principal amount to remain outstanding.

(d) **Purchase.** The City reserves the right and option to purchase any or all of the Bonds at any time at any price acceptable to the City plus accrued interest to the date of purchase.

Section 8. **Notice of Redemption.** Notice of intended redemption of any Bond that is held in Book-Entry Form shall be given in accordance with the Letter of Representations, by first class mail, postage prepaid, to the Registered Owner of any Bond to be redeemed at the address appearing on the Bond Register

on the Record Date.

Unless otherwise set forth in the applicable Bond Documents, notice of any intended redemption of a Bond not held in Book-Entry Form shall be given not less than 20 nor more than 60 days prior to the date fixed for redemption by first-class mail, postage prepaid, to the Registered Owner of any Bond to be redeemed at the address appearing on the Bond Register on the Record Date.

The requirements of this section shall be deemed to have been fulfilled when notice has been mailed as so provided, whether or not it is actually received by the Owner of any Bond.

Section 9. **Failure to Pay Bonds.** If any Bond (or portion thereof) is not paid when properly presented at its Maturity Date or date set for redemption prior to maturity, the City shall be obligated to pay interest on that Bond at the same rate provided in that Bond from and after its maturity or call date until that Bond, as to both principal and interest, is paid in full or until sufficient money for its payment in full is on deposit in the LID Bond Redemption Account and that Bond has been called for payment by mailing notice of that call, postage prepaid, to the Registered Owner of that Bond. The Owners of the Bonds shall also have recourse against the Local Improvement Guaranty Fund of the City in accordance with Section 12 of this ordinance.

If the City fails to pay any Bond or to promptly collect any LID Assessment in respect of the Waterfront LID when due, the Owner of that Bond may proceed in his or her own name to collect the LID Assessment and foreclose the lien thereof in any court of competent jurisdiction and shall recover in addition to the amount of the Bond and interest thereon any amounts available in accordance with RCW 35.45.080. Any number of Owners of such Bond may join as plaintiffs, and any number of owners of property upon which the delinquent LID Assessments are liens, may be joined as defendants in the same suit.

Section 10. **Form and Execution of Bonds.** The Bonds shall be typed, printed, photocopied, or lithographed on good bond paper in a form consistent with the provisions of this ordinance and State law. Each Bond shall be signed by the Mayor and Director of Finance, either or both of whose signatures may be

manual or in facsimile, and the seal of the City or a facsimile reproduction thereof shall be impressed or printed thereon.

Each Bond shall bear the following: “The laws of the State of Washington under which this Bond is issued (RCW 35.45.070) require the following notice: ‘Neither the holder nor owner of any bond, interest coupon, warrant, or other short-term obligation issued against a local improvement fund shall have any claim therefor against the city or town by which it is issued, except for payment from the special assessments made for the improvement for which the bond or warrant was issued and except also for payment from the local improvement guaranty fund of the city or town as to bonds issued after the creation of a local improvement guaranty fund of that city or town. The city or town shall not be liable to the holder or owner of any bond, interest coupon, warrant, or other short-term obligation for any loss to the local improvement guaranty fund occurring in the lawful operation thereof. A copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond.’”

Only Bonds bearing a certificate of authentication in substantially the following form (with the designation, year, serial number, and Estimated Redemption Group, of the Bonds adjusted consistent with this ordinance), manually signed by the Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance: “This Bond is one of the fully registered The City of Seattle, Washington, [Local Improvement District No. 6751 Bonds], [Year], described in [this ordinance].” The authorized signing of a certificate of authentication shall be conclusive evidence that the Bond so authenticated has been duly executed, authenticated, and delivered and is entitled to the benefits of this ordinance.

If any officer whose manual or facsimile signature appears on a Bond ceases to be an officer of the City authorized to sign Bonds before the Bond bearing his or her manual or facsimile signature is authenticated or delivered by the Registrar or issued by the City, that Bond nevertheless may be authenticated, delivered, and issued and, when authenticated, issued, and delivered, shall be as binding on the City as though that person had continued to be an officer of the City authorized to sign Bonds. Any Bond also may be signed on behalf of the

City by any person who, on the actual date of signing of the Bond, is an officer of the City authorized to sign Bonds, although he or she did not hold the required office on the date of issuance of the Bonds.

Section 11. **Pledge of LID Assessments and Flow of Funds; Fixing Assessment Installment**

**Payment Terms and Interest Rate.**

(a) **Pledge of LID Assessments.** All LID Assessments collected in Local Improvement District No. 6751 after the Issue Date of the Bonds, together with all interest and penalties thereon, if any, are pledged to the payment of the Bonds. The Bonds are payable solely out of the LID Bond Redemption Account and the Local Improvement Guaranty Fund of the City in the manner provided by law. In accordance with RCW 35.45.070, neither the holder nor Owner of any Bond, interest coupon, warrant, or other short-term obligation issued against the Waterfront LID Fund, or the LID Bond Redemption Account therein, shall have any claim therefor against the City except for payment from the LID Assessments and for payment from the Guaranty Fund. The Bonds are not general obligations of the City.

The City covenants and agrees to deposit in the LID Bond Redemption Account on or before the Maturity Date, proceeds received in respect of the collection of LID Assessments in an amount sufficient to pay the principal of and interest on the Bonds as the same become due. The Bonds shall be obligations only of the Waterfront LID Fund, and the Bond Redemption Account therein, and shall not be general obligations of the City. The Bonds shall be further secured by the Local Improvement Guaranty Fund pursuant to chapter 35.54 RCW and Chapter 20.08 SMC, and the holder of any Bond shall have the right to present such Bond for payment in accordance with the provisions of applicable law.

(b) **Flow of Funds.** Upon collection, all payments collected in respect of the LID Assessments set forth on the final assessment roll of Local Improvement District No. 6751 (including all prepayments collected during the 30-day period for prepayment and all installment payments collected at any time, including both principal of such LID Assessments and interest and penalties thereon) shall be deposited immediately upon collection into the Waterfront LID Fund and applied as follows:

(i) LID Assessments collected during the 30-day period for prepayment, shall be transferred to and deposited in the Waterfront LID Fund (or such subfunds, accounts, or subaccounts therein as determined by the Director of Finance) to be used to pay or reimburse the costs of the LID Improvements (including repaying the Interfund Loans and reimbursing the CWIF (Fund 35900) for additional amounts used to pay costs of the LID Improvement).

(ii) LID Assessments collected at any time after the end of the 30-day period for prepayment shall, when received, be deposited in the LID Bond Redemption Account, and until the Bonds are redeemed or otherwise provided for, those collections shall be used to pay interest on and redeem Bonds in accordance with Section 7 of this ordinance and as otherwise provided by law.

(c) **Fixing Installment Payment Terms and Interest Rate on LID Assessments.** In accordance with RCW 35.49.020, LID Assessments remaining unpaid at the expiration of the 30-day prepayment period shall be payable in ten equal annual principal installments payable beginning on the 11th anniversary of the date on which the 30-day prepayment period expires through and including the 20th anniversary of the date on which the 30-day prepayment period expires. Interest on such LID Assessments shall accrue at a rate equal to the highest interest rate fixed for the Bonds of any Estimated Redemption Group, plus 0.350 percent. Interest shall be payable annually, beginning on the 1st anniversary of the date on which the 30-day period for prepayment of LID Assessments expires, through and including the 20th anniversary of the date on which the 30-day period for prepayment of LID Assessments expires.

Section 12. **Local Improvement Guaranty Fund.** The amounts on deposit in the Local Improvement Guaranty Fund are additionally pledged to pay and secure payment of the Bonds and any other local improvement district bonds outstanding or to be issued by the City and for the purposes set forth in chapter 35.54 RCW, Chapter 20.08 SMC and other applicable law. The Owner of any Bond not paid at maturity shall have the right to present such Bond for payment out of the Local Improvement Guaranty Fund, in accordance with chapter 35.54 RCW and Chapter 20.08 SMC and shall have all of the rights and remedies

of the holder of a local improvement district bond thereunder.

For so long as the Bonds remain outstanding, the City shall take such actions as may be necessary consistent with chapter 35.54 RCW, Chapter 20.08 SMC, and other applicable state law, to maintain a minimum balance in the Local Improvement Guaranty Fund. Such minimum balance shall be established in the Bond Documents at the level determined to be reasonably necessary by the Finance Director, which level shall be equal to the lesser of (a) the maximum annual estimated debt service on all bonds guaranteed by the Local Improvement Guaranty Fund, calculated using the Estimated Redemption Schedule for the Bonds and similar estimated redemption schedules for all other bonds secured by the Local Improvement Guaranty Fund, and (b) 8 percent of the outstanding principal amount of all bonds guaranteed by the Local Improvement Guaranty Fund. The City may establish such accounts, subaccounts, or other method of segregation for accounting purposes within the Local Improvement Guaranty Fund from time to time, if necessary or desirable for purposes of accounting for the investment of money therein and establishing compliance with the provisions of the Internal Revenue Code applicable to any guaranteed bonds that are issued on a tax-exempt basis. To provide funds to maintain such balance, the City irrevocably pledges to levy and collect such taxes as may be necessary, within the limitations provided in RCW 35.54.060 and SMC 20.08.020, as amended by Section 15 of this ordinance.

Section 13. **Official Statement; Continuing Disclosure.**

(a) **Preliminary Official Statement.** The Director of Finance and other appropriate City officials are directed to cause the preparation of and review the form of a preliminary official statement in connection with a sale of the Bonds to the public. For the sole purpose of the Purchaser's compliance with paragraph (b)(1) of Rule 15c2-12, the Director of Finance is authorized to deem that preliminary official statement final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12. The City approves the distribution to potential purchasers of the Bonds of a preliminary official statement that has been deemed final in accordance with this subsection.

(b) **Final Official Statement.** The City approves the preparation of a final official statement for the Bonds, if sold to the public, in the form of the preliminary official statement with such modifications and amendments as the Director of Finance deems necessary or desirable, and further authorizes the Director of Finance to execute and deliver such final official statement to the Purchaser. The City authorizes and approves the distribution by the Purchaser of that final official statement to purchasers and potential purchasers of the Bonds.

(c) **Continuing Disclosure Agreement.** To meet the requirements of paragraph (b)(5) of Rule 15c2-12, as applicable to a participating underwriter for publicly offered Bonds, the Director of Finance is authorized to execute a written Continuing Disclosure Agreement with respect to the Bonds, in substantially the form attached to this ordinance as Exhibit A.

Section 14. **Deposit and Use of Bond Proceeds.** The principal proceeds received from the sale and delivery of the Bonds shall be paid into or allocated to the Waterfront LID Fund and applied to the following purposes:

(a) **Reimbursement of Local Improvement Costs; Repayment of Interfund Loans.** Upon receipt, proceeds of the Bonds shall be applied to reimburse the City for amounts expended to pay Local Improvement Costs, including (i) repaying the Interfund Loans made to pay costs of the LID Improvements, both principal and interest; and (ii) reimbursing the CWIF (Fund 35900) for additional amounts expended to pay costs of the LID Improvements in excess of the portion of expenditures allocated to the CWIF Interfund Loan.

(b) **Local Improvement Guaranty Fund Deposit.** Proceeds of the Bonds in an amount determined by the Director of Finance, consistent with Section 12 of this ordinance, shall be deposited to the Local Improvement Guaranty Fund and shall be used, together with other amounts then on deposit in that fund, to pay and secure payment of the Bonds and other outstanding local improvement district bonds of the City, and for the other purposes permitted under chapters 35.43 and 35.54 RCW and other state law, and

under Chapter 20.08 SMC, as amended.

(c) **Costs of Issuance.** Proceeds of the Bonds necessary to pay the costs of issuance and sale of the Bonds, as set forth in the Bond Documents, shall be used at the direction of the Director of Finance to pay such costs.

(d) **LID Improvement Costs.** The remaining proceeds of the Bonds, after application to the purposes described in subsections (a) through (c) of this section, shall be deposited to such account, subaccount or other method of segregation for accounting purposes within the Waterfront LID Fund as is designated by the Director of Finance for the payment of the costs of the LID Improvements. Until needed to pay such costs, the City may invest the proceeds of the Bonds temporarily in any legal investment, and the investment earnings shall be deposited in the Waterfront LID Fund and used to pay costs of the LID Improvements. Any proceeds of Bonds remaining after paying the costs of the LID Improvements, issuing and selling the Bonds, and for the purposes set forth in this ordinance, or after the City Council has determined that the expenditure of such Bond proceeds for those purposes is no longer necessary or appropriate, may be used to pay principal of and interest on the Bonds consistent with applicable law.

Section 15. **Amendments to SMC 20.08.020 (Annual tax levy).** Section 20.08.020 of the Seattle Municipal Code, last amended by Ordinance 102560, is amended as follows:

**20.08.020 Annual tax levy((:))**

In order to maintain the fund and to effectuate the purposes of this ~~((chapter))~~ Chapter 20.08, there shall be levied each year by the City Council in its annual tax levy, a tax upon all of the property in the City subject to taxation sufficient to meet the financial requirements thereof~~((; provided that the))~~. The sums so levied in any year shall not be more than sufficient to pay the outstanding warrants on the fund and to establish ~~((therein))~~ and maintain a minimum balance ~~((which combined))~~ required in accordance with the ordinances authorizing the issuance of local improvement bonds. However, the levy in any one ~~((+))~~ year shall not exceed ~~((five (5) percent of the outstanding obligations thereby guaranteed))~~ the

maximum amount permitted by RCW 35.54.060, as amended. The tax levies authorized and directed shall be additional to, and, if need be, in excess of, any and all statutory and Charter limitations applicable to the tax levies of the City. There shall be paid into the fund the interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement fund guaranteed under this ~~((chapter))~~ Chapter 20.08, lawfully applicable thereto, and payments of principal and interest applicable for assessments, or installments thereof, the collection of which has been deferred pursuant to ~~((Chapter 137, Laws of 1972, First Extraordinary Session as now existing or hereafter amended))~~ RCW 35.43.250, as amended.

Section 16. **General Authorization.** In addition to the specific authorizations in this ordinance, the Mayor and the Director of Finance and each of the other appropriate officers of the City are each authorized and directed to do everything as in his or her judgment may be necessary, appropriate, or desirable in order to carry out the terms and provisions of, and complete the transactions contemplated by, this ordinance. The City Council finds there is no viable alternative to meet a core City objective and that consideration by the Debt Management Policy Advisory Committee is not required for these LID Bonds, because Bonds for the Waterfront LID were previously authorized under Ordinance 125760.

In particular, and without limiting the foregoing:

(a) The Director of Finance, in his or her discretion and without further action by the City Council, (i) may issue requests for proposals to provide underwriting services or financing facilities (including, without limitation, credit support or liquidity facilities), and may execute engagement letters and other agreements with underwriters and other financial institutions (including providers of liquidity or credit support) based on responses to such requests; and (ii) may select and make decisions regarding the Registrar, fiscal or paying agents, and any Securities Depository for the Bonds; and

(b) Each of the Mayor and the Director of Finance are each separately authorized to execute and deliver (i) any and all contracts or other documents as are consistent with this ordinance and for which the

City's approval is necessary or to which the City is a party (including but not limited to agreements with escrow agents, refunding trustees, liquidity or credit support providers, remarketing agents, underwriters, lenders or other financial institutions, fiscal or paying agents, custodians, and the Registrar); and (ii) such other contracts or documents incidental to the issuance and sale of any the Bonds; the establishment of the interest rate or rates on the Bonds; or the purchase or redemption of a Bond, as may in his or her judgment be necessary or appropriate.

Section 17. **Severability**. The provisions of this ordinance are declared to be separate and severable. If a court of competent jurisdiction, all appeals having been exhausted or all appeal periods having run, finds any provision of this ordinance to be invalid or unenforceable as to any person or circumstance, such offending provision shall, if feasible, be deemed to be modified to be within the limits of enforceability or validity. However, if the offending provision cannot be so modified, it shall be null and void with respect to the particular person or circumstance, and all other provisions of this ordinance in all other respects, and the offending provision with respect to all other persons and all other circumstances, shall remain valid and enforceable.

Section 18. **Ratification of Prior Acts**. Any action taken consistent with the authority but prior to the effective date of this ordinance, including, if applicable, but not limited to issuing requests for proposals for financing or underwriting services, executing engagement letters for financing or underwriting services based on responses to such requests, giving notices of the sale of the Bonds, executing contracts or other documents, making fund transfers, and paying or redeeming checks or warrants, is ratified, approved, and confirmed.

Section 19. **Headings**. The section headings in this ordinance are used for convenience only and shall not constitute a substantive portion of this ordinance.

Section 20. **Effective Date**. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

Exhibits:  
Exhibit A - Form of Continuing Disclosure Agreement

**EXHIBIT A**

**FORM OF CONTINUING DISCLOSURE AGREEMENT**

The City of Seattle, Washington (the “City”) makes the following written undertaking (the “Undertaking”) for the benefit of the Owners of the City’s Local Improvement District No. 6751 Bonds (the “Bonds”), for the sole purpose of assisting the underwriter in meeting the requirements of paragraph (b)(5) of Rule 15c2-12 (the “Rule”), as applicable to a participating underwriter for the Bonds. Capitalized terms used but not defined below shall have the meanings given in Ordinance \_\_\_\_\_ (the “Bond Ordinance”).

(a) Undertaking to Provide Annual Financial Information and Notice of Listed Events.

The City undertakes to provide or cause to be provided, either directly or through a designated agent, to the Municipal Securities Rulemaking Board (the “MSRB”), in an electronic format as prescribed by the MSRB, accompanied by identifying information as prescribed by the MSRB:

(i) Annual financial information and operating data of the type included in the final official statement for the Bonds and described in subsection (b) of this section (“annual financial information”). The timely filing of unaudited financial statements shall satisfy the requirements and filing deadlines pertaining to the filing of annual financial statements under subsection (b), provided that audited financial statements are to be filed if and when they are otherwise prepared and available to the City.

(ii) Timely notice (not in excess of 10 business days after the occurrence of the event) of the occurrence of any of the following events with respect to the Bonds: (1) principal and interest payment delinquencies; (2) non-payment related defaults, if material; (3) unscheduled draws on debt service reserves reflecting financial difficulties; (4) unscheduled draws on credit enhancements reflecting financial difficulties; (5) substitution of credit or liquidity providers, or their failure to perform; (6) adverse tax opinions, the issuance by the Internal Revenue Service of

1 proposed or final determinations of taxability, Notice of Proposed Issue (IRS Form 5701 – TEB)  
2 or other material notices or determinations with respect to the tax status of the Bonds, or other  
3 material events affecting the tax status of the Bonds; (7) modifications to rights of holders of the  
4 Bonds, if material; (8) Bond calls (other than scheduled mandatory redemptions of Term Bonds),  
5 if material, and tender offers; (9) defeasances; (10) release, substitution, or sale of property  
6 securing repayment of the Bonds, if material; (11) rating changes; (12) bankruptcy, insolvency,  
7 receivership or similar event of the City, as such “Bankruptcy Events” are defined in the Rule;  
8 (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of  
9 all or substantially all of the assets of the City other than in the ordinary course of business, the  
10 entry into a definitive agreement to undertake such an action or the termination of a definitive  
11 agreement relating to any such actions, other than pursuant to its terms, if material; (14)  
12 appointment of a successor or additional trustee or the change of name of a trustee, if material;  
13 (15) incurrence of a financial obligation of the City, if material, or agreement to covenants, events  
14 of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any  
15 of which affect holders of the Bonds, if material; and (16) any default, event of acceleration,  
16 termination event, modification of terms, or other similar event under the terms of a financial  
17 obligation of the City, any of which reflect financial difficulties.

18           For purposes of this Undertaking, the term “financial obligation” shall mean a debt  
19 obligation; derivative instrument entered into in connection with, or pledged as security or a source  
20 of payment for, an existing or planned debt obligation; or a guarantee of either a debt obligation  
21 or a derivative instrument entered into in connection with, or pledged as security or a source of  
22 payment for, an existing or planned debt obligation. The term “financial obligation” does not

1 include municipal securities as to which a final official statement has been provided to the MSRB  
2 consistent with the Rule.

3 (iii) Timely notice of a failure by the City to provide required annual financial  
4 information on or before the date specified in subsection (b) of this section.

5 (b) Type of Annual Financial Information Undertaken to be Provided. The annual  
6 financial information that the City undertakes to provide in subsection (a) of this section:

7 (i) Shall consist of:

8 (A) annual financial statements of the City, prepared in accordance with  
9 generally accepted accounting principles applicable to governmental units (except as otherwise  
10 noted therein), as such principles may be changed from time to time and as permitted by State law,  
11 which financial statements will not be audited, except that if and when audited financial statements  
12 are otherwise prepared and available to the City they will be provided;

13 (B) the outstanding balance of obligations secured by the Local  
14 Improvement Guaranty Fund of the City at fiscal year-end;

15 (C) the balance of cash and investments in the Local Improvement  
16 Guaranty Fund at fiscal year-end;

17 (D) for that fiscal year, the amount of Waterfront LID Assessment  
18 installments billed and the amount collected (including principal payments and prepayments,  
19 interest, and penalties); and

20 (E) the total amount of unpaid assessments in the Waterfront LID and  
21 total amount of assessments delinquent in the Waterfront LID at fiscal year-end;

22 (ii) Shall be provided not later than the last day of the ninth month after the end  
23 of each fiscal year of the City (currently, a fiscal year ending December 31), as such fiscal year

1 may be changed as required or permitted by state law, commencing with the City’s fiscal year  
2 ending December 31, 2021; and

3 (iii) May be provided in a single document or multiple documents, and may be  
4 incorporated by specific reference to documents available to the public on the Internet website of  
5 the MSRB or filed with the Securities and Exchange Commission.

6 (c) Amendment of Undertaking. This Undertaking is subject to amendment after the  
7 primary offering of the Bonds without the consent of any Owner or holder of any Bond, or of any  
8 broker, dealer, municipal securities dealer, participating underwriter, rating agency or the MSRB,  
9 under the circumstances and in the manner permitted by the Rule, including:

10 (i) The amendment may only be made in connection with a change in  
11 circumstances that arises from a change in legal requirements, change in law, or change in the  
12 identity, nature, or status of the City, or type of business conducted by the City;

13 (ii) The Undertaking, as amended, would have complied with the requirements  
14 of the Rule at the time of the primary offering, after taking into account any amendments or  
15 interpretations of the Rule, as well as any change in circumstances; and

16 (iii) The amendment does not materially impair the interests of holders, as  
17 determined either by parties unaffiliated with the City (e.g., bond counsel or other counsel familiar  
18 with federal securities laws), or by an approving vote of bondholders pursuant to the terms of the  
19 Bond Ordinance at the time of the amendment.

20 The City will give notice to the MSRB of the substance (or provide a copy) of any  
21 amendment to this Undertaking and a brief statement of the reasons for the amendment. If the  
22 amendment changes the type of annual financial information to be provided, the annual financial

1 information containing the amended financial information will include a narrative explanation of  
2 the effect of that change on the type of information to be provided.

3 (d) Beneficiaries. This Undertaking shall inure to the benefit of the City and any  
4 Owner of Bonds, and shall not inure to the benefit of or create any rights in any other person.

5 (e) Termination of Undertaking. The City’s obligations under this Undertaking shall  
6 terminate upon the legal defeasance, prior redemption, or payment in full of all of the Bonds. In  
7 addition, the City’s obligations under this Undertaking shall terminate if those provisions of the  
8 Rule that require the City to comply with this Undertaking become legally inapplicable in respect  
9 of the Bonds for any reason, as confirmed by an opinion of nationally recognized bond counsel or  
10 other counsel familiar with federal securities laws delivered to the City, and the City provides  
11 timely notice of such termination to the MSRB.

12 (f) Remedy for Failure to Comply with Undertaking. As soon as practicable after the  
13 City learns of any material failure to comply with this Undertaking, the City will proceed with due  
14 diligence to cause such noncompliance to be corrected. No failure by the City or other obligated  
15 person to comply with this Undertaking shall constitute a default in respect of the Bonds. The sole  
16 remedy of any Owner of a Bond shall be to take such actions as that Owner deems necessary,  
17 including seeking an order of specific performance from an appropriate court, to compel the City  
18 or other obligated person to comply with this Undertaking.

19 (g) Designation of Official Responsible to Administer Undertaking. The Director of  
20 Finance of the City (or such other officer of the City who may in the future perform the duties of  
21 that office) or his or her designee is the person designated, in accordance with the Bond Ordinance,  
22 to carry out this Undertaking of the City in respect of the Bonds set forth in this section and in  
23 accordance with the Rule, including, without limitation, the following actions:

1                   (i)     Preparing and filing the annual financial information undertaken to be  
2 provided;

3                   (ii)    Determining whether any event specified in subsection (a)(ii) has occurred,  
4 assessing its materiality, where necessary, with respect to the Bonds, and preparing and  
5 disseminating any required notice of its occurrence;

6                   (iii)   Determining whether any person other than the City is an “obligated  
7 person” within the meaning of the Rule with respect to the Bonds, and obtaining from such person  
8 an undertaking to provide any annual financial information and notice of listed events for that  
9 person in accordance with the Rule;

10                  (iv)    Selecting, engaging and compensating designated agents and consultants,  
11 including but not limited to financial advisors and legal counsel, to assist and advise the City in  
12 carrying out this Undertaking; and

13                  (v)     Effecting any necessary amendment of the Undertaking.

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
FAS	Michael VanDyck 206-619-0393	Caleb Wagenaar – 206-733-9228

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to financing public improvements within Local Improvement District No. 6751 (also known as the Waterfront LID); authorizing and providing for the issuance and sale of local improvement district bonds (LID Bonds, as defined herein) to provide funds to pay or reimburse a portion of the costs of the LID Improvements (as defined), to make a deposit to the Local Improvement Guaranty Fund, and to pay the costs of issuance of the bonds; pledging the LID assessments collected in the Waterfront LID and the amounts available in the Local Improvement Guaranty Fund to pay and secure the LID Bonds; providing parameters for Bond Sale Terms including conditions, covenants, and other sale terms; providing for and fixing the installment payment terms and interest rate on assessments in the Waterfront LID; amending Section 20.08.020 of the Seattle Municipal Code to conform to changes in state law; and ratifying and confirming certain prior acts.

**Summary and background of the Legislation:**

In passing Ordinance 125760 (the “Waterfront LID Formation Ordinance”) on January 22, 2019, the City created Local Improvement District No. 6751 to finance the LID Improvements and created a local improvement fund (the “Waterfront LID Fund”). This legislation provides the legal authorization to issue local improvement district (LID) bonds (“Bonds”). The Bonds are authorized to be issued in a maximum aggregate principal amount equal to the amount of the final assessment roll confirmed by the approval of the Waterfront LID Final Assessment Roll Ordinance introduced as Council Bill 120072 and may not exceed the total amount of unpaid LID Assessments outstanding as of the expiration of the 30-day period for prepayment of LID Assessments described in RCW 35.49.040. The Bonds, once issued, will be deposited in the Waterfront LID Fund and used for the purpose of providing funds (a) to pay or reimburse a portion of the costs of the LID Improvements as permitted under RCW 35.43.020 (including repaying the Interfund Loans and reimbursing certain costs paid out of the Central Waterfront Improvement Fund 35900; (b) to make a deposit to the Local Improvement Guaranty Fund; and (c) to pay the costs of issuance of the Bonds.

This legislation also (1) fixes the interest rate on LID Assessments at a rate equal to the highest rate applicable to the LID Bonds, plus 0.35%; and (2) sets the minimum balance required to be maintained in the Local Improvement Guaranty Fund at the lesser of (a) the maximum annual estimated debt service on the outstanding bonds guaranteed by the Local Improvement Guaranty Fund, and (b) 8% of the outstanding principal amount of the bonds guaranteed by the Local Improvement Guaranty Fund; and (3) amends Section 20.08.020 of the Seattle Municipal Code to conform to changes in state law.

There are two interfund loans that are expected to be repaid with proceeds of the Bonds or available LID assessments as follows:

- 1) By Ordinance 123761, as amended by Ordinance 125990, the City authorized an interfund loan to the Central Waterfront Improvement Fund 35900 (the “CWP Interfund Loan”) in an amount not to exceed \$12.225 million to pay for various costs of the Central Waterfront Program of which the full approximately \$12.225 is attributable to costs of the LID Improvements.
- 2) By Ordinance 125991, the City authorized an interfund loan to the Waterfront LID Fund 35040 (the “LID Interfund Loan”) to pay the costs of the LID Improvements in an amount not to exceed \$19.0 million, of which \$7.9 million is expected to be incurred for expenses related to LID Improvements at the time the Bonds are issued in late 2021.

In addition, approximately \$9.675 million in expenses have been temporarily supported by other revenues related to the Central Waterfront Program available within the CWIF (Fund 35900) for LID Improvements and these sources are expected to be repaid with available LID assessments or proceeds of the Bonds.

Pursuant to RCW 35.49.020, and as authorized by the Waterfront LID Final Assessment Roll Ordinance, the City is adopting the 10-year “interest only” provision allowing cities to collect interest-only assessment payments for the first 10 years of a local improvement district for all properties. By enacting this provision, any principal balance remaining following the thirty-day prepayment period will be subject to interest and will be billed in 20 annual installments (beginning in 2022, assuming passage of the LID Final Assessment Roll Ordinance in 2021). Pursuant to the LID Final Assessment Roll Ordinance, assessments due in Years 1-10 will be billed as 10 interest-only payments due on the entire outstanding principal, and Years 11-20 will be billed as 10 equal principal installments plus interest due on the outstanding principal beginning in Year 11. As a result of enacting this provision, as illustrated in Table 1 below, the assessment amount due in Year 11 will reflect a significant year-to-year increase over the assessment amount due in Year 10. The assessment due in Year 11 will include a minimum of a) one-tenth of the total outstanding principal balance; b) the interest on the total outstanding principal balance; and c) any delinquency or penalty amounts due. Given that interest only is due in Years 1-10 on the unpaid principal balance (and there are no required principal payments in those years reducing that balance), the total amount of the assessment paid over the period of 20 years will be higher than if principal were paid in each of those 20 years in level payments. There is no penalty for prepayment of a portion or all of the principal balance outstanding any time so a property owner may choose to pay level principal payments that would be in addition to the total amount due of interest-only payments due in Year 1-10. The City intends to notify property owners of the effects of the interest-only provision on the payment schedule in the assessment billing notices in Year 1-10.

The interest only option is illustrated below in Table 1 (using an estimated interest rate and assessment for illustration purposes only). As illustrated in the table, an assessment of \$1,000 will have an annual payment of \$65 due in Years 1-10 that increases from \$65 in Year 10 to \$165 in Year 11. In this example, the total amount paid over the 20-year period for a \$1,000 total assessment increases by approximately 24% (from approximately \$1,617 to approximately \$2,007) as a result of paying the interest only portion of the total assessment during Years 1-10 as compared to making level principal payments during each year of the 20-year period.

<b>TABLE 1: Example -- Interest Only Assessments Due in Years 1-10</b>						
<i>6.50% Interest Rate on \$1,000 Assessment Paid Over 20 Years</i>						
<b>YEAR</b>	<b>YEAR (#)</b>	<b>ASSESSMENT BALANCE</b>	<b>PRINCIPAL PAYMENT</b>	<b>INTEREST PAYMENT</b>	<b>ANNUAL PAYMENT</b>	
YEAR 1	2022	\$1,000.00	\$0.00	\$65.00	\$65.00	
YEAR 2	2023	\$1,000.00	\$0.00	\$65.00	\$65.00	
YEAR 3	2024	\$1,000.00	\$0.00	\$65.00	\$65.00	
YEAR 4	2025	\$1,000.00	\$0.00	\$65.00	\$65.00	
YEAR 5	2026	\$1,000.00	\$0.00	\$65.00	\$65.00	
YEAR 6	2027	\$1,000.00	\$0.00	\$65.00	\$65.00	
YEAR 7	2028	\$1,000.00	\$0.00	\$65.00	\$65.00	
YEAR 8	2029	\$1,000.00	\$0.00	\$65.00	\$65.00	
YEAR 9	2030	\$1,000.00	\$0.00	\$65.00	\$65.00	
YEAR 10	2031	\$1,000.00	\$0.00	\$65.00	\$65.00	
YEAR 11	2032	\$1,000.00	\$100.00	\$65.00	\$165.00	
YEAR 12	2033	\$900.00	\$100.00	\$58.50	\$158.50	
YEAR 13	2034	\$800.00	\$100.00	\$52.00	\$152.00	
YEAR 14	2035	\$700.00	\$100.00	\$45.50	\$145.50	
YEAR 15	2036	\$600.00	\$100.00	\$39.00	\$139.00	
YEAR 16	2037	\$500.00	\$100.00	\$32.50	\$132.50	
YEAR 17	2038	\$400.00	\$100.00	\$26.00	\$126.00	
YEAR 18	2039	\$300.00	\$100.00	\$19.50	\$119.50	
YEAR 19	2040	\$200.00	\$100.00	\$13.00	\$113.00	
YEAR 20	2041	\$100.00	\$100.00	\$6.50	\$106.50	
<b>TOTAL</b>			<b>\$1,000.00</b>	<b>\$1,007.50</b>	<b>\$2,007.50</b>	
<i>COMPARE: TOTAL IF PAID WITH LEVEL PRINCIPAL PAYMENTS</i>					<i>\$1,617.50</i>	

**2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?**  Yes  No

The proceeds of the bonds issued as a result of this ordinance will fund three projects in the Central Waterfront Project:

Parks Central Waterfront Piers Rehabilitation (MC-PR-21007)

Alaskan Way Main Corridor (MC-TR-C072)

Overlook Walk and East West Connection Project (MC-TR-C073)

The CIP Project pages for these projects do not need updating as the sale of bonds is already planned as a revenue source to complete them.

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?    \_\_\_ Yes   X   No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?  
No.

Is there financial cost or other impacts of *not* implementing the legislation?

Not implementing this legislation would lead to a disruption in financing of the LID Improvement projects.

### 4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?  
Parks and SDOT-CWF have LID Improvement projects being financed by this bond issue.

b. Is a public hearing required for this legislation?  
No.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?  
No.

d. Does this legislation affect a piece of property?  
No.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?  
Bond proceeds will be used to fund the provision of 20 acres of improved parks and public spaces along Seattle's Waterfront. These spaces have been designed to encourage use by people of all ages, incomes, and abilities and supports free expression. Construction contracts associated with the Waterfront improvements will meet the City's WMBE and priority hire program requirements. Employment associated with operating and maintaining waterfront parks and public spaces will provide living-wage jobs to local citizens regardless of their age, ethnicity, gender, or sexual orientation.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

The LID funded Waterfront projects improve mobility and access for walkers and bikers in downtown Seattle. In addition, many areas that were paved along the waterfront will be replaced landscaping areas with native plantings and trees, providing for improved air quality.

2. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

- g. **If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s).**

No.

**List attachments/exhibits below:**

None.



Legislation Text

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**File #:** CB 120051, **Version:** 1

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AN ORDINANCE relating to public assets, land use, and zoning; establishing regulations for the Center Campus Subarea within the sign overlay district for the Seattle Center; amending Section 23.55.054 of, and adding a new Section 23.55.062 to, the Seattle Municipal Code.

The Full Text is provided as an attachment.

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to public assets, land use, and zoning; establishing regulations for the Center Campus Subarea within the sign overlay district for the Seattle Center; amending Section 23.55.054 of, and adding a new Section 23.55.062 to, the Seattle Municipal Code.

WHEREAS, on July 22, 2019, the Seattle City Council adopted Ordinance 125869, establishing a sign overlay district, overlay district subareas, and sign regulations for the Seattle Center, including regulations for subareas containing the Seattle Center Arena, recently named Climate Pledge Arena, and the Bressi Garage block; and

WHEREAS, Ordinance 125869 created a sign overlay district that encompasses the entire Seattle Center campus, but regulations have not yet been adopted for the Center Campus Subarea created by that ordinance; and

WHEREAS, Seattle Center is a large civic cultural center that is home to a variety of cultural and entertainment venues and hosts numerous events year-round; and

WHEREAS, such events, attractions, and amenities draw over 12 million visitors a year to the Seattle Center campus; and

WHEREAS, the Director of the Seattle Center Department is authorized to adopt, promulgate, amend and rescind rules and regulations as are consistent with and necessary to carry out the duties of the Director of the Seattle Center Department, which duties include advertising events, publicizing, and otherwise promoting the use of Seattle Center facilities; and

WHEREAS, while in keeping with both the World's Fair's spirit of progress, and the Seattle Center campus's past sign practices, an upgraded signage program that addresses both

1 sustainability and operational issues and is consistent in design and function will align the  
2 Seattle Center campus with the arena site and benefit Seattle Center, its resident  
3 organizations, and the visiting public; and

4 WHEREAS, Seattle Center’s design and operations are intended to integrate with and enhance  
5 connections to Uptown and adjoining neighborhoods and align with the Urban Design  
6 Framework, and the community surrounding Seattle Center has asked for these goals to  
7 be supported with better signage and wayfinding; and

8 WHEREAS, one purpose of the sign district overlay is to regulate signage to promote the health  
9 and safety of the general public and the Seattle Center as a vibrant and valuable  
10 community resource for arts, entertainment, sports, and civic events; and

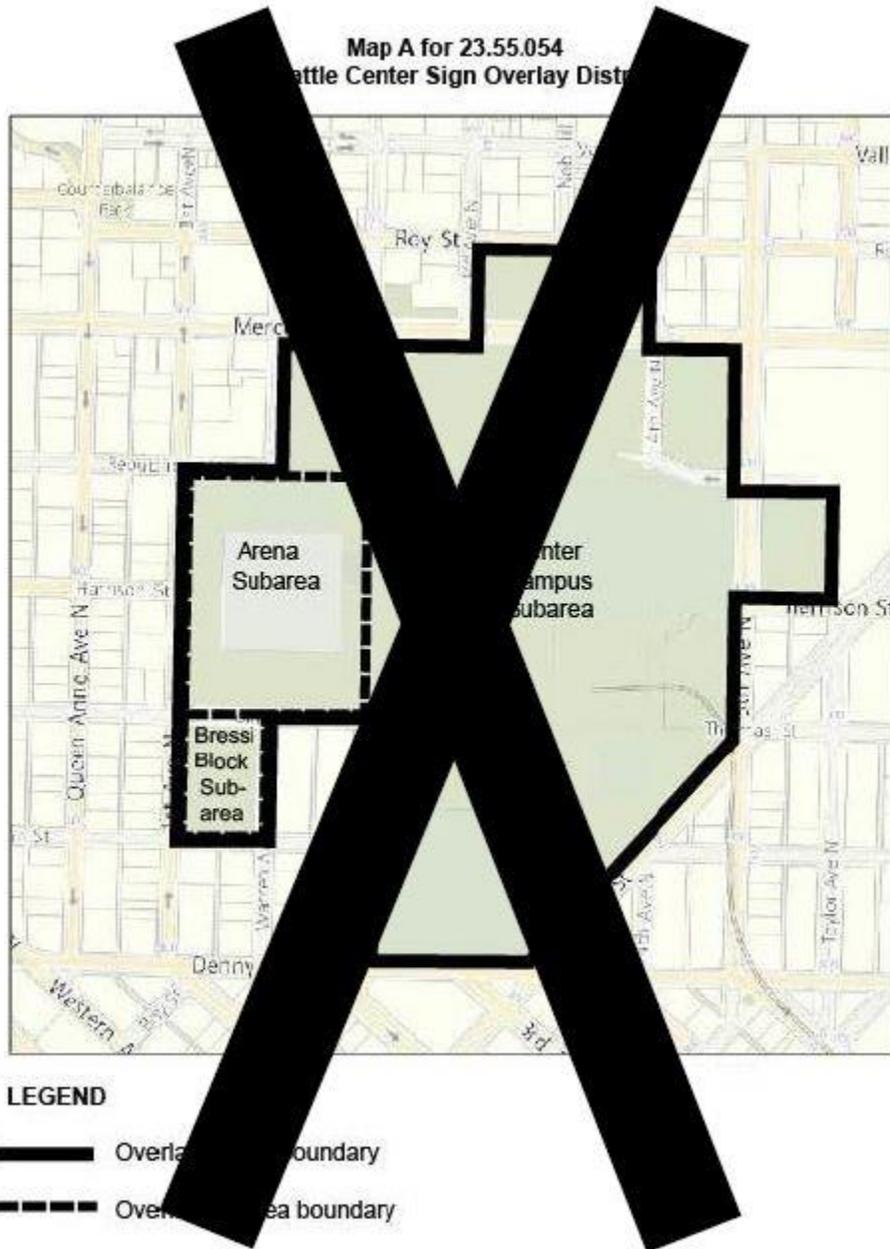
11 WHEREAS, The City of Seattle (City)’s current sign code provisions do not address the signage  
12 needs of a modernized Seattle Center and its cultural and entertainment venues and  
13 events; and

14 WHEREAS, the City desires to now establish the sign regulations for the Center Campus  
15 Subarea of the Seattle Center Sign Overlay District and to amend the boundary of the  
16 Center Campus Subarea to include the City-owned and City-managed area north of the  
17 Climate Pledge Arena occupied by the Fountain Pavilion, KEXP, VERA, and SIFF,  
18 referred to as the Northwest Rooms; and the adjacent Northwest and Alki Courtyards,  
19 the Seattle Center Monorail system, City-owned green space fronting Mercer Street, and  
20 the Seattle Center Skate Plaza; NOW, THEREFORE,

21 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

22 Section 1. Map A for Section 23.55.054 of the Seattle Municipal Code, which section  
23 was enacted by Ordinance 125869, is amended as follows:

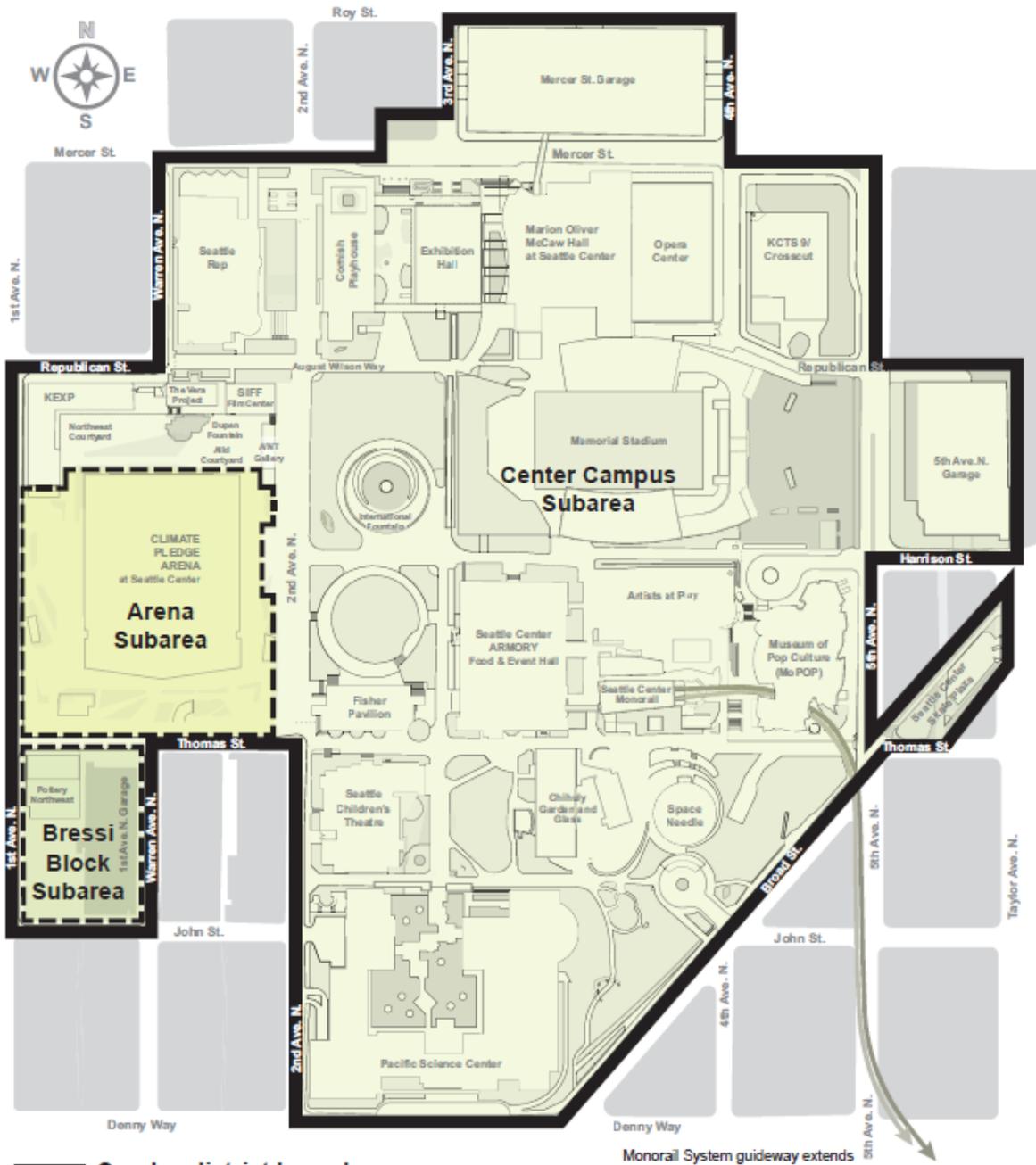
1



2

3

**Map A for 23.55.054**  
**Seattle Center Sign Overlay District**



**—** Overlay district boundary  
**- - -** Overlay subarea boundary

*Note:* Overlay boundary lines include sidewalk/planting strips, exclude roadway.

1  
 2

1 Section 2. A new Section 23.55.062 is added to the Seattle Municipal Code as follows:

2 **23.55.062 Center Campus Subarea—Overlay District sign standards**

3 A. Except for technical code approval required by the Seattle Building Code, Seattle  
4 Electrical Code, or other applicable technical code, and except for landmark regulation under  
5 Chapter 25.12, the Seattle Center Director is authorized to install, operate, maintain, administer,  
6 manage, and control campus signs so long as the Seattle Center Director determines such signs  
7 are consistent with this Chapter 23.55, the Seattle Center Sign Guidelines as updated and  
8 approved by the Seattle Center Advisory Commission, and any applicable rules and regulations  
9 adopted pursuant to Section 17.04.040. The Seattle Center Director may directly perform the  
10 installation, operation, or maintenance of campus signs, or delegate such performance.

11 B. For purposes of this Part 4 of Chapter 23.55, the following definitions apply:

12 “Campus signs” means signs owned or managed by the Seattle Center  
13 Department on City-owned or City-managed property within the Center Campus Subarea, as  
14 well as temporary event signs located within the Subarea.

15 “Scrolling” has the same meaning as the term is defined in subsection  
16 23.55.058.H.8.

17 “Seattle Center Director” means the Director of the Seattle Center Department.

18 C. Except for technical code approval and landmark regulation under Chapter 25.12 as  
19 provided in subsection 23.55.062.A, campus signs within the Center Campus Subarea are  
20 regulated only by the standards of this Section 23.55.062.

21 D. On-premises and sponsorship signs are permitted on City-owned or City-managed  
22 property within the Center Campus Subarea. For purposes of this Part 4 of Chapter 23.55, all  
23 property located within the Seattle Center Sign Overlay District comprises the premises. Off-

1 premises signs within the Center Campus Subarea owned or managed by the City on City-owned  
2 or City-managed property are prohibited.

3 E. The number, type, maximum area, maximum height, illumination, display methods,  
4 and standards of campus signs within the Center Campus Subarea shall be determined by the  
5 Seattle Center Director, in accordance with the following standards, any applicable Seattle  
6 Center Guidelines as updated and approved by the Seattle Center Advisory Commission, and any  
7 applicable rules and regulations adopted pursuant to Section 17.04.040:

8 1. Illumination and light and glare

9 a. The light source for externally illuminated signs shall be shielded and  
10 directed away from adjacent properties.

11 b. Signs may be electric, externally illuminated, or non-illuminated, or  
12 may use any combination of these features. Signs may use illuminated video display methods if  
13 the sign meets the development standards in this subsection 23.55.062.E.1 and subsection  
14 23.55.062.E.4.

15 c. Between dusk and dawn, video displays shall be limited in brightness to  
16 no more than 500 nits (candela per square meter), measured as described in subsection  
17 23.55.005.A.10.

18 2. The standards for temporary signage in subsection 23.55.058.F.1 through F.5  
19 shall apply to the Center Campus Subarea. For purposes of this Section 23.55.062, temporary  
20 screens used primarily to show movies, live stream events, or other similar event purposes are  
21 not signs. Temporary signage within the Center Campus Subarea may also include video display.

22 3. Non-rigid event-related banners of up to 180 square feet per banner may be  
23 hung or temporarily affixed on the Seattle Center skybridge over Mercer Street and the Director

1 of the Seattle Department of Transportation authorizes the Seattle Center Director to permit such  
2 banners as authorized in subsection 15.04.015.E.

3 4. Video displays

4 a. The total duration of multiple video display messages together may not  
5 constitute more than 20 seconds of every two minutes.

6 b. Video displays are prohibited between 10 p.m. and 7 a.m. except that  
7 video displays are permitted within an hour after an event in the Seattle Center Sign Overlay  
8 District ends.

9 c. A video display message shall have a minimum duration of two seconds  
10 and a maximum duration of ten seconds. Calculation of the duration does not include the number  
11 of frames per second used in a video display.

12 d. There shall be ten seconds of still image or blank display following  
13 every message using a video display method.

14 e. All video displays, except those described in subsection 23.55.062.E.4.f,  
15 and except those regulated by subsection 23.55.062.E.5, shall be set back a minimum of 20 feet  
16 from the street curb of the nearest unvacated right-of-way.

17 f. A video display using only scrolling alphanumeric characters is  
18 permitted and may be located adjacent to a right-of-way with no minimum setback, provided that  
19 such a sign may not exceed 42 feet in length and 18 inches in height. No more than 21 feet of  
20 any such sign face may be directed at the same right-of-way. Any such sign must be at least 8  
21 feet above grade. A video display consistent with this subsection 23.55.062.E.4.f is not subject to  
22 the standards in subsections 23.55.062.E.4.a through 23.55.062.E.4.d.

1                   5. Signs that are within 20 feet from the street curb of the nearest unvacated  
2 roadway and oriented so as to be visible from such unvacated roadway, and signs within the  
3 Center Campus Subarea that are not campus signs, shall be regulated by the general sign  
4 standards in Part 1 of Chapter 23.55, subsection 23.55.062.D, and subsection 23.55.062.E.4.f.

5                   6. Campus signs may also include the following:

6                   a. Portable signs including readily detachable signs having a fixed base or  
7 mounting for the placement and intermittent use of such signs;

8                   b. Banners, streamers, strings of pennants, fabric signs, festoons of lights,  
9 clusters of flags, wind animated objects, balloons, searchlights, and similar devices;

10                  c. Signs attached to or located on event related or sponsored stationary  
11 motor vehicles, equipment, trailers, and similar devices;

12                  d. Changing-image and changing-color signs, including video display;

13                  e. Memorial signs or tablets, or signs stating the name of a building or date  
14 of construction;

15                  f. Signs warning of danger or providing safety information; and

16                  g. National, state, and other flags.

17                  7. Signs projecting over a public right-of-way must comply with Section  
18 23.55.004.

19                  8. Signs within 20 feet from public right-of-way intersections or  
20 driveways must comply with Section 23.55.008.

21                  9. Sign kiosks are permitted on City-owned or City-managed property  
22 within the Center Campus Subarea.

- 1                   10. Permanent signs that are flashing or that rotate or have a rotating or moving
- 2 part or parts that revolve at a speed in excess of seven revolutions per minute are prohibited
- 3 within the Center Campus Subarea.



**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Construction and Inspections Seattle Center	Gordon Clowers/206-679-8030 Kerry Smith 206-455-5941	Christie Parker/206-684-5211 Catherine Cornwall/ 206-684-8725

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to public assets, land use, and zoning; establishing regulations for the Center Campus Subarea within the sign overlay district for the Seattle Center; amending Section 23.55.054 of, and adding a new Section 23.55.062 to, the Seattle Municipal Code.

**Summary and background of the Legislation:** The legislation amends the Land Use Code to create tailored sign code provisions for the Center Campus Subarea portion of the Seattle Center Overlay District. In 2019, Ordinance 125869 established the Seattle Center sign overlay district, three district subareas, and regulations for the subareas containing Climate Pledge Arena and the Bressi Garage block. The 2019 legislation addressed the signage needs of a modernized Seattle Center and anticipated the future creation of sign regulations for the balance of Seattle Center, in an overlay district called the Center Campus Subarea.

The legislation establishes those regulations for the Center Campus Subarea including provisions to:

**Codify past practice** – The legislation grants authority to the Seattle Center Director to manage signage on the interior of the campus consistent with this legislation and the adopted Seattle Center Sign Guidelines while continuing to comply with all landmark and technical code requirements. This codifies past practice regarding City-owned and City-managed signs at Seattle Center, which uses the Seattle Center Director’s authority outlined in SMC 17.040 to authorize City signs on the interior of the Seattle Center campus. This legislation maintains SDCI’s authority for signs within 20 feet of unvacated right-of-way and for certain other signs within the campus (such as for tenants, concessionaires, and other property owners on campus). It continues SDCI’s regulation according to the general sign standards in Part 1 of SMC Chapter 23.55 and certain other subsections such as the proposed 23.55.062.D and 23.55.062.E.4.f.

**Establish sign regulations supporting events** – The legislation allows for event-related signage on the interior campus such as balloons, posters, festoons of lights, banners, window graphics, movie screens, and signs on vehicles, and also limits the size and duration of temporary signage.

**Align with the Arena Subarea requirements** – Establishes sign illumination, light and glare and video display requirements consistent with those for the new arena.

**Address Sponsorship Signs** – On-premises and sponsorship signs are permitted in the Center Campus Subarea, but they are limited to signs on City-owned or City-managed property. City-owned and City-managed signs are regulated by Section 23.55.062 while other signs are regulated by the general sign standards in Part 1 of Chapter 23.55, subsection 23.55.062.D, and subsection 23.55.062.E.4.f. All premises within the Seattle Center Sign Overlay District comprise the premises.

**Correct and expand the Seattle Center Overlay District map** – The Seattle Center Overlay District established in 2019 is updated to add the new Skate Plaza, include the Seattle Center Monorail system, and move the Northwest Rooms and Courtyard from the Arena Subarea into the Center Campus Subarea.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?  Yes  No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?  Yes  No

**Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

While there are no negative cost impacts associated with the legislation there are potentially positive revenue impacts. As part of the agreements for the operation of Climate Pledge Arena, ArenaCo has been designated as the sole representative for the sale of sponsorship rights at Seattle Center. Seattle Center receives a minimum guarantee for the sale of such rights, approximately \$780,000/year plus CPI, and shares in additional revenue 25% to City/75% to ArenaCo for the next 10 years and 50%/50% thereafter for the 55-year term of the agreement. (These amounts are net of adjustments for taxes, sponsorship costs, and items.) Current projections, which assume passage of the legislation, estimate annual sponsorship sales of \$4,000,000. Of that amount, Seattle Center's share would total \$1,155,000/year after debt service payments. Modern signs and the ability to identify sponsors of events and the campus are vital contributors to earning revenue.

Anticipated revenue in 2021 has been included in the 2021 Adopted Budget.

**Is there financial cost or other impacts of *not* implementing the legislation?**

While some sponsorship opportunities will continue to be available at Seattle Center if this legislation is not approved, they are less attractive to sponsors and the ability to generate sponsorship revenues will be reduced.

#### 4. OTHER IMPLICATIONS

**a. Does this legislation affect any departments besides the originating department?**

This legislation impacts the operating practices of SDOT, SDCI and Seattle Center related to management of signs at Seattle Center and all three departments were involved in its preparation.

**b. Is a public hearing required for this legislation?**

Yes. A public hearing will be held for this legislation, likely in spring 2021.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes. A public notice will be published in the paper(s) of record.

**d. Does this legislation affect a piece of property?**

Yes. The legislation affects the Center Campus Subarea portion of the Seattle Center campus. It does not impact Climate Pledge Arena and the 1<sup>st</sup> Ave North Garage south of the arena.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation indirectly impacts vulnerable and historically disadvantaged communities through increased accessibility of Seattle Center signs to promote and encourage participation in Seattle Center events such as Festal' and the many other events that support the principles of the Race and Social Justice Initiative. The proposal will accommodate sign enhancements aligned with the new Climate Pledge Arena and signage improvements designed to provide a range of increased public benefits, including the ability to communicate in multiple languages, provide transportation and access information, and increase public safety through an improved communication system.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

While this legislation is not expected to impact carbon emissions in a material way, it will enable Seattle Center to eliminate the use of many temporary banners and signs that are currently part of standard practice, replacing them with modern digital signage.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

This legislation does not affect Seattle's resiliency to climate change in a material way.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

No new initiative or major programmatic expansion is identified.

**List attachments/exhibits below:** None



Legislation Text

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**File #:** CB 120032, **Version:** 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to Woodland Park; transferring jurisdiction of a portion of Whitman Avenue N from the Seattle Department of Transportation to Seattle Parks and Recreation for open space, park, and recreation purposes; transferring a portion of Woodland Park adjacent to East Green Lake Way N from Seattle Parks and Recreation to the Seattle Department of Transportation for transportation purposes; and finding, after a public hearing, that the exchange of property meets the requirements of Ordinance 118477, which adopted Initiative 42.

WHEREAS, this portion of Whitman Avenue N right-of-way provides access to Seattle Parks and Recreation's

Woodland Park from Aurora Avenue N and includes an existing paved parking lot and a vegetated median; and

WHEREAS, Seattle Parks and Recreation has maintained this site and has an interest in managing this portion of Whitman Avenue N under Seattle Municipal Code Title 18 for the purposes of public safety, facility maintenance, and event management; and

WHEREAS, the Seattle Department of Transportation and Seattle Parks and Recreation executed a Memorandum of Agreement on August 30, 2018, providing for Seattle Parks and Recreation to install two gates and maintain this portion of Whitman Avenue N; and

WHEREAS, this portion of Whitman Avenue N is not currently required for transportation purposes; and

WHEREAS, transfer of jurisdiction of this portion of Whitman Avenue N to Seattle Parks and Recreation, subject to the conditions in this ordinance, is a desirable public use supported by the Director of Transportation; and

WHEREAS, this portion of Woodland Park adjacent to East Green Lake Way N is needed by the Seattle

Department of Transportation to build a protected bicycle lane; and

WHEREAS, this portion of Woodland Park is currently a grass median between the parking lot and East Green Lake Way N, and its transfer will not negatively impact the park; and

WHEREAS, transfer of jurisdiction of this portion of Woodland Park to the Seattle Department of Transportation, subject to the conditions in this ordinance, is a desirable public use supported by the Superintendent of Parks and Recreation; and

WHEREAS, the proposed land exchange meets the requirements of Ordinance 118477, also known as Initiative 42, providing land equivalent in size, value, location, and usefulness in the vicinity, serving the same community and the same park purposes; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. The City Council finds that an exchange of certain park property in Woodland Park for comparable property is necessary because there is no reasonable and practical alternative for the development of a protected bicycle lane along East Green Lake Way N, and such an exchange will result in the City receiving replacement property equivalent in size, value, location, and usefulness in the vicinity, serving the same community and same park purposes, as required by Ordinance 118477.

Section 2. The Director of the Seattle Department of Transportation (SDOT) recommends, and the City Council finds, that the portion of Whitman Avenue N right-of-way between Aurora Avenue N and Whitman Place N, as described in Section 3 of this ordinance and in Exhibit A, Whitman Avenue N Transfer of Jurisdiction Map, is not currently needed for transportation purposes and that transfer of jurisdiction to Seattle Parks and Recreation (SPR) for inclusion into Woodland Park until needed for transportation purposes is a desirable public use.

Section 3. Subject to the conditions and limitations in Sections 4 through 6 of this ordinance, the administrative jurisdiction of the portion of Whitman Avenue N right-of-way described below is transferred, without charge, from SDOT to SPR for open space, park, and recreation purposes:

All that portion of Whitman Avenue North between the easterly margin of Aurora Avenue North as it crosses the intersection of Aurora Avenue North and Whitman Avenue North and the southeasterly margin of Whitman Place North as it crosses the intersection of Whitman Place North and Whitman Avenue North as legally described as:

That portion of Blocks 124, 118 & 108 of the Supplemental Plat of Woodland Park Addition recorded in Volume 10, Page 151 of Surveys, in the North West 1/4 of Section 7, T.25N., R.4E., W. M. records of King County, Washington, more particularly described as follows:

**COMMENCING** at the found monument at the intersection of Linden Ave. N. & N. 59th Street blocks 124 & 125 of said plat, thence South 88° 34' 14" East along the centerline of N. 59th Street, a distance of 305.65 feet to the found monument at the intersection of N. 59th Street & Aurora Ave. N.; thence South 01° 26' 56" West along the centerline of Aurora Ave. N, a distance of 30.02 feet: thence leaving said centerline North 88° 34' 14" East, a distance of 53.00 feet to the Easterly right of way of Aurora Ave. N.

and the **TRUE POINT OF BEGINNING**; thence North 01° 26' 57" East along said Easterly right of way, a distance of 840.14 feet more or less to the North right of way of N. 62nd Street; thence South 88° 34' 04" East along said right of way, a distance of 91.02 feet to the Easterly right of way of Whitman Ave. N.; thence South 01° 25' 07" West along said Whitman right of way, a distance of 840.14 feet to the Southerly right of way of N. 59th Street; thence North 88° 34' 14" West along said N. 59th Street right of way, 91.47 feet more or less to the **POINT OF BEGINNING**.

Contains approximately 76,659 square feet or 1.76 acres.

Section 4. SPR shall be responsible for all costs associated with development, operation, claim management, and maintenance of the transferred area.

Section 5. SPR shall maintain the transferred area, including the maintenance of the trees and vegetation in the median, consistent with the maintenance standards of other parks in the park and recreation system and shall operate the transferred area in accordance with Seattle Municipal Code Chapter 18.12, as amended, if applicable. The transferred area shall be open to public access on the same terms and to the same extent as Woodland Park. Unless otherwise provided in a Superintendent's rule or pursuant to a future ordinance, the transferred area shall be subject to all the rules, regulations, and codes that apply to or govern the use of Woodland Park.

Section 6. SPR's jurisdiction includes the right to require compensation or repair or replacement for any damage to improvements within this portion, including surfaces, structures, park furnishings, or vegetation,

whether caused by permittees, other City departments or contractors, or malfunctioning utilities.

Section 7. Subject to the conditions and limitations in Section 8 of this ordinance, the administrative jurisdiction of the portion of Woodland Park described below is transferred, without charge, from SPR to SDOT for transportation purposes:

That portion of Woodland Avenue (Green Lake Way N) per the supplemental plat of Woodland Park addition to the City of Seattle, Washington, recorded in volume 5 of plats at page 19, records of King County, said street situated in the city of Seattle, King County, Washington, condemned, taken and appropriated by the City of Seattle for the purpose of public parkway and boulevard, per City of Seattle Ordinance no. 18467, described as follows:

The westerly 3.00 feet of the easterly 63.00 feet adjoining and parallel to the easterly margin of Green Lake Way N (Interlake Avenue N) (Woodland Avenue), from the centerline of N 51st Street extended westerly, north 1,083.78 feet to the northerly line of the said supplemental plat of Woodland Park addition to the City of Seattle, Washington.

Containing 3,251 square feet, or 0.075 acres, more or less.

Situated in the City of Seattle, King County, Washington.

Section 8. SDOT shall be responsible for all costs associated with development, operation, claim management, and maintenance of the transferred area.

Section 9. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed

this \_\_\_\_\_ day of \_\_\_\_\_, 2021

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Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Monica Martinez Simmons, City Clerk

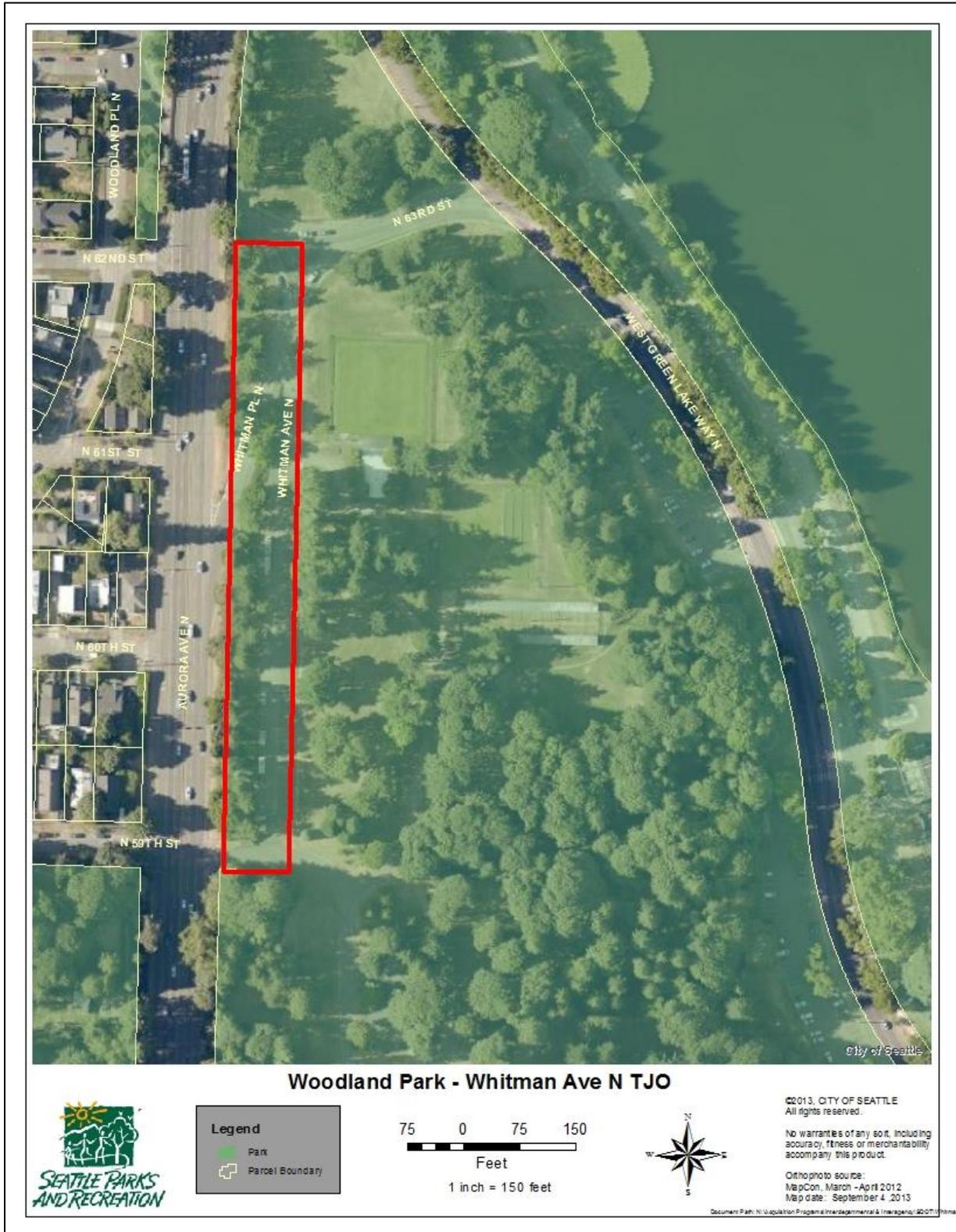
(Seal)

**Attachments:**

Exhibit A - Whitman Avenue N Transfer of Jurisdiction Map

Exhibit B - Woodland Park Transfer of Jurisdiction Map

### Exhibit A Whitman Avenue N Transfer of Jurisdiction Map



### Exhibit B Woodland Park Transfer of Jurisdiction Map



## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
Parks & Recreation	Lise Ward/733-9106	Anna Hurst/733-9317

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

### 1. BILL SUMMARY

**Legislation Title:** AN ORDINANCE relating to Woodland Park; transferring jurisdiction of a portion of Whitman Avenue N from the Seattle Department of Transportation to Seattle Parks and Recreation for open space, park, and recreation purposes; transferring a portion of Woodland Park adjacent to East Green Lake Way N from Seattle Parks and Recreation to the Seattle Department of Transportation for transportation purposes; and finding, after a public hearing, that the exchange of property meets the requirements of Ordinance 118477, which adopted Initiative 42.

**Summary and background of the Legislation:** This proposed legislation authorizes the exchange of property between Seattle Parks and Recreation (SPR) and Seattle Department of Transportation (SDOT) within Woodland Park. SDOT is developing protected bike lanes (PBLs) along East Green Lake Way N. After extensive analysis, it was determined that there was no reasonable and practical alternative to needing 3 feet of SPR property along East Green Lake Way N for that development.

Once the threshold of no reasonable alternative is met, Ordinance 118477 sets forth the following direction “the City shall at the same time or before receive in exchange land or a facility of equivalent or better size, value, location and usefulness in the vicinity, serving the same community and the same park purposes.”

SPR recommends the exchange of a property between SPR and SDOT at Woodland Park. SPR has determined the proposed exchange properties are of equivalent or larger size, value and serving the same usefulness and park purpose. The exchange is necessary because there is no reasonable and practical alternative for development of the PBL. In accordance with Ordinance 118477, the City Council, through its Public Assets and Native Communities Committee, will hold a public hearing regarding an exchange of property between the SPR and SDOT.

### 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?       Yes  No

### 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?       Yes  No

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

No

**Is there financial cost or other impacts of *not* implementing the legislation?**

Without this property trade, the development of the PBLs on East Green Lake Way N will either not be constructed or will have additional cost and impact to the community.

#### **4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

No

**b. Is a public hearing required for this legislation?**

Yes

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No

**d. Does this legislation affect a piece of property?**

Yes, See maps attached.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

N/A

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

This transfer of property will preserve dozens of existing mature trees adjacent to Green Lake Park, which act as a crucial natural barrier and air pollution filter to Highway 99. In addition, the property transferred to SDOT will not remove any trees, but will create a protected bike lane, likely to reduce vehicle trips and thus emissions. Not implementing this legislation will create a barrier to completing the protected bike lane along Green Lake, a missed opportunity for carbon-free transportation to one of Seattle's most popular parks.

- 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

The proposed legislation will not directly increase or decrease Seattle’s resiliency to climate change in a material way. However, as stated above, it will allow for improved bicycle access while also maintaining green infrastructure, actions identified by the City to support resiliency.

- g. Program goals: N/A**

**List attachments/exhibits below:**

N/A



Legislation Text

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**File #:** CB 120069, **Version:** 2

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to independent contractors in Seattle; establishing labor standards requirements for independent contractors working in Seattle; amending Sections 3.02.125, 3.15.000, and 6.208.020 of the Seattle Municipal Code; and adding a new Chapter 14.34 to the Seattle Municipal Code.

WHEREAS, independent contract work is a growing source of income for workers across the country; and

WHEREAS, in 2018, the United States Bureau of Labor Statistics (BLS) reported that 6.9 percent of workers (10.6 million individuals) gain their primary source of income as an independent contractor; and

WHEREAS, a 2019 Washington State Department of Commerce study found that independent contracting is on the rise in Washington state, increasing by 15 percent from 2008 to 2016; and

WHEREAS, independent contractors have the opportunity for increased flexibility and control over their work, but they also face challenges, such as working without employee protections, non-payment or late payment, lack of information about the terms and conditions of their work, and misclassification; and

WHEREAS, in 2018, a Gallup, Inc. survey reported that 39 percent of independent contractors reported problems with timely and accurate payment as compared to 18 percent of employees in traditional employment; and

WHEREAS, under current law, an independent contractor's primary legal recourse for non-payment or late payment is a legal action for breach of contract in small claims court or civil court, and the time and expense of going to court and/or hiring an attorney prevents many independent contractors from pursuing payment claims; and

WHEREAS, in Seattle, Transportation Network Companies (TNCs) and food delivery network companies must

provide platform gig workers hired as independent contractors with certain information about their jobs and pay, but there are not comprehensive transparency requirements for all independent contractors working in Seattle; and

WHEREAS, a lack of transparency about job information and pay can lead to confusion or disagreement about the terms and conditions of work and mask deceptive payment practices; and

WHEREAS, large delivery businesses that make extensive use of workers hired as independent contractors have come under scrutiny for improperly paying delivery drivers, including failure to pay drivers all tips earned from customers or using tips to subsidize promised wages, and proving wage theft is difficult when hiring entities are not required to provide an itemized accounting of earnings; and

WHEREAS, large delivery businesses and other platform businesses also rely on business models that hire platform gig workers as independent contractors, thereby creating barriers for gig workers to access employee protections; and

WHEREAS, in 2019 the Harvard Law School Labor and Worklife Program reported that 19 percent of employers in the Seattle-Bellevue-Tukwila area engage in misclassification - the practice of improperly classifying employees as independent contractors - and that the prevalence of misclassification in Washington increased from 5 percent in 2008 to 14 percent in 2017, and averaged 16 percent over the past five years; and

WHEREAS, misclassification occurs in many growth industries such as home care, janitorial, trucking, delivery, construction, personal services, hospitality and restaurants, and platform gig work; and

WHEREAS, in 2021, the National Equity Atlas, a research partnership between PolicyLink and the University of Southern California Equity Research Institute, reported that Black, Latinx, and immigrant workers are overrepresented in these industries, compared to their overall share of the labor force; and

WHEREAS, Black and Latinx workers specifically comprise almost 42 percent of platform gig workers although they comprise less than 29 percent of the overall labor force; and

WHEREAS, in 2020, the National Employment Law Project reported that it is increasingly clear that misclassification is an issue of racial justice as many poor workers of color and immigrant workers, deprived of the core rights and protections of employees, are stuck in a separate and unequal economy where they are underpaid, put in harm's way on the job, and left to fend for themselves; and

WHEREAS, in February 2019, the City Council (Council) passed Resolution 31863 to address the problem of misclassifying employees as independent contractors; and

WHEREAS, Resolution 31863 requested the Office of Labor Standards (OLS) and the Labor Standards Advisory Commission (LSAC) to work on policy, outreach and enforcement proposals to address the problem of misclassification; and

WHEREAS, in May 2020, the LSAC issued policy recommendations to create more transparency and access to information for workers hired as independent contractors, including recommendations for (1) pre-contract disclosures to provide independent contractors with basic job information and (2) payment disclosures to provide a description of the work performed and pay information; and

WHEREAS, requiring hiring entities to provide independent contractors with pre-contract and payment disclosures, along with requiring timely payment, aligns with the transparency and pay requirements for employees in the Wage Theft Ordinance, Seattle Municipal Code (SMC) 14.20; and

WHEREAS, establishing rights to pre-contract and payment disclosures and timely payment helps all workers hired as independent contractors, and especially those who are misclassified and therefore deprived of the right to receive this information as employees; and

WHEREAS, in 2021, the Economic Policy Institute reported that workers of color predominate in the low-paying jobs where misclassification is common and all workers who are misclassified suffer from lack of workplace protections but women, people of color, and immigrants face unique barriers to economic insecurity and disproportionately must accept low-wage, unsafe, and insecure working conditions; and

WHEREAS, The City of Seattle (City) is committed to ending racial disparities and achieving racial equity in

Seattle; and

WHEREAS, it is the City’s intent for correctly classified independent contractors, misclassified employees, and correctly classified employees to have equal baseline rights; and

WHEREAS, establishing efficient enforcement mechanisms for independent contractors to enforce such rights prevents theft of earned income, promotes the dignity of these vital workers, and increases their economic security and ability to care for themselves and their families; and

WHEREAS, preventing theft of an independent contractor’s earned income also promotes business and economic development within the City by reducing the unfair competition caused by unscrupulous hiring entities that do not pay or underpay independent contractors; and

WHEREAS, the City is a leader on wage, labor, and workforce practices that improve workers’ lives, support economic security, and contribute to a fair, healthy, and vibrant economy; and

WHEREAS, establishing new labor standards for independent contractors requires appropriate action by the Council; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. A new Chapter 14.34 is added to the Seattle Municipal Code as follows:

**Chapter 14.34 INDEPENDENT CONTRACTOR PROTECTIONS**

**14.34.010 Short title**

This Chapter 14.34 shall constitute the “Independent Contractor Protections Ordinance” and may be cited as such.

**14.34.020 Definitions**

For purposes of this Chapter 14.34:

“Adverse action” means reducing compensation, garnishing tips or gratuities, temporarily or permanently denying or limiting access to work, incentives, or bonuses, offering less desirable work, terminating, deactivating, threatening, penalizing, retaliating, engaging in unfair immigration-related practices,

filing a false report with a government agency, or otherwise discriminating against any person for any reason prohibited by Section 14.34.120. “Adverse action” for an independent contractor may involve any aspect of the contractor’s work, including compensation, work hours, responsibilities, or other material change in the terms and conditions in the ability of the independent contractor to perform services for or through the hiring entity. “Adverse action” also includes any action by the hiring entity or a person acting on the hiring entity’s behalf that would dissuade a reasonable person from exercising any right afforded by this Chapter 14.34.

“Agency” means the Office of Labor Standards and any division therein.

“Aggrieved party” means an independent contractor or other person who suffers tangible or intangible harm due to a hiring entity or other person's violation of this Chapter 14.34.

“Application dispatch” means technology that allows customers to directly request dispatch of independent contractors for provision of services and/or allows independent contractors or hiring entities to accept requests for services and payments for services via the internet using mobile interfaces such as, but not limited to, smartphone and tablet applications.

“City” means The City of Seattle.

“Commercial hiring entity” means a hiring entity regularly engaged in business or commercial activity. A hiring entity is regularly engaged in business or commercial activity if the hiring entity owns or operates any trade, occupation, or business, including a not for profit business, or holds itself out as engaging in any trade, occupation, or business. “Commercial hiring entity” does not include third parties purchasing services from hiring entities that hire platform gig workers to provide prearranged services.

“Compensation” means the payment owed to an independent contractor by reason of working for the hiring entity, including but not limited to hiring entity payments for providing services, bonuses, and commissions, as well as tips and service charge distributions.

“Director” means the Director of the Office of Labor Standards or the Director's designee.

“Director rules” means: (1) rules the Director or Agency may promulgate pursuant to Section 14.34.125;

or (2) other rules that the Director identifies, by means of an Agency Q&A, previously promulgated pursuant to authority in this Title 14. Rules the Director identifies by means of an Agency Q&A shall have the force and effect of law and may be relied on by hiring entities, independent contractors, and other parties to determine their rights and responsibilities under this Chapter 14.34.

“Employ” means to suffer or permit to work.

“Employee” means any individual employed by an employer, including but not limited to full-time employees, part-time employees, and temporary workers. An employer bears the burden of proof that the individual is, as a matter of economic reality, in business for oneself rather than dependent upon the alleged employer.

“Employer” means any individual, partnership, association, corporation, business trust, or any entity, person or group of persons, or a successor thereof, that employs another person and includes any such entity or person acting directly or indirectly in the interest of an employer in relation to an employee. More than one entity may be the “employer” if employment by one employer is not completely disassociated from employment by the other employer.

“Hiring entity” means any individual, partnership, association, corporation, business trust, or any entity, person or group of persons, or a successor thereof, that hires an independent contractor to provide any service to the hiring entity or a third party.

“Hiring entity payment” means the amount owed to an independent contractor by reason of working for the hiring entity, including but not limited to payment for providing services, bonuses, and commissions.

“Independent contractor” means a person or entity composed of no more than one person, regardless of corporate form or method of organizing the person’s business, that is hired by a hiring entity as a self-employed person or entity to provide services in exchange for compensation.

1. “Independent contractor” includes a platform gig worker.
2. “Independent contractor” does not include any person duly authorized to practice law and

who is engaged in the practice of law for the services at issue.

3. The Director may issue rules excluding classes of independent contractors from this definition based on the Director's determination that the class of independent contractors has adequate bargaining power in establishing their business relationships with hiring entities. The Director shall not exclude classes of independent contractors from this definition who are working in professions with workforces that are vulnerable to violations of this Chapter 14.34. When considering whether classes of independent contractors are vulnerable to violations of this Chapter, the Director may consider any number of factors, including but not limited to whether classes of independent contractors work in industries prone to misclassification, have limited English proficiency, or are unlikely to volunteer information about violations.

“Online order” or “online order for work” means an order for services placed through an online-enabled application or platform, including but not limited to an application dispatch system, provided by a hiring entity.

“Platform gig worker” means an independent contractor hired by a hiring entity to provide prearranged services for compensation using an online-enabled application or platform to connect third parties (e.g., customers) with workers.

“Primary language” means the language in which the independent contractor feels most comfortable communicating.

“Rate of inflation” means 100 percent of the annual average growth rate of the bi-monthly Seattle-Tacoma-Bellevue Area Consumer Price Index for Urban Wage Earners and Clerical Workers, termed CPI-W, for the 12-month period ending in August, provided that the percentage increase shall not be less than zero.

“Respondent” means a hiring entity or any person who is alleged or found to have committed a violation of this ordinance.

“Successor” means any person to whom a hiring entity quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys in bulk and not in the ordinary course of the hiring entity's business, a major part of the property, whether real or personal, tangible or intangible, of the hiring entity's business. For

purposes of this definition, “person” means an individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, corporation, business trust, partnership, limited liability partnership, company, joint stock company, limited liability company, association, joint venture, or any other legal or commercial entity.

“Tip” or “tips” means a verifiable sum to be presented by a customer as a gift or gratuity in recognition of some service performed for the customer by the independent contractor receiving the tip.

“Written” or “writing” means a printed or printable communication in physical or electronic format, including but not limited to a communication that is transmitted through email, text message, or a computer or mobile system, or that is otherwise sent and maintained electronically.

#### **14.34.030 Independent contractor coverage**

A. For the purposes of this Chapter 14.34, covered independent contractors are limited to those who perform work for a covered hiring entity, where

1. The work is performed in whole or part in Seattle,
2. The hiring entity knows or has reason to know that the work is performed in whole or part in Seattle, and
3. The hiring entity hires the independent contractor for services in the course of the hiring entity’s business or commercial activity.

B. The determination of whether a hiring entity knows or has reason to know that work is performed in whole or part in Seattle, may be demonstrated by any number of factors, including but not limited to:

1. The hiring entity specifies the location of the work to be performed, including a service area that is wholly or partially within Seattle;
2. The hiring entity provides a location within Seattle at which the independent contractor is permitted or required to perform the work;
3. The independent contractor maintains a regular place of business at an address in Seattle and

the hiring entity is aware of this regular place of business as indicated by inclusion of the independent contractor's address in Seattle in a pre-contract disclosure, written contract, payment, or other means;

4. The independent contractor provides information to the hiring entity indicating that work will be performed in whole or part in Seattle;

5. The independent contractor provides services that in fact include a work-related or commercial stop in Seattle; or

6. Pursuant to rules that the Director may issue, other factors that are material and necessary to effectuate the terms of this Chapter 14.34.

C. If a pre-contract disclosure, payment disclosure, or a written contract references Seattle as a location for services or the independent contractor's regular place of business, there shall be a presumption rebuttable by clear and convincing evidence that the hiring entity knows or has reason to know that the independent contractor's work is performed in whole or part in Seattle. The lack of a reference to Seattle in the disclosures or contract does not conclusively establish that a hiring entity did not know, or did not have reason to know, that work was to be performed in Seattle.

D. Time spent by an employee in Seattle solely for the purpose of travelling through Seattle from a point of origin outside Seattle to a destination outside Seattle, with no work-related or commercial stops in Seattle except for refueling or the independent contractor's personal meals or errands, does not create coverage for an independent contractor under this Chapter 14.34.

E. Independent contractors who are employees under Chapter 14.20 for covered hiring entities are not covered independent contractors under this Chapter 14.34. Hiring entities must make all required disclosures and pay all compensation owed to such workers in accordance with their obligations under Chapter 14.20.

F. Independent contractors who are Transportation Network Company (TNC) drivers under Chapter 14.33 for covered hiring entities are not owed pre-contract disclosures under Section 14.34.050 or payment disclosures under Section 14.34.060. Hiring entities that hire TNC drivers must comply with all other

requirements of this Chapter 14.34, including provision of timely payment under Section 14.34.055, and make all required disclosures and pay all compensation owed to such workers in accordance with their obligations under Chapter 14.33.

G. If the only relationship between the independent contractor and the hiring entity is a property rental agreement, such as an agreement to lease workspace from the hiring entity, the independent contractor is not covered by this Chapter 14.34

#### **14.34.040 Hiring entity coverage**

A. For the purposes of this Chapter 14.34, covered hiring entities are limited to commercial hiring entities.

B. Separate entities that form an integrated enterprise shall be considered a single hiring entity under this ordinance. Separate entities will be considered an integrated enterprise and a single hiring entity under this ordinance where a separate entity controls the operation of another entity. The factors to consider in making this assessment include, but are not limited to:

1. Degree of interrelation between the operations of multiple entities;
2. Degree to which the entities share common management;
3. Centralized control of labor relations;
4. Degree of common ownership or financial control over the entities; and
5. Use of a common brand, trade, business, or operating name.

#### **14.34.045 Value of services**

For the purposes of this Chapter 14.34, covered services by independent contractors are limited to those with proposed or actual compensation of \$600 or more, or compensation reasonably expected to be \$600 or more either by itself or when aggregated for services between the same hiring entity and independent contractor during the calendar year. The threshold amount of compensation contained in this Section 14.34.045 shall be adjusted to reflect the minimum amount of compensation required for Internal Revenue Service (IRS) Form

1099-NEC or equivalent IRS form for businesses reporting non-employee compensation. The Agency shall determine the amounts and file a schedule of such amounts with the City Clerk.

#### **14.34.050 Pre-contract disclosure**

A. Prior to an independent contractor beginning work for the hiring entity, the hiring entity shall provide the independent contractor with a written pre-contract disclosure that provides itemized information on the proposed terms and conditions of work, including but not limited to:

1. Current date;
2. Name of the independent contractor;
3. Name of the hiring entity;
4. Contact information for the hiring entity, including but not limited to physical address, mailing address, telephone number, and/or email address as applicable;
5. Description of work;
6. Location(s) of work and regular place of business of independent contractor or hiring entity;
7. Rate or rates of pay, including any applicable price multiplier or variable pricing policy, or incentive pay applicable to the offer of work;
8. Pay basis (e.g., hour, day, week, monthly, fee per project, piece rate, commission);
9. Tips and/or service charge distribution policy, if applicable;
10. Typical expenses incurred in the course of work and which expenses will be paid or reimbursed by the hiring entity, if applicable;
11. Deductions, fees, or other charges that the hiring entity may subtract from payment and accompanying policies for each type of charge, if applicable;
12. Payment schedule; and
13. Pursuant to rules that the Director may issue, other information that is material and necessary to effectuate the terms of this Chapter 14.34.

B. Hiring entities shall satisfy the pre-contract disclosure requirements by providing the required information in a single document, which may be in the form of a pre-contract disclosure, contract offer, counteroffer, application, or other single document meeting the disclosure requirements.

C. Hiring entities shall provide an independent contractor with written notice of any change to the information required by subsection 14.34.050.A before the change takes place, or as soon as practicable for retroactive changes to such information. Hiring entities may provide piece-meal notice of such changes (i.e., notice separate from the single document required in subsection 14.34.050.B). However, for changes to more than six of the items required by subsection 14.34.050.A, hiring entities shall issue a revised single document with all disclosures required by subsection 14.34.050.A.

D. Hiring entities shall provide the pre-contract disclosure in English and any language that the hiring entity knows or has reason to know is the primary language of the independent contractor.

E. The Agency shall create and distribute a model notice of the pre-contract disclosure in English, Spanish, and other languages by September 1, 2022. Hiring entities are not required to use the model notice when providing the pre-contract disclosure. However, hiring entities are responsible for providing the pre-contract disclosure in a format that is readily accessible to the independent contractor.

F. Hiring entities shall satisfy pre-contract disclosure requirements for independent contractors working for the hiring entity as of September 1, 2022 by providing the required information by September 31, 2022 or by the date of compensation, whichever date is sooner.

G. If the independent contractor performs agreed-upon work pursuant to the pre-contract disclosure, the terms and conditions in the pre-contract disclosure shall presumptively become part of the terms and conditions of a contract between the hiring entity and the independent contractor. This presumption shall be rebuttable by clear and convincing evidence, such as a written contract.

#### **14.34.055 Timely payment**

A. Except as otherwise provided by law, the hiring entity shall provide the independent contractor with

timely compensation for work performed.

B. The hiring entity shall provide compensation that conforms to the terms and conditions of the contract between the hiring entity and the independent contractor, whether the amount of compensation is specified by the contract resulting from the pre-contract disclosure pursuant to subsection 14.34.050.G or by other means such as a superseding written contract.

C. If the independent contractor performs agreed-upon work for the hiring entity and the hiring entity has not provided a pre-contract disclosure regarding the terms and conditions of payment, there is a rebuttable presumption that the independent contractor's alleged terms and conditions of the contractual relationship are the terms and conditions of the contractual relationship pursuant to subsections 14.34.170.C and 14.34.230.B.

D. The hiring entity shall provide the compensation as follows:

1. On or before the date the compensation is due under the terms and conditions of the contract;

or

2. If the contract does not specify when the hiring entity shall provide the independent contractor with compensation or the mechanism by which the date for compensation shall be determined, the hiring entity shall provide the independent contractor with compensation no later than 30 days after the completion of the independent contractor's services under the contract.

E. Once the independent contractor has commenced performance of the services under the contract, the hiring entity shall not require as a condition of timely compensation that the independent contractor accept less compensation than the amount of compensation due under the contract.

#### **14.34.060 Payment disclosure**

A. Each time the hiring entity provides the independent contractor with compensation, the hiring entity shall provide a written payment disclosure that provides itemized payment information, including but not limited to:

1. Current date;

2. Name of independent contractor;
3. Name of hiring entity;
4. Description of services covered by payment (e.g., description of project, tasks completed, or hours worked);
5. Location of services covered by payment;
6. Rate or rates of pay, including any applicable price multiplier or variable pricing policy, or incentive pay applicable to the work;
7. Tip compensation and/or service charge distributions, if applicable;
8. Pay basis (e.g., hour, day, week, monthly, fee per project, piece rate, commission) with accounting of method(s) for determining payment earned during the pay period;
9. Expenses reimbursed, if applicable;
10. Gross payment;
11. Deductions, fees, or other charges, if applicable;
12. Net payment after deductions, fees, or other charges; and
13. Pursuant to rules that the Director may issue, other information that is material and necessary to effectuate the terms of this Chapter 14.34.

B. Hiring entities shall satisfy the payment disclosure requirements in subsection 14.34.060.A by providing the required information in a single document, including but not limited to a payment disclosure notice, paycheck stub, or an independent contractor's invoice accompanied by a single document with supplemental information as necessary.

C. The Agency shall create and distribute a model notice of the payment disclosure in English, Spanish, and other languages by September 1, 2022. Hiring entities are not required to use the model notice when providing the payment disclosure. However, hiring entities are responsible for providing the payment disclosure in a format that is readily accessible to the independent contractor.

### **14.34.100 Notice of rights**

A. Hiring entities shall provide each independent contractor with a written notice of rights established by this Chapter 14.34.

1. For independent contractors working for the hiring entity as of September 1, 2022, hiring entities shall provide the notice of rights by September 31, 2022 or by the date of compensation, whichever date is sooner.

2. For independent contractors hired by the hiring entity after September 31, 2022, hiring entities shall provide the notice of rights prior to the independent contractor beginning work for the hiring entity.

3. Hiring entities shall provide the notice of rights in English and any language that the hiring entity knows or has reason to know is the primary language of the independent contractor.

B. The notice of rights shall provide information on:

1. The right to pre-contract disclosures, timely payment, and payment disclosures guaranteed by this Chapter 14.34;

2. The right to be protected from retaliation for exercising in good faith the rights protected by this Chapter 14.34;

3. The right to file a complaint with the Agency or bring a civil action for a violation of the requirements of this Chapter 14.34, including a hiring entity's failure to provide a pre-contract disclosure, timely payment, and a payment disclosure, and a hiring entity or other person's retaliation against an independent contractor or other person for asserting the right to disclosures, timely payment, or otherwise engaging in an activity protected by this Chapter 14.34; and

4. Pursuant to rules that the Director may issue, other information that is material and necessary to effectuate the terms of this Chapter 14.34.

C. The Agency shall create and distribute a model notice of rights in English and other languages by September 1, 2022. Hiring entities are not required to use the model notice when providing the notice of rights.

However, hiring entities are responsible for providing the notice of rights in a format that is readily accessible to the independent contractor.

#### **14.34.110 Hiring entity records**

A. Hiring entities shall retain records that document compliance with this Chapter 14.34 for each independent contractor.

B. Hiring entities shall retain the records required by subsection 14.34.110.A for a period of three years.

C. If a hiring entity fails to retain adequate records required under subsection 14.34.110.A, there shall be a presumption, rebuttable by clear and convincing evidence, that the hiring entity violated this Chapter 14.34 for the periods and for each independent contractor for whom records were not retained.

#### **14.34.120 Retaliation prohibited**

A. No hiring entity or any other person shall interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right protected under this Chapter 14.34.

B. No hiring entity or any other person shall take any adverse action against any person because the person has exercised in good faith the rights protected under this Chapter 14.34. Such rights include, but are not limited to, the right to make inquiries about the rights protected under this Chapter 14.34; the right to inform others about their rights under this Chapter 14.34; the right to inform the person's hiring entity, the person's legal counsel, a union or similar organization, or any other person about an alleged violation of this Chapter 14.34; the right to file an oral or written complaint with the Agency or bring a civil action for an alleged violation of this Chapter 14.34; the right to cooperate with the Agency in its investigations of this Chapter 14.34; the right to testify in a proceeding under or related to this Chapter 14.34; the right to refuse to participate in an activity that would result in a violation of city, state or federal law; and the right to oppose any policy, practice, or act that is unlawful under this Chapter 14.34.

C. No hiring entity or any other person shall communicate to a person exercising rights protected in this Section 14.34.120, directly or indirectly, the willingness to inform a government worker that the person is not

lawfully in the United States, or to report, or to make an implied or express assertion of a willingness to report, suspected citizenship or immigration status of an independent contractor or family member of an independent contractor to a federal, state, or local agency because the independent contractor has exercised a right under this Chapter 14.34.

D. It shall be a rebuttable presumption of retaliation if a hiring entity or any other person takes an adverse action against a person within 90 days of the person's exercise of rights protected in this Section 14.34.120. The hiring entity may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose.

E. Proof of retaliation under this Section 14.34.120 shall be sufficient upon a showing that a hiring entity or any other person has taken an adverse action against a person and the person's exercise of rights protected in this Section 14.34.120 was a motivating factor in the adverse action, unless the hiring entity can prove that the action would have been taken in the absence of such protected activity.

F. The protections afforded under this Section 14.34.120 shall apply to any person who mistakenly but in good faith alleges violations of this Chapter 14.34.

G. A complaint or other communication by any person triggers the protections of this Section 14.34.120 regardless of whether the complaint or communication is in writing or makes explicit reference to this Chapter 14.34.

#### **14.34.125 Rulemaking authority**

The Director is authorized to administer and enforce this Chapter 14.34. The Director is authorized to promulgate, revise, or rescind rules and regulations deemed necessary, appropriate, or convenient to administer, evaluate and enforce the provisions of this Chapter 14.34 pursuant to Chapter 3.02, providing affected entities with due process of law and in conformity with the intent and purpose of this Chapter 14.34. Any guidelines or rules promulgated by the Director shall have the force and effect of law and may be relied on by hiring entities, independent contractors, and other parties to determine their rights and responsibilities under this Chapter

14.34.

**14.34.130 Enforcement power and duties**

A. The Agency shall have the power to administer and enforce this Chapter 14.34 and shall have such powers and duties in the performance of these functions as are defined in this Chapter 14.34 and otherwise necessary and proper in the performance of the same and provided for by law.

**14.34.140 Violation**

The failure of any respondent to comply with any requirement imposed on the respondent under this Chapter 14.34 is a violation.

**14.34.150 Investigation**

A. The Agency shall have the power to investigate any violations of this Chapter 14.34 by any respondent. The Agency may prioritize investigations of workforces that are vulnerable to violations of this Chapter 14.34. The Agency may initiate an investigation pursuant to Director rules, including but not limited to situations when the Director has reason to believe that a violation has occurred or will occur, or when circumstances show that violations are likely to occur within a class of hiring entities or businesses because the workforce contains significant numbers of independent contractors who are vulnerable to violations of this Chapter 14.34 or the workforce is unlikely to volunteer information regarding such violations. An investigation may also be initiated through the receipt by the Agency of a report or complaint filed by an independent contractor or other person.

B. An independent contractor or other person may report to the Agency any suspected violation of this Chapter 14.34. The Agency shall encourage reporting pursuant to this Section 14.34.150 by taking the following measures:

1. The Agency shall keep confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the independent contractor or person reporting the violation. However, with the authorization of such person, the Agency may disclose the independent contractor's or

person's name and identifying information as necessary to enforce this Chapter 14.34 or for other appropriate purposes.

2. The Agency may require the hiring entity to post or otherwise notify other independent contractors working for the hiring entity that the Agency is conducting an investigation. The hiring entity shall provide the notice of investigation in a form, place, and manner designated by the Agency. The Agency shall create the notice of investigation in English and other languages.

3. The Agency may certify the eligibility of eligible persons for "U" Visas under the provisions of 8 U.S.C. § 1184.p and 8 U.S.C. § 1101.a.15.U. This certification is subject to applicable federal law and regulations, and Director rules.

C. The Agency's investigation shall commence within three years of the alleged violation. To the extent permitted by law, the applicable statute of limitations for civil actions is tolled during any investigation under this Chapter 14.34 and any administrative enforcement proceeding under this Chapter 14.34 based upon the same facts. For purposes of this Chapter 14.34:

1. The Agency's investigation begins on the earlier date of when the Agency receives a complaint from a person under this Chapter 14.34, or when the Agency provides notice to the respondent that an investigation has commenced under this Chapter 14.34.

2. The Agency's investigation ends when the Agency issues a final order concluding the matter and any appeals have been exhausted; the time to file any appeal has expired; or the Agency notifies the respondent in writing that the investigation has been otherwise resolved.

D. The Agency's investigation shall be conducted in an objective and impartial manner.

E. The Director may apply by affidavit or declaration in the form allowed under RCW 9A.72.085 to the Hearing Examiner for the issuance of subpoenas requiring a hiring entity to produce the records required by Section 14.34.110, or for the attendance and testimony of witnesses, or for the production of documents required to be retained under Section 14.34.110, or any other document relevant to the issue of whether any

independent contractor or group of independent contractors received the information or other benefits required by this Chapter 14.34, and/or to whether a hiring entity has violated any provision of this Chapter 14.34. The Hearing Examiner shall conduct the review without hearing as soon as practicable and shall issue subpoenas upon a showing that there is reason to believe that: a violation has occurred, a complaint has been filed with the Agency, that circumstances show that violations are likely to occur within a class of businesses because the workforce contains significant numbers of independent contractors who are vulnerable to violations of this Chapter 14.34, the workforce is unlikely to volunteer information regarding such violations, or the Agency has gathered preliminary information indicating that a violation may have occurred.

F. A hiring entity that fails to comply with the terms of any subpoena issued under subsection 14.34.150.E in an investigation by the Agency under this Chapter 14.34 before the issuance of a Director's Order issued pursuant to subsection 14.34.160.C may not use such records in any appeal to challenge the correctness of any determination by the Agency of liability, damages owed, or penalties assessed.

G. In addition to other remedies, the Director may refer any subpoena issued under subsection 14.34.150.E to the City Attorney to seek a court order to enforce any subpoena.

H. Where the Director has reason to believe that a violation has occurred, the Director may order any appropriate temporary or interim relief to mitigate the violation or maintain the status quo pending completion of a full investigation or hearing, including but not limited to a deposit of funds or bond sufficient to satisfy a good-faith estimate of compensation, interest, damages, and penalties due. A respondent may appeal any such order in accordance with Section 14.34.180.

#### **14.34.160 Findings of fact and determination**

A. Except when there is an agreed upon settlement, the Director shall issue a written determination with findings of fact resulting from the investigation and statement of whether a violation of this Chapter 14.34 has or has not occurred based on a preponderance of the evidence before the Director.

B. If the Director determines that there is no violation of this Chapter 14.34, the Director shall issue a

“Determination of No Violation” with notice of an independent contractor’s or other person’s right to appeal the decision, pursuant to Director rules.

C. If the Director determines that a violation of this Chapter 14.34 has occurred, the Director shall issue a “Director's Order” that shall include a notice of violation identifying the violation or violations.

1. The Director’s Order shall state with specificity the amounts due under this Chapter 14.34 for each violation, including payment of unpaid compensation, liquidated damages, civil penalties, penalties payable to aggrieved parties, fines, and interest pursuant to Section 14.34.170.

2. The Director's Order may specify that civil penalties and fines due to the Agency can be mitigated for respondent's timely payment of remedy due to an aggrieved party pursuant to subsection 14.34.170.A.4.

3. The Director’s Order may specify that civil penalties and fines are due to the aggrieved party rather than due to the Agency.

4. The Director's Order may direct the respondent to take such corrective action as is necessary to comply with the requirements of this Chapter 14.34, including but not limited to monitored compliance for a reasonable time period.

5. The Director's Order shall include notice of the respondent's right to appeal the decision pursuant to Section 14.34.180.

#### **14.34.165 Complaint procedure**

A. The Agency shall have the power to respond to any violations of this Chapter 14.34 with a complaint procedure.

B. The Agency may initiate a complaint procedure as an alternative enforcement method to an investigation for responding to a report or complaint by any person of a violation of this Chapter 14.34. The Director may issue rules for the complaint procedure, including but not limited to rules to establish the timeline for sending the information required by subsection 14.34.170.D and to indicate when the Agency may prioritize

use of a complaint procedure prior to an investigation or in lieu of an investigation. The Director may also establish other enforcement methods to efficiently resolve violations of this Chapter 14.34.

C. The Agency may require the complainant to provide information pursuant to the complaint procedure, including but not limited to:

1. Contact information for the independent contractor and hiring entity;
2. A statement describing the proposed terms and conditions of work, such as the information required by the pre-contract disclosure pursuant to Section 14.34.050;
3. A copy of the pre-contract disclosure, payment provided to the independent contractor, or payment disclosure, if available; and
4. A statement describing the alleged violations of this Chapter 14.34.

D. The Agency may send notices to the hiring entity and complainant, including but not limited to:

1. Notice of the alleged violation(s). The Agency may send notice to the hiring entity of the alleged violation(s) of this Chapter 14.34. The Agency shall bear any cost of sending such notice by certified mail or by other means incurring a cost to the Agency. This notice may include but not be limited to:
  - a. Statement of the alleged violation(s) of this Chapter 14.34; and
  - b. Description of the remedies available to an independent contractor for violation(s) of this Chapter 14.34;
2. Response from the hiring entity. The hiring entity may send the Agency the following:
  - a. Written statement that the hiring entity provided the independent contractor with the pre-contract disclosure, timely payment in full, or payment disclosure required by this Chapter 14.34 and proof of such disclosure(s) or payment; or
  - b. Written statement that the hiring entity did not provide the independent contractor the pre-contract disclosure, timely payment in full, or payment disclosure required by this Chapter 14.34 and the reason(s) for not providing such disclosure(s) or payment.

3. Notice to the complainant of the response from the hiring entity. The Agency may send a notice to the complainant of the response from the hiring entity. This notice to the complainant may include but not be limited to:

- a. The response from hiring entity, including any enclosures;
- b. Information on the right to bring a civil action in a court of competent jurisdiction;
- c. Any other information about the status of the complaint; and
- d. Information about the navigation program pursuant to Section 14.34.167.

4. Notice of no response. If the Agency receives no response from the hiring entity within the timeframe established by Director rule for subsection 14.34.165.D.3, the Agency may send a notice of no response to the complainant and the hiring entity, and may include proof that the Agency previously sent notice of the alleged violation(s) to the hiring entity.

5. Notice of closure. The Agency may send the complainant and hiring entity notice of the Agency's completion of the complaint procedure and/or closure of the case.

E. Upon satisfying the requirements of subsections 14.34.165.C and 14.34.165.D, the Agency may close the case.

#### **14.34.167 Navigation program**

A. The Agency may establish a navigation program that provides intake and information relating to the provisions of this Chapter 14.34.

1. The navigation program may provide a range of information, including but not limited to:
  - a. Information on the provisions and procedures of this Chapter 14.34;
  - b. Model notices of the pre-contract disclosure, payment disclosure, and notice of rights required by this Chapter 14.34;
  - c. General court information, including but not limited to:
    - i. Information on court procedures for filing civil actions in small claims, district

court, and superior court; and

- ii. Information on obtaining translation and interpretation services, and other courtroom services;
- d. A list of organizations that can be used to identify attorneys;
- e. Organizations providing outreach and education, and/or legal assistance to independent contractors;
- f. Information about classifying workers as employees or independent contractors; and
- g. As determined by the Director, additional information related to the provisions of this Chapter 14.34, other workplace protections for independent contractors, or other resources for resolving workplace issues.

2. The navigation program may include outreach and education to the public on the provisions and procedures of this Chapter 14.34.

3. The navigation program shall not include legal advice from the Agency. However, if the Agency refers an independent contractor to a community organization through the navigation program, the community organization is not precluded from providing legal advice.

#### **14.34.170 Remedies**

A. The payment of unpaid compensation, liquidated damages of up to twice the amount of unpaid compensation, civil penalties, penalties payable to aggrieved parties, fines, and interest provided under this Chapter 14.34 is cumulative and is not intended to be exclusive of any other available remedies, penalties, fines, and procedures.

1. The amounts of all civil penalties, penalties payable to aggrieved parties, and fines contained in this Section 14.34.170 shall be increased annually to reflect the rate of inflation and calculated to the nearest cent on January 1 of each year thereafter. The Agency shall determine the amounts and file a schedule of such amounts with the City Clerk.

2. If a violation is ongoing when the Agency receives a complaint or opens an investigation, the Director may order payment of unpaid compensation plus interest that accrues after receipt of the complaint or after the investigation opens and before the date of the Director's Order.

3. Interest shall accrue from the date the unpaid compensation was first due at 12 percent annum, or the maximum rate permitted under RCW 19.52.020.

4. If there is a remedy due to an aggrieved party, the Director may waive part or all civil penalties and fines due to the Agency based on timely payment of the full remedy due to the aggrieved party.

a. The Director may waive the total amount of civil penalties and fines due to the Agency if the Director determines that the respondent paid the full remedy due to the aggrieved party within ten days of service of the Director's Order.

b. The Director may waive half the amount of civil penalties and fines due to the Agency if the Director determines that the respondent paid the full remedy due to the aggrieved party within 15 days of service of the Director's Order.

c. The Director shall not waive any amount of civil penalties and fines due to the Agency if the Director determines that the respondent has not paid the full remedy due to the aggrieved party after 15 days of service of the Director's Order.

5. When determining the amount of liquidated damages, civil penalties, penalties payable to aggrieved parties, and fines due under this Section 14.34.170 for a settlement agreement or Director's Order, including but not limited to the mitigation of civil penalties and fines due to the Agency for timely payment of remedy due to an aggrieved party under subsection 14.34.170.A.4, the Director may consider:

a. The total amount of unpaid compensation, liquidated damages, penalties, fines, and interest due;

b. The nature and persistence of the violations;

c. The extent of the respondent's culpability;

- d. The substantive or technical nature of the violations;
- e. The size, revenue, and human resources capacity of the respondent;
- f. The circumstances of each situation;
- g. The amount of penalties in similar situations; and
- h. Pursuant to rules that the Director may issue, other factors that are material and

necessary to effectuate the terms of this Chapter 14.34.

B. A respondent found to be in violation of this Chapter 14.34 shall be liable for full payment of unpaid compensation due plus interest in favor of the aggrieved party under the terms of this Chapter 14.34, and other equitable relief. If the precise amount of unpaid compensation cannot be determined due to a respondent's failure to produce records or if a respondent produces records in a manner or form which makes timely determination of the amount of unpaid compensation impracticable, the Director may designate a daily amount for unpaid compensation due to aggrieved party. For any violation of this Chapter 14.34, the Director may assess liquidated damages in an additional amount of up to twice the unpaid compensation.

C. If the independent contractor performs agreed-upon work for a hiring entity and the hiring entity has not provided a pre-contract disclosure pursuant to Section 14.34.050, there shall be a presumption rebuttable by clear and convincing evidence, such as a written contract, that the independent contractor's alleged terms and conditions of the contractual relationship are the terms and conditions of the contractual relationship.

D. A respondent found to be in violation of this Chapter 14.34 for retaliation under Section 14.34.120 shall be subject to any appropriate relief at law or equity including, but not limited to reinstatement of the aggrieved party, front pay in lieu of reinstatement with full payment of unpaid compensation plus interest in favor of the aggrieved party under the terms of this Chapter 14.34, and liquidated damages in an additional amount of up to twice the unpaid compensation. The Director also shall order the imposition of a penalty payable to the aggrieved party of up to \$5,565.10.

E. The Director is authorized to assess civil penalties for a violation of this Chapter 14.34 and may

specify that civil penalties are due to the aggrieved party rather than due to the Agency.

1. For a first violation of this Chapter 14.34, the Director may assess a civil penalty of up to \$556.30 per aggrieved party.

2. For a second violation of this Chapter 14.34, the Director shall assess a civil penalty of up to \$1,112.60 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid compensation, whichever is greater.

3. For a third or any subsequent violation of this 14.34, the Director shall assess a civil penalty of up to \$5,565.10 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid compensation, whichever is greater.

4. For purposes of this subsection 14.34.170.E, a violation is a second, third, or subsequent violation if the respondent has been a party to one, two, or more than two settlement agreements, respectively, stipulating that a violation has occurred; and/or one, two, or more than two Director's Orders, respectively, have issued against the respondent in the ten years preceding the date of the violation; otherwise, it is a first violation.

F. The Director is authorized to assess fines for a violation of this Chapter 14.34 and may specify that fines are due to the aggrieved party rather than due to the Agency. The Director is authorized to assess fines as follows:

<b>Violation</b>	<b>Fine</b>
Failure to provide written pre-contract disclosure under Section 14.34.050	Up to \$556.30 per aggrieved party
Failure to provide written payment disclosure under Section 14.34.060	Up to \$556.30 per aggrieved party
Failure to provide written notice of rights under Section 14.34.100	Up to \$556.30 per aggrieved party
Failure to retain hiring entity records for three years under subsections 14.34.110.A and 14.34.110.B	Up to \$556.30 per missing record
Failure to comply with prohibitions against retaliation for exercising rights protected under Section 14.34.120	Up to \$1,112.60 per aggrieved party

Failure to provide notice of investigation to independent contractors under subsection 14.34.150.B.2	Up to \$556.30 per aggrieved party
Failure to post or distribute public notice of failure to comply with final order under subsection 14.34.210.A.1	Up to \$556.30

For each independent contractor hired by the hiring entity, the maximum amount that may be imposed in fines in a one-year period for each type of violation listed above is \$5,565.10. For each hiring entity, if a fine for retaliation is issued, the maximum amount that may be imposed in a one-year period is \$22,259.36.

G. A respondent who willfully hinders, prevents, impedes, or interferes with the Director or Hearing Examiner in the performance of their duties under this Chapter 14.34 shall be subject to a civil penalty of not less than \$1,112.60 and not more than \$5,565.10.

H. In addition to the unpaid compensation, penalties, fines, liquidated damages, and interest, the Agency may assess against the respondent in favor of the City the reasonable costs incurred in enforcing this Chapter 14.34, including but not limited to reasonable attorneys' fees.

I. A respondent that is the subject of a settlement agreement stipulating that a violation has occurred shall count for debarment, or a final order for which all appeal rights have been exhausted, shall not be permitted to bid, or have a bid considered, on any City contract until such amounts due under the final order have been paid in full to the Director. If the respondent is the subject of a final order two times or more within a five-year period, the hiring entity shall not be allowed to bid on any City contract for two years. This subsection 14.34.170.I shall be construed to provide grounds for debarment separate from, and in addition to, those contained in Chapter 20.70 and shall not be governed by that chapter provided that nothing in this subsection 14.34.170.I shall be construed to limit the application of Seattle Municipal Code Chapter 20.70. The Director shall notify the Director of Finance and Administrative Services of all respondents subject to debarment under this subsection 14.34.170.I.

**14.34.180 Appeal period and failure to respond**

A. An independent contractor or other person who claims an injury as a result of an alleged violation of this Chapter 14.34 may appeal the Determination of No Violation, pursuant to Director rules.

B. A respondent may appeal the Director's Order, including all remedies issued pursuant to Section 14.34.170, by requesting a contested hearing before the Hearing Examiner in writing within 15 days of service of the Director's Order. If a respondent fails to appeal the Director's Order within 15 days of service, the Director's Order shall be final. If the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the appeal period shall run until 5 p.m. on the next business day.

#### **14.34.190 Appeal procedure and failure to appear**

A. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases. The hearing shall be conducted de novo and the Director shall have the burden of proving by a preponderance of the evidence that the violation or violations occurred. Upon establishing such proof, the remedies and penalties imposed by the Director shall be upheld unless it is shown that the Director abused discretion. Failure to appear for a contested hearing shall result in an order being entered finding that the respondent committed the violation stated in the Director's Order. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

B. In all contested cases, the Hearing Examiner shall enter an order affirming, modifying or reversing the Director's Order, consistent with Ordinance 126068.

#### **14.34.200 Appeal from Hearing Examiner order**

A. The respondent may obtain judicial review of the decision of the Hearing Examiner by applying for a Writ of Review in the King County Superior Court within 30 days from the date of the decision in accordance with the procedure set forth in chapter 7.16 RCW, other applicable law, and court rules.

B. The decision of the Hearing Examiner shall be final and conclusive unless review is sought in compliance with this Section 14.34.200.

**14.34.210 Failure to comply with final order**

A. If a respondent fails to comply within 30 days of service of any settlement agreement with the Agency, or with any final order issued by the Director or the Hearing Examiner for which all appeal rights have been exhausted, the Agency may pursue, but is not limited to, the following measures to secure compliance:

1. The Director may require the respondent to post or distribute public notice of the respondent's failure to comply in a form and manner determined by the Agency.

2. The Director may refer the matter to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the amounts due.

3. The Director may refer the matter to the City Attorney for the filing of a civil action in King County Superior Court, the Seattle Municipal Court, or any other court of competent jurisdiction to enforce such order or to collect amounts due. In the alternative, the Director may seek to enforce a Director's Order or a final order of the Hearing Examiner under Section 14.34.190.

4. The Director may request that the City's Department of Finance and Administrative Services deny, suspend, refuse to renew, or revoke any business license held or requested by the hiring entity or person until such time as the hiring entity complies with the remedy as defined in the settlement agreement or final order. The City's Department of Finance and Administrative Services shall have the authority to deny, refuse to renew, or revoke any business license in accordance with this subsection 14.34.210.A.4.

B. No respondent that is the subject of a final order issued under this Chapter 14.34 shall quit business, sell out, exchange, convey, or otherwise dispose of the respondent's business or stock of goods without first notifying the Agency and without first notifying the respondent's successor of the amounts owed under the final order at least three business days before such transaction. At the time the respondent quits business, or sells out, exchanges, or otherwise disposes of the respondent's business or stock of goods, the full amount of the remedy,

as defined in a final order issued by the Director or the Hearing Examiner, shall become immediately due and payable. If the amount due under the final order is not paid by respondent within ten days from the date of such sale, exchange, conveyance, or disposal, the successor shall become liable for the payment of the amount due, provided that the successor has actual knowledge of the order and the amounts due or has prompt, reasonable, and effective means of accessing and verifying the fact and amount of the order and the amounts due. The successor shall withhold from the purchase price a sum sufficient to pay the amount of the full remedy. When the successor makes such payment, that payment shall be deemed a payment upon the purchase price in the amount paid, and if such payment is greater in amount than the purchase price the amount of the difference shall become a debt due such successor from the hiring entity.

#### **14.34.220 Debt owed The City of Seattle**

A. All monetary amounts due under the Director's Order shall be a debt owed to the City and may be collected in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies, provided that amounts collected by the City for unpaid compensation, liquidated damages, penalties payable to aggrieved parties, or front pay shall be held in trust by the City for the aggrieved party and, once collected by the City, shall be paid by the City to the aggrieved party.

B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the time period set forth in subsection 14.34.180.B, the Director's Order shall be final, and the Director may petition the Seattle Municipal Court, or any court of competent jurisdiction, to enforce the Director's Order by entering judgment in favor of the City finding that the respondent has failed to exhaust its administrative remedies and that all amounts and relief contained in the order are due. The Director's Order shall constitute prima facie evidence that a violation occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085 containing evidence that the respondent has failed to comply with the order or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the Director's Order to the Hearing Examiner within the time period set forth in subsection 14.34.180.B, and

therefore has failed to exhaust the respondent's administrative remedies, shall also be admissible without further evidentiary foundation.

C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner within the time period set forth in subsection 14.34.200.A, the order of the Hearing Examiner shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City for all amounts and relief due under the order of the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence that the violations contained therein occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085 containing evidence that the respondent has failed to comply with the order or any parts thereof, and is therefore in default, or that the respondent has failed to avail itself of judicial review in accordance with subsection 14.34.200.A, shall also be admissible without further evidentiary foundation.

D. In considering matters brought under subsections 14.34.220.B and 14.34.220.C, the Seattle Municipal Court may include within its judgment all terms, conditions, and remedies contained in the Director's Order or the order of the Hearing Examiner, whichever is applicable, that are consistent with the provisions of this Chapter 14.34.

#### **14.34.230 Private right of action**

A. Any person or class of persons that suffers an injury as a result of a violation of this Chapter 14.34, or is the subject of prohibited retaliation under Section 14.34.120, may bring a civil action in a court of competent jurisdiction against the hiring entity or other person violating this Chapter 14.34 and, upon prevailing, may be awarded reasonable attorney fees and costs and such legal or equitable relief as may be appropriate to remedy the violation including, without limitation: the payment of any unpaid compensation plus interest due to the person and liquidated damages in an additional amount of up to twice the unpaid compensation; and a penalty payable to any aggrieved party of up to \$5,565.10 if the aggrieved party was subject to prohibited retaliation. Interest shall accrue from the date the unpaid compensation was first due at 12

percent per annum, or the maximum rate permitted under RCW 19.52.020.

B. In a civil action against the hiring entity under this Chapter 14.34 or in a breach of contract action against the hiring entity, there shall be a presumption rebuttable by clear and convincing evidence, such as a written contract, that if the independent contractor performs agreed-upon work for a hiring entity and the hiring entity has not provided a pre-contract disclosure pursuant to Section 14.34.050, the independent contractor's alleged terms and conditions of the contractual relationship are the terms and conditions of the contractual relationship.

C. For purposes of this Section 14.34.230, "person" includes any entity a member of which has suffered an injury or retaliation, or any other individual or entity acting on behalf of an aggrieved party that has suffered an injury or retaliation.

D. For purposes of determining membership within a class of persons entitled to bring an action under this Section 14.34.230, two or more independent contractors are similarly situated if they:

1. Are or were hired for the same hiring entity or hiring entities, whether concurrently or otherwise, at some point during the applicable statute of limitations period,
2. Allege one or more violations that raise similar questions as to liability, and
3. Seek similar forms of relief.

E. For purposes of subsection 14.34.230.C, independent contractors shall not be considered dissimilar solely because the independent contractors':

1. Claims seek damages that differ in amount, or
2. Job titles or other means of classifying independent contractors differ in ways that are unrelated to their claims.

F. An order issued by the court may include a requirement for a hiring entity to submit a compliance report to the court and to the Agency.

### **14.34.233 Waiver**

Any waiver by an individual of any provisions of this Chapter 14.34 shall be deemed contrary to public policy and shall be void and unenforceable.

#### **14.34.235 Encouragement of more generous policies**

A. Nothing in this Chapter 14.34 shall be construed to discourage or prohibit a hiring entity from the adoption or retention of disclosure policies more generous than the one required herein.

B. Nothing in this Chapter 14.34 shall be construed as diminishing the obligation of the hiring entity to comply with any contract, or other agreement providing more generous disclosure policies to an independent contractor than required herein.

#### **14.34.240 Other legal requirements; effect on other laws**

A. Subject to subsections 14.34.050.H, 14.34.055.C, 14.34.170.C, and 14.34.230.B, the provisions of this Chapter 14.34:

1. Supplement and do not diminish or replace any other basis of liability or requirement established by statute or common law;
2. Shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard for disclosure requirements or timely payment, or that extends other protections to independent contractors; and
3. Shall not be interpreted or applied so as to create any power or duty in conflict with federal or state law.

Nor shall this Chapter 14.34 be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this Chapter 14.34 affecting such person. Nothing in this Section 14.34.240 shall be construed as restricting an independent contractor's right to pursue any other remedies at law or equity for violation of the contractor's rights.

B. A hiring entity's failure to comply with the provisions of this Chapter 14.34 shall not render any contract between the hiring entity and an independent contractor void or voidable.

C. No provision of this Chapter 14.34 shall be construed as providing a determination about the legal classification of any individual as an employee or independent contractor.

**14.34.250 Severability**

The provisions of this Chapter 14.34 are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this Chapter 14.34, or the application thereof to any hiring entity, independent contractor, person, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this Chapter 14.34, or the validity of its application to other persons or circumstances.

Section 2. Section 3.02.125 of the Seattle Municipal Code, last amended by Ordinance 126283, is amended as follows:

**3.02.125 Hearing Examiner filing fees**

A. The filing fee for a case before the City Hearing Examiner is \$85, with the following exceptions:

Basis for Case	Fee in dollars
* * *	
Hazard Pay for Grocery Employees Ordinance (Ordinance 126274)	No fee
Independent Contractor Protections Ordinance (Chapter 14.34)	No fee
Land Use Code Citation (Chapter 23.91)	No fee
* * *	

\* \* \*

Section 3. Section 3.15.000 of the Seattle Municipal Code, last amended by Ordinance 126189, is amended as follows:

**3.15.000 Office of Labor Standards created - Functions**

There is created within the Executive Department an Office of Labor Standards, under the direction of the Mayor. The mission of the Office of Labor Standards is to advance labor standards through thoughtful community and business engagement, strategic enforcement and innovative policy development, with a

commitment to race and social justice. The Office of Labor Standards seeks to promote greater economic opportunity and further the health, safety, and welfare of ~~((employees))~~ workers; support employers and other hiring entities in their implementation of labor standards requirements; and end barriers to workplace equity for women, communities of color, immigrants and refugees, and other vulnerable workers.

The functions of the Office of Labor Standards are as follows:

- A. Promoting labor standards through outreach, education, technical assistance, and training ~~((for employees and employers))~~;
- B. Collecting and analyzing data on labor standards enforcement;
- C. Partnering with community, businesses, and workers for stakeholder input and collaboration;
- D. Developing innovative labor standards policy;
- E. Administering and enforcing City of Seattle ordinances relating to paid sick and safe time (Chapter 14.16), use of criminal history in employment decisions (Chapter 14.17), minimum wage and minimum compensation (Chapter 14.19), wage and tip compensation requirements (Chapter 14.20), secure scheduling (Chapter 14.22), domestic workers (Chapter 14.23), hotel employees safety protections (Chapter 14.26), protecting hotel employees from injury (Chapter 14.27), improving access to medical care for hotel employees (Chapter 14.28), hotel employees job retention (Chapter 14.29), commuter benefits (Chapter 14.30), transportation network company driver deactivation protections (Chapter 14.32), transportation network company driver minimum compensation (Chapter 14.33), independent contractor protections (Chapter 14.34), and other labor standards ordinances that may be enacted in the future.

Section 4. Subsection 6.208.020.A of the Seattle Municipal Code, which section was last amended by Ordinance 126274, is amended as follows:

**6.208.020 Denial, revocation of, or refusal to renew business license**

A. In addition to any other powers and authority provided under this Title 6, the Director, or the Director's designee, has the power and authority to deny, revoke, or refuse to renew any business license issued

under the provisions of this Chapter 6.208. The Director, or the Director's designee, shall notify such applicant or licensee in writing by mail of the denial, revocation of, or refusal to renew the license and on what grounds such a decision was based. The Director may deny, revoke, or refuse to renew any license issued under this Chapter 6.208 on one or more of the following grounds:

1. The license was procured by fraud or false representation of fact.
2. The licensee has failed to comply with any provisions of this Chapter 6.208.
3. The licensee has failed to comply with any provisions of Chapters 5.32, 5.35, 5.38, 5.39, 5.40, 5.45, 5.46, 5.48, 5.50, or 5.52.
4. The licensee is in default in any payment of any license fee or tax under Title 5 or Title 6.
5. The property at which the business is located has been determined by a court to be a chronic nuisance property as provided in Chapter 10.09.
6. The applicant or licensee has been convicted of theft under subsection 12A.08.060.A.4 within the last ten years.
7. The applicant or licensee is a person subject within the last ten years to a court order entering final judgment for violations of chapters 49.46, 49.48, or 49.52 RCW, or 29 U.S.C. 206 or 29 U.S.C. 207, and the judgment was not satisfied within 30 days of the later of either:
  - a. The expiration of the time for filing an appeal from the final judgment order under the court rules in effect at the time of the final judgment order; or
  - b. If a timely appeal is made, the date of the final resolution of that appeal and any subsequent appeals resulting in final judicial affirmation of the findings of violations of chapters 49.46, 49.48, or 49.52 RCW, or 29 U.S.C. 206 or 29 U.S.C. 207.
8. The applicant or licensee is a person subject within the last ten years to a final and binding citation and notice of assessment from the Washington Department of Labor and Industries for violations of chapters 49.46, 49.48, or 49.52 RCW, and the citation amount and penalties assessed therewith were not

satisfied within 30 days of the date the citation became final and binding.

9. Pursuant to subsections 14.16.100.A.4, 14.17.075.A, 14.19.100.A.4, 14.20.080.A.4, 14.22.115.A.4, 14.23.115.A.4, 14.26.210.A.4, 14.27.210.A.4, 14.28.210.A.4, 14.30.180.A.4, ((and)) 14.33.210.A.4, and 14.34.210.A.4, subsection 100.240.A.4 of Ordinance 126091, subsection 100.240.A.4 of Ordinance 126094, and subsection 100.240.A.4 of Ordinance 126274, the applicant or licensee has failed to comply, within 30 days of service of any settlement agreement, with any final order issued by the Director of the Office of Labor Standards, or any final order issued by the Hearing Examiner under Chapters 14.16, 14.17, 14.19, 14.20, 14.22, 14.23, 14.26, 14.27, 14.28, 14.29, 14.30, ((and)) 14.33, and 14.34, Ordinance 126091, Ordinance 126094, and Ordinance 126274 for which all appeal rights have been exhausted, and the Director of the Office of Labor Standards has requested that the Director deny, refuse to renew, or revoke any business license held or requested by the applicant or licensee. The denial, refusal to renew, or revocation shall remain in effect until such time as the violation(s) under Chapters 14.16, 14.17, 14.19, 14.20, 14.22, 14.23, 14.26, 14.27, 14.28, 14.29, 14.30, ((and)) 14.33, and 14.34, Ordinance 126091, Ordinance 126094, and Ordinance 126274 are remedied.

10. The business is one that requires an additional license under this Title 6 and the business does not hold that license.

11. The business has been determined under a separate enforcement process to be operating in violation of law.

\* \* \*

Section 5. Acknowledging that implementation of Chapter 14.34 will incur additional costs for the Office of Labor Standards (OLS), the City Council (Council) intends for the Director of OLS to use the process established by Seattle Municipal Code, Chapter 3.15 to establish the office's funding needs. Pursuant to Section 3.15.007.B, the Director shall certify the minimum annual contribution needed for enforcement and outreach

operations and activities to the Mayor and Council by September 1, 2021. The minimum annual contribution shall be reflected in the 2022 Proposed Budget submitted by the Mayor to the City Council. The Director may also make additional recommendations for staffing, funding, and program design.

Section 6. Recognizing that more than 40,000 app-based workers in the City of Seattle, including people of color, immigrants, workers with disabilities, LGBTQ+ workers, and single parents are often paid subminimum wages for their work, despite the promise of good wages, flexibility and accessibility, and that the community depends on these essential workers to deliver groceries and food and provide other valuable services, the City Council intends to address this inequity by ensuring that app-based workers are paid at least the City's minimum wage under Seattle Municipal Code Chapter 14.19 plus reasonable expenses and all required benefits, with meaningful transparency, and have the ability to exercise the flexibility promised by app-based companies. The Council intends to ensure that current definitions of worker classification under Seattle's labor standards are being effectively enforced and does not intend to establish a new classification of workers distinct from employees or independent contractors, but to ensure that all workers benefit from the protection of Seattle's labor standards. The Council has consistently expressed its intent to promote greater economic opportunity and end barriers to workplace equity for all workers in Seattle. To accomplish these goals, the Council will seek to engage stakeholders in the spring and summer of 2021 on legislation that will address these inequities and create new standards to protect workers' pay, flexibility, and transparency, while ensuring workers are correctly classified under existing Seattle labor standards. The Council intends to discuss the legislation in committee in July and August 2021 and consider the legislation for a full Council vote by the end of 2021.

Section 7. Sections 1 through 4 of this ordinance shall take effect and be in force on September 1, 2022.

Section 8. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by  
me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Monica Martinez Simmons, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Karina Bull /x6-0078	n/a

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to independent contractors in Seattle; establishing labor standards requirements for independent contractors working in Seattle; amending Sections 3.02.125, 3.15.000, and 6.208.020 of the Seattle Municipal Code; and adding a new Chapter 14.34 to the Seattle Municipal Code.

**Summary and background of the Legislation:** In February 2019, the City Council (Council) passed [Resolution 31863](#) to address the problem of employers improperly misclassifying employees as independent contractors. The resolution requested the Office of Labor Standards (OLS) and the Labor Standards Advisory Commission (LSAC) to work on policy, outreach and enforcement proposals to address this problem. In May 2020, the LSAC recommended that the City require hiring entities to provide independent contractors (not just those who are at risk of being misclassified) with information on the proposed terms of engagement between parties and itemized pay information. The LSAC described these recommendations as the first steps toward creating more transparency and access to information for workers hired as independent contractors.

This legislation would incorporate and expand LSAC’s recommendations to establish new labor standards for many independent contractors working in Seattle. The labor standards would become effective on March 1, 2022.

Labor Standards Requirements

The legislation would require all commercial hiring entities to provide independent contractors with pre-contract disclosures, timely payment, and payment disclosures. These requirements would apply to services with a proposed or actual compensation of \$600 or more, or reasonably expected to be \$600 either by itself and when aggregated for services between the same commercial hiring entity and independent contractor during the calendar year.

- 1. Pre-contract disclosures** – Prior to an independent contractor beginning work, a hiring entity would provide a written disclosure of the terms and conditions of the job in English and the independent contractor’s primary language. OLS would create model notices of the pre-contract disclosure in English, Spanish, and other languages.
  - If an independent contractor performed agreed-upon work for the hiring entity, the terms and conditions in the pre-contract disclosure would presumptively become part of the terms and conditions of a contract between parties. The hiring entity could rebut this presumption with clear and convincing evidence, such as a written contract.

- If a hiring entity failed to provide a pre-contract disclosure, there would be a legal presumption that the independent contractor’s claims for payment were true. The hiring entity could rebut this presumption with clear and convincing evidence, such as a written contract.
- 2. Timely payment** – A hiring entity would pay an independent contractor pursuant to the terms and conditions of the contract between parties, whether the amount of payment was specified in the contract resulting from the pre-contract disclosure or by other means such as a superseding written contract. The payment would be due on or before the date specified in the applicable contract. If the contract did not specify a due date, payment would be due no later than 30 days after the completion of the services.
  - 3. Payment disclosures** – With each payment, the hiring entity would provide a written disclosure with itemized pay information including total payment and a breakdown of the rate of pay, pay basis, tip compensation (if included) and other items.

The legislation would also require hiring entities to provide independent contractors with a notice of rights in English and the independent contractor’s primary language; retain records showing compliance for three years; and comply with anti-retaliation prohibitions.

#### Enforcement

OLS would implement the legislation through rulemaking, outreach, and enforcement. For enforcement, OLS would have authority to conduct complaint-based or directed investigations and/or engage in a new “complaint procedure.” The complaint procedure would serve as an information exchange between parties: OLS would provide the hiring entity with notice of an alleged violation and an opportunity to respond and would provide the hiring entity’s response to the independent contractor. OLS would not determine whether a violation has occurred. After the conclusion of this procedure, the independent contractor could pursue further enforcement of the claim in court.

In addition to filing claims with OLS, independent contractors could file a civil action for violations and could be awarded attorney fees plus costs.

Remedies for violations would include (1) provision of the pre-contract and payment disclosures, and (2) payment of up to three times the unpaid compensation plus interest. OLS could also require hiring entities to pay penalties and/or fines of up to \$556.30 per aggrieved party and per type of violation.

## **2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?** \_\_\_ Yes   x   No

## **3. SUMMARY OF FINANCIAL IMPLICATIONS**

**Does this legislation amend the Adopted Budget?** \_\_\_ Yes   x   No

**Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

Yes. There would be financial implications for OLS (e.g., cost of creating model notices in English and other languages, providing outreach, and conducting investigations) and the Hearing Examiner (e.g., cost of conducting hearings on appeals from respondents and aggrieved parties).

Discussions are on-going with OLS about the estimated costs of implementation. OLS has initially estimated \$684,000 to hire three FTES, cover administrative costs, create the required model notices, conduct outreach, and engage in rulemaking. Central Staff plans to gather and analyze information to better understand OLS's estimate and the implications.

**Is there financial cost or other impacts of *not* implementing the legislation?**

There are no financial costs to the City of not implementing the legislation.

**4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

Yes. OLS would implement and enforce this legislation. The Hearing Examiner would conduct hearings on appeals from respondents and aggrieved parties. There also could be an undetermined number of legal referrals to the City Attorney.

**b. Is a public hearing required for this legislation?**

No.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**d. Does this legislation affect a piece of property?**

No.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

The Race and Social Justice Initiative is the City's commitment to eliminate racial disparities and achieve racial equity in Seattle. The implementation of this legislation would support jobs and the financial well-being of BIPOC workers hired as independent contractors – especially Black, Latinx, and immigrant workers who are overrepresented in industries that misclassify employees as independent contractors. The goal of the legislation is for properly classified independent contractors, misclassified employees, and correctly classified employees to have the same baseline rights. The legislation would require hiring entities to provide independent contractors in industries at risk of misclassifying employees as independent contractors (and all independent contractors working for commercial enterprises) with the same with job information and timely pay that is required for employees. The legislation would also create enforcement mechanisms, such as agency

enforcement of claims, agency-initiated investigations, protocols to protect the identifying information of complainants, and a new complaint procedure to encourage vulnerable workers to report violations.

Hiring entities would be required to provide a pre-contract disclosure and notice of rights in English and in the primary language(s) of the independent contractor. OLS would create and distribute model notices/templates of these documents in English and other languages.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

N/A.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

N/A.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).**

OLS could publicly share information on outreach and enforcement efforts on their [on-line, interactive dashboard](#). The same metrics publicized for other labor standards could apply for this legislation (e.g., number of inquiries, number of investigations, amount of remedies). OLS also could contract with community and business organizations to conduct measurable outreach and education efforts on employee rights and employer responsibilities.



Legislation Text

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**File #:** CB 120092, **Version:** 1

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**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

AN ORDINANCE relating to the regulation of food delivery businesses and platforms; adding a new Chapter 7.30 to the Seattle Municipal Code.

WHEREAS, on February 29, 2020, the Washington Governor issued Proclamation 20-05, proclaiming a state of emergency for all counties throughout the state of Washington in response to new cases of the novel coronavirus (COVID-19); and

WHEREAS, on March 11, 2020, the World Health Organization announced that COVID-19 is officially a global pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a national state of emergency in response to the COVID-19 pandemic; and

WHEREAS, on March 25, 2020, the Washington Governor issued Proclamation 20-25, prohibiting all people in Washington State from leaving their homes and all non-essential businesses in Washington State from conducting business (“Stay Home - Stay Healthy Proclamation”); and

WHEREAS, these actions are appropriate for public health reasons but result in severe economic impacts on businesses, families, and individuals in Seattle; and

WHEREAS, while restaurants are deemed an essential business, to reduce the spread of COVID-19 and protect public health, the Washington Governor has either restricted or prohibited indoor dining, causing Seattle restaurants to primarily rely on outdoor dining, pick-up orders, and delivery to serve consumers; and

WHEREAS, the 2016 Annual Survey of Entrepreneurs estimates that nearly 48 percent of the owners of firms

in the accommodation and food services industry in the Seattle metropolitan area identify as Black, Indigenous, and People of Color; and

WHEREAS, a survey conducted in November 2020 by the National Restaurant Association of 6,000 restaurant operators found that 79 percent reported lower sales in October 2020 as compared to October 2019, with an average 29 percent decrease in sales, and that 49 percent anticipate their staffing levels to decline during the next three months; and

WHEREAS, many consumers have been eager to support local restaurants during the pandemic, resulting in sharply increased usage of third-party, app-based delivery platforms (“platforms”) to place orders with those restaurants; and

WHEREAS, on April 27, 2020, the City Council (“Council”) adopted a modified civil emergency order issued by the Mayor on April 24, 2020, that made it unlawful for these platforms to charge restaurants a commission fee per online delivery or pick-up order that exceeds 15 percent of the purchase price of such online order; and

WHEREAS, a restaurant may be listed on these platforms without the restaurant’s explicit permission, which can result in issues that negatively impact the consumer’s experience and the restaurant’s reputation and income; and

WHEREAS, use of these platforms by consumers is predicted to continue growing at a steady rate after the pandemic ends; and

WHEREAS, it is in the public interest that these platforms be required to attain the permission of a restaurant before it can be listed; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. A new Chapter 7.30 is added to the Seattle Municipal Code as follows:

**CHAPTER 7.30 FOOD DELIVERY PLATFORMS**

**7.30.010 Scope and purpose**

This Chapter 7.30 applies to all food delivery platforms operating within Seattle. The purpose of this Chapter 7.30 is to require that food delivery platforms establish an agreement with restaurants prior to offering pick-up or delivery from such restaurants on the food delivery platform and delivering orders from such restaurants to consumers, with the goal of protecting the interests of the City’s consumers and restaurants.

**7.30.020 Definitions**

“Agreement” means a written contract between a restaurant and a food delivery platform.

“Consumer” means any person or persons purchasing a food order from a restaurant using a food delivery platform.

“Director” means the Director of Finance and Administrative Services.

“Food delivery platform” means a person, other than a restaurant, that provides a means through which a consumer may submit a food and/or beverage order to a restaurant, and arranges for the order to be either picked up from the restaurant by the consumer or delivered from the restaurant to the consumer.

“Person” means any individual, firm, corporation, association, partnership, governmental entity, or their agents.

“Restaurant” means a business in which food and/or beverage preparation and service is provided for individual consumption either on- or off-premise, and in which any service of alcoholic beverages is accessory to the service of food.

**7.30.030 Agreement required**

A. A food delivery platform shall not offer pick-up or delivery services from a restaurant without first obtaining an agreement with the restaurant expressly authorizing the food delivery platform to take orders and offer delivery or pick-up of the food and/or beverages prepared by the restaurant.

B. The agreement shall be terminated upon the restaurant’s written request to the food delivery platform. The food delivery platform shall remove the restaurant from its list of participating restaurants within 72 hours of receiving the request for termination.

7.30.040 Remedies

A. Violations of this Chapter 7.30 shall be a Class 1 civil infraction under chapter 7.80 RCW, for which the maximum penalty is \$250 plus statutory assessments. The civil infraction shall be processed under chapter 7.80 RCW and notices of infraction for such violations may be issued by the Director or the Director's designees. Each day of noncompliance shall be a separate violation of this Chapter 7.30.

B. Any person or class of persons that suffers injury as a result of a violation of this Chapter 7.30 may bring a civil action in a court of competent jurisdiction against the person violating this Chapter 7.30 and, upon prevailing, may be awarded reasonable attorney fees and costs and such legal or equitable relief as may be appropriate to remedy the violation.

C. An account shall be established in the City's General Fund to receive revenue from penalties under this Section 7.30.040. Revenue from penalties under subsection 7.30.040.A shall be used to support restaurants with five or fewer employees operating in Seattle. The Director of the Office of Economic Development shall recommend to the Mayor and City Council how these funds should be allocated.

Section 2. This ordinance shall take effect and be in force on September 15, 2021.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2021, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved / returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_

Jenny A. Durkan, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Monica Martinez Simmons, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact/Phone:</b>	<b>CBO Contact/Phone:</b>
LEG	Yolanda Ho / x5989	N/A

*\* Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to the regulation of food delivery businesses and platforms; adding a new Chapter 7.30 to the Seattle Municipal Code.

**Summary and background of the Legislation:**

In recent years, third-party online food delivery platforms have been steadily growing in popularity, and due to the COVID-19 pandemic and associated restrictions on indoor dining to protect public health, usage of these platforms has increased substantially. Competition between food delivery platforms to gain market share has resulted in restaurants being listed on the platforms without restaurant owners’ awareness or permission, which can cause a variety of problems for both restaurants and their customers, including incorrect menu and pricing information, and excessively long delivery times. Customers, who reasonably assume that the restaurant consented to being listed on the food delivery platform, then blame restaurants for the errors and poor service. This can damage a restaurant’s reputation and result in a loss of income if customers post poor reviews to discourage others from ordering from that restaurant.

This legislation would require that any food delivery platform operating in Seattle first execute a written delivery service agreement with a restaurant prior to offering delivery or pick-up of orders from that restaurant. Restaurants may terminate the agreement at any time by submitting a written request; food delivery platforms are required to remove the restaurant from its listing within 72 hours of receiving the request. Food delivery platforms that violate this requirement are subject to a maximum fine of \$250 per infraction and restaurants would have a private right of action, allowing them (individually or as a class) to sue food delivery platforms directly in court for failing to comply. Revenue from penalties would be used to provide support to restaurants with five or fewer employees. The agreement requirement would have a delayed effective date to allow time for restaurants and food delivery platforms to establish agreements prior to the requirement going into effect.

**2. CAPITAL IMPROVEMENT PROGRAM**

**Does this legislation create, fund, or amend a CIP Project?**       Yes  No

**3. SUMMARY OF FINANCIAL IMPLICATIONS**

**Does this legislation amend the Adopted Budget?**       Yes  No

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**

The legislation would create a penalty for food delivery platforms that violate the requirement to execute a contract with a restaurant's owner prior to offering delivery services from the restaurant. Each infraction would result in a maximum fine of \$250 per infraction, with each day of noncompliance considered an individual infraction. The amount of revenue that would be generated by violations cannot be estimated at this time. Related, administrative costs of enforcement are also unknown. Based on California's experience following passage of similar legislation, food delivery platforms are expected to be largely compliant, suggesting that enforcement action and resultant fines may be minimal.

**Is there financial cost or other impacts of *not* implementing the legislation?**

Without this legislation, food delivery platforms operating in Seattle would be allowed to continue their current practice of offering delivery or pick-up from a restaurant without receiving that restaurant's permission.

#### **4. OTHER IMPLICATIONS**

**a. Does this legislation affect any departments besides the originating department?**

This legislation would require that the Department of Finance and Administrative Services enforce the new regulation. The Office of Economic Development (OED) would advise the Mayor and City Council on how to use any revenues from penalties to support restaurants with five or fewer employees. Additionally, OED and other departments, such as the Department of Neighborhoods and Office of Immigrant and Refugee Affairs, may be involved in conducting outreach and education regarding the new regulation to restaurant owners.

**b. Is a public hearing required for this legislation?**

No.

**c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

No.

**d. Does this legislation affect a piece of property?**

No.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This legislation is intended to protect restaurants from the negative reputational and economic impacts that can occur when they are listed on a food delivery platform without the restaurant's consent. Most recent available data (2016) shows that 48 percent of business owners in the food and accommodations industry in the Seattle area identify as Black, Indigenous, and People of Color. Due to the racial and ethnic diversity of Seattle's restaurant owners, the City and its partners will need to conduct outreach in a wide variety of different

languages to make restaurant owners aware of the new regulation. Some restaurants may also need translation services to assist with executing an agreement with food delivery platforms.

Workers for food delivery platforms may also be impacted by this legislation, which could result in a decrease in jobs. National statistics show that these gig workers are disproportionately Black and slightly more likely to be Hispanic/Latino. While this legislation may diminish the number of restaurant delivery gig opportunities, it will benefit the workers by reducing potential conflict with restaurants, who may not want to offer delivery through the platform.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

**2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

**g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)?**

Not applicable.

**List attachments/exhibits below:**

None.



Legislation Text

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**File #:** Appt 01920, **Version:** 1

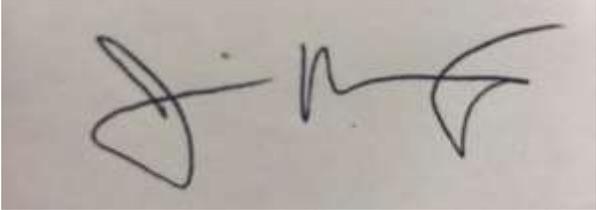
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Appointment of Andrew Ashiofu as member, Seattle LGBTQ Commission, for a term to April 30, 2022.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Andrew Ashiofu		
<b>Board/Commission Name:</b> Seattle LGBTQ Commission		<b>Position Title:</b> Commissioner
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other: SLGBTQ Commission	<b>Date Appointed:</b> 3/19/2021	<b>Term of Position: *</b> 5/1/2020 <b>to</b> 4/30/2022  <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> Yesler Terrace	<b>Zip Code:</b> 98122	<b>Contact Phone No.:</b> 
<p><b>Background:</b> Andrew is a second generation Nigerian-American who was born in Houston, but moved back to Nigeria. Living under a military dictatorship helped to motivate and inform his community involvement, and Andrew participated in a number of organizations such as part of the UN Youth Caucus of the World Summit on Sustainable Development, and the House of Rainbow Nigeria. Since moving back to the United States in 2016, Andrew has been actively involved with Black Lives Matter and seeks to join the Commission to help give a voice to those at the crossroads of being Immigrants and Refugees, and also LGBTQ.</p>		
<b>Authorizing Signature (original signature):</b> 		<b>Appointing Signatory:</b> <i>Jessi Murray</i> <i>SLGBTQ Co-Chair</i>

\*Term begin and end date is fixed and tied to the position and not the appointment date.

ANDREW ASHIOFU

EDUCATION Bachelors of Science Degree in Business Management

### EXPERIENCE

#### **Delta Air Lines February 2015- Present**

##### Peer Support

Serve as a mentor, coach and encourage peers to take responsibility and actively participate in the problem solving process.  
Be available to volunteer on our 24hr. Support Line once every other month.  
Be able to handle information gained from flight attendants in a confidential and sensitive manner.  
Be able to provide written and verbal responses to flight attendant concerns.  
Be able to address the needs of flight attendants dealing with traumatic situations to ensure employees work with Delta's EAP.

##### In-flight Hiring Team Member

Responsibilities include but are not limited to:  
Attending all scheduled initial and continuing Recruiting Team training  
Attending all daily briefings and debriefings  
Representing the Delta brand in a professional, pleasant and gracious manner, and complying with all uniform/appearance guidelines, and acting in accordance with the principles outlined in the Rules of the Road and The Way We Fly  
Conducting and evaluating video interviews Escorting applicants to and from interview area  
Meeting with applicants, explaining the position, and answering questions regarding the position  
Facilitating group sessions and presenting information  
Conducting face to face interviews with applicants using prepared guidelines and scoring standards  
Observing and evaluating candidates during group simulation exercises  
Scoring interviews/exercises and assisting in making hiring recommendations based on pre-determined hiring criteria and standards  
Being present for entirety of all interview sessions that are scheduled for any given week; some weekends required; workdays may begin at 0600 and may last between 10 and 12 hours  
Upholding policies and complying with procedures of interview process, including the confidential handling of sensitive applicant information  
General setup/breakdown for daily interview sessions making sure snacks and supplies are available  
Flexibility and willingness to adapt to changes as required by work schedule and operational need  
Ability and willingness to travel as required in order to be present at all recruiting sessions (if located outside Atlanta)  
Any other duties/responsibilities as assigned by Hiring Manager

##### Purser

Promotes safety as Delta's core value to ensure crew and customers have a safe experience on the aircraft, in the airport, and on layover as the Safety Leader onboard  
Sets the crew up for success with an effective briefing providing clear expectations for consistent delivery of on-board services in accordance with Delta Service and Safety Standards  
Leads by example and is the ultimate role model for hospitality and performance standards while ensuring perfect service delivery nose to tail  
Creates thoughtful, attentive and inspired moments for our customers and motivates crew members to do the same  
Actively seeks feedback regarding performance for growth, and freely offers feedback to support the development of others  
Promotes an inclusive environment by embodying Delta's core values and encompassing the Rules of the Road  
Supports achieving Delta's Flight Plan goals with emphasis on raising NPS and creating raving Delta fans, and stays up to date on NPS trends through regular use of Delta Pulse data

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

Exhibits a high degree of cultural awareness to the markets we serve, and effectively partners with LODs to ensure cultural expectations of our customers are met  
Promotes a direct relationship with bases leadership through regular engagement  
Stays up to date on customer satisfaction trends through regular use of Delta Pulse data  
Practices safety-conscious behaviors in all operational processes and procedures.

#### Flight Attendant

Conduct pre-flight cabin checks and receive prepared meals, beverages and equipment.  
Check boarding passes and direct passengers to seats.  
Advise passengers of safety regulations.  
Distribute reading materials and serve meals and drinks.  
Provide first aid treatment and assist sick passengers.  
Anticipate and provide for the comfort of passengers needing special attention, including unaccompanied children, parents with infants, and people with disabilities.  
Take action in the event of decompression, turbulence, mechanical malfunction, or unlawful acts by passengers.  
Prepare for emergency landings and the evacuation of passengers.

#### **JetBlue Airways February 2013 – February 2015**

##### Committee Member Inflight Values Team

Base Representative on the Quality of Life and Work Rules team  
Worked on the work rules and policy with management  
Peer support and new hire mentor: Mentor new hires and also helped co-workers needing help outside work life.  
Conflict resolution board member : Reviewed disciplinary cases when escalated by crewmember.  
Onboard Lead Co-ordinator: Worked the premium cabin transcon products. In charge of the flight and also handled crewmember conflicts inflight.

#### Inflight Crewmember

Conduct pre-flight cabin checks and receive prepared meals, beverages and equipment.  
Check boarding passes and direct passengers to seats.  
Advise passengers of safety regulations.  
Distribute reading materials and serve meals and drinks.  
Provide first aid treatment and assist sick passengers.  
Anticipate and provide for the comfort of passengers needing special attention, including unaccompanied children, parents with infants, and people with disabilities, the elderly and non-English-speaking passengers.  
Take action in the event of decompression, turbulence, mechanical malfunction, or unlawful acts by passengers.  
Prepare for emergency landings and the evacuation of passengers.

#### **Ryan International Airlines**

June 2011- September 2012

##### Flight Attendant

Conduct pre-flight cabin checks and receive prepared meals, beverages and equipment.  
Check boarding passes and direct passengers to seats.  
Advise passengers of safety regulations.  
Distribute reading materials and serve meals and drinks.  
Provide first aid treatment and assist sick passengers.  
Anticipate and provide for the comfort of passengers needing special attention, including unaccompanied children, parents with infants, and people with disabilities, the elderly and non-English-speaking passengers.  
Take action in the event of decompression, turbulence, mechanical malfunction, or unlawful acts by passengers.

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

Prepare for emergency landings and the evacuation of passengers.

### **Memorie Bella Eventi**

February 2011- June 2011

#### Events Co-coordinator

Events consulting with clients  
Organizing venues, decorations and Catering for events  
Organizing the program of events  
Organizing photography and video coverage

### **Money Management International**

Houston, Texas April 2009 to January  
2011

#### Housing Financial Counselor

- Developed financial analysis for clients using applications and excel spreadsheets
  - Generated weekly and monthly reports from the database using excel spreadsheets (based on the sort and filter function), and presented it in a graphical format.
  - Utilized excel to generate proposed accounting purposes (balance sheet and profit and loss statements) for customers.
  - Responsible for assessing the client's financial situation through one-on-one in-person, inbound telephone calls and/or web chat counseling sessions with potential clients.
  - Responsible for client follow-up, when needed, to ensure client's complete recommended action plans.
  - Understood the goals and objectives of the client's and developing an action plan towards that goal.
- 
- Created monthly team reports and presented to management using excel spreadsheets.
  - Screened initial calls from prospective clients, obtained and entered client's personal and financial information and transferred the information to a counselor.
  - Responsible for large production of one-on-one inbound calls with prospective clients.
  - Maintained accuracy in all data entry, consistent with acceptable quality standards.
  - Ensured accuracy in capturing of client information, referral codes, product codes and the Direct Intake Referral Screen.
  - Properly routes call for specialized product sessions.
  - Leads team to achieve monthly goals.
  - Supervised the quality assurance of all team members and making sure they are meeting standard.

### **Internet America**

Houston, Texas November 2008 to February 2009

#### DSL Support Tech Help Desk (Contract)

- Analyzed and provided level one support calls for DSL troubleshooting.
- Used CMSX software and DSL Boss.
- Performed modem troubleshooting
- Made outbound calls to customers for follow up.
- Served as guide on WAN set up and DSL set up over the telephone.

### **LTD Financial Services**

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

Houston, Texas August 2008 to November 2008

Debt Collector (Contract)

- Worked on a special project.
- Located customers, made numerous outbound calls daily, and reconciled consumer debt.

**Guaranty Trust Bank**

Lagos, Nigeria June 2004 to March 2008

Personal Retail Banker

- Relationship Management.
- Gained general knowledge of banking rules and regulations, banking policies, and procedures.
- Rendered weekly, monthly, quarterly, and annual financial reports for team using excel spreadsheets.
- Ensured that all customers' complaints were resolved in a timely manner.
- Identified fraudulent activity to prevent potential losses to the bank.
- Assisted banking center manager with many operational duties and responsibilities.
- Sold and cross-sold bank products and services.
- Handled accounts payable and accounts receivable.
- Performed credit and loan consulting including mortgage.

**EDUCATION**

1999 - 2004, Igbinedion University, Okada Nigeria

Bachelor of Sciences,

-References Available on Request

Organization:

Member Project Management Institute

PMI Information Systems Specific Interest Group (PMI-ISSIG)

Certification:

HUD Certified Housing Counselor

Neighbor Works Certified Housing counselor

FCRA Certified

FICO Score Trained

NFCC Credit Counselor Certified.

FAA Type II Flight Attendant

## Seattle LGBTQ Commission

Members: Pursuant to *SMC 3.14.920*, all members subject to City Council confirmation,  
2-year terms:

- 8 City Council-appointed
- 9 Mayor-appointed
- 4 Other Appointing Authority-appointed: Commission-appointed

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
			1.	Member	Juan C. Rodriguez	5/1/19	4/30/21	1	City Council
			2.	Member	VACANT	5/1/21	4/30/23		Mayor
			3.	Member	Byram Simpson	5/1/21	4/30/23	2	City Council
			4.	Member	Latosha Correll	5/1/21	4/30/23	2	Mayor
			5.	Member	DeAunte' Damper	5/1/21	4/30/23	1	City Council
			6.	Member	Manuel Venegas	11/1/19	10/31/21	2	Mayor
			7.	Member	VACANT	11/1/19	10/31/21		Commission
			8.	Member	Steven Pray	11/1/19	10/31/21	1	Mayor
			9.	Member	VACANT	5/1/20	4/30/22		City Council
			10.	Member	Nathaniel Higby	5/1/20	4/30/22	1	Mayor
			11.	Member	Diondra Braswell	5/1/20	4/30/22	1	City Council
			12.	Member	Brett Pepowski	5/1/20	4/30/22	1	Mayor
			13.	Member	Raja Fouad	11/1/20	10/31/22	1	City Council
			14.	Member	Ryan Bush	11/1/20	10/31/22	1	Mayor
			15.	Member	VACANT	11/1/19	10/31/21		City Council
			16.	Get Engaged	VACANT	9/1/20	8/31/21		Mayor
			17.	Member	Annabelle Backman	5/1/20	4/30/22	2	City Council
			18.	Member	Christopher M. Brown	11/1/19	10/31/21	2	Mayor
			19.	Member	Victor Loo	11/1/19	10/31/21	1	Commission
			20.	Member	Andrew Ashiofu	5/1/20	4/30/22	1	Commission
			21.	Member	Jessi Murray	5/1/20	4/30/22	2	Commission

### SELF-IDENTIFIED DIVERSITY CHART

			(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)		
	Men	Women	Transgender	Unknown	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial
<b>Mayor</b>	4	5				2	2		1	5			2
<b>Council</b>	3	1	1		2		1	1	1	1			1
<b>Comm</b>	1	2			1					3			
<b>Total</b>	8	8	1		3	2	3	1	2	9			3

Key:

- \*D List the corresponding *Diversity Chart* number (1 through 9)
  - \*\*G List *gender*, M = Male, F = Female, T = Transgender, U = Unknown
  - RD Residential Council District number 1 through 7 or N/A
- Diversity information is self-identified and is voluntary.*

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*



Legislation Text

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**File #:** Appt 01921, **Version:** 1

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Appointment of Diondra Braswell as member, Seattle LGBTQ Commission, for a term to April 30, 2022.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Diondra Braswell		
<b>Board/Commission Name:</b> Seattle LGBTQ Commission		<b>Position Title:</b> Commissioner
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other: SLGBTQ Commission	<b>Date Appointed:</b> 3/19/2021	<b>Term of Position: *</b> 5/1/2020 to 4/30/2022  <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> Montlake	<b>Zip Code:</b> 98112	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> Diondra is a Black, Trans, Non-Binary person that is actively involved with the Alphabet Alliance as a Mentee. They also collaborated with the Gender Justice Project and Seattle Parks, and currently work downtown with Espresso Vivace. They are a staunch advocate for social justice, and are able to draw from their lived experience as a QTBIPOC to uplift others and inform their activism.		
<b>Authorizing Signature (original signature):</b> 	<b>Appointing Signatory:</b> Tammy Morales	

\*Term begin and end date is fixed and tied to the position and not the appointment date.



# Diondra Braswell

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## WORK EXPERIENCE

### **Espresso Vivace, Seattle WA** – *Barista*

SEPTEMBER 2018 – PRESENT

- Being a part of the barista team at Vivace has been working with high volume customer flow and making sure high quality products are being put out. Monthly espresso training with the owner, David Shomer, to ensure the best espresso and milk quality is being served.

### **Bakery Nouveau, Seattle WA** – *Viennoiserie Lead/ Dessert & Bread*

October 2016 – August 2018

- In addition to mixing, shaping and baking dough for viennoiserie items, breads, and deserts I served as a lead viennoiserie baker. Responsibilities as the viennoiserie lead included placing orders to our supply companies, writing product schedules for each season, as well as training and checking in on newer staff.

### **Cupcake Royale, Seattle WA** – *Froster/Barista*

August 2016 – March 2017

- It was my responsibility to frost and decorate all cupcakes needed for the store, special orders, and social media photos. Helped serve customers and barista after I finished decorating cupcakes. Stumptown training required for all employees, enriching my prior barista knowledge

## EDUCATION

### **Seattle Central College** – *Associates of Arts*

September 2018 – December 2020, Seattle WA

### **Whatcom Community College**

March–December 2015, Bellingham WA

## COMMUNITY WORK

### **Alphabet Alliance of Color** – *Member*

2020– Present

- A QTBIPOC Alliance run by and for Queer and trans people of color in the Seattle area rooted in building community, systems change and healing.

### **Benefest Music Festival**

2015 & 2016

- Volunteer coordinator for an all ages charity DIY music festival in Bellingham, WA

### **Summer Camp Counselor**

2010 & 2011

- Camp de Benneville Pines Angelus Oaks, CA

### **New Orleans Work Crew**

March 2009 & March 2010.

- Helping rebuild houses and work in communities that were heavily affected by Hurricane Katrina.

## **PROFESSIONAL AFFILIATIONS**

### **Consultant for Seattle Parks and the Gender Justice Project**

January 2021

- Worked with the Gender Justice Project to provide direction to Seattle Parks and The Miller Hull Group on remodeling the Green Lake Community Center to be trans inclusive and gender affirming.

**References available upon request**

## Seattle LGBTQ Commission

Members: Pursuant to *SMC 3.14.920*, all members subject to City Council confirmation,  
2-year terms:

- 8 City Council-appointed
- 9 Mayor-appointed
- 4 Other Appointing Authority-appointed: Commission-appointed

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
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			19.	Member	Victor Loo	11/1/19	10/31/21	1	Commission
			20.	Member	Andrew Ashiofu	5/1/20	4/30/22	1	Commission
			21.	Member	Jessi Murray	5/1/20	4/30/22	2	Commission

### SELF-IDENTIFIED DIVERSITY CHART

			(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)		
	Men	Women	Transgender	Unknown	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial
<b>Mayor</b>	4	5				2	2		1	5			2
<b>Council</b>	3	1	1		2		1	1	1	1			1
<b>Comm</b>	1	2			1					3			
<b>Total</b>	8	8	1		3	2	3	1	2	9			3

Key:

- \*D List the corresponding *Diversity Chart* number (1 through 9)
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  - RD Residential Council District number 1 through 7 or N/A
- Diversity information is self-identified and is voluntary.*

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*



Legislation Text

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**File #:** Appt 01922, **Version:** 1

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Appointment of Raja Fouad as member, Seattle LGBTQ Commission, for a term to October 31, 2022.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Raja Fouad		
<b>Board/Commission Name:</b> Seattle LGBTQ Commission		<b>Position Title:</b> Commissioner
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other: SLGBTQ Commission	<b>Date Appointed:</b> 3/19/2021	<b>Term of Position: *</b> 11/1/2020 <b>to</b> 10/31/2022  <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> Greater Duwamish	<b>Zip Code:</b> 98108	<b>Contact Phone No.:</b> 
<p><b>Background:</b> Raja is a Non-Binary Trans Femme person who was born in Saudi Arabia with family from Pakistan. They emigrated to the United States and received asylum on the basis of their sexuality. Now they are in possession of a green-card and are making progress towards obtaining citizenship. They are an active member of the LGBTQ community and have extensive involvement with local arts organizations, such as the Seattle Art Museum, McCaw Hall, and MoPop.</p>		
<b>Authorizing Signature (original signature):</b>  	<b>Appointing Signatory:</b>  Tammy Morales	

\*Term begin and end date is fixed and tied to the position and not the appointment date.

# RAJA FOUAD

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## EDUCATION

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### PAKISTAN INTERNATIONAL SCHOOL JEDDAH

*Pre-Engineering*

Jeddah, KSA  
Aug 1991-May 2003

### UNIVERSITY OF SOUTH ALABAMA

*Computer Science and Business Management*

Mobile, AL  
Aug 2003- Dec 2005

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## EXPERIENCE

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### TOYOTA OF SEATTLE

Oct 2020 – Current

- Sales Consultant
- Working with Local & National Clientele with the purchasing of a new car & shipping logistics
- Efficient work in Data Entry & phone banking
- Working with finance & accounting and helping write up legal contracts

### TASTE@SEATTLE ART MUSEUM & ASIAN ART MUSEUM *Seattle, WA*

Feb 2018 – Apr 2020

- Supervisor, Bartender & Catering Attendant for events
- Responsible for the smooth running of events and ensuring client satisfaction
- Trained to set up event space, logistics and planning of events, working with the clients and the kitchen to ensure quality and satisfaction
- Responsible for delegating employee responsibilities during a shift and being the main point of contact between clients and the museum
- Experienced in running a full bar and managing food service from full table service to cocktail hours
- Experienced in making cocktails and have great knowledge of working with local breweries and wineries
- Trained in set up and breakdown of bars and packing in and out from the Museum to other venues

### SPECTRA@MCCAW OLIVER OPERA HOUSE *Seattle, WA*

Sep 2019 – Mar 2020

- Bartender & Catering Attendant for events and shows
- Responsible for setting up and running of a full bar during a show
- Trained on setting up event space, logistics and running of food during catered events
- Well trained in working efficiently with big crowds and ensuring quality

### CITY CATERING *Seattle, WA*

Nov 2018 – Feb 2019

- Hired as a Bartender and Cocktail server
- Setting up/breaking down bars and event spaces
- Great knowledge of beer, wines and crafting cocktails

### ZEEK'S *Seattle, WA*

Aug 2017 – Nov 2018

- Experience in Front of the house as a Bartender and Server.
- Experienced in Back of the house work in Deliveries, Expo and Prep.
- Excellent knowledge of local craft beers and wine served.

### OTHER NOTABLE JOBS

- Tech sales rep at Downtown Seattle Target
- Store Manager at Boost Mobile Alabama
- Assistant Store Manager at Pizza Hut, Mobile, Al
- Inventory/Operations Manager at Shell, Mobile, Al

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## SKILLS

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- Management
- Android, IOS and Windows
- Microsoft Office and Google Drive
- Quick Books and Adobe
- Blender and the use and applications of 3d models
- Data Entry & CRM Experience
- Customer/Guest Service
- Accounts, Audits and balancing of sheets
- Class 12 Mixologist Permit
- Bartending
- Canvassing and Advertisement
- Multi Lingual; English, Urdu, Hindi, Arabic, Punjabi.
- Promotion of events on social media
- Research and forecasting predictions of sales
- Scheduling of employees
- Food Handlers Card

## Seattle LGBTQ Commission

Members: Pursuant to *SMC 3.14.920*, all members subject to City Council confirmation,  
2-year terms:

- 8 City Council-appointed
- 9 Mayor-appointed
- 4 Other Appointing Authority-appointed: Commission-appointed

Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
			1.	Member	Juan C. Rodriguez	5/1/19	4/30/21	1	City Council
			2.	Member	VACANT	5/1/21	4/30/23		Mayor
			3.	Member	Byram Simpson	5/1/21	4/30/23	2	City Council
			4.	Member	Latosha Correll	5/1/21	4/30/23	2	Mayor
			5.	Member	DeAunte' Damper	5/1/21	4/30/23	1	City Council
			6.	Member	Manuel Venegas	11/1/19	10/31/21	2	Mayor
			7.	Member	VACANT	11/1/19	10/31/21		Commission
			8.	Member	Steven Pray	11/1/19	10/31/21	1	Mayor
			9.	Member	VACANT	5/1/20	4/30/22		City Council
			10.	Member	Nathaniel Higby	5/1/20	4/30/22	1	Mayor
			11.	Member	Diondra Braswell	5/1/20	4/30/22	1	City Council
			12.	Member	Brett Pepowski	5/1/20	4/30/22	1	Mayor
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			18.	Member	Christopher M. Brown	11/1/19	10/31/21	2	Mayor
			19.	Member	Victor Loo	11/1/19	10/31/21	1	Commission
			20.	Member	Andrew Ashiofu	5/1/20	4/30/22	1	Commission
			21.	Member	Jessi Murray	5/1/20	4/30/22	2	Commission

### SELF-IDENTIFIED DIVERSITY CHART

			(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)		
	Men	Women	Transgender	Unknown	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial
<b>Mayor</b>	4	5				2	2		1	5			2
<b>Council</b>	3	1	1		2		1	1	1	1			1
<b>Comm</b>	1	2			1					3			
<b>Total</b>	8	8	1		3	2	3	1	2	9			3

Key:

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Legislation Text

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**File #:** Appt 01923, **Version:** 1

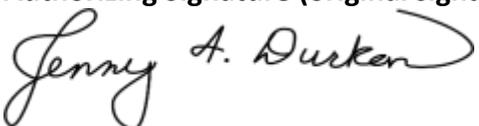
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Reappointment of Latosha Correll as member, Seattle LGBTQ Commission, for a term to April 30, 2023.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> <i>Latosha Correll</i>		
<b>Board/Commission Name:</b> <i>Seattle LGBTQ Commission</i>		<b>Position Title:</b> <i>Member</i>
<input type="checkbox"/> <b>Appointment</b> OR <input checked="" type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other:	<b>Date Appointed:</b>	<b>Term of Position: *</b> 5/1/2021 <b>to</b> 4/30/2023  <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> Georgetown	<b>Zip Code:</b> 98109	<b>Contact Phone No.:</b>
<b>Background:</b> <p><i>Latosha (or "Tosha", as her friends call her) is passionate about building community through the arts as well as creating and supporting sustainable, positive, and innovative solutions to issues facing LGBTQ+ community members and their families. She has been serving as a Commissioner for the Seattle LGBTQ Commission and looks forward to her continued work.</i></p> <p><i>Currently, Latosha is the Chair of the People of Color Stakeholder Committee (POCS) on the Seattle LGBTQ Commission. Through her strong leadership the Commission will develop a community survey specifically for queer and trans people of color (QTPOC), strengthen their partnership with the Alphabet Alliance of Color and other QTPOC organizations/coalitions, and continue to work with the Human Services Department in response to the City Council SLI regarding improving homelessness services for the LGBTQ Community.</i></p> <p><i>Over the decades, Latosha has advocated for LGBTQ+ rights and visibility by walking in the Pride Parade with various organizations she has worked with such as Verizon Wireless and volunteering her time with non-profits such as Equal Rights Washington, Seattle AIDS Support Group and Lifelong AIDS Alliance.</i></p> <p><i>In 2016, Latosha co-founded Mistresspiece Theater, a LGBTQ-centered community performing arts organization focused on supporting women and the LGBTQ community with opportunities in all theater disciplines.</i></p>		
<b>Authorizing Signature (original signature):</b> 		<b>Appointing Signatory:</b> <i>Jenny A. Durkan</i> <i>Mayor of Seattle</i>

\*Term begin, and end date is fixed and tied to the position and not appointment date.

Last revised July 19, 2016

# Latosha Correll

**PROFILE** Entrepreneurial-minded community activist who is energized by solving complex problems while building relationships. I help businesses and organizations by giving recommendations and making process improvements that save money and increase stakeholder satisfaction.

## EXPERIENCE

### **Dental Program Coordinator**

Lifelong, 2/18-Present – Seattle, WA

- Support by phone and in person gender-diverse clients, staff, and volunteers of varied socio-economic, ethnic, religious and sexual-orientation backgrounds to assist clients in reducing barriers to dental and health based needs.
- Recognized for Microsoft Office skills by taking lead duty of generating monthly reports for all our 30 dental providers.
- Promoted to specialist referrals within 2 months of hire date.

### **Social Media Analyst**

BCforward, 3/17-2/2018 – Seattle, WA

- Analyzed on average 800+ social media posts a day which resulted in personal feedback and suggestions for software engineers.
- Introduced and facilitated bi-weekly wellness classes for my team of 14.

### **Business Claims Analyst**

Precor, 3/13-7/16 – Woodinville, WA

- Co-wrote & Introduced the Claims Analyst training manual and taught in-person classes on business processes.

- Contributed to creating and executing games, activities and events with the Fun Committee.
- Saved a monthly average of \$2,925 using auditing processes.
- Produced monthly reports for manager meetings.
- Generated communication via monthly vendor newsletters as well as email and phone calls with customers.

**Business Services Coordinator,**  
Verizon Wireless, 11/02-7/12 – Bellevue, WA

- Contributed to Correspondence Team’s transition from manual processes to automation.
- Increased productivity by reducing turnaround time from 48 hours to 24 hours; saved the company \$1,950 dollars a day.
- Decreased personal 3-day repeat caller percentage by 3%, which saved the company over \$10,000 a month.

Volunteer

- **WA Technology Industry Assoc., Ion Program, 6/18- Present, Seattle WA**

Collaborator and facilitator. Ion is a collaboration incubator that brings together tech, government and nonprofits to tackle community challenges.

- **Mistresspiece Theater, Co-Founder 1/16-Present, Seattle, WA**  
Create and manage budget. Our mission is to produce plays with positive, strong female and LGBTQ stories to promote visibility and equality through theater arts.

---

EDUCATION      Strayer University, Business Administration      2008-2010

## Seattle LGBTQ Commission

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Roster:

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### SELF-IDENTIFIED DIVERSITY CHART

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Mayor	4	5				2	2		1	5			2
Council	3	1	1		2		1	1	1	1			1
Comm	1	2			1					3			
<b>Total</b>	<b>8</b>	<b>8</b>	<b>1</b>		<b>3</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>9</b>			<b>3</b>

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Legislation Text

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**File #:** Appt 01924, **Version:** 1

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Reappointment of DeAunte' Damper as member, Seattle LGBTQ Commission, for a term to April 30, 2023.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> <i>DeAunte' Damper</i>		
<b>Board/Commission Name:</b> <i>Seattle LGBTQ Commission</i>		<b>Position Title:</b> <i>Co-Chair</i>
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	<b>Date Appointed:</b>	<b>Term of Position: *</b> <i>5/1/2021</i> <b>to</b> <i>4/30/2023</i> <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> <i>Beacon Hill</i>	<b>Zip Code:</b> <i>98108</i>	<b>Contact Phone No.:</b>
<b>Background:</b> <i>Damper, a Seattle native has focused his work on bringing HIV/ AIDS awareness and LGBTQ-affirming education to marginalized communities throughout the City of Seattle. This started with working for POCAAN as a Peer Navigator for the Department of Health. In April 2019, Damper made History as the NAACP'S first LGBTQIA Chair, the first in 110 years of the organization. In October 2019, Damper began as a Transitional Specialist for the Washington State Department of Corrections. And as of November 2019, he has been at Rainer Beach High School as a Black Student Union Advisor and has started a support group for young men of color, B.R.O.T.H.A (Blacks Recovering Overcoming Trauma Health and Awareness). He now serves as a Co-Chair on the SLGBTQ Commission.</i>		
<b>Authorizing Signature (original signature):</b> 	<b>Appointing Signatory:</b> <i>Councilmember Tammy Morales</i> <i>Seattle City Council</i>	

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

## **DeAunte' Damper**

Rainier Beach High School in  
2004.

### Professional History

POCAAN April 2018-

Currently serves as a POCAAN Peer Navigation – Nonprofit established in 1987 which focuses on HIV/AIDS prevention and serves marginalized communities in Seattle Jail Advocacy Doc and King County for LGBTQ Men of Color Black Lives Matter at SPS, where he promoted HIV Awareness and LGBTQ Affirming Advocate and partner with Seattle Police Department providing education on racial justice and mental health Homeless Ministry Coordinator for New Hope Baptist Church Youth Advocate for Restore Patriated in the Ryan White Conference, Assisted in developing Seattle 1st Gay Black Pride Community Involvement

Homeless Ministry Coordinator for New Hope Baptist Church January 2018

Stabilizing Homeless Felons of Color with Chemical Dependency and Mental Health Challenges Counseling and mediation to bridge the gap between LGBTQ kids and hetero parents Public Speaker and involved human rights campaigns Participant in the KOMO HIV Cure Assisted in developing Seattle 1st Gay Black Pride Housed over 102 POC To fight gentrification Created Sex Positive Workshops Educator and Speaker, traveling to local high schools to speak about HIV Awareness Co-hosted the Seattle Queer Film Festival Member of AMP Videos of People who've lived through the HIV Epidemic Hosted AMC Events to promote Black Businesses Advocate for Breast Cancer Awareness – Sierra Sisters, Fred Hutchinson

NAACP LGBTQ CHAIR ( FIRST IN THE COUNTRY) April 2019

ITS Evolving Relations with LGBTQ COMMUNITY and communities of color Counseling and mediation to bridge the gap between LGBTQ kids and hetero parents Public Speaker and involved human rights campaigns Working with Northwest African American Museum for 3 workshops for the community

## Seattle LGBTQ Commission

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2-year terms:

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- 4 Other Appointing Authority-appointed: Commission-appointed

Roster:

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			4.	Member	Latosha Correll	5/1/21	4/30/23	2	Mayor
			5.	Member	DeAunte' Damper	5/1/21	4/30/23	1	City Council
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			12.	Member	Brett Pepowski	5/1/20	4/30/22	1	Mayor
			13.	Member	Raja Fouad	11/1/20	10/31/22	1	City Council
			14.	Member	Ryan Bush	11/1/20	10/31/22	1	Mayor
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			16.	Get Engaged	VACANT	9/1/20	8/31/21		Mayor
			17.	Member	Annabelle Backman	5/1/20	4/30/22	2	City Council
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### SELF-IDENTIFIED DIVERSITY CHART

			(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)		
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Mayor	4	5				2	2		1	5			2
Council	3	1	1		2		1	1	1	1			1
Comm	1	2			1					3			
<b>Total</b>	<b>8</b>	<b>8</b>	<b>1</b>		<b>3</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>9</b>			<b>3</b>

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Legislation Text

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**File #:** Appt 01925, **Version:** 1

---

Reappointment of Byram Simpson as member, Seattle LGBTQ Commission, for a term to April 30, 2023.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Byram Simpson		
<b>Board/Commission Name:</b> Seattle LGBTQ Commission		<b>Position Title:</b> Member
<input type="checkbox"/> <b>Appointment</b> OR <input checked="" type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	<b>Date Appointed:</b> <i>mm/dd/yy.</i>	<b>Term of Position: *</b> 5/1/2021 <b>to</b> 4/30/2023  <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> Ravenna	<b>Zip Code:</b> 98105	<b>Contact Phone No.:</b>
<b>Background:</b> Over the course of my time with the LGBTQ Commission, I have only become increasingly more passionate about building bridges between my LGBTQ Community and the City Government, and ensuring the voices of the most marginalized are not only being heard, but elevated. I am proud of the achievements we have made in making our meetings more accessible, and our remaining accountable to the Community that we are tasked with representing. The City of Seattle continues to face an emergency centered around housing, which primarily impacts QTBIPOC individuals and I want to continue my work in advocating for them and amplifying their voices.		
<b>Authorizing Signature (original signature):</b> 	<b>Appointing Signatory:</b> Tammy Morales City Councilmember	

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**BYRAM SIMPSON,  
BSW**

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[BYRAM SIMPSON](#)

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**OBJECTIVE**

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To dismantle oppressive structures in professional life and social services. To create space for voices which have historically been ignored and silenced.

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**SKILLS**

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I am a training specialist, able to communicate complex and uncomfortable topics with compassion, humor, and understanding.

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**EXPERIENCE**

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**PROGRAM MANAGER, PATHWAYS AND TRAINING  
- YOUTHCARE**

June 2017 – Present

As a Program Manager in two departments, I have experience providing supervision and on call support to direct service youth workers supporting oppressed young people. My accomplishments include development and facilitation of trainings, oversight of reporting for 6 private and government contracts, budget management, and implementation of new contract projects.

**LEAD BEHAVIORAL HEALTH COUNSELOR -  
EATING RECOVERY CENTER OF WASHINGTON**

February 2013 – May 2017

Over 4 years at ERC, I developed mastery in areas of individual counseling, crisis management and de-escalation, group facilitation, public speaking, training development and delivery, supervision and scheduling of multiple teams.

---

**EDUCATION**

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**BACHELOR OF SOCIAL WORK - GRAND VALLEY  
STATE UNIVERSITY**

Graduated April 2011

Completion of Generalist Practice course work with a focus on social justice and anti-oppressive practice. In this program I completed a one year internship serving homeless young people. Here I gained passion for centering social justice in my work.

---

**ADDITIONAL EXPERIENCE**

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In June of 2018, I was appointed to serve on Seattle's LGBTQ Commission advising the Mayor and City Council on policy and social issues impacting the LGBTQ community. Prior to beginning my social work career, I also participated in the Disney College Program as an Attractions Host in Epcot from September 2011 to June 2012.

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## Seattle LGBTQ Commission

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Legislation Text

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**File #:** Appt 01926, **Version:** 1

---

Appointment of Heyiwot Amare as member, Seattle Disability Commission, for a term to April 30, 2022.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Heyiwot Amare		
<b>Board/Commission Name:</b> Seattle Disability Commission		<b>Position Title:</b> Commissioner
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other:	<b>Date Appointed:</b> <i>mm/dd/yy.</i>	<b>Term of Position: *</b> 5/1/2020 <b>to</b> 4/30/2022  <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b>	<b>Zip Code:</b>	<b>Contact Phone No.: (email preferred)</b> [REDACTED]
<b>Background:</b> I want to be part of SDC because I want to see people who are the same color as me in positions of leadership. I also want to see more people who have disabilities in positions of leadership, and I think I bring a unique perspective because I am young – I will be 23. I am still learning about being a leader, and what sort of style of leadership that I will develop. This experience will help me find my dream job, because of the experience I will gain. I also am part of the Best Buddies program, and have worked with King County and the Special Olympics team to develop more accessible signage, such as using simpler wording where possible.		
<b>Authorizing Signature (original signature):</b>  		<b>Appointing Signatory:</b> <i>Tammy J. Morales</i> <i>City Council Member</i>

\*Term begin and end date is fixed and tied to the position and not the appointment date.

*This candidate requested alternative accommodations for their application process. Instead of affixing a written/typed Resume and answers to the application questions, they prepared a video response, linked below.*

[https://youtu.be/\\_HuRG71JJQ](https://youtu.be/_HuRG71JJQ)

# Seattle Disability Commission

## May 2021

21 Members: Pursuant to *SMC 3.14.920*, all members subject to City Council confirmation, 2-year terms:

- 8 City Council-appointed
- 9 Mayor-appointed (includes 1 Get-engaged Mayor position)
- 4 Other Appointing Authority-appointed (specify): Commission-appointed

### Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
9	F	3	1.	Member	Hannah Wilson	5/01/21	4/30/23	1	Mayor
			2.	Member	VACANT	5/01/19	4/30/21		City Council
6	M	3	3.	Member	VACANT	5/01/19	4/30/21		Mayor
			4.	Member	Christine Lew	5/01/21	4/30/23	1	City Council
			5.	Member	VACANT	11/1/19	10/31/21		Mayor
			6.	Member	VACANT	11/1/19	10/31/21		City Council
2	NB	5	7.	Member	ChrisTiana ObeySumner	11/1/19	10/31/21	3	Mayor
			8.	Member	April Snow	11/1/19	10/31/21	1	Commission
4	F		9.	Member	Kristina Sawyckyj	5/01/20	4/30/22	2	City Council
2	F	3	10.	Member	Anquida Adams	5/01/20	4/30/22	2	Mayor
6	F	7	11.	Member	Jessica Williams-Hall	5/01/20	4/30/22	2	City Council
			12.	Member	VACANT	5/01/20	4/30/22		Mayor
			13.	Member	VACANT	11/1/20	10/31/22		City Council
			14.	Member	VACANT	11/1/20	10/31/22		Mayor
			15.	Member	Taylor Woods	11/1/20	10/31/22	1	City Council
			16.	Get Engaged	Paula Orrego	9/1/20	8/31/21	1	Mayor
			17.	Member	Heyiwot Amare	5/01/20	4/30/22	1	City Council
			18.	Member	VACANT	11/1/20	10/31/22		Mayor
1	M	2	19.	Member	Daniel Kogita	5/01/20	4/30/22	2	Commission
			20.	Member	Dawn Dailey	11/1/20	10/31/22	1	Commission
		1	21.	Member	Kaitlin Skilton	11/1/20	10/31/22	1	Commission

### SELF-IDENTIFIED DIVERSITY CHART

	SELF-IDENTIFIED DIVERSITY CHART				(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	1	2		1		2				1			1
Council	1	2						1		2			
Other	1				1								
<b>Total</b>	<b>3</b>	<b>4</b>		<b>1</b>	<b>1</b>	<b>2</b>		<b>1</b>		<b>3</b>			<b>1</b>

### Key:

\*D List the corresponding *Diversity Chart* number (1 through 9)

\*\*G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



Legislation Text

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**File #:** Appt 01927, **Version:** 1

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Appointment of Christine Lew as member, Seattle Disability Commission, for a term to April 30, 2023.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Christine Lew		
<b>Board/Commission Name:</b> Seattle Disability Commission		<b>Position Title:</b> Commissioner
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other:	<b>Date Appointed:</b> <i>mm/dd/yy.</i>	<b>Term of Position:</b> 5/1/21 <b>to</b> 4/30/23  <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b>	<b>Zip Code:</b> 98103	<b>Contact Phone No.:</b> [REDACTED]
<p><b>Background:</b> I identify as a queer, neurodivergent/disabled, Asian American woman. I am also a CODA (Child of Deaf Adults), meaning both of my parents are Deaf and my first language is ASL. My personal experiences have been a mis-mash of the beautiful sides of disability and Deaf culture, entangled with explicit ableism and oppressive structures. When I entered the University of Washington, I wanted to channel those experiences into my studies, and I am now a Psychology and Disability Studies double major. I've done academic research on racial microaggressions, and I am now conducting my own qualitative research on the idea of Disability Gain (advantages of having a different body/mind). In my volunteer capacity, I have worked in Tent Cities, taught Deaf/disabled children ASL, served as a mentor and teacher for freshman and sophomore college students, worked with Special Olympics Washington to plan events, and more. In my professional career, I've worked in the ASUW Student Disability Commission for 3 years, both as Assistant Director, and Director, leading advocacy efforts alongside disabled students at UW. All of these experiences have led me to this present moment, with a heightened awareness of the barriers that disabled people face within the city of Seattle. I sincerely believe I have the leadership, collaboration, and advocacy skills to contribute meaningfully to the Seattle Disability Commission, alongside a deep history and passion for disability justice.</p>		
<b>Authorizing Signature (original signature):</b> 		<b>Appointing Signatory:</b> Tammy J. Morales City Councilmember

\*Term begin and end date is fixed and tied to the position and not the appointment date.

CHRISTINE LEW



## EDUCATION

AUGUST 2017-PRESENT • UNIVERSITY OF WASHINGTON

- Intended Majors- Bachelor of Arts in Psychology, Disability Studies
- Intended Minor- American Sign Language
- Interdisciplinary Honors Program

## WORK EXPERIENCE

JUNE 2017 – PRESENT • WASHINGTON STATE SUMMER CON • LOGISTICS/STAFF  
MANAGER

JUNE 2020 – PRESENT • NURSING EVOLUTIONS • HR ASSISTANT AND ASL TEACHER

SEPTEMBER 2019 – PRESENT • STUDENT DISABILITY COMMISSION (ASUW) • DIRECTOR

- Advocating for changes in policy to better serve disabled students
- Planning events and creating programs to reflect the diverse identities under the 'disability' umbrella
- Improving sustainability by creating an Alumni Association and continuing to work on transition documents

SEPTEMBER 2018 – JUNE 2019 • STUDENT DISABILITY COMMISSION (ASUW) •  
ASSISTANT DIRECTOR

- Managed a team of 11 interns, provided support and guidance
- Oversaw internal operations of the commission (organization of transition documents, created remote work access tracking tools)

JANUARY 2018-SEPTMEBER 2018 • COMPASS INTERPRETING

- American Sign Language Interpreting training program (specifically for Children of Deaf Adults)

## LEADERSHIP

September 2017-Present: ASL Club at UW (current President)

September 2017-Present: UW Special Olympics partner

September 2017-Present: Special Olympics Washington volunteer management team

September 2017-Present: Laboratory Research Assistant for Psychology School of Social  
Connection

January 2018-Present: UW Leaders mentor

September 2019-Present: UW Interdisciplinary Honors program Peer Mentor/Peer  
Educator

## VOLUNTEERING

2016-Present: The Daffodil

Festival- 700+ hours

2017-Present: Special Olympics Washington- 30+ hours

2018-Present: Seattle Hearing, Speech, and Deaf Center (Rosen Family Preschool)

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

# Seattle Disability Commission

## May 2021

21 Members: Pursuant to *SMC 3.14.920*, all members subject to City Council confirmation, 2-year terms:

- 8 City Council-appointed
- 9 Mayor-appointed (includes 1 Get-engaged Mayor position)
- 4 Other Appointing Authority-appointed (specify): Commission-appointed

### Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
9	F	3	1.	Member	Hannah Wilson	5/01/21	4/30/23	1	Mayor
			2.	Member	VACANT	5/01/19	4/30/21		City Council
6	M	3	3.	Member	VACANT	5/01/19	4/30/21		Mayor
			4.	Member	Christine Lew	5/01/21	4/30/23	1	City Council
			5.	Member	VACANT	11/1/19	10/31/21		Mayor
			6.	Member	VACANT	11/1/19	10/31/21		City Council
2	NB	5	7.	Member	ChrisTiana ObeySumner	11/1/19	10/31/21	3	Mayor
			8.	Member	April Snow	11/1/19	10/31/21	1	Commission
4	F		9.	Member	Kristina Sawyckyj	5/01/20	4/30/22	2	City Council
2	F	3	10.	Member	Anquida Adams	5/01/20	4/30/22	2	Mayor
6	F	7	11.	Member	Jessica Williams-Hall	5/01/20	4/30/22	2	City Council
			12.	Member	VACANT	5/01/20	4/30/22		Mayor
			13.	Member	VACANT	11/1/20	10/31/22		City Council
			14.	Member	VACANT	11/1/20	10/31/22		Mayor
			15.	Member	Taylor Woods	11/1/20	10/31/22	1	City Council
			16.	Get Engaged	Paula Orrego	9/1/20	8/31/21	1	Mayor
			17.	Member	Heyiwot Amare	5/01/20	4/30/22	1	City Council
			18.	Member	VACANT	11/1/20	10/31/22		Mayor
1	M	2	19.	Member	Daniel Kogita	5/01/20	4/30/22	2	Commission
			20.	Member	Dawn Dailey	11/1/20	10/31/22	1	Commission
		1	21.	Member	Kaitlin Skilton	11/1/20	10/31/22	1	Commission

### SELF-IDENTIFIED DIVERSITY CHART

	SELF-IDENTIFIED DIVERSITY CHART				(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	1	2		1		2				1			1
Council	1	2						1		2			
Other	1				1								
<b>Total</b>	<b>3</b>	<b>4</b>		<b>1</b>	<b>1</b>	<b>2</b>		<b>1</b>		<b>3</b>			<b>1</b>

### Key:

\*D List the corresponding *Diversity Chart* number (1 through 9)

\*\*G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



Legislation Text

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**File #:** Appt 01928, **Version:** 1

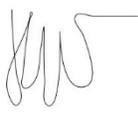
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Appointment of Dawn Dailey as member, Seattle Disability Commission, for a term to October 31, 2022.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Dawn Dailey		
<b>Board/Commission Name:</b> Seattle Disability Commission		<b>Position Title:</b> Commissioner
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other:	<b>Date Appointed:</b> <i>mm/dd/yy.</i>	<b>Term of Position: *</b> 11/1/2020 <b>to</b> 10/31/2022  <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b>	<b>Zip Code:</b> 98122	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> Dawn is currently pursuing her Masters in Museology from the University of Washington and has extensive experience working in accessibility and advocacy for Disabled individuals. Previously, she worked with the University of Washington’s Disabilities, Opportunities, Information and Technology Center to help with Universal Design technologies and accommodations, specifically in regard to museums and their ability to provide education through more informal methods. On the Commission she aspires to continue her advocacy work with likeminded individuals.		
<b>Authorizing Signature (original signature):</b>  	<b>Appointing Signatory:</b> <i>Hannah Wilson</i>  <i>SDC Co-Chair</i>	

\*Term begin and end date is fixed and tied to the position and not the appointment date.

# Dawn Dailey

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## Education

### **MASTER OF ARTS | MUSEOLOGY | UNIVERSITY OF WASHINGTON**

Degree Expected: June 2021

### **BACHELOR OF SCIENCE | MAY 2014 | TROY UNIVERISTY**

Degree Conferred: History, European Emphasis. Minor: Anthropology, Cultural

Honors: Magna Cum Laude

## Experience

### **Henry Art Gallery | University of Washington | Present**

Public and Youth Programs Assistant. Supports the monthly ArtVentures family program by coordinating with and assisting Henry staff, teaching artists, and volunteers; helping with development of activities and outreach; creating a welcoming environment for guests; and administering evaluations. In addition, the PYPA provides general support for public and youth programs, including administrative and research support for the Museum Guide Program, marketing/social media, content development, and other areas as needed.

### **Seattle Architecture Foundation Summer Intern | University of Washington | 2020**

Research and create virtual programming based on the relevant social and racial justice issues past, present, and future of the city of Seattle. Design and create informal educational curriculum that is both virtual and physical targeted to middle school audiences that is flexible enough for early learners and adults. The education curriculum is based on Common Core Standards, Washington State Educational Standards, and involves, art, art history, architectural history, STEM, innovation, manufacture, accessible technology for disabilities, experiential and constructivist learning theories, as well as family engagement.

### **Media and Communications Student Assistant | University of Washington News | Present**

Student assistant at the University of Washington News. Assist with researching, inventorying, and collections management of the University of Washington News Special Collections.

### **Access ISL Intern | University of Washington | 2019-2020**

Intern with the University of Washington Museology Department and the Disabilities, Opportunities, Information, and Technology Center (DO IT CENTER) Developing and collaborating accessible informal science museum education. Collaborate with team members to apply new universal design technologies and accommodation strategies for museum assessments and museum educational informal science pedagogy.

### **Gallery Ambassador | MOHAI | 2019-2020**

Worked with MOHAI, Microsoft, Holoforge, and Listen with mixed reality, and Holo-Lens 2 Virtual Reality to teach patrons of MOHAI and educate and guide patrons through STEM and historical museum education.

### **Intermediate Educational Program Specialist | U.S. Naval Undersea Museum | 2019**

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

Developed, planned, and implemented education and public programs on the science and history of the Navy. Built and maintained relationships with teachers, schools, and community groups with an interest in education, the Navy, and/or STEM initiative. Researched, developed, and wrote Standards-aligned lesson plans for mission-related History and STEAM programs. Created Standards-aligned lesson plans for mission-related History and STEAM programs. Familiarity with educational theory, Common Core Learning Standards, Next Generation Science Standards, and the Washington State EALRs. Wrote and edited education-related materials including, but not limited to, lesson plans, program materials. Assisted with developing or refining exhibition-related educational materials pertaining to undersea Navy topics. Spoke publicly about the museum's exhibits and programs to students, military audiences, and the public. Assisted museum staff with researching and cataloguing objects and records in the education collection.

**Volunteer Coordinator | Lewis Army Museum, Joint Base Lewis McChord | 2017-2019**

Liaison for the Lewis Army Museum, the board of the Friends of the Museum, and JBLM's Directorate of Personnel and Family Readiness. Coordinated outreach events, ceremonies, museum activities, and volunteer training for the museum.

**Cultural Resources Technician | Cultural Resources, Directorate of Public Works, Joint Base Lewis McChord 2018 – 2019**

Collections management to include organizing and inventory archives, cultural resource reports, archaeological site reports, historical documents, artifacts, maps, and memorials for Cultural Resources.

**Additional Work Experiences**

**Family Service Worker | San Angelo Independent School District, San Angelo, TX | 2015-2016**

Maintained a caseload of 100 at-risk and/or disadvantaged students and their families. Offered social support services, medical resources, and facilitated medical and counseling services, as needed. Implemented federal, state, and local court-ordered mandates and rulings such as foster care, custodial rulings, restraining orders on assigned students and their families.

**Library Assistant | Goodfellow Air Force Base | 2014-2015**

Maintained book stacks, archives. Managed the circulation system online. Offered online learning resources, online archival databases, and language resources to researchers. Created a curriculum and activities for Children's Storytime Hour. Recruited volunteers for Children's Storytime.

**General Coordinator Support | U.S. Air Force AETC 17 TRSS/TSOI Foreign Affairs Office at Goodfellow Air Force Base | 2014-2015**

Organized and created summaries for archives, library books, and other materials at the Foreign Affairs Office in culturally relevant and accessible themes for visiting foreign intelligence officers. Developed travel itineraries for the visiting diplomatic Foreign Affairs Officers for culturally significant trips in Texas.

**Substitute Teacher | San Angelo Independent School District | 2014**

**Paraeducator | Barber's Point Elementary School | Kapolei, HI | 2005-2006**

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

Implemented the educational curriculum designed by the special needs' teacher, and occupational, speech, and physical therapists for disabled and special needs children in a K-5 school. Taught a range of subjects to students using tactile interactive audio, visual, technological, American Sign Language, and kinetic educational tools available to students.

## ACCOMPLISHMENTS

- Winner of the University of Washington's **Emerging Curator Initiative (ECI)** for the Museology Graduate Program. Each ECI recipient curates an art exhibit at a participating Seattle Art Museum. Designing an art exhibit using Sketchup, exhibit installation, art conservation, labeling, and interpretation. Facilitating a live-art creation demonstration. Designing an educational public program component based on the exhibit that involves Social Emotional Learning and Visual Thinking Strategy.
- Facilitated storage, collections management, and preservation of Seattle's Street Art known as CHOP Art, and facilitating volunteer management and curation of the CHOP Art.
- Designed educational curriculum and programming for the Seattle Architecture Foundation
- Designed accessible visual schedules and access checklists for the University of Washington Disabilities, Opportunities, Internetworking and Technology Center (DO IT Center) for special needs.
- Designed educational curriculum and programming for the Navy Undersea Museum in Keyport, WA.
- Facilitated public programming, events, tours, and outreach for the Lewis Army Museum.
- Liaised with non-profit organizations such as the Veterans Affairs, Nisqually Tribal Council, Squaxin Tribal Council, on behalf of Cultural Resources.
- Planned Public Programs such as the 2017 Indigenous People's Day in Olympia, WA at the State Capitol.
- Organized for the Nisqually Reservation WaHeLut Indian School's Food Sovereignty Garden.
- Developed public history partnerships with the University of Washington, Tacoma, and the Cultural Resources Division of Joint Base Lewis-McChord's Directorate of Public Works.
- Coordinated non-profit organizational volunteerism and donations for public programs and public schools.
- Political Campaign Organizer and Team Leader for West Olympia and Tumwater for the Washington State Democratic Combined Campaigns of Governor Jay Inslee, Sen. Patty Murray, Rep. Denny Heck, Maria Cantwell.
- Elected Precinct Committee Officer for the 43<sup>rd</sup> Legislative District, city of Seattle, and King County, Washington.
- Elected Precinct Committee Officer of the 22<sup>nd</sup> Legislative District, Olympia, and Thurston County, Washington.
- Cofounder of Non-Profit Organization Seattle Caregivers United for Black Lives Matters.
- Asian Ally and founding member of the Black Collective Voice Council for the city of Seattle.
- Ambassador for the Third Door Coalition, a housing-first nonprofit organization creating individual home-units for unhoused communities of Seattle and King County, Washington.

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

# Seattle Disability Commission

## May 2021

21 Members: Pursuant to *SMC 3.14.920*, all members subject to City Council confirmation, 2-year terms:

- 8 City Council-appointed
- 9 Mayor-appointed (includes 1 Get-engaged Mayor position)
- 4 Other Appointing Authority-appointed (specify): Commission-appointed

### Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
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6	M	3	3.	Member	VACANT	5/01/19	4/30/21		Mayor
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			8.	Member	April Snow	11/1/19	10/31/21	1	Commission
4	F		9.	Member	Kristina Sawyckyj	5/01/20	4/30/22	2	City Council
2	F	3	10.	Member	Anquida Adams	5/01/20	4/30/22	2	Mayor
6	F	7	11.	Member	Jessica Williams-Hall	5/01/20	4/30/22	2	City Council
			12.	Member	VACANT	5/01/20	4/30/22		Mayor
			13.	Member	VACANT	11/1/20	10/31/22		City Council
			14.	Member	VACANT	11/1/20	10/31/22		Mayor
			15.	Member	Taylor Woods	11/1/20	10/31/22	1	City Council
			16.	Get Engaged	Paula Orrego	9/1/20	8/31/21	1	Mayor
			17.	Member	Heyiwot Amare	5/01/20	4/30/22	1	City Council
			18.	Member	VACANT	11/1/20	10/31/22		Mayor
1	M	2	19.	Member	Daniel Kogita	5/01/20	4/30/22	2	Commission
			20.	Member	Dawn Dailey	11/1/20	10/31/22	1	Commission
		1	21.	Member	Kaitlin Skilton	11/1/20	10/31/22	1	Commission

### SELF-IDENTIFIED DIVERSITY CHART

	SELF-IDENTIFIED DIVERSITY CHART				(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	1	2		1		2				1			1
Council	1	2						1		2			
Other	1				1								
<b>Total</b>	<b>3</b>	<b>4</b>		<b>1</b>	<b>1</b>	<b>2</b>		<b>1</b>		<b>3</b>			<b>1</b>

### Key:

\*D List the corresponding *Diversity Chart* number (1 through 9)

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RD Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



Legislation Text

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**File #:** Appt 01929, **Version:** 1

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Appointment of Taylor Woods as member, Seattle Disability Commission, for a term to October 31, 2022.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Taylor Woods		
<b>Board/Commission Name:</b> Seattle Disability Commission		<b>Position Title:</b> Commissioner
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other:	<b>Date Appointed:</b> <i>mm/dd/yy.</i>	<b>Term of Position: *</b> 11/1/2020 <b>to</b> 10/31/2022  <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b>	<b>Zip Code:</b> 98125	<b>Contact Phone No.:</b> [REDACTED]
<p><b>Background:</b> Taylor has spent her entire education and career working for persons with disabilities and/or medical conditions. She is very passionate about making a better life for this population and community. She believes this opportunity will allow her to serve the city’s disabled population with my technical skills, such as event planning, public relations and marketing, program management, research, and networking, as well as my soft skills, such as oral and written communication, organization, and problem solving. Her passion has always been healthcare for people and children with disabilities. This includes access to healthcare, quality and equitability of services, price of care, and healthcare staff that represent the diverse disabled population. However, she is excited to learn more from and work with other Commissioners on other areas, such as employment, education, and public access (public events, places, services, etc.).</p>		
<b>Authorizing Signature (original signature):</b>  		<b>Appointing Signatory:</b> <i>Tammy J. Morales</i> <i>City Councilmember</i>

\*Term begin and end date is fixed and tied to the position and not the appointment date.

## Taylor Woods

### Experience

Seattle Children's Hospital – Seattle, Wash. November 2015 – Present

- Dermatology, Rheumatology, and Infectious Disease: • Program Coordinator III – Provider Utilization: promoted July 2019 - Present
- Provider Deployment Coordinator: August 2017 – July 2019
- Design, build, and report on outpatient clinics based on budget, resources, provider field and availability, and patient demand
- Collaborate with various departments throughout hospital to implement improvement projects such as improving patient experience, specialty clinic creation, standardized scheduling, resource utilization and budget tracking
- Lead monthly PDC meeting for all PDCs and others to collaborate on concerns, updates, and hospital-wide developments
- Coach PDCs and other hospital staff on processes and improvement projects
- Family Service Coordinator – Registration and Cancer Center: registered patients and families at check-in; trained new coordinators and interns
- Family Service Coordinator – Scheduling: first point of contact to the patients and families; communicated regularly with providers, staff, and external partners

Central Communication Agency – Ellensburg, Wash. September 2014 – June 2015

- Account Executive: facilitated Junior Account Executives in research, content creation, and strategic planning; consulted with nonprofit client on all communications needs throughout the year; measured local awareness of client in the community and identified opportunities for growth; restructured social media accounts and newsletter with revamped content for improved engagement; collected \$1,000 silent auction donations in less than one month
- Junior Account Executive: supported multiple nonprofits with public relations March 2013 – March 2014

Make-A-Wish Oregon – Portland, Ore. June 2014 – September 2014

- Wish Intern: processed referrals and eligibility paperwork for incoming wishes, designed content and collected materials for wishes; communicated regularly with wish managers and volunteers; organized family photos for marketing and volunteer recognition; corrected database records to map organizational growth; produced data report to define outreach/reference correlations and opportunities

Yakima Memorial Foundation, Children's Village – Yakima, Wash. June 2013 – September 2013

- Development and Community Outreach Intern: assisted Development Manager with contacting, tracking, and acknowledging potential and longstanding donors; marketed staff and patient stories; created and operated Facebook page with increased engagement across three months; provided tours and served the front intake desk; planned fundraisers and community engagement events

### Accomplishments

- Seattle Children's Hospital Provider Deployment Coordinator Top Performer 2018 & 2019
- Junior League of Seattle May 2018 – Present (currently Diversity, Equity, Inclusion Committee member)
- Junior League of Seattle Provisional Project Marketing Lead January 2020 – June 2020
- Central Washington University Summa Cum Laude and Dean's List 2011-2015
- Central Washington University Nonprofit Student of the Year 2014 & 2015

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

- Central Communication Agency Outstanding Leadership Award 2015 & Outstanding Dedication Award 2015
- Central Washington Public Relations Student Society of America Board Member of the Year Award 2014

**Education: Bachelor of Science**

Central Washington University – Ellensburg, Wash. September 2011 – June 2015

- GPA: 3.94
- Major: Interdisciplinary Studies – Social Sciences
- Minors: Nonprofit Organization Administration / Business Administration

**Skills**

- Microsoft/Adobe/Databases
- Project management
- Report building
- Written, verbal, interpersonal communication
- Data reporting & research
- Record keeping

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

# Seattle Disability Commission

## May 2021

21 Members: Pursuant to *SMC 3.14.920*, all members subject to City Council confirmation, 2-year terms:

- 8 City Council-appointed
- 9 Mayor-appointed (includes 1 Get-engaged Mayor position)
- 4 Other Appointing Authority-appointed (specify): Commission-appointed

### Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
9	F	3	1.	Member	Hannah Wilson	5/01/21	4/30/23	1	Mayor
			2.	Member	VACANT	5/01/19	4/30/21		City Council
6	M	3	3.	Member	VACANT	5/01/19	4/30/21		Mayor
			4.	Member	Christine Lew	5/01/21	4/30/23	1	City Council
			5.	Member	VACANT	11/1/19	10/31/21		Mayor
			6.	Member	VACANT	11/1/19	10/31/21		City Council
2	NB	5	7.	Member	ChrisTiana ObeySumner	11/1/19	10/31/21	3	Mayor
			8.	Member	April Snow	11/1/19	10/31/21	1	Commission
4	F		9.	Member	Kristina Sawyckyj	5/01/20	4/30/22	2	City Council
2	F	3	10.	Member	Anquida Adams	5/01/20	4/30/22	2	Mayor
6	F	7	11.	Member	Jessica Williams-Hall	5/01/20	4/30/22	2	City Council
			12.	Member	VACANT	5/01/20	4/30/22		Mayor
			13.	Member	VACANT	11/1/20	10/31/22		City Council
			14.	Member	VACANT	11/1/20	10/31/22		Mayor
			15.	Member	Taylor Woods	11/1/20	10/31/22	1	City Council
			16.	Get Engaged	Paula Orrego	9/1/20	8/31/21	1	Mayor
			17.	Member	Heyiwot Amare	5/01/20	4/30/22	1	City Council
			18.	Member	VACANT	11/1/20	10/31/22		Mayor
1	M	2	19.	Member	Daniel Kogita	5/01/20	4/30/22	2	Commission
			20.	Member	Dawn Dailey	11/1/20	10/31/22	1	Commission
		1	21.	Member	Kaitlin Skilton	11/1/20	10/31/22	1	Commission

### SELF-IDENTIFIED DIVERSITY CHART

	SELF-IDENTIFIED DIVERSITY CHART				(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	1	2		1		2				1			1
Council	1	2						1		2			
Other	1				1								
<b>Total</b>	<b>3</b>	<b>4</b>		<b>1</b>	<b>1</b>	<b>2</b>		<b>1</b>		<b>3</b>			<b>1</b>

### Key:

\*D List the corresponding *Diversity Chart* number (1 through 9)

\*\*G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



Legislation Text

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**File #:** Appt 01930, **Version:** 1

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Appointment of April Snow as member, Seattle Disability Commission, for a term to October 31, 2021.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> April Snow		
<b>Board/Commission Name:</b> Seattle Disability Commission		<b>Position Title:</b> Commissioner
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other: Seattle Disability Commission	<b>Date Appointed:</b> <i>mm/dd/yy.</i>	<b>Term of Position: *</b> 11/1/2019 <b>to</b> 10/31/2021  <input checked="" type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b>	<b>Zip Code:</b>	<b>Contact Phone No.:</b>
<p><b>Background:</b> April Snow is a disabled individual who has long had an interest in becoming more civically engaged, with a particular interest in the intersection of Race and Disability. While conducting research on how to be an Anti-Racist, April saw an opportunity to create an employee resource group focused on that intersection at her work place, and is currently working on making that in to a reality. On the commission, she has a specific interest in advocating for Universal Design to improve accessibility for everyone, Crisis Intervention Teams to better prepare law enforcement in de-escalation, and Workplace education so that workplaces are more accepting and accommodating for disabled individuals.</p>		
<b>Authorizing Signature (original signature):</b>  	<b>Appointing Signatory:</b> <i>Hannah Wilson</i>  <i>SDC Co-Chair</i>	

\*Term begin and end date is fixed and tied to the position and not the appointment date.

**April Snow****Director, Donor Systems & Support at YMCA of Greater Seattle  
Greater Seattle Area****Summary****Specialties: Raiser's Edge, ResearchPoint, Online Express, NetCommunity, TeamRaiser, Greater Giving, Crystal Reports, Siebel, prospect research, data integrity, imports, reports, analytics****Experience****YMCA of Greater Seattle | 4 years 1 month****Director, Donor Systems & Support | July 2019 - Present (1 year 8 months)  
Greater Seattle Area**

Drives development, enhancement and configuration of the organization's donor management applications and the supporting business processes and branch/department services to align with and achieve the YMCA of Greater Seattle's business objectives. Aligns department operations and provides leadership and supervision to the Donor Services department to create organizational efficiency. Serves as the key point of contact for systems (Blackbaud products and the complimentary applications) related business (internal and external)

**System Specialist | Raiser's Edge and Campaign Administration****March 2017 - July 2019 (2 years 5 months)****Seattle, Washington**

Serves as organization's Raiser's Edge subject management expert as it relates to the configuration of comprehensive fundraising campaigns including annual, capital and endowment. Identifies ways to optimize use of the system to support business objectives. Provides process analysis and improvement plan implementation in order to increase efficiencies. Leads the administrative functions to support campaign work. Providing excellent customer service, serves as the liaison to branches for annual campaign. Recruits, hires, trains, evaluates and supervises assigned staff managing the day-to-day campaign processes, such as correspondence, pledge entry, progress reports, payments, ensuring accurate donor records and transactions

**Training Coordinator****February 2017 - March 2017 (2 months)****Seattle, Washington**

With a focus on the member and donor experience, facilitates training for YMCA staff in all ACTIVE Net modules – Front Desk, Activities, and Back Office sections. Coordinates and assist in Raiser's Edge training. Provides best-in-class service and support to members, donors and staff. Performs day-to-day business functions and training related to membership, child care, programs and financial development

**FareStart****Database & Research Specialist****July 2014 - February 2017 (2 years 8 months)****Seattle, WA**

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

Serves as organization's Donor systems subject management expert as it relates to the configuration of comprehensive fundraising campaigns including annual, capital and endowment. Identifies ways to optimize use of the system to support business objectives. Provides process analysis and improvement plan implementation in order to increase efficiencies. Leads the administrative functions to support campaign work. Providing excellent customer service, serves as the liaison to branches for annual campaign Works with Annual Giving and Major Gifts team to analyze and segment data to foster effective donor relations and targeted donor communications. Researches and develops prospective donor profiles for the Major Gifts team

### **Catholic Community Services**

#### **Database Manager**

**June 2011 - June 2014 (3 years 1 month)**

#### **Seattle WA**

Serves as organization's Donor systems subject management expert as it relates to the configuration of comprehensive fundraising campaigns including annual, capital and endowment. Identifies ways to optimize use of the system to support business objectives. Provides process analysis and improvement plan implementation in order to increase efficiencies. Leads the administrative functions to support campaign work Analyzes and segments data to foster effective donor relations and targeted donor communications. Researches and develops prospective donor profiles for the Major Gifts team

### **American Lung Association in Alaska, Idaho and Washington**

#### **Donor Stewardship Coordinator**

**October 2009 - December 2010 (1 year 3 months)**

Serves as organization's Donor system subject management expert as it relates to the configuration of comprehensive fundraising campaigns including annual, capital and endowment. Identifies ways to optimize use of the system to support business objectives. Provides process analysis and improvement plan implementation in order to increase efficiencies. Leads the administrative functions to support campaign work. Some prospect research as needed.

### **American Cancer Society**

**4 years 5 months**

#### **Research and Development Manager**

**March 2008 - July 2009 (1 year 5 months)**

Coordinate and participate in a variety of duties involved in collecting, interpreting, documenting and summarizing descriptive, analytical and evaluative data on prospective donors in support of development research and/or information gathering activities. Research and develop prospective corporate and foundation profiles for the Major Gifts and Employer Initiative teams, using selectory.com, hoovers.com, foundation center, lwave.com as well as various corporate and foundation websites. Maintain priority accounts in constituent database. Upload and maintain files on internal website. Run Stewardship program for major gift donors.

#### **Administrative Assistant**

**October 2005 - March 2008 (2 years 6 months)**

#### **Temporary Recruitment Specialist**

**March 2005 - September 2005 (7 months)**

*\*Term begin and end date is fixed and tied to the position and not the appointment date.*

# Seattle Disability Commission

## May 2021

21 Members: Pursuant to *SMC 3.14.920*, all members subject to City Council confirmation, 2-year terms:

- 8 City Council-appointed
- 9 Mayor-appointed (includes 1 Get-engaged Mayor position)
- 4 Other Appointing Authority-appointed (specify): Commission-appointed

### Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
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6	M	3	3.	Member	VACANT	5/01/19	4/30/21		Mayor
			4.	Member	Christine Lew	5/01/21	4/30/23	1	City Council
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			15.	Member	Taylor Woods	11/1/20	10/31/22	1	City Council
			16.	Get Engaged	Paula Orrego	9/1/20	8/31/21	1	Mayor
			17.	Member	Heyiwot Amare	5/01/20	4/30/22	1	City Council
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			20.	Member	Dawn Dailey	11/1/20	10/31/22	1	Commission
		1	21.	Member	Kaitlin Skilton	11/1/20	10/31/22	1	Commission

### SELF-IDENTIFIED DIVERSITY CHART

					(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
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Council	1	2						1		2			
Other	1				1								
<b>Total</b>	<b>3</b>	<b>4</b>		<b>1</b>	<b>1</b>	<b>2</b>		<b>1</b>		<b>3</b>			<b>1</b>

### Key:

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\*\*G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



Legislation Text

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**File #:** Appt 01931, **Version:** 1

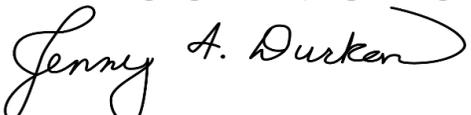
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Reappointment of Joleen Winther Hughes as member, Seattle Music Commission, for a term to August 31, 2023.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> <i>Joleen Winther Hughes</i>		
<b>Board/Commission Name:</b> <i>Seattle Music Commission</i>		<b>Position Title:</b> <i>Member</i>
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment		<b>Council Confirmation required?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	<b>Date Appointed:</b> 5/12/21	<b>Term of Position: *</b> 9/1/2020 to 8/31/2023
<b>Residential Neighborhood:</b> West Seattle	<b>Zip Code:</b> 98116	<b>Contact Phone No.:</b> 
<b>Background:</b> <p>Joleen Winther Hughes is the founder, principal and fearless leader of Hughes Media Law Group, a firm that represents some of the most innovative technology, music, gaming, entertainment and digital media companies throughout the world. Joleen started HMLG specifically to support entrepreneurs, innovators and visionaries who push the boundaries of both media and technology. Over the years, Joleen has contributed her expertise and insight as a strategic advisor to companies navigating all aspects of their business from formation/structuring, launch, operations, fundraising, growth, strategic relationships and alliances, implementation of processes, and – her favorite – deal making.</p> <p>Joleen has very deep and diverse ties in the music industry including serving as general counsel to entertainment brands like Seattle’s own Votiv (record label, publishing company, artist management, film development and start-up incubator), QYOU (international television network featuring independent musical artists), innovative product developers like Tectonic Audio Labs (flat panel speaker technology), AxonVR (haptic virtual reality technology), FlareGun (concert event augmented reality) and ReplyYes (Fast Company’s Top 10 Most Innovative Companies for 2017 in the music category), has served as special music counsel to Microsoft, SoundStage/BMG, and advises local artists like Ayron Jones, Andrew Joslyn and Michael “Wanz” Wansley.</p> <p>Prior to owning and operating her law firm, Joleen served as Senior Counsel at RealNetworks. There she was part of the legal team that structured the very first legal digital music service (MusicNet), and was a pioneer in developing the business models of making music available via the internet and mobile devices. As part of the company that invented streaming media, Joleen was a member of the team that brought the first streamed concerts, downloadable music content, special promotions, and live events to the public.</p>		
<b>Authorizing Signature (original signature):</b> 		<b>Appointing Signatory:</b> <i>Jenny A. Durkan</i> <i>Mayor of Seattle</i>

# Joleen Winther Hughes

Founder, Hughes Media Law Group

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## Summary

With experience that spans the technology, entertainment and digital media world, Joleen started HMLG specifically to support entrepreneurs, innovators and visionaries who push the boundaries of both media and technology.

As a longtime entrepreneur and visionary herself, Joleen also understands the practicalities of starting and running a successful business. Over the years, Joleen has contributed her expertise and insight as a strategic advisor to companies navigating all aspects of their business from formation/structuring, operations, launch, fundraising, growth, strategic relationships and alliances, implementation of processes, and – her favorite – deal making. From music to gaming to product development to technology to consumer products and services to motion pictures to e commerce, Joleen has been an important team member on her clients' executive staff for nearly 2 decades.

Prior to owning and operating her firm, Joleen served as Senior Counsel to the media/technology company that invented streaming media and was one of the first lawyers who created the business and legal models which brought media to consumers in online and mobile platforms.

Before that, Joleen owned a successful artist management and production company during the height of the 90's Seattle music explosion working with music legends like Pearl Jam, Soundgarden and Alice in Chains, running the legendary RKCNDY nightclub, and promoting live events all over the Seattle area. More recently, after 11 years, she sold the successful Irish pub business she co-owned with her husband.

Specialties: Overall Corporate Legal Strategy, Entertainment & Digital Media, Licensing & Technology, Music Law, Games & Game Platforms, Intellectual Property Protection, Litigation Oversight, Commercial Transactions, Corporate Law, Joint Ventures & Strategic Alliances, Project Management, First Amendment, Employment, Advertising, Public Relations & Marketing, Product and Services Development.

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## Experience

### **Founder and Principal at Hughes Media Law Group**

November 2008 - Present

We speak your language! We aren't just lawyers - we are also experienced business professionals who have been in your shoes before and have either owned or played a critical role in operating a business. Our real-world business perspective helps us view legal matters from a practical point of view, providing our clients with creative and useful solutions.

1iOpen Productions  
2Ton Studios  
4Agency  
360 Solutions  
ACLU – Washington State  
AlphaZealot  
Amazon  
Andrew Joslyn & Passenger String Quartet  
Application Developers Alliance  
AXON VR  
Ayron Jones  
Blue Giraffe  
Book-It Theatre  
Canvas Media Studios  
Cascade Game Foundry  
Cellar Door Media  
Clutch-Play Games  
Common Craft  
Digital Kitchen  
Distiller  
Drillboard  
Echo Media  
Empty Sea Productions  
Evergreen Home Loans  
F5 Networks  
Flaregun  
Garden Mentors  
Good Dog Art  
Hawaii Fishing News  
Herddogg  
Hudson McNeel Foundation  
Human Tribe  
Jazzvenu  
Jackalope  
Johnny Nitrate  
Jonboy Caramels  
JudgeMyFoto  
Karen Mason Blair

Kari Gran Cosmetics  
Klamath Brewing Company  
Laffgasm Games  
Lane 1974  
LEAP - Leadership Acceleration Program  
Leeway Films  
Lima Sky (Doodle Jump)  
Lucia Magazine  
Lunchtime Studios  
Luminata Glass  
Michael Wansley "WANZ"  
Microsoft  
Missing Worlds Media  
Mt. Baker Mercantile  
Music Mastermind (Zya)  
Noren Films  
Oginx  
OGO  
onCam  
Oodaworks  
Pagoda West Games  
PEEKO  
Pegasus Coffee  
Pierre Chainier Wine  
Playfish Media  
Playmous Games (Tap the Frog, God of Light)  
PostModern  
Powers Candy & Nut  
Pressing Pictures  
PulpLab  
Quality Plastics  
QYOU  
Rapid Soft  
ReplyYes  
Right On Brother Films  
Robert Lang Academy  
Rogue Island Productions  
Rusty George Creative  
Saky Saks

Salient 6  
Signal Snowboards  
SoundStage (PBS)  
SpinKix  
Sunbreak Games  
Survive the Hourde  
Tectonic Audio Labs  
TempPaint  
ThoughtOps  
Turn Fables  
Twin Ravens Press  
Ultimate Media  
Uptown Espresso  
Urban Fame  
Votiv Entertainment  
Vuguru  
Wanz  
Well Fed Heart  
Wicket Labs  
Wildworks (Animal Jam, PlayWild)  
Yamaha  
Yellow Leaf Cupcake Company  
ZeptoLab (Cut the Rope, C.A.T.S)  
Ziango Games

### **General Counsel at The QYOU**

2015 - Present

he QYOU is the world's first entertainment company focused on the curation and programming of short-form video content for the Video-Everywhere age. We find and license videos from around the world in categories ranging from factual to viral and everything in between; packaging them for linear and on-demand TV and video channels, playlist-driven mobile apps, custom shows, and influencer marketing campaigns.

Deeply immersed in web video culture, QYOU curators are also creators – with hundreds of credits, tens of thousands of fans, and millions of views between them. Our clients include some of the world's leading cable companies, television networks, and video platforms, as well as consumer brands with the vision to leverage the power of short form video to engage with audiences everywhere.

### **General Counsel at Tectonic Audio Labs**

2014 - Present

Tectonic Flat Panel Speakers are fundamentally different from conventional sound reinforcement systems - employing diffuse sound source Resonant Mode Loudspeakers and large-format HF ribbon transducers. These light-weight flat panels deliver acoustic performance and cost benefits that are revolutionary!

Decades of audio engineering expertise have been applied to provide the ultimate sound reinforcement systems comparable to natural sound in a free space, or really loud sound in sometimes quite unnatural spaces. The resulting box/cone/dome designs have been very impressive, very large, very complex and very expensive to own and operate.

The Tectonic Flat Panel System is an alternative approach to solve the same decades-long challenges. We have developed and applied new technologies and believe that we have met existing needs and bested them: superior sound & coverage – very compact – very cost effective – very simple to operate.

### **Chief Legal Counsel at ZeptoLab**

November 2010 - Present

### **Group General Counsel at Votiv**

2010 - Present

### **Adjunct Professor at University of Washington School of Law**

March 2011 - Present

This tutorial teaches students about the current, practical aspects of drafting and negotiating intellectual property licensing agreements. Students will learn how to work with clients, negotiate with opposing counsel, analyze risk and balance legal and business objectives. Practical exercises will include being exposed to different types of intellectual property transactions, meeting with real clients, and drafting and negotiating license provisions all under the guidance of the instructors who will provide immediate and detailed feedback

### **General Counsel at Zantler**

2009 - 2015 (7 years)

### **Owner at Celtic Swell Irish Pub & Restaurant**

April 2004 - 2015 (11 years 9 months)

### **Founder and Principal at AKKORD/MEDIA TECH LAW GROUP**

August 2004 - November 2008 (4 years 4 months)

Precursors to HMLG, I founded two boutique law firms that provided exceptional legal service, strategic advice and creative solutions to a select group of clients in the intersecting fields of media, entertainment, technology and online services

### **Adjunct Faculty at Seattle University School of Law**

November 2005 - June 2006 (8 months)

Entertainment Law Professor

**Senior Counsel at RealNetworks Inc.**

August 1997 - September 2004 (7 years 2 months)

Provided a broad array of business and legal affairs services to RealNetworks# worldwide global media operations. Structured, developed and negotiated the Company#s digital media legal, business and licensing models for music, general content and games which were employed on the RealPlayer and Real.com.

**Adjunct Faculty**

1993 - 1994 (2 years)

Taught courses in Artist Management, Concert Production and History of Rock and Roll.

**Manager**

1988 - 1994 (7 years)

Worked on business, touring, PR, fan club organization, management and various other duties for Soundgarden, Alice in Chains and Pearl Jam.

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**Education**

**Seattle University School of Law**

JD, law, June 1996 - May 1999

**Activities and Societies:** President, Entertainment and Sports Law

**University of Washington**

BA, Communications/Advertising, September 1985 - June 1989

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# Joleen Winther Hughes

Founder, Hughes Media Law Group

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[Contact Joleen on LinkedIn](#)

# Seattle Music Commission

21 Members: Pursuant to *Ordinance 124422*, all members subject to City Council confirmation, 3-year terms:

- 10 City Council-appointed
- 11 Mayor-appointed

## Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	F	1	1.	Commissioner	Joleen Winther Hughes	9/1/20	8/31/23	2	Mayor
6	F	5	2.	Commissioner	Sue Ennis	9/1/20	8/31/23	2	City Council
			3.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		Mayor
			4.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		City Council
			5.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		Mayor
			6.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		City Council
2	M	5	7.	Commissioner	Terry D. Morgan	9/1/21	8/31/24	2	Mayor
6	M	3	8.	Commissioner	Jerry Everard	9/1/18	8/31/21	2	City Council
3	F	6	9.	Commissioner	Paula Olivia Nava Madrigal	9/1/21	8/31/24	2	Mayor
2	F	3	10.	Vice Chair	Sharlese J. Metcalf	9/1/18	8/31/21	2	City Council
3	F	3	11.	Commissioner	Judi Rafaela Martinez	9/1/21	8/31/24	2	Mayor
1	F	2	12.	Chair	Reese Tanimura	9/1/18	8/31/21	2	City Council
2	M	2	13.	Commissioner	Benjamin N. Hunter	9/1/18	8/31/21	2	Mayor
1	M	7	14.	Commissioner	Nate Omdal	9/1/18	8/31/21	1	City Council
			15.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
			16.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		City Council
			17.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
1	M	2	18.	Commissioner	Daniel D. Pak	9/1/19	8/31/22	2	City Council
			19.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
			20.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		City Council
			21.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor

### SELF-IDENTIFIED DIVERSITY CHART

	SELF-IDENTIFIED DIVERSITY CHART				(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	2	3				2	2			1			
Council	3	3			3	1				2			
Other													
<b>Total</b>	<b>5</b>	<b>6</b>			<b>3</b>	<b>3</b>	<b>2</b>			<b>3</b>			

### Key:

- \*D List the corresponding *Diversity Chart* number (1 through 9)
  - \*\*G List *gender identity*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown
  - RD Residential Council District number 1 through 7 or N/A
- Diversity information is self-identified and voluntary.*



Legislation Text

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**File #:** Appt 01933, **Version:** 1

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Reappointment of Paula Olivia Nava Madrigal as member, Seattle Music Commission, for a term to August 31,2024.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> <i>Paula Olivia Nava Madrigal</i>		
<b>Board/Commission Name:</b> <i>Seattle Music Commission</i>		<b>Position Title:</b> <i>Member</i>
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment		<b>Council Confirmation required?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	<b>Date Appointed:</b> <i>5/12/2021</i>	<b>Term of Position: *</b> <i>9/1/2021</i> <b>to</b> <i>8/31/2024</i> <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> <i>Ballard</i>	<b>Zip Code:</b> <i>98117</i>	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> Paula Nava Madrigal is a cellist and one of a small percentage of female conductors in the United States. In addition to conducting orchestras, she teaches classical music to immigrant youth, providing free lessons and instruments. Paula has long been committed to social justice and inclusion in music education. It is her deep belief that all children deserve to receive musical education, no matter their social, racial or economic situation. Originally from Mexico, Paula holds a BA in Music (cello) from the University of Guadalajara, and a BA in Education from the Escuela Normal Superior de Jalisco. She also received a master’s degree in Education from the Universidad Autónoma de Guadalajara and completed her post-graduate work at Nebrija University in Madrid. She studied conducting with Guillermo Salvador and Jose Luis Perez Garrido with the support of CONACULTA Mexico.  When Paula moved to the U.S. with her husband, a Seattle musician, the two teamed up to provide free musical training to Latino and immigrant youth. The couple runs two free programs, teaching the <a href="#">Seattle World Youth Orchestra</a> and <a href="#">Young Strings Project Outreach</a> at Casa Latina and Sunset Hill Community Club.  Paula is co-founder, conductor, and artistic director of the <a href="#">Ballard Civic Orchestra</a> . With BCO, Paula works to showcase Latino soloists and composers, and to make performances as accessible as possible, concerts are free and take place at a variety of venues throughout the greater Seattle area. BCO has received awards from the Latino Community Fund, and Paula received the “Premio del Consejo Directivo” Seattle Latin Music Award from Univision in 2017.		
<b>Authorizing Signature (original signature):</b> 		<b>Appointing Signatory:</b> <i>Jenny A. Durkan</i> <i>Mayor, City of Seattle</i>

\*Term begin and end date is fixed and tied to the position and not the appointment date.

## RESUME



Name: **Paula Olivia Nava Madrigal, Conductor**

Instrument: Violoncello



<http://www.ballardcivicorchestra.org> / <http://www.youngstringsprojectoutreach.com/>

<https://www.cascadeconducting.com/>

### UNIVERSITY EDUCATION

-2015 Opera Lecture Series with Speight Jenkins, General Director of Seattle Opera, Emeritus. University of Washington, U.S

2013 Master of Education, Guadalajara Autonomous University. Mexico

- 2011 Postgraduate Work, "Educational Models in Spain and Europe." Nebrija University, Madrid, Spain

- 2010 Bachelor of Music with concentration in Violoncello. Recognized as "Outstanding Student" by the Department of Music, Guadalajara University. Mexico

- 2007 Bachelor of Education with specialization in Educational Psychology, "Escuela Normal Superior de Jalisco", Mexico

## CONDUCTING EDUCATION

- 2018 New England Conservatory, Conducting Simposio
- 2018 Cascade Conducting Workshop at Pacific Lutheran University, Maestra Sarah Ioannides. Tacoma, Washington, US
- 2017 International Conductors Institute Vienna, Maestro Jorg Birhance and the Zacatecas Chamber Orchestra. Mexico
- 2016 Medomak Retreat, Maestro Kenneth Kiesler, U.S
- 2015 National Conducting Workshop, Maestros Kenneth Kiesler and Alondra de la Parra. Mexico
- 2014 and 2015 International Conducting Institute, Maestros Kirk Trevor and Diane Wittry, New York, U.S
- 2014 University of Oregon Orchestral Conducting Institute, Maestros Neil Varon and Dr. David Jacobs, U.S
- 2013 Certificate of Conducting, Mexico Department of Culture, Maestro Angel Luis Perez Garrido (Eurochestries) CONACULTA
- 2013 National Course for Conducting, Maestro Fernando Ávila Navarro, Xalapa, Veracruz, México
- 2011-2013 Conducting Workshops, Maestro Gamaliel Cano, Guadalajara Autonomous University, Mexico
- 2012 National Training Workshop for Conductors of Youth Orchestras, modules I, II and III, Maestro Guillermo Salvador, CONACULTA, México
- 2012 Youth Choral Workshop, Maestra Sanna Valvanne, University Panamericana, 8th International Festival Cedros-UP, Mexico
- 2010-2012 Methodology Workshops in oboe, woodwinds, brass, strings, and percussions, CONACULTA, México

- 2010 and 2012 Workshops for Youth Orchestras, Maestra Susan Siman (El Sistema, Venezuela) University Panamericana, 7th and 8th International Festival Cedros-UP, Mexico

## **CONDUCTING EXPERIENCE**

- 2018 Conductor, Chinook Double Wind Quintet, Seattle, WA, US
- 2016 -2018 Music Director and Conductor, Ballard Civic Orchestra. Seattle, WA U.S
- 2014- 2018 Music Director and Conductor, Seattle World Youth Orchestra, U.S
- 2013 Carlos Chávez Orchestra, Mexico City
- 2010-2013 Music Director and Conductor, Youth Orchestra and Pedro Bocotán Orchestra, Guadalajara Autonomous University, Mexico
- 2013 Regional Conference of Orchestras, Bands and Choirs. Youth of West Central Guanajuato, Mexico
- 2013 Chamber Orchestra of Xalapa, Mexico
- 2012 Orchestra Meritorious University of Puebla, Mexico
- 2012 Youth Orchestra of Los Cabos and Symphonic Band of La Paz, Baja California. Mexico
- 2011-2012 Metropolitan Orchestra, Jalisco, Mexico

## **WORK EXPERIENCE**

-2018 Cascade Conducting Co-Founder

-2014 2017 Young Strings Project Outreach, Non profit Organization. Artistic Director, WA, U.S

- 2014-2015 Seattle Music Partners, Teaching Artist, U.S

- 2013 Music Teacher, Camp Elevare.org, (non-profit association: seeking social integration through music, supporting the economically disadvantaged) Mexico
- 2010 - 2013 University Autonomous of Guadalajara, Member, Curriculum Committee and Professor, Education, Violoncello; and Conductor. Mexico
- 2008-2013 Cellist, Chamber Orchestra, "Blas Galindo," Maestro Guillermo Salvador, Mexico
- 2002-2013 Cellist, Chamber Orchestra of the Ministry of Education. Jalisco, Mexico
- 2001-2008. Cellist and Co-principal, Zapopan Symphony Orchestra. Mexico
- 2005 - 2007 Cellist, University of Guadalajara Theater Company. Mexico
- 2001-2002 Professor of Music and Conductor of Youth Choir, Urban Public Schools 234, Venustiano Llamas, Mexico

### **Honors, Awards & Grants**

- 2016, 2017 & 2018 Neighborhood Matching Fund grants, Ballard Civic Orchestra
- 2016 & 2018 4Culture grants, City of Seattle and City of Bellevue, Ballard Civic Orchestra
- 2015-2018 Youth Arts grants, Office of Arts & Culture, World Youth Orchestra
- 2017 Seattle Latin Music Special Award (Univision), "Premio del Consejo Directivo "
- 2017 & 2014 Latino Community Fund of Seattle
- 2016, 2017 & 2018 D'Addario Foundation grants, World Youth Orchestra
- 2016 & 2017 Seattle Peoples Fund grants,

### **Media**

Ballard Civic Orchestra Bibliography 2018 Seattle Weekly, Ballard Civic Orchestra Gives Seattle a Latinx Orchestral Voice

<http://www.seattleweekly.com/arts/ballard-civic-orchestra-gives-seattle-a-latinorchestra-l-voice/>

2018 KSTX Texas Public Radio, FRONTERAS, Latina Conductor Strikes Chord,  
<http://tpr.org/term/paula-nava-madrigal> 2017 KCTS 9 Documentary, Finding Harmony:  
Meet the Latina Conductor Breaking Barriers with Music

<https://kcts9.org/programs/borders-heritage/finding-harmony-meet-latinaconductor-breaking-boundaries-music> Professional Affiliations 2016-2018 National Association of Latino Arts and Cultures 2017-18 Sigma Alpha Lota, International Classical Music Fraternity

## **VIDEOS**

1. Conducting Compilation

<https://youtu.be/jrgVHmZJX9s>

2. Beethoven 5th Symphony I movement

<https://www.youtube.com/watch?v=BWMRjr3WyQo>

3. Brahms Symphony 4th IV movement

<https://www.youtube.com/watch?v=qzFPRkOMdO0>

4. Mozart

<https://youtu.be/XCdiAwu0P3g>

# Seattle Music Commission

21 Members: Pursuant to *Ordinance 124422*, all members subject to City Council confirmation, 3-year terms:

- 10 City Council-appointed
- 11 Mayor-appointed

## Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	F	1	1.	Commissioner	Joleen Winther Hughes	9/1/20	8/31/23	2	Mayor
6	F	5	2.	Commissioner	Sue Ennis	9/1/20	8/31/23	2	City Council
			3.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		Mayor
			4.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		City Council
			5.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		Mayor
			6.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		City Council
2	M	5	7.	Commissioner	Terry D. Morgan	9/1/21	8/31/24	2	Mayor
6	M	3	8.	Commissioner	Jerry Everard	9/1/18	8/31/21	2	City Council
3	F	6	9.	Commissioner	Paula Olivia Nava Madrigal	9/1/21	8/31/24	2	Mayor
2	F	3	10.	Vice Chair	Sharlese J. Metcalf	9/1/18	8/31/21	2	City Council
3	F	3	11.	Commissioner	Judi Rafaela Martinez	9/1/21	8/31/24	2	Mayor
1	F	2	12.	Chair	Reese Tanimura	9/1/18	8/31/21	2	City Council
2	M	2	13.	Commissioner	Benjamin N. Hunter	9/1/18	8/31/21	2	Mayor
1	M	7	14.	Commissioner	Nate Omdal	9/1/18	8/31/21	1	City Council
			15.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
			16.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		City Council
			17.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
1	M	2	18.	Commissioner	Daniel D. Pak	9/1/19	8/31/22	2	City Council
			19.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
			20.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		City Council
			21.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor

## SELF-IDENTIFIED DIVERSITY CHART

	SELF-IDENTIFIED DIVERSITY CHART				(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	2	3				2	2			1			
Council	3	3			3	1				2			
Other													
<b>Total</b>	<b>5</b>	<b>6</b>			<b>3</b>	<b>3</b>	<b>2</b>			<b>3</b>			

## Key:

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  - RD Residential Council District number 1 through 7 or N/A
- Diversity information is self-identified and voluntary.*



Legislation Text

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**File #:** Appt 01934, **Version:** 1

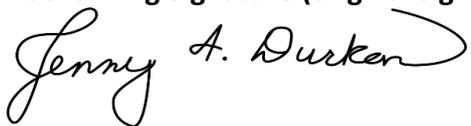
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Reappointment of Judi Rafaela Martinez as member, Seattle Music Commission, for a term to August 31, 2024.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> <i>Judi Rafaela Martinez (a.k.a. Kitty Wu)</i>		
<b>Board/Commission Name:</b> <i>Seattle Music Commission</i>		<b>Position Title:</b> <i>Member</i>
<input type="checkbox"/> Appointment OR <input checked="" type="checkbox"/> Reappointment		<b>Council Confirmation required?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	<b>Date Appointed:</b> 5/12/2021	<b>Term of Position: *</b> 9/1/2021 to 8/31/2024  <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> <i>Ballard</i>	<b>Zip Code:</b> <i>98107</i>	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> <p>Judi Martinez (a.k.a. Kitty Wu), is co-director of 206 Zulu, a non-profit organization that utilizes hip hop culture and arts as an outlet for community empowerment, education and social change.</p> <p>Established in 2004, 206 Zulu has produced many events, workshops, festivals, galleries, parades, youth programs, charity events and media programs throughout the Seattle/King County metropolitan area. In 2009, 206 Zulu became an anchor partner of the historic <a href="#">Washington Hall</a>, a venue and community space that has been a hub for notable artists, musicians, activists and communities of color for 110 years, helping to manage the daily operations of the building, providing valuable space for events, programs, and community functions in the rapidly changing Central District.</p> <p>Kitty Wu has worked with notable local hip hop artists, including as manager of Khingz and in public relations for Shabazz Palaces. She is a co-producer of The Coolout Network, a music program that began airing on Seattle Public Access Television in 1991 to showcase Seattle’s hip hop scene.</p>		
<b>Authorizing Signature (original signature):</b> 		<b>Appointing Signatory:</b> <i>Jenny A. Durkan</i> <i>Mayor, City of Seattle</i>

\*Term begin and end date is fixed and tied to the position and not the appointment date.

# Judi Rafaela Martinez



## Skills & Qualifications

Versatile, highly successful marketing and promotions administrator with broad experience in music & arts administration as well as project management. Personable and enthusiastic community leader with strong work ethic, adept at working with diverse communities. Successful collaborator in a wide range of events including: one-offs, monthlies, retreats, benefits, art shows and festivals.

## Professional Experience

### **Booking, Folklife Festival; Seattle, WA** **2007-present**

Scheduling the Vera Project/206 Zulu Hip Hop stage at the Northwest's largest free community festival. Review & evaluate artist submissions.

### **Mainstage Media Escort, One Reel; Seattle, WA** **2005-present**

Responsible for handling media for A-list artists at Bumbershoot, Seattle's premier music & arts festival. Arrange interviews with national & regional press in a high volume, energetic environment. Facilitate photo/video access to artists for all shows at Key Arena.

### **Co-Assistant Director, 206 Zulu; Seattle, WA** **2003-present**

Designated point person for Washington Hall. Create and manage annual budget & prepare quarterly & annual reports for CPA. Negotiate contracts for artist performances and venue rentals for one-offs, monthlies & annual events. Project manager & preservationist for art & history exhibits including Our Story (Vera Project), Dia de los Muertos Hip Hop altar (El Centro de la Raza) & the Northwest Hip Hop Museum (Washington Hall).

### **Office Manager, Geise Architects; Seattle, WA** **2000-2003**

Responsible for the daily operations of a 6 person architectural firm. Worked closely with principals to maintain high level of communication with all project heads. Coordinated meetings with clients, principals, bookkeeper, contractors & CPA. Produced weekly, monthly & annual reports; including overhead expenses, labor analysis, charge-offs, AP & AR.

### **Office/Project Manager, Graphic Display; Seattle, WA** **1989-1995 & 1999**

Managed daily business for family owned sign company serving the west coast & Alaska. Client list included Port of Seattle, SeaTac Airport, Safeway, Trader Joes. Brought back as Project Manager for the 1999 Seafirst/Bank of America signage change-out contract.

## Education

University of Washington, Architecture and Women's Studies	1996-1999
Seattle Central Community College, AA Program	1994-1996

# Judi Rafaela Martinez

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Alias: Kitty Wu

[REDACTED]

## Artist & Album Support

**Khingz** *From Slaveships to Spaceships LP*  
**Shabazz Palaces** *Of Light /Shabazz Palaces EPs*

## Community Building

*Board Member, The Vera Project*  
*Bruce Lee Community Garden, University of Washington*  
*Engage Seattle, Mayor's Office of Arts & Cultural Affairs*  
*Floor Manager, Hip Hop 101 Television SCAN 29/77*  
*Producer, Coolout Network Television SCAN 29/77*  
*Speaker, Rain City Rock Camp*

## Community Programming

206 Zulu  
Bumbershoot  
Coolout Network  
Dope Emporium  
Festival Sundiata  
Folklife Festival  
Hip Hop 101  
Umojafest

## Venue & Contract Experience

Capitol Hill Block Party  
Chop Suey  
The Contour  
The Crocodile  
Experience Music Project (EMP/SFM)  
Hugo House  
Intiman Playhouse  
Key Arena  
Memorial Stadium  
Nectar  
Neumos  
Seattle Center  
The Vera Project

# Seattle Music Commission

21 Members: Pursuant to Ordinance 124422, all members subject to City Council confirmation, 3-year terms:

- 10 City Council-appointed
- 11 Mayor-appointed

## Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
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			3.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		Mayor
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			16.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		City Council
			17.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
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			19.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
			20.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		City Council
			21.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor

### SELF-IDENTIFIED DIVERSITY CHART

	(1)		(2)		(3)		(4)		(5)		(6)		(7)		(8)		(9)	
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial					
Mayor	2	3				2	2			1								
Council	3	3			3	1				2								
Other																		
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Legislation Text

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**File #:** Appt 01935, **Version:** 1

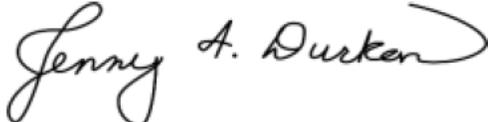
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Reappointment of Terry D. Morgan as member, Seattle Music Commission, for a term to August 31, 2024.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Terry D. Morgan		
<b>Board/Commission Name:</b> Seattle Music Commission		<b>Position Title:</b> Member
<input type="checkbox"/> Appointment <b>OR</b> <input checked="" type="checkbox"/> Reappointment		<b>Council Confirmation required?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> Council <input checked="" type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>	<b>Date Appointed:</b> 5/12/2021	<b>Term of Position: *</b> 9/1/2021 to 8/31/2024  <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> Lake Forest Park	<b>Zip Code:</b> 98155	<b>Contact Phone No.:</b> [REDACTED]
<p><b>Background:</b></p> <p>Terry Morgan has a strong working relationship with the international arts community. He started his career in Music and African American Studies. This love of culture and performance inspired him to start a production company and produce events celebrating the arts, while also developing a career as a professional musician.</p> <p>Terry is the founder and president of <a href="#">Modern Enterprises, LLC</a>. He has served clients since 1979 providing talent, production, and technical services for cities, corporate clients and civic occasions. These nearly 40 years of experience include special event design, venue management, artist booking and promotion, public relations and fundraising. Terry's experience as a performing musician has strengthened Modern Enterprises' service of booking talent and designing sound environments for events. Clients include Microsoft, Cirque Du Soleil, Nordstrom, Seattle Children's Hospital, Chateau Ste Michelle, the Museum of Flight, The National Governor's Association, Pacific Place, University Village, Seattle Magazine, The Stillaguamish Tribe, and the Downtown Seattle Association.</p> <p>Terry continues to expand his service realm throughout the US and Canada, developing events and performance experiences for major national clients and international touring artists. Closest to his heart, though, is his role as manager and bass player for Martez Music recording artist <a href="#">LeRoy Bell and His Only Friends</a>.</p>		
<b>Authorizing Signature (original signature):</b> 		<b>Appointing Signatory:</b> Jenny A. Durkan Mayor, City of Seattle

\*Term begin and end date is fixed and tied to the position and not the appointment date.



## **Modern Enterprises LLC** **Artists & Event Management Specialists**

As the most successful minority owned event Production Company in Washington State, Modern Enterprises LLC has served clients since 1979 providing talent, production, and technical services for cities, corporate clients and civic occasions. Our impressive track record speaks for itself in the broad diversity of projects that we have had the pleasure to create, or produce.

Having a strong working relationship with the international arts community, we provide the greatest talent and production resource data bank based upon first hand information.

Over 38 years of experience in special event design, venue management, artist booking and promotion, public relations, and fund raising, makes Modern Enterprises LLC one of the most creative and innovative event planning teams. Our client list includes Microsoft, The City of Redmond ,Cirque Du Soleil, Nordstrom, Children’s Hospital, Chateau Ste Michelle, the Museum of Flight, The National Governor’s Association, Pacific Place, University Village, Seattle Magazine, The Stillaguamish Tribe and the Downtown Seattle Association.

Honored to be selected as a finalist (**Minority Small Business of the Year 2015**) for the King County Executive’s Small Business Awards and the recipient in 1992 of King County's "Celebrate Success", **OUTSTANDING SERVICE AWARD**. Modern Enterprises LLC continues to expand its service realm throughout the U.S and Canada, developing projects and performance venues for major national clients and international touring performing artists.

**Modern Enterprises LLC**  
**P.O. Box 25009 Seattle, WA USA 98165**  
[modern2@mindspring.com](mailto:modern2@mindspring.com)  
**206-417-0777 206-417-8177 fax**

# Seattle Music Commission

21 Members: Pursuant to *Ordinance 124422*, all members subject to City Council confirmation, 3-year terms:

- 10 City Council-appointed
- 11 Mayor-appointed

## Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
6	F	1	1.	Commissioner	Joleen Winther Hughes	9/1/20	8/31/23	2	Mayor
6	F	5	2.	Commissioner	Sue Ennis	9/1/20	8/31/23	2	City Council
			3.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		Mayor
			4.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		City Council
			5.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		Mayor
			6.	Commissioner	<i>vacant</i>	9/1/20	8/31/23		City Council
2	M	5	7.	Commissioner	Terry D. Morgan	9/1/21	8/31/24	2	Mayor
6	M	3	8.	Commissioner	Jerry Everard	9/1/18	8/31/21	2	City Council
3	F	6	9.	Commissioner	Paula Olivia Nava Madrigal	9/1/21	8/31/24	2	Mayor
2	F	3	10.	Vice Chair	Sharlese J. Metcalf	9/1/18	8/31/21	2	City Council
3	F	3	11.	Commissioner	Judi Rafaela Martinez	9/1/21	8/31/24	2	Mayor
1	F	2	12.	Chair	Reese Tanimura	9/1/18	8/31/21	2	City Council
2	M	2	13.	Commissioner	Benjamin N. Hunter	9/1/18	8/31/21	2	Mayor
1	M	7	14.	Commissioner	Nate Omdal	9/1/18	8/31/21	1	City Council
			15.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
			16.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		City Council
			17.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
1	M	2	18.	Commissioner	Daniel D. Pak	9/1/19	8/31/22	2	City Council
			19.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor
			20.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		City Council
			21.	Commissioner	<i>vacant</i>	9/1/19	8/31/22		Mayor

### SELF-IDENTIFIED DIVERSITY CHART

	SELF-IDENTIFIED DIVERSITY CHART				(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
<b>Mayor</b>	2	3				2	2			1			
<b>Council</b>	3	3			3	1				2			
<b>Other</b>													
<b>Total</b>	5	6			3	3	2			3			

### Key:

- \*D List the corresponding *Diversity Chart* number (1 through 9)
  - \*\*G List *gender identity*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown
  - RD Residential Council District number 1 through 7 or N/A
- Diversity information is self-identified and voluntary.*



Legislation Text

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**File #:** Appt 01945, **Version:** 1

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Appointment of Rory O’Sullivan as member, Districting Commission.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Rory O'Sullivan		
<b>Board/Commission Name:</b> Districting Commission		<b>Position Title:</b> Member
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment	<b>City Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other:	<b>Term of Position: *</b> City Council Confirmation to N/A  <input type="checkbox"/> Serving remaining term of a vacant position	
<b>Residential Neighborhood:</b> Columbia City	<b>Zip Code:</b> 98118	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> Rory O'Sullivan is an Administrative Law Judge with the Washington State Office of Administrative Hearings and an attorney who has worked to protect and advance civil right throughout his career. In addition, Rory has focused his advocacy and activism on ensuring that democratic and electoral systems are fair and effective. In 2003, he helped found the nonprofit organization Washington Public Campaigns, which is now known as Fix Democracy First, and in 2015, he was one of the authors of the initiative that created Seattle's innovative democracy voucher program. Rory earned a bachelor's degree from the University of Washington and a Juris Doctorate from Georgetown University School of Law.		
<b>Authorizing Signature (original signature):</b>   <b>Date Signed (appointed):</b> June 2, 2021	<b>Appointing Signatory:</b> M. Lorena González Council President   Position 9	

\*Term begin and end date is fixed and tied to the position and not the appointment date.

# Rory O'Sullivan

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## Work Experience

### **ASSOCIATE ATTORNEY | BLOOM LAW PLLC | MAY 2019 TO PRESENT**

- Lead investigation and litigation of employment law cases, including assistance with a Zoom jury trial
- Draft pleadings and public records requests, prepare discovery
- Automating the client intake and document preparation process

### **DIRECTOR, STUDENT LEGAL SERVICES | UW | MAY 2017 TO APRIL 2020**

- Managed a staff of twelve employees and provided legal advice and representation to UW students
- Implemented cloud-based case management system and online intake process

### **MANAGING ATTORNEY | KCBA HOUSING JUSTICE PROJECT | OCTOBER 2011 TO MAY 2017**

- Managed a staff of six employees and more than 100 volunteers while also guiding KCBA policy initiatives relating to housing and initiative reform
- Appeared in court on hundreds of eviction cases including appellate advocacy

### **STAFF ATTORNEY | NORTHWEST JUSTICE PROJECT | SEPTEMBER 2007 TO OCTOBER 2011**

- Helped develop Northwest Justice Project's foreclosure crisis response

### **CAMPAIGN MANAGER | STATE REPRESENTATIVE BROCK JACKLEY | APRIL 2002 TO NOVEMBER 2002**

- Fundraising, canvassing, scheduling, and volunteer coordination

### **LEGISLATIVE ASSISTANT | CONGRESSMAN JIM MCDERMOTT | JULY 2001 TO APRIL 2002**

- Drafted legislation, prepared speeches, attended hearings and bill markups

## Education

### **JURIS DOCTOR | GEORGETOWN UNIVERSITY SCHOOL OF LAW | MAY 2006**

- Georgetown Moot Court Team: Jessup Semi-finalist, Leahy Semi-finalist
- Editor-in-Chief: Eyes on the ICC (International Criminal Court)

### **BACHELOR OF SCIENCE AND BACHELOR OF ARTS | UNIVERSITY OF WASHINGTON | JUNE 2001**

- Bachelor of Science, magna cum laude, with honors: Economics
- Bachelor of Arts, magna cum laude: International Studies
- Deans List, phi beta kappa, merit scholarships

# Districting Commission

5 Members: Pursuant to the City Charter Amendment No. 19; 2 members subject to City Council confirmation; for a term ending upon the adoption of a new Council District plan:

- 2 City Council-appointed
- 2 Mayor-appointed
- 1 Commission-appointed

## Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
3	M	1	1.	Member	Eliseo Juarez	City Council Confirmation	N/A	1	City Council
6	M	2	2.	Member	Rory O’Sullivan	City Council Confirmation	N/A	1	City Council
			3.						Mayor
			4.						Mayor
			5.						Commission

## SELF-IDENTIFIED DIVERSITY CHART

	<div style="display: flex; justify-content: space-around; font-weight: bold;"> <span>(1)</span> <span>(2)</span> <span>(3)</span> <span>(4)</span> <span>(5)</span> <span>(6)</span> <span>(7)</span> <span>(8)</span> <span>(9)</span> </div>												
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor													
Council	2						1			1			
Other													
<b>Total</b>	<b>2</b>						<b>1</b>			<b>1</b>			

## Key:

**\*D** List the corresponding *Diversity Chart* number (1 through 9)

**\*\*G** List *gender*, **M**= Male, **F**= Female, **T**= Transgender, **NB**= Non-Binary **O**= Other **U**= Unknown

**RD** Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



Legislation Text

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**File #:** Appt 01946, **Version:** 1

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Appointment of Eliseo Juarez as member, Districting Commission.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> Eliseo Juarez		
<b>Board/Commission Name:</b> Districting Commission		<b>Position Title:</b> Member
<input checked="" type="checkbox"/> Appointment OR <input type="checkbox"/> Reappointment	<b>City Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other:	<b>Term of Position: *</b> City Council Confirmation to N/A  <input type="checkbox"/> Serving remaining term of a vacant position	
<b>Residential Neighborhood:</b> Westwood	<b>Zip Code:</b> 98106	<b>Contact Phone No.:</b> [REDACTED]
<b>Background:</b> Eliseo (EJ) Juarez has dedicated his career to shaping systems and policies that allow for reflective democracy and maximum participation in governance. Eliseo has led stakeholder teams to create policy and rulemaking in the private and public sector, including in his current role as Public Policy Manager for the Group Health Foundation. Previously, he has managed processes that drafted complex proposals with community input in his roles with Solid Ground and United for Fair Representation. He has also served, by Gubernatorial appointment, on the Commission on Judicial Conduct and the Commission on Hispanic Affairs. Eliseo has a bachelor's degree from Saint Martin's University and a master's degree from the University of Washington – Bothell, where his research focus was in Civic Representation and Electoral Participation.		
<b>Authorizing Signature (original signature):</b>  <b>Date Signed (appointed):</b> June 2, 2021	<b>Appointing Signatory:</b> M. Lorena González Council President   Position 9	

\*Term begin and end date is fixed and tied to the position and not the appointment date.

# ELISEO (EJ) JUÁREZ

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## CAREER SUMMARY

Recognized expert for inclusion and policy within non-profit agencies and political organizations. Has applied skill set across the non-profit, public, and political sectors for the past 10 years in cities across western US. Consistent “utility player” across the region helping guide institutions to mission driven government relations success. Frequent consultant, lecturer, and speaker on coalition building, and community centered-government relations. Fervent passion for access, equity and public institutions working to change systems and minds towards inclusion through policy and power building.

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## CORE COMPETENCIES

- **Gifted communicator.** Strong writer, presenter, trainer and public speaker; communications talent put to work in equity trainings, policy development, and broad organization-based coalition management.
  - **Engagement and outreach specialist.** Authentic community engagement has been a career staple. In campaigns, local government, and non-profits, has built a diverse range of stakeholders on various projects and policy goals.
  - **Talented strategist.** Experience across Washington across various non-profit and institutional settings provides me deep experience in managing institutions through systems change and strategic planning.
  - **Skilled manager.** Passion for building relationships through systems and creating structures and policies that build on shared strengths and move teams and departments into meaningful change.
- 

## PROFESSIONAL EXPERIENCE

### PHILANTHROPY

#### **Public Policy Manager**

*Group Health Foundation (Pacific Northwest), Feb 2019-Present*

- Member of the Senior Management team reporting to the CEO.
- Lead Public Affairs Department with 8 government relations and policy members.
- Lead Home Region Grant Portfolio focused on Black, Indigenous, People of Color, and LGBTQ communities across the Northwest.
- Manage organizational planning process to set the Foundation’s public policy priorities and government relations strategies in WA, OR, ID and Federal agenda.
- Prepare research briefs, reports, and presentations for CEO, Board, stakeholders and elected officials.
- Advise the CEO, board of directors, and other team members on the federal, state, and local policy landscape and implications for the Foundation’s goals.
- Cultivate and steward high-level partnerships that have potential to improve health and advance systems level policy change.
- Build Foundation’s network of allies in government, sovereign tribal nations, and non-profit organizations.
- Steward the organization’s compliance, and vetting of people, issues, and finances.

### PUBLIC AGENCY

#### **Community Partnerships & Government Relations Manager**

*The Seattle Public Library (Seattle, WA), October 2017-Feb 2019*

- Recruited, maintained, and grew partnerships to decrease inequity, increase access, and position the agency as a core civic institution in the region.
- Member of the Management team reporting to the Director of Institutional Advancement and Chief Librarian.
- Served as liaison between public institutions, business groups, electeds, and Seattle City Council to advance the financial sustainability and future work of the agency.
- Researched and advanced public policy related to digital equity, health literacy, internet privacy, access, funding, and social services that impact agency operations.
- Advised Executive and Trustees on policy implications for the agency and our business model serving the public.

- Prepared briefing memos/presentations for stakeholders and Executive on trends and policy opportunities for internal and external audiences.
- Planned and executed all-agency All-Agency Conference with keynote, learning and training components for all employees and invited community members.

## MANAGEMENT

### Executive Director

*Amplify- Formerly Progressive Majority (Seattle, WA), April 2014-October 2017*

- Recruited, trained, and helped elect candidates to run for state and municipal public office.
- Supported elected officials in WA, OR, ID, WY, NV, MT, and AZ.
- Maintained average win rate of nearly 70% among non-incumbent candidates, bringing total wins for the organization to 281 elected officials.
- Served as liaison between political institutions, elected officials, and advocacy organizations to coordinate leadership ecosystem and leverage strengths across statewide landscape.
- Conducted trainings sessions in partnership with key issue organizations, with a focus on groups representing communities of color, youth, women and gays and lesbians.
- Led the organization through program changes, including leading organizational assessment.
- Developed multi-year partnerships with national and local organizations.
- Responsible for board and staff management.

## ENGAGEMENT & ANALYSIS

### Community Relations and Development Manager

*SOLID GROUND (Seattle, WA), Sept. 2011-April. 2014*

- Led Advocacy Department's non-profit communications and outreach strategies, including messaging, engagement, strategic planning, stakeholder management, etc.
- Worked across agency as Anti-Racism Initiative (ARI) Steering Committee Chair setting strategic vision on cross-department plans and full agency ARI Action Team.
- Worked within Advocacy program to strengthen networks between government agencies, and allied organizations to the primarily low-income, people of color members.
- Led department's inclusion plan and language access program and served on the interdepartmental cmt. for all direct service programs and administrative departments.
- Managed a grant portfolio with regional and national funders.
- Advocated on behalf of Solid Ground with elected and appointed officials, media, and community partners and represented the agency in public forums related to public policy.

## OUTREACH & STRATEGY

### Central Washington Director

*WIN | WIN NETWORK (Seattle, WA), Dec. 2008-July 2011*

- Managed diverse coalition of non-profits, churches, businesses, and community organizations around local and statewide policy objectives.
- Write, manage and raise \$150,000 501c3 budget and a \$65,000 501c4 budget
- Initiated strategic planning to stabilize newly formed non-profit focused on inclusion at the county and municipal level for policy changes related to a growing immigrant and ethnic population, primarily Latino, Filipino, Native American, and Japanese residents.
- Initiated multiple campaigns aimed at increasing people of color's representation in local government decision making while managing a staff/contractors of up to 22 people.

## INCLUSION IMPLEMENTATION

### Reflective Democracy Campaign

*COALITION PROJECTS (WA, OR, ID, WY, NV, CA and MT)*

- Co-Developed multi-year campaign to increase language limited and ethnically underrepresented communities in local governance structures.
- Created county-wide (Yakima, Franklin) equity agenda for advocates with emphasis on language access, culturally appropriate service standards, and environ. hazard notification.
- Presented workshops on Redistricting process and non-partisan education "tool-kits" for non-profit organizations to inform clients on opportunities to participate and take action.

**CAMPAIGNS &  
RESEARCH**

**Community Coalitions/Organizing (*increasing responsibility/leadership roles, 2008-2014*)**

**STATEWIDE POVERTY ACTION NETWORK & SEIU 1199NW/VARIOUS**

(*Yakima, Walla Walla, Wenatchee, Spokane, Mt. Vernon, Aberdeen, Moses Lake, Federal Way, WA*)

- PowerMapping Analysis for labor unions, community groups, and clients in 8 counties to inform strategy and policy recommendations.
- Listening Session facilitation and recruitment with focus on public assistance program delivery and barriers to access and eligibility.
- “We Count” Campaign Manager; Building multi-platform, in-language outreach campaign for limited English language speaking residents across four WA counties.
- Strategic Planning and Organizational Development consultant for emerging non-profit groups in 9 states, including rural and urban organizations. (2015-present).

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**EDUCATION**

**University of Washington, Bothell, WA**

**Master of Arts: School of Interdisciplinary Arts and Sciences**

**May 2013**

Research Focus: Civic Representation and Electoral Participation

**Saint Martin’s University, Lacey, WA**

**Bachelor of Arts: College of Arts & Sciences**

**May 2008**

Major: Community Services

**Cornell University, Ithaca, NY**

**Project Management Certification**

**In Progress**

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**GUBERNATORIAL APPOINTMENTS**

- *Washington State Commission on Judicial Conduct*, Commissioner; Legislative Committee member.
- *Washington State Commission on Hispanic Affairs*, Commissioner; Executive Team member, Chair; Inclusive and Accountable Government Policy Workgroup.

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**SELECTED COMMUNITY INVOLVEMENT AND LEADERSHIP**

*Current*

- *King County (WA) Citizen’s Elections Oversight Committee*, Vice Chair.
- *Saint Martin’s University National Alumni Board*, Member
- *Win | Win Action*, Board Member

*Past*

- *Washington Low Income Housing Action Fund* Board Member
- *University of Washington- Bothell, School of Interdisciplinary Arts and Sciences*, Board of Directors.
- *Seattle Education Access*, Board of Directors, Governance Committee.
- *Language Access League*; Chair; coalition of Yakima County advocates making policy recommendations to improve services to Lower Yakima County residents (2012).
- *Racial Equity Team*; Executive Committee (2014) Organization of lobbyists of color primarily serving people of color and immigrants, with emphasis on economic, criminal justice, and human services legislation in WA.
- *The Washington Bus*, Board of Directors (2008-2014), Exec. Committee (2011), Organizational Development Chair (2012-2014), Equity Workgroup (2012-2013).
- *Saint Martin’s University Board of Trustees* (2006-2008), Strategic Planning Committee, President’s Campus Development Council.
- *City of Wenatchee*, Arts Commissioner (1998-2003).

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**PROFESSIONAL DEVELOPMENT**

- *Cámbio Organizational and Leadership Development Program*: 2015 Cohort, systems change, organization development, group process, leadership awareness and evaluation.
- *People’s Institute Northwest Training*: An intensive workshop designed to educate, challenge and empower people to “undo” the racist structures that hinder effective social change (2012, 2013, 2016)
- *Western Institute for Leadership Development*: Class of 2010, Graduate (2009-2010), fellowship on inclusive organizing, communication, anti-racism management and project development.

# Districting Commission

5 Members: Pursuant to the City Charter Amendment No. 19; 2 members subject to City Council confirmation; for a term ending upon the adoption of a new Council District plan:

- 2 City Council-appointed
- 2 Mayor-appointed
- 1 Commission-appointed

## Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
3	M	1	1.	Member	Eliseo Juarez	City Council Confirmation	N/A	1	City Council
6	M	2	2.	Member	Rory O’Sullivan	City Council Confirmation	N/A	1	City Council
			3.						Mayor
			4.						Mayor
			5.						Commission

## SELF-IDENTIFIED DIVERSITY CHART

	<div style="display: flex; justify-content: space-around; font-weight: bold;"> <span>(1)</span> <span>(2)</span> <span>(3)</span> <span>(4)</span> <span>(5)</span> <span>(6)</span> <span>(7)</span> <span>(8)</span> <span>(9)</span> </div>												
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non- Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor													
Council	2						1			1			
Other													
Total	2						1			1			

## Key:

\*D List the corresponding *Diversity Chart* number (1 through 9)

\*\*G List *gender*, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*



Legislation Text

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**File #:** Appt 01939, **Version:** 1

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Appointment of Manuela Slye as member, Families, Education, Preschool and Promise Levy Oversight Committee, for a term to December 31, 2023.

The Appointment Packet is provided as an attachment.



# City of Seattle Boards & Commissions Notice of Appointment

<b>Appointee Name:</b> <i>Manuela Slye</i>		
<b>Board/Commission Name:</b> <i>Families Education Preschool and Promise Levy Oversight Committee</i>		<b>Position Title:</b> <i>Member</i>
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>City Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input checked="" type="checkbox"/> City Council <input type="checkbox"/> Mayor <input type="checkbox"/> Other: <i>Fill in appointing authority</i>		<b>Term of Position: *</b> <i>1/1/2021</i> <b>to</b> <i>12/31/2023</i>  <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> <i>West Seattle</i>	<b>Zip Code:</b> <i>98116</i>	<b>Contact Phone No.:</b> 
<b>Background:</b> My lifelong passion is education. and education access for all. I believe we must make sure all children have the best opportunities for the best outcomes. I understand the weight of the committee responsibility to ensure decisions are made with integrity. My experience serving as a parent leaders has taught me the passion and conviction of educators, families and school leaders to serve our students. Our human capital and future of our world deserve our best work. As an educator I deeply understand the charge to support our children to become the best citizens they can by educating and celebrating them. In our current climate, an intentional emphasis must be placed in racial equity to overcome the terrible injustices in our system and to overcome the deep opportunity gap in our city		
<b>Authorizing Signature (original signature):</b>   <b>Date Signed (appointed):</b> <i>5/12/2021</i>		<b>Appointing Signatory:</b> <i>M. Lorena González</i> <i>Seattle City Council President</i>

\*Term begin and end date is fixed and tied to the position and not the appointment date.

## MANUELA SLYE



## CONTACT



## HOBBIES

Traveling  
Marathon running  
Outdoor walks with family

## LANGUAGE PROFICIENCY

English  
Spanish  
French

## EDUCATION

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**North Seattle Community College**  
2008-2010  
Early Childhood Certificate  
4.0 GPA

**Sound Discipline**  
2012  
Positive Discipline Parent Trainer

## WORK EXPERIENCE

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**Cometa Playschool, LLC – Founder and Director**  
Fall 2008 to Present  
Envisioned and created the first Spanish Immersion Preschool in West Seattle. Expanded to a second location in Wallingford in 2012.

**Antioch University – Community Advisor**  
Fall 2018 - Present  
Provide guidance to students in the Education Department. Consult with faculty regarding culturally responsive practices and racial equity.

**Seattle Council PTSA - President**  
Fall 2019 – Present  
Leader of the largest advocacy association in Seattle Public Schools. Represent and elevate the voices of more than 53,000 students and their families. Coordinate the work of a 20-member Council board. Work in collaboration with Treasurer and Assistant Treasurer to create our Council Budget. Successfully connect families to district leadership, school board, public health officials and more.

**Denny International Middle School - PTA Vice President**  
Fall 2017 – Summer 2019  
Supported both parent leadership and school leadership in community building events. Served as parent trainer for the Spanish speaking community regarding student safety and well-being

**John Stanford International School – BLT (Building Leadership Team) ELL Family Representative**  
Fall 2014 – Summer 2017  
Served as a liaison between school PTA and BLT. Promoted better understanding of communities of color unique needs. Created the Spanish Speaking Family Network as a dedicated space for Latinx families.

## AWARDS AND RECOGNITIONS

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**National PTA Race, Equity and Inclusion Advocacy Award**  
2021 - granted to Seattle Council PTSA

**Washington State PTA Golden Acorn Award**  
2020

**Univision/Allstate Latino Community Award**  
2012

**KCTS Exceptional Caregiver Award**  
2010

# Families, Education, Preschool, and Promise Levy Oversight Committee

17 Members: Pursuant to *Ordinance 125604*, 12 members subject to City Council confirmation, *staggered*-year terms:

- 6 City Council-appointed 3-year terms, subject to City Council confirmation
- 6 Mayor-appointed 3-year terms, subject to City Council confirmation
- 5 Other Appointing Authority-appointed (specify): *Ordinance 125604*

## Roster:

*D	**G	RD	Position No.	Position Title	Name	Term Begin Date	Term End Date	Term #	Appointed By
1	F	2	1.	Member	Erin Okuno	1/1/20	12/31/22	1	Council
2	F	2	2.	Member	Princess Shareef	1/1/20	12/31/22	1	Council
9	F	2	3.	Member	Manuela Slye	1/1/21	12/31/23	1	Council
		1	4.	Member	Jennifer Matter	1/1/19	12/31/21	1	Council
2	M	2	5.	Member	Donald Felder	1/1/19	12/31/21	1	Council
2	F	N/A	6.	Member	Kimberly Walker	1/1/19	12/31/20	1	Council
2	F	N/A	7.	Member	Trish Dziko	1/1/19	12/31/21	1	Mayor
		7	8.	Member	Constance Rice	1/1/19	12/31/21	1	Mayor
3	F	N/A	9.	Member	Susan Lee	1/1/19	12/31/22	1	Mayor
			10.	Member		1/1/19	12/31/20	1	Mayor
6	F	4	11.	Member	Stephanie Gardner	1/1/20	12/31/23	1	Mayor
			12.	Member		1/1/19	12/31/20	1	Mayor
6	F	N/A	13.	Mayor	Jenny Durkan	N/A	N/A	1	Ordinance 125604
3	F	N/A	14.	Governance and Education Committee	Lorena Gonzalez	N/A	N/A	1	Ordinance 125604
4	F	N/A	15.	School District Superintendent	Denise Juneau	N/A	N/A	1	Ordinance 125604
			16.	School District Board Member	Leslie Harris	N/A	N/A	1	Ordinance 125604
1	M	5	17.	Chancellor of Seattle Colleges	Shouan Pan	N/A	N/A	1	Ordinance 125604

## SELF-IDENTIFIED DIVERSITY CHART

	SELF-IDENTIFIED DIVERSITY CHART				(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	Male	Female	Transgender	NB/ O/ U	Asian	Black/ African American	Hispanic/ Latino	American Indian/ Alaska Native	Other	Caucasian/ Non-Hispanic	Pacific Islander	Middle Eastern	Multiracial
Mayor	0	1				2	1			1			
Council	2	3			1	2	1						1
Other	2	3			1		1	1		2			
<b>Total</b>	<b>4</b>	<b>7</b>			<b>2</b>	<b>4</b>	<b>3</b>	<b>1</b>		<b>3</b>			<b>1</b>

### Key:

\*D List the corresponding *Diversity Chart* number (1 through 9)

\*\*G List gender, M= Male, F= Female, T= Transgender, NB= Non-Binary O= Other U= Unknown

RD Residential Council District number 1 through 7 or N/A

*Diversity information is self-identified and is voluntary.*