

May 10, 2018

MEMORANDUM

To: Civic Development, Public Assets, and Native Communities Committee
From: Eric McConaghy, Council Central Staff
Subject: Amendment to Waterfront LID Intent to Form Resolution – RES 31812

Background

On May 2, the Civic Development, Public Assets, and Native Communities Committee (Committee) received a briefing on [Resolution 31812](#) (RES 31812). This resolution declares the Council's intent to order the construction of 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.

RES 31812 also notifies all persons who desire to object to such improvements to appear and present their objections at scheduled public hearings and directs the City Clerk to give notice of the adoption of the resolution, information about the proposed LID, and notice of the hearings to potentially affected property owners.

During the discussion on May 2, the Chair of the Committee, Councilmember Juarez, directed Central Staff to compose an amendment to Resolution 31812 stating that the Council's quasi-judicial rules would start to be in effect for the consideration of the Waterfront LID as of the date of the first public hearing on the Waterfront LID.

Effect of Amendment

The [City Council Rules for Quasi-Judicial Proceedings](#) (QJ rules) define "Quasi-judicial action" or "quasi-judicial matter" as "an action of the City Council that determines the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding."

If the Committee adopts the amendment, then the Council's QJ rules would be in effect as of July 13, 2018, the first day of public hearings, and would stay in effect until the final termination of all judicial appeals of the Council decision in the matter of the final assessment roll for the Waterfront LID.

While the LID is pending as a quasi-judicial action before Council, no member of the City Council may engage in an ex parte communication. What this means is that a Councilmember may not have any direct or indirect communication with a proponent, opponent, or party of record about the merits of a particular assessment outside a Council hearing or meeting considering the Waterfront LID.

The requested amendment is incorporated in the substitute version of the Resolution attached (Attachment A) to this memorandum. As well, the title is updated to correspond to the amendment, sections are renumbered and various minor grammatical edits are included. The new title and section dealing with the QJ rules that are shown below; a double underline indicates language added and a ~~strike through~~ indicates language deleted:

CITY OF SEATTLE

RESOLUTION _____

..title

A RESOLUTION declaring the intention of the City Council of The City of Seattle to order the construction of the Seattle Central Waterfront Improvement Program, and to create a local improvement district to assess a part of the cost and expense of both carrying out certain of those improvements against the properties specially benefited thereby, ~~and~~ notifying all persons who desire to object to such improvements to appear and present their objections, and establishing July 13, 2018 as the date the Council's consideration of the Waterfront Local Improvement District becomes a pending quasi-judicial proceeding.

..body

Section 5. Application of the City Council's Rules for Quasi-Judicial Proceedings. Notwithstanding provisions relating to matters becoming pending in the City Council's Rules for Quasi-judicial Proceedings, July 13, 2018 shall be the date the Council's consideration of the LID Improvements becomes a pending quasi-judicial proceeding.

Next Steps

The Committee is expected to discuss RES 31812, the amendment described in this memorandum, and possibly take action to substitute the resolution and take action on it during the meeting on May 16.

Attachment

Attachment A – Substitute version of Resolution 31812

cc: Kirstan Arestad, Central Staff Director
Ketil Freeman, Supervising Analyst