

January 25, 2019

## MEMORANDUM

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

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

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

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

### Attachments:

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

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

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

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

**Council Briefings: Civic Development, Public Assets and Native Communities**

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

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

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

December 20, 2018 – January 17, 2019

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

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

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

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

November 6 – 15, 2018

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

<b>Meeting Date</b>	<b>Councilmember</b>
11/15/2018	CM Sawant's staff
11/6/2018	CM Gonzalez
11/6/2018	CM Bagshaw
11/6/2018	CM Mosqueda
11/6/2018	CM O'Brien/CM Johnson

July 27 – August 16, 2018

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

<b>Meeting Date</b>	<b>Councilmember</b>
8/16/2018	CM O'Brien
8/2/2018	CM Juarez & CM Bagshaw
7/27/2018	CM O'Brien/CM Johnson

Attachment 2: Disclosure of personal correspondence to Councilmember Johnson

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

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

Rob

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

ROB