



CITY OF SEATTLE

City Council

Agenda

Monday, June 8, 2020

2:00 PM

Remote Meeting. Call listen line at 206-684-8566 or access 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

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Council Chamber Listen Line: 206-684-8566

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CITY OF SEATTLE

City Council Agenda

June 8, 2020 - 2:00 PM

Meeting Location:

Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.

Committee Website:

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

In-person attendance is currently prohibited per Washington State Governor's Proclamation No. 20-28.4 until June 17, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

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

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 206-684-8566

A. CALL TO ORDER

B. ROLL CALL

C. PRESENTATIONS**D. APPROVAL OF THE JOURNAL**

[Min 284](#) June 1, 2020

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 258](#) June 8, 2020

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 119801](#) AN ORDINANCE appropriating money to pay certain audited claims for the week of May 25, 2020 through May 29, 2020 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 119799](#) AN ORDINANCE relating to gig workers in Seattle; establishing labor standards requirements for premium pay for gig workers working in Seattle; amending Sections 3.02.125 and 6.208.020 of the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Supporting**Documents:**

[Summary and Fiscal Note](#)

[Central Staff Memo](#)

[Proposed Substitute](#)

2. [CB 119779](#) AN ORDINANCE establishing a new University District Parking and Business Improvement Area (BIA); levying special assessments upon owners of commercial, multifamily residential property, and mixed-use property within the BIA; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a BIA Advisory Board; providing for an implementation agreement with a Program Manager; providing for the continuity of services and the transfer of any remaining funds from the current U. District BIA account that was established in 2015 by Ordinance 124761; and ratifying and confirming certain acts related thereto.

The Council Bill (CB) was discussed.

Attachments: [Ex A - University District Business Improvement Area](#)

Supporting**Documents:**

[Summary and Fiscal Note](#)

[Summary Att A - U District BIA Benefit Analysis](#)

[Proposed Amendment 1](#)

[Proposed Amendment 2](#)

J. ADOPTION OF OTHER RESOLUTIONS

3. [Res 31947](#) A RESOLUTION relating to committee structure, membership, meeting times, and duties of the standing committees of the Seattle City Council for 2020 and 2021; allowing for suspension of standing committee meetings for consideration of a Revised 2020 Budget due to the COVID-19 Emergency declared March 3, 2020; and superseding Resolution 31922.

**Supporting
Documents:**

[Summary and Fiscal Note](#)

K. OTHER BUSINESS

L. ADJOURNMENT



Legislation Text

File #: Min 284, **Version:** 1

June 1, 2020

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, June 1, 2020

2:00 PM

Public Hearing

Remote Meeting. Call listen line at 206-684-8566 or access 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

In-person attendance is currently prohibited per the Washington Governor's Proclamation No. 20-28.4 until June 17, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

A. CALL TO ORDER

The City Council of The City of Seattle met remotely pursuant to Washington State Governor's Proclamation 20-28.4 and guidance provided by the Attorney General's Office, on June 1, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:00 p.m., with Council President González presiding.

B. ROLL CALL

The following Councilmembers were present and participating electronically:

Present: 8 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Late Arrival: 1 - Herbold

By unanimous consent, the Council Rules were suspended to allow Councilmembers to participate and vote at City Council and Committee meetings by electronic means through June 17, 2020.

C. PRESENTATIONS

There were none.

D. APPROVAL OF THE JOURNAL

[Min 283](#)

May 26, 2020

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

In Favor: 8 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 257](#)

June 1, 2020

Motion was made, duly seconded and carried, to adopt the proposed Introduction and Referral Calendar (IRC) by the following vote:

In Favor: 8 - González , Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

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.

Gage Clark addressed the Council regarding a non-Agenda item.

Councilmember Herbold joined the meeting at 2:11 p.m.

Shannon Mayo addressed the Council regarding a non-Agenda item.

Sujatha Ramni addressed the Council regarding a non-Agenda item.

Zakaria Jarato addressed the Council regarding Agenda item 2, Council Bill 119793.

Tina Sigurdson addressed the Council regarding Agenda item 2, Council Bill 119793.

Anna Zivarts addressed the Council regarding Agenda item 2, Council Bill 119793.

Allyson McDonough addressed the Council regarding a non-Agenda item.

Jessica Scalzo addressed the Council regarding a non-Agenda item.

Jamal Jara addressed the Council regarding Agenda item 2, Council Bill 119793.

Abdi Noor Mohames addressed the Council regarding Agenda item 2, Council Bill 119793.

Arron Iacolucci addressed the Council regarding Agenda item 2, Council Bill 119793.

Rachel Lauter addressed the Council regarding Agenda item 2, Council Bill 119793.

Jennifer Hall addressed the Council regarding a non-Agenda item.

Barbara Phinney addressed the Council regarding a non-Agenda item.

Laura Dennis addressed the Council regarding a non-Agenda item.

Jason Reeves addressed the Council regarding Agenda item 2, Council Bill 119793.

James Thomas addressed the Council regarding Agenda item 2, Council Bill 119793.

Nancy Callahan addressed the Council regarding Agenda item 2, Council Bill 119793.

Stuart Duckworth addressed the Council regarding Agenda item 1, Council Bill 119797.

Charles Howe addressed the Council regarding a non-Agenda item.

Samantha Foote addressed the Council regarding a non-Agenda item.

Francesca Favorini-Csorba addressed the Council regarding a non-Agenda item.

Simon Taylor addressed the Council regarding Agenda item 2, Council Bill 119793.

Karen Taylor addressed the Council regarding a non-Agenda item.

Alana Killeen addressed the Council regarding a non-Agenda item.

Dr. Howard Gale addressed the Council regarding a non-Agenda item.

Eric Salinger addressed the Council regarding a non-Agenda item.

Jennifer Gossar addressed the Council regarding a non-Agenda item.

Pauly G addressed the Council regarding a non-Agenda item.

William Doe addressed the Council regarding Agenda item 2, Council Bill 119793.

H. PAYMENT OF BILLS

[CB 119800](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of May 18, 2020 through May 22, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119800.

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

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

I. COMMITTEE REPORTS

CITY COUNCIL:

1. [CB 119797](#) **AN ORDINANCE relating to land use and zoning; extending for six months a moratorium established by Ordinance 125764, and extended by Ordinance 126006, 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.**

PUBLIC HEARING ON COUNCIL BILL 119797

At 3:05 p.m., Council President González opened the Public Hearing.

At 3:13 p.m., the Public Hearing was closed.

ACTION 1:

Motion was made and duly seconded to pass Council Bill 119797.

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

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

2. [CB 119793](#) **AN ORDINANCE relating to gig workers in Seattle; establishing labor standards requirements for paid sick and paid safe time for gig workers working in Seattle; and amending Sections 3.02.125 and 6.208.020 of the Seattle Municipal Code.**

ACTION 1:

Motion was made and duly seconded to pass Council Bill 119793.

ACTION 2:

Motion was made by Councilmember Mosqueda, duly seconded and carried, to amend Council Bill 119793, by substituting version 5a for version 3b.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119793 as amended.

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

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

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 3:59 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on June 8, 2020.

M. Lorena González, Council President of the City Council

Monica Martinez Simmons, City Clerk



Legislation Text

File #: IRC 258, **Version:** 1

June 8, 2020



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
<u>By: Morales, Pedersen</u>		
1. CB 119779	AN ORDINANCE establishing a new University District Parking and Business Improvement Area (BIA); levying special assessments upon owners of commercial, multifamily residential property, and mixed-use property within the BIA; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a BIA Advisory Board; providing for an implementation agreement with a Program Manager; providing for the continuity of services and the transfer of any remaining funds from the current U. District BIA account that was established in 2015 by Ordinance 124761; and ratifying and confirming certain acts related thereto.	City Council
<u>By: Mosqueda</u>		
2. CB 119801	AN ORDINANCE appropriating money to pay certain audited claims for the week of May 25, 2020 through May 29, 2020 and ordering the payment thereof.	City Council
<u>By: Mosqueda</u>		
3. CB 119802	AN ORDINANCE relating to the Office of Housing and the Department of Finance and Administrative Services; authorizing the acceptance of a transfer of real property near the Mount Baker light rail station from the University of Washington for the purpose of development of affordable housing and other potential educational, research, and clinical uses by the University, including an early learning facility, and for general municipal purposes; placing the property under the jurisdiction of the Office of Housing; authorizing the Department of Finance and Administrative Services to take custodial management of the property, including leasing, collection of rents, payment of expenses, and other property management duties; and ratifying and confirming certain prior acts.	City Council
<u>By: González</u>		
4. Res 31947	A RESOLUTION relating to committee structure, membership, meeting times, and duties of the standing committees of the Seattle City Council for 2020 and 2021; allowing for suspension of standing committee meetings for consideration of a Revised 2020 Budget due to the	City Council Introduction and Adoption

COVID-19 Emergency declared March 3, 2020; and superseding Resolution 31922.

By: Lewis

5. [Res 31948](#)

A RESOLUTION condemning the use of military force in jurisdictions such as The City of Seattle that have not requested and do not intend to request federal interventions.

City Council
Introduction and
Adoption



Legislation Text

File #: CB 119801, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE appropriating money to pay certain audited claims for the week of May 25, 2020 through May 29, 2020 and ordering the payment thereof.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Payment of the sum of \$20,440,270.08 on PeopleSoft 9.2 mechanical warrants numbered 4100343762 - 4100344979 plus manual or cancellation issues for claims, E-Payables of \$108,075.09 on PeopleSoft 9.2 9100006393 - 9100006420 and Electronic Financial Transactions (EFT) in the amount of \$68,824,097.74 are presented for ratification by the City Council per RCW 42.24.180.

Section 2. Payment of the sum of \$49,556,374.77 on City General Salary Fund mechanical warrants numbered 51334679- 51334860 plus manual warrants, agencies warrants, and direct deposits numbered 230001 - 232726 representing Gross Payrolls for payroll ending date May 26, 2020 as detailed in the Payroll Summary Report for claims against the City which were audited by the Auditing Committee and reported by said committee to the City Council June 4, 2020 consistent with appropriations heretofore made for such purpose from the appropriate Funds, is hereby approved.

Section 3. Any act consistent with the authority of this ordinance taken prior to its effective date is hereby 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 the City Council the 8th day of June 2020, and signed by me in open session in authentication of its passage this 8th of June 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)



Legislation Text

File #: CB 119799, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to gig workers in Seattle; establishing labor standards requirements for premium pay for gig workers working in Seattle; amending Sections 3.02.125 and 6.208.020 of the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

WHEREAS, the new coronavirus 19 (COVID-19) disease is caused by a virus that spreads easily from person to person and may result in serious illness or death, and is classified by the World Health Organization as a worldwide pandemic; and

WHEREAS, COVID-19 has broadly spread throughout Washington State and remains a significant health risk to the community, especially members of our most vulnerable populations; and

WHEREAS, the definitions of “employee” and “employer” in local, state, and federal laws are broad, but delivery network companies and transportation network companies rely on business models that treat gig workers as “independent contractors,” thereby creating barriers for gig workers to access employee protections; and

WHEREAS, gig workers working for food delivery network companies and transportation network companies during the COVID-19 emergency face magnified risks of catching or spreading disease because the nature of their work can involve close contact with the public, including members of the public who are not showing symptoms of COVID-19 but who can spread the disease; and

WHEREAS, The City of Seattle (City) intends to make it clear that gig workers working for food delivery network companies and transportation network companies have a right to receive premium pay for work

performed during the COVID-19 emergency; and

WHEREAS, the City intends to make it clear that provision of premium pay should not result in reductions to a gig worker's baseline compensation or garnishments of tips or additional charges to customers of food delivery network companies and transportation network companies; and WHEREAS, establishing premium pay standards for gig workers working during the COVID-19 emergency will increase retention of these gig workers and compensate them for the hazards of working on the frontlines of a global pandemic; 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 a labor standard that requires premium pay for gig workers is a subject of vital and imminent concern to the people of this City and requires appropriate action by the City Council to establish this labor standard for gig workers; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council (Council) finds and declares that:

A. In the exercise of The City of Seattle's police powers, the City is granted authority to pass regulations designed to protect and promote public, health, safety, and welfare.

B. This ordinance protects and promotes public health, safety, and welfare during the new coronavirus 19 (COVID-19) emergency by requiring food delivery network companies and transportation network companies to provide premium pay for gig workers performing work in Seattle, thereby increasing retention of these gig workers who provide essential services on the frontlines of a global pandemic and who should be paid additional compensation for the hazards of working with significant exposure to an infectious disease.

C. The World Health Organization (WHO) has declared that COVID-19 is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level, requiring dramatic interventions to disrupt

the spread of this disease.

D. On February 29, 2020, Washington Governor Jay Inslee proclaimed a state of emergency in response to new cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak.

E. On March 3, Mayor Jenny Durkan proclaimed a civil emergency in response to new cases of COVID-19, authorizing the Mayor to exercise the emergency powers necessary to take extraordinary measures to prevent death or injury of persons and to protect the public peace, safety and welfare, and alleviate damage, loss, hardship or suffering.

F. On March 16, 2020, Washington Governor Jay Inslee and the Public Health - Seattle & King County Local Health Officer issued parallel orders temporarily shutting down restaurants, bars, and other entertainment and food establishments, except for take-out food.

G. On March 23, 2020, Washington Governor Jay Inslee issued a “Stay Home - Stay Healthy” proclamation closing all non-essential workplaces, requiring people to stay home except to participate in essential activities or to provide essential business services, and banning all gatherings for social, spiritual, and recreational purposes through April 6, 2020. In addition to healthcare, public health and emergency services, the “Stay Home - Stay Healthy” proclamation identified transportation network companies, delivery network companies, and establishments selling groceries and prepared food and beverages as essential business sectors critical to protecting the health and well-being of all Washingtonians and designated their workers as essential critical infrastructure workers.

H. On April 2, 2020, Washington Governor Jay Inslee extended the “Stay Home - Stay Healthy” proclamation through May 4, 2020.

I. On May 1, 2020, Washington Governor Jay Inslee extended the “Stay Home - Stay Healthy” proclamation through May 31, 2020 in recognition that the worldwide COVID-19 pandemic and its progression in Washington State continue to threaten the life and health of our people as well as the economy of Washington

State, and remain a public disaster affecting life, health, property or the public peace.

J. On May 4, 2020, Washington Governor Jay Inslee announced a “Safe Start” plan that reopens Washington’s economy in phases and has restrictions on the seating capacity of restaurants during three of the four phases and physical distancing for high-risk populations and worksites during all four phases.

K. As of May 20, 2020, the World Health Organization Situation Report reported a global total of 4,801,202 cases of COVID-19, including 318,935 deaths; the Washington State Department of Health and Johns Hopkins University reported 18,811 cases of COVID-19, including 1,031 deaths in Washington State; and Public Health - Seattle & King County reported 7,617 cases of COVID-19, including 530 deaths, in King County.

L. Food delivery network companies and transportation network companies are essential businesses operating in Seattle during the COVID-19 emergency and rely on business models that treat gig workers as independent contractors, thereby creating barriers for gig workers to access employee protections established by local, state, and federal law, and making gig workers highly vulnerable to economic insecurity and health or safety risks.

M. Gig workers working for food delivery network companies and transportation network companies are essential workers who perform services that are fundamental to the health of the community during the COVID-19 crisis. These gig workers provide essential services that support the economy and the community during this crisis. They can work in high risk conditions with inconsistent access to protective equipment and other safety measures; work in public situations with limited or no ability to engage in physical distancing; and continually expose themselves and the public to the spread of disease.

N. In the pursuit of economic opportunity, many gig workers are immigrants and people of color who have taken on debt or invested their savings to purchase and/or lease vehicles or other equipment to work for food delivery network companies and transportation network companies.

O. Gig workers making deliveries for food delivery network companies are supporting community

efforts to engage in physical distancing and mitigate the spread of COVID-19 while simultaneously exposing themselves to a higher risk of infection

P. Gig workers working for transportation network companies are providing the majority of for-hire rides in the City and therefore experience an especially high risk of person to person transmission of infectious disease during the COVID-19 emergency.

Q. Gig workers working for food delivery network companies and transportation network companies bear the brunt of the time and expenses necessary for cleaning and disinfecting equipment and engaging in other efforts to protect themselves, customers, and the public from illness.

R. Premium pay, paid in addition to regular wages, is an established type of compensation for employees performing hazardous duty or work involving physical hardship that can cause extreme physical discomfort and distress.

S. Gig workers working during the COVID-19 emergency merit additional compensation because they are performing hazardous duty or work involving physical hardship that can cause extreme physical discomfort and distress due to the significant risk of exposure to the COVID-19 virus. Gig workers have been working under these hazardous conditions for months. They are working in these hazardous conditions now and will continue to face safety risks as the virus presents an ongoing threat for an uncertain period, potentially resulting in subsequent waves of infection.

T. The availability of food delivery and transportation services is fundamental to the health of the community and is made possible during the COVID-19 emergency because gig workers are on the frontlines of this devastating pandemic supporting public health, safety, and welfare by making deliveries and transporting passengers while working in hazardous situations.

U. Establishing an immediate requirement for food delivery network companies and transportation network companies to provide premium pay to gig workers protects public health, supports stable incomes, and

promotes job retention by ensuring that gig workers are compensated now and for the duration of the public health emergency for the substantial risks they are undertaking to provide essential services in a safe and reliable manner during the COVID-19 emergency.

V. Washington Governor Jay Inslee’s Proclamation 20-28 prohibits all agency actions unless the action is: 1) necessary and routine; or 2) necessary in response to the COVID-19 public health emergency. This ordinance is necessary in response to the COVID-19 public health emergency because requiring food delivery network companies and transportation network companies to provide premium pay to gig workers compensates gig workers for the risks they are undertaking and better ensures the retention of these essential workers who are on the frontlines of this pandemic to provide essential services, who are needed throughout the duration of the COVID-19 emergency, and who deserve fair and equitable compensation for their work.

Section 2. As the substantive effects of this ordinance are not permanent, this ordinance is not intended to be codified. Section numbers are for ease of reference within this ordinance, and section and subsection references refer to numbers in this ordinance unless stated otherwise.

PREMIUM PAY FOR GIG WORKERS

100.005 Short title

This ordinance shall constitute the “Premium Pay for Gig Workers Ordinance” and may be cited as such.

100.010 Definitions

For purposes of this ordinance:

“Adverse action” means reducing the compensation to a gig worker, garnishing gratuities, temporarily or permanently denying or limiting access to work, incentives, or bonuses, offering less desirable work, demoting, terminating, deactivating, putting a gig worker on hold status, failing to rehire after a seasonal interruption of work, 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 100.050. “Adverse action” for a gig worker may involve any aspect of work, including

compensation, work hours, responsibilities, or other material change in the terms and conditions of work.

“Adverse action” also encompasses 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 ordinance.

“Agency” means the Office of Labor Standards and any division therein.

“Aggrieved party” means a gig worker or other person who suffers tangible or intangible harm due to a hiring entity or other person's violation of this ordinance.

“Application dispatch” means technology that allows customers to directly request dispatch of gig workers for provision of delivery or transportation services and/or allows gig workers 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.

“Compensation” means the total payment owed to a gig worker by reason of working for the hiring entity and includes, but is not limited to, hiring entity payments for providing services, bonuses, and commissions, as well as tips earned from customers.

“Deactivation” means the blocking of a gig worker’s access to the hiring entity’s platform, changing a gig worker’s status from eligible to provide delivery service or transportation services to ineligible, or other material restriction in access to the hiring entity’s platform that is effected by a hiring entity.

“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 subsection 100.060.B or 100.060.C; or (2) other rules that the Director identifies, by means of an Agency Q&A, previously promulgated pursuant to authority in Seattle Municipal Code 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, gig workers, and other parties to determine their rights and responsibilities under this ordinance.

“Driver platform” or “worker platform” means the gig worker-facing application dispatch system

software or any online-enabled application service, website, or system, used by a gig worker, that enables the prearrangement of delivery or transportation services for compensation.

“Drop-off point” means the location of the delivery or trip resulting from the online order.

“Eating and drinking establishment” means “eating and drinking establishment” as defined in Seattle Municipal Code Section 23.84A.010.

“Food delivery network company” means an organization whether a corporation, partnership, sole proprietor, or other form, operating in Seattle, that offers prearranged delivery services for compensation using an online-enabled application or platform, such as an application dispatch system, to connect customers with workers for delivery from one or more of the following: (1) eating and drinking establishments, (2) food processing establishments, (3) grocery stores, or (4) any facility intended to fulfill customer orders from a business whose business model relies on the delivery of groceries or prepared food and beverages. “Food delivery network company” includes any such entity or person acting directly or indirectly in the interest of a food delivery network company in relation to the food delivery network company worker.

“Food delivery network company worker” means a person affiliated with and accepting an offer of prearranged delivery services for compensation from a food delivery network company. For purposes of this ordinance, at any time that a food delivery network company worker is logged into the worker platform, the worker is considered a food delivery network company worker.

“Food processing” means “food processing” as defined in Seattle Municipal Code Section 23.84A.012.

“Front pay” means the compensation the gig worker would earn or would have earned if reinstated by the hiring entity.

“Gig worker” means a food delivery network company worker or a transportation network company driver.

“Grocery store” means “grocery store” as defined in Seattle Municipal Code Section 23.84A.014.

“Hiring entity” means a food delivery network company or a transportation network company.

“Hiring entity payment” means the amount owed to a gig worker by reason of working for the hiring entity, including but not limited to payment for providing services, bonuses, and commissions.

“Online order” means an order placed through an online-enabled application or platform, such as an application dispatch system, provided by a hiring entity for delivery or transportation services in Seattle.

“Operating in Seattle” means, with respect to a hiring entity, offering prearranged delivery or transportation services for compensation using an online-enabled application or platform, such as an application dispatch system, to any affiliated gig worker, where such services would take place in whole or part in Seattle.

“Premium pay” means additional compensation owed to a gig worker that is separate from hiring entity payments for providing services, bonuses, and commissions, as well as tips earned from customers.

“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.

“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 gig worker receiving the tip.

“Transportation network company” or “TNC” means an organization whether a corporation,

partnership, sole proprietor, or other form, licensed or required to be licensed under Seattle Municipal Code Chapter 6.310, operating in Seattle, that offers prearranged transportation services for compensation using an online-enabled application or platform, such as an application dispatch system, to connect passengers with drivers using a “transportation network company (TNC) endorsed vehicle,” as defined in Seattle Municipal Code Chapter 6.310.

“Transportation network company” includes any such entity or person acting directly or indirectly in the interest of a transportation network company in relation to the transportation network company driver.

“Transportation network company driver” or “TNC driver” means a licensed for-hire driver, as defined in Seattle Municipal Code Chapter 6.310, affiliated with and accepting trips from a licensed transportation network company. For purposes of this ordinance, at any time that a driver is logged into the driver platform, the driver is considered a TNC driver.

“Work-related stop in Seattle” means a time spent by a gig worker on a commercial stop in Seattle that is related to the provision of delivery or transportation services associated with an online order, and does not include stopping for refueling, stopping for a personal meal or errands, or time spent in Seattle solely for the purpose of travelling through Seattle from a point of origin outside Seattle to a destination outside Seattle with no commercial stops in Seattle.

“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.

100.015 Gig worker coverage

For the purposes of this ordinance:

A. Covered gig workers are limited to those who perform work for a covered hiring entity, where the work is performed in whole or part in Seattle.

B. Work performed “in Seattle” means work that includes a work-related stop in Seattle.

100.020 Hiring entity coverage

A. For the purposes of this ordinance, covered hiring entities are limited to those who hire 250 or more gig workers worldwide.

B. To determine the number of gig workers hired for the current calendar year:

1. The calculation is based upon the average number per calendar week of gig workers who worked for compensation during the preceding calendar year for any and all weeks during which at least one gig worker worked for compensation. For hiring entities that did not have any gig workers during the preceding calendar year, the number of gig workers hired for the current calendar year is calculated based upon the average number per calendar week of gig workers who worked for compensation during the first 90 calendar days of the current year in which the hiring entity engaged in business.

2. All gig workers who worked for compensation shall be counted, including but not limited to:

- a. Gig workers who are not covered by this ordinance;
- b. Gig workers who worked in Seattle; and
- c. Gig workers who worked outside Seattle.

C. 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; and
- 4. Degree of common ownership or financial control over the entities.

100.025 Premium pay requirement

A. Hiring entities shall provide each gig worker with premium pay of no less than \$5 for each online

order with a work-related stop in Seattle. When an online order for delivery or transportation services has more than one drop-off point, hiring entities shall provide each gig worker with premium pay of no less than \$5 for any work-related stop in Seattle for a first drop-off point and no less than \$5 for each additional drop-off point in Seattle.

B. Hiring entities shall provide premium pay at the same time compensation is provided for the associated online order(s).

C. When providing premium pay, hiring entities shall include notification of online orders that qualified for premium pay and itemize the premium pay separately from other compensation.

D. Hiring entities shall provide the premium pay required by subsection 100.025.A for the duration of the civil emergency proclaimed by the Mayor on March 3, 2020.

E. If the City establishes a minimum compensation standard for TNC drivers, the Council intends to consider eliminating the premium pay requirement for TNC drivers before the termination of the civil emergency proclaimed by the Mayor on March 3, 2020.

100.030 Notice of rights

A. Hiring entities shall provide each gig worker with a written notice of rights established by this ordinance and shall make the notice readily accessible to the gig worker. The Agency may create and distribute a model notice in English and other languages. The notice shall provide information on:

1. The right to premium pay guaranteed by this ordinance;
2. The right to be protected from retaliation for exercising in good faith the rights protected by this ordinance; and
3. The right to file a complaint with the Agency or bring a civil action for a violation of the requirements of this ordinance, including a hiring entity's denial of premium pay as required by this ordinance and a hiring entity or other person's retaliation against a gig worker or other person for asserting the right to premium pay or otherwise engaging in an activity protected by this ordinance.

B. Hiring entities are responsible for providing notice to gig workers as required by subsection 100.030.A, in a form and manner sufficient to inform gig workers of their rights under this ordinance, regardless of whether the Agency has created and distributed this model notice.

100.040 Hiring entity records

A. Hiring entities shall retain records that document compliance with this ordinance for each gig worker.

B. Hiring entities shall retain the records required by subsection 100.040.A for a period of three years.

C. If a hiring entity fails to retain adequate records required under subsection 100.040.A, there shall be a presumption, rebuttable by clear and convincing evidence, that the hiring entity violated this ordinance for the periods and for each gig worker for whom records were not retained.

100.050 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 ordinance.

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 ordinance. Such rights include, but are not limited to, the right to make inquiries about the rights protected under this ordinance; the right to inform others about their rights under this ordinance; 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 ordinance; the right to file an oral or written complaint with the Agency or bring a civil action for an alleged violation of this ordinance; the right to cooperate with the Agency in its investigations of this ordinance; the right to testify in a proceeding under or related to this ordinance; 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 ordinance.

C. No hiring entity shall, as a result of this ordinance going into effect, reduce or otherwise modify the

areas of the City that are served by the hiring entity. It shall be a violation of this subsection 100.050.C if this ordinance going into effect is a motivating factor in a hiring entity's decision to reduce or otherwise modify the areas of the City that are served by the hiring entity, unless the hiring entity can prove that its decision to reduce or modify its services would have been taken in the absence of this ordinance.

D. No hiring entity or any other person shall communicate to a person exercising rights protected in this Section 100.050, 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 a gig worker or family member of the gig worker to a federal, state, or local agency because the gig worker has exercised a right under this ordinance.

E. 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 100.050. However, in the case of seasonal work that ended before the close of the 90-day period, the presumption also applies if the hiring entity fails to rehire a former gig worker at the next opportunity for work in the same position. The hiring entity may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose.

F. Proof of retaliation under this Section 100.050 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 100.050 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.

G. The protections afforded under this Section 100.050 shall apply to any person who mistakenly but in good faith alleges violations of this ordinance.

H. A complaint or other communication by any person triggers the protections of this Section 100.050 regardless of whether the complaint or communication is in writing or makes explicit reference to this ordinance.

100.060 Enforcement power and duties

A. The Agency shall have the power to investigate violations of this ordinance and shall have such powers and duties in the performance of these functions as are defined in this ordinance and otherwise necessary and proper in the performance of the same and provided for by law.

B. The Agency is authorized to coordinate implementation and enforcement of this ordinance and may promulgate appropriate guidelines or rules for such purposes.

C. The Director is authorized to promulgate rules consistent with this ordinance and Chapter 3.02 of the Seattle Municipal Code. Any guidelines or rules promulgated by the Director shall have the force and effect of law and may be relied on by hiring entities, gig workers, and other parties to determine their rights and responsibilities under this ordinance.

100.070 Violation

The failure of any respondent to comply with any requirement imposed on the respondent under this ordinance is a violation.

100.080 Investigation

A. The Agency shall have the power to investigate any violations of this ordinance by any respondent. 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 gig workers who are vulnerable to violations of this ordinance 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 a gig worker or other person.

B. A gig worker or other person may report to the Agency any suspected violation of this ordinance. The Agency shall encourage reporting pursuant to this Section 100.080 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 gig worker or person reporting the violation. However, with the authorization of such person, the Agency may disclose the gig worker's or person's name and identifying information as necessary to enforce this ordinance or for other appropriate purposes.

2. Hiring entities shall provide gig workers with written notice of an investigation. Hiring entities shall provide the notice in a format that is readily accessible to gig workers. The Agency shall create the notice 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 must 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 ordinance and any administrative enforcement proceeding under this ordinance based upon the same facts. For purposes of this ordinance:

1. The Agency's investigation begins on the earlier date of when the Agency receives a complaint from a person under this ordinance, or when the Agency provides notice to the respondent that an investigation has commenced under this ordinance.

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 100.040, or for the attendance and testimony of witnesses, or for the production of documents required to be retained under Section 100.040, or any other document relevant to the issue of whether any gig worker or

group of gig workers has been or is afforded the proper amount of premium pay required by this ordinance and/or to whether a hiring entity has violated any provision of this ordinance. 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, or that circumstances show that violations are likely to occur within a class of businesses because the workforce contains significant numbers of gig workers who are vulnerable to violations of this ordinance or the workforce is unlikely to volunteer information regarding such violations.

F. A hiring entity that fails to comply with the terms of any subpoena issued under subsection 100.080.E in an investigation by the Agency under this ordinance before the issuance of a Director's Order issued pursuant to subsection 100.090.C may not use such records in any appeal to challenge the correctness of any determination by the Agency of damages owed or penalties assessed.

G. In addition to other remedies, the Director may refer any subpoena issued under subsection 100.080.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 100.210.

100.090 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 ordinance 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 ordinance, the Director shall issue a “Determination of No Violation” with notice of a gig worker or other person's right to appeal the decision,

pursuant to Director rules.

C. If the Director determines that a violation of this ordinance 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 ordinance for each violation, including payment of unpaid compensation, liquidated damages, civil penalties, penalties payable to aggrieved parties, fines, and interest pursuant to Section 100.200.

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 under subsection 100.200.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 ordinance, 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 100.210.

100.200 Remedies

A. The payment of unpaid compensation, liquidated damages, civil penalties, penalties payable to aggrieved parties, fines, and interest provided under this ordinance 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 100.200 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 of the amount of 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 100.200 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 100.200.A.4, the Director shall 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. Other factors pursuant to Director rules.

B. A respondent found to be in violation of this ordinance shall be liable for full payment of unpaid compensation due plus interest in favor of the aggrieved party under the terms of this ordinance 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 ordinance, the Director may assess liquidated damages in an additional amount of up to twice the unpaid compensation.

C. A respondent found to be in violation of this ordinance for retaliation under Section 100.050 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 ordinance, 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 \$5,462.70.

D. The Director is authorized to assess penalties and shall specify that at least 50% of any penalty in this subsection 100.200.D is payable to the aggrieved party and the remaining penalty is payable to the Agency as a civil penalty. The Director may also specify that the entire penalty is payable to the aggrieved party.

1. For a first violation of this ordinance, the Director may assess a penalty of up to \$546.07 per aggrieved party.

2. For a second violation of this ordinance, the Director shall assess a penalty of up to \$1,092.13

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 ordinance, the Director shall assess a penalty of up to \$5,462.70 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid compensation, whichever is greater.

4. The maximum penalty for a violation of this ordinance shall be \$21,849.79 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid compensation, whichever is greater.

5. For purposes of this Section 100.200, 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.

E. The Director is authorized to assess fines as follows:

Violation	Fine
Failure to provide a gig worker with written notice of rights under subsection 100.030.A	\$546.07 per aggrieved party
Failure to retain hiring entity records for three years under subsections 100.040.A and 100.040.B	\$546.07 per missing record
Failure to comply with prohibitions against retaliation for exercising rights protected under Section 100.050	\$1,092.13 per aggrieved party
Failure to provide notice of investigation to gig workers under subsection 100.080.B.2	\$546.07
Failure to post or distribute public notice of failure to comply with final order under subsection 100.240.A.1	\$546.07

The maximum amount that may be imposed in fines in a one-year period for each type of violation listed above is \$5,462.70 unless a fine for retaliation is issued, in which case the maximum amount is \$21,849.79.

F. A respondent who willfully hinders, prevents, impedes, or interferes with the Director or Hearing Examiner in the performance of their duties under this ordinance shall be subject to a civil penalty of not less

than \$1,092.13 and not more than \$5,462.70.

G. 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 ordinance, including but not limited to reasonable attorneys' fees.

H. A hiring entity 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 hiring entity 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 100.200.H shall be construed to provide grounds for debarment separate from, and in addition to, those contained in Seattle Municipal Code Chapter 20.70 and shall not be governed by that chapter provided that nothing in this subsection 100.200.H 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 hiring entities subject to debarment under this subsection 100.080.H.

100.210 Appeal period and failure to respond

A. A gig worker or other person who claims an injury as a result of an alleged violation of this ordinance may appeal the Determination of No Violation Shown, pursuant to Director rules.

B. A respondent may appeal the Director's Order, including all remedies issued pursuant to Section 100.200, 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.

100.220 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 of the Seattle Municipal Code 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.

100.230 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 100.230.

100.240 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 100.250.

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 employer or person until such time as the employer 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 100.240.A.4.

B. No respondent that is the subject of a final order issued under this ordinance 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.

100.250 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 100.210.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 100.210.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 100.230.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 100.230.A, shall also be admissible without further evidentiary foundation.

D. In considering matters brought under subsections 100.250.B and 100.250.C, the 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 ordinance.

100.260 Private right of action

A. Any person or class of persons that suffers financial injury as a result of a violation of this ordinance, or is the subject of prohibited retaliation under Section 100.050, may bring a civil action in a court of competent jurisdiction against the hiring entity or other person violating this ordinance 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 \$55,462.70 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. For purposes of this Section 100.260, "person" includes any entity a member of which has suffered financial injury or retaliation, or any other individual or entity acting on behalf of an aggrieved party that has suffered financial injury or retaliation.

C. For purposes of determining membership within a class of persons entitled to bring an action under this Section 100.260, two or more gig workers 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.

D. For purposes of subsection 100.260.C, gig workers shall not be considered dissimilar solely because the gig workers’

1. Claims seek damages that differ in amount, or

2. Job titles or other means of classifying gig workers differ in ways that are unrelated to their claims.

100.270 Encouragement of more generous policies

A. Nothing in this ordinance shall be construed to discourage or prohibit a hiring entity from the adoption or retention of premium pay policies more generous than the one required herein.

B. Nothing in this ordinance shall be construed as diminishing the obligation of a hiring entity to comply with any contract or other agreement providing more generous protections to a gig worker than required by this ordinance.

100.280 Other legal requirements

This ordinance provides minimum requirements for premium pay while working for a hiring entity during the COVID-19 emergency and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for higher premium pay, or that extends other protections to gig workers; and nothing in this ordinance shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nor shall this ordinance be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this ordinance affecting such person. Nothing in this Section 100.280 shall be construed as restricting a gig worker’s right to pursue any other remedies at law or equity for violation of their rights.

100.290 Severability

The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the application thereof to any hiring entity, gig

worker, person, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. Section 3.02.125 of the Seattle Municipal Code, last amended by Ordinance 125948, 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
* * *	
Paid Sick/Safe Leave Ordinance (Chapter 14.16)	No fee
Premium Pay for Gig Workers Ordinance (Introduced as Council Bill XXXXXX)	No fee
Public Accommodations Ordinance (Chapter 14.06)	No fee
* * *	

* * *

Section 4. Subsection 6.208.020.A of the Seattle Municipal Code, which section was last amended by Ordinance 125930, 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, 5.40, 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, and 14.30.180.A.4, and subsection 100.240.A.4 of this ordinance, 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, and 14.30, and this ordinance, 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, and 14.30, and this ordinance 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. This ordinance shall be automatically repealed without subsequent Council action three years after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020.

Section 6. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 7. By reason of the findings set forth in Section 1, and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the Council and its approval by the Mayor, as provided by Article 4, subsection 1.1 of the Charter of the City.

Passed by a 3/4 vote of all the members of the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
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 gig workers in Seattle; establishing labor standards requirements for premium pay for gig workers working in Seattle; amending Sections 3.02.125 and 6.208.020 of the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

Summary and background of the Legislation: To protect public health, safety, and welfare, this legislation would declare an emergency in response to the high number of confirmed cases and deaths in King County and around the world from the new coronavirus 19 (COVID-19) and would require food delivery network companies and transportation network companies to provide gig workers with premium pay for work performed in Seattle during the COVID-19 emergency. The premium pay would compensate gig workers for the substantial risks they are undertaking to provide essential services during the COVID-19 emergency in the interest of providing fair and equitable compensation and better ensuring the retention of gig workers throughout the duration of the COVID-19 emergency.

The legislation would apply to gig workers working in whole or part in Seattle for covered hiring entities with 250 or more gig workers worldwide. Covered hiring entities would include a (1) food delivery network company offering prearranged delivery services for compensation using an online-enabled application or platform to connect customers with workers for delivery from eating and drinking establishments, food processing establishments, grocery stores, or any facility intended to fulfill customer orders from a business whose business model relies on the delivery of groceries or prepared food and beverages; or a (2) transportation network company (TNC) offering prearranged transportation services for compensation using an online enabled application or platform to connect passengers with drivers using a TNC endorsed vehicle.

Premium pay would be defined as compensation owed to a gig worker that is separate from hiring entity payments for providing services, bonuses, and commissions, as well as tips earned from customers.

Hiring entities would owe premium pay of no less than \$5 for each online order for delivery or transportation services with a work-related stop in Seattle. For online orders with more than one drop-off point, hiring entities would owe premium pay of no less than \$5 for any work-related stop in Seattle for a first drop-off point and no less than \$5 for each additional drop-off point in Seattle.

When providing the premium pay, hiring entities would include notification of online orders that qualified for the premium pay and itemize premium pay separately from other compensation.

Hiring entities also would be responsible for providing each gig worker with a notice of rights, retaining records showing compliance for three years, and complying with anti-retaliation prohibitions.

The Office of Labor Standards (OLS) would coordinate implementation and enforcement of premium pay requirements. As with the City's other labor standards, OLS would be required to commence any investigation within three years of the alleged violation. Aggrieved parties also would have a private right of action.

The premium pay requirement would be in effect until the termination of the civil emergency proclaimed by the Mayor on March 3, 2020. However, if the City passes a minimum compensation standard for TNC drivers, the legislation states the Council's intention to consider eliminating the premium pay requirement for TNC drivers before the termination of the civil emergency.

The rest of the legislation would be in effect three years after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020 and then would be automatically repealed without subsequent action by the Council.

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. This legislation would establish an implementation and enforcement role for OLS and an appeal role for the Hearing Examiner. The City could either (1) require these entities to reprioritize their existing portfolios of work or (2) add resources to support the newly created roles during the 2020 budget rebalancing process or the 2021 budget adoption process.

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. However, not implementing would not compensate gig workers for the risks they are undertaking to provide essential services during the COVID-19 emergency.

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. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

e. Does this legislation affect a piece of property?

No

f. 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 City's Race and Social Justice Initiative seeks to achieve racial equity in key areas: jobs, health, community development, education, criminal justice, housing, and the environment. This legislation would support jobs by requiring hiring entities to provide premium pay to gig workers who are performing hazardous duty or work involving physical hardship that can cause extreme physical discomfort and distress during the COVID-19 emergency. This legislation would also support the financial well-being of gig workers working in Seattle, including women and people of color who are more likely to earn lower incomes.

Regarding language access, this legislation would authorize OLS to create and distribute a model "notice of rights" in English and other languages.

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, quarterly dashboard](#). The same metrics publicized for other local 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 worker rights and hiring entity responsibilities.

List attachments/exhibits below:

June 5, 2020

MEMORANDUM

To: Seattle City Council
From: Karina Bull, Analyst
Subject: CB 119799: Premium Pay for Gig Workers Ordinance

On June 8, 2020, the City Council will discuss and may act on [CB 119799](#), legislation sponsored by Councilmembers Herbold and Lewis and introduced on May 26, 2020. To comply with [Proclamation 20-28.4](#), the legislation includes findings to demonstrate it is necessary to respond to the new coronavirus 19 (COVID-19) public health emergency. The legislation also includes findings to establish a need for emergency legislation that would have an immediately effective date if authorized by a supermajority of the City Council and signed by the Mayor.

This memo (1) summarizes the legislation and (2) presents potential amendments in a substitute bill sponsored by Councilmembers Herbold and Lewis for Council's consideration on June 8. See "Amendments" section (pg. 3) for more details.

Background

During the COVID-19 emergency, gig workers have been providing essential services to Seattle consumers. Using an online-enabled application or platform, gig workers accept offers for prearranged services from hiring entities to perform tasks for consumers, such as delivery of groceries or prepared food and beverages. Since the nature of this work can involve close contact with the public, gig workers risk catching and/or spreading illness and bear the brunt of costs for disinfecting their equipment and buying protective gear. Gig workers working in these hazardous conditions do not have access to employee protections, such as minimum compensation or safety standards, because they are hired as "independent contractors."

Summary

This legislation would declare an emergency in response to COVID-19 and would require hiring entities to provide premium pay to gig workers working in Seattle for the duration of the civil emergency proclaimed by the Mayor on March 3, 2020. The premium pay would compensate gig workers for the risks of working during a pandemic and for the costs of taking preventive safety measures to protect themselves and others from spreading the virus.

The legislation would apply to gig workers working for hiring entities with 250 or more gig workers worldwide.

- In the introduced legislation, covered hiring entities would include "food delivery network companies" and "transportation network companies."
- In the substitute bill, covered hiring entities would be limited to "food delivery network companies" offering prearranged delivery services for compensation using an online-

enabled application or platform to connect customers with workers for delivery from (a) eating and drinking establishments, (b) food processing establishments, (c) grocery stores, or (d) any facility intended to fulfill customer orders from a business whose business model relies on the delivery of groceries or prepared food and beverages.

The legislation would define “premium pay” as compensation owed to a gig worker that is separate from hiring entity payments for providing services, bonuses, and commissions, as well as tips earned from customers.

In the introduced legislation, hiring entities would owe premium pay of \$5 for each online order with a work-related stop in Seattle. For online orders with more than one drop-off point, hiring entities would owe premium pay of \$5 for each additional drop-off point in Seattle. Hiring entities would notify gig workers of online orders that qualified for the premium pay and itemize premium pay separately from other compensation. In the substitute bill, a revised premium pay requirement would require compensation for additional pick-up points and would reduce the amount of premium pay owed for additional pick-up and drop-off points. See Table 1, Row D (pg. 4) for more details.

Hiring entities also would be required to provide gig workers with a notice of rights, retain records showing compliance for three years, and comply with anti-retaliation provisions.

In the introduced legislation, the anti-retaliation provisions would be broader than other labor standards. Hiring entities would be prohibited from (a) taking adverse actions against workers who assert their rights to premium pay; and (b) taking actions as a result of the ordinance going into effect. For the latter prohibition, hiring entities would be prohibited from offsetting the costs of complying with the ordinance by reducing or otherwise modifying their areas of service in Seattle. In the substitute bill, the latter prohibition would move to a new section, “Gig Worker and Consumer Protections.” The new section would also prohibit hiring entities from reducing a gig worker’s compensation, limiting a gig worker’s earning capacity, and adding customer charges. See Table 1, Row E (pg. 5) for more details.

The Office of Labor Standards (OLS) would implement and enforce premium pay requirements. As with the City’s other labor standards, OLS would be required to commence any investigation within three years of the alleged violation. Aggrieved parties would also have a private right of action.

The requirement to provide premium pay would be in effect until the termination of the COVID-19 civil emergency proclaimed by the Mayor on March 3, 2020. However, if the City passes a minimum compensation standard for covered gig workers, the legislation states the Council’s intention to consider eliminating the premium pay requirement before the termination of the civil emergency.

After premium pay requirements sunset, the remaining requirements would stay in effect for a limited period to retain provisions necessary for record-keeping, notice of rights, preventing

retaliation, and enforcement. Specifically, the legislation would stay in effect for three years after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020 and then be automatically repealed without subsequent action by the Council.

Financial Impacts

This legislation would establish an implementation and enforcement role for OLS and an appeal role for the Hearing Examiner. The City could either:

1. Require these entities to reprioritize their existing portfolios of work; or
2. Add resources to support the newly created roles during the 2020 budget rebalancing process or the 2021 budget adoption process.

Amendments

As of June 4, there is a substitute bill for the Council’s consideration. The substitute bill contains technical corrections and substantive amendments. See Table 1 for an overview of the amendments. Any additional amendments identified will be distributed as soon as they are available.

Table 1: Substitute Bill

Issue	Description
A. Findings	<p>The substitute bill would emphasize the gig worker’s expenses to protect themselves and the public from catching or spreading the virus.</p> <ul style="list-style-type: none"> • “Establishing an immediate requirement for food delivery network companies and transportation network companies to provide premium pay to gig workers protects public health, supports stable incomes, and promotes job retention by ensuring that gig workers are compensated now and for the duration of the public health emergency for the substantial risks, <u>efforts, and expenses</u> they are undertaking to provide essential services in a safe and reliable manner during the COVID-19 emergency.” • “This ordinance is necessary in response to the COVID-19 public health emergency because requiring food delivery network companies and transportation network companies to provide premium pay to gig workers compensates gig workers for the risks <u>of working during a pandemic and the safety measures</u> they are undertaking <u>to protect themselves, customers, and the public from catching or spreading illness.</u> <u>The provision of premium pay also better</u> ensures the retention of these essential workers who are on the frontlines of this pandemic to provide essential services, who are needed throughout the duration of the COVID-19 emergency, and who deserve fair and equitable compensation for their work.”

Issue	Description
B. Definitions	<p>The substitute bill would add or revise the following definitions:</p> <ul style="list-style-type: none"> • (Revised) “Food delivery network company” means an organization whether a corporation, partnership, sole proprietor, or other form, operating in Seattle, that offers prearranged delivery services for compensation using an online-enabled application or platform, such as an application dispatch system, to connect customers with workers for delivery from one or more of the following: (1) eating and drinking establishments, (2) food processing establishments, (3) grocery stores, or (4) any facility intended to fulfill customer orders from a business whose business model relies on the delivery of <u>supplying</u> groceries or prepared food and beverages <u>for an online order.</u> • (New) “Pick-up point” means the location of any establishment accessed by the gig worker to fulfill an online order, including but not limited to (1) eating and drinking establishments, (2) food processing establishments, (3) grocery stores, or (4) any facility supplying groceries or prepared food and beverages for an online order. • (New) “Worker platform” means the worker-facing application dispatch system software or any online-enabled application service, website, or system, used by a food delivery network worker, that enables the prearrangement of delivery services for compensation.
C. Coverage	<p>The substitute bill would remove coverage of “transportation network companies” and “transportation network company drivers.” Since the Executive has expressed an intention to transmit “Fare Share” legislation to Council this summer, the sponsors have removed transportation network companies from CB 119799. The Fare Share legislation would propose a minimum compensation standard for TNC drivers that would include at least the equivalent of the “hourly minimum wage” required for large employers in Seattle’s Minimum Wage Ordinance plus reasonable expenses.</p>
D. Premium Pay Requirement	<p>The substitute bill would change the premium pay requirement. Hiring entities would provide each gig worker with premium pay for each online order that results in the gig worker making a work-related stop in Seattle. For each online order, hiring entities would owe premium pay in the following amounts:</p> <ul style="list-style-type: none"> • \$5.00 for one pick-up point or one drop-off point in Seattle. • \$2.50 for each additional pick-up point in Seattle. • \$2.50 for each additional drop-off point in Seattle. <p>For example, a gig worker who visits one grocery store to pick-up items for an online order and delivers the items to two drop-off points would be owed premium pay of \$7.50.</p>

Issue	Description
E. Gig Worker and Consumer Protections	<p>The substitute bill would create a new section for “Gig Worker and Consumer Protections.” The section would prohibit hiring entities, as a result of the ordinance going into effect, from taking the following actions:</p> <ul style="list-style-type: none"> • Reducing or otherwise modifying areas of service in Seattle; • Reducing a gig worker’s compensation; • Limiting a gig worker’s earning capacity, including but not limited to restricting access to online orders; or • Adding customer charges.
F. Notice of Rights	<p>The substitute bill would clarify hiring entity requirements for providing notice of rights. Hiring entities would be required to provide the notice of rights in an electronic format via smartphone application or online web portal, in English and any language that the hiring entity knows or has reason to know is the primary language of the gig worker(s).</p>
G. Enforcement	<p>The substitute bill would add remedies for violations of “Gig Worker and Customer Protections.” The OLS Director would have authority to assess the following penalties:</p> <ul style="list-style-type: none"> • For violations of prohibitions on reducing or otherwise modifying areas of service in Seattle and adding customer charges, the Director could assess penalties and fines payable to OLS. • For violations of prohibitions on reducing a gig worker’s compensation or limiting a gig worker’s earning capacity, the Director could assess unpaid compensation due to the aggrieved worker, penalties, and fines. At least 50 percent of the penalty would be payable to the aggrieved party and the remaining penalty would be payable to OLS as a civil penalty. The fine(s) would be payable to OLS or to the aggrieved party.

Next Steps: Council action could occur at the Full Council meeting on June 8, 2020.

Please contact me if you have questions.

cc: Kirstan Arestad, Executive Director
Dan Eder, Deputy Director

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to gig workers in Seattle; establishing labor standards requirements for premium pay for gig workers working in Seattle; amending Sections 3.02.125 and 6.208.020 of the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

..body

WHEREAS, the new coronavirus 19 (COVID-19) disease is caused by a virus that spreads easily

from person to person and may result in serious illness or death, and is classified by the

World Health Organization as a worldwide pandemic; and

WHEREAS, COVID-19 has broadly spread throughout Washington State and remains a

significant health risk to the community, especially members of our most vulnerable

populations; and

WHEREAS, the definitions of “employee” and “employer” in local, state, and federal laws are

broad, but food delivery network companies ~~and transportation network companies~~ rely

on business models that ~~hire/treat~~ gig workers as “independent contractors,” thereby

creating barriers for gig workers to access employee protections; and

WHEREAS, gig workers working for food delivery network companies ~~and transportation~~

~~network companies~~ during the COVID-19 emergency face magnified risks of catching or

spreading disease because the nature of their work can involve close contact with the

public, including members of the public who are not showing symptoms of COVID-19

but who can spread the disease; and

WHEREAS, The City of Seattle (City) intends to make it clear that gig workers working for food

delivery network companies ~~and transportation network companies~~ have a right to

receive premium pay for work performed during the COVID-19 emergency; and

WHEREAS, the City intends to make it clear that provision of premium pay should not result in ~~food delivery network companies reductions to a gig worker's baseline compensation or garnishments of tips~~ reducing or otherwise modifying the areas in the City served by the ~~companies, reducing a gig worker's compensation, limiting a gig worker's earning capacity, -or additional adding~~ charges to customers ~~of food delivery network companies and transportation network companies~~; and

WHEREAS, establishing premium pay standards for gig workers working during the COVID-19 emergency will increase retention of these gig workers and compensate them for the hazards of working on the frontlines of a global pandemic; 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 a labor standard that requires premium pay for gig workers working for food delivery network companies is a subject of vital and imminent concern to the people of this City and requires appropriate action by the City Council to establish this labor standard for gig workers; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council (Council) finds and declares that:

A. In the exercise of The City of Seattle's police powers, the City is granted authority to pass regulations designed to protect and promote public, health, safety, and welfare.

B. This ordinance protects and promotes public health, safety, and welfare during the new coronavirus 19 (COVID-19) emergency by requiring food delivery network companies ~~and transportation network companies~~ to provide premium pay for gig workers performing work in

1 Seattle, thereby increasing retention of ~~these~~ gig workers who provide essential services on the
2 frontlines of a global pandemic and who should be paid additional compensation for the hazards
3 of working with significant exposure to an infectious disease.

4 C. The World Health Organization (WHO) has declared that COVID-19 is a global
5 pandemic, which is particularly severe in high risk populations such as people with underlying
6 medical conditions and the elderly, and the WHO has raised the health emergency to the highest
7 level, requiring dramatic interventions to disrupt the spread of this disease.

8 D. On February 29, 2020, Washington Governor Jay Inslee proclaimed a state of
9 emergency in response to new cases of COVID-19, directing state agencies to use all resources
10 necessary to prepare for and respond to the outbreak.

11 E. On March 3, Mayor Jenny Durkan proclaimed a civil emergency in response to new
12 cases of COVID-19, authorizing the Mayor to exercise the emergency powers necessary to take
13 extraordinary measures to prevent death or injury of persons and to protect the public peace,
14 safety and welfare, and alleviate damage, loss, hardship or suffering.

15 F. On March 16, 2020, Washington Governor Jay Inslee and the Public Health – Seattle
16 & King County Local Health Officer issued parallel orders temporarily shutting down
17 restaurants, bars, and other entertainment and food establishments, except for take-out food.

18 G. On March 23, 2020, Washington Governor Jay Inslee issued a “Stay Home – Stay
19 Healthy” proclamation closing all non-essential workplaces, requiring people to stay home
20 except to participate in essential activities or to provide essential business services, and banning
21 all gatherings for social, spiritual, and recreational purposes through April 6, 2020. In addition to
22 healthcare, public health and emergency services, the “Stay Home – Stay Healthy” proclamation
23 identified ~~transportation network companies,~~ delivery network companies, and establishments

1 selling groceries and prepared food and beverages as essential business sectors critical to
2 protecting the health and well-being of all Washingtonians and designated their workers as
3 essential critical infrastructure workers.

4 H. On April 2, 2020, Washington Governor Jay Inslee extended the “Stay Home – Stay
5 Healthy” proclamation through May 4, 2020.

6 I. On May 1, 2020, Washington Governor Jay Inslee extended the “Stay Home – Stay
7 Healthy” proclamation through May 31, 2020 in recognition that the worldwide COVID-19
8 pandemic and its progression in Washington State continue to threaten the life and health of our
9 people as well as the economy of Washington State, and remain a public disaster affecting life,
10 health, property or the public peace.

11 J. On May 4, 2020, Washington Governor Jay Inslee announced a “Safe Start” plan that
12 reopens Washington’s economy in phases and has restrictions on the seating capacity of
13 restaurants during three of the four phases and physical distancing for high-risk populations and
14 worksites during all four phases.

15 K. As of May 20, 2020, the World Health Organization Situation Report reported a
16 global total of 4,801,202 cases of COVID-19, including 318,935 deaths; the Washington State
17 Department of Health and Johns Hopkins University reported 18,811 cases of COVID-19,
18 including 1,031 deaths in Washington State; and Public Health – Seattle & King County reported
19 7,617 cases of COVID-19, including 530 deaths, in King County.

20 L. Food delivery network companies ~~and transportation network companies~~ are essential
21 businesses operating in Seattle during the COVID-19 emergency and rely on business models
22 that ~~treat-hire~~ gig workers as independent contractors, thereby creating barriers for gig workers to

access employee protections established by local, state, and federal law, and making gig workers highly vulnerable to economic insecurity and health or safety risks.

M. Gig workers working for food delivery network companies ~~and transportation network companies~~ are essential workers who perform services that are fundamental to the economy and health of the community during the COVID-19 crisis. ~~These gig workers provide essential services that support the economy and the community during this crisis.~~ They can work in high risk conditions with inconsistent access to protective equipment and other safety measures; work in public situations with limited or no ability to engage in physical distancing; and continually expose themselves and the public to the spread of disease.

N. In the pursuit of economic opportunity, many gig workers are immigrants and people of color who have taken on debt or invested their savings to purchase and/or lease vehicles or other equipment to work for food delivery network companies ~~and transportation network companies~~.

O. Gig workers making deliveries for food delivery network companies are supporting community efforts to engage in physical distancing and mitigate the spread of COVID-19 while simultaneously exposing themselves to a higher risk of infection

~~P. Gig workers working for transportation network companies are providing the majority of for hire rides in the City and therefore experience an especially high risk of person to person transmission of infectious disease during the COVID-19 emergency.~~

PQ. Gig workers working for food delivery network companies ~~and transportation network companies~~ bear the brunt of the time and expenses necessary for cleaning and disinfecting equipment and engaging in other efforts to protect themselves, customers, and the public from illness.

RQ. Premium pay, paid in addition to regular wages, is an established type of compensation for employees performing hazardous duty or work involving physical hardship that can cause extreme physical discomfort and distress.

SR. Gig workers working during the COVID-19 emergency merit additional compensation because they are performing hazardous duty or work involving physical hardship that can cause extreme physical discomfort and distress due to the significant risk of exposure to the COVID-19 virus. Gig workers have been working under these hazardous conditions for months. They are working in these hazardous conditions now and will continue to face safety risks as the virus presents an ongoing threat for an uncertain period, potentially resulting in subsequent waves of infection.

TS. The availability of food delivery ~~and transportation~~ services is fundamental to the health of the community and is made possible during the COVID-19 emergency because gig workers are on the frontlines of this devastating pandemic supporting public health, safety, and welfare by making deliveries ~~and transporting passengers~~ while working in hazardous situations.

UT. Establishing an immediate requirement for food delivery network companies ~~and transportation network companies~~ to provide premium pay to gig workers protects public health, supports stable incomes, and promotes job retention by ensuring that gig workers are compensated now and for the duration of the public health emergency for the substantial risks, efforts, and expenses they are undertaking to provide essential services in a safe and reliable manner during the COVID-19 emergency.

VU. Washington Governor Jay Inslee's Proclamation 20-28 prohibits all agency actions unless the action is: 1) necessary and routine; or 2) necessary in response to the COVID-19

public health emergency. This ordinance is necessary in response to the COVID-19 public health emergency because requiring food delivery network companies ~~and transportation network companies~~ to provide premium pay to gig workers compensates gig workers for the risks of working during a pandemic and the safety measures they are undertaking to protect themselves, customers, and the public from catching or spreading illness. ~~and The provision of premium pay~~ also better ensures the retention of these essential workers who are on the frontlines of this pandemic to provide essential services, who are needed throughout the duration of the COVID-19 emergency, and who deserve fair and equitable compensation for their work.

Section 2. As the substantive effects of this ordinance are not permanent, this ordinance is not intended to be codified. Section numbers are for ease of reference within this ordinance, and section and subsection references refer to numbers in this ordinance unless stated otherwise.

PREMIUM PAY FOR GIG WORKERS

100.005 Short title

This ordinance shall constitute the “Premium Pay for Gig Workers Ordinance” and may be cited as such.

100.010 Definitions

For purposes of this ordinance:

“Adverse action” means reducing the compensation to a gig worker, garnishing gratuities, temporarily or permanently denying or limiting access to work, incentives, or bonuses, offering less desirable work, demoting, terminating, deactivating, putting a gig worker on hold status, failing to rehire after a seasonal interruption of work, 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 100.050.

1 “Adverse action” for a gig worker may involve any aspect of work, including compensation,
2 work hours, responsibilities, or other material change in the terms and conditions of work.

3 “Adverse action” also encompasses any action by the hiring entity or a person acting on the
4 hiring entity’s behalf that would dissuade a reasonable person from exercising any right afforded
5 by this ordinance.

6 “Agency” means the Office of Labor Standards and any division therein.

7 “Aggrieved party” means a gig worker or other person who suffers tangible or intangible
8 harm due to a hiring entity or other person's violation of this ordinance.

9 “Application dispatch” means technology that allows customers to directly request
10 dispatch of gig workers for provision of delivery ~~or transportation~~ services and/or allows gig
11 workers or hiring entities to accept requests for services and payments for services via the
12 internet using mobile interfaces such as, but not limited to, smartphone and tablet applications.

13 “City” means The City of Seattle.

14 “Compensation” means the total payment owed to a gig worker by reason of working
15 for the hiring entity, ~~and includes, but is not limited to, including but not limited to~~ hiring
16 entity payments for providing services, bonuses, and commissions, as well as tips earned from
17 customers.

18 “Deactivation” means the blocking of a gig worker’s access to the hiring entity’s
19 platform, changing a gig worker’s status from eligible to provide delivery services ~~or~~
20 ~~transportation services~~ to ineligible, or other material restriction in access to the hiring entity’s
21 platform that is effected by a hiring entity.

22 “Director” means the Director of the Office of Labor Standards or the Director's
23 designee.

1 “Director rules” means: (1) rules the Director or Agency may promulgate pursuant to
2 subsection 100.060.B or 100.060.C; or (2) other rules that the Director identifies, by means of an
3 Agency Q&A, previously promulgated pursuant to authority in Seattle Municipal Code Title 14.
4 Rules the Director identifies by means of an Agency Q&A shall have the force and effect of law
5 and may be relied on by hiring entities, gig workers, and other parties to determine their rights
6 and responsibilities under this ordinance.

7 ~~“Driver platform” or “worker platform” means the gig worker facing application~~
8 ~~dispatch system software or any online-enabled application service, website, or system, used by a~~
9 ~~gig worker, that enables the prearrangement of delivery or transportation services for~~
10 ~~compensation.~~

11 “Drop-off point” means the location of ~~the~~ any delivery ~~or trip~~ resulting from the online
12 order.

13 “Eating and drinking establishment” means “eating and drinking establishment” as
14 defined in Seattle Municipal Code Section 23.84A.010.

15 “Food delivery network company” means an organization whether a corporation,
16 partnership, sole proprietor, or other form, operating in Seattle, that offers prearranged delivery
17 services for compensation using an online-enabled application or platform, such as an
18 application dispatch system, to connect customers with workers for delivery from one or more of
19 the following: (1) eating and drinking establishments, (2) food processing establishments, ~~-(3)~~
20 ~~grocery stores, or (4) any facility intended to fulfill customer orders from a business whose~~
21 ~~business model relies on the delivery of supplying~~ groceries or prepared food and beverages for
22 an online order. “Food delivery network company” includes any such entity or person acting

1 directly or indirectly in the interest of a food delivery network company in relation to the food
2 delivery network company worker.

3 “Food delivery network company worker” means a person affiliated with and accepting
4 an offer of prearranged delivery services for compensation from a food delivery network
5 company. For purposes of this ordinance, at any time that a food delivery network company
6 worker is logged into the worker platform, the worker is considered a food delivery network
7 company worker.

8 “Food processing” means “food processing” as defined in Seattle Municipal Code
9 Section 23.84A.012. “Front pay” means the compensation the gig worker would earn or would
10 have earned if reinstated by the hiring entity.

11 “Gig worker” means a food delivery network company worker ~~or a transportation~~
12 ~~network company driver.~~

13 “Grocery store” means “grocery store” as defined in Seattle Municipal Code Section
14 23.84A.014.

15 “Hiring entity” means a food delivery network company ~~or a transportation network~~
16 ~~company.~~

17 “Hiring entity payment” means the amount owed to a gig worker by reason of working
18 for the hiring entity, including but not limited to payment for providing services, bonuses, and
19 commissions.

20 “Online order” means an order placed through an online-enabled application or
21 platform, such as an application dispatch system, provided by a hiring entity for delivery ~~or~~
22 ~~transportation~~ services in Seattle.
23

~~“Pick-up point” means the location of any establishment accessed by the gig worker to fulfill an online order, including but not limited to (1) eating and drinking establishments, (2) food processing establishments, (3) grocery stores, or (4) any facility supplying groceries or prepared food and beverages for an online order.~~

“Operating in Seattle” means, with respect to a hiring entity, offering prearranged delivery ~~or transportation~~ services for compensation using an online-enabled application or platform, such as an application dispatch system, to any affiliated gig worker, where such services ~~would~~ take place in whole or part in Seattle.

“Pick-up point” means the location of any establishment accessed by the gig worker to fulfill an online order, including but not limited to (1) eating and drinking establishments, (2) food processing establishments, (3) grocery stores, or (4) any facility supplying groceries or prepared food and beverages for an online order.

“Premium pay” means additional compensation owed to a gig worker that is separate from hiring entity payments for providing services, bonuses, and commissions, as well as tips earned from customers.

“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.

1 “Successor” means any person to whom a hiring entity quitting, selling out, exchanging,
2 or disposing of a business sells or otherwise conveys in bulk and not in the ordinary course of the
3 hiring entity’s business, a major part of the property, whether real or personal, tangible or
4 intangible, of the hiring entity’s business. For purposes of this definition, “person” means an
5 individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm,
6 corporation, business trust, partnership, limited liability partnership, company, joint stock
7 company, limited liability company, association, joint venture, or any other legal or commercial
8 entity.

9 “Tips” means a verifiable sum to be presented by a customer as a gift or gratuity in
10 recognition of some service performed for the customer by the gig worker receiving the tip.

11 ~~“Transportation network company” or “TNC” means an organization whether a~~
12 ~~corporation, partnership, sole proprietor, or other form, licensed or required to be licensed under~~
13 ~~Seattle Municipal Code Chapter 6.310, operating in Seattle, that offers prearranged~~
14 ~~transportation services for compensation using an online-enabled application or platform, such as~~
15 ~~an application dispatch system, to connect passengers with drivers using a “transportation~~
16 ~~network company (TNC) endorsed vehicle,” as defined in Seattle Municipal Code Chapter~~
17 ~~6.310. “Transportation network company” includes any such entity or person acting directly or~~
18 ~~indirectly in the interest of a transportation network company in relation to the transportation~~
19 ~~network company driver.~~

20 ~~“Transportation network company driver” or “TNC driver” means a licensed for hire~~
21 ~~driver, as defined in Seattle Municipal Code Chapter 6.310, affiliated with and accepting trips~~
22 ~~from a licensed transportation network company. For purposes of this ordinance, at any time that~~
23 ~~a driver is logged into the driver platform, the driver is considered a TNC driver.~~

1 “Worker platform” means the worker-facing application dispatch system software or any
2 online-enabled application service, website, or system, used by a food delivery network worker,
3 that enables the prearrangement of delivery services for compensation.

4 “Work-related stop in Seattle” means ~~a~~ time spent by a gig worker on a commercial stop
5 in Seattle that is related to the provision of delivery ~~or transportation~~ services associated with an
6 online order, and does not include stopping for refueling, stopping for a personal meal or
7 errands, or time spent in Seattle solely for the purpose of travelling through Seattle from a
8 point of origin outside Seattle to a destination outside Seattle with no commercial stops in
9 Seattle.

10 “Written” or “writing” means a printed or printable communication in physical or
11 electronic format, including but not limited to a communication that is transmitted through email,
12 text message, or a computer or mobile system, or that is otherwise sent and maintained
13 electronically.

14 **100.015 Gig worker coverage**

15 For the purposes of this ordinance:

16 A. Covered gig workers are limited to those who perform work for a covered hiring
17 entity, where the work is performed in whole or part in Seattle.

18 B. Work performed “in Seattle” means work that includes a work-related stop in Seattle.

19 **100.020 Hiring entity coverage**

20 A. For the purposes of this ordinance, covered hiring entities are limited to those who
21 hire 250 or more gig workers worldwide.

22 B. To determine the number of gig workers hired for the current calendar year:

1. The calculation is based upon the average number per calendar week of gig workers who worked for compensation during the preceding calendar year for any and all weeks during which at least one gig worker worked for compensation. For hiring entities that did not have any gig workers during the preceding calendar year, the number of gig workers hired for the current calendar year is calculated based upon the average number per calendar week of gig workers who worked for compensation during the first 90 calendar days of the current year in which the hiring entity engaged in business.

2. All gig workers who worked for compensation shall be counted, including but not limited to:

- a. Gig workers who are not covered by this ordinance;
- b. Gig workers who worked in Seattle; and
- c. Gig workers who worked outside Seattle.

C. 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; and
- 4. Degree of common ownership or financial control over the entities.

100.025 Premium pay requirement

A. Hiring entities shall provide each gig worker with premium pay ~~of no less than \$5~~ for ~~each~~ each online order ~~with that results in the gig worker making~~ a work-related stop in Seattle.

~~When an online order for delivery or transportation services has more than one drop-off point, hiring entities shall provide each gig worker with premium pay of no less than \$5 for any work-related stop in Seattle for a first drop-off point and no less than \$5 for each additional drop-off point in Seattle. For each online order, hiring entities shall provide the gig worker with premium pay in the following amounts:~~

1. \$5.00 for one pick-up point or one drop-off point in Seattle;

2. \$2.50 for each additional pick-up point in Seattle; and

3. \$2.50 for each additional drop-off point in Seattle.

B. Hiring entities shall provide premium pay at the same time compensation is provided for the associated online order(s).

C. When providing premium pay, hiring entities shall include notification of online orders that qualified for premium pay and itemize the premium pay separately from other compensation.

D. Hiring entities shall provide the premium pay required by subsection 100.025.A for the duration of the civil emergency proclaimed by the Mayor on March 3, 2020.

E. If the City establishes a minimum compensation standard for ~~TNC driversgig workers~~, the Council intends to consider eliminating the premium pay requirement for ~~TNC driversgig workers~~ before the termination of the civil emergency proclaimed by the Mayor on March 3, 2020.

100.027 Gig worker and consumer protections

A. No hiring entity shall, as a result of this ordinance going into effect, take any of the following actions:

1 1. Reduce or otherwise modify the areas of the City that are served by the hiring
2 entity;

3 2. Reduce a gig worker's compensation;

4 3. Limit a gig worker's earning capacity, including but not limited to restricting
5 access to online orders; or

6 4. Add customer charges.

7 B. It shall be a violation of this Section 100.027 if this ordinance going into effect is a
8 motivating factor in a hiring entity's decision to take any of the actions in subsection 100.027.A
9 unless the hiring entity can prove that its decision to take the action(s) would have happened in
10 the absence of this ordinance going into effect.

11 **100.030 Notice of rights**

12 A. Hiring entities shall provide each gig worker with a written notice of rights established
13 by this ordinance. ~~and shall make the notice readily accessible to the gig worker.~~ The Agency
14 may create and distribute a model notice of rights in English and other languages. However,
15 hiring entities are responsible for providing gig workers with the notice of rights required by this
16 subsection 100.030.A, in a form and manner sufficient to inform gig workers of their rights
17 under this ordinance, regardless of whether the Agency has created and distributed a model
18 notice of rights. The notice of rights shall provide information on:

19 1. The right to premium pay guaranteed by this ordinance;

20 2. The right to be protected from retaliation for exercising in good faith the rights
21 protected by this ordinance; and

22 3. The right to file a complaint with the Agency or bring a civil action for a
23 violation of the requirements of this ordinance, including a hiring entity's denial of premium pay

as required by this ordinance and a hiring entity or other person's retaliation against a gig worker or other person for asserting the right to premium pay or otherwise engaging in an activity protected by this ordinance.

~~B. Hiring entities are responsible for providing notice to gig workers as required by subsection 100.030.A, in a form and manner sufficient to inform gig workers of their rights under this ordinance, regardless of whether the Agency has created and distributed this model notice.~~ Hiring entities shall provide the notice of rights required by subsection 100.030.A in an electronic format that is readily accessible to the gig worker. The notice of rights shall be made available to the gig worker via smartphone application or online web portal, in English and any language that the hiring entity knows or has reason to know is the primary language of the gig worker(s).

100.040 Hiring entity records

A. Hiring entities shall retain records that document compliance with this ordinance for each gig worker.

B. Hiring entities shall retain the records required by subsection 100.040.A for a period of three years.

C. If a hiring entity fails to retain adequate records required under subsection 100.040.A, there shall be a presumption, rebuttable by clear and convincing evidence, that the hiring entity violated this ordinance for the periods and for each gig worker for whom records were not retained.

100.050 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 ordinance.

1 B. No hiring entity or any other person shall take any adverse action against any person
2 because the person has exercised in good faith the rights protected under this ordinance. Such
3 rights include, but are not limited to, the right to make inquiries about the rights protected under
4 this ordinance; the right to inform others about their rights under this ordinance; the right to
5 inform the person's hiring entity, the person's legal counsel, a union or similar organization, or
6 any other person about an alleged violation of this ordinance; the right to file an oral or written
7 complaint with the Agency or bring a civil action for an alleged violation of this ordinance; the
8 right to cooperate with the Agency in its investigations of this ordinance; the right to testify in a
9 proceeding under or related to this ordinance; the right to refuse to participate in an activity that
10 would result in a violation of city, state or federal law; and the right to oppose any policy,
11 practice, or act that is unlawful under this ordinance.

12 ~~C. No hiring entity shall, as a result of this ordinance going into effect, reduce or~~
13 ~~otherwise modify the areas of the City that are served by the hiring entity. It shall be a violation~~
14 ~~of this subsection 100.050.C if this ordinance going into effect is a motivating factor in a hiring~~
15 ~~entity's decision to reduce or otherwise modify the areas of the City that are served by the hiring~~
16 ~~entity, unless the hiring entity can prove that its decision to reduce or modify its services would~~
17 ~~have been taken in the absence of this ordinance.~~

18 DC. No hiring entity or any other person shall communicate to a person exercising rights
19 protected in this Section 100.050, directly or indirectly, the willingness to inform a government
20 worker that the person is not lawfully in the United States, or to report, or to make an implied or
21 express assertion of a willingness to report, suspected citizenship or immigration status of a gig
22 worker or family member of the gig worker to a federal, state, or local agency because the gig
23 worker has exercised a right under this ordinance.

~~ED~~. 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 100.050. However, in the case of seasonal work that ended before the close of the 90-day period, the presumption also applies if the hiring entity fails to rehire a former gig worker at the next opportunity for work in the same position. The hiring entity may rebut the presumption with clear and convincing evidence that the adverse action was taken for a permissible purpose.

~~FE~~. Proof of retaliation under this Section 100.050 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 100.050 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.

~~GF~~. The protections afforded under this Section 100.050 shall apply to any person who mistakenly but in good faith alleges violations of this ordinance.

~~HG~~. A complaint or other communication by any person triggers the protections of this Section 100.050 regardless of whether the complaint or communication is in writing or makes explicit reference to this ordinance.

100.060 Enforcement power and duties

A. The Agency shall have the power to investigate violations of this ordinance and shall have such powers and duties in the performance of these functions as are defined in this ordinance and otherwise necessary and proper in the performance of the same and provided for by law.

1 B. The Agency is authorized to coordinate implementation and enforcement of this
2 ordinance and may promulgate appropriate guidelines or rules for such purposes.

3 C. The Director is authorized to promulgate rules consistent with this ordinance and
4 Chapter 3.02 of the Seattle Municipal Code. Any guidelines or rules promulgated by the Director
5 shall have the force and effect of law and may be relied on by hiring entities, gig workers, and
6 other parties to determine their rights and responsibilities under this ordinance.

7 **100.070 Violation**

8 The failure of any respondent to comply with any requirement imposed on the respondent under
9 this ordinance is a violation.

10 **100.080 Investigation**

11 A. The Agency shall have the power to investigate any violations of this ordinance by
12 any respondent. The Agency may initiate an investigation pursuant to Director rules, including
13 but not limited to situations when the Director has reason to believe that a violation has occurred
14 or will occur, or when circumstances show that violations are likely to occur within a class of
15 hiring entities or businesses because the workforce contains significant numbers of gig workers
16 who are vulnerable to violations of this ordinance or the workforce is unlikely to volunteer
17 information regarding such violations. An investigation may also be initiated through the receipt
18 by the Agency of a report or complaint filed by a gig worker or other person.

19 B. A gig worker or other person may report to the Agency any suspected violation of this
20 ordinance. The Agency shall encourage reporting pursuant to this Section 100.080 by taking the
21 following measures:

22 1. The Agency shall keep confidential, to the maximum extent permitted by
23 applicable laws, the name and other identifying information of the gig worker or person

1 reporting the violation. However, with the authorization of such person, the Agency may disclose
2 the gig worker's or person's name and identifying information as necessary to enforce this
3 ordinance or for other appropriate purposes.

4 2. Hiring entities shall provide gig workers with written notice of an investigation.
5 Hiring entities shall provide the notice in a format that is readily accessible to gig workers. The
6 Agency shall create the notice in English and other languages.

7 3. The Agency may certify the eligibility of eligible persons for "U" Visas under
8 the provisions of 8 U.S.C. § 1184.p and 8 U.S.C. § 1101.a.15.U. This certification is subject to
9 applicable federal law and regulations, and Director rules.

10 C. The Agency's investigation ~~must~~ shall commence within three years of the alleged
11 violation. To the extent permitted by law, the applicable statute of limitations for civil actions is
12 tolled during any investigation under this ordinance and any administrative enforcement
13 proceeding under this ordinance based upon the same facts. For purposes of this ordinance:

14 1. The Agency's investigation begins on the earlier date of when the Agency
15 receives a complaint from a person under this ordinance, or when the Agency provides notice to
16 the respondent that an investigation has commenced under this ordinance.

17 2. The Agency's investigation ends when the Agency issues a final order
18 concluding the matter and any appeals have been exhausted; the time to file any appeal has
19 expired; or the Agency notifies the respondent in writing that the investigation has been
20 otherwise resolved.

21 D. The Agency's investigation shall be conducted in an objective and impartial manner.

22 E. The Director may apply by affidavit or declaration in the form allowed under RCW
23 9A.72.085 to the Hearing Examiner for the issuance of subpoenas requiring a hiring entity to

1 produce the records required by Section 100.040, or for the attendance and testimony of
2 witnesses, or for the production of documents required to be retained under Section 100.040, or
3 any other document relevant to the issue of whether any gig worker or group of gig workers has
4 been or is afforded the proper amount of premium pay required by this ordinance and/or to
5 whether a hiring entity has violated any provision of this ordinance. The Hearing Examiner shall
6 conduct the review without hearing as soon as practicable and shall issue subpoenas upon a
7 showing that there is reason to believe that: a violation has occurred, a complaint has been filed
8 with the Agency, or that circumstances show that violations are likely to occur within a class of
9 businesses because the workforce contains significant numbers of gig workers who are
10 vulnerable to violations of this ordinance or the workforce is unlikely to volunteer information
11 regarding such violations.

12 F. A hiring entity that fails to comply with the terms of any subpoena issued under
13 subsection 100.080.E in an investigation by the Agency under this ordinance before the issuance
14 of a Director's Order issued pursuant to subsection 100.090.C may not use such records in any
15 appeal to challenge the correctness of any determination by the Agency of liability, damages
16 owed, or penalties assessed.

17 G. In addition to other remedies, the Director may refer any subpoena issued under
18 subsection 100.080.E to the City Attorney to seek a court order to enforce any subpoena.

19 H. Where the Director has reason to believe that a violation has occurred, the Director
20 may order any appropriate temporary or interim relief to mitigate the violation or maintain the
21 status quo pending completion of a full investigation or hearing, including but not limited to a
22 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 100.210.

100.090 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 ordinance 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 ordinance, the Director shall issue a “Determination of No Violation” with notice of a gig worker or other person's right to appeal the decision, pursuant to Director rules.

C. If the Director determines that a violation of this ordinance 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 ordinance for each violation, including payment of unpaid compensation, liquidated damages, civil penalties, penalties payable to aggrieved parties, fines, and interest pursuant to Section 100.200.

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 ~~under pursuant to~~ subsection 100.200.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 pursuant to subsection 100.200.E or 100.200.F.

4. The Director's Order may direct the respondent to take such corrective action as is necessary to comply with the requirements of this ordinance, 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 100.210.

100.200 Remedies

A. The payment of unpaid compensation, liquidated damages, civil penalties, penalties payable to aggrieved parties, fines, and interest provided under this ordinance 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 100.200 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 of the amount of civil penalties and fines due to the Agency based on timely payment of the full remedy due to the aggrieved party.

1 a. The Director may waive the total amount of civil penalties and fines due
2 to the Agency if the Director determines that the respondent paid the full remedy due to the
3 aggrieved party within ten days of service of the Director's Order.

4 b. The Director may waive half the amount of civil penalties and fines due
5 to the Agency if the Director determines that the respondent paid the full remedy due to the
6 aggrieved party within 15 days of service of the Director's Order.

7 c. The Director shall not waive any amount of civil penalties and fines due
8 to the Agency if the Director determines that the respondent has not paid the full remedy due to
9 the aggrieved party after 15 days of service of the Director's Order.

10 5. When determining the amount of liquidated damages, civil penalties, penalties
11 payable to aggrieved parties, and fines due under this Section 100.200 for a settlement agreement
12 or Director's Order, including but not limited to the mitigation of civil penalties and fines due to
13 the Agency for timely payment of remedy due to an aggrieved party under subsection
14 100.200.A.4, the Director shall consider:

15 a. The total amount of unpaid compensation, liquidated damages,
16 penalties, fines, and interest due;

17 b. The nature and persistence of the violations;

18 c. The extent of the respondent's culpability;

19 d. The substantive or technical nature of the violations;

20 e. The size, revenue, and human resources capacity of the respondent;

21 f. The circumstances of each situation;

22 g. The amount of penalties in similar situations; and

23 h. Other factors pursuant to Director rules.

1 B. A respondent found to be in violation of this ordinance shall be liable for full payment
2 of unpaid compensation due plus interest in favor of the aggrieved party under the terms of this
3 ordinance and other equitable relief. If the precise amount of unpaid compensation cannot be
4 determined due to a respondent's failure to produce records or if a respondent produces records
5 in a manner or form which makes timely determination of the amount of unpaid compensation
6 impracticable, the Director may designate a daily amount for unpaid compensation due to
7 aggrieved party. For any violation of this ordinance, the Director may assess liquidated damages
8 in an additional amount of up to twice the unpaid compensation.

9 C. A respondent found to be in violation of this ordinance for retaliation under Section
10 100.050 shall be subject to any appropriate relief at law or equity including, but not limited to
11 reinstatement of the aggrieved party, front pay in lieu of reinstatement with full payment of
12 unpaid compensation plus interest in favor of the aggrieved party under the terms of this
13 ordinance, and liquidated damages in an additional amount of up to twice the unpaid
14 compensation. The Director also shall order the imposition of a penalty payable to the aggrieved
15 party of up to \$5,462.70.

16 D. A respondent found to be in violation of gig worker and consumer protections under
17 subsection 100.027.A.1 or 100.027.A.4 shall be subject to the penalties and fines established by
18 this Section 100.200; such penalties and fines shall be payable only to the Agency. The Director
19 is not authorized to assess unpaid compensation due under subsection 100.200.B or 100.200.C.
20 for violations of subsection 100.027.A.1 or 100.027.A.4. All remedies are available for
21 violations of subsection 100.027.A.2 or 100.027.A.3.

22 ~~DE~~. The Director is authorized to assess penalties and shall specify that at least 50%
23 percent of any penalty ~~is assessed pursuant to~~ this subsection 100.200.~~DE~~ is payable to the

aggrieved party and the remaining penalty is payable to the Agency as a civil penalty. The Director may also specify that the entire penalty is payable to the aggrieved party.

1. For a first violation of this ordinance, the Director may assess a penalty of up to \$546.07 per aggrieved party.

2. For a second violation of this ordinance, the Director shall assess a penalty of up to \$1,092.13 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 ordinance, the Director shall assess a penalty of up to \$5,462.70 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid compensation, whichever is greater.

4. The maximum penalty for a violation of this ordinance shall be \$21,849.79 per aggrieved party, or an amount equal to ten percent of the total amount of unpaid compensation, whichever is greater.

5. For purposes of this Section 100.200, 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.

~~EF~~. The Director is authorized to assess fines and may specify that the fines are due to the aggrieved party rather than due to the Agency. The Director is authorized to assess fines as follows:

Violation	Fine
Failure to provide a gig worker with written notice of rights under subsection 100.030.A	\$546.07 per aggrieved party

Failure to retain hiring entity records for three years under subsections 100.040.A and 100.040.B	\$546.07 per missing record
Failure to comply with prohibitions against retaliation for exercising rights protected under Section 100.050	\$1,092.13 per aggrieved party
Failure to provide notice of investigation to gig workers under subsection 100.080.B.2	\$546.07
Failure to post or distribute public notice of failure to comply with final order under subsection 100.240.A.1	\$546.07

The maximum amount that may be imposed in fines in a one-year period for each type of violation listed above is \$5,462.70 unless a fine for retaliation is issued, in which case the maximum amount is \$21,849.79.

~~F.G.~~ A respondent who willfully hinders, prevents, impedes, or interferes with the Director or Hearing Examiner in the performance of their duties under this ordinance shall be subject to a civil penalty of not less than \$1,092.13 and not more than \$5,462.70.

~~G.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 ordinance, including but not limited to reasonable attorneys' fees.

~~H.I.~~ A hiring entity 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 hiring entity 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 100.200.~~H.I.~~ shall be construed to provide grounds for debarment separate from, and in addition to, those contained in Seattle Municipal Code Chapter 20.70 and shall not be governed by that chapter provided that nothing in this subsection 100.200.~~H.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 hiring entities subject to debarment under this subsection 100.080.~~HI~~.

100.210 Appeal period and failure to respond

A. A gig worker or other person who claims an injury as a result of an alleged violation of this ordinance may appeal the Determination of No Violation~~Shown~~, pursuant to Director rules.

B. A respondent may appeal the Director's Order, including all remedies issued pursuant to Section 100.200, 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.

100.220 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 of the Seattle Municipal Code 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.

100.230 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 100.230.

100.240 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

1 Director may seek to enforce a Director's Order or a final order of the Hearing Examiner under
2 Section 100.250.

3 4. The Director may request that the City's Department of Finance and
4 Administrative Services deny, suspend, refuse to renew, or revoke any business license held or
5 requested by the ~~employer-hiring entity~~ or person until such time as the ~~employer-hiring entity~~
6 complies with the remedy as defined in the settlement agreement or final order. The City's
7 Department of Finance and Administrative Services shall have the authority to deny, refuse to
8 renew, or revoke any business license in accordance with this subsection 100.240.A.4.

9 B. No respondent that is the subject of a final order issued under this ordinance shall quit
10 business, sell out, exchange, convey, or otherwise dispose of the respondent's business or stock
11 of goods without first notifying the Agency and without first notifying the respondent's successor
12 of the amounts owed under the final order at least three business days before such transaction. At
13 the time the respondent quits business, or sells out, exchanges, or otherwise disposes of the
14 respondent's business or stock of goods, the full amount of the remedy, as defined in a final order
15 issued by the Director or the Hearing Examiner, shall become immediately due and payable. If
16 the amount due under the final order is not paid by respondent within ten days from the date of
17 such sale, exchange, conveyance, or disposal, the successor shall become liable for the payment
18 of the amount due, provided that the successor has actual knowledge of the order and the
19 amounts due or has prompt, reasonable, and effective means of accessing and verifying the fact
20 and amount of the order and the amounts due. The successor shall withhold from the purchase
21 price a sum sufficient to pay the amount of the full remedy. When the successor makes such
22 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.

100.250 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 100.210.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 100.210.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 100.230.A, the order of the Hearing Examiner shall

1 be final, and the Director may petition the Seattle Municipal Court to enforce the Director's
2 Order by entering judgment in favor of the City for all amounts and relief due under the order of
3 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence
4 that the violations contained therein occurred and shall be admissible without further evidentiary
5 foundation. Any certifications or declarations authorized under RCW 9A.72.085 containing
6 evidence that the respondent has failed to comply with the order or any parts thereof, and is
7 therefore in default, or that the respondent has failed to avail itself of judicial review in
8 accordance with subsection 100.230.A, shall also be admissible without further evidentiary
9 foundation.

10 D. In considering matters brought under subsections 100.250.B and 100.250.C, the
11 Municipal Court may include within its judgment all terms, conditions, and remedies contained
12 in the Director's Order or the order of the Hearing Examiner, whichever is applicable, that are
13 consistent with the provisions of this ordinance.

14 **100.260 Private right of action**

15 A. Any person or class of persons that suffers financial injury as a result of a violation of
16 this ordinance, or is the subject of prohibited retaliation under Section 100.050, may bring a civil
17 action in a court of competent jurisdiction against the hiring entity or other person violating this
18 ordinance and, upon prevailing, may be awarded reasonable attorney fees and costs and such
19 legal or equitable relief as may be appropriate to remedy the violation including, without
20 limitation: the payment of any unpaid compensation plus interest due to the person and
21 liquidated damages in an additional amount of up to twice the unpaid compensation; and a
22 penalty payable to any aggrieved party of up to \$55,462.70 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. For purposes of this Section 100.260, “person” includes any entity a member of which has suffered financial injury or retaliation, or any other individual or entity acting on behalf of an aggrieved party that has suffered financial injury or retaliation.

C. For purposes of determining membership within a class of persons entitled to bring an action under this Section 100.260, two or more gig workers 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.

D. For purposes of subsection 100.260.C, gig workers shall not be considered dissimilar solely because the gig workers’

1. Claims seek damages that differ in amount, or
2. Job titles or other means of classifying gig workers differ in ways that are unrelated to their claims.

100.270 Encouragement of more generous policies

A. Nothing in this ordinance shall be construed to discourage or prohibit a hiring entity from the adoption or retention of premium pay policies more generous than the one required herein.

B. Nothing in this ordinance shall be construed as diminishing the obligation of a hiring entity to comply with any contract or other agreement providing more generous protections to a gig worker than required by this ordinance.

100.280 Other legal requirements

This ordinance provides minimum requirements for premium pay while working for a hiring entity during the COVID-19 emergency and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for higher premium pay, or that extends other protections to gig workers; and nothing in this ordinance shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nor shall this ordinance be construed to preclude any person aggrieved from seeking judicial review of any final administrative decision or order made under this ordinance affecting such person. Nothing in this Section 100.280 shall be construed as restricting a gig worker's right to pursue any other remedies at law or equity for violation of their rights.

100.290 Severability

The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the application thereof to any hiring entity, gig worker, person, or circumstance, is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. Section 3.02.125 of the Seattle Municipal Code, last amended by Ordinance 125948, 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
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* * *	
Paid Sick/Safe Leave Ordinance (Chapter 14.16)	No fee
<u>Premium Pay for Gig Workers Ordinance (Introduced as Council Bill XXXXXX119799)</u>	<u>No fee</u>
Public Accommodations Ordinance (Chapter 14.06)	No fee
* * *	

Section 4. Subsection 6.208.020.A of the Seattle Municipal Code, which section was last amended by Ordinance 125930, 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, 5.40, 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, and 14.30.180.A.4, and subsection 100.240.A.4 of this ordinance, 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, and 14.30, and this ordinance, 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, and 14.30, and this ordinance 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. This ordinance shall be automatically repealed without subsequent Council action three years after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020.

Section 6. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 7. By reason of the findings set forth in Section 1, and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the Council and its approval by the Mayor, as provided by Article 4, subsection 1.1 of the Charter of the City.

Passed by a 3/4 vote of all the members of the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)



Legislation Text

File #: CB 119779, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE establishing a new University District Parking and Business Improvement Area (BIA); levying special assessments upon owners of commercial, multifamily residential property, and mixed-use property within the BIA; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a BIA Advisory Board; providing for an implementation agreement with a Program Manager; providing for the continuity of services and the transfer of any remaining funds from the current U. District BIA account that was established in 2015 by Ordinance 124761; and ratifying and confirming certain acts related thereto.

WHEREAS, Chapter 35.87A RCW authorizes The City of Seattle (“City”) to establish business improvement areas to provide special benefits to business and property owners within a defined geographic area through the imposition of special assessments; and

WHEREAS, the current University District Parking and Business Improvement Area (“2015 U. District BIA”), which was established in 2015 by Ordinance 124761 to provide services and amenities for ratepayers paid through a levy of special assessments, is set to expire on May 31, 2020; and

WHEREAS, to gauge the percentage of special assessments that were reflected in signed petitions, City staff followed RCW 35.87A.010, and calculated the dollar amount of the special assessment that each commercial, multifamily residential, or mixed-use property would pay, and compared the dollar amount represented by signed petitions and letters of support to the estimated total for the entire proposed University District Parking and Business Improvement Area (“U. District BIA”), and the result was nearly 65.4 percent, which exceeds the threshold of 60 percent stated in RCW 35.87A.010; and

WHEREAS, the City Council adopted Resolution 31943, initiating a new U. District BIA via the resolution

method instead of the petition method as provided for in RCW 35.87A.030; and

WHEREAS, pursuant to RCW 35.87A.040, the City Council on April 27, 2020, adopted Resolution 31944

entitled “A RESOLUTION of intention to establish a University District Parking and Business

Improvement Area and fix a date and place for a hearing thereon,” which stated its intention to establish

the new U. District BIA, the proposed boundaries, and the proposed programs, and which set the date

and time for a public hearing; and

WHEREAS, the purpose of the new U. District BIA is to enhance conditions for the commercial, multifamily

residential, and mixed-use properties by performing activities that go beyond the basic services

provided by the City; and

WHEREAS, as provided by Resolution 31944, the City Council, through its Community Economic

Development Committee, held a public hearing at 9:30 a.m. on May 27, 2020; and

WHEREAS, the testimony received at that hearing resulted in the City Council determining that establishing a

new U. District BIA is in the best interest of the owners of commercial, multifamily residential, and

mixed-use properties within the U. District BIA’s boundaries; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. Governor’s Proclamation 20-28 prohibits agencies from taking action (as defined in RCW 42.30.020), unless the matter is 1) necessary and routine; or 2) necessary to respond to the COVID-19 public health emergency.

B. This legislation is necessary because allowing Parking and Business Improvement Areas (BIAs) to expire would result in the loss of much needed funding for business district management and improvement, and may also result in staff layoffs.

C. The City Council routinely reviews and approves BIAs.

Section 2. The City Council of The City of Seattle (“City”) declares its intention to establish a

University District Parking and Business Improvement Area (“U. District BIA”) in accordance with Chapter 35.87A RCW.

Section 3. The U. District BIA shall be within the following boundaries as shown on the map attached to this ordinance as Exhibit A, including three additional benefit zones within the U. District BIA boundaries (when a street or alley is named, the area boundary is the centerline of the right-of-way including vacated portions unless otherwise specified in the description):

The U. District Business Improvement Area

From the southwest intersection of Brooklyn Ave NE and NE Ravenna Blvd, proceed
West along the northern property line of Parcel #5226300235; then proceed
South along the western property line of the same parcel (#5226300235); then proceed
East along the southern property line of the same parcel (#5226300235); then proceed
East across the centerline of Brooklyn Ave NE toward the southern property line of Parcel #5226300165; then proceed
East toward the centerline of the alleyway between Brooklyn Ave NE and University Way NE; then proceed
South along the centerline of the alleyway between Brooklyn Ave NE and University Way NE toward NE 55th St at the southeast corner of Parcel # 8714600155; then proceed
West along the centerline of NE 55th St to the northwestern corner of Parcel #2862100600; then proceed
South along the western property lines of Parcels #2862100600, #2862100590, #2862100585, #2862100580, #2862100575, #2862100570, #2862100560, #2862100550, toward NE 53rd St; then proceed
West along the centerline of NE 53rd St toward the southeast corner of NE 53rd St and 8th Ave NE; then proceed
South along the centerline of 8th Ave NE to the southwest corner of Parcel #2862100795; then proceed
East along the southern property line of the same parcel (#2862100795) and Parcel #2862100750 toward 9th Ave NE; then proceed
South along the centerline of 9th Ave NE toward the intersection of NE 50th and 9th Ave NE; then proceed
West along the centerline of NE 50th St toward the northwest corner of Parcel #0889000005 (University Playground); then proceed
South along the western property line of the same parcel (#0889000005); then proceed
East along the southern property line of the same parcel (#0889000005) toward the intersection of NE 48th St and 9th Ave NE; then proceed
South along the centerline of 9th Ave NE toward the intersection of NE 47th St; then proceed
West along the centerline of NE 47th toward the intersection of 7th Ave NE; then proceed
South along the centerline of 7th Ave NE toward NE 45th St; then proceed
Southwest along the east edge of Interstate-5 toward NE 40th St; then proceed
East along the centerline of NE 40th St toward the intersection of Eastlake Ave NE; then proceed
Northeast along the centerline of Eastlake Ave NE toward the intersection of NE Campus Pkwy and Roosevelt Way NE; then proceed
North along the centerline of Roosevelt Way NE to the intersection of NE 41st St; then proceed
East along the centerline of NE 41st St toward the southeast corner of Parcel #1142001825; then proceed
North along the centerline of the alleyway between 11th Ave NE and Roosevelt Way NE toward the southwest corner of Parcel #1142001810; then proceed
East along the southern property line of the same parcel (#1142001810) toward 11th Ave NE; then proceed
East toward the southwest corner of Parcel #1142001725; then proceed
East along the southern property line of the same parcel (#1142001725) toward the alleyway between 11th Ave NE and 12th Ave NE; then proceed
South toward the southwest corner of Parcel #1142001675; then proceed
East along the southern property line of the same parcel (#1142001675) toward the centerline of 12th Ave NE; then proceed
South along the centerline of 12th Ave NE toward the intersection of NE 41st St; then proceed
East along the centerline of NE 41st St toward the centerline of the alleyway between University Way NE and 15th Ave NE; then proceed
North along the centerline of the alleyway between University Way NE and 15th Ave NE toward the intersection of NE 42nd

St; then proceed
East along the centerline of NE 42nd St toward the intersection of 15th Ave NE; then proceed
North toward the intersection of NE 45th St; then proceed
East along the centerline of NE 45th St toward the alleyway between 17th Ave NE and 18th Ave NE; then proceed
North along the centerline in the alleyway between 17th Ave NE and 18th Ave NE toward the intersection of NE 50th St;
then proceed
West along the centerline of NE 50th St toward the alleyway between 15th Ave NE and 16th Ave NE; then proceed
North along the centerline of the alleyway between 15th Ave NE and 16th Ave NE toward the intersection of NE 56th St;
then proceed
West along the centerline of NE 56th St toward the alleyway between 15th Ave NE and University Way NE; then proceed
North along the centerline of the alleyway between 15th Ave NE and University Way NE toward the intersection of NE
Ravenna Blvd; then proceed
West along the centerline of NE Ravenna Blvd to the point of origin at the southwest corner of Brooklyn Ave NE.

The South Ave Cleaning Area

From the intersection of Brooklyn Avenue NE and NE 52nd Street, proceed east along the centerline of NE 52nd Street to the
centerline of the alleyway between University Way NE and 15th Avenue NE; then proceed
South along the centerline of the alleyway between University Way NE and 15th Ave NE to the centerline of NE 41st Street;
then proceed
West along the centerline of NE 41st Street to the centerline of the alleyway between Brooklyn Avenue NE and University
Way NE; then proceed
North along the centerline of the alleyway until the southern property line of the parcel on the southeast corner of NE 43rd
Street and Brooklyn Avenue NE (Parcel #1142001140); then proceed
West along the southern property line of Parcel #1142001140; then proceed
Across Brooklyn Avenue NE and along the southern property line of the property on the southwest corner of the intersection
of NE 43th Street and Brooklyn Avenue NE (Parcel # 1142000905); then proceed
Along the southern property line of the property on the southeast corner of 12th Avenue NE and NE 43rd Street (Parcel
#1142001020) to the centerline of 12th Avenue NE; then proceed
North along the centerline of 12th Avenue NE until the centerline of NE 45th Street; then proceed
East along the centerline of NE 45th Street to the centerline of the alleyway between 12th Avenue NE and Brooklyn Avenue
NE; then proceed
North along the centerline of the alleyway between 12th Avenue NE and Brooklyn Avenue NE to the centerline of NE 50th
Street; then proceed
East along NE 50th Street to the centerline of Brooklyn Avenue NE; then proceed
North along the centerline of Brooklyn Avenue NE to the point of origin at the centerline of NE 52nd Street.

The North Ave Cleaning Area

From the intersection of NE Ravenna Boulevard and the alleyway between Brooklyn Avenue NE and University Way NE,
proceed east along the centerline of NE Ravenna Boulevard to the centerline of the alleyway between University Way NE
and 15th Avenue NE; then proceed
South along the centerline of the alleyway between University Way NE and 15th Avenue NE to the centerline of NE 52nd
Street; then proceed
West along the centerline of NE 52nd Street to the centerline of the alleyway between Brooklyn Avenue NE and University
Way NE; then proceed
North along the centerline of the alleyway to the point of origin at the centerline of NE Ravenna Boulevard.

In case of a conflict between the descriptions of the areas and the map, the descriptions shall control.

Section 4. Programs. Special assessment revenues shall be used for the following component programs:

- A. Cleaning and Public Safety;
- B. Events and Marketing;
- C. Policy and Advocacy, but not related to land use or zoning changes;

D. Economic Development, including efforts to prevent small businesses within the district area from being displaced;

E. Urban Vitality, Public Realm, and the Built Environment;

F. Planning; and

G. Program Management.

All such activities are supplemental to street maintenance and law enforcement provided by the City and are not intended to displace any services regularly provided by municipal government.

Section 5. To finance the programs authorized in Section 4 of this ordinance, there is proposed a 12-year special assessment to be levied and collected from the owners of business property, multifamily residential property (buildings containing four or more residential units), and mixed-use property (multifamily residential and commercial) located within the boundaries of the U. District BIA described in Section 3 of this ordinance. The U. District BIA will annually update records based on data and information from King County and the City. The base assessments in 2020-2021 will be based upon 2019-2020 U. District BIA Assessments from the Department of Finance and Administrative Services (FAS), plus an inflation factor of 2.375 percent and a one-time 10 percent increase for program expansion.

A. U. District Fund Area Base Formula = $(\$0.25 \times (\text{Established Base Year Total Taxable Value}/\$1000 + \text{CPI Factors}) \times 2.375 \text{ percent} \times 10 \text{ percent increase})$.

B. U. District Fund Area New Benefit Formula = $(\$0.275 \times (\text{Established Base Year Total Taxable Value of Property}/\$1,000))$.
Total Taxable Value = Land + Improvements. This calculation is called the “New Benefit Formula.”

C. South Cleaning Area First Year Assessment = $(\$0.16 \times (\text{Total Lot Square Feet}))$.

D. North Cleaning Area First Year Assessment = $(\$0.09 \times (\text{Total Lot Square Feet}))$.

E. Greater District Cleaning Area (all other properties outside the South and North Cleaning Areas) First Year Assessment = $(\$0.03 \times (\text{Total Lot Square Feet}))$.

F. Modifications or limitations to these assessments are described below.

1. If the Total Appraised Value (Land + Improvements) and Total Taxable Value (Land + Improvements) in the King County Assessor’s records are not equal, tax-exempt rates for nonprofits and churches may apply under the following rules:

a. If the Total Taxable Value is zero, then calculate the U. District BIA First Year Assessment using the Total Appraised Value of the property at 25 percent of the Base Formula $((\$0.275 \times (\text{Total Appraised Value}/\$1,000)) \times 25 \text{ percent})$. If the property is located within either Cleaning Area, apply the corresponding Cleaning Area Formula at 25 percent.

b. If the Total Taxable Value and the Total Appraised Value are not equal, then:

1) Apply the full rate of the Base Formula to the Total Taxable Value ($\$0.275 \times (\text{Total Taxable Value} / \$1,000)$) and apply 25 percent of the Base Formula to the difference between the Total Appraised and Taxable Values ($(\text{Total Appraised Value} - \text{Total Taxable Value}) / \$1,000 \times 25 \text{ percent}$). These two calculated amounts are then added together for the First Year Assessment. As an example, Building A has a property tax exemption for a portion of its building. Its Total Taxable Value is \$700,000 and its Total Appraised Value is \$1,000,000. The full rate of the Base Formula will be applied to \$700,000 and then 25 percent of the Base Formula will be applied to the difference between the two values, or \$300,000. The assessment would be: $(\$0.275 \times (\$700,000 / \$1,000)) + ((25 \text{ percent} \times (\$0.275 \times (\$300,000 / \$1,000))) = \$192.5 + \$20.63 = \$213.13$.

2) If the property is located within either of the Cleaning Areas, then apply the full Cleaning Area Formula to the percentage of the Lot Square Footage that is equivalent to $(\text{Total Taxable Value} / \text{Total Appraised Value})$ and apply 25 percent of the corresponding Cleaning Area Formula to the percentage of the Lot Square Footage that is equivalent to $(\text{Total Appraised Value} - \text{Total Taxable Value}) / \text{Total Appraised Value}$. For example, Building A is located in the North Cleaning Area, has a Lot Square Footage of 10,000, Taxable Value of \$700,000 and Appraised Value of \$1,000,000. The North Cleaning Area First Year Assessment would be $(\$0.09 \times 10,000 \times (\$700,000 / \$1,000,000)) + (25 \text{ percent} \times \$0.09 \times 10,000 \times (\$300,000 / \$1,000,000)) = \$630 + \$67.50 = \697.50 .

G. Multifamily Tax Exemption (MFTE). If a property is owned by a for-profit entity and qualifies for the MFTE exemption from the City, the Base Year Assessment and Cleaning Area Formula will be calculated using the Total Appraised Value upon 100 percent completion of the building and/or authorization of the MFTE.

H. For the properties where the Property Taxpayer on record is “UNIVERSITY OF WASHINGTON,” unique circumstances require an assessment reflecting the unique nature of the University’s presence in the District. This assessment supersedes subsections 5.A through 5.E above. The aggregate First Year Assessment for all properties owned by the University of Washington within the BIA area will be \$423,115. In subsequent years, the University of Washington’s BIA assessment will be subject to the same CPI Factor as other properties within the BIA.

1. Properties owned by governmental entities will not be assessed, except as provided in this subsection 5.H.

2. Government agencies owning property within the District may contribute to the funding of District services but are not directly charged. The Program Manager may negotiate funding contributions and/or services with relevant governmental agencies, to supplement existing BIA services where appropriate.

I. Ratepayers will be assessed by the City for 24 semi-annual installments beginning with the year of the authorization (2020).

1. In 2020, properties will be assessed using the First Year Base Assessments for the U. District BIA, Greater District Cleaning Area, South Cleaning Area, and North Cleaning Area as set forth in this Section 5.

2. For each year following the first year of authorization, assessments will be calculated using a “CPI Factor” that is based on the Consumer Price Index for All Urban Consumers in Seattle-Tacoma-Bellevue (“CPI-U-Seattle”) as published monthly by the U.S. Department of Labor, Bureau of Labor Statistics (available at: http://www.bls.gov/eag/eag.wa_seattle_msa.htm). For the U. District Fund Area Base Assessment, the CPI Factor will be the lesser of three percent per year or the percentage change in CPI-U-Seattle between September 2020 and September of the year prior to the assessment year. For the North, South, and Greater District Cleaning Areas, the actual CPI shall be used and not limited to three percent.

J. “New Benefit Area” shall be added to the assessment roll on an annual basis, and will supersede the previous assessment for that parcel. A New Benefit Area is created when a parcel’s Net Building Square Footage increases as a result of either a new building or significant expansion of an existing building, as recorded by the King County Assessor’s Office. The Base Formula for a New Benefit Area will be calculated using the new King County Assessor’s values in the Base Formula multiplied by the annual CPI Factor in effect, and the corresponding Cleaning Area Formula factor (reflecting the updated Total Lot Square Footage) multiplied by the annual CPI Factor in effect. New BIA assessments will be billed at the next regularly scheduled billing period established by the Department of Finance and Administrative Services.

K. Rate Changes. Changes in assessment rates other than as described in this section shall only be authorized by ordinance consistent with RCW 35.87A.140 and with the approval of the BIA Advisory Board and shall not occur more than one time per year.

Section 6. Administration. The Director of Finance and Administrative Services (“FAS Director”) shall administer the program for the City with authority to:

A. Collect the special assessments; refund special assessments when overpaid or otherwise improperly collected; extend the deadline for payment; and waive delinquency charges, processing fees, and interest whenever the delinquency results from extenuating circumstances beyond the ratepayer’s control, such as a casualty loss causing premature closure of the business or bankruptcy, or the total payment due to the City (exclusive of delinquency charges and interest) is \$10 or less;

B. Calculate and collect the interest, delinquency charges, and processing fees for late payments;

C. After receiving the recommendation of the Board, execute a program management contract with a Program Manager as described in Section 7 of this ordinance; and

D. Accept and deposit advance payment of assessments by ratepayers; accept donations from governmental agencies, the public, and owners and operators of businesses on property that is developed or redeveloped during the existence of the U. District

BIA for U. District BIA programs.

Section 7. The FAS Director is authorized to contract with any local non-profit entity to act as the Program Manager. The Program Manager's duties, subject to the approval of the ratepayers at each annual meeting, will be to manage the day-to-day operations of the U. District BIA and to administer the projects and activities.

The FAS Director shall contract with the U District Partnership or other local non-profit entity to serve as the initial Program Manager.

The FAS Director shall establish and follow a competitive process to select a Program Manager every five years. The selection process shall include outreach to viable candidates, publication of requests for proposals; and a selection process that takes into consideration criteria designed to find a qualified and effective Program Manager.

Meetings of the Program Manager's board or committee at which U. District BIA-funded activities are anticipated to be discussed shall be open to the public, with at least five days' advance notice posted by the Program Manager(s) on its website and also disseminated by any other means that the Program Manager(s) generally uses to communicate.

Section 8. Special assessments shall be billed on a semi-annual basis. The FAS Director may change the billing frequency by directive to an interval no more frequent than quarterly. The FAS Director shall mail a copy of a directive issued under this section to all ratepayers not less than 90 days before the new billing due date is to take effect.

Section 9. If an assessment has not been paid within 30 days after its due date, the FAS Director shall send a reminder notice and add a \$5 processing fee. If the assessment is not paid within 60 days after its due date, a delinquency charge shall be added in the amount of ten percent of the assessment. All assessments that are not paid within 60 days of the due date shall also bear interest from the due date at 12 percent per annum. The FAS Director is authorized to refer any unpaid assessments to a collection agency or to bring an action to collect any unpaid assessments in any court of competent jurisdiction in King County.

Section 10. Notices of assessment, installment payments, or delinquency, and all other notices contemplated by this ordinance may be sent by ordinary mail or delivered by the City to the address shown on the records of the FAS Director, and, if no address is shown there, to the address shown on the records of the King County Assessor's Office. Failure of the ratepayer to receive any mailed notice shall not release the ratepayer from the duty to pay the assessment on the due date and any interest, delinquency charges, and processing fees.

Section 11. Any ratepayer aggrieved by the amount of an assessment or delinquency charge may on request obtain a meeting with FAS. If not satisfied, the ratepayer may appeal the matter to the City's Hearing Examiner in the manner provided for a contested case under Seattle Municipal Code Chapter 3.02. The ratepayer has the burden of proof to show that the assessment or delinquency

charge is incorrect.

Section 12. The City may conduct random audits of ratepayers to ensure that assessments are being properly calculated and reported.

Section 13. Expenditures from the Account shall be made upon demand and presentation of documentation of allowable expenses to the FAS Director by the program manager and shall be used exclusively for the programs as defined in Section 4 of this ordinance.

Section 14. The Director of the Office of Economic Development (“OED Director”) shall, within 30 days of the effective date of this ordinance, appoint an interim BIA Advisory Board comprised of ratepayers representative of the entire geography and variety of sizes in the U. District BIA, and residents and business tenants from within the U. District BIA. The OED Director shall solicit recommendations from the ratepayers and shall appoint the interim board from that list. The interim BIA Advisory Board will, within 90 days of the effective date of this ordinance, recommend an inaugural BIA Advisory Board (“Board”). The composition of the Board shall be representative of the varying sizes and types of property owners, residents, and businesses tenants within the geographic area of the U. District BIA, and may include public agencies.

For both the interim, inaugural, and permanent Boards:

1. No more than 35 percent of the members shall represent the University of Washington;
2. At least one member shall be a resident (owner);
3. At least one member shall be a resident (tenant) ;
4. At least one other member shall be a commercial tenant;
5. At least two members shall be commercial tenants subject to a triple net lease; and
6. At least 80 percent of all the members shall be ratepayers. At least one member shall be a ratepayer contributing less than 0.5 percent of the total assessment.

The OED Director shall appoint the inaugural Board members from the list recommended by the interim BIA Advisory Board. The OED Director may appoint additional members to the Board beyond those recommended by the interim BIA Advisory Board to ensure a broad representation of ratepayers, provided that the additional members so appointed do not exceed one-third of the entire membership of the Board.

As a prerequisite to serving on the Board, each member shall sign an acknowledgment, prepared by the OED Director, that they will abide by City ordinances related to business improvement areas and exercise fiduciary responsibility to collect and spend the special assessment revenues exclusively for the programs identified in Section 4 of this ordinance.

The Board shall be responsible for adopting bylaws and policy guidelines; recommending approval of budgets, expenditures, and programs; and providing advice and consultation to the OED and FAS Directors and to the Program Manager. The bylaws shall establish staggered terms for Board members, with no Board member serving more than two consecutive three-year terms. Any sitting Board member at the time of the 2020 reauthorization of the BIA shall be able to complete their term, then be allowed to be recommended and appointed to serve one additional term.

The Board shall meet at least once quarterly; recommend an annual work program and budget; address and discuss ratepayer concerns and questions regarding the U. District BIA programs; and sponsor an annual ratepayers' meeting. Meetings of the Board shall be open to the public, with at least five days' advance notice posted by the program manager on its website and also disseminated by any other means that the program manager generally uses to communicate.

At the annual ratepayers' meeting, the Board shall present its proposed work plan and budget for the next year, and its recommendation regarding whether to continue with the current Program Manager. The work plan, budget, and recommendation regarding whether to continue with the current Program Manager must be approved by a vote of the ratepayers and submitted to the Office of Economic Development.

The Board and Program Manager shall work with the Office of Economic Development to evaluate the U. District BIA's programs and services and shall report their findings to the City Council when a request to modify or renew the U. District BIA is proposed, or in five years from the time of formation, whichever is sooner.

Section 15. The FAS Director or the FAS Director's designee is authorized to enter into an agreement with the program manager of the 2015 U. District BIA to provide for continuity of services, fulfillment of any liabilities, and distribution of remaining funds in the 2015 U. District BIA Account for the benefit of the 2015 U. District BIA ratepayers, and transfer any remaining de minimis funds and receivables in the 2015 U. District BIA Account to an account established by the City on behalf of the U. District BIA.

Section 16. The U. District BIA shall have a term of 12 years and will expire 12 years after the date that the area is established. Upon a petition signed by ratepayers that would pay 60 percent of the proposed special assessments, the BIA Advisory Board shall request that the City Council disestablish the U. District BIA in accordance with Chapter 35.87A RCW.

Section 17. The making of contracts and expenditures and the sending of assessment notices consistent with the authority of this ordinance taken after its passage and prior to its effective date are ratified and confirmed.

Section 18. 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.

Adopted by the City Council the _____ day of _____, 2020, and signed by me in open session
in authentication of its adoption this _____ day of _____, 2020.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2020.

Jenny A. Durkan, Mayor

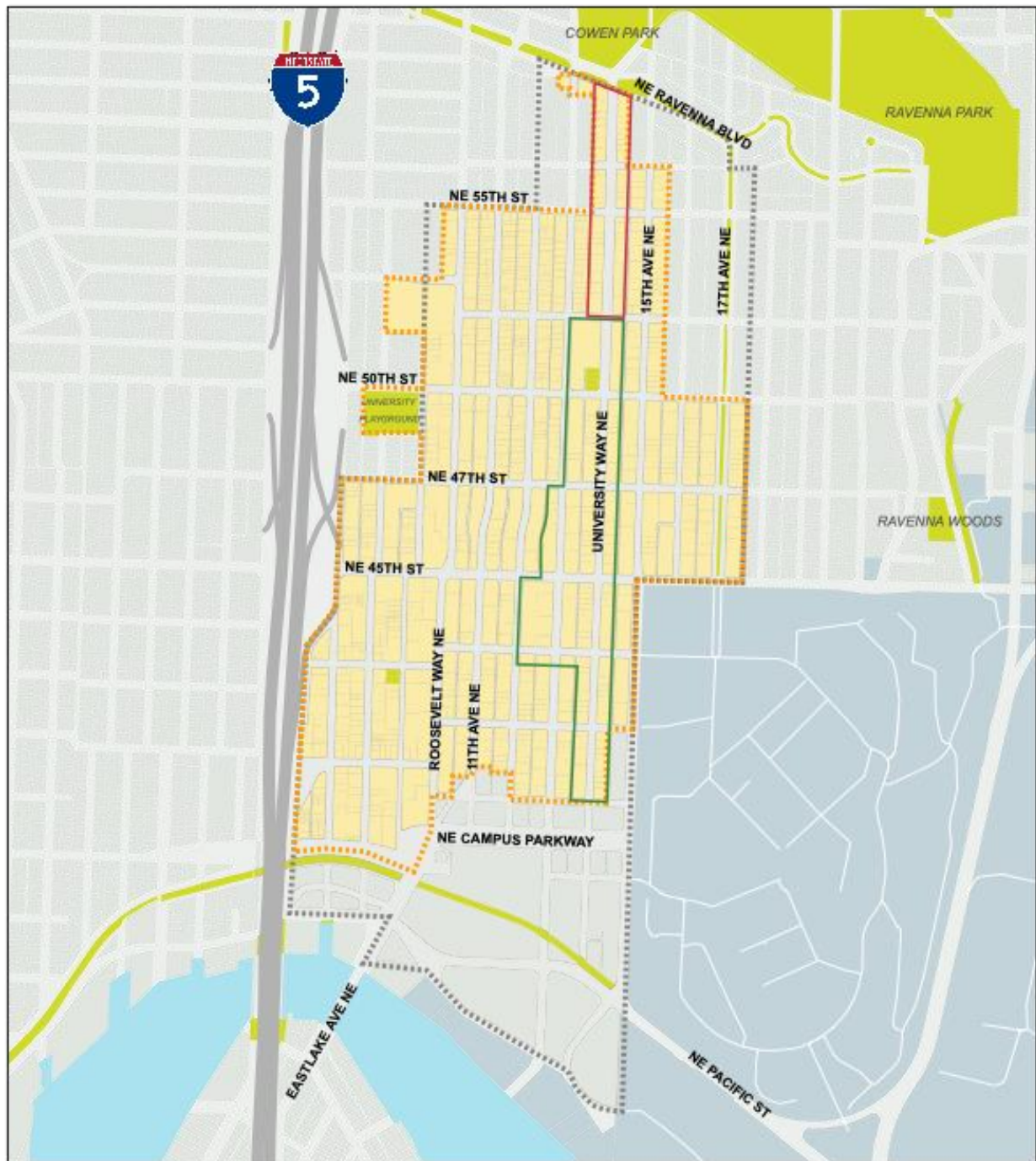
Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Exhibit A - University District Business Improvement Area

EXHIBIT A: UDBIA PROPOSED BOUNDARIES



Proposed New U District BIA Boundary



SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Economic Development	Phillip Sit / 256-5137	Julie Dingley / 684-5523

** 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 establishing a new University District Parking and Business Improvement Area (BIA); levying special assessments upon owners of commercial, multifamily residential, and mixed-use properties within the BIA; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a Ratepayers' Advisory Board; and providing for an implementation agreement with a Program Manager; providing for the continuity of services and the transfer of any remaining funds from the current U. District BIA account that was established in 2015 by Ordinance 124761; and ratifying and confirming certain acts related thereto.

Summary and background of the Legislation:

This Ordinance establishes a new U. District Parking and Business Improvement Area (U. District Business Improvement Area) under RCW 35.87A. The U. District Business Improvement Area is expected to be funded by a special assessment levied on the owners of commercial properties, multi-family residential, and mixed-use properties within its boundaries. The City would contract with a program manager to administer the activities set out in the U. District Business Improvement Area work plan. The U. District Business Improvement Area (BIA) program manager will be overseen by a Ratepayers' Advisory Board, which would be broadly representative of the ratepayers in the U. District Business Improvement Area.

This ordinance is the final piece of legislation required to create a new U. District Business Improvement Area, as required by Chapter 35.87A RCW. The City Council passed a resolution to initiate the formation of the U. District Business Improvement Area, as well as a resolution of intent that included the date and place of a public hearing. After the public hearing, the City Council agreed to go forward with this ordinance.

The U. District Business Improvement Area was originally established in 2015 for a five-year period, ending on May 1st, 2020. Based on its ability to provide services valued by its ratepayers, the U. District Business Improvement Area developed a proposal recommending the creation of a new BIA that will essentially extend it for a period of twelve years. The U. District Business Improvement Area believes its proposal is efficient, accountable, and responsive to the area's needs. The group collected signatures for a petition to form a U. District Business Improvement Area that will continue to fund its programs:

- A. Cleaning and Public Safety;
- B. Events and Marketing;

- C. Policy and Advocacy, but not related to land use or zoning changes;
- D. Economic Development including efforts to prevent small businesses within the district area from being displaced;
- E. Urban Vitality, Public Realm, and the Built Environment;
- F. Planning;
- G. Program Management

The petitioning effort resulted in a show of financial support by ratepayers who would pay at least 60% of the total special assessment revenues. Assessments will commence as of June 1, 2020, or the effective date of this ordinance, whichever is later. The new U. District Business Improvement Area will be overseen by a Ratepayers Advisory Board, which would be broadly representative of the proposed ratepayers.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

a. Does this legislation amend the Adopted Budget? ☒ Yes ☐ No

Appropriation change (\$):	General Fund \$		Other \$	
	2020	2021	2020	2021
Estimated revenue change (\$):	Revenue to General Fund		Revenue to Other Funds	
	2020	2021	2020	2021
			\$1,212,623.44.	\$1,212,623.44.
Positions affected:	No. of Positions		Total FTE Change	
	2020	2021	2020	2021

- b. 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?
None.
- c. Is there financial cost or other impacts of *not* implementing the legislation?
None to the City. The U District Business Improvement Area is established as a revenue-neutral program.

3.d. Appropriations

☐ This legislation adds, changes, or deletes appropriations.

3.e. Revenues/Reimbursements

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

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Dept	Revenue Source	2020 Revenue	2021 Estimated Revenue
19890 U. District Business Improvement Area	FAS	Ratepayer Assessments	\$1,212,623.44.	\$1,212,623.44.
TOTAL				

Is this change one-time or ongoing?

Ongoing for twelve years, the property and ownership data is revisited annually, and the assessments is recalculated based on the allowable changes in the ordinance, which could result in an increase or decrease to the total revenue collected.

Revenue/Reimbursement Notes:

The 2020 revenue amount represents ratepayer assessment collections for a full year, with assessments commencing on June 1, 2020. Estimated annual revenue for 2020-2021 is \$1,212,623.44 FAS would collect the assessments from the ratepayers, but the funds would then be kept by FAS only for reimbursement to the U. District Business Improvement Area.

3.f. Positions

☐ This legislation adds, changes, or deletes positions.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes – the Department of Finance and Administrative Services (FAS) administers the assessments for the BIAs. OED has worked in close coordination with FAS on this legislation package. FAS will collect the BIA assessments from its ratepayers. FAS holds the funds solely for the purpose of reimbursing the U. District Business Improvement Area for administering staffing, projects, and other costs associated with the BIA.

b. Is a public hearing required for this legislation?

Yes. A public hearing was held on as required by RCW 35.87A.140.

- c. **Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?**

No.

- d. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**

Yes. The companion resolution was published to give notice of the public hearing for the proposed Council Bill. Prior ordinances to establish BIAs have also been published after Council adoption.

- e. **Does this legislation affect a piece of property?**

No.

- f. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?**

Based on the Racial Equity Toolkit (see Attachment B), the U. District BIA proposal is not expected to have adverse disproportionate impacts on vulnerable and historically disadvantaged communities in the district. As development has increased in the district due in part to the City upzone, it is important that the U. District BIA continues to invest and support services like REACH and the Ambassador Program to assist vulnerable members of the community living without permanent housing and/or needing support from professional service providers. Commercial displacement impacts due to affordability and development will continue to be an issue in the district, OED will continue to collaborate with the U. District BIA to identify best practices and strategies to support small and minority-owned businesses.

- 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 U. District BIA work plan will remain largely the same as in prior years, with an expansion of its current services into the new boundaries. The summary of services and outcomes include the following:

- A) Clean and Safe – the majority of BIA assessment funds are directed to these programs. These include: cleaning in designated cleaning areas by professional contractors; cleaning district wide by UDP Beautification staff; monthly and annual volunteer cleanup projects; convening our community for monthly public meetings on clean and safe issues in the district; coordinating our efforts with Seattle Police and University Police departments; Ambassador patrol programs; projects to enliven streetscape like annual holiday lighting and bi-annual flower basket installations and maintenance; a district wide business crime prevention watch system; REACH mental health outreach; CPTED review and consultations; and support/utilization of homeless youth employment training.

- B) Economic Development – the BIA supports the sustainability and growth of all existing businesses in the district and serves as a resource/reference for attracting and supporting new business entry into the district. Programs include: supporting and growing a U District Business Network open to all for-profit and not-for-profit businesses; collecting and analyzing key data and performance indicators useful to businesses; conducting surveys, providing or funding research and analysis papers (Retail Saturation Study 2018-19, Steinbruck study 2017); sponsoring and producing events to drive retail foot traffic (Up Your Ave-Dawg Daze, Halloween on Roosevelt, Cherry Blossom Festival-2020, Special Olympics-2019); advocating for individual and collective businesses on issues critical to their interests (43rd redevelopment, 5G installation, Ambassador team response to business requests for assistance).
- C) Marketing and Events – the BIA: supports all events listed above with professional staffing for planning and implementation; invests resources in district wide advertising; provides weekly and monthly newsletters; and maintains the BIA website. A proposed priority for the new BIA will be to undertake a long-term commitment to rebrand the district to highlight its exceptional opportunity for businesses to establish themselves, for residents to live and as a retail/entertainment district attractive to a great King County market. Once complete, resources will be committed to a long-term propagation of that branding and messaging.
- D) Public Realm – the BIA supports unbiased community engagement and dialogue on public realm issues important to the district. Specifically excluded by ordinance from engaging in “land use” advocacy, the BIA focuses its public realm resources on working with public and private development projects to ensure district concerns and values are maintained; in public space activations (Christie Park renovation, Parking Days, Night Out); representing district concerns on major transportation projects; and convening or funding the convening of community gatherings on any public realm issues that need broader civic engagement (Let’s Go U District, Mobility Study).

List attachments/exhibits below:

Summary Attachment A – U District Improvement Area (BIA) Benefit Analysis

U DISTRICT IMPROVEMENT AREA (BIA) BENEFIT ANALYSIS

OFFICE OF ECONOMIC DEVELOPMENT

PHILLIP SIT, BIA ADVOCATE

HIGHLIGHTS:

BUDGET – The total estimated budget for the proposed U District BIA beginning in the year of authorization (2020) is estimated at **\$1,212,623.44**.

RATEPAYERS – The assessment is on all eligible properties and the ratepayers are therefore property owners, including commercial, nonprofits, multi-family residential properties, and the University of Washington.

The New U District BIA is comprised of **311 individual ratepayers** that represents **526 assessable parcels** within the designated boundaries, totaling **527 accounts** (including the University of Washington).

SUPPORT – The proposed U District BIA has petition signature from **219 petitions** in support of the U District BIA reauthorization, representing **64.68%** in assessments.

OPPOSITION – There are two sources of opposition to the proposed BIA. The first is comprised of three local groups (Save the Ave, U District Community Council, and U District Small Businesses). The second is opposition of inclusion in the BIA by some individual condominium owners – a group that advocated against their inclusion in the last BIA formation and have continued to express their opposition since then.

BOUNDARIES – The renewal makes two changes to the existing BIA boundaries and are detailed in the BIA boundary map. The proponents are proposing to reduce the BIA footprint in the northwest corner by removing a section that is almost entirely single-family residential homes and is commonly known as the University Park neighborhood. This adjustment is endorsed by the University Park Community Club. Second, the proponents are moving the southern boundary which currently extends through the UW campus to the shoreline northward to above the campus proper. The UDBIA does not provide any BIA funded services on campus itself and this revision of the boundary clarifies that reality.

BIA PROGRAMS AND SERVICES – are standard and similar to other recent BIAs.

ASSESSMENTS – Records for the initial assessment calculations are based on data and information from the King County Assessor’s Office and Financial Administration Services. The base assessment rate on each assessable property within the proposed boundaries will be **\$.275 per \$1,000** of the total taxable value and/or total appraised value. There is also a separate assessment charge for three different cleanings zones ranging from **\$0.03 to \$0.16** per lot sq. footage. Non-profits, churches, and other qualified properties will continue to receive an assessment discount due to the nature of their ownership.

BENEFIT ANALYSIS – Based on this analysis, the assessment methodology based on Total Taxable Value (TTV) and Total Appraised Value (TAV) will charge ratepayer assessments that are commensurate with the varying benefits provided by the U District BIA.

OUTREACH – U District BIA launched a widespread outreach campaign to property and business owners throughout this proposed area starting in March 2019.

PROGRAM MANAGER – The Program Manager is recommended by the Ratepayers Advisory Board to the City. The Ratepayers Advisory Board approves an annual budget, work plan, and program manager for use of BIA generated funds in alignment with the BIA ordinance. It is the expectation of OED/FAS that the U District Partnership will continue to serve as the program manager for the BIA generated funds.

CURRENT U DISTRICT BIA BOARD MEMBERS 2019-2020:

Name	Classification
Nikole O'Bryan	Property Owner Business Owner
Chris Giles - Board Secretary	Resident
Aaron Hoard - Board Vice Chair Clean & Safe Committee	UW
Kate Barr - Board Treasurer Finance Committee	Business Owner
Lora Gastineau	Resident
Maria Barrientos - Business Partner Economic Development Committee	Property Owner
David Cohanin Urban Vitality Committee	Property Owner
Maureen Ewing - Board Chair Church Survey Task Force	Property Owner Nonprofit
Max Blume	Property Owner
Lincoln Johnson	UW
Michael Polzin	Property Owner
Randy Hodgins	UW
ASUW Rep.	Student
Scott Soules	Property Owner
Mary Kay Gugerty	UW

The current BIA board meets the requirements in the 2015 U District BIA ordinance. The proposed new U District BIA will have new guidelines on community representation on the Ratepayer Advisory Board, which will be reflected in the final ordinance.

BUSINESS IMPROVEMENT AREA (BIA) OVERVIEW:

Currently, there are **10 BIAs** in Seattle generating a total of **\$26 million dollars** in enhanced programs and services to business districts. The current U District BIA provides **\$984,000** in annual assessments to support professional management, safe and clean, and business district advocacy.

- BIA services are primarily funding by a special assessment on district properties or business
- BIAs are governed by a locally controlled board of directors
- BIAs provide services to supplement, not replace services already provided by the City
- BIAs serve as a critical liaison between City government and neighborhood stakeholders

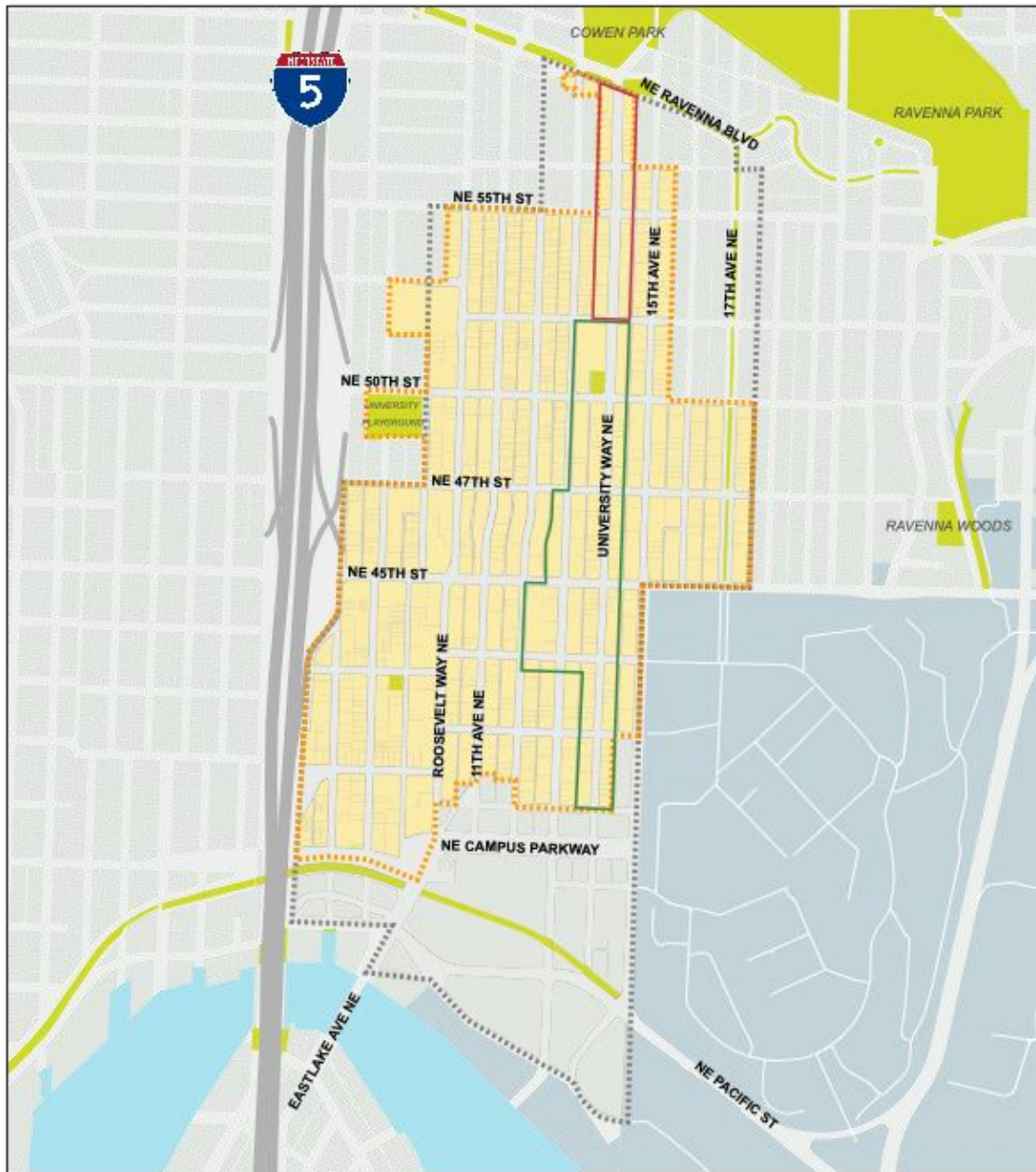
The U District is a vibrant and diverse business district with retail, offices, and commercial businesses. Like many business districts, the U District is grappling with issues related to homelessness, trash, public safety, parking, and transportation. By providing a dedicated source of funding, the U District BIA has been a vital City partner serving as a primary point to advocate for the benefit of stakeholders in the district.

Created under Ordinance 124761 as a five-year BIA in 2015, the current U District BIA is scheduled to sunset on May 1st of 2020 and the proposed renewal will require the approval from the City Council and the Mayor's Office. In response to community support and having successfully obtained signatures representing over 60% from potential ratepayers, the U District BIA is proposing a 12-year renewal with expanded programs and services.

This Business Improvement Area (BIA) benefit analysis has been prepared to support the proposed reauthorization and expansion of the U District BIA within the City of Seattle and a requirement of Resolution 31657 – the Citywide BIA Policies.

SECTION A: UDBIA PROPOSED BOUNDARIES

FIG A1:



Proposed New U District BIA Boundary



0 .125 .25 Miles



SECTION B: UDBIA PETITION SUPPORT

The proposed U District BIA has petition signature from **219 petitions** in support of the U District BIA reauthorization, representing **64.68%** in assessments from four main categories of property owners from the district. As of 3/1/2019, there are no petitions submitted to the City in opposition to the BIA renewal.

FIG B1: OVERALL PETITION SUPPORT FOR UDBIA RENEWAL

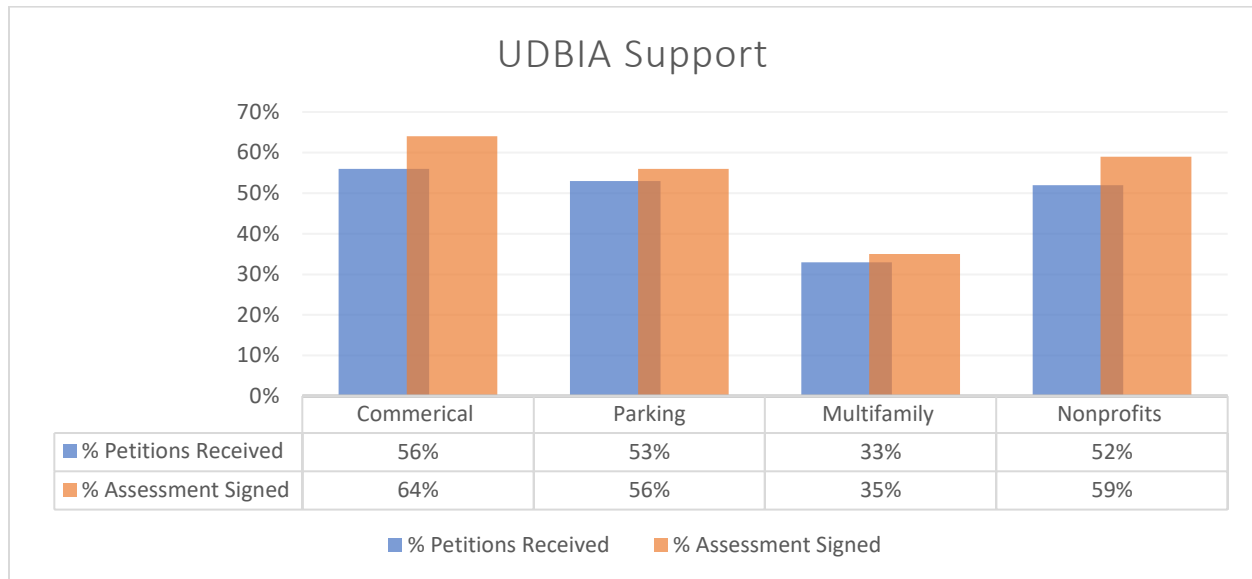


FIG B2: BREAKOUT OF PETITION SUPPORT BY PROPERTY TYPE

Property Type	# of Parcels	# of Parcels Signed	# of Parcels Opposed	Total Assessments	Total Assessments (Signed)	% of Total Assessment (Signed)
Commercial	152	85	0	\$242,580.23	\$156,012.97	64%
Parking	43	22	0	\$31,241.04	\$17,633.06	56%
Multifamily	303	97	0	\$493,524.54	\$174,462.45	35%
Nonprofits	28	14	0	\$22,162.63	\$13,100.33	59%
University of Washington	1	1	0	\$423,115.00	\$423,115.00	100%
Total	527	219	0	\$1,212,623.44	\$784,323.81	

SECTION C: U District BIA BUDGET

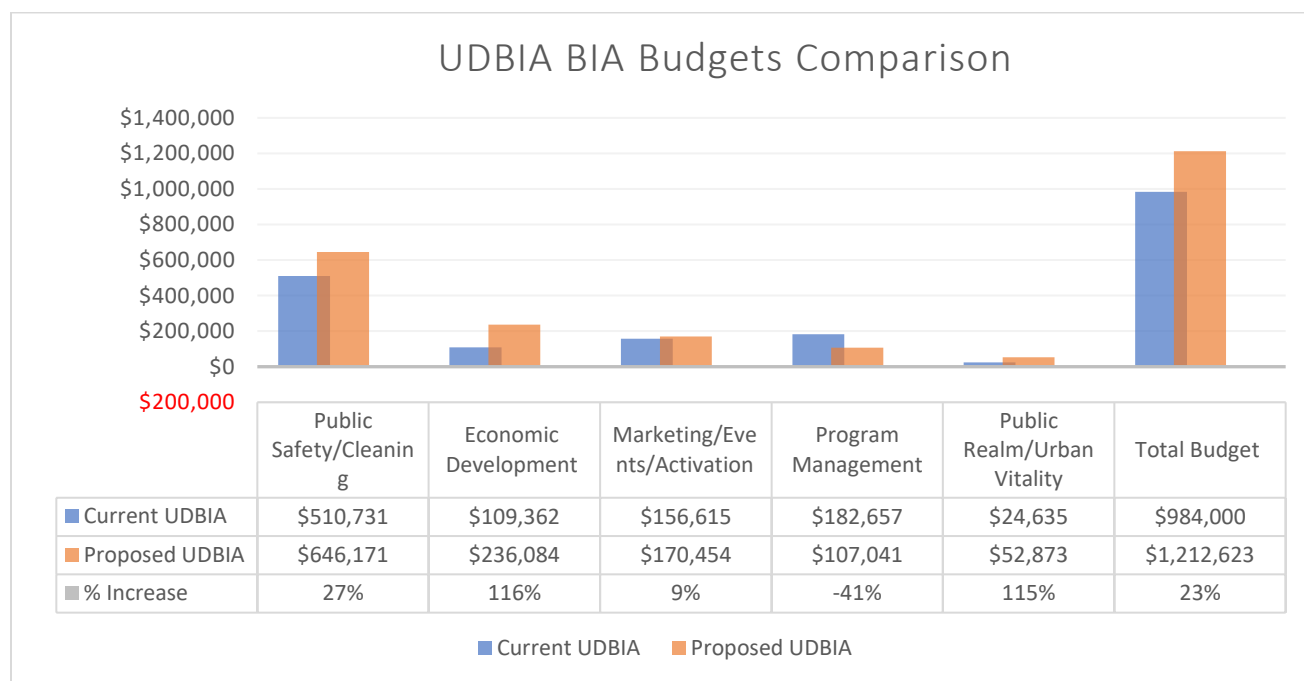
The BIA will generate an estimated total of **\$1,212,623.44** in assessments in the base year of authorization (2020-2021). The New U District BIA will continue to invest and expand programs and services that have benefited the district since 2015. All stakeholders will consistently benefit from economic development and public safety programs throughout the district, a clean environment, improved transportation, and district-specific advocacy efforts. **Section D has a description of the programs and services.**

FIG C1: U DISTRICT BIA BUDGETS

The budget growth of **23.3% or \$228,623.44** is reasonable given the creation of a new district-wide cleaning zone (**\$92,597.76**), separate from the existing North and South cleaning and MFTE adjustments across 13 properties (**\$63,9141.73**). There is also a one-time 10 percent increase to primarily support district wide branding and marketing.

To maintain programs and services over time, there is an **annual Customer Price Index (CPI) inflation factor** associated with the proposed BIA. The U District BIA will also annually update the assessment for properties that undergo development or expansion using data from the King County Assessor's Office. This **New Benefit** includes updating and identifying assessable parcels and total taxable and appraised value, and recalculating the base assessment and cleaning fee, which is the current assessment process for the existing U District.

FIG C2: U.DISTRICT BIA BUDGETS



INCREASE IN ECONOMIC DEVELOPMENT: Rapid growth over the past decade in the U District has created many opportunities and challenges for businesses. With the opening of a new light rail station and 30 plus new buildings under construction or in design review, By taking on the strategic responsibility of providing a positive narrative and image of the U District as a wonderful place to live, work, and play, and attracting new potential customers into the district, we will assist small businesses – including beloved legacy businesses and women and minority-owned businesses -- who can focus on promoting their own unique brands and product offerings.

UDBIA Programs	Description	Budget	Percent of Budget
Public Safety and Cleaning	Total	\$646,171	53.29%
	Staffing	167,958	
	Cleaning Contracts	225,240	
	Beautification Contracts	74,750	
	Ambassador Contract	94,760	
	REACH	43,000	
	Homeless Youth Training	10,000	
	Infrastructure Maintenance	30,463	
Economic Development	Total	\$236,084	19.47%
	Staff	116,528	
	District Branding/Marketing	90,266	
	Business Program Support Materials	29,290	
Public Realm and Urban Vitality	Total	52,873	4.36%
	Staffing	30,000	
	Program	5,000	
	Events/Community Convening	17,873	
Marking, Events, and Activations	Total	\$170,454	14.06%
	Staffing	130,302	
	Program	15,750	
	Other	24,402	
Program Management	Total	\$107,041	8.83%
	Staffing	49,530	
	Accounting/Audit	37,500	
	Office & Admin.	20,011	
Total BIA Assessment	Total	\$1,212,623	100%

SECTION D: BIA PROGRAMS AND SERVICES

Washington State law outlines a number of purposes for the use of BIA generated funds (see RCW 35.87A.010(1)). The services and activities funded by the New U District BIA annual assessment revenue are in addition those service already provided by the City. A summarized description of BIA services is shown below with highlights of recent success and outcomes.

U DISTRICT BIA HIGHLIGHTS (2019)

3,368	9,154	2,643
Hours of Cleaning	Bags of Trash Removed	Dumpster Cleanup
2,601	1,771	171
Graffiti Tags Removed	Biohazard Removed	Hours of Pressure Washing
2,400 +	2,150 +	100 +
*Ambassador Business Visits	*Hot Spot Patrols	Crime Prevention Through Environmental Design (CPTED) Review

A. CLEANING AND BEAUTIFICATION: \$646,171 (53.29%)

The U District BIA will continue to provide cleaning enhancements beyond the basic services provided by the City of Seattle through a comprehensive program that will enhance the overall vitality of the District. The goal is for property owners and merchants alike to maintain pride in the area by promoting cleanliness and reducing the blight associated with trash and graffiti.

- Maintain professional contract cleaning of North (2x/week) and South (7x/week) Cleaning Areas
- Expand professional cleaning services throughout remaining U District (1x/month).
- Maintain 2-person part-time staff team and provide homeless youth employment training for continuous district wide graffiti removal, trash pickup, biohazard removal, illegal poster removal, etc.
- Install and maintain flower baskets in the spring and fall and install holiday lighting in core commercial areas.
- Maintain current BIA capital improvements like tree pit restorations, planters, etc.
- Continue monthly district wide volunteer cleanups and annual May Clean Up

UDBIA/UDP has formed a partnership with Sanctuary Art Center, a social service provider and training program in the U District. By funding their Work or Opportunity Training (WOOT) program, the UDBIA/UDP seeks to employ homeless or vulnerable young adults. Currently, there are two part-time positions staffed on the Beautification Team as a result of this partnership. Over the past two years, UDBIA/UDP have placed 28 young adults from Sanctuary Arts Center onto our team for temporary and sometimes permanent jobs.

A1. PUBLIC SAFETY AND OUTREACH: The U District BIA will continue to provide programs to enhance an environment in which property owners, merchants, residents, and visitors to the district will feel comfortable and secure. The BIA will continue to work with SPD, SDOT, Navigation Team, and other departments to ensure that U District can maximize the public safety services available from the City to reduce police response time.

- Partner with local patrol officers to respond to criminal and civil misbehavior hotspots.
- Deploy Safety Ambassadors district-wide for safety, security and wayfinding and responding to business calls for assistance.
- Expand newly launched U District Business Block Watch.
- Convene monthly meetings of community members, police, mental health service providers to identify and respond to local criminal and civil misbehavior hotspots.
- Partner with other BIAs throughout the City to request better public safety in our neighborhoods.

Crime Prevention Through Environmental Design (CPTED) to increase safety property and business owners in the district.

- CPTED looks at how a building/space is designed and used from a crime prevention standpoint and how designs can be modified to reduce the likelihood of crime. Educating people on how to report suspicious activity and how to prevent crime to themselves and their property are an important part of our work. The U District Clean and Safe Program is certified in CPTED and is accredited with an Advanced CPTED Professional Designation (CPD).

The U District Partnership Connects Members of the Community to Mental Health Resources Through the REACH Program.

- The U District Business Improvement Area (UDBIA) partnered with Evergreen Treatment Services to bring the REACH mental health outreach program to the district. REACH provides a full-time Outreach Care Coordinator dedicated who builds relationships with members of our community who need addiction and mental health services and connects them to services in the community.
- The U District's REACH Outreach Care Coordinator is David Delgado, a mental health professional who works one on one with individuals in our community who need services such as mental health treatment, substance abuse treatment, and housing. Delgado works collaboratively with local service providers, businesses, and UDP staff.
- The REACH Program is an established service of Evergreen Treatment Services. REACH works with individuals experiencing behavioral health conditions to help them achieve stability and improve quality of life. Through outreach, engagement, and ongoing relationships, REACH focuses on reducing harm and supporting the healing of each of their clients. REACH bridges gaps and helps individuals access essential resources such as housing, health care, entitlements and treatment. The REACH program has a proven track record of success in Seattle's Ballard neighborhood

U District REACH Outcomes:

2019	Total Contacts	Unduplicated Clients
March/April	34	21
May	35	19
June	53	13
July	54	25
August	35	19
September	45	25
October	47	19
November	71	45
December	13	5

Resources	YTD
Food	93
Transportation	51
Clothing	30
Shelter	30
Naloxone Kit	29
Medical	18
Overdose Education	15
Long Distance Bus Ticket Home	7
Identification Assistance	10
Medication Assisted Treatment (Methadone/Buprenorphine)	4
Benefits: Financial or Medical	2
Legal Assistance	2
Housing Assistance	1
Mental Health	14
Other	18
Total	324

B. URBAN VITALITY: \$52,873 (4.36%)

The U District BIA will continue to leverage influence and investments to advocate on public realm projects and improvements.

- Serve the needs of the U District property and business owners on all “built environment” related matters and activate public spaces.
- Engage private developers and public agencies in project development.
- Convene our community when issues related to the public realm arise and provide their feedback to agencies.

C. ECONOMIC DEVELOPMENT: \$236,084 (19.47%)

- The U District BIA will continue to actively promote businesses so that the BIA most effectively represents the interests and executes the priorities of its ratepayers. The U District BIA plays a central role and spends considerable time organizing district focus meetings, working one-on-one as a problem solver, and speaking to the media and elected officials in representing the U District BIA and its objectives for business district betterment.
- Grow the newly launched U District Business Network.
- Expanded district wide marketing, branding, public relation to increase positive narrative and image of the U District as a wonderful place to live, work, and play, and attracting new potential customers into the district. UDBIA will assist small businesses – including beloved legacy businesses and women and minority-owned businesses -- who can focus on promoting their own unique brands and product offerings.
- Promoting food amenities (including legacy businesses and women/minority owned businesses) and creating a cohesive brand to highlight the U District as a destination and experience.
- Formalize the U District as an “Arts District” given the diversity and vibrancy of the district, as well as its proximity to the University with its broad array of arts and cultural events and programs.
- Collect and communicate essential economic development data and key performance indicators to business and property owners.
- Continue to build business resource library and available resource connection portals.
- Serve as advocate to potential business interests.

D. Marketing, Events, and Activations: \$170,454 (14.06%)

- Plan and produce major events throughout the U District supporting local businesses and residents
- Activate smaller community partner events and activations district wide
- Communicate U District events and activates to community through weekly and monthly newsletters

E. BIA MANAGEMENT: \$107,041 (8.83%)

The U District BIA will retain a staff team (4 FTEs) to provide program administration, customer service, develop and implement service programs; and manage finances and contract services, including:

- Conduct annual meeting of ratepayers to present work plan, budget, and approval of program manager;
- Work in collaboration with FAS/OED on BIA assessment billing and customer service related inquiries;
- Ensure legal, financial and personnel policy documents are up to date and in compliance with applicable laws;
- Provide resources, support, and training to Ratepayer Advisory Board;
- Enhance BIA Program Development with best practices from BIA/BIDs in North America; and determine Ratepayer knowledge and approval of BIA activities and gals as part of a BIA program Evaluation.

SECTION E: ASSESSMENT METHODOLOGY

The U District assessment formula is **\$0.275/\$1,000** of the Total Taxable Value (TTV) and/or Total Appraised Value for the established base year recorded from the King County Assessor's Office and the Financial Administration Services (FAS) from the City of Seattle.

By utilizing the base property value on record plus annual CPI, UDBIA assessment will remain constant unless a property triggers a **New Benefit Area** due to new development as described by the proposed ordinance, in which case, the base year and property value is reset by the UDBIA and the City of Seattle during the twelve-year duration of the BIA.

TTV/TAV generally correlates to benefit because higher assessed TTV parcels generally reflect a higher level of service from the U District BIA due to large volume of employees and/or customers.

Cleaning Zones - All assessable properties will pay into a separate cleaning assessment, a modest new cleaning zone for the general district was established due to ongoing demand for services.

- A. South Cleaning Area First Year Assessment = **$(\$0.16 \times (\text{Total Lot Square Feet}))$** . This calculation is called the "South Cleaning Area Formula."
- B. North Cleaning Area First Year Assessment = **$(\$0.09 \times (\text{Total Lot Square Feet}))$** . This calculation is called the "North Cleaning Area Formula."
- C. Greater District Cleaning Area (all other properties outside the South and North Cleaning Areas) First Year Assessment = **$(\$0.03 \times (\text{Total Lot Square Feet}))$** .

Multi-Family Tax Exemption - If a property is owned by a for-profit entity, the Base Year Assessment and Cleaning Area Formula will be calculated using the Total Appraised Value upon 100 percent completion of the building and/or authorization of the MFTE exemption from the Office of Housing.

In the current UDBIA, the base assessment for the 13 MFTE buildings totaled \$23,181.25. The updated MFTE language for the new UDBIA will increase the base assessment to \$87,122.96, creating more alignment and equity with other market rate apartments in the district.

Non-Profit Rate – If a property is owned by a nonprofit entity, the Base Year Assessment Cleaning Area Zone will receive the discounted assessment formula. Such properties are eligible for reduced nonprofit rate of **25% for the base assessment**, the reasoning being that properties are receiving fewer overall benefits, primarily in marketing and economic development, in addition to providing a public benefit to the district.

MFTE TAX EXEMPTED PARCEL EXAMPLE



Source: Lightbox, 4545 8th Ave

[LightBox](#) is a market rate apartment utilizing the MFTE exemption, featuring 162 units. Base assessment for these exempted buildings will be calculated against the Total Appraised Value instead of the discounted Total Taxable Value to ensure equity in assessment and benefit received.

Total Taxable Value: \$749,000

Previous Base Assessment: \$2,497.54

Total Appraised Value: \$52.7 million

New Base Assessments: \$14,185.15 + Cleaning

Fee of \$128.40 = \$14,313.55

\$88.35 per unit (162)

PARCEL NAME	PROPOSED NEW BASE ASSMT	TOTAL CURRENT 2019 BIA ASSMT
LIGHTBOX	\$14,185.15	\$2,891.97
ROOSEVELT & 50TH APARTMENTS	\$5,547.26	\$2,154.60
MURIEL'S LANDING	\$7,219.85	\$2,517.75
STUDIO 7	\$4,099.86	\$270.14
AUGUSTA APARTMENTS	\$25,783.61	\$8,243.84
GOSSET PLACE APARTMENTS	\$1,102.28	\$33.77
GOSSET PLACE APARTMENTS (ASSOC MINOR 0955)	\$79.51	\$33.77
PREXY	\$5,777.22	\$1,910.60
THE PARSONAGE	\$6,954.52	\$1,742.82
STRADA-APODMENT.COM	\$975.02	\$231.12
IDENTITY APARTMENTS	\$4,828.21	\$1,233.59
IDENTITY APARTMENT	\$5,556.39	\$1,395.24
47 + 7 APARTMENTS	\$1,024.24	\$354.62
UCHA	\$188.43	\$167.32
Total	\$83,321.55	\$23,181.15

NONPROFITS



Source: U. Heights, 5031 University Way

[U. Heights](#) - a nonprofit school/community center that will continue to receive a nonprofit discount (25 percent of the standard assessment) on their BIA assessment as the parcel is providing a general public benefit to the district.

Total Appraised Value: \$3,583,300

New Base Assessments: \$375.05 +

North Cleaning Fee of \$3,185.60 = \$3,560.65



Source: City Church, 4740 17th Ave NE

[City Church](#) - community church that will continue to receive a nonprofit discount (25 percent of the standard assessment) on their BIA assessment as the parcel is providing a general public benefit to the district.

Total Appraised Value: \$1,411,100

New Base Assessments: \$108.40

General Cleaning Fee of \$64.80 = \$173.20

UNIVERSITY OF WASHINGTON



Source: University of Washington

The University of Washington will contribute an assessment of **\$423,115** for all properties owned by the University within the BIA area. In subsequent years, the University of Washington's BIA assessment will be subject to the same CPI Factor as other properties within the BIA.

The amount is based upon the original \$350,000 flat rate contribution in 2015 plus annual inflation, and represents a commensurate assessment based upon the benefit received and an acknowledgment of the impact created by the University.

SECTION F: BASE ASSESSMENT BENEFITS

Commercial Buildings

# of Parcels	% of Parcels	Lot Sq. Footage	% Lot Sq. Footage	Bldg. Sq. Footage	% Bldg. Sq. Footage	Total Appraised Value	% of Total Appraised Value	Base Assessment	% Base Assessment
152	28.9%	1,404,452	29.93%	2,753,268	27.03%	\$422,061,400	22.40%	\$129,824.49	23.84%

The **152 parcels** in this category are primary comprised of commercial office, retail and service-oriented businesses. Retail and restaurants as designated by the King County Assessor's Office represents **103 parcels or 67.76%** of the total commercial building population, with only three parcels that have seen redevelopment since 2015. The conclusion drawn by the percentage ratio between the percent of TAV and UDBIA assessment is that existing commercial buildings are providing a commensurate assessment with the benefits received from UDBIA services for their business tenants, employees, and customers. New development will pay a commensurate amount as a result of the New Benefit language within the proposed ordinance.

Multifamily Buildings

# of Parcels	% of Parcels	Lot Sq. Footage	% Lot Sq. Footage	Bldg. Sq. Footage	% Bldg. Sq. Footage	Total Appraised Value	% of Total Appraised Value	Base Assessment	% Base Assessment
303	57.6%	2,312,500	49.28%	6,666,820	65.44%	\$1,308,261,670	69.42%	\$390,249.51	71.66%

The **303 parcels** in this category are primary comprised of traditional apartments and condo buildings. Majority of multifamily buildings **252 parcels or 81.85%** are located outside of the North and South Cleaning Zones, which is reflected in the larger percentage of base assessments for services. It should be noted that the ratio between TAV and UDBIA are within 3% of each other.

New multifamily developments are increasing in the district as **36 properties or 11.88%** are new developments and **87%** of new developments are primarily located outside of the North and South Cleaning Zone, providing additional justification for the new U District General Cleaning Zone. With 10 new multifamily housing projects above 240 feet in the pipeline, the conclusion drawn is that multifamily buildings will continue to benefit from UDBIA services for residents (property owners and tenants), business tenants, and in overall higher property valuations.

Parking Lots

# of Parcels	% of Parcels	Lot Sq. Footage	% Lot Sq. Footage	Bldg. Sq. Footage	% Bldg. Sq. Footage	Total Appraised Value	% of Total Appraised Value	Base Assessment	% Base Assessment
43	8.17%	375,901	8.01%	104,016	1.02%	\$45,432,800	2.41%	\$13,257.53	2.43%

The **43 parcels** in this category are parking lots located in the district, comprised of independent commercial and associated parking lots to a primary commercial or mixed-use multifamily building. Given the up zone in the district, it would be reasonable to assume that a significant number of these properties will be developed over the duration of the UDBIA. As with all properties in the district, assessments will be established upon the base year of the property and will not fluctuate based on the highest and best use assessment required by King County.

New development will pay a commensurate amount as a result of the New Benefit language within the proposed ordinance.

Nonprofits/Churches/Exempted Properties

# of Parcels	% of Parcels	Lot Sq. Footage	% Lot Sq. Footage	Bldg. Sq. Footage	% Bldg. Sq. Footage	Total Appraised Value	% of Total Appraised Value	Base Assessment	% Base Assessment
28	5.32%	4,692,687	12.78%	663,594	6.51%	\$108,383,300	5.78%	\$11,232,35	2.06%

The **28 parcels** in this category have been designated as nonprofit based on the tax value reason designated by the King County Assessor's Office. Such properties are eligible for reduced nonprofit rate of 25% for the base assessment, the reasoning being that properties are receiving less marketing and economic development benefit, in addition to providing a public benefit to the district. **18 parcels or 64.29%** are designated as Churches and many of these properties maintain ownerships of parking lots, resulting in a higher percentage of lot sq. footage within the nonprofit population.

If the nonprofit property was to be converted/leased to business tenants generating a profit, the property would no longer be considered as exempted from BIA assessments and would be reassessed by TTV and/or TAV.

SECTION G: CLEANING ZONE ASSESSMENTS BENEFITS

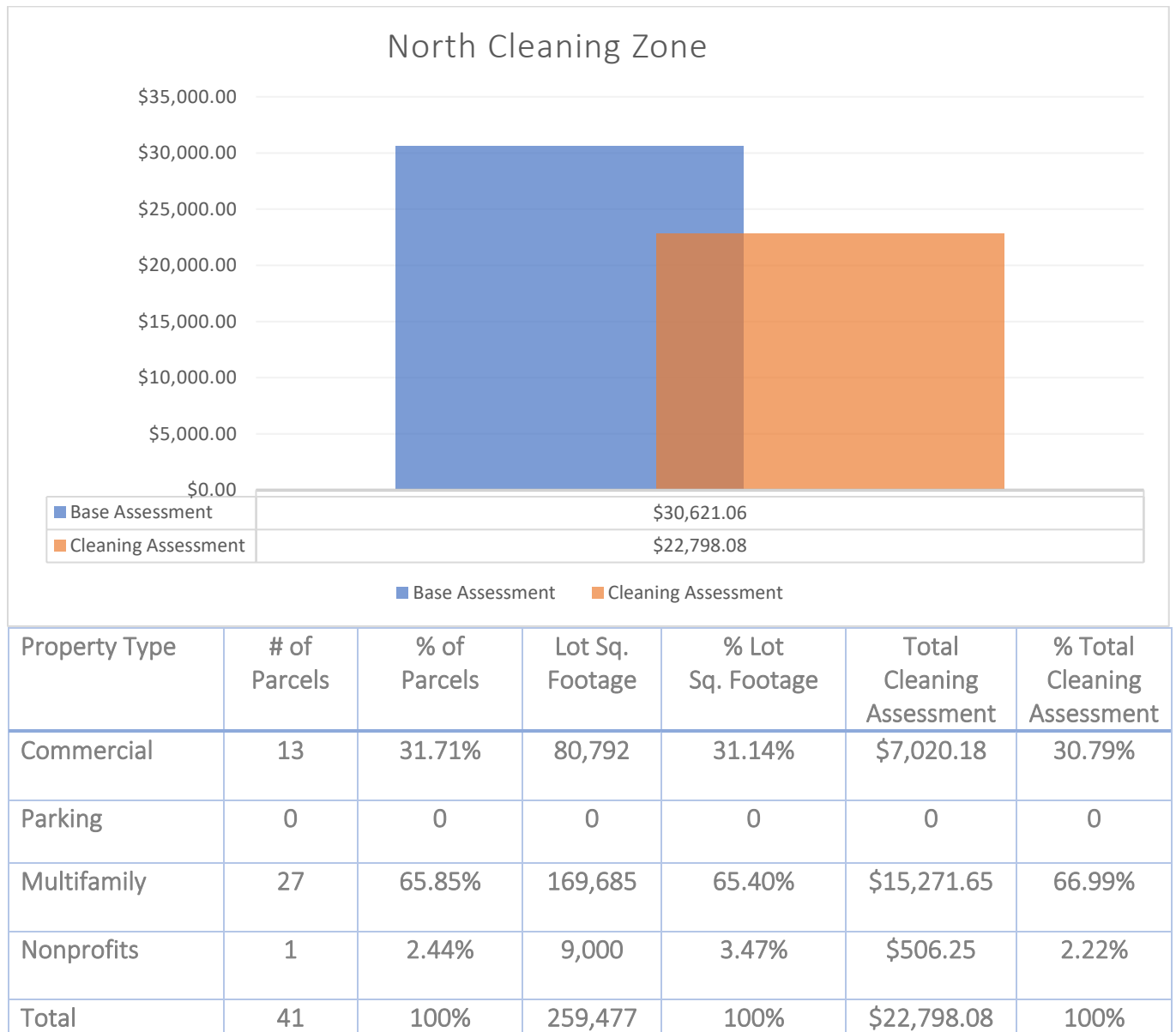
The New U District BIA will continue to provide cleaning enhancements beyond the basic services provided by the City of Seattle through a comprehensive program that will enhance the overall vitality of the District. The goal is for property owners and merchants alike to continue to maintain pride in the area by promoting cleanliness and reducing the blight associated with trash and graffiti.

Standard cleaning areas receive the same type of service with various degrees of frequency. Those services include:

- Graffiti/Sticker Removal
- Litter Removal
- Biohazard (needles and human waste removal)
- Leaf Removal – successfully piloted additional services in the district in 2019/2020.

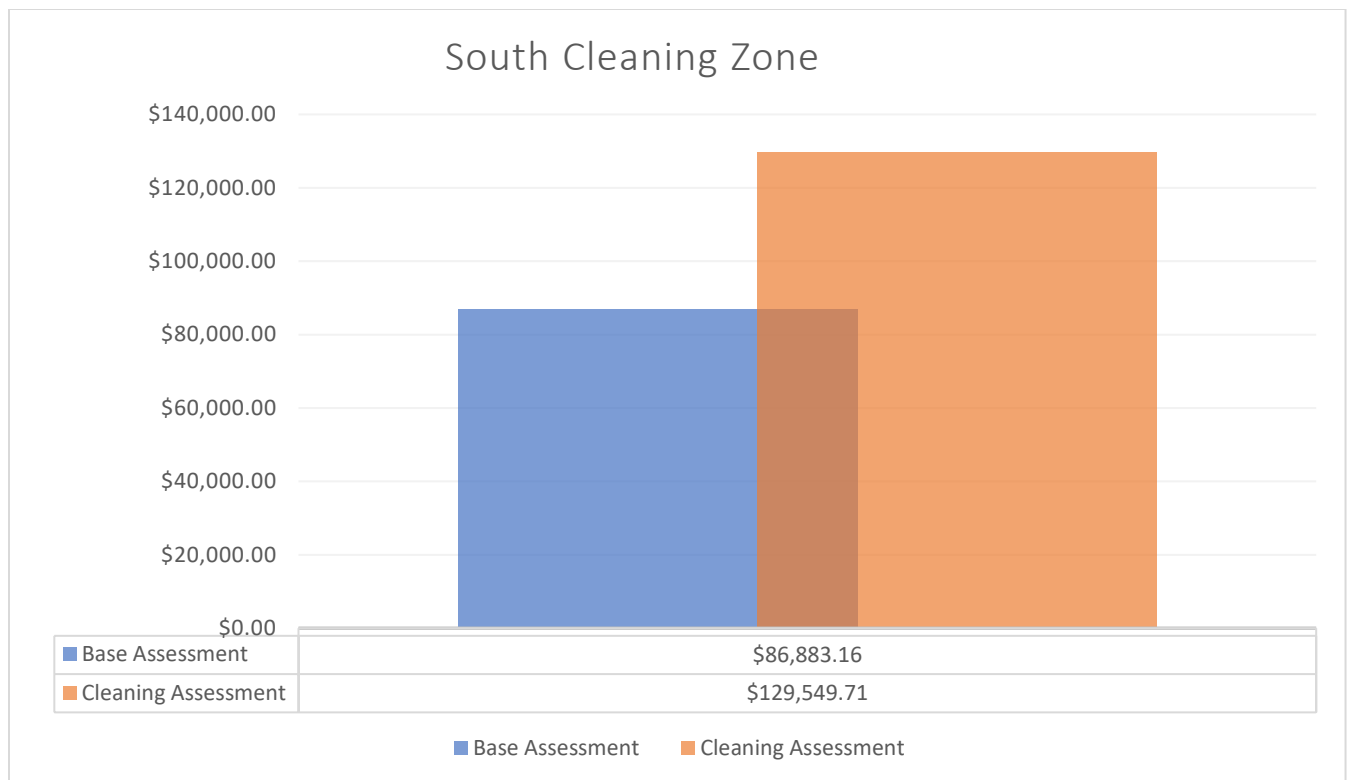
North Cleaning Area = (\$0.09 x (Total Lot Sq. Footage))

Services include 2 days a week, 4 hours a day of professional contracted cleaning, 4 hours of monthly pressure washing. 1 large annual pressure washing, and snow and ice removal.



South Cleaning Area = (\$0.16 x (Total Lot Sq. Footage))

Services include 7 days a week, 8 hours a day of professional contracted cleaning, including 4-hours of monthly pressure washing, 1 large annual pressure washing, and snow and ice removal.

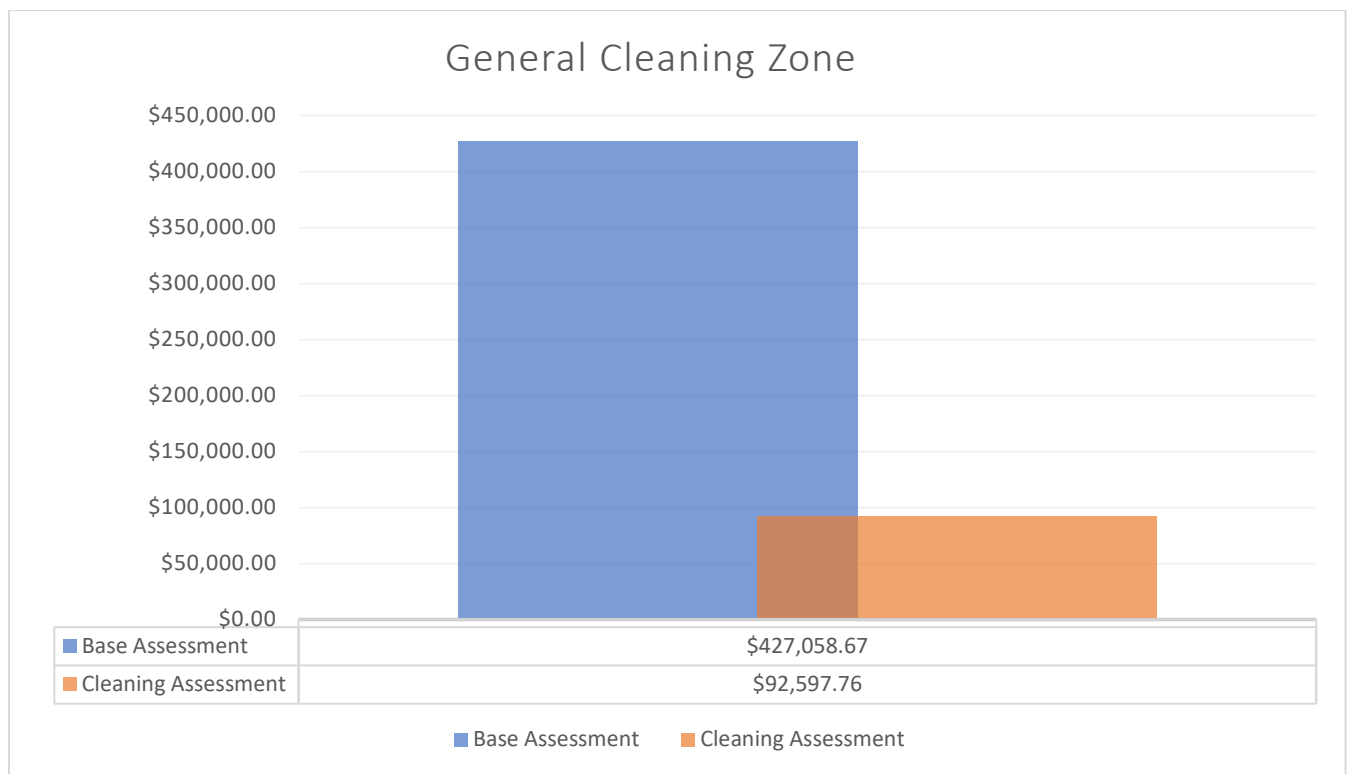


Property Type	# of Parcels	% of Parcels	Lot Sq. Footage	% Lot Sq. Footage	Total Cleaning Assessment	% Total Cleaning Assessment
Commercial	72	64.86%	515,871	56.70%	\$82,539.36	63.71%
Parking	8	7.21%	63,573	6.99%	\$10,171.68	7.85%
Multifamily	24	21.62%	189,309	20.81%	\$30,289.44	23.38%
Nonprofits	7	6.31%	141,099	15.51%	\$6,549.24	5.06%
Total	111	100%	909,852	100%	\$129,549.71	100%

General Cleaning Area = (\$0.03 x (Total Lot Sq. Footage))

Every property in the General Cleaning Area will have the public realm cleaned around them once a month. Ratepayers will also receive emergency cleanups that crop up to both maintain general appearances and discourage increased dumping in any given spot.

The new general cleaning area is established, in anticipation of the growth in demand for services as the district residential and guest populations grow. The new cleaning area is a modest one time a month general professional cleaning – it is not funded to provide services at the same frequency and level as the higher assessed North and South Cleaning Areas.



Property Type	# of Parcels	% of Parcels	Lot Sq. Footage	% Lot Sq. Footage	Total Cleaning Assessment	% Total Cleaning Assessment
Commercial	67	17.91%	807,789	18.89%	\$23,196.2	25.05%
Parking	35	9.36%	1,203,235	28.13%	\$7,811.83	8.44%
Multifamily	252	67.38%	1,953,506	45.68%	\$57,714.94	62.33%
Nonprofits	20	5.38%	312,328	7.30%	\$3,874.79	4.18%
Total	374	100%	4,276,858	100%	\$92,597.76	100%

SECTION H: OUTREACH AND SUPPORT

The BIA petition packet was sent to all ratepayers (**311 ratepayers and 527 parcels/accounts**) in the first week of September of 2019 under a campaign entitled “60 % Support in 60 days”. Both the King County Assessor’s recorded tax address and the City of Seattle Finance Office billing addresses were evaluated in preparing the mailing. Staff aggregated ratepayers into known portfolios and additional contact information, past interactions, and notes about specific assessment impacts (i.e. MFTE adjustments, future development implications) were noted. Board members and staff were assigned portfolio follow up for all ratepayers where stronger

relationships and/or contact information was available. Board members tracked interactions and sent updates to staff. A task force of leaders from both the UDP and RAB was established to track and support petition efforts. Any returned petitions marked undeliverable were then subjected to additional research for updated contact information.

On October 28, 2019, a second phase petition campaign was launched. Given feedback from the first mailing that some property owners had discarded the petition mailer as unopened, a second mailing was redesigned with a specific notice and call to action on the outside envelope. All parcels where the address of ownership was within the BIA boundaries were given to Board members who attempted hand deliveries and meetings. If that was unsuccessful, the Board member hand wrote a cover note and mailed the petition.

For all petitions that had been previously assigned, Board members or staff wrote a note on each packet and those were re-mailed with Board members and staff continuing to reach out and attempting communication. For remaining petitions, where the UDP had specific personalized information, Board members or staff wrote notes and mailed the petitions.

Throughout the petition process, UDP staff and Board as well as RAB members met with ratepayers in person or by phone to respond to questions and/or concerns about the BIA and/or the petition process. Recurring issues were reported to the UDBIA renewal steering team to help prepare staff and Board to be more effective in subsequent outreach.

Phase 1 - Complete

Beginning in January of 2019, the U District BIA began a series of strategies to solicit input from ratepayers and stakeholders.

March 2019	Public Meeting on UDBIA programs and solicit feedback on future options for renewal, including discussion on the mechanics of the renewal
March 2019	Extended invitation to meet with the U District Small Business Groups and Community Council
April 2019	Extended invitation to meet with the HOA of University Plaza Condominiums
May 2019	UDP/UDBIA booth at Street Fair to provide presentation materials on the renewal process and made a presentation to the U District Business Network
March – May	Individual outreach to ratepayers on renewal options
	Renewal options discussed at three UDP Board meetings and two UDBIA Board meetings
	Renewal options and information posted on website and social media channels

June 2019	Final presentation made to the UDP and UDBIA Annual Meetings, both boards formally endorse the proposed petition plan for the new U District BIA
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Phase 2 - Complete

Phase Two encompasses the petition process with district ratepayers

July – August	Development of the petition packet
Sept 2019	Petition packets were mailed to all 529 properties on record
Sept – Oct	UDBIA attended the monthly meetings of the U District Community Council to field potential questions on the BIA
	Outreach to Condo HOAs within the proposed UDBIA boundaries
Oct 2019	UDBIA renewal presentation to University Park Community Club (UPCC)
Nov	UDBIA renewal presentation to the Northeast District Community Council

Note on Property Ownership

UDBIA has found that a sizable number of properties are now owned by “out of state” owners, limited liability corporations that do not provide clarity on “named” owners and often only publish a finance office as contact, family trust where the property is owned in shares by multiple family members, or in ownership transition. The combination of these factors has made the process of identifying the ultimate decision maker more challenging compared to other recent BIA formations.

Phase Three - Legislative Process

Jan 2020	UDBIA provided signed petitions of support to the City of Seattle
Jan 2020	OED/FAS validated the petition signatures
March 2020	OED finalized legislation and supporting documents for the UDBIA renewal

GLOSSARY:

Assessment: A BIA assessment is a fee that each ratepayer pays to support the programs funded by the BIA. The sum of all the individual assessments that ratepayers pay comprise the total yearly assessment of the BIA, and underwrite most, if not all, annual operating expenses. The total yearly assessment is unique to each BIA in Seattle.

BIA: “BIA” is an acronym for Business Improvement Area. A business improvement area is a geographically defined area within the City of Seattle, in which services, activities, and programs are paid for through a special assessment which is charged to all eligible ratepayers within the area with the intention of reasonably distributing the benefits received and the costs incurred to provide the agreed- upon services, activities, and programs.

BIA Advisory Board: The City’s policy is to create a BIA Advisory Board to oversee operations of the funds, approve an annual budget for use of BIA generated revenues and recommend a Program Manager; however, the City has sole discretion as to how the revenue derived from the BIA is to be used within the scope of the purposes stated in the BIA ordinance.

BIA Notification and Petition Validation Process: Processes in which the City notifies potential ratepayers of the BIA proposal and validates the petitions signed in favor of a BIA proposal. The City’s policy is to send a letter to all potential ratepayers to notify them that the BIA proposal has been submitted to the City. The City also validates all signed petitions that have been submitted by the party or parties requesting to establish the BIA.

Program Manager: the organization that administers the operations of the BIA. The Program Manager is recommended by the BIA Advisory Board to the City. The BIA Advisory Board approves an annual budget for use of BIA generated funds in alignment with the BIA ordinance. The Program Manager administers the funds in accordance with the approved budget through direct expenditures and/or contracts with service providers. The Program Manager’s administration will comply with all applicable provisions of law, with all county and City resolutions and ordinances, and with all regulations lawfully imposed by the state auditor or other state agencies.

Ratepayer: those individuals, organizations or entities that are assessed, i.e. those that receive an assessment bill from the City as a result of establishing the BIA. Individuals, organizations or entities that receive an increase in their lease rates or other contractual agreement with ratepayers as a result of the establishment of the BIA are not, for purposes of City policies, considered ratepayers.

Ratepayer Classification: ratepayers that are grouped into a specific category either for purposes of applying a unique assessment rate or formula or for distinguishing a unique type or level of benefit.

Stakeholder: Individuals, organizations or entities that are in or have a direct interest in the boundaries of the district. They can be ratepayers or non-ratepayers. They may include, but not

be limited to, property owners, businesses, residents, government agencies, nonprofit agencies and other institutions. For example, a district could have the presence of manufacturing businesses, retail and service businesses, a private school, nonprofit service providers, condo associations, residential property owners, commercial property owners, etc.

Amendment 1 to CB 119779 (OED U. District BIA ORD): Technical Corrections, Clarifications & Board Composition v1

Sponsor: Councilmember Pedersen

Meeting: City Council

Date: June 8, 2020

Description

This would make technical corrections and clarifications to CB 119779, described in detail in the May 27, 2020 Central Staff [memorandum](#). Notable amendments include the following:

- Added more Council findings regarding COVID-19 emergency;
- Clarified terminology used to calculate BIA assessments;
- Changed responsibility for contracting with Program Manager from the Department of Finance and Administration Services to the Office of Economic Development, as per the City's adopted BIA policies ([Resolution 31567](#)); and
- Consolidated the number of seats held by business tenants on the BIA Advisory Board (Board) to three, two of which must be business tenants subject to a triple net lease.

Additionally, it would limit the number of Board seats held by the University of Washington to 35 percent of the Board or five members, whichever number is lower.

Notes

Double underlines indicate new language to be added.

~~Double strikethroughs~~ indicate language proposed to be removed.

Amendment

See Attachment 1.

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE establishing a new University District Parking and Business Improvement Area (BIA); levying special assessments upon owners of commercial, multifamily residential property, and mixed-use property within the BIA; providing for the deposit of revenues in a special account and expenditures therefrom; providing for collection of and penalties for delinquencies; providing for the establishment of a BIA Advisory Board; providing for an implementation agreement with a Program Manager; providing for the continuity of services and the transfer of any remaining funds from the current U. District BIA account that was established in 2015 by Ordinance 124761; and ratifying and confirming certain acts related thereto.

..body

WHEREAS, Chapter 35.87A RCW authorizes The City of Seattle (“City”) to establish business improvement areas to provide special benefits to business and property owners within a defined geographic area through the imposition of special assessments; and

WHEREAS, the current University District Parking and Business Improvement Area (“2015 U. District BIA”), which was established in 2015 by Ordinance 124761 to provide services and amenities for ratepayers paid through a levy of special assessments, is set to expire on May 31, 2020; and

WHEREAS, to gauge the percentage of special assessments that were reflected in signed petitions, City staff followed RCW 35.87A.010, and calculated the dollar amount of the special assessment that each commercial, multifamily residential, or mixed-use property would pay, and compared the dollar amount represented by signed petitions and letters of support to the estimated total for the entire proposed University District Parking and Business Improvement Area (“U. District BIA”), and the result was nearly 65.4 percent, which exceeds the threshold of 60 percent stated in RCW 35.87A.010; and

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OED U. District BIA ORD
~~D2b4f~~

1 WHEREAS, the City Council adopted Resolution 31943, initiating a new U. District BIA via the
2 resolution method instead of the petition method as provided for in RCW 35.87A.030;
3 and

4 WHEREAS, pursuant to RCW 35.87A.040, the City Council on April 27, 2020, adopted
5 Resolution 31944 entitled “A RESOLUTION of intention to establish a University
6 District Parking and Business Improvement Area and fix a date and place for a hearing
7 thereon,” which stated its intention to establish the new U. District BIA, the proposed
8 boundaries, and the proposed programs, and which set the date and time for a public
9 hearing; and

10 WHEREAS, the purpose of the new U. District BIA is to enhance conditions for the commercial,
11 multifamily residential, and mixed-use properties by performing activities that go beyond
12 the basic services provided by the City; and

13 WHEREAS, as provided by Resolution 31944, the City Council, through its Community
14 Economic Development Committee, held a remote public hearing at 9:30 a.m. on May
15 27, 2020; and

16 WHEREAS, the testimony received at that hearing resulted in the City Council determining that
17 establishing a new U. District BIA is in the best interest of the owners of commercial,
18 multifamily residential, and mixed-use properties within the U. District BIA’s
19 boundaries; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. On February 29, 2020, Governor Inslee proclaimed a State of Emergency for all counties throughout the State of Washington as a result of the confirmed person-to-person spread of COVID-19 in Washington State.

B. The COVID-19 disease, caused by a virus that spreads easily from person to person and which may cause serious injury and death, has spread throughout King County and Seattle.

C. On March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency, declaring a civil emergency within Seattle based on the confirmed spread of COVID-19 in King County and resulting deaths.

D. In recognition of the danger that hospitals may become overwhelmed with COVID-19 patients unless the spread of the disease is slowed, on March 23, 2020, Governor Inslee imposed a stay-home order throughout Washington State, prohibiting all people in the State from leaving their homes or participating in gatherings with only limited exceptions for participating in essential activities or essential business services. The order is currently in effect through May 31, 2020.

E. Governor's Proclamation 20-28 prohibits agencies from taking action (as defined in RCW 42.30.020), unless the matter is (1) necessary and routine; or (2) necessary to respond to the COVID-19 public health emergency.

~~FB~~. This legislation is necessary because allowing Parking and Business Improvement Areas (BIAs) to expire would result in the loss of much needed funding for business district management and improvement, and may also result in staff layoffs.

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~~GE.~~ The City Council routinely reviews and approves BIAs.

~~**Section 2.** The City Council of The City of Seattle (“City”) declares its intention to establish a University District Parking and Business Improvement Area (“U. District BIA”) in accordance with Chapter 35.87A RCW.~~

Section 23. Area established. As authorized by Chapter 35.87A RCW, there is established a University District Parking and Business Improvement Area (“U. District BIA”) within the following boundaries as shown on the map attached to this ordinance as Exhibit A.
~~The U. District BIA shall be within the following boundaries as shown on the map attached to this ordinance as Exhibit A,~~ including three additional benefit zones within the U. District BIA boundaries (when a street or alley is named, the area boundary is the centerline of the right-of-way including vacated portions unless otherwise specified in the description):

The U. District Business Improvement Area

From the southwest intersection of Brooklyn Ave NE and NE Ravenna Blvd, proceed West along the northern property line of Parcel #5226300235; then proceed South along the western property line of the same parcel (#5226300235); then proceed East along the southern property line of the same parcel (#5226300235); then proceed East across the centerline of Brooklyn Ave NE toward the southern property line of Parcel #5226300165; then proceed East toward the centerline of the alleyway between Brooklyn Ave NE and University Way NE; then proceed South along the centerline of the alleyway between Brooklyn Ave NE and University Way NE toward NE 55th St at the southeast corner of Parcel # 8714600155; then proceed West along the centerline of NE 55th St to the northwestern corner of Parcel #2862100600; then proceed South along the western property lines of Parcels #2862100600, #2862100590, #2862100585, 2862100580, #2862100575, #2862100570, #2862100560, #2862100550, toward NE 53rd St; then proceed West along the centerline of NE 53rd St toward the southeast corner of NE 53rd St and 8th Ave NE; then proceed South along the centerline of 8th Ave NE to the southwest corner of Parcel #2862100795; then proceed East along the southern property line of the same parcel (#2862100795) and Parcel #2862100750 toward 9th Ave NE; then proceed South along the centerline of 9th Ave NE toward the intersection of NE 50th and 9th Ave NE; then proceed

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West along the centerline of NE 50th St toward the northwest corner of Parcel #0889000005 (University Playground); then proceed South along the western property line of the same parcel (#0889000005); then proceed East along the southern property line of the same parcel (#0889000005) toward the intersection of NE 48th St and 9th Ave NE; then proceed South along the centerline of 9th Ave NE toward the intersection of NE 47th St; then proceed West along the centerline of NE 47th toward the intersection of 7th Ave NE; then proceed South along the centerline of 7th Ave NE toward NE 45th St; then proceed Southwest along the east edge of Interstate-5 toward NE 40th St; then proceed East along the centerline of NE 40th St toward the intersection of Eastlake Ave NE; then proceed Northeast along the centerline of Eastlake Ave NE toward the intersection of NE Campus Pkwy and Roosevelt Way NE; then proceed North along the centerline of Roosevelt Way NE to the intersection of NE 41st St; then proceed East along the centerline of NE 41st St toward the southeast corner of Parcel #1142001825; then proceed North along the centerline of the alleyway between 11th Ave NE and Roosevelt Way NE toward the southwest corner of Parcel #1142001810; then proceed East along the southern property line of the same parcel (#1142001810) toward 11th Ave NE; then proceed East toward the southwest corner of Parcel #1142001725; then proceed East along the southern property line of the same parcel (#1142001725) toward the alleyway between 11th Ave NE and 12th Ave NE; then proceed South toward the southwest corner of Parcel #1142001675; then proceed East along the southern property line of the same parcel (#1142001675) toward the centerline of 12th Ave NE; then proceed South along the centerline of 12th Ave NE toward the intersection of NE 41st St; then proceed East along the centerline of NE 41st St toward the centerline of the alleyway between University Way NE and 15th Ave NE; then proceed North along the centerline of the alleyway between University Way NE and 15th Ave NE toward the intersection of NE 42nd St; then proceed East along the centerline of NE 42nd St toward the intersection of 15th Ave NE; then proceed North toward the intersection of NE 45th St; then proceed East along the centerline of NE 45th St toward the alleyway between 17th Ave NE and 18th Ave NE; then proceed North along the centerline in the alleyway between 17th Ave NE and 18th Ave NE toward the intersection of NE 50th St; then proceed West along the centerline of NE 50th St toward the alleyway between 15th Ave NE and 16th Ave NE; then proceed North along the centerline of the alleyway between 15th Ave NE and 16th Ave NE toward the intersection of NE 56th St; then proceed

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West along the centerline of NE 56th St toward the alleyway between 15th Ave NE and University Way NE; then proceed
North along the centerline of the alleyway between 15th Ave NE and University Way NE toward the intersection of NE Ravenna Blvd; then proceed
West along the centerline of NE Ravenna Blvd to the point of origin at the southwest corner of Brooklyn Ave NE.

The South Ave Cleaning Area

From the intersection of Brooklyn Avenue NE and NE 52nd Street, proceed east along the centerline of NE 52nd Street to the centerline of the alleyway between University Way NE and 15th Avenue NE; then proceed
South along the centerline of the alleyway between University Way NE and 15th Ave NE to the centerline of NE 41st Street; then proceed
West along the centerline of NE 41st Street to the centerline of the alleyway between Brooklyn Avenue NE and University Way NE; then proceed
North along the centerline of the alleyway until the southern property line of the parcel on the southeast corner of NE 43rd Street and Brooklyn Avenue NE (Parcel #1142001140); then proceed
West along the southern property line of Parcel #1142001140; then proceed
Across Brooklyn Avenue NE and along the southern property line of the property on the southwest corner of the intersection of NE 43th Street and Brooklyn Avenue NE (Parcel # 1142000905); then proceed
Along the southern property line of the property on the southeast corner of 12th Avenue NE and NE 43rd Street (Parcel #1142001020) to the centerline of 12th Avenue NE; then proceed
North along the centerline of 12th Avenue NE until the centerline of NE 45th Street; then proceed
East along the centerline of NE 45th Street to the centerline of the alleyway between 12th Avenue NE and Brooklyn Avenue NE; then proceed
North along the centerline of the alleyway between 12th Avenue NE and Brooklyn Avenue NE to the centerline of NE 50th Street; then proceed
East along NE 50th Street to the centerline of Brooklyn Avenue NE; then proceed
North along the centerline of Brooklyn Avenue NE to the point of origin at the centerline of NE 52nd Street.

The North Ave Cleaning Area

From the intersection of NE Ravenna Boulevard and the alleyway between Brooklyn Avenue NE and University Way NE, proceed east along the centerline of NE Ravenna Boulevard to the centerline of the alleyway between University Way NE and 15th Avenue NE; then proceed
South along the centerline of the alleyway between University Way NE and 15th Avenue NE to the centerline of NE 52nd Street; then proceed
West along the centerline of NE 52nd Street to the centerline of the alleyway between Brooklyn Avenue NE and University Way NE; then proceed
North along the centerline of the alleyway to the point of origin at the centerline of NE Ravenna Boulevard.

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In case of a conflict between the descriptions of the areas and the map, the descriptions shall control.

Section ~~34~~. Programs. Special assessment revenues shall be used for the following component programs:

- A. Cleaning and Public Safety;
- B. Events and Marketing;
- C. Policy and Advocacy, but not related to land use or zoning changes;
- D. Economic Development, including efforts to prevent small businesses within the district area from being displaced;
- E. Urban Vitality, Public Realm, and the Built Environment;
- F. Planning; and
- G. Program Management.

All such activities are supplemental to street maintenance and law enforcement provided by the City and are not intended to displace any services regularly provided by municipal government.

Section ~~45~~. To finance the programs authorized in Section ~~34~~ of this ordinance, there is proposed a 12-year special assessment to be levied and collected from the owners of business property, multifamily residential property (buildings containing four or more residential units), and mixed-use property (multifamily residential and commercial) located within the boundaries of the U. District BIA described in Section ~~23~~ of this ordinance. The U. District BIA will annually update records based on data and information from King County and the City. The ~~base assessments~~ “First Year Base Assessments” in 2020-2021 will be based upon the base year used to calculate the 2019-2020 U. District BIA Assessments from the Department of Finance and

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Administrative Services (FAS) (~~“Established Base Year”~~), plus an inflation factor of 2.375 percent and a one-time 10 percent increase for program expansion. The “Total Taxable Value” is the value of the land plus the value of improvements.

A. U. District Fund Area Base Formula = $(\$0.25 \times (\text{Established Base Year Total Taxable Value}/\$1000 + \text{2016-2020 CPI Factors}) \pm 2.375 \text{ percent } \text{inflation factor} \pm 10 \text{ percent } \text{increase})$.

B. U. District Fund Area New Benefit Formula = $(\$0.275 \times (\text{Established Updated Base Year Total Taxable Value of Property}/\$1,000))$. ~~Total Taxable Value = Land + Improvements. This calculation is called the “New Benefit Formula.”~~

C. South Cleaning Area First Year Assessment = $(\$0.16 \times (\text{Total Lot Square Feet}))$.

D. North Cleaning Area First Year Assessment = $(\$0.09 \times (\text{Total Lot Square Feet}))$.

E. Greater District Cleaning Area (all other properties outside the South and North Cleaning Areas) First Year Assessment = $(\$0.03 \times (\text{Total Lot Square Feet}))$.

F. Modifications or limitations to these assessments are described below.

1. If the Total Appraised Value (Land + Improvements) and Total Taxable Value (Land + Improvements) in the King County Assessor’s records are not equal, tax-exempt rates for nonprofits, ~~and churches,~~ and other exempt properties may apply under the following rules:

a. If the Total Taxable Value is zero, then calculate the U. District BIA First Year Assessment using the Total Appraised Value of the property at 25 percent of the Base Formula $((\$0.275 \times (\text{Total Appraised Value}/\$1,000)) \times 25 \text{ percent})$. If the property is located within either Cleaning Area, apply the corresponding Cleaning Area Formula at 25 percent.

b. If the Total Taxable Value and the Total Appraised Value are not equal, then:

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1) Apply the full rate of the Base Formula to the Total Taxable Value ($\$0.275 \times (\text{Total Taxable Value} / \$1,000)$) and apply 25 percent of the Base Formula to the difference between the Total Appraised and Taxable Values ($(\text{Total Appraised Value} - \text{Total Taxable Value}) / \$1,000 \times 25 \text{ percent}$). These two calculated amounts are then added together for the First Year Assessment. As an example, Building A has a property tax exemption for a portion of its building. Its Total Taxable Value is \$700,000 and its Total Appraised Value is \$1,000,000. The full rate of the Base Formula will be applied to \$700,000 and then 25 percent of the Base Formula will be applied to the difference between the two values, or \$300,000. The assessment would be: $(\$0.275 \times (\$700,000 / \$1,000)) + ((25 \text{ percent} \times (\$0.275 \times (\$300,000 / \$1,000))) = \$192.5 + \$20.63 = \$213.13$.

2) If the property is located within either of the Cleaning Areas, then apply the full Cleaning Area Formula to the percentage of the Lot Square Footage that is equivalent to $(\text{Total Taxable Value} / \text{Total Appraised Value})$ and apply 25 percent of the corresponding Cleaning Area Formula to the percentage of the Lot Square Footage that is equivalent to $(\text{Total Appraised Value} - \text{Total Taxable Value}) / \text{Total Appraised Value}$. For example, Building A is located in the North Cleaning Area, has a Lot Square Footage of 10,000, Taxable Value of \$700,000 and Appraised Value of \$1,000,000. The North Cleaning Area First Year Assessment would be $(\$0.09 \times 10,000 \times (\$700,000 / \$1,000,000)) + (25 \text{ percent} \times \$0.09 \times 10,000 \times (\$300,000 / \$1,000,000)) = \$630 + \$67.50 = \697.50 .

G. Multifamily Tax Exemption (MFTE). If a property is owned by a for-profit entity and qualifies for the MFTE exemption from the City, the Base Year Assessment and Cleaning Area Formula will be calculated using the Total Appraised Value upon 100 percent completion of the building and/or authorization of the MFTE.

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H. For the properties where the Property Taxpayer on record is “UNIVERSITY OF WASHINGTON,” unique circumstances require an assessment reflecting the unique nature of the University’s presence in the District. This assessment supersedes subsections ~~45~~.A through ~~45~~.E above. The aggregate First Year Assessment for all properties owned by the University of Washington within the BIA area will be \$423,115. In subsequent years, the University of Washington’s BIA assessment will be subject to the same CPI Factor as other properties within the BIA.

1. Properties owned by governmental ~~entities~~ agencies will not be assessed, except as provided in this subsection ~~45~~.H.

2. Government agencies owning property within the District may contribute to the funding of District services but are not directly charged. The Program Manager may negotiate funding contributions and/or services with relevant governmental agencies, to supplement existing BIA services where appropriate.

I. Ratepayers will be assessed by the City for 24 semi-annual installments beginning with the year of the authorization (2020).

1. In 2020, properties will be assessed using the First Year Base Assessments for the U. District BIA, and, depending on which cleaning area the property is located in, an assessment for the Greater District Cleaning Area, South Cleaning Area, ~~and or~~ North Cleaning Area as set forth in this Section ~~45~~.

2. For each year following the first year of authorization, assessments will be calculated using a “CPI Factor” that is based on the Consumer Price Index for All Urban Consumers in Seattle-Tacoma-Bellevue (“CPI-U-Seattle”) as published monthly by the U.S. Department of Labor, Bureau of Labor Statistics (available at: <http://www.bls.gov/eag/>)

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eag.wa_seattle_msa.htm). For the U. District Fund Area Base Assessment, the CPI Factor will be the lesser of three percent per year or the percentage change in CPI-U-Seattle between September 2020 and September of the year prior to the assessment year. For the North, South, and Greater District Cleaning Areas, the actual CPI shall be used and not limited to three percent.

J. “New Benefit Area” shall be added to the assessment roll on an annual basis, and will supersede the previous assessment for that parcel. A New Benefit Area is created when a parcel’s Net Building Square Footage increases as a result of either a new building or significant expansion of an existing building, as recorded by the King County Assessor’s Office (“Updated Base Year”). The Base Formula for a New Benefit Area will be calculated using the new King County Assessor’s values in the Base Formula multiplied by the annual CPI Factor in effect, and the corresponding Cleaning Area Formula factor (reflecting the updated Total Lot Square Footage) multiplied by the annual CPI Factor in effect. New BIA assessments will be billed at the next regularly scheduled billing period established by the Department of Finance and Administrative Services.

K. Rate Changes. Changes in assessment rates other than as described in this section shall only be authorized by ordinance consistent with RCW 35.87A.140 and with the approval of the BIA Advisory Board and shall not occur more than one time per year.

Section 56. Administration. The Director of Finance and Administrative Services (“FAS Director”) shall administer the program for the City with authority to:

A. Collect the special assessments; refund special assessments when overpaid or otherwise improperly collected; extend the deadline for payment; and waive delinquency charges, processing fees, and interest whenever the delinquency results from extenuating circumstances beyond the ratepayer’s control, such as a casualty loss causing premature closure

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1 of the business or bankruptcy, or the total payment due to the City (exclusive of delinquency
2 charges and interest) is \$10 or less;

3 B. Calculate and collect the interest, delinquency charges, and processing fees for late
4 payments; and

5 ~~C. After receiving the recommendation of the Board, execute a program management~~
6 ~~contract with a Program Manager as described in Section 7 of this ordinance; and~~

7 ~~CD.~~ Accept and deposit advance payment of assessments by ratepayers; accept donations
8 from governmental agencies, the public, and owners and operators of businesses on property that
9 is developed or redeveloped during the existence of the U. District BIA for U. District BIA
10 programs.

11 **Section ~~67~~.** The Director of the Office of Economic Development (“OED Director”) ~~FAS~~
12 ~~Director~~ is authorized to contract with any local non-profit entity to act as the Program Manager.
13 The Program Manager’s duties, subject to the approval of the ratepayers at each annual meeting,
14 will be to manage the day-to-day operations of the U. District BIA and to administer the projects
15 and activities.

16 The ~~FAS OED~~ Director shall contract with the U District Partnership or other local non-
17 profit entity to serve as the initial Program Manager.

18 The ~~FAS OED~~ Director shall establish and follow a competitive process to select a
19 Program Manager every five years. The selection process shall include outreach to viable
20 candidates; publication of requests for proposals; and a selection process that takes into
21 consideration criteria designed to find a qualified and effective Program Manager.

22 Meetings of the Program Manager’s board or committee at which U. District BIA-funded
23 activities are anticipated to be discussed shall be open to the public, with at least five days’

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advance notice posted by the Program Manager(s) on its website and also disseminated by any other means that the Program Manager(s) generally uses to communicate.

Section ~~78~~. Special assessments shall be billed on a semi-annual basis. The FAS Director may change the billing frequency by directive to an interval no more frequent than quarterly. The FAS Director shall mail a copy of a directive issued under this section to all ratepayers not less than 90 days before the new billing due date is to take effect.

Section ~~89~~. If an assessment has not been paid within 30 days after its due date, the FAS Director shall send a reminder notice and add a \$5 processing fee. If the assessment is not paid within 60 days after its due date, a delinquency charge shall be added in the amount of ten percent of the assessment. All assessments that are not paid within 60 days of the due date shall also bear interest from the due date at 12 percent per annum. The FAS Director is authorized to refer any unpaid assessments to a collection agency or to bring an action to collect any unpaid assessments in any court of competent jurisdiction in King County.

Section ~~94~~. Notices of assessment, installment payments, or delinquency, and all other notices contemplated by this ordinance may be sent by ordinary mail or delivered by the City to the address shown on the records of the FAS Director, and, if no address is shown there, to the address shown on the records of the King County Assessor's Office. Failure of the ratepayer to receive any mailed notice shall not release the ratepayer from the duty to pay the assessment on the due date and any interest, delinquency charges, and processing fees.

Section ~~104~~. Any ratepayer aggrieved by the amount of an assessment or delinquency charge may on request obtain a meeting with FAS. If not satisfied, the ratepayer may appeal the matter to the City's Hearing Examiner in the manner provided for a contested case under Seattle

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Municipal Code Chapter 3.02. The ratepayer has the burden of proof to show that the assessment or delinquency charge is incorrect.

Section 1~~12~~. The City may conduct random audits of ratepayers to ensure that assessments are being properly calculated and reported.

Section 1~~23~~. Expenditures from the Account shall be made upon demand and presentation of documentation of allowable expenses to the FAS Director by the program manager and shall be used exclusively for the programs as defined in Section ~~34~~ of this ordinance.

Section 1~~34~~. The OED Director ~~of the Office of Economic Development (“OED Director”)~~ shall, within 30 days of the effective date of this ordinance, appoint an interim BIA Advisory Board comprised of ratepayers representative of the entire geography and variety of sizes in the U. District BIA, and residents and business tenants from within the U. District BIA. The OED Director shall solicit recommendations from the ratepayers and shall appoint the interim board from that list. The interim BIA Advisory Board will, within 90 days of the effective date of this ordinance, recommend an inaugural BIA Advisory Board (“Board”). The composition of the Board shall be representative of the varying sizes and types of property owners, residents, and businesses tenants within the geographic area of the U. District BIA, and may include public agencies.

For both the interim, inaugural, and permanent Boards:

1. No more than 35 percent of the members or five members, whichever number is lower, shall represent the University of Washington;
2. At least one member shall be a resident (owner);
3. At least one member shall be a resident (tenant);

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4. At least ~~one other~~three members shall be ~~a~~ commercial tenants, including at least two tenants subject to a triple net lease; and

~~5. At least two members shall be commercial tenants subject to a triple net lease; and~~

56. At least 80 percent of all the members shall be ratepayers. At least one member shall be a ratepayer contributing less than 0.5 percent of the total assessment.

The OED Director shall appoint the inaugural Board members from the list recommended by the interim BIA Advisory Board. The OED Director may appoint additional members to the Board beyond those recommended by the interim BIA Advisory Board to ensure a broad representation of ratepayers, provided that the additional members so appointed do not exceed one-third of the entire membership of the Board.

As a prerequisite to serving on the Board, each member shall sign an acknowledgment, prepared by the OED Director, that they will abide by City ordinances related to business improvement areas and exercise fiduciary responsibility to collect and spend the special assessment revenues exclusively for the programs identified in Section 34 of this ordinance.

The Board shall be responsible for adopting bylaws and policy guidelines; recommending approval of budgets, expenditures, and programs; and providing advice and consultation to the OED and FAS Directors and to the Program Manager. The bylaws shall establish staggered terms for Board members, with no Board member serving more than two consecutive three-year terms. Any sitting Board member at the time of the 2020 reauthorization of the BIA shall be able to complete their term, then be allowed to be recommended and appointed to serve one additional term.

The Board shall meet at least once quarterly; recommend an annual work program and budget; address and discuss ratepayer concerns and questions regarding the U. District BIA

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programs; and sponsor an annual ratepayers' meeting. Meetings of the Board shall be open to the public, with at least five days' advance notice posted by the program manager on its website and also disseminated by any other means that the program manager generally uses to communicate.

At the annual ratepayers' meeting, the Board shall present its proposed work plan and budget for the next year, and its recommendation regarding whether to continue with the current Program Manager. The work plan, budget, and recommendation regarding whether to continue with the current Program Manager must be approved by a vote of the ratepayers and submitted to the Office of Economic Development.

The Board and Program Manager shall work with the Office of Economic Development to evaluate the U. District BIA's programs and services and shall report their findings to the City Council when a request to modify or renew the U. District BIA is proposed, or in five years from the time of formation, whichever is sooner.

Section 1~~4~~5. The ~~FAS-OED~~ Director or the ~~FAS-OED~~ Director's designee is authorized to enter into an agreement with the program manager of the 2015 U. District BIA to provide for continuity of services, fulfillment of any liabilities, and distribution of remaining funds in the 2015 U. District BIA Account for the benefit of the 2015 U. District BIA ratepayers, and transfer any remaining de minimis funds and receivables in the 2015 U. District BIA Account to an account established by the City on behalf of the U. District BIA.

Section 1~~5~~6. The U. District BIA shall have a term of 12 years and will expire 12 years after the date that the area is established. Upon a petition signed by ratepayers that would pay 60 percent of the proposed special assessments, the BIA Advisory Board shall request that the City Council disestablish the U. District BIA in accordance with Chapter 35.87A RCW.

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OED U. District BIA ORD
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- 1 **Section 1~~67~~**. The making of contracts and expenditures and the sending of assessment
- 2 notices consistent with the authority of this ordinance taken after its passage and prior to its
- 3 effective date are ratified and confirmed.

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Section 178. 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.

Adopted by the City Council the _____ day of _____, 2020,
and signed by me in open session in authentication of its adoption this _____ day of _____, 2020.

President _____ of the City Council

The Mayor concurred the _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

Attachments:
Exhibit A – University District Business Improvement Area

Amendment 2 to CB 119779 (OED U. District BIA ORD): BIA Term and Program Manager v1

Sponsor: Councilmember Pedersen

Meeting: City Council

Date: June 8, 2020

Description

This would amend CB 119779 to reduce the term of the U. District BIA from 12 years to 10 years and reduce the number of times the City bills ratepayers for assessments from 24 semi-annual installments to 20.

It would also allow the initial Program Manager (the U District Partnership) to act in that capacity for one year before the Office of Economic Development is required to conduct a competitive process to select a Program Manager. Towards the end of the interim Program Manager's one-year term, OED would conduct a request for qualifications process to select a Program Manager for a five-year term. OED would then conduct a request for proposals process to select the Program Manager for the following four-year contract term, until the expiration of the U. District BIA. Should the U. District BIA be reauthorized following its expiration, the Program Manager would be allowed to serve as the reauthorized BIA's interim Program Manager for one year.

Note: This amendment assumes Amendment 1 is adopted.

Notes

Double underlines indicate new language to be added.

~~Double strikethroughs~~ indicate language proposed to be removed.

Amendment

1. Amend Section 4 of Council Bill 119779, as follows:

Section 4. To finance the programs authorized in Section 3 of this ordinance, there is proposed a ~~12~~ 10-year special assessment to be levied and collected from the owners of business property, multifamily residential property (buildings containing four or more residential units), and mixed-use property (multifamily residential and commercial) located within the boundaries of the U. District BIA described in Section 2 of this ordinance. The U. District BIA will annually update records based on data and information from King County and the City. The "First Year Base Assessments" in 2020-2021 will be based upon the base year used to calculate the 2019-2020 U. District BIA Assessments from the Department of Finance and Administrative Services

(FAS) (“Established Base Year”), plus an inflation factor of 2.375 percent and a one-time 10 percent increase for program expansion. The “Total Taxable Value” is the value of the land plus the value of improvements.

A. U. District Fund Area Base Formula = $(\$0.25 \times (\text{Established Base Year Total Taxable Value}/\$1000 + 2016\text{-}2020 \text{ CPI Factors}) + 2.375 \text{ percent inflation factor} + 10 \text{ percent})$.

* * *

I. Ratepayers will be assessed by the City for ~~24~~ 20 semi-annual installments beginning with the year of the authorization (2020).

* * *

2. Amend Section 15 of CB 119779, as follows:

Section 15. The U. District BIA shall have a term of ~~12~~ 10 years and will expire ~~12~~ 10 years after the date that the area is established. Upon a petition signed by ratepayers that would pay 60 percent of the proposed special assessments, the BIA Advisory Board shall request that the City Council disestablish the U. District BIA in accordance with Chapter 35.87A RCW.

3. Amend Section 6 of Council Bill 119779, as follows:

Section 6. The Director of the Office of Economic Development (“OED Director”) is authorized to contract with any local non-profit entity to act as the Program Manager. The Program Manager’s duties, subject to the approval of the ratepayers at each annual meeting, will be to manage the day-to-day operations of the U. District BIA and to administer the projects and activities.

The OED Director shall contract with the U District Partnership or other local non-profit entity to serve as the initial Program Manager for one year.

The OED Director shall establish and follow a competitive process to select a Program Manager ~~every five years~~ first to serve a five-year term commencing after the one-year term of the initial Program Manager, and then for a four-year term to the expiration of the U. District BIA. The selection process shall include outreach to viable candidates; publication of requests for qualifications (first five-year term) and proposals (following four-year term); and a selection process that takes into consideration criteria designed to find a qualified and effective Program Manager. If the U. District BIA is reauthorized, the OED Director may contract with the then-current Program Manager to serve as the interim Program Manager for the reauthorized U. District BIA for one year.

Meetings of the Program Manager's board or committee at which U. District BIA-funded activities are anticipated to be discussed shall be open to the public, with at least five days' advance notice posted by the Program Manager(s) on its website and also disseminated by any other means that the Program Manager(s) generally uses to communicate.



Legislation Text

File #: Res 31947, Version: 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION relating to committee structure, membership, meeting times, and duties of the standing committees of the Seattle City Council for 2020 and 2021; allowing for suspension of standing committee meetings for consideration of a Revised 2020 Budget due to the COVID-19 Emergency declared March 3, 2020; and superseding Resolution 31922.

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

Section 1. Effective June 8, 2020 and until further notice, except as provided in Section 6 of this resolution from June 15, 2020 through July 17, 2020 or until the adoption of a Revised 2020 Budget, whichever is earlier, the Seattle City Council's standing committees, membership, and meeting times are as shown below, superseding Resolution 31922.

Standing Committee	Committee Members		Committee Meeting Days and Times ^{1,2}
Community Economic Development	Chair	Morales	3 rd Tuesdays 2:00 p.m.
	Vice-Chair	Lewis	
	Member	Juarez	
	Member	Pedersen	
	Member	Sawant	
	<i>Alternate</i>	<i>Herbold</i>	
Finance & Housing	Chair	Mosqueda	1 st and 3 rd Tuesdays 9:30 a.m.
	Vice-Chair	Herbold	
	Member	González	
	Member	Lewis	

	Member	Strauss	
	<i>Alternate</i>	<i>Morales</i>	
Governance & Education	Chair	González	2 nd Tuesdays 2:00 p.m.
	Vice-Chair	Juarez	
	Member	Mosqueda	
	Member	Sawant	
	Member	Strauss	
	<i>Alternate</i>	<i>Lewis</i>	
Land Use & Neighborhoods	Chair	Strauss	2 nd and 4 th Wednesdays 9:30 a.m.
	Vice-Chair	Mosqueda	
	Member	Juarez	
	Member	Lewis	
	Member	Pedersen	
	<i>Alternate</i>	<i>González</i>	
Public Assets & Native Communities	Chair	Juarez	1 st Tuesdays 2:00 p.m.
	Vice-Chair	Pedersen	
	Member	Herbold	
	Member	Mosqueda	
	Member	Sawant	
	<i>Alternate</i>	<i>Strauss</i>	
Public Safety & Human Services	Chair	Herbold	2 nd and 4 th Tuesdays 9:30 a.m.
	Vice-Chair	González	
	Member	Lewis	
	Member	Morales	
	Member	Sawant	
	<i>Alternate</i>	<i>Pedersen</i>	
Sustainability & Renters' Rights	Chair	Sawant	4 th Tuesdays 2:00 p.m.
	Vice-Chair	Morales	
	Member	Juarez	
	Member	Lewis	
	Member	Pedersen	

	<i>Alternate</i>	<i>Mosqueda</i>	
Transportation & Utilities	Chair	Pedersen	1 st and 3 rd Wednesdays 9:30 a.m.
	Vice-Chair	Strauss	
	Member	González	
	Member	Herbold	
	Member	Morales	
	<i>Alternate</i>	<i>Juarez</i>	

¹ Rule VI.C.3 of the General Rules and Procedures of the Seattle City Council requires that a scheduled meeting will be moved to the following Friday if: a. The regular schedule place on a legal holiday; or b. A legal holiday moves a City Council meeting to a day on which the meeting is not scheduled. ² Rule VII.H.4 of the General Rules and Procedures of the Seattle City Council states that standing committee meetings are suspended (canceled) from the time the Council's Select Committee receives the Mayor's proposed budget (typically the end of September) to the time the Council receives the Mayor's proposed budget (typically the third week of November). Special standing committee meetings may be called for legislative action is required within a set time (e.g., quasi-judicial actions with 90-day decision review); or • Upon the approval of the President and the Chair of the Select Budget Committee, after consultation with the Central Staff Director.

Section 2. The duties of the standing committees are as follows:

Community Economic Development: To provide policy direction and oversight and to deliberate and make recommendations on legislative matters relating to:

- economic development policies and programs; including the Office of Economic Development, small business development and support, Business Improvement Areas, workforce development, and improving access and opportunities to education and training for low- and middle-income workers, youth and communities of color;
- civil rights issues, including the Office for Civil Rights, except for issues related to tenant rights and protections;
- arts and cultural activities, nightlife issues, and special events;

- film and music activities; and
- the equitable development initiative and its projects.

Finance and Housing: To provide policy direction and oversight and to deliberate and make recommendations on legislative matters relating to:

- the financial management and policies of the City and its agents, including the operating and capital budgets, levies, taxes, revenue, audits, and judgments and claims against the City (the Finance and Housing Committee is the Finance Committee required by the Seattle City Charter);
- oversight of the City’s public works construction projects except as otherwise specified;
- the City Employees’ Retirement System;
- the Department of Finance and Administrative Services, including the Seattle Animal Shelter, the City’s fleets and facilities, the Customer Service Bureau, and other administrative functions;
- housing policies and programs, including the Office of Housing, investing and promoting the development and preservation of affordable housing for workers, families, and retirees;
- the Office of Labor Standards; and
- monitoring implementation of the priority hire program and promoting worker protections.

Governance and Education: To provide policy direction and oversight and to deliberate and make recommendations on legislative matters relating to:

- regional, state, federal, and other governmental matters including Charter review, code improvement, the Office of Intergovernmental Relations, and rules of the City Council;
- City personnel issues, including labor-management relations, collective bargaining agreements, and other issues related to salary rates, hours, and other conditions of employment;
- the Office of the Employee Ombud;

- the City Auditor;
- the Office of Hearing Examiner;
- ethics and elections, including the Seattle Ethics and Elections Commission;
- immigrant and refugee rights, including the Office of Immigrant and Refugee Affairs; and
- education and early learning initiatives, including the Department of Education and Early Learning, the City’s Families, Education, Preschool, and Promise Levy, with a goal of improving City schools and student success rates and reducing achievement gaps.

Land Use and Neighborhoods: To provide policy direction and oversight and to deliberate and make recommendations on legislative matters relating to:

- planning and land use, including comprehensive planning, community development, zoning, design, and land use regulations, including the Office of Planning and Community Development, and the Seattle Department of Construction and Inspections, except for issues related to rental regulations;
- Major Institution Master Plans and quasi-judicial land use decisions; and
- the Department of Neighborhoods, including neighborhood planning, engagement and outreach, funding opportunities, and historic preservation.

Public Assets and Native Communities: To provide policy direction and oversight and to deliberate and make recommendations on legislative matters relating to:

- parks, community centers, and public grounds (including the Seattle Parks and Recreation, Woodland Park Zoo and Seattle Aquarium);
- the Seattle Center;

- the Seattle Public Library system;
- the Office of the Waterfront; and
- Native American issues, including housing affordability, health and mental health services, services for youth, access to justice, art and culture, and historic preservation.

Public Safety & Human Services: To provide policy direction and oversight and to deliberate and make recommendations on legislative matters relating to:

- criminal justice and law enforcement, with special emphasis on programs and strategies to reduce crime, domestic violence, sexual assault, human trafficking, and youth violence (including the Seattle Police Department and the City Attorney's Office);
- police accountability (including the Office of Police Accountability, Office of Inspector General, and the Community Police Commission), and the implementation of the Settlement Agreement between the Department of Justice and the City of Seattle regarding the Seattle Police Department;
- coordination with municipal, regional, state, and federal agencies engaged in public safety issues (including the Seattle Municipal Court);
- fire prevention and suppression, and emergency medical services;
- emergency preparedness, management, and response;
- youth justice, alternatives to youth detention, and alternative housing options to youth incarceration;
- human services including but not limited to: child care, aging, and disability services; and the Law Enforcement Assisted Diversion (LEAD) program; and
- local and regional public health.

Sustainability & Renters' Rights: To provide policy direction and oversight and to deliberate and make

recommendations on legislative matters relating to:

- urban sustainability, including the Office of Sustainability and Environment, climate justice, conservation programs, green buildings, and food policy; and
- renters’ rights, including but not limited to legislation intended to protect renters facing gentrification, economic evictions, excessive background checks, and unaffordable rent.

Transportation and Utilities: To provide policy direction and oversight and to deliberate and make recommendations on legislative matters relating to:

- the operations of the Seattle Department of Transportation;
- transportation issues and projects affecting the City of Seattle including transit service, policies, and planning; pedestrian and bicycle programs and planning; transportation system maintenance and repair; traffic control; use of the City right-of-way including permits and vacations; parking policies; neighborhood transportation planning; and freight mobility planning;
- coordination of transportation issues and representation of the City’s interests on transportation with the federal government, the State of Washington, King County, Sound Transit, and the Puget Sound Regional Council; and
- water, drainage, wastewater, and solid waste services provided by Seattle Public Utilities (SPU), including SPU environmental services and utility rates, regional water resources, endangered species recovery plans, waterway cleanup, and green stormwater infrastructure;
- City information technology planning, implementation, and organization; cable telecommunications services and planning; broadband telecommunications planning and implementation; technology grants; Seattle Channel; seattle.gov; and citizen technology literacy and access;
- Seattle City Light, including but not limited to City Light finances, energy utility rates, resource

matters, energy policy, regional matters, air pollution regulations, and alternative energy sources;

Section 3. Each City public development authority (PDA) is assigned to a City Council standing committee, as listed below, for general oversight and review. A committee chair may request that representatives of a PDA periodically appear before the assigned City Council committee to update City Councilmembers on the PDA's activities and share items of mutual interest. The City Council President or a committee chair may also request periodic briefings by Executive branch staff on PDA issues.

Public Development Authority	City Council Standing Committee
Burke-Gilman Place Public Development Authority	Finance & Housing
Capitol Hill Housing Improvement Program	Finance & Housing
Historic Seattle Preservation and Development Authority	Land Use & Neighborhoods
Museum Development Authority of Seattle	Community Economic Development
Pacific Hospital Preservation and Development Authority	Public Safety & Human Services
Pike Place Market Preservation and Development Authority	Land Use & Neighborhoods
Seattle Chinatown International District Preservation and Development Authority	Land Use & Neighborhoods
Seattle Indian Services Commission	Public Assets & Native Communities

Section 4. Report of the action of a standing committee taken before adoption of this resolution may be made to the City Council at any time consistent with Council Rules and Procedures by any of the following: (a) the Councilmember who chaired or chairs that committee; (b) any Councilmember who was on that committee or who attended that committee's meeting at the time of the action; or (c) any sponsor of the legislative item on which the action was taken.

Section 5. Absent explicit re-referral, a legislative item referred to a 2018-2019 committee is re-referred to the 2020-2021 committee with oversight responsibility for the subject matter of the legislative item.

Section 6. From June 15, 2020 through July 17, 2020 or until the adoption of a Revised 2020 Budget,

whichever is earlier, City Council standing committee meetings are suspended. Consistent with Rule VII.H.4 of the General Rules and Procedures of the Seattle City Council, special standing committee meetings may be called if review of a legislative action is required within a set time (e.g., quasi-judicial actions with 90-day deadlines for Council review); or upon the approval of the Council President and the Chair of the Select Budget Committee, after consultation with the Central Staff Director.

Adopted by the City Council the _____ day of _____, 2020, and signed by
me in open session in authentication of its adoption this _____ day of _____, 2020.

President _____ of the City Council

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
Legislative	Cody Reiter 6-5953	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

1. **Legislation Title:** A RESOLUTION relating to committee structure, membership, meeting times, and duties of the standing committees of the Seattle City Council for 2020 and 2021; allowing for suspension of standing committee meetings for consideration of a Revised 2020 Budget due to the COVID-19 Emergency declared March 3, 2020; and superseding Resolution 31922.

2. **Summary and background of the Legislation:**

This resolution temporarily suspends committee meetings during the Select Budget Committees deliberation to consider a Revised 2020 Budget from June 15, 2020 through July 17, 2020 or until the Council adopts a Revised 2020 Budget, whichever is earlier.

This resolution supersedes Resolution 31922, which set the committee structure for 2020 - 2021.

2. CAPITAL IMPROVEMENT PROGRAM

- a. Does this legislation create, fund, or amend a CIP Project? ___ Yes ___X___ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

- a. Does this legislation amend the Adopted Budget? ___ Yes ___X___ No
- b. 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 (If so, describe the nature of the impacts. This could include increased operating and maintenance costs, for example.)
- c. Is there financial cost or other impacts of *not* implementing the legislation?
NO (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.)

4. OTHER IMPLICATIONS

- a. Does this legislation affect any departments besides the originating department?
No.

b. Is a public hearing required for this legislation?

No.

c. Does this legislation require landlords or sellers of real property to provide information regarding the property to a buyer or tenant?

No.

d. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No.

e. Does this legislation affect a piece of property?

If yes, and if a map or other visual representation of the property is not already included as an exhibit or attachment to the legislation itself, then you must include a map and/or other visual representation of the property and its location as an attachment to the fiscal note. Place a note on the map attached to the fiscal note that indicates the map is intended for illustrative or informational purposes only and is not intended to modify anything in the legislation.

No.

f. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities?

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).