



Legislation Text

File #: CB 119697, Version: 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to public works and improvements; amending Sections 20.04.090 and 20.04.270 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 20.04.090 of the Seattle Municipal Code, last amended by Ordinance 122497, is amended as follows:

20.04.090 Final assessment roll-Hearing-Conduct((:))

In a hearing before the City Council, a committee thereof, the Hearing Examiner or designated officer, the City Attorney shall be the legal representative of the local improvement district.

A.

1. The City Council, the committee thereof, the Hearing Examiner, or officer designated by the City Council shall commence the hearing on the date and at the time and place fixed by the resolution of the City Council, but may ~~((in the exercise of discretion))~~ recess the hearing to times certain ~~((in order))~~ to allow the parties to obtain essential additional information, provided, however, that an effort shall be made at all times to avoid delays ~~((which))~~ that unnecessarily allow interest to accumulate upon obligations for which the local improvement district is responsible.

2. The Hearing Examiner or officer shall ~~((reduce his/her))~~ file in writing any findings, recommendations, and decisions ~~((to writing and shall file them))~~ with the City Clerk ~~((within twenty (20) days following the conclusion of the hearing))~~. Notice of the filing~~((, together with copies of the findings,~~

~~recommendations and decisions)) shall be ((mailed)) posted or otherwise made available by the City Clerk or ((any person designated by the City Clerk to do so under his/her supervision within three (3) business days of the filing to all persons who filed timely written objections to confirmation of the assessment roll as prepared.~~
~~Instructions as to the filing of any appeal to the City Council shall be included in the mailing.))~~ the City Clerk's designee.

B. ~~((Upon receipt of the report, findings, recommendations and decisions of the Hearing Examiner or officer the))~~ The City Council or a committee thereof shall review the ((same)) material submitted to the City Clerk under subsection 20.04.090.A.2. As soon as all timely appeals from the findings, recommendations and decisions of Hearing Examiner or officer have been decided or the time allowed for filing appeals has expired with no appeals having been filed, the City Council may: accept the assessment roll as prepared~~((, or may))~~ ; correct, revise, raise, lower, change or modify the roll or any part thereof~~((,))~~ ; or ~~((may))~~ set aside the roll and order the assessment to be made de novo~~((, and at the conclusion thereof, and after))~~ . After the Director of Transportation has made ((the)) any appropriate changes on the assessment roll at the City Council's direction, the Council may confirm the roll by ordinance. ~~((If an appeal has been filed from the findings, recommendations and decisions of the Hearing Examiner or officer it shall be heard and determined and the results thereof incorporated into the assessment roll before it is confirmed.))~~

C. Any finding, recommendation, or decision of the Hearing Examiner, or officer designated by the City Council to conduct a hearing pursuant to RCW 35.44.070 and RCW 35.44.080, shall be subject to appeal to the City Council, which may direct that the appeal shall be heard by a committee thereof.

D.

1. An appeal pursuant to subsection 20.04.090.C ~~((of this section))~~ may be filed only by a party who timely perfected a protest at the initial hearing. The notice of appeal shall, in addition to requirements as to content specified elsewhere in this ~~((chapter))~~ Chapter 20.04, state clearly on the cover or cover page the number of the local improvement district and the appellant's name ~~((and))~~ . The notice shall be filed with the

City Clerk no later than the ~~((fourteenth-))~~14th~~(())~~ day after the day upon which the ~~((report and))~~ findings, recommendations, and decisions of the Hearing Examiner or other officer is filed with the City Clerk.

2. Upon the filing of a notice of appeal the City Clerk shall immediately notify the City Attorney and furnish a copy of the notice to the City Council and the City ~~((Departments))~~ departments immediately concerned. ~~((Within fifteen (15) days f))~~Following the filing of a notice of appeal the City Council shall set a time and place for a hearing on the appeal before the City Council or a committee thereof and shall give notice ~~((immediately mail or cause to be mailed notice))~~ of the time and place to the appellant~~((, provided the))~~ . The time shall be as soon as practicable in order to avoid accumulation of additional interest on the obligations of the local improvement district.

E. Review by the City Council or ~~((Council Committee))~~ a committee thereof on appeal shall be limited to and shall be based solely upon the record from the hearing ~~((below))~~, ~~((provided, however, that))~~ although the City Council or the ~~((appropriate City Council))~~ committee may permit oral or written arguments or comments ~~((when))~~ that are confined to the content of ~~((the))~~ that record ~~((of the hearing below))~~. Written arguments shall not be considered unless filed with the City Council or ~~((Council Committee))~~ the committee prior to the conclusion of the hearing on appeal, and the City Council or the committee ~~((thereof))~~ may determine the appeal on the record, with or without written argument.

F. The recommendation appealed from shall be accorded substantial weight and the burden of establishing the contrary shall be upon the appealing party. In respect to the matter appealed the City Council may adopt or reject, in whole or in part, the findings, recommendations and decisions of the Hearing Examiner or officer or make such other disposition of the matter as is authorized by RCW 35.44.100 and subsection 20.04.090.B ~~((of this section above))~~. The City Council shall reduce its determination to writing, file the original in the record of the local improvement district, and transmit a copy of the same to the appellant. No ordinance confirming an assessment roll shall be enacted by the legislative authority until all appeals to the City Council or a committee thereof are decided.

Section 2. Section 20.04.270 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

20.04.270 Items of cost and expense for estimates((;))

All estimates of the cost and expense of local improvements shall include the following:

- A. The estimated cost of all of the construction or improvement authorized for the district including, but not limited to, that portion of the improvement within street intersections;
- B. The estimated cost and expense of all engineering and surveying necessary for the improvement done under the supervision of the City;
- C. The estimated cost and expense of ascertaining the ownership of the lots or parcels of land included in the assessment district;
- D. The estimated cost and expense of advertising, mailing, and publishing all necessary notices;
- E. The estimated cost and expense of accounting, clerical labor, and of books and blanks extended or used on the part of the City in connection with the improvement;
- F. The cost of acquisition of rights-of-way, property, easements, or other facilities or rights, whether acquired by eminent domain, purchase, gift, or in any other manner; provided, that any of the costs enumerated in this subsection 20.04.270.F may be excluded from the cost and expense to be assessed against the property in the local improvement district if the legislative authority so designates by ordinance at any time and may be paid from any other moneys available therefor; and
- G. The estimated cost of legal, financial, and appraisal services and any other expense incurred by the City for the district or in the formation thereof, or by the City in connection with the construction or improvement and in the financing thereof, including the issuance of any bonds((;)) .

~~((H. A charge against each description of property in the following amounts, to wit: in case of "immediate payment," \$6 per description; in case of assessment payable in three annual installments, \$18 per description; in case of assessment payable in five annual installments, \$26 per description; in case of~~

~~assessment payable in ten annual installments, \$46 per description; in case of assessment payable in 15 annual installments, \$66 per description; in case of assessment payable in 20 annual installments or more of either principal or interest, \$86 per description; which is the charge of accounting, clerical labor, books and blanks used by the City; provided, however, that when any assessment payable in installments is paid in full within the 30 day period fixed by law for the payment of assessments without interest, the Director of Finance and Administrative Services shall allow a rebate of the charge in this subsection in excess of the sum of \$6 per description. In all instances wherein the contractor doing the work in any local improvement district deposits cash with the Director of Finance and Administrative Services under the terms of his or her contract to cover items of cost shown by the department head supervising the contract in his or her final estimate and specified in this section, the Director of Finance and Administrative Services shall transfer the amount of such rebate from the fund in which it has been deposited to the appropriate local improvement fund.))~~

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2019, and signed by me in open session in authentication of its passage this _____ day of _____, 2019.

President _____ of the City Council

Approved by me this _____ day of _____, 2019.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2019.

Monica Martinez Simmons, City Clerk

(Seal)