



# CITY OF SEATTLE

## City Council

### Agenda - Revised Revised - Public Hearing

Tuesday, August 15, 2023

2:00 PM

Council Chamber, City Hall  
600 4th Avenue  
Seattle, WA 98104

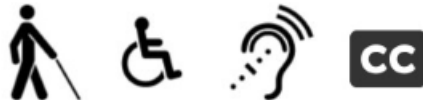
Debora Juarez, Council President  
Lisa Herbold, Member  
Andrew J. Lewis, Member  
Tammy J. Morales, Member  
Teresa Mosqueda, Member  
Sara Nelson, Member  
Alex Pedersen, Member  
Kshama Sawant, Member  
Dan Strauss, Member

Chair Info: 206-684-8805; [Debora.Juarez@seattle.gov](mailto:Debora.Juarez@seattle.gov)

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**CITY OF SEATTLE**  
**City Council**  
**Agenda - Revised**  
**Revised - Public Hearing**  
**August 15, 2023 - 2:00 PM**

**Meeting Location:**

Council Chamber, City Hall, 600 4th Avenue, Seattle, WA 98104

**Committee Website:**

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

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8.

Members of the public may register for remote or in-person Public Comment to address the Council. Details on how to provide Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at <http://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin two hours before the 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.

In-Person Public Comment - Register to speak on the Public Comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to all Councilmembers at [Council@seattle.gov](mailto:Council@seattle.gov)

**A. CALL TO ORDER**

**B. ROLL CALL**

**C. PRESENTATIONS**

**D. 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.*

**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 406](#)

August 15, 2023

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

**F. APPROVAL OF THE AGENDA****G. APPROVAL OF CONSENT CALENDAR**

*The Consent Calendar consists of routine items. A Councilmember may request that an item be removed from the Consent Calendar and placed on the regular agenda.*

**Journal:**

[Min 440](#)

August 8, 2023

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

**Bills:**

[CB 120640](#)

AN ORDINANCE appropriating money to pay certain claims for the week of July 31, 2023 through August 04, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.

**Appointments:****PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE:**

1. [Appt 02581](#) Appointment of Josh Sattler as Court Administrator, Seattle Municipal Court.

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

**In Favor: 5 - Herbold, Lewis, Mosqueda, Nelson, Pedersen**

**Opposed: None**

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

## H. COMMITTEE REPORTS

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

### **CITY COUNCIL:**

1. [CB 120615](#) AN ORDINANCE relating to floodplains; fifth extension of interim regulations established by Ordinance 126113, and as amended by Ordinance 126536, for an additional six months, to allow individuals to rely on updated National Flood Insurance Rate Maps to obtain flood insurance through the Federal Emergency Management Agency's Flood Insurance Program.

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

#### **Public Hearing and Vote**

2. [Res 32101](#) A RESOLUTION to initiate a new Business Improvement Area to be known as the Ballard Improvement Area (BIA).

**Attachments:** [Att A – Proposed BIA Boundaries](#)

**Supporting Documents:** [Summary and Fiscal Note](#)  
[Summary Att A – Ballard Alliance Renewal and Business Plan](#)



3. [Res 32102](#) A RESOLUTION of intention to establish a new Business Improvement Area to be known as the Ballard Improvement Area (BIA) and fix a date and place for a hearing thereon.

**Attachments:** [Att A – Proposed BIA Boundaries](#)

**Supporting**

**Documents:**

[Summary and Fiscal Note](#)

[Summary Att A – Ballard Alliance Renewal and Business Plan](#)

4. [Res 32103](#) A RESOLUTION of intention to disestablish the 2017 Ballard Business Improvement Area and fixing a date and place for a hearing thereon.

**Supporting**

**Documents:**

[Summary and Fiscal Note](#)

[Summary Att A - 2017 Ballard Business Improvement Area Service Area](#)

#### **ECONOMIC DEVELOPMENT, TECHNOLOGY, AND CITY LIGHT COMMITTEE:**

5. [CB 120636](#) AN ORDINANCE relating to the City Light Department; authorizing a 15-year agreement with Whatcom County providing for payments for general and emergency law enforcement and other governmental services provided by Whatcom County to the City's Skagit Hydroelectric Project generation facilities and residents of Newhalem and Diablo; and ratifying and confirming certain prior acts.

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

**In Favor: 4 - Nelson, Herbold, Sawant, Strauss**

**Opposed: None**

**Attachments:** [Att A - Impact Payment Agreement](#)

**Supporting**

**Documents:**

[Summary and Fiscal Note](#)

6. [CB 120637](#) AN ORDINANCE relating to the City Light Department; authorizing the Department to lease real property to and from private parties for the purpose of installing and operating electric vehicle charging stations and supporting infrastructure; amending Section 21.49.130 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

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

**In Favor: 4 - Nelson, Herbold, Sawant, Strauss**

**Opposed: None**

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

#### I. ITEMS REMOVED FROM CONSENT CALENDAR

#### J. ADOPTION OF OTHER RESOLUTIONS

7. [Res 32104](#) A RESOLUTION to initiate a new business improvement area, to be known as the Seattle Tourism Improvement Area.

**Attachments:** [Att A - STIA District Boundaries Map](#)

**Supporting Documents:** [Summary and Fiscal Note](#)  
[Summary Ex A - Proposed STIA Business Plan Summary](#)

8. [Res 32105](#) A RESOLUTION of intention to establish a new business improvement area to be known as the Seattle Tourism Improvement Area and fix a date and place for a hearing thereon.

**Attachments:** [Att A - STIA District Boundaries Map](#)

**Supporting Documents:** [Summary and Fiscal Note](#)  
[Summary Ex A - Proposed STIA Business Plan Summary](#)

9. [Res 32106](#) A RESOLUTION of intention to disestablish the existing Seattle Tourism Improvement Area and fixing a date and place for a hearing thereon.

**Supporting Documents:**

[Summary and Fiscal Note](#)

[Summary Ex A - 2011 Seattle Tourism Improvement Area Ordinance and Map](#)

**K. OTHER BUSINESS**

Consideration of an Administrative Appeal of Exclusion issued to Avrum "Alex" Tsimerman on July 25, 2023, pursuant to Council Rule XI.D.5.

**L. ADJOURNMENT**



Legislation Text

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**File #:** IRC 406, **Version:** 1

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August 15, 2023



Introduction and Referral Calendar

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

Record No.	Title	Committee Referral
<b><u>By: Mosqueda</u></b>		
1. <a href="#">CB 120640</a>	AN ORDINANCE appropriating money to pay certain claims for the week of July 31, 2023 through August 04, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.	City Council
<b><u>By: Nelson</u></b>		
2. <a href="#">Res 32104</a>	A RESOLUTION to initiate a new business improvement area, to be known as the Seattle Tourism Improvement Area.	City Council for Introduction and Adoption
<b><u>By: Nelson</u></b>		
3. <a href="#">Res 32105</a>	A RESOLUTION of intention to establish a new business improvement area to be known as the Seattle Tourism Improvement Area and fix a date and place for a hearing thereon.	City Council for Introduction and Adoption
<b><u>By: Nelson</u></b>		
4. <a href="#">Res 32106</a>	A RESOLUTION of intention to disestablish the existing Seattle Tourism Improvement Area and fixing a date and place for a hearing thereon.	City Council for Introduction and Adoption
<b><u>By: Nelson</u></b>		
5. <a href="#">CB 120641</a>	AN ORDINANCE relating to Seattle Tourism Improvement Areas; establishing a new 15-year business improvement area to be known as the Seattle Tourism Improvement Area; levying special assessments upon owners of businesses offering transient accommodations with 60 or more rooms within the area; 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; providing for an implementation agreement with a Program Manager; disestablishing the existing Seattle Tourism Improvement Area that was established by Ordinance 123714 ("2011 STIA") and later modified by Ordinance 126552; suspending the issuance of special assessments and providing for the continuity of services under the 2011 STIA; providing for the transfer of any remaining funds from the 2011 STIA Account; and ratifying and confirming certain prior acts.	Economic Development, Technology, and City Light Committee

**By: Strauss**

6. [Appt 02631](#) Appointment of Nathan Collins as member, Urban Forestry Commission, for a term to March 31, 2026. Land Use Committee

**By: Morales**

7. [Appt 02632](#) Appointment of Bryennah Quander as member, Seattle Human Rights Commission, for a term to July 22, 2025. Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Morales**

8. [Appt 02633](#) Reappointment of Kyla Evans as member, Seattle Women's Commission, for a term to July 1, 2024. Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Morales**

9. [Appt 02634](#) Reappointment of Vinati Mamidala as member, Seattle Women's Commission, for a term to July 1, 2024. Neighborhoods, Education, Civil Rights, and Culture Committee

**By: Lewis**

10. [CB 120643](#) AN ORDINANCE relating to commercial tenancies; establishing limits on the maximum personal guaranty that may be included in or as a condition of commercial leases; and establishing limits on the value of a commercial lease's required security deposit and/or letters of credit; and adding a new Chapter 6.104 to the Seattle Municipal Code. Public Assets and Homelessness Committee

**By: Lewis**

11. [CB 120644](#) AN ORDINANCE authorizing Seattle Parks and Recreation to enter into an Agreed Order or Consent Decree with the Washington State Department of Ecology or U.S. Environmental Protection Agency to undertake work at the Duwamish Waterway Park site; and to seek and accept state Remedial Action Grants for cleanup work related to the site. Public Assets and Homelessness Committee

**By: Lewis**

12. [Appt 02635](#) Appointment of Marshal Foster as Director, Seattle Center, for a term to September 1, 2027. Public Assets and Homelessness Committee

**By: Herbold, Lewis**

13. [CB 120645](#) AN ORDINANCE relating to controlled substances; adding the crimes of knowing possession of a controlled substance and use of a controlled substance in a public place; Public Safety and Human Services Committee

amending Section 12A.09.020 of the Seattle Municipal Code; and adding a new Section 3.28.141 to the Seattle Municipal Code.

**By: Pedersen**

14. [CB 120642](#)

AN ORDINANCE relating to street and sidewalk use; amending the Street Use Fee Schedule authorized by Section 15.04.074 of the Seattle Municipal Code.

Transportation and  
Seattle Public  
Utilities



Legislation Text

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**File #:** Min 440, **Version:** 1

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August 8, 2023



# SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor  
Seattle, WA 98104



## Journal of the Proceedings of the Seattle City Council

Tuesday, August 8, 2023

2:00 PM

**Council Chamber, City Hall**

**600 4th Avenue**

**Seattle, WA 98104**

**City Council**

*Debora Juarez, Council President*

*Lisa Herbold, Member*

*Andrew J. Lewis, Member*

*Tammy J. Morales, Member*

*Teresa Mosqueda, Member*

*Sara Nelson, Member*

*Alex Pedersen, Member*

*Kshama Sawant, Member*

*Dan Strauss, Member*

*Chair Info: 206-684-8805; [Debora.Juarez@seattle.gov](mailto:Debora.Juarez@seattle.gov)*

**A. CALL TO ORDER**

The City Council of The City of Seattle met in the Council Chamber in City Hall in Seattle, Washington, on August 8, 2023, pursuant to the provisions of the City Charter. The meeting was called to order at 2:01 p.m., with Council President Pro Tem Pedersen presiding.

**B. ROLL CALL**

Motion was made, duly seconded and carried, to excuse Council President Juarez from the August 8, 2023 City Council meeting.

**Present:** 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Excused:** 1 - Juarez

**C. PRESENTATIONS**

There were none.

**D. PUBLIC COMMENT**

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

The following individuals addressed the Council:

Kathleen Brose  
Todd Snarr  
Jim Margard  
Nick Setten  
John Chaney  
Mauri Shuler  
Joan Paulson  
Lillian Sherman  
Terry McLaughlin  
Lac Tran  
Howard Gale  
Toney Anaya  
Kairee Tekra  
Tammie Hetrick  
Courtney Gillespie  
Haley Land  
Sean Soth  
Leigh Ann Gilmer  
Bob Messina  
Tiffani Alvidrez  
Melissa Mager  
David Paul Donley  
Michael Wolfe  
Stefan Moritz  
Heather Pihl  
Suzy Harrison  
Triny Hernandez  
Kimberly Wolfe  
Shaine Truscott  
Danielle Alvarado  
Dave Magee  
Kouri Marshall  
Kathy Martens  
Jennifer Bacon

*Councilmember Nelson left the Council Chamber at 2:49 p.m.*

Karen Taylor

Charles Wright  
Kathy Connant  
Kay Neth  
Gina Karaba  
David Haines  
Matthew Vallejo  
Alex Rasmussen

*Councilmember Nelson entered the Council Chamber at 2:58 p.m.*

Howard Anderson

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

[IRC 405](#)      **August 8, 2023**

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

**In Favor:** 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**F. APPROVAL OF THE AGENDA**

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

**G. APPROVAL OF CONSENT CALENDAR**

Motion was made, duly seconded and carried, to adopt the Consent Calendar.

**Journal:**

1.      [Min 439](#)      **August 1, 2023**

**The item was adopted on the Consent Calendar by the following vote, and the President signed the Minutes:**

**In Favor:** 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**Bills:**

- 2.     [CB 120633](#)   **AN ORDINANCE appropriating money to pay certain claims for the week of July 24, 2023 through July 28, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.**

**The item was passed on the Consent Calendar by the following vote, and the President signed the Council Bill:**

**In Favor:** 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**H. COMMITTEE REPORTS**

**CITY COUNCIL:**

- 1.     [CB 120628](#)   **AN ORDINANCE relating to City employment; adopting a 2023 Citywide Position List.**

ACTION 1:

Motion was made and duly seconded to pass Council Bill 120628.

ACTION 2:

Motion was made by Councilmember Pedersen, duly seconded and carried, to amend Council Bill 120628 by substituting Attachment A version 2, for Attachment A version 1.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 120628 as amended.

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

**In Favor:** 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**GOVERNANCE, NATIVE COMMUNITIES, AND TRIBAL GOVERNMENTS COMMITTEE:**

2. [CB 120623](#) **AN ORDINANCE** relating to the Federation Internationale de Football Association's (FIFA) 2026 World Cup; authorizing an agreement between The City of Seattle and the Seattle International Soccer Hosting Local Organizing Committee.
- The Committee recommends that City Council pass the Council Bill (CB).
- In Favor: 5 - Juarez, Pedersen, Mosqueda, Sawant, Strauss  
Opposed: None
- The Council Bill (CB) was passed by the following vote, and the President signed the Council Bill (CB):
- In Favor: 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss  
Opposed: None
3. [Res 32096](#) **A RESOLUTION** adopting General Rules and Procedures of the Seattle City Council; superseding Resolutions 32029 and 32051.
- The Committee recommends that City Council adopt as amended the Resolution (Res).
- In Favor: 5 - Juarez, Pedersen, Mosqueda, Sawant, Strauss  
Opposed: None
- The Resolution (Res) was adopted by the following vote, and the President signed the Resolution (Res):
- In Favor: 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss  
Opposed: None

**PUBLIC SAFETY AND HUMAN SERVICES COMMITTEE:**

4. [CB 120580](#) **AN ORDINANCE relating to app-based worker labor standards; establishing labor standards on deactivation protections for app-based workers working in Seattle; amending Section 3.02.125 of the Seattle Municipal Code; and adding a new Chapter 8.40 to the Seattle Municipal Code.**

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

**In Favor: 3 - Herbold, Lewis, Mosqueda**

**Opposed: 1 - Pedersen**

**Abstain: 1 - Nelson**

ACTION 1:

Motion was made by Councilmember Herbold, duly seconded and carried, to amend Council Bill 120580 by amending Section 2, Sub-Section 8.40.050.C, adding a new Sub-Section 8.40.050.D, and adding Sub-Sections 8.40.050.C and 8.40.060.A to the list of sub-sections that the Office of Labor Standards shall not have the power to enforce until June 1, 2027, and renumbering the Sub-Sections where applicable, as shown in Attachment 1 to the Minutes.

ACTION 2:

Motion was made by Councilmember Lewis, duly seconded and carried, to amend Council Bill 120580 by amending Section 2, Sub-Section 2.40.030.A, and adding new Sub-Sections 2.40.030.A.1 and 2.40.030.A.2, as shown in Attachment 2 to the Minutes.

*Councilmember Mosqueda left the Council Chamber at 3:32 p.m.*

*Councilmember Mosqueda entered the Council Chamber at 3:36 p.m.*

ACTION 3:

Motion was made and duly seconded to pass Council Bill 120580 as amended.

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

**In Favor:** 6 - Herbold, Lewis, Morales, Mosqueda, Sawant, Strauss

**Opposed:** 2 - Nelson, Pedersen

**PUBLIC ASSETS AND HOMELESSNESS COMMITTEE:**

5. [CB 120619](#) **AN ORDINANCE relating to amusement device licenses; repealing the requirement for an amusement device license; repealing Chapter 5.32 of the Seattle Municipal Code; and amending Sections 5.30.010, 5.30.020, 5.30.060, 5.55.010, 5.55.030, 5.55.040, 5.55.060, 5.55.150, 5.55.165, 5.55.220, 5.55.230, 6.208.020, and 6.208.050 of the Seattle Municipal Code.**

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

In Favor: 4 - Lewis, Mosqueda, Herbold, Juarez

Opposed: None

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

In Favor: 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

6. [CB 120626](#) **AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation, the Director of Finance, and the Director of the Office of the Waterfront and Civic Projects to execute an amendment to the Operations and Management Agreement with the Seattle Aquarium Society; and ratifying and confirming certain prior acts.**

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

In Favor: 4 - Lewis, Mosqueda, Herbold, Juarez

Opposed: None

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

In Favor: 7 - Herbold, Lewis, Morales, Mosqueda, Nelson, Sawant, Strauss

Opposed: 1 - Pedersen

**FINANCE AND HOUSING COMMITTEE:**



7. [CB 120617](#) **AN ORDINANCE relating to acceptance of funding from non-City sources; authorizing the heads of various departments to accept and authorize the expenditure of specified grants, private funding, and subsidized loans and to execute, deliver, and perform corresponding agreements; amending Ordinance 126725, which adopted the 2023 Budget, including the 2023-2028 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project allocations for certain projects in the 2023-2028 CIP; and ratifying and confirming certain prior acts.**

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

**In Favor: 5 - Mosqueda, Herbold, Pedersen, Nelson, Lewis**

**Opposed: None**

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

**In Favor: 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**

**Opposed: None**

8. [CB 120618](#) **AN ORDINANCE amending Ordinance 126725, which adopted the 2023 Budget, including the 2023-2028 Capital Improvement Program (CIP); changing appropriations to various departments and budget control levels, and from various funds in the Budget; revising project allocations for certain projects in the 2023-2028 CIP; creating CIP Projects; creating positions; and ratifying and confirming certain prior acts; all by a 3/4 vote of the City Council.**

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

**In Favor: 3 - Mosqueda, Herbold, Pedersen**

**Opposed: None**

ACTION 1:

Motion was made Councilmember Mosqueda, duly seconded and carried, to amend Council Bill 120618, by amending Section 2 and Section 11, and by adding a new Section 12, as shown in Attachment 3 to the Minutes.

*Councilmember Strauss left the Council Chamber at 4:07 p.m.*

*Councilmember Strauss entered the Council Chamber at 4:09 p.m.*

ACTION 2:

Motion was made and duly seconded to pass Council Bill 120618 as amended.

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

**In Favor: 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss**

**Opposed: None**

9. [CB 120630](#) **AN ORDINANCE relating to funding for housing and community development programs; adopting The City of Seattle 2023 Annual Action Plan to the 2018-2023 Consolidated Plan for Housing and Community Development; authorizing submission of the Annual Action Plan to the United States Department of Housing and Urban Development (HUD); authorizing acceptance of grant funds from HUD for programs and activities included in the 2023 Annual Action Plan; amending Ordinance 126725, which adopted the 2023 Budget, by modifying appropriations to various departments and budget control levels in the 2023 Adopted Budget; and ratifying and confirming certain prior acts.**

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

In Favor: 5 - Mosqueda, Herbold, Pedersen, Nelson, Lewis

Opposed: None

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

In Favor: 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

Opposed: None

#### **TRANSPORTATION AND SEATTLE PUBLIC UTILITIES COMMITTEE:**

10. [CB 120611](#) **AN ORDINANCE relating to Seattle Public Utilities; declaring property at 8817 Seward Park Avenue S, commonly known as the Former Henderson St Pumping Plant, as surplus to the City's needs; authorizing the sale of this real property as a direct sale to Seattle Public Schools; authorizing the General Manager and CEO of Seattle Public Utilities to execute all documents for the sale of the property; designating the proceeds from the sale; and ratifying and confirming certain prior acts.**

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

In Favor: 3 - Pedersen, Strauss, Morales

Opposed: None

Absent(NV): 1 - Herbold

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

In Favor: 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

- 11.     [CB 120624](#)   **AN ORDINANCE relating to Seattle Public Utilities; authorizing the acceptance of a watermain easement within a portion of Parcel B on Lot Boundary Adjustment No. 3011771 in Section 20, Township 24 North, Range 4 East, W.M., King County, Washington; placing the accepted easement under the jurisdiction of Seattle Public Utilities; declaring a portion of an existing watermain easement located on Parcel B surplus to the City’s needs and authorizing the relinquishment of the surplus portion of the easement; and ratifying and confirming certain prior acts.**

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

**In Favor: 3 - Pedersen, Herbold, Morales**

**Opposed: None**

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

**In Favor:** 8 - Herbold, Lewis, Morales, Mosqueda, Nelson, Pedersen, Sawant, Strauss

**Opposed:** None

**I. ITEMS REMOVED FROM CONSENT CALENDAR**

There were none.

**J. ADOPTION OF OTHER RESOLUTIONS**

There were none.

**K. OTHER BUSINESS**

Motion was made, duly seconded and carried, to excuse Councilmember Mosqueda from the September 5, 2023 City Council meeting.

Motion was made, duly seconded and carried, to excuse Councilmember Morales from the September 5, 2023 City Council meeting.

Motion was made, duly seconded and carried, to excuse Councilmember Sawant from the August 15, 2023 and September 5, 2023 City Council meeting.

**L. ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 4:38 p.m.

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Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on August 15, 2023.

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Debora Juarez, Council President of the City Council

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Scheereen Dedman, City Clerk

- ATT 1 - Action 1 of CB 120580
- ATT 2 - Action 2 of CB 120580
- ATT 3 - Action 1 of CB 120618

ATT 1 - ACTION 1 of CB 120580

**Effect:** This amendment would do the following:

1. Renumber the current subsection 8.40.050.C.1 to 8.40.050.D.
2. Remove extraneous phrasing from Section 8.40.125, to clarify that OLS will have rulemaking authority for the entire Chapter upon the January 1, 2025 effective date.
3. Clarify that the Agency shall not have the power to enforce certain subsections until June 1, 2027.
4. Add subsections 8.40.050.C and 8.40.060.A to the list of subsections that OLS shall not have the power to enforce until June 1, 2027.

This amendment would delay the substantive Agency enforcement of determining egregious misconduct and unwarranted deactivations until OLS is authorized to enforce the entire ordinance. It would allow for OLS to enforce the requirement that an investigation to determine egregious misconduct shall not take longer than 14 days, except in the case of extraordinary circumstances, upon the January 1, 2025 effective date.

Amend Section 2 of CB 120580 as follows:

**8.40.050 Deactivation requirements**

A. A network company shall adopt the following measures prior to deactivating an app-based worker, except as provided in subsections 8.40.050.C and 8.40.050.D:

\* \* \*

C. Subject to the provisions of this Section 8.40.050 and rules issued by the Director, a network company may immediately deactivate an app-based worker if such action is required to comply with any applicable court order or local, state, or federal laws or regulations, or where an app-based worker has engaged in egregious misconduct.

D.((—1:)) In the case of allegations of egregious misconduct, the network company may deactivate the app-based worker before completing an investigation. The investigation shall not

take longer than 14 days except in the case of extraordinary circumstances. If the investigation is delayed due to extraordinary circumstances, the network company must provide the app-based worker with written notice that the investigation is delayed, the reason(s) for the delay, and the date on which the completion of the investigation is anticipated.

\* \* \*

#### **8.40.125 Rulemaking authority**

~~((Except as provided in subsection 8.40.130.B, the Director is authorized to administer and enforce this Chapter 8.40.))~~ The Director is authorized to promulgate, revise, or rescind rules and regulations deemed necessary, appropriate, or convenient to administer, evaluate, and enforce the provisions of this Chapter 8.40 pursuant to Chapter 3.02, providing affected entities with due process of law and in conformity with the intent and purpose of this Chapter 8.40. Any rules promulgated by the Director shall have the force and effect of law and may be relied on by network companies, app-based workers, and other parties to determine their rights and responsibilities under this Chapter 8.40.

#### **8.40.130 Enforcement power and duties**

A. Except as provided in subsection 8.40.130.B, on or after January 1, 2025, the Agency shall have the power to administer and enforce this Chapter 8.40 and shall have such powers and duties in the performance of these functions as are defined in this Chapter 8.40 and otherwise necessary and proper in the performance of the same and provided for by law.

B. ~~The Agency shall not have the power to enforce subsections 8.40.050.A.3, 8.40.050.A.4, 8.40.050.A.5, 8.40.050.A.6, 8.40.050.B, 8.40.050.C, and 8.40.060.A until June 1, 2027.~~ Starting June 1, 2027, the Agency may ~~((have the power to))~~ enforce subsections

8.40.050.A.3, 8.40.050.A.4, 8.40.050.A.5, 8.40.050.A.6, ~~((and))~~ 8.40.050.B, 8.40.050.C, and 8.40.060.A. This subsection 8.40.130.B does not limit the ability of an app-based worker to seek other avenues of relief for violations of those subsections.



ATT 2 - ACTION 2 of CB 120580

**Effect:** This amendment would revise the threshold for app-based worker coverage as follows:

- 1. Increase the threshold for coverage from ten percent of completed offers, or offers cancelled with cause, involving services in Seattle to 25 percent of such offers in Seattle; and
- 2. Add an alternative threshold for coverage that would be triggered by any deactivation related to an incident or incidents that occurred while performing services in Seattle.

Increasing the threshold from ten to 25 percent of offers involving services in Seattle could exclude some workers with a limited number of offers involving services in Seattle. However, the alternative threshold could provide another means for covering such workers if their deactivation had a nexus to Seattle.

Amend Section 2 of CB 120580 as follows:

**8.40.030 App-based worker coverage**

A. For the purpose of this Chapter 8.40, except for Section 8.40.100, covered app-based workers are limited to those for whom: ~~((5-d))~~

1. During the previous 180 days, at least ~~((ten)) 25~~ percent of their completed offers, or offers cancelled with cause, involved performing services in Seattle for a covered network company; or

2. The app-based worker’s deactivation is related to an incident or incidents that occurred while performing services in Seattle for a covered network company.

\* \* \*

ATT 3 - ACTION 1 of CB 120618

**Effect:** This amendment would request that the Office of Arts and Culture (ARTS) include provisions in its grant agreement with SIFF Cinerama for living wages for any jobs funded by the grant, as well as labor harmony agreements.

This amendment also contains a technical correction to reflect that ARTS is being requested to provide a grant to SIFF, replacing the word “shall” with “should” where appropriate.

Amend Section 2 of CB 120618 as follows, and renumber subsequent item numbers and the total as needed:

Section 2. In order to pay for necessary costs and expenses incurred or to be incurred in 2023, but for which insufficient appropriations were made due to causes that could not reasonably have been foreseen at the time of making the 2023 Budget, appropriations for the following items in the 2023 Budget are increased from the funds shown, as follows:

Item	Department	Fund	Budget Summary Level/ BCL Code	Amount
2.1	Department of Finance and Administrative Services	Finance and Administrative Services Fund (50300)	Facilities Services (50300-BO-FA-FACILITY)	\$359,760
			City Finance (50300-BO-FA-CITYFINAN)	\$20,961
			Fleet Services (50300-BO-FA-FLEETS)	\$10,902
		General Fund (00100)	Leadership and Administration (00100-BO-FA-BUDCENTR)	\$360,314
		FileLocal Agency Fund (67600)	FileLocal Agency (67600-BO-FA-FILELOC)	\$33,815
		Wheelchair Accessible Fund (12100)	Wheelchair Accessible Services (12100-BO-FA-WHLCHR)	\$137,726
* * *				

2.31	Executive (Office of Arts and Culture)	Arts and Culture Fund (12400)	Cultural Space (12400-BO-AR-VA170)	\$950,000
<b>Total</b>				<b>\$59,110,858</b>

Amend Section 11 to CB 120618 as follows:

Section 11. The Office of Arts and Culture is requested to provide a grant to the Seattle International Film Festival (SIFF) to support SIFF’s opening and operations of the Cinerama where they will provide programs and services intended to contribute to building community through the arts, create opportunities for the public to intersect with artists and their work, and provide art opportunities for youth in and out of school. Any jobs created and maintained by this grant should promote living wages and applicable labor harmony agreements. Furthermore, ~~((A))~~any grant agreement ~~((shall))~~should not be executed until the Executive has negotiated a public benefit package, developed with input from the Seattle Film Commission. Such package could include, but is not limited to:

A. Jobs created and maintained at living wages, including paid internships, commissioned art on the property, and other workforce development support for the City’s film industry.

B. In-kind goods and services to the community with a focus on racial and social equity, including hosting film screenings and festivals that center Black, Indigenous, and People of Color (BIPOC) filmmakers, as well as offering educational opportunities to BIPOC youth, such as film passes and summer camps.

C. Activation and revitalization of the surrounding neighborhood, including partnering with and highlighting other neighborhood businesses in the area and labor harmony agreements applicable to the Cinerama.

D. Commitment to preserving the Cinerama as an active operational theater and a regional destination for film enthusiasts.

In support of this request, the City Council (Council) finds and declares that:

A. Spending on arts and culture investments, including advancing programs and services at the Cinerama, achieves a clear public purpose in advancing the City's economic development, improvement of physical and social assets serving communities, education, and other public benefits that advance racial and social equity.

B. Arts and culture is a significant driver of economic development, comprising 10.8 percent of Washington state's gross domestic product.<sup>1</sup>

C. One of the key objectives of the City's Downtown Activation Plan is re-envisioning downtown as Seattle's hub for arts, culture, and entertainment.

D. The direct impact of downtown revitalization on local and state economies is well documented. Investment in downtown revitalization creates jobs, increases property values, and attracts tourists.<sup>2</sup>

E. Cinerama is located within the Downtown Activation Plan (DAP) zone and, once reopened, will attract visitors to downtown throughout the year. As such, when operational, Cinerama will be a strong economic enhancement for the Belltown neighborhood and downtown in general.<sup>3</sup>

F. Preserving Cinerama is in the public interest as there are only three Cinerama-type theaters remaining in the world.

<sup>1</sup> U.S. Department of Commerce, Bureau of Economic Analysis. *Arts and Cultural Production Satellite Account, U.S. and States, 2021*, <https://www.bea.gov/news/2023/arts-and-cultural-production-satellite-account-us-and-states-2021>.

<sup>2</sup> See, e.g., Cole Judge, "5 Reasons for Cities to Value their Downtowns," *Meeting of the Minds*, <https://meetingoftheminds.org/5-reasons-for-cities-to-value-their-downtowns-26881>.

<sup>3</sup> See, e.g., Chuck Wolfe, "It's not just about bringing workers back to the office: 10 indicators of a downtown resurgence," *Geekwire*, <https://www.geekwire.com/2023/its-not-just-about-bringing-workers-back-at-the-office-10-indicators-of-a-downtown-resurgence/>.

G. Built in 1963, Cinerama has been a Seattle institution for over 50 years, showcasing 70mm films as well as historic three-strip Cinerama films, requiring three projection booths and a special curved screen.

H. Over the course of its history, Cinerama became a beloved destination for moviegoers and was downtown's only single-screen theater for many years.

I. It is in the public interest to protect Cinerama's historical significance by preserving the use of the Cinerama as an active operational theater, and not merely the physical shell.

J. It is in the public interest to invest in organizations such as SIFF that offer a comprehensive public benefits package that will provide for living wage jobs and contribute to building an equitable and prosperous community through the arts.

K. The City confirms the public benefit of seeking input from community stakeholders, such as the Seattle Film Commission, in developing and implementing a comprehensive public benefits package that will help keep artists living, working, and creatively challenged in Seattle.

L. It is in the public interest to promote labor harmony agreements at the Cinerama, including, if applicable, a procedure for preventing and responding to disruptive labor actions such as striking, picketing, boycotting, and any other activities that may have a negative impact on downtown revitalization efforts.

Add a new Section 12 to CB 120618 as follows and renumber subsequent sections as appropriate:

Section 12. This ordinance imposes a proviso, as follows:

"Of the appropriations in the (Executive) Office of the Arts and Culture in the 2023 budget for the Cultural Space Budget Summary Level (12400-BO-AR-VA170), \$950,000 is appropriated solely as a grant for the Seattle International Film Festival (SIFF) to support SIFF's opening and operations of the Cinerama, and may be spent for no other purpose."



Legislation Text

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**File #:** CB 120640, **Version:** 1

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**CITY OF SEATTLE**

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

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

AN ORDINANCE appropriating money to pay certain claims for the week of July 31, 2023 through August 04, 2023 and ordering the payment thereof; and ratifying and confirming certain prior acts.

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

Section 1. Payment of the sum of \$22,159,968.44 on PeopleSoft 9.2 mechanical warrants numbered 4100718785 - 4100722426 plus manual or cancellation issues for claims, e-payables of \$50,483.81 on PeopleSoft 9.2 9100013613 - 9100013629, and electronic financial transactions (EFT) in the amount of \$111,821,186.09 are presented to the City Council under RCW 42.24.180 and approved consistent with remaining appropriations in the current Budget as amended.

Section 2. Payment of the sum of \$57,341,706.19 on City General Salary Fund mechanical warrants numbered 51387341 - 51388284 plus manual warrants, agencies warrants, and direct deposits numbered 320001 - 322948 representing Gross Payrolls for payroll ending date August 01, 2023, as detailed in the Payroll Summary Report for claims against the City that were reported to the City Council August 10, 2023, is approved consistent with remaining appropriations in the current budget as amended.

Section 3. RCW 35.32A.090(1) states, “There shall be no orders, authorizations, allowances, contracts or payments made or attempted to be made in excess of the expenditure allowances authorized in the final budget as adopted or modified as provided in this chapter, and any such attempted excess expenditure shall be void and shall never be the foundation of a claim against the city.”

Section 4. Any act consistent with the authority of this ordinance taken prior to its effective date is

ratified and confirmed.

Section 5. 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 15th day of August, 2023, and signed by me in open session in authentication of its passage this 15th day of August, 2023.

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

Approved / returned unsigned / vetoed this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scheereen Dedman, Interim City Clerk

(Seal)



Legislation Text

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**File #:** Appt 02581, **Version:** 1

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Appointment of Josh Sattler as Court Administrator, Seattle Municipal Court.

The Appointment Packet is provided as an attachment.





## City of Seattle Department Head Notice of Appointment

<b>Appointee Name:</b> <i>Josh Sattler</i>		
<b>City Department Name:</b> <i>Seattle Municipal Court</i>		<b>Position Title:</b> <i>Court Administrator</i>
<input checked="" type="checkbox"/> <b>Appointment</b> OR <input type="checkbox"/> <b>Reappointment</b>		<b>City Council Confirmation required?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Appointing Authority:</b> <input type="checkbox"/> City Council <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Other Presiding Judge, Seattle Municipal Court		<b>Term of Position:</b> <i>Term start date: 06-7-2023</i> <i>Term end date: Not applicable</i>  <input type="checkbox"/> <i>Serving remaining term of a vacant position</i>
<b>Residential Neighborhood:</b> <i>Woodinville, WA</i>	<b>Zip Code:</b> <i>98077</i>	<b>Contact Phone No.:</b> 
<b>Background:</b> <i>Mr. Sattler has a breadth of experience in public service and court leadership. He has over 17 years of judicial branch experience, 9 of these with Seattle Municipal Court. Since August 2022, Mr. Sattler has served as Interim Court Administrator and previously held the role of Chief Clerk, Seattle Municipal Court.</i>  <i>Mr. Sattler holds a Bachelor of Arts Degree in Criminal Justice and Sociology from Washington State University. He has completed the Certified Court Manager and Certified Court Executive programs with the Institute for Court Management, National Center for State Courts.</i>		
<b>Authorizing Signature (original signature):</b>  <b>Date of Appointment:</b> <i>June 7, 2023</i>		<b>Appointing Signatory:</b> <i>Faye R. Chess, Presiding Judge</i> <i>Seattle Municipal Court</i>



FAYE R. CHESSE  
PRESIDING JUDGE

June 13, 2023

The Honorable Debora Juarez  
President, Seattle City Council  
600 Fourth Ave, 2<sup>nd</sup> Floor  
Seattle, WA 98104

Dear Council President Juarez,

In accordance with SMC 3.33.060, I am pleased to transmit to the Seattle City Council the following confirmation packet for Josh Sattler as Court Administrator, Seattle Municipal Court. Seattle Municipal Court and the City of Seattle are fortunate to have a well-positioned leader ready to direct the court during an extraordinary time of significant organizational change and challenge. Mr. Sattler was a finalist in our most recent Court Administrator recruitment (2021) and has served the court for 9 years in several leadership roles. He has been serving as Interim Court Administrator since August 2022.

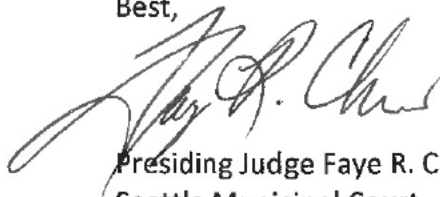
As Interim Court Administrator, Mr. Sattler has successfully moved the court forward and established a strategic vision and priorities, while shoring up leadership capacity, governance principles, communication throughout the court, and improving employee engagement. He has demonstrated a commitment to and made significant progress in building a culture of trust and transparency internally and between the court and external stakeholders.

Mr. Sattler has demonstrated a strong commitment to bringing a DEI lens to his work and to the court. Josh has led DEI improvement efforts including creating the court's RSJI Action Plan, gathering advice on organizational best practices from City resources and consultants, taking action to implement DEI recommendations from an external consultant, and pursuing a permanent DEI Advisor role for the court.

Mr. Sattler holds a Bachelor of Arts Degree in Criminal Justice and Sociology from Washington State University. He has completed the Certified Court Manager and Certified Court Executive certification programs with the Institute for Court Management, National Center for State Courts.

Mr. Sattler's commitment to public service and his depth of leadership and judicial branch expertise is evident. I am confident he will be an asset to both the Court and the citizens of Seattle.

Best,

A handwritten signature in black ink, appearing to read 'Faye R. Chess', written in a cursive style.

Presiding Judge Faye R. Chess  
Seattle Municipal Court

Cc: Honorable Mayor Bruce Harrell  
Honorable Members of the Seattle City Council



May 31<sup>st</sup>, 2023

Joshua Sattler



Dear Josh,

I am pleased to appoint you as the **Court Administrator** effective **6/7/2023**. This appointment is contingent upon confirmation by the Seattle City Council.

The following terms and conditions apply to your appointment:

**TERMS OF APPOINTMENT:** The **Court Administrator** position is classified as an **Executive 3** in the City payroll system and is exempt from the Civil Service System. As an exempt employee, you are at will and serve at the discretion of the Presiding Judge.

**SALARY:** Your salary will be **\$201,492** (**\$96.50/hr.** based on 2088 hours). You will be paid on a bi-weekly basis. Pay days occur every other Friday. Your first pay date will be **6/30/2023**. Your position is exempt from the provisions of the Fair Labor Standards Act (FLSA), which means that you do not receive overtime compensation. However, as a salaried employee you are not required to use accrued vacation leave or sick leave for occasional absences of four hours or less during any workday.

**EMPLOYMENT BENEFITS:** As a current Court employee, your benefit elections remain the same.

**LEAVES:** As a department head, you will receive 30 days of vacation each calendar year during which you serve. These days do not carry over into succeeding years. Additionally, you are eligible for ten (10) holidays and two (2) personal holidays per year.

City employees accrue sick leave based on the number of regular hours worked. Full time employees earn 96 hours of sick leave per year. You may carry over your unused sick leave, there is no maximum accumulation. As a current Court employee, your sick leave accrual remains the same and is readily available to use.

**GENERAL:** All terms of employment – employee compensation and benefits, etc. – shall be governed by the policies of the City of Seattle.

**PROFESSIONAL TIME:** During your term of employment, it is expected that you will devote all your professional time to your duties as **Court Administrator** and will not engage in outside business, consulting, or other activities for current or deferred remuneration unless expressly approved by the Presiding Judge.

**RETIREMENT:** As a current Court employee, your retirement coverage remains the same.





- Served as the Court Manager for the Issaquah, Redmond and Seattle Courthouses, supervising between 10 to 30 staff members and working with 2-7 Judicial Officers.

➤ **Court Clerk** Redmond/Issaquah, WA 01/2005 – 02/2008

- In Court clerk, responsibilities included coordinating the daily calendar, record keeping, customer service and attending to the Judge's need for information.
- Probation/Arrestment desk prepared Court action reports from Probation Officers and prepared files for judicial review and set arraignment calendars.
- Warrant/In-Custody desk, arranged all transports for in-custody criminal defendants for their next Court date. Prepared all criminal warrants and coordinated Court schedules with local Law Enforcement personnel.

## Education

### WASHINGTON STATE UNIVERSITY

- **Bachelor of Arts Degree** Pullman, WA 08/1997 – 05/2002
- B.A. Criminal Justice
  - Secondary Major in Sociology

## Professional Certificates

### NATIONAL CENTER FOR STATE COURTS

- **Certified Court Manager (CCM)** Institute for Court Management 07/2015
- **Certified Court Executive (CCE)** Institute for Court Management 12/2022

# **ATTACHMENT A**



CITY OF SEATTLE ▪ STATE OF WASHINGTON  
OATH OF OFFICE

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State of Washington

County of King

I, Josh Sattler, swear or affirm that I possess all of the qualifications prescribed in the Seattle City Charter and the Seattle Municipal Code for the position of Court Administrator of the Seattle Municipal Court; that I will support the Constitution of the United States, the Constitution of the State of Washington, and the Charter and Ordinances of The City of Seattle; and that I will faithfully conduct myself as Court Administrator of the Seattle Municipal Court.

Subscribed and sworn to before me

this \_\_\_ day of \_\_\_, 2023.

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Josh Sattler

[Seal]

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Scheereen Dedman, City Clerk

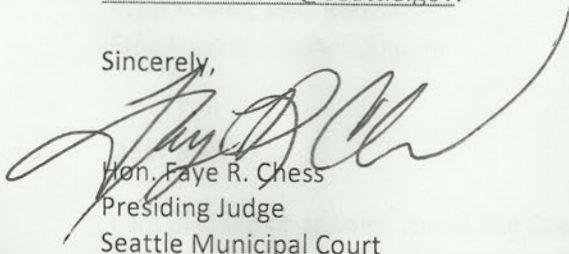


# **ATTACHMENT B**

**BACKGROUNDING:** As a Court employee, you have satisfied the conditions of the backgrounding investigation.

Joshua, congratulations on your appointment as the **Court Administrator**. If you have questions about your appointment and benefits, please contact Maribel Centeno, HR Director at [maribel.centeno@seattle.gov](mailto:maribel.centeno@seattle.gov).

Sincerely,

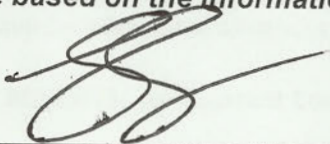


Hon. Faye R. Chess  
Presiding Judge  
Seattle Municipal Court

cc: Personnel File

Acceptance of Offer:

**I accept the position of full time Court Administrator (Executive 3) with the Municipal Court of Seattle based on the information stated above.**



Joshua Sattler

Date

5-31-2023



Legislation Text

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**File #:** CB 120615, **Version:** 1

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**CITY OF SEATTLE**

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

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

AN ORDINANCE relating to floodplains; fifth extension of interim regulations established by Ordinance 126113, and as amended by Ordinance 126536, for an additional six months, to allow individuals to rely on updated National Flood Insurance Rate Maps to obtain flood insurance through the Federal Emergency Management Agency's Flood Insurance Program.

WHEREAS, through Ordinance 126113 in July 2020, the City adopted interim floodplain development regulations to regulate development in special flood hazard areas in accordance with standards established by the National Flood Insurance Program and the Washington State Department of Ecology and areas identified as flood-prone in subsection 25.09.012.B of the Seattle Municipal Code, with an effective date of August 24, 2020, and an expiration date of February 24, 2021; and

WHEREAS, through Ordinance 126271 in January 2021, the City renewed the interim floodplain development regulations for 12 months with an effective date of February 22, 2021, and an expiration date of February 22, 2022, to continue to meet the National Flood Insurance Program and the Washington State Department of Ecology requirements to remain in compliance; and

WHEREAS, through Ordinance 126536 in February 2022, the City amended Section 25.06.110 of the Seattle Municipal Code and extended the interim floodplain development regulations for six months with an effective date of February 18, 2022, and an expiration date of August 18, 2022, to continue to meet the National Flood Insurance Program and the Washington State Department of Ecology requirements to remain in compliance; and

WHEREAS, through Ordinance 126651 in August 2022, the City again renewed the interim floodplain

development regulations as amended by Ordinance 126536 for six months with an effective date of August 17, 2022, and an expiration date of February 17, 2023, to continue to meet the National Flood Insurance Program and the Washington State Department of Ecology requirements to remain in compliance; and

WHEREAS, through Ordinance 126763 in February 2023, the City again renewed the interim floodplain development regulations as amended by Ordinance 126536 for six months with an effective date of February 15, 2023, and an expiration date of August 15, 2023, to continue to meet the National Flood Insurance Program and the Washington State Department of Ecology requirements to remain in compliance; and

WHEREAS, in July 2021, the City published its State Environmental Policy Act (SEPA) decision on the proposed permanent regulations that included amendments to the interim code and additional amendments; and

WHEREAS, in July 2021, the City's SEPA decision was appealed by the Port of Seattle, which has delayed the adoption of the proposed permanent regulations because the Port and City staff have been working on amendments to the proposed permanent regulations, Director's Rules, Tips, and a memorandum of understanding (MOU) to address the Port's concerns; and

WHEREAS, in February 2022, the City withdrew its SEPA decision to address the issues raised by the Port of Seattle's appeal and will reissue SEPA on the amended proposed permanent Floodplain Development Regulations; NOW, THEREFORE,

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

Section 1. The City Council makes the following legislative findings of fact and declares as follows:

A. The Council incorporates by reference the findings of fact contained in Ordinance 126113.

B. In July 2020, the City Council passed, and the Mayor signed Ordinance 126113, establishing interim floodplain development regulations to maintain the City's standing in the Federal Emergency Management

Agency’s National Flood Insurance Program, enabling residents to continue to be eligible for flood insurance while preventing development incompatible with City goals related to development in the floodplains.

C. Since that time, the City has proposed permanent floodplain development regulations that included the amendments proposed in the interim regulations and additional code amendments and published its State Environmental Policy Act (SEPA) decision on this proposal; however, due to factors detailed below, the work necessary to complete the permanent regulations will not be completed before the expiration of the interim regulations on August 15, 2023.

D. The City’s SEPA decision published in July 2021 was appealed to the Hearing Examiner by the Port of Seattle (“Port”) and Port and City staff have been working to resolve the issues raised by the Port with code amendments, Director’s Rules, Tips, and a memorandum of understanding (MOU).

E. The City withdrew its SEPA decision in February 2022 in order to reissue an updated SEPA analysis on the amended proposed permanent Floodplain Development Regulations that address some or all issues raised by the Port of Seattle.

F. Revised Code of Washington (RCW) 36.70A.390 authorizes the City to renew interim regulations by ordinance for a six-month period.

Section 2. Pursuant to RCW 36.70A.390, the interim regulations first set forth in Ordinance 126113, and as amended by Ordinance 126536, shall be renewed for a period of six months from the date this ordinance becomes effective, and shall automatically expire after the six-month period unless the same is extended as provided by statute, or unless terminated sooner by the City Council.

Section 3. This ordinance, which is not subject to referendum, shall take effect and be in force after its approval by the Mayor, but if not returned and approved by the Mayor, within ten days after presentation.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

Approved / returned unsigned / vetoed this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scheereen Dedman, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
SDCI	Margaret Glowacki	Christie Parker

*\* 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 floodplains; fifth extension of interim regulations established by Ordinance 126113, and as amended by Ordinance 126536, for an additional six months, to allow individuals to rely on updated National Flood Insurance Rate Maps to obtain flood insurance through the Federal Emergency Management Agency’s Flood Insurance Program.

**Summary and Background of the Legislation:**

This legislation extends the interim floodplain development legislation adopted by Ordinance 126113, and amended by Ordinance 126536, for a fifth time with a public hearing as allowed by the State Growth Management Act. Without adoption of this legislation the interim regulations would expire on August 15, 2023. This legislation extends the amended interim regulations 6 months so that the City’s floodplain mapping and development regulations will continue to be consistent with federal law. These regulations will continue to be in place while SDCI works to resolve issues raised by the Port of Seattle through a SEPA appeal in July 2021. The additional time is needed for City staff and Port staff to work on additional code amendments, Director’s Rules, Tips, and a Memorandum of Understanding to clarify code requirements and procedures.

The extension of the interim regulations applies to permit applications for construction on property within floodplain areas mapped by the Federal Emergency Management Agency (FEMA). FEMA has required these types of updates across the country. FEMA published the final updated floodplain map for King County in February 2020. This map (called the Flood Insurance Rate Map) identifies properties that are at risk of flooding and is used to determine which properties are required to have flood insurance. The updated FEMA map is considered final and took effect on August 19, 2020.

### **2. CAPITAL IMPROVEMENT PROGRAM**

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

### **3. SUMMARY OF FINANCIAL IMPLICATIONS**

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

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

No. While the updated mapping in the interim legislation, Ordinance 126113, includes approximately 185 additional properties, the number of permit applications that are being reviewed using the interim regulations is minimal. Existing SDCI staff is sufficient to review permit applications and costs are recovered by existing permit fees. The updated maps have already been prepared.

**Are there financial costs or other impacts of *not* implementing the legislation?**

No financial costs to the City are anticipated. If the City does not extend the interim regulations, property owners in the FEMA mapped floodplain areas may not be able to purchase flood insurance or renew an existing policy.

#### 4. OTHER IMPLICATIONS

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

Yes, SPU, Parks, SDOT, and any other department that is proposing development in the floodplain will need to comply with these regulations.

**b. Is a public hearing required for this legislation?**

Yes, there will be a public hearing and there were public hearings for the adoption of the interim regulations and 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> extension of the interim regulations in September 2020, January 2021, February 2022, August 2022, and February 2023 respectively.

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

Yes, a hearing notice is required in the Daily Journal of Commerce and this information will be sent prior to the public hearing.

**d. Does this legislation affect a piece of property?**

The legislation will continue to apply to approximately 2,190 properties along the Puget Sound coast, the Duwamish River, and certain streams. This number includes the additional 185 properties included in the interim regulations.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

Nationally, areas with more minority residents tend to have a greater share of unmapped flood risk. While FEMA's February 2020 maps better reflect that risk, some property owners will need to purchase flood insurance, which low-income property owners may struggle to afford. The City's floodplain regulations meet the federal requirements for flood insurance and in some instances are more protective. The more protective standards will result in lower insurance rates over the long term.



**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No

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

The interim floodplain regulations are intended to increase resiliency to climate change in Seattle by identifying areas that are at risk of flooding and requiring building standards that either keep development out of the areas that are at the highest risk of damage or require structures to be floodproofed to decrease the risk of damage.

**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)?**

N/A



Legislation Text

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**File #:** Res 32101, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION to initiate a new Business Improvement Area to be known as the Ballard Improvement Area (BIA).

WHEREAS, the owners of commercial properties, multifamily residential properties, and mixed-use properties that are subject to nearly 65 percent of the special assessments that would be assessed upon the establishment of a Business Improvement Area filed a petition with The City of Seattle pursuant to chapter 35.87A RCW, and said petition is filed in Clerk File 322710; and

WHEREAS, the City Council has reviewed the petition and letters of support, and determined it is in the best interests of the City to proceed, as permitted by chapter 35.87A RCW, under the resolution method of creating a new and expanded Business Improvement Area instead of the petition method; NOW, THEREFORE,

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

Section 1. The City Council of The City of Seattle declares its intention to establish a new Ballard Business Improvement Area in accordance with chapter 35.87A RCW, to be known as the Ballard Improvement Area (BIA).

Section 2. The BIA is proposed to be within the following boundaries as shown on the map attached to this resolution as Attachment A and described in this section. 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 Ballard Improvement Area:**

- Beginning at the intersection of NW Market St and 28th Ave NW, proceed north along 28th Ave NW to the northern boundary of the property at the northeast corner of 28th Ave NW and NW Market St, continuing east along this northern boundary of adjoining parcels to 26th Ave NW
- Proceed north along 26th Ave NW to NW 56th St
- Proceed east along NW 56th St to the western boundary of the property at the northwest corner of NW 56th St and 24th Ave NW; proceed north along this western boundary to the property's northern boundary, then continue east to the western boundary of the property at the southwest corner of NW 57th St and 24th Ave NW; proceed north along this western boundary to NW 57th St
- Proceed north of NW 57th St to the western boundary of the property at the southwest corner of NW 58th St and 24th Ave NW; continue along this western boundary to NW 58th St
- Proceed east along NW 58th St to the intersection at 22nd Ave NW; then continue east along NW 58th St to the second property (relative to this intersection) located on the southside, proceeding along its eastern boundary to its southern boundary; then west along this southern boundary to property's western boundary; then directly south to NW 57th St
- Proceed east along NW 57th St to the intersection at 17th Ave NW; then south along 17th Ave NW to NW 56th St
- Continue east along NW 56th St to the intersection at 15th Ave NW; then south to the intersection at NW 54th St
- Proceed west along NW 54th St to the intersection at 17th Ave NW; proceed south along 17th Ave NW to NW Dock Pl
- Proceed southwest along NW Dock Pl to the intersection at Ballard Ave NW; then proceed northwest along Ballard Ave NW, including all properties abutting the west side of Ballard Ave NW (not including parcel 2767702591), to the intersection at NW Market St

- Proceed west along NW Market St to 24th Ave NW, including parcels 2767702830 and 2767702831
- Proceed south along 24th Ave NW to the intersection at NW 54th St
- Proceed west along NW 54th St to 28th Ave NW; then continue north along 28th Ave NW to NW Market St

Secondary Service Area:

Non-Contiguous Parcels - Secondary Services Area (Ballard Blocks; not to include parcels 2768303135 and 2768303225)

- Beginning at the intersection of Shilshole Ave NW and 15th Ave NW, proceed north along 15th Ave NW to the intersection of NW Ballard Way
- Proceed east along NW Ballard Way to intersection of 14th Ave NW; then proceed south along 14th Ave NW to the intersection of NW 45th St
- Proceed west along NW 45th St to the intersection of Shilshole Ave NW and 15th Ave NW

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

Section 3. Programs. Special assessment revenues shall be used for the following component programs within the Business Improvement Area:

- A. Public Safety and Public Health Enhancement;
- B. Clean Environment and Public Realm;
- C. Advocacy, Urban Design and Transportation;
- D. Marketing and Promotions;
- E. Business Development and Retention; and
- F. Organizational Management.

All such activities are supplemental to programs and services provided by the City and are not intended

to displace any services regularly provided by municipal government. The total projected cost of BIA programs that will be paid for with the proposed BIA's assessments in the fiscal year of 2024 is estimated to be approximately \$990,190. This will also be the approximate amount in subsequent years as adjusted by various factors including, but not limited to, inflation and other impacts to the total level of assessment due to factors discussed in the assessment formula.

Section 4. There is proposed to be an advisory board whose membership is comprised of ratepayers that shall be representative of the varying sizes and types of property owners, residents, and business tenants, within the geographic area of the Ballard Improvement Area and may include public agencies.

Section 5. Levy of special assessments. To finance the programs authorized in Section 3 of this resolution and as described in the Ballard Alliance Renewal and Business Plan, a 12-year special assessment is proposed to be levied upon and collected from the owners of commercial 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 Ballard Business Improvement District Area (BIA) described in Section 2 of this resolution and shown in Attachment A to this resolution. Initial assessment calculations will be based on property information from the King County Assessor's Office for Value Year 2021/Tax Year 2022, and the BIA will annually update records based on data and information from King County and the City. Ratepayers will be assessed by the City in 12 annual installments to be billed semi-annually beginning in the year of the authorization (2024), by applying the following assessment rates to each ratepayer:

A. First Year Assessment:  $(\$0.60 \times (\text{Total Appraised Value}/\$1,000)) + (\$0.14 \times \text{Total Lot Square Feet})$ . Total Appraised Value in these calculations shall be based on Land + Improvements. This calculation is called the "Base Formula." Modifications or limitations to the First Year Assessments are described below. To the extent that ratepayers are eligible for multiple assessment ceilings, the lowest applicable rate applies.

B. If the Total Appraised Value (Land + Improvements) and Total Taxable Value (Land +

Improvements) in the King County Assessor's records are not equal due to tax exemption status, the following rules apply:

1. If the Total Taxable Value is zero, then the First Year Assessment =  $[(\$0.60 \times (\text{Total Appraised Value}/\$1,000)) + (\$0.14 \times \text{Total Lot Square Feet})] \times 25\%$ .

2. If the Total Taxable Value is not zero, then the First Year Assessment =  $(\$0.60 \times (\text{Total Taxable Value}/\$1,000)) + (\$0.14 \times (\text{Total Lot Square Feet} \times \text{Total Taxable Value}/\text{Total Appraised Value})) + ((\$0.60 \times (\text{Total Appraised Value} - \text{Total Taxable Value})/\$1,000) \times 25\%) + ((\$0.14 \times \text{Total Lot Square Feet} \times (\text{Total Appraised Value} - \text{Total Taxable Value})/\text{Total Appraised Value}) \times 25\%)$ .

**C. Multifamily Tax Exemption (MFTE) Residential Properties.**

1. Residential properties receiving an MFTE tax exemption do not qualify for the 25 percent non-profit reduced assessment rate and assessments will be calculated using the Base Formula.

2. If a property is owned by a for-profit entity and qualifies for the MFTE from the City, the First Year Assessment will be calculated using the Total Appraised Value upon 100 percent completion of the building and/or authorization of MFTE.

**D. Additional modifications or limitations to assessments are described below:**

1. Residential Ceiling: The benefit ceiling for owned and rental multifamily residential units is \$130 per unit per year.

2. Building Square Foot Ceiling: The benefit ceiling for building square footage is \$0.25 per square foot for any property with an FAR that is 0.5 or more.

3. Special consideration will be given to a multifamily residential building containing four or more residential units. This applies whether that building is located on one or multiple property parcels. The intent is that the residential ceiling benefit would apply to all multifamily residential buildings containing four or more residential units whether or not the ratepayer has combined, or intends to combine, multiple parcels when the base year for BIA assessments is established. This includes buildings located on more than one

property parcel owned by the following ratepayers:

- a. “PPF AMLI 2428 NW Market Street” for the properties known as “AMLI Ballard Jacobsen Site”;
  - b. “EQR-R E TAX DEPARTMENT” for the properties known as “Urbana Apartment”;
- and
- c. “EQR Tallman LLC” for the properties known as “Ballard Tallman.”

4. The following five parcels (listed by King County parcel number) will be assessed at 50 percent of the Base Formula, as these will benefit from secondary rather than primary BIA services: 2768303229, 2768303247, 2768303190, 2768303245, and 2768303315. These parcels, known as the Ballard Blocks, are non-contiguous with the rest of the BIA and are designated as a secondary service area. Due to this designation, the non-contiguous parcels will receive all BIA benefits excluding clean and safe services.

E. Assessment Installments and Annual Increments.

- 1. Ratepayers will be assessed by The City of Seattle for 24 biannual installments beginning with the base year of authorization (2024).
- 2. For each year following the first year of authorization, the following assessment escalations will apply to the assessment formulas:
  - a. Year 2: Year 2 assessments will equal Year 1 assessments times the percentage change in the Consumer Price Index (CPI) for All Urban Consumers in Seattle-Tacoma-Bellevue (“CPI-U-Seattle”), October 2022 to October 2023 unless there is an increase in Building Square Feet for a given parcel. If CPI-U-Seattle is less than two percent, use two percent. If CPI-U-Seattle is more than six percent, use six percent.

If there is an increase in Building Square Feet for a given parcel, then that parcel will be recalculated using the latest available King County Assessor’s data with the Land Area Factor, Building Square Foot Ceiling, and Residential Ceiling escalated by CPI-U-Seattle (between two and six percent).

- b. Years 3 through 12: Use the same annual escalation scheme as for Year 2, with the

percentage change of no more than six percent as the ceiling and no less than two percent as the floor, which is dependent on the CPI-U-Seattle between October 2022 and October of the year prior to the assessment year.

G. New benefit areas shall be added to the assessment roll on an annual basis, as follows. A “new benefit area” is created when a parcel’s net building square footage increases as a result of either a new building or expansion of an existing building. A new benefit area shall be added to the BIA assessment roll following its inclusion in the King County Assessor assessment roll during the preceding year. The new benefit area shall be assessed according to the Base Formula factors and assessment ceiling rates in effect during the assessment year. A new benefit area will continue to have its value updated to the most current year value until it is designated as 100 percent complete and no new dollars are added by the King County Assessor’s Office. The 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. New BIA assessments will be billed at the next regularly scheduled billing period established by the Director of Treasury Services.

H. 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.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2023.



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Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

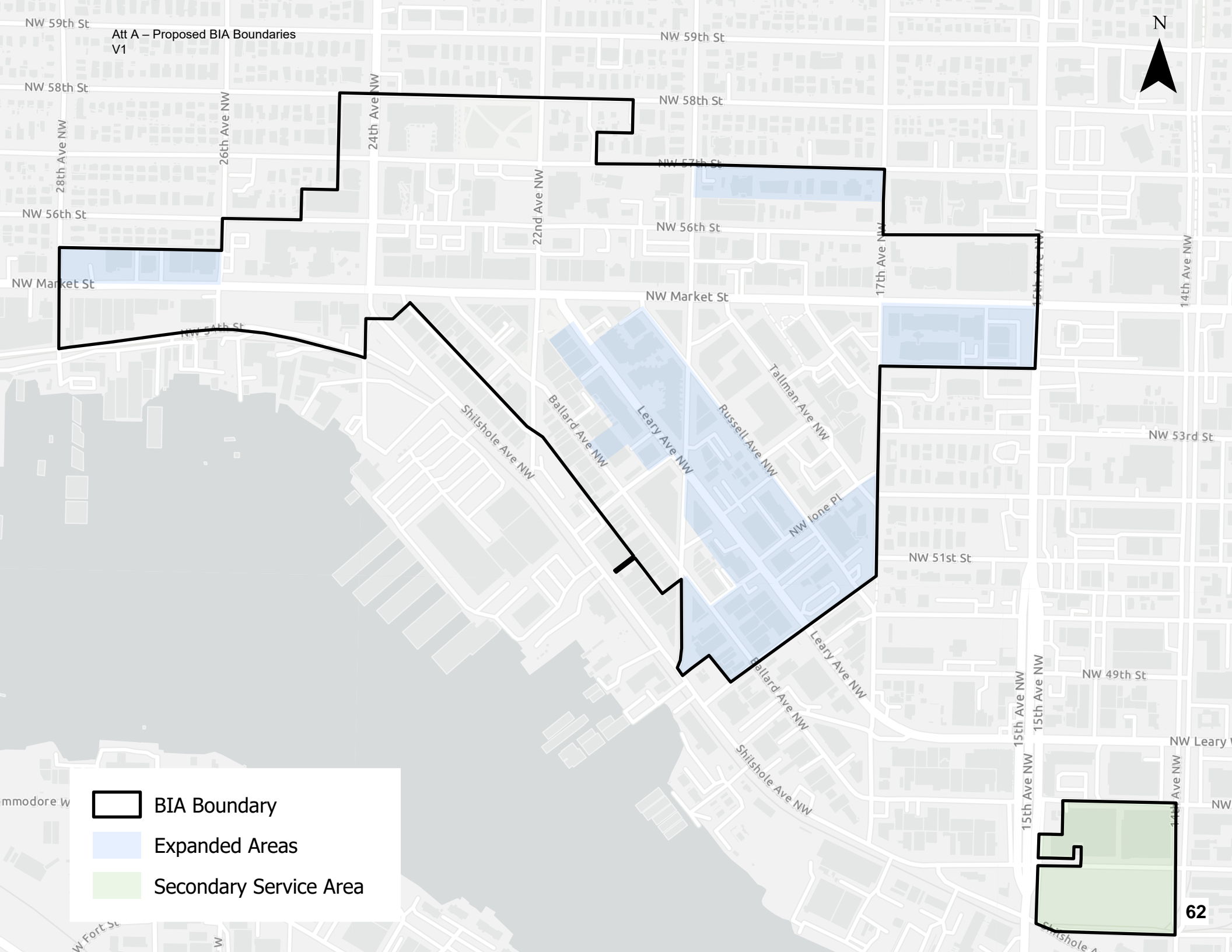
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Scheereen Dedman, City Clerk


(Seal)


Attachments:  
Attachment A - Proposed BIA Boundaries

Att A – Proposed BIA Boundaries  
V1



 BIA Boundary

 Expanded Areas

 Secondary Service Area

## SUMMARY and FISCAL NOTE

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Office of Economic Development	Phillip Sit	Nick Tucker

*\* 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:** A RESOLUTION to initiate a new Business Improvement Area to be known as the Ballard Improvement Area (BIA).

**Summary and Background:**

This Resolution initiates a new Ballard Business Improvement Area (Ballard Improvement Area) under RCW 35.87A and is the first of two similar pieces of legislation that must be prepared, per RCW 35.87A. The legislation package also includes a Resolution to set a public hearing date and place. Subsequently, the City Council may introduce an ordinance to create the Ballard Improvement Area after the public hearing has taken place.

The existing Ballard Business Improvement Area was established in 2016 for a seven-year period. Based on its ability to provide services valued by its ratepayers, the Ballard Business Improvement Area developed a proposal recommending the creation of a new BIA that would be established for the duration of twelve years, with the base year being FY2024. The Ballard Alliance believes its proposal is efficient, accountable, and responsive to the area’s needs. The group collected signatures for a petition to form the Ballard Improvement Area that will fund the following programs within the Business Improvement Area:

- A. Public Safety and Public Health Enhancement;
- B. Clean Environment and Public Realm;
- C. Advocacy, Urban Design and Transportation;
- D. Marketing and Promotions;
- E. Business Development and Retention; and
- F. Organizational 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 Jan 1<sup>st</sup>, 2024, or the effective date of this ordinance, whichever is later. The new Ballard 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

**Does this legislation amend the Adopted Budget?** \_\_\_\_\_ Yes  No

**Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?**  
No.

**Are there financial costs or other impacts of *not* implementing the legislation?**

If the Ballard Business Improvement Area (BIA) legislation is not implemented, it would potentially eliminate nearly \$1 million in annual enhanced programs and services in the Ballard service area. This resolution is a required step to implement the package of BIA legislation.

### 4. OTHER IMPLICATIONS

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

Treasury Services in the Office of City Finance administers the assessments for the BIAs. OED has worked in close coordination with Treasury on this legislation package. Treasury will collect the BIA assessments from its ratepayers. Treasury holds the funds solely for the purpose of reimbursing the BIA Program Manager for administering staffing, projects, and other costs associated with the BIA.

**b. Is a public hearing required for this legislation?**

Yes, this legislation package includes a companion resolution of intention that establishes the date and place of the hearing, as required by RCW 35.87A.040.

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

Yes. The companion resolution must be published to give notice of the public hearing for the proposed Council Bill.

**d. Does this legislation affect a piece of property?**

Please see Attachment A to the Resolution: Proposed BIA Boundaries.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

The Ballard Business Improvement Area is not expected to have adverse disproportionate impacts on vulnerable and historically disadvantaged communities in the district. OED will complete a RET on the outreach process on the BIA renewal.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

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

No.

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

Summary Attachment A, the BIA Business Plan, expands on the goals of the BIA.

**Summary Attachments:**

Summary Attachment A – Ballard Alliance Renewal and Business Plan

# Ballard Alliance Renewal & Business Plan

## Ballard Alliance Overview

Adopted in 2017, the Ballard Alliance developed and implemented a successful set of programs and services that work to enhance the vitality of downtown Ballard for its residents, visitors, businesses, and property owners.

From its clean and safe programs to economic development, marketing, promotions, and tourism, the Alliance has established a strong leadership voice and has helped the community through unprecedented and unique challenges.

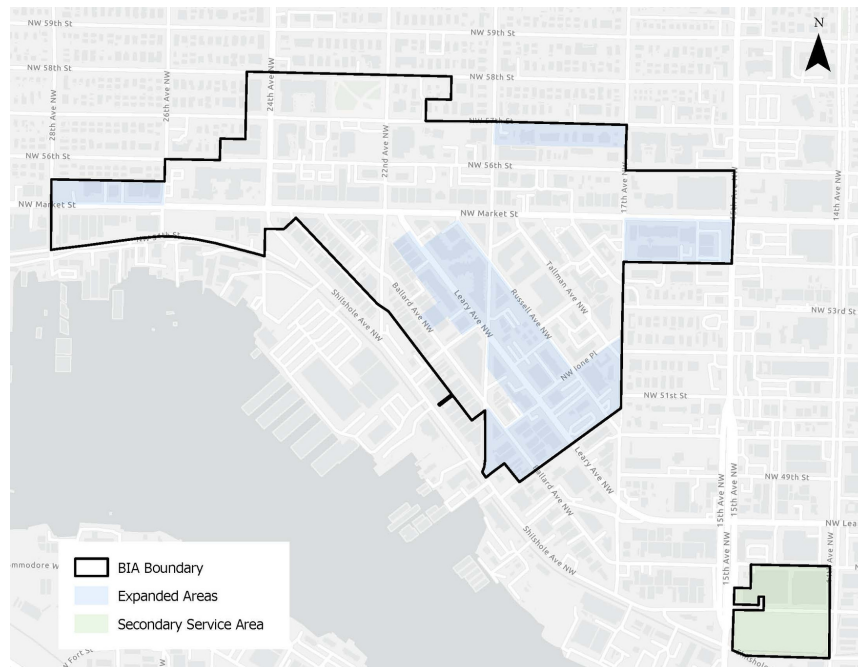
## Looking Ahead - BIA Renewal

The Alliance is now seeking renewal of the Ballard Improvement Area (BIA). Based on the strategic planning work of more than 50 members of the Ballard community, the Alliance proposes a renewed and modestly expanded BIA district (see map).

The renewed BIA will not only allow the Alliance to offer its services and advocacy efforts to a larger base of residents, businesses and property owners, but it will also provide the organization with sustainable resources to implement new services identified by our community that will build and maintain a vibrant, inclusive and resilient Ballard.

## Key Ballard Alliance Accomplishments

- Restoration of Ballard Commons Park
- Successfully advocated for tunneled light rail to Ballard
- Helped Ballard businesses navigate the pandemic and maintain a thriving business district
- Successfully negotiated a Street Café Program allowing restaurants and retailers to flourish while preserving the Farmer's Market
- Created vital public space programs including clean streets, public art, and public space activation
- Front-line advocacy work on critical issues like public safety, homelessness, and transportation
- Worked to enhance safety through the addition of overnight security and relentless advocacy at City Hall



*This map outlines the proposed Ballard Improvement Area service area. The blue shading indicates proposed expansion areas. The green shading indicates the "secondary service area." The secondary service area will receive all Ballard Alliance services (see reverse side) except for street cleaning and private security.*

# Ballard Alliance Renewal & Business Plan

## Program & Services\*

The renewed BIA will build on the success of the Ballard Alliance, expand current service offerings to a modestly expanded boundary and provide enhanced programs and services as identified through the strategic planning initiative. Below is an overview of the services and actions the proposed BIA will provide within its boundaries:

### Public Safety & Public Health Enhancement

- Increased security services and neighborhood ambassadors
- Advocate for improved public safety services to support our business and residential communities
- Advocate for a strengthened and expanded network of services to support unhoused individuals within the boundary in finding shelter and services

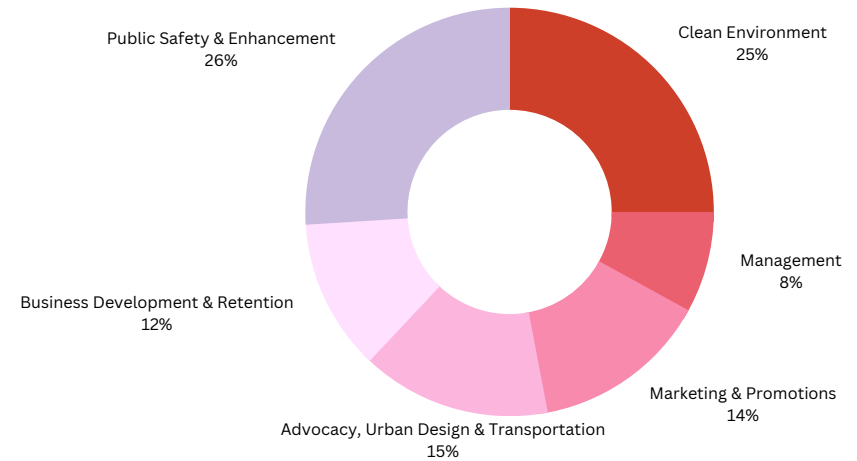
### Clean Environment & Public Realm

- Sustain and expand street cleaning services including on-demand pickup for trash and illegal dumping
- Ensure that parks and public spaces are restored and maintained, providing unencumbered use for all
- Plan and implement new beautification programs (e.g., hanging planter baskets, stationary planter boxes, etc.)
- Work to make Ballard Improvement District a public art destination with an active program of installations
- Create a robust activation program that will increase the vitality of our parks and public spaces

### Advocacy, Urban Design and Transportation

- Increase the Alliance's position as a go-to source for important issues
- Provide and amplify a unified voice for Ballard and leverage Ballard Alliance's influence
- Advocate for tunneled light rail service with a station at or West of 15th Avenue NW
- Advocate for critical transportation and infrastructure to support the growing needs of Ballard businesses and residents
- Strengthen relationships with businesses, residents, and community organizations within the improvement district

## Proposed Program Budget: \$990,199



### Marketing and Promotions

- Sustain existing and implement enhanced marketing and promotions to support our businesses and keep our community thriving
- Raise Ballard's public profile as an outstanding place to live, work, shop, play and visit
- Sustain and grow events, programs, and public space activation
- Actively engage with Ballard residents to support their desire to live in a thriving community

### Business Development & Retention

- Actively recruit new businesses to the Ballard Improvement District that both reflect and enhance its character
- Support small businesses and promote connections to opportunities and resources
- Advocate on key policy issues important to Ballard's businesses and overall economic vitality

### Organizational Management

- Provide program and contract management services

\* All programs and services will be provided exclusively to the property owners, residents and businesses that reside within the proposed boundary.



Legislation Text

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**File #:** Res 32102, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION of intention to establish a new Business Improvement Area to be known as the Ballard Improvement Area (BIA) and fix a date and place for a hearing thereon.

WHEREAS, the owners of commercial properties, multifamily residential properties, and mixed-use properties that are subject to nearly 65 percent of the special assessments that would be assessed upon the establishment of a Business Improvement Area filed a petition with The City of Seattle pursuant to chapter 35.87A RCW, and said petition is filed in Clerk File 322710; and

WHEREAS, the City Council has reviewed the petition and letters of support, and determined it is in the best interests of the City to proceed, as permitted by chapter 35.87A RCW, under the resolution method of creating a Business Improvement Area instead of the petition method; and

WHEREAS, the City Council introduced Resolution 32101 on August 8, 2023, initiating the Ballard Improvement Area (BIA); and

WHEREAS, the City Council wishes to declare its intent to establish a Ballard Business Improvement Area, and to set a public hearing for the public and all affected persons to consider its establishment; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR**

**CONCURRING, THAT:**

Section 1. The City Council of The City of Seattle declares its intention to establish a new Business Improvement Area in accordance with chapter 35.87A RCW, to be known as the Ballard Improvement Area (BIA).



Section 2. The BIA is proposed to be within the following boundaries as shown on the map attached to this resolution as Attachment A and described in this section. 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.

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- Beginning at the intersection of NW Market St and 28th Ave NW, proceed north along 28th Ave NW to the northern boundary of the property at the northeast corner of 28th Ave NW and NW Market St, continuing east along this northern boundary of adjoining parcels to 26th Ave NW
  - Proceed north along 26th Ave NW to NW 56th St
  - Proceed east along NW 56th St to the western boundary of the property at the northwest corner of NW 56th St and 24th Ave NW; proceed north along this western boundary to the property's northern boundary, then continue east to the western boundary of the property at the southwest corner of NW 57th St and 24th Ave NW; proceed north along this western boundary to NW 57th St
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- Proceed southwest along NW Dock Pl to the intersection at Ballard Ave NW; then proceed northwest along Ballard Ave NW, including all properties abutting the west side of Ballard Ave NW (not including parcel 2767702591), to the intersection at NW Market St
- Proceed west along NW Market St to 24th Ave NW, including parcels 2767702830 and 2767702831
- Proceed south along 24th Ave NW to the intersection at NW 54th St
- Proceed west along NW 54th St to 28th Ave NW; then continue north along 28th Ave NW to NW Market St

Secondary Service Area

Non-Contiguous Parcels - Secondary Services Area (Ballard Blocks; not to include parcels 2768303135 and 2768303225)

- Beginning at the intersection of Shilshole Ave NW and 15th Ave NW, proceed north along 15th Ave NW to the intersection of NW Ballard Way
- Proceed east along NW Ballard Way to intersection of 14th Ave NW; then proceed south along 14th Ave NW to the intersection of NW 45th St
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In case of a conflict between the descriptions of the areas and the map, the descriptions shall control.

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- A. Public Safety and Public Health Enhancement;
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- D. Marketing and Promotions;
- E. Business Development and Retention; and

F. Organizational Management.

All such activities are supplemental to programs and services provided by the City and are not intended to displace any services regularly provided by municipal government. The total projected cost of BIA programs that will be paid for with the proposed BIA's assessments in the fiscal year of 2024 is estimated to be approximately \$990,190. This will also be the approximate amount in subsequent years as adjusted by various factors including, but not limited to, inflation and other impacts to the total level of assessment due to factors discussed in the assessment formula.

Section 4. There is proposed to be an advisory board whose membership is comprised of ratepayers that shall be representative of the varying sizes and types of property owners, residents, and business tenants, within the geographic area of the Ballard Improvement Area and may include public agencies.

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B. If the Total Appraised Value (Land + Improvements) and Total Taxable Value (Land + Improvements) in the King County Assessor's records are not equal due to tax exemption status, the following rules apply:

1. If the Total Taxable Value is zero, then the First Year Assessment =  $[(\$0.60 \times (\text{Total Appraised Value}/\$1,000)) + (\$0.14 \times \text{Total Lot Square Feet})] \times 25\%$ .

2. If the Total Taxable Value is not zero, then the First Year Assessment =  $(\$0.60 \times (\text{Total Taxable Value}/\$1,000)) + (\$0.14 \times (\text{Total Lot Square Feet} \times \text{Total Taxable Value}/\text{Total Appraised Value})) + ((\$0.60 \times (\text{Total Appraised Value} - \text{Total Taxable Value})/\$1,000) \times 25\%) + ((\$0.14 \times \text{Total Lot Square Feet} \times (\text{Total Appraised Value} - \text{Total Taxable Value})/\text{Total Appraised Value}) \times 25\%)$ .

C. Multifamily Tax Exemption (MFTE) Residential Properties.

1. Residential properties receiving an MFTE tax exemption do not qualify for the 25 percent non-profit reduced assessment rate and assessments will be calculated using the Base Formula.

2. If a property is owned by a for-profit entity and qualifies for the MFTE from the City, the First Year Assessment will be calculated using the Total Appraised Value upon 100 percent completion of the building and/or authorization of MFTE.

D. Additional modifications or limitations to assessments are described below:

1. Residential Ceiling: The benefit ceiling for owned and rental multifamily residential units is \$130 per unit per year.

2. Building Square Foot Ceiling: The benefit ceiling for building square footage is \$0.25 per square foot for any property with an FAR that is 0.5 or more.

3. Special consideration will be given to a multifamily residential building containing four or more residential units. This applies whether that building is located on one or multiple property parcels. The intent is that the residential ceiling benefit would apply to all multifamily residential buildings containing four or more residential units whether or not the ratepayer has combined, or intends to combine, multiple parcels

when the base year for BIA assessments is established. This includes buildings located on more than one property parcel owned by the following ratepayers:

- a. “PPF AMLI 2428 NW Market Street” for the properties known as “AMLI Ballard Jacobsen Site”;
  - b. “EQR-R E TAX DEPARTMENT” for the properties known as “Urbana Apartment”;
- and
- c. “EQR Tallman LLC” for the properties known as “Ballard Tallman.”

4. The following five parcels (listed by King County parcel number) will be assessed at 50 percent of the Base Formula, as these will benefit from secondary rather than primary BIA services: 2768303229, 2768303247, 2768303190, 2768303245, and 2768303315. These parcels, known as the Ballard Blocks, are non-contiguous with the rest of the BIA and are designated as a secondary service area. Due to this designation, the non-contiguous parcels will receive all BIA benefits excluding clean and safe services.

E. Assessment Installments and Annual Increments.

- 1. Ratepayers will be assessed by The City of Seattle for 24 biannual installments beginning with the base year of authorization (2024).
- 2. For each year following the first year of authorization, the following assessment escalations will apply to the assessment formulas:
  - a. Year 2: Year 2 assessments will equal Year 1 assessments times the percentage change in the Consumer Price Index (CPI) for All Urban Consumers in Seattle-Tacoma-Bellevue (“CPI-U-Seattle”), October 2022 to October 2023 unless there is an increase in Building Square Feet for a given parcel. If CPI-U-Seattle is less than two percent, use two percent. If CPI-U-Seattle is more than six percent, use six percent.

If there is an increase in Building Square Feet for a given parcel, then that parcel will be recalculated using the latest available King County Assessor’s data with the Land Area Factor, Building Square Foot Ceiling, and Residential Ceiling escalated by CPI-U-Seattle (between two and six percent).

b. Years 3 through 12: Use the same annual escalation scheme as for Year 2, with the percentage change of no more than six percent as the ceiling and no less than two percent as the floor, which is dependent on the CPI-U-Seattle between October 2022 and October of the year prior to the assessment year.

G. New benefit areas shall be added to the assessment roll on an annual basis, as follows. A “new benefit area” is created when a parcel’s net building square footage increases as a result of either a new building or expansion of an existing building. A new benefit area shall be added to the BIA assessment roll following its inclusion in the King County Assessor assessment roll during the preceding year. The new benefit area shall be assessed according to the Base Formula factors and assessment ceiling rates in effect during the assessment year. A new benefit area will continue to have its value updated to the most current year value until it is designated as 100 percent complete and no new dollars are added by the King County Assessor’s Office. The 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. New BIA assessments will be billed at the next regularly scheduled billing period established by the Director of Treasury Services.

H. 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. A hearing shall be held on this matter before the Economic Development , Technology, and City Light Committee in the City Council Chamber, City Hall, 600 Fourth Avenue, 2nd Floor, Seattle, Washington 98104 on September 13, 2023, at 9:30 a.m., or as soon thereafter as the same may be heard. The City Council will hear all protests and receive all evidence for or against the proposed action.

Section 7. The City Clerk is requested to publish this resolution of intention in a newspaper of general circulation in Seattle and mail a complete copy of this resolution to each prospective ratepayer within the proposed area at least ten days prior to the hearing. The notice shall include a statement that a copy of the

proposed ordinance, with attachments, may be examined electronically at <https://seattle.legistar.com/>, or in paper form at the Office of the City Clerk, City Hall, 600 Fourth Avenue, 3rd Floor, Seattle, Washington 98104, or will be mailed upon request.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scheereen Dedman, City Clerk

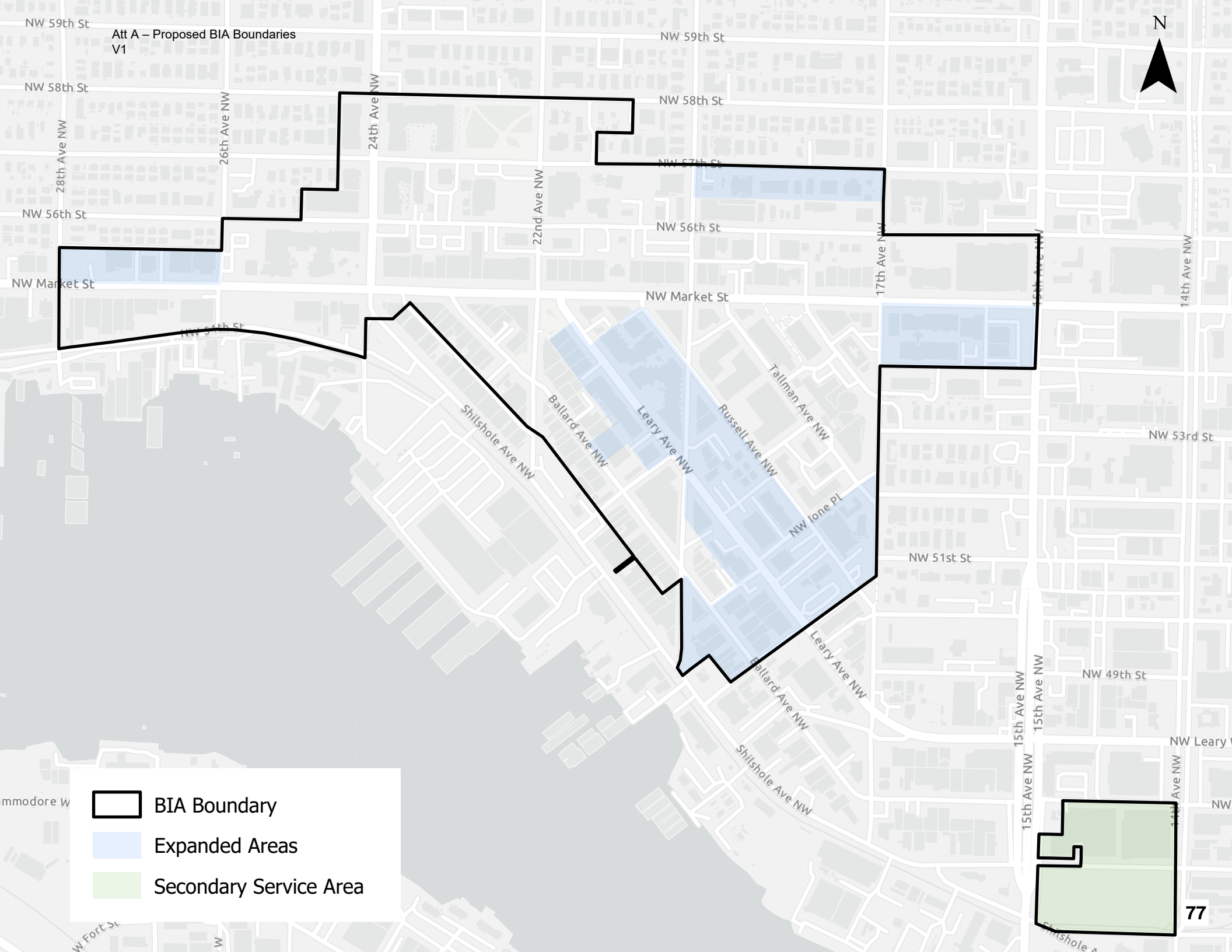
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

Attachments:

Attachment A - Proposed BIA Boundaries



Att A – Proposed BIA Boundaries  
V1



-  BIA Boundary
-  Expanded Areas
-  Secondary Service Area

## SUMMARY and FISCAL NOTE

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Office of Economic Development	Phillip Sit	Nick Tucker

*\* 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:** A RESOLUTION of intention to establish a new Business Improvement Area to be known as the Ballard Improvement Area (BIA) and fix a date and place for a hearing thereon.

#### **Summary and background of the Legislation:**

This resolution declares the intention to establish a new Ballard Business Improvement Area (Ballard Improvement Area) and is the second of two similar pieces of legislation that must be prepared, per RCW 35.87A. The City must pass this resolution to declare a public hearing date and place for the initiative. After the public hearing, the council may introduce a Council Bill to create the Ballard Improvement Area with a special assessment to be levied upon the owners of commercial properties, multi-family residential properties (four or more units), and mixed-use properties (multi-family residential and commercial) within its boundaries.

The existing Ballard Business Improvement Area was established in 2016 for a seven-year period. Based on its ability to provide services valued by its ratepayers, the Ballard Business Improvement Area developed a proposal recommending the creation of a new BIA that would be established for the duration of twelve years, with the base year being FY2024. The Ballard Alliance believes its proposal is efficient, accountable, and responsive to the area's needs. The group collected signatures for a petition to form the Ballard Improvement Area that will fund the following programs within the Business Improvement Area:

- A. Public Safety and Public Health Enhancement;
- B. Clean Environment and Public Realm;
- C. Advocacy, Urban Design and Transportation;
- D. Marketing and Promotions;
- E. Business Development and Retention; and
- F. Organizational 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 January 1, 2024, or the effective date of this ordinance, whichever is later. The new Ballard Improvement Area will be overseen by a Ratepayers Advisory Board, which would be broadly representative of the proposed ratepayers and stakeholders from the district.

## 2. CAPITAL IMPROVEMENT PROGRAM

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

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?       Yes  No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?  
No.

**Are there financial costs or other impacts of *not* implementing the legislation?**

If the Ballard Improvement Area (BIA) legislation is not implemented, it would potentially eliminate nearly \$1 million in annual enhanced programs and services in the Ballard service area. This resolution is a required step to implement the package of BIA legislation.

## 4. OTHER IMPLICATIONS

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

Treasury Services in the Office of City Finance administers the assessments for the BIAs. OED has worked in close coordination with Treasury on this legislation package. Treasury will collect the BIA assessments from its ratepayers. Treasury holds the funds solely for the purpose of reimbursing the Program Manager for administering staffing, projects, and other costs associated with the BIA.

**b. Is a public hearing required for this legislation?**

A public hearing is required for the BIA renewal and will be held on                      as required by RCW 35.87A.140.

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

Yes. This resolution was published to give notice of the public hearing for the proposed Council Bill.

**d. Does this legislation affect a piece of property?**

Please see Attachment A to the Resolution: Proposed BIA Boundaries

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

The Ballard Improvement Area is not expected to have adverse disproportionate impacts on vulnerable and historically disadvantaged communities in the district. OED will complete a RET on the outreach process on the BIA renewal.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

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

No.

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

Summary Attachment A, the Ballard Alliance Renewal and Business Plan, expands on the goals of the BIA.

**Summary Attachments:**

Summary Attachment A – Ballard Alliance Renewal and Business Plan

# Ballard Alliance Renewal & Business Plan

## Ballard Alliance Overview

Adopted in 2017, the Ballard Alliance developed and implemented a successful set of programs and services that work to enhance the vitality of downtown Ballard for its residents, visitors, businesses, and property owners.

From its clean and safe programs to economic development, marketing, promotions, and tourism, the Alliance has established a strong leadership voice and has helped the community through unprecedented and unique challenges.

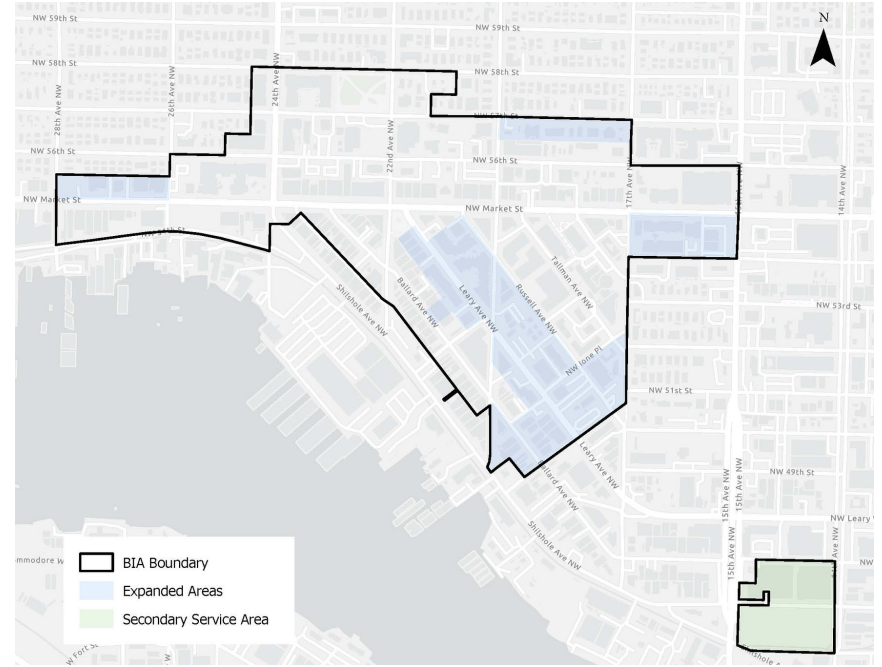
## Looking Ahead - BIA Renewal

The Alliance is now seeking renewal of the Ballard Improvement Area (BIA). Based on the strategic planning work of more than 50 members of the Ballard community, the Alliance proposes a renewed and modestly expanded BIA district (see map).

The renewed BIA will not only allow the Alliance to offer its services and advocacy efforts to a larger base of residents, businesses and property owners, but it will also provide the organization with sustainable resources to implement new services identified by our community that will build and maintain a vibrant, inclusive and resilient Ballard.

## Key Ballard Alliance Accomplishments

- Restoration of Ballard Commons Park
- Successfully advocated for tunneled light rail to Ballard
- Helped Ballard businesses navigate the pandemic and maintain a thriving business district
- Successfully negotiated a Street Café Program allowing restaurants and retailers to flourish while preserving the Farmer's Market
- Created vital public space programs including clean streets, public art, and public space activation
- Front-line advocacy work on critical issues like public safety, homelessness, and transportation
- Worked to enhance safety through the addition of overnight security and relentless advocacy at City Hall



*This map outlines the proposed Ballard Improvement Area service area. The blue shading indicates proposed expansion areas. The green shading indicates the "secondary service area." The secondary service area will receive all Ballard Alliance services (see reverse side) except for street cleaning and private security.*

# Ballard Alliance Renewal & Business Plan

## Program & Services\*

The renewed BIA will build on the success of the Ballard Alliance, expand current service offerings to a modestly expanded boundary and provide enhanced programs and services as identified through the strategic planning initiative. Below is an overview of the services and actions the proposed BIA will provide within its boundaries:

### Public Safety & Public Health Enhancement

- Increased security services and neighborhood ambassadors
- Advocate for improved public safety services to support our business and residential communities
- Advocate for a strengthened and expanded network of services to support unhoused individuals within the boundary in finding shelter and services

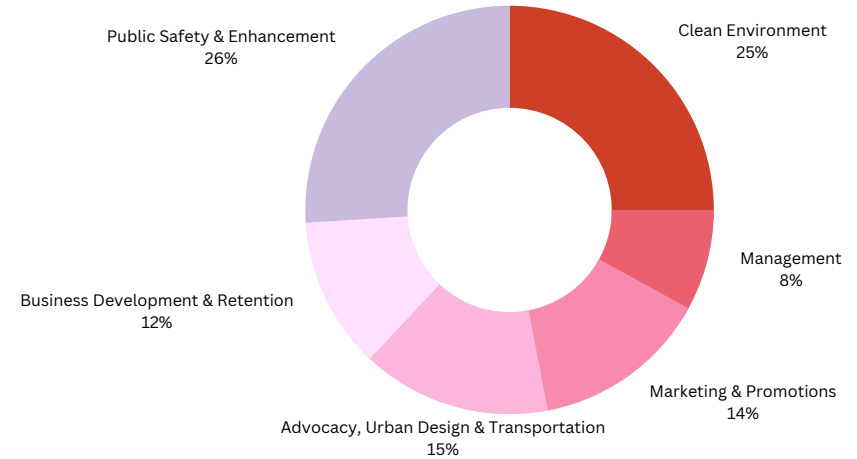
### Clean Environment & Public Realm

- Sustain and expand street cleaning services including on-demand pickup for trash and illegal dumping
- Ensure that parks and public spaces are restored and maintained, providing unencumbered use for all
- Plan and implement new beautification programs (e.g., hanging planter baskets, stationary planter boxes, etc.)
- Work to make Ballard Improvement District a public art destination with an active program of installations
- Create a robust activation program that will increase the vitality of our parks and public spaces

### Advocacy, Urban Design and Transportation

- Increase the Alliance's position as a go-to source for important issues
- Provide and amplify a unified voice for Ballard and leverage Ballard Alliance's influence
- Advocate for tunneled light rail service with a station at or West of 15th Avenue NW
- Advocate for critical transportation and infrastructure to support the growing needs of Ballard businesses and residents
- Strengthen relationships with businesses, residents, and community organizations within the improvement district

## Proposed Program Budget: \$990,199



### Marketing and Promotions

- Sustain existing and implement enhanced marketing and promotions to support our businesses and keep our community thriving
- Raise Ballard's public profile as an outstanding place to live, work, shop, play and visit
- Sustain and grow events, programs, and public space activation
- Actively engage with Ballard residents to support their desire to live in a thriving community

### Business Development & Retention

- Actively recruit new businesses to the Ballard Improvement District that both reflect and enhance its character
- Support small businesses and promote connections to opportunities and resources
- Advocate on key policy issues important to Ballard's businesses and overall economic vitality

### Organizational Management

- Provide program and contract management services

\* All programs and services will be provided exclusively to the property owners, residents and businesses that reside within the proposed boundary.



Legislation Text

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**File #:** Res 32103, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION of intention to disestablish the 2017 Ballard Business Improvement Area and fixing a date and place for a hearing thereon.

WHEREAS, the authorization for assessments under the current Ballard Business Improvement Area which was established in 2016 by Ordinance 125151, expires on December 31, 2023; and

WHEREAS, the City Council introduced Resolution 32101 on August 8, 2023, initiating a new Ballard Business Improvement Area; and

WHEREAS, the City Council wishes to declare its intent to disestablish the 2017 Ballard Business Improvement Area and to set a public hearing for the public and affected persons to consider its disestablishment; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR**

**CONCURRING, THAT:**

Section 1. The City Council of The City of Seattle declares its intention to disestablish the current Ballard Business Improvement Area, established by Ordinance 125151, in accordance with Chapter 35.87A RCW.

Section 2. A hearing shall be heard on this matter before the Economic Development, Technology, and City Light Committee in the City Council Chambers, City Hall, 600 Fourth Avenue, 2nd Floor, Seattle, Washington 98104 on September 13, 2023, at 9:30 a.m., or as soon thereafter as the same may be heard. The City Council will hear all protests and receive all evidence for or against the proposed action.

Section 3. The City Clerk is requested to publish this resolution in a newspaper of general circulation in

Seattle and mail a complete copy of this resolution to each ratepayer within the area, at least 15 days prior to the hearing.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scheereen Dedman, City Clerk

(Seal)



## SUMMARY and FISCAL NOTE

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Office of Economic Development	Phillip Sit	Nick Tucker

*\* 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:** A RESOLUTION of intention to disestablish the 2017 Ballard Business Improvement Area and fixing a date and place for a hearing thereon.

**Summary and Background:**

This Resolution initiates the process to disestablish the 2017 Ballard Business Improvement Area (BIA) under RCW 35.87A. The 2017 BIA, which was established by Ordinance 125151, is set to expire on December 31, 2023.

The existing Ballard Business Improvement Area was established in 2017 as a Business Improvement Area authorized to collect assessments for a seven-year period by Ordinance 125151. The current Ballard Business Improvement Area funds the following programs within the Business Improvement Area:

- A. Clean Environment;
- B. Public Safety and Public Health Enhancement ;
- C. Marketing and Promotions;
- D. Advocacy, Urban Design and Transportation;
- E. Business Development and Retention; and
- F. Management.

While Ordinance 125151 specified that the BIA’s assessments would be collected over a seven-year period, it provided no language to officially disestablish the BIA after seven years. RCW 35.87A.180 provides that the City may disestablish a business improvement area by ordinance after holding a hearing on the matter and that the City shall adopt a resolution of intention to disestablish the area at least fifteen days prior to said hearing. The 2017 BIA currently generates \$600,000 annually and the proposed new BIA will generate nearly \$1 million in its first year.

### 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?**

No.

**Are there financial costs or other impacts of *not* implementing the legislation?**

No.

#### **4. OTHER IMPLICATIONS**

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

Treasury Services in the Office of City Finance administers the assessments for the BIAs. Any remaining funds from the current BIA will be transferred to the new BIA upon its establishment.

**b. Is a public hearing required for this legislation?**

Yes, this resolution of intention provides the date and place of the hearing, as required by RCW 35.87A.180

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

Yes. This resolution must be published to give notice of the public hearing.

**d. Does this legislation affect a piece of property?**

Please see Summary Attachment A, 2017 Ballard Improvement Area Service Area.

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

Disestablishing the Ballard Business Improvement Area is not expected to have adverse disproportionate impacts on vulnerable and historically disadvantaged communities in the district. OED will complete a RET on the outreach process on the BIA renewal.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

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

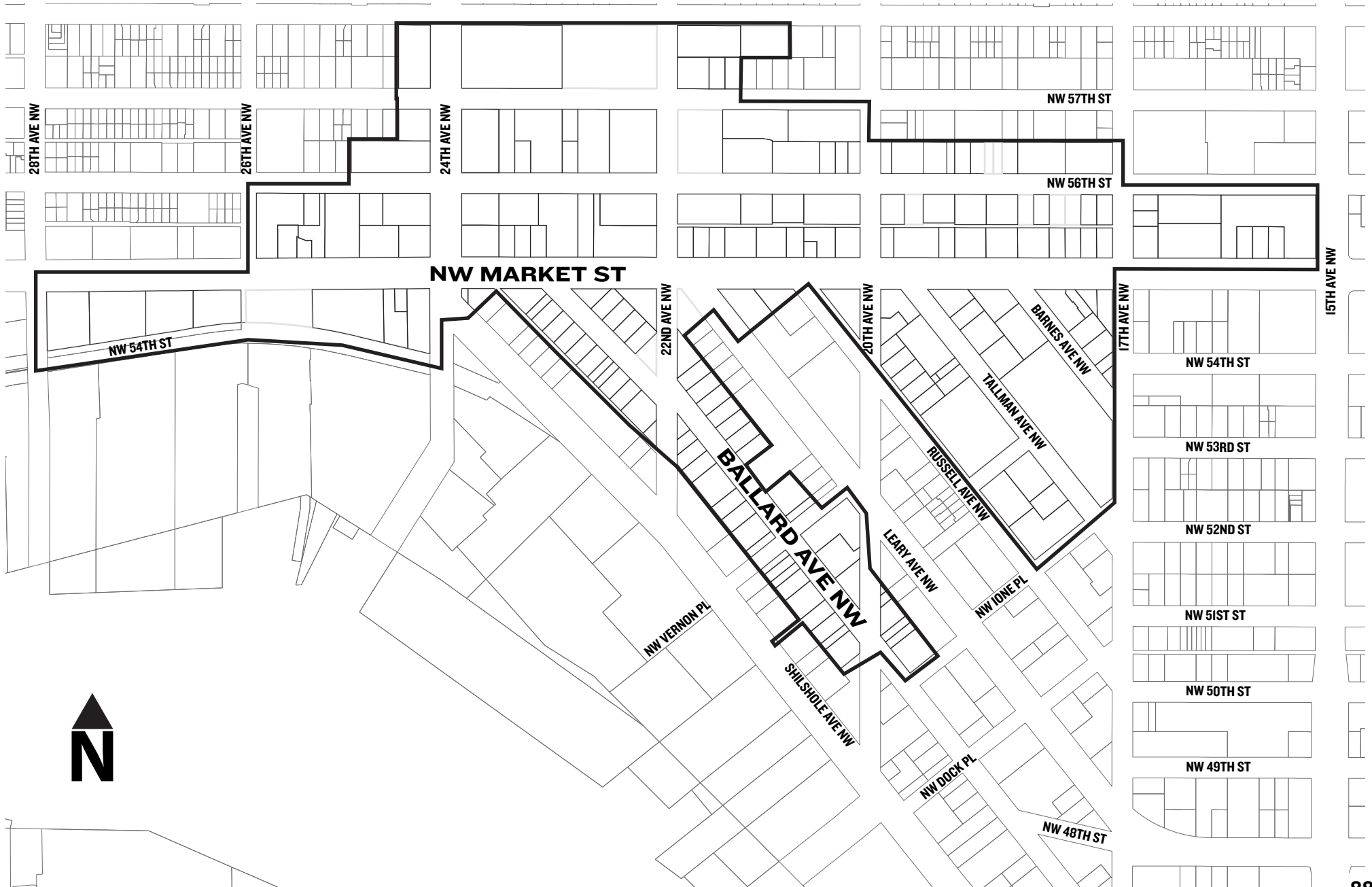
No.

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

N/A

**Summary Attachments:**

Summary Attachment A - 2017 Ballard Business Improvement Area Service Area





Legislation Text

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**File #:** CB 120636, **Version:** 1

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**CITY OF SEATTLE**

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

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

AN ORDINANCE relating to the City Light Department; authorizing a 15-year agreement with Whatcom County providing for payments for general and emergency law enforcement and other governmental services provided by Whatcom County to the City’s Skagit Hydroelectric Project generation facilities and residents of Newhalem and Diablo; and ratifying and confirming certain prior acts.

WHEREAS, RCW 35.21.420 authorizes cities owning and operating public utilities having facilities for the generation of electricity located in the counties other than that in which such cities are located to provide for the peace, health, safety and welfare of such county as concerns the utility facilities and the personnel employed in connection therewith, and to enter into contracts with such counties therefor; and

WHEREAS, the City’s Skagit Hydroelectric Project generating facilities and the towns of Diablo and Newhalem are located in Whatcom County; and

WHEREAS, the City and the County previously entered into a 15-year agreement, pursuant to RCW 35.21.420, that expires on December 31, 2023; and

WHEREAS, the City and the County have negotiated terms and conditions for a new agreement; NOW,

THEREFORE,

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

Section 1. The CEO and General Manager for the City Light Department is authorized for and on behalf of The City of Seattle to execute and deliver a 15-year agreement with Whatcom County, substantially in the form of the Impact Payment Agreement attached to this ordinance as Attachment A (the “Agreement”) with such changes as the CEO and General Manager may deem appropriate and are consistent with this ordinance.

The Agreement is for the support of general and emergency law enforcement and other governmental services provided by Whatcom County to the city's Skagit Hydroelectric Project facilities and the residents of Newhalem and Diablo, all as authorized by RCW 35.21.420. The Agreement is subject to termination by either party upon one-year written notice.

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

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

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

Approved/ returned unsigned / vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_

Scheereen Dedman, City Clerk

(Seal)

Attachments:  
Attachment A - Impact Payment Agreement

## ATTACHMENT A

### IMPACT PAYMENT AGREEMENT

This Impact Payment Agreement (the "Agreement") is entered into between THE CITY OF SEATTLE, a municipal corporation of the State of Washington, acting by and through its City Light Department (the "City") and the COUNTY OF WHATCOM, a municipal corporation of the State of Washington (the "County").

### WITNESSETH

**WHEREAS**, RCW 35.21.420 authorizes cities owning and operating public utilities having facilities for the generation of electricity located in the counties other than that in which such cities are located to provide for the peace, health, safety and welfare of such county as concerns the utility facilities and the personnel employed in connection therewith, and to enter into contracts with such counties therefor; and

**WHEREAS**, a portion of the City Light Department ("Seattle City Light") hydroelectric generating facilities is located in Whatcom County; and

**WHEREAS**, pursuant to RCW 35.21.420 the City and the County previously entered into a 15-year agreement that expires on December 31, 2023 (the "Previous Agreement"); and

**WHEREAS**, the City and the County have negotiated terms and conditions for a new agreement to adequately compensate the County for services consistent with RCW 35.21.420.

**NOW, THEREFORE**, it is mutually agreed by and between the parties hereto as follows:

**1. Term.** The term of this Agreement shall be from January 1, 2024, through December 31, 2038, unless terminated or extended as specified herein. The term shall be as stated regardless of the date of signature. This Agreement may be extended by mutual agreement of the parties under the same terms, or mutually acceptable terms, for two 3- year extensions.

**2. Compensation.** For the term of this Agreement and any extension thereof, the City agrees to pay the County annual payment amounts as set forth in this Agreement to compensate the County for financial burdens attributable to the City's ownership and operation of a hydroelectric facility located in the County.

**3. Annual Escalator.** All annual impact compensation payments shall be subject to an escalator based upon the U.S Bureau of Labor Statistics Seattle-Tacoma-Bellevue, WA 12-month percent change in the Consumer Price Index for all urban consumers for the immediately preceding 12-month period ("CPI-U") that shall be applicable on an annual basis starting in



2025 for the term of this Agreement and any subsequent extensions. However, in no event shall the annual impact compensation payment increase from year to year by less than 2% or more than 5%.

4. **Payment Schedule.** For the year 2024, the City shall pay, and the County shall accept the sum of money in the amount of \$1,419,497, which represents the 2023 base payment of \$1,234,345 increased by approximately 15%. Each annual payment shall be paid in four equal quarterly installments, payable on January 1, April 1, July 1 and October 1 of each year, or, if these dates fall on a Saturday, Sunday or holiday, on the first business day following these dates. Payment representing the amount of the annual escalator for the first quarter of each year shall be paid with the second quarter payment.

5. **Deputy Station.** The County will station and pay all costs related to at least one (1) deputy sheriff with current First Responder Training and one (1) fully equipped, late-model sheriff's law enforcement vehicle. The deputy sheriff's primary function shall be providing general and emergency law enforcement services and responses in the Newhalem and Diablo areas including, but not limited to the City's Skagit Project facilities ("Service Area"). The deputy sheriff will patrol during a normal 40-hour workweek and be subject to emergency call out during non-patrol hours. When the deputy sheriff is away on vacation, leave of absence or otherwise not present at the Service Area, the Whatcom County Sheriff's Office will provide a replacement deputy sheriff during the period of absence. If an event requiring a law enforcement response occurs at a time when the resident deputy is off-duty or otherwise unavailable, Dispatch will notify the on-duty Sheriff's Office supervisor who will make an assessment regarding the need for a timely response. If deemed necessary to public safety, the Whatcom County Sheriff's Office will:

1. Contact the resident deputy sheriff and direct him/her to respond; OR
2. Deploy On-Duty Sheriff's Office resources; OR
3. Contact and call out the closest Off-Duty Sheriff's Office deputy sheriff.

If the deputy sheriff assigned to the Service Area does not possess current First Responder Training, the County will ensure that the deputy sheriff enrolls and successfully completes the First Responder Training at the County's expense.

The County will provide emergency response services to be prepared to respond to terrorism, other potential threats, and natural disasters. These services will include threat assessment and familiarity in the event of a terrorist related incident impacting the critical infrastructure in and around the Skagit River Hydroelectric Project ("the Project"). As part of its training program, the County will conduct tactical exercises and training in and around the Project, including tactical response exercises from Bellingham to Newhalem utilizing CBP Blackhawk (when available). The County will coordinate with federal partners, and if permitted, participate with them in emergency response training exercises. The County will provide

emergency management planning and conduct exercises to be prepared to respond to other potential threats and/or natural disasters in the Service Area. The County's emergency response services will include helicopter response and rescue to the Service Area when warranted.

The County will provide traffic patrol services on Highway 20 during summer months as necessary to ensure safe travel through the area and additional traffic emphasis resources in response to traffic safety related issues.

The deputy sheriff's work schedule, including office and patrol hours, shall be established by the County Sheriff's Office in cooperation with the City. The City must be notified in writing and at least five working days in advance of schedule changes unless an emergency arises that precludes the ability to provide such notice, in which case notice will be provided as soon as possible. Approved work schedules and changes shall be submitted to the Skagit Project Manager, Seattle City Light. The City shall have the option to establish office space at the Project or elsewhere in the Service Area for use by the deputy sheriff.

The City will continue to furnish support for radio communications, including rack space. Upon request and subject to approval from the City's engineering department, the City will provide access to the Babcock Mountain tower. The County agrees to install new communication equipment, to enhance radio infrastructure to provide interoperability and reliable communications in the Service Area.

The Whatcom County Sheriff's Office will be the primary provider of law enforcement services in the Service Area. Any other law enforcement work that the City may seek, including additional security services, shall, to the extent practicable, be coordinated in advance with the Sheriff. However, the final determination of the necessity of additional law enforcement or security work in the Service Area shall rest with the City.

**6. Housing for Deputy.** The City will provide suitable housing at the Newhalem site to the County for the deputy sheriff to the same standard as is currently provided and as specified in the Residential Lease Agreement between the City and the County. The County will be responsible for the payment of reasonable rent and normal utility costs associated with the residence.

**7. Services Provided.** The County agrees to provide to Newhalem and Diablo residents all services normally provided to all other County residents in rural areas through the term of this agreement. The compensation established in Item 4 above shall cover all such services provided by the County during the term of this Agreement.

**8. Administration of Agreement.** Any concerns or complaints that arise related to the provision of service as outlined in Items 5, 6 and 7 shall be directed to the Whatcom County Executive Office, 311 Grand Ave, Bellingham, WA 98225. The City's interests shall be represented by the General Manager's Office, Seattle City Light, 700 Fifth Ave, Suite 3200,

Seattle, WA 98124.

**9. Dispute Resolution.** In the event that the City and the County have a dispute over any provision of this Agreement, the aggrieved party shall give written notice to the other party of the nature of the dispute within ten (10) working days of the occurrence giving rise to the dispute. Both parties agree to designate a representative who will meet within a reasonable period and attempt to resolve the dispute to the mutual satisfaction of both parties.

If, within fifteen (15) working days of their first meeting, the appointed representatives fail to resolve any dispute in accordance with the above provisions, the parties shall submit the dispute to arbitration. In such an event, within thirty (30) days after submitting the matter to arbitration, one representative of each party shall meet with the other to select a single arbitrator from an arbitrators list from the American Arbitration Association qualified to serve as arbitrator. If these representatives fail to select an arbitrator within thirty (30) calendar days after the notice of submittal, then the arbitrator shall be selected by the American Arbitration Association. All arbitrators shall be persons knowledgeable, skilled and experienced in the fields pertaining to the dispute, and no person shall be eligible for selection as an arbitrator who is an officer, director, or employee of any party who is otherwise interested in the matter to be arbitrated. All arbitrators shall adhere to the "Code of Ethics for Arbitrators in Commercial Disputes" by the American Arbitration Association and the American Bar Association. Except as otherwise agreed by the parties, the arbitration shall be governed by the commercial arbitration rules of the American Arbitration Association (or the rules of practice of a similar, disinterested organization if the American Arbitration Association should cease to exist), provided that to the extent such rules conflict with the applicable laws then in force which are specifically applicable to arbitration proceedings, such laws shall govern.

Unless extended by agreement of the parties or by the arbitrator for good cause shown, discovery shall be completed and the hearing shall commence within sixty (60) days after the parties proposals to resolve the dispute have been provided. Within 120 calendar days after the parties positions have been submitted to the arbitrator, unless said arbitrator requests and is granted an extension of time by the parties, said arbitrator will submit a decision to the parties in writing and the parties hereby agree to be bound by that decision. After the decision of the arbitrator, each party shall immediately take whatever action is required to comply with the arbitrator's decision. Any and all fees and expenses of the arbitrator and/or the American Arbitration Association shall be borne equally by both parties. The decision of the arbitrator shall be final and specifically enforceable, provided that any party may petition a court of competent jurisdiction for confirmation and enforcement of a decision, and for vacation of a decision solely for error of law. In the event that the parties are unable, through no fault of their own, to obtain a valid enforceable arbitration decision, either party shall be entitled to seek legal and equitable remedies in a court of competent jurisdiction.

**10. Termination.** Each party shall have the right to terminate this Agreement, during its term or any extension thereof, by giving one-year prior written notice to the other party. In

the event of termination, the City shall be liable for payments in accordance with the terms of this Agreement for services rendered prior to the effective date of termination.

**11. Severability.** It is understood and agreed by the parties hereto that if any part of this Agreement is determined to be illegal, the validity of the remaining portions shall not be affected, and the rights and obligations of the parties shall be construed as if the Agreement did not contain the particular illegal part.

**12. Miscellaneous.** This Agreement contains all of the terms and conditions agreed upon by the parties hereto. The parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement. The provisions of this Agreement shall be construed as a whole according to their common meaning and consistent with the other provisions herein contained in order to achieve the objectives and purposes of this Agreement. Each party and its counsel has reviewed and revised this Agreement.

**13. Amendment:** This Agreement may be amended or modified only by a writing signed by both Parties.

**14. Governing Law.** This Agreement shall be governed by the laws of the state of Washington.

**15. Legislative Approval.** The County acknowledges that City Light must seek and receive ordinance authority for this Agreement from the Seattle City Council. Upon receipt of the County’s executed Agreement, City Light shall use good faith, commercially reasonable efforts to expedite the approval of the authorizing ordinance by Seattle City Council.

CITY OF SEATTLE  
City Light Department

By \_\_\_\_\_  
General Manager/CEO

WHATCOM COUNTY  
By \_\_\_\_\_  
County Executive

Approved as to Form:

\_\_\_\_\_  
Civil Deputy Prosecuting Attorney

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Seattle City Light	Jeff Wolf	Greg Shiring

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

**1. BILL SUMMARY**

**Legislation Title:** AN ORDINANCE relating to the City Light Department; authorizing a 15-year agreement with Whatcom County providing for payments for general and emergency law enforcement and other governmental services provided by Whatcom County to the City’s Skagit Hydroelectric Project generation facilities and residents of Newhalem and Diablo; and ratifying and confirming certain prior acts.

**Summary and Background of the Legislation:** This agreement replaces a 15-year agreement with Whatcom County expiring at the end of 2023. Under RCW 35.21.420, any city with a population greater than five hundred thousand people owning and operating a public utility and having facilities for the generation of electricity located in a county other than that in which the city is located, must provide for the impacts of lost revenue and the public peace, health, safety, and welfare of such county as concerns the facilities and the personnel employed in connection therewith, by contributing to the support of the county and enter into contracts with any such county.

Under the terms of the agreement, for the year 2024, the City will pay Whatcom County \$1,419,497, which represents the 2023 base payment of \$1,234,345 increased by approximately 15%. In each subsequent year, the amount of the payment will increase in an amount equal to the U.S Bureau of Labor Statistics Seattle-Tacoma-Bellevue, WA 12-month percent change in the Consumer Price Index for all urban consumers for the immediately preceding 12-month period (“CPI-U”). However, in no event shall the annual impact compensation payment increase from year to year by less than 2% or more than 5%.

This agreement must be approved by ordinance because the Department is not authorized by SMC 21.49.130 or otherwise to enter contracts to compensate other government agencies for their loss attributable to Skagit Hydroelectric Project.

**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?**

This legislation is consistent with terms negotiated with Whatcom County. Approval of this legislation will support the continuation of a strong relationship with Whatcom County in its provision of services supporting the Skagit Hydroelectric Project and the residents of Newhalem and Diablo.

**Are there financial costs or other impacts of *not* implementing the legislation?**

This agreement must be approved by ordinance because the Department is not authorized by SMC 21.49.130 or otherwise to enter contracts to compensate other government agencies for their loss attributable to Skagit Hydroelectric Project.

**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. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
No.
- d. **Does this legislation affect a piece of property?**  
No.
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
This legislation will not impact vulnerable or historically disadvantaged communities. This is “business as usual” for Seattle City Light.
- f. **Climate Change Implications**
  - 1. **Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**  
N/A.
  - 2. **Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects. ‘**  
N/A.

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

N/A.



Legislation Text

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**File #:** CB 120637, **Version:** 1

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**CITY OF SEATTLE**

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

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

AN ORDINANCE relating to the City Light Department; authorizing the Department to lease real property to and from private parties for the purpose of installing and operating electric vehicle charging stations and supporting infrastructure; amending Section 21.49.130 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

WHEREAS, transportation accounts for 61 percent of the City's core greenhouse gas (GHG) emissions and Seattle has a goal to reduce transportation emissions by: 82 percent below 2008 levels by 2030 and to reduce them to net zero by 2050; and

WHEREAS, RCW 70A.45.020 sets goals to limit anthropogenic emissions of GHG across the state by: 45 percent below 1990 levels by 2030; 70 percent below 1990 levels by 2040; and 95 percent below 1990 levels by 2050; and

WHEREAS, RCW 35.92.450 authorizes municipal utilities to adopt and implement transportation electrification plans and associated incentives, programs, policies, and other mechanisms that accelerate installation of transportation electrification infrastructure to reduce greenhouse gas emissions from the transportation sector; and

WHEREAS, the Seattle City Council passed Ordinance 126196 granting authority for the City Light Department to offer incentive programs in the electrification of transportation for its customers, including the promotion of electric vehicle adoption and advertising programs to promote the utility's services, incentives, or rebates; and

WHEREAS, Seattle City Light is partnering with communities to prioritize investments and programs to



deliver on the inaugural Transportation Electrification Strategic Implementation Plan; and

WHEREAS, Seattle’s Transportation Electrification Blueprint sets forward a path toward a clean and equitable transportation system that makes it possible for Seattle to use Seattle City Light’s majority renewable and non-emitting, affordable, and reliable electricity to power everything that moves people, goods, and services; and

WHEREAS, Mayor Bruce Harrell signed Executive Order 2022-07 directing City departments to prioritize and expand actions that advance a more equitable transportation system that reduces greenhouse gas emissions and supports people hardest hit by climate impacts; and

WHEREAS, overburdened communities within City Light’s service territory continue to lack adequate access to charging facilities, impeding adoption of electric vehicles by members in these communities; and

WHEREAS, an analysis conducted for City Light estimated the City Light service area may require between ten and twenty times more electric vehicle charging stations by 2030 to meet anticipated demand and meet the City’s greenhouse gas emission reduction goals; and

WHEREAS, electric vehicle charging station operators have expressed interest in leasing underutilized City Light property for the purposes of installing and operating public electric vehicle charging stations; and

WHEREAS, City Light staff have identified owners of private properties that are interested in hosting City Light-owned and operated public electric vehicle charging stations in exchange for fair rent and the opportunity to provide an amenity to patrons or the community; and

WHEREAS, the City must take necessary actions to confront the urgent need to reduce emissions from the transportation sector and prepare and strengthen our communities’ resilience to withstand the impacts of the climate crisis; and NOW, THEREFORE,

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

Section 1. Section 21.49.130 of the Seattle Municipal Code, last amended by Ordinance 126437, is amended as follows:

**21.49.130 Authority**

\* \* \*

B. Rulemaking and contract authority

1. The Department shall have authority to adopt and file as appropriate rules, regulations, policies, and procedures relating to its performance of the provisions of this Chapter 21.49 and to the operation of the Department's light and power system. The Department may require compliance with such rules, regulations, policies, and procedures as a condition for the supply or continued supply of electric service.

2. Effectively managing its power supply portfolio to achieve balance between supply and customer demand requires that City Light transact in the wholesale energy markets for energy and transmission services and products, including the purchase or sale of short-term capacity or energy, or integration, transmission, or ancillary services. The Department may therefore execute, implement, and administer contracts with any city or town, public utility district, governmental agency, municipal corporation, mutual association, broker, or agent, or with any person, firm, or corporation, or any other member of the general public, outside its service area, for an effective term of not more than 60 months from the month following the date on which the contract is first signed ("prompt month"), providing for the acquisition, exchange, or sale of capacity or energy, or integration, transmission, or ancillary services, or eligible renewable resources, which shall have the same meaning as defined by RCW 19.285.030, on terms most favorable to the Department under such circumstances and in compliance with state law, including RCW 43.09.210. Such acquisition, sale, or exchange shall be made on a basis representing the value of such capacity or energy, or integration, transmission, or ancillary services, under then-existing market conditions, and may include provisions that require indemnification by the Department.

3. The Department may execute agreements with the Bonneville Power Administration providing for reimbursements from Bonneville of some or all of the costs of operating energy conservation programs authorized by the City Council. The Department shall determine that such agreements or amendments

to such agreements shall not incur any indebtedness or the acceptance of moneys imposing any duties or obligations on the City that are inconsistent with the Department's budget appropriation for such energy conservation programs. The Department shall provide a written notification prior to the execution of such contracts and a copy of such contracts to the appropriate authorizing committee of the City Council.

4. The Department may execute contracts for the purchase or sale of environmental attributes, including but not limited to renewable energy credits (RECs), greenhouse gas offsets, and carbon credits to meet policy and regulatory requirements in a cost-effective and timely manner. The Department may enter into such contracts in advance of the target date for acquisition identified in the Department's Integrated Resource Plan or the date required by state or federal law. These purchases will be made within the Department's yearly budget authority limits. Sales will be made on an as-needed basis to balance demand with supply of these products, and to minimize overall costs to ratepayers.

5. The Department may execute contracts for the purchase or acquisition of cost-effective energy conservation resources for an effective term of not more than 84 months, provided that the payment terms for such contracts do not exceed 60 months. "Energy conservation resources" shall have the same meaning set forth in the Energy Independence Act, chapter 19.285 RCW, including, without limitation, long-term energy efficiency projects, new construction, whole-building performance, and pay-for-performance programs.

6. In order to meet the requirements of the Renewable Plus Program, the Department may execute contracts with any city or town, public utility district, government agency, municipal corporation, mutual association, broker, or agent, or with any person, firm, or corporation, or any other member of the general public, outside its service territory providing for the acquisition or exchange of capacity or energy, or integration, transmission, or ancillary services, of renewable resources, which shall have the same meaning as defined by RCW 19.280.020 for a term of not more than 20 years. The Department shall endeavor to match the term of the acquisition contracts with the needs and requirements of the Renewable Plus Program customer contract terms. Such acquisition or exchange of capacity, energy, or services shall be made on a basis

representing the value of such capacity or energy, or integration, transmission, or ancillary services, under then-existing market conditions, and may include provisions that require indemnification by the Department.

7. The Department is authorized to negotiate and to enter into new leases or subleases and extensions or modifications of existing leases or subleases of any real property now or hereafter owned by the Department or private parties for the purpose of installing and operating electric vehicle charging stations and supporting infrastructure, including but not limited to energy storage systems, distributed energy generation systems, and general electrical infrastructure, for an effective term of not more than 84 months.

\* \* \*

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

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

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

Approved / returned unsigned / vetoed this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_

Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Scheereen Dedman, City Clerk

(Seal)

## SUMMARY and FISCAL NOTE\*

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
City Light	Jeffrey Wolf	Greg Shiring

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

### 1. BILL SUMMARY

**Legislation Title:** AN ORDINANCE relating to the City Light Department; authorizing the Department to lease real property to and from private parties for the purpose of installing and operating electric vehicle charging stations and supporting infrastructure; amending Section 21.49.130 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

**Summary and Background of the Legislation:** This ordinance authorizes City Light to lease Department owned property to third parties and to lease property from third parties for the purpose of installing and operating electric vehicle (EV) charging stations. The Department anticipates that under this authority it will install at least 10 to 20 projects over the next two years with more to follow.

### 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?**

There is a revenue component. To the extent City Light owns the EV charging stations on leased property, City Light is first in line to receive Clean Fuel credits under the State's Clean Fuel Program. These credits may be sold to reinvest in transportation electrification and grid modernization projects and programs. Thirty percent of credit revenue from the program must be spent on transportation electrification projects within overburdened communities.

The cost of any leases will be paid from existing resources. These costs are anticipated to be offset by user fees and external funding.

### **Are there financial costs or other impacts of *not* implementing the legislation?**

Electric vehicle ownership is quickly growing, particularly in Seattle. By 2030, two-thirds of new car sales must be zero-emission in Washington State.

Without the authority to lease property, some sites that would be ideal for EV charging may not be developed for this purpose and the City may not be prepared to meet future demand, particularly in overburdened communities and/or locations overlooked by the private sector. The Department will lose out on Clean Fuel Credits and revenue from the EV charging stations.

Lastly, the City will have fewer options to install charging for medium and heavy-duty vehicles, which are the largest source of harmful tailpipe emissions that impact local air quality and public health where overburdened communities live, learn, work and play.

## **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. **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?** No.
- d. **Does this legislation affect a piece of property?** Yes. It seeks authority to lease City Light owned property and property owned by third parties to site EV charging stations.
- e. **Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

This ordinance will enable City Light to site EV charging stations in overburdened communities that might not otherwise have access to nearby charging stations if site selection was dependent upon the private sector and market forces only.

Transportation is the largest source of air pollution in Seattle. By expanding City Light's ability to site EV charging stations, the City can ensure electrified transportation benefits to its citizens living in environmental justice and overburdened communities exposed to disproportionately greater levels of air pollution.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

This ordinance is consistent with City Light's Transportation Electrification Strategic Investment Plan and the City's Transportation Electrification Blueprint to reduce greenhouse gas emissions city-wide attributable to transportation. Installing EV charging stations is a critical component of meeting the City's goal that 90% of personal trips be zero emission by 2030.

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

Making chargers available to citizens without access to home charging systems will encourage the use of electric vehicles and is consistent with the City's greenhouse gas emission reduction goals.

Transportation emissions are the largest source of greenhouse gases in Seattle. This Ordinance increases Seattle's resiliency to climate change by reducing greenhouse gas emissions, as well as harmful tailpipe pollution. City Light's clean energy further improves air quality and climate impacts, particularly in overburdened communities where the most vulnerable populations experience disproportionately greater levels of air pollution.

**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 siting of EV charging stations in parking lots and garages is one part of a larger program to increase EV charging accessibility across the City. This ordinance goes hand in hand with existing and planned programs for transit, publicly available, multi-family, and fleet EV charging. Under the plan, EV charging stations will be sited in locations that are convenient for drivers such as at grocery stores or other businesses.





Legislation Text

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**File #:** Res 32104, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION to initiate a new business improvement area, to be known as the Seattle Tourism Improvement Area.

WHEREAS, the Seattle Office of Economic Development has determined that the owners of businesses

offering transient accommodations with 60 or more rooms located within the area who represent an estimated 72 percent of the special assessments to be assessed filed a petition with The City of Seattle (“City”) pursuant to chapter 35.87A RCW and said petition is filed in Clerk File 322704; and

WHEREAS, the City Council has reviewed the petition and letters of support, and determined it is in the best interests of the City to proceed, as permitted by chapter 35.87A RCW, under the resolution method of creating a new business improvement area instead of the petition method; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR**

**CONCURRING, THAT:**

Section 1. The City Council of The City of Seattle declares its intention to establish a new business improvement area in accordance with chapter 35.87A RCW, to be known as the Seattle Tourism Improvement Area (STIA).

Section 2. The STIA shall be within the following boundaries, as shown on the map attached to this resolution as Attachment A and described in this section. 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 Seattle Tourism Improvement Area:**

Beginning where Puget Sound meets W. Galer Street, continuing east as if Galer Street continued to 12th Avenue, south to South Royal Brougham Way, west as if South Royal Brougham Way continued to

Puget Sound, continuing along the shore of Puget Sound to W. Galer Street.

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

Section 3. Programs. Special assessment revenues shall be used solely and exclusively for domestic and international tourism promotion, advertising, sales, and marketing activities (including, without limitation, the creation of a standing limited reserve solely to fund any such activities that arise unexpectedly from year to year) intended to encourage both leisure tourism and group tourism (e.g., the hosting and attending of meetings and events) in Seattle in order to increase hotel occupancy within the area, and no other purpose. Promotion, advertising, sales, and marketing services include, but are not limited to, strategic planning, market research, creative development, media placement, sales activities, hosting tourism industry events relating to promotion and marketing, and administrative and management support for such services. No funds raised by the special assessment authorized by this ordinance may be used to take, support, or oppose any position taken by any entity in a labor dispute.

The projected cost of STIA programs that will be paid for with the proposed STIA's assessments in 2024 is estimated to be \$15.02 million. This will also be the approximate amount in subsequent years as adjusted by various factors including, but not limited to, inflation, hotel room occupancies, and other marketplace variables.

Section 4. Ratepayers Advisory Board. There shall be an advisory board ("Board") whose membership is comprised of an odd number, between nine and 11, of the owners of all hotels, inns, and other businesses providing transient accommodations with 60 or more rooms located within the boundaries of the STIA described in Section 2 of this resolution ("Ratepayers") that shall be representative of the varying locations, sizes, and types of lodging properties within the geographic area of the STIA. Individuals serving on the Board must possess the legal authority to represent, and act on behalf of, their respective lodging properties in all STIA board matters.

Section 5. Levy of Special Assessments. To finance the programs authorized in Section 3 of this

resolution, there is proposed to be levied upon and collected from all Ratepayers a monthly special assessment of 2.3 percent of the guest room rate paid by guests for each occupied room per night (excluding taxes or legally mandated charges, but without deduction for commissions or payment card processing fees).

The special assessments shall not be imposed on rooms: (a) where the occupant has stayed 30 or more days; (b) that are provided by a Ratepayer to guests without charge for promotional purposes; (c) that are available exclusively to members or guests of members of a private member-owned club or its reciprocal clubs; or (d) that comprise facilities where accommodations are generally marketed and sold on a per-bed, shared room basis (e.g., hostels).

Section 6. Rate Changes. Changes in special assessment rates shall only be authorized by ordinance consistent with RCW 35.87A.140 upon the City Council's receipt of a written request from the Program Manager submitted with the approval of the Board and shall not occur more than one time per year.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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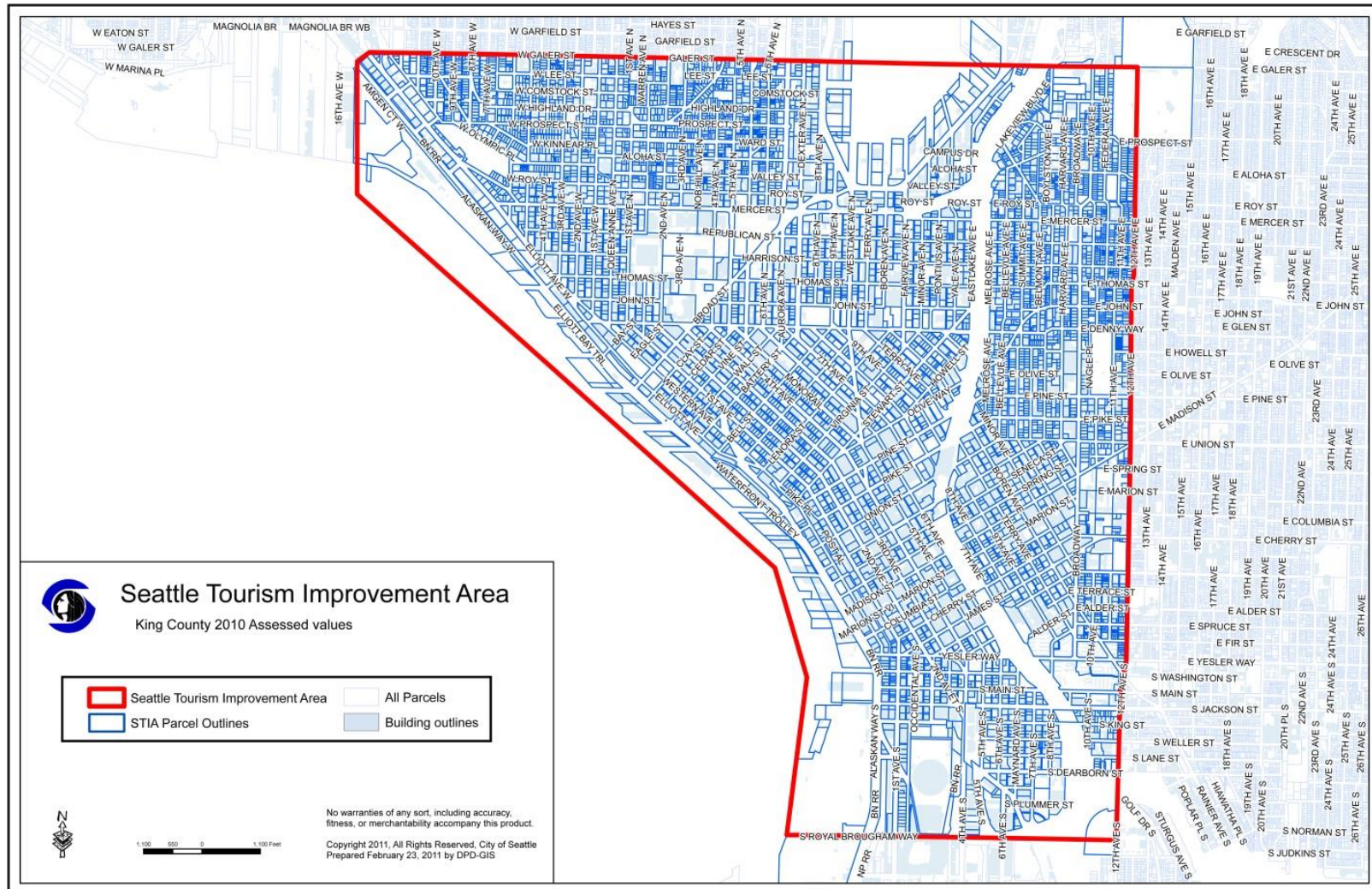
Scheereen Dedman, City Clerk

(Seal)

Attachments:  
Attachment A - STIA District Boundaries Map

### Attachment A

The District, for the purpose of the STIA, includes those areas within the following boundaries: Beginning where Puget Sound meets W. Galer Street, continuing east as if Galer Street continued to 12th Avenue, south to South Royal Brougham Way, west as if South Royal Brougham Way continued to Puget Sound, continuing along the shore of Puget Sound to W. Galer Street.



**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Office of Economic Development	Phillip Sit	Nick Tucker

*\* 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:** A RESOLUTION to initiate a new business improvement area, to be known as the Seattle Tourism Improvement Area.

**Summary and Background:**

This Resolution initiates a new Seattle Tourism Improvement Area (Seattle Tourism Improvement Area) under RCW 35.87A and is the first of two similar pieces of legislation that must be prepared, per RCW 35.87A. The legislation package also includes a Resolution to set a public hearing date and place. Subsequently, the City Council may introduce an ordinance to create the Seattle Tourism Improvement Area after the public hearing has taken place.

The existing Seattle Tourism Improvement Area was established in 2011 by Ordinance 123714, and modified in 2022 by Ordinance 126552. While Ordinance 123714 specified that the 2011 STIA’s assessments would not expire, the Advisory Board, Ratepayers and Program Manager wish to reestablish the STIA in order to expand the permitted uses of STIA revenues to include promotion, advertising, sales and marketing activities intended to encourage leisure tourism as well as group tourism (i.e., the hosting and attending of meetings and events), and to adopt a different monthly assessment formula.

Based on its ability to provide services valued by its ratepayers, the Seattle Tourism Improvement Area Board developed a proposal recommending the creation of a new STIA that would be established for the duration of fifteen years, with the base year being 2024. The Seattle Tourism Improvement Area Advisory Board believes its proposal is efficient, accountable, and responsive to the area’s needs. The group collected signatures for a petition to form the Seattle Tourism Improvement Area that will fund domestic and international tourism promotion, advertising, sales, and marketing activities (including, without limitation, the creation of a standing limited reserve solely to fund any such activities that arise unexpectedly from year to year) intended to encourage both leisure tourism and group tourism (e.g., the hosting and attending of meetings and events) in Seattle in order to increase hotel occupancies within the area. Promotion, advertising, sales, and marketing services include but are not limited to, strategic planning, market research, creative development, media placement, sales activities, hosting tourism industry events relating to promotion and marketing, and administrative and management support for such services.

City staff followed RCW 35.87A.010, and calculated the estimated special assessments that each ratepayer would pay, by signed petitions and percentage of support as assigned by the Office of Economic Development (OED) based on 2022 assessments for the entire proposed Seattle

Tourism Improvement Area, and the result was over 72 percent in approved and validated petitions, which exceeds the threshold of 60 percent stated in RCW 35.87A.010;

Assessments will commence as of January 1st, 2024, or the effective date of the ordinance, whichever is later. The Seattle Tourism 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  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?

No.

**Are there financial costs or other impacts of *not* implementing the legislation?**

If the Seattle Tourism Improvement Area (STIA) legislation is not implemented, it would potentially result in the failure of the tourism element of the Downtown Activation Plan, the success of the Seattle Convention Center and erode the revenue and tax base generated by the hotels within the STIA service area.

## 4. OTHER IMPLICATIONS

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

Treasury Services in the Office of City Finance administers the assessments for the BIAs. OED has worked in close coordination with Treasury on this legislation package. Treasury will collect the STIA assessments from its ratepayers. Treasury holds the funds solely for the purpose of reimbursing the STIA Program Manager for administering staffing, projects, and other costs associated with the STIA.

**b. Is a public hearing required for this legislation?**

Yes, this legislation package includes a companion resolution of intention that establishes the date and place of the hearing, as required by RCW 35.87A.040.

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

Yes. The companion resolution must be published to give notice of the public hearing for the proposed Council Bill.

**d. Does this legislation affect a piece of property?**

Please see Attachment A to the Resolution: Proposed STIA Boundaries.

- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
The Seattle Tourism Improvement Area is not expected to have adverse disproportionate impacts on vulnerable and historically disadvantaged communities in the district. OED will complete a RET on the outreach process on the STIA renewal.
- f. Climate Change Implications**
- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**  
No.
  - 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**  
No.
- g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)?**  
Summary Exhibit A, the STIA Business Plan, expands on the goals of the STIA.

**Summary Attachments:**

Summary Exhibit A - Proposed STIA Business Plan Summary



## **Exhibit A**

### **Seattle Tourism Improvement Area Business Plan Executive Summary**

Special assessment revenues shall be used solely and exclusively for domestic and international tourism and convention promotion, advertising, sales and marketing activities intended to encourage leisure tourism, meetings and conventions in Seattle in order to increase area hotel occupancies and for no other purpose.

Promotion, advertising, sales and marketing services include, but are not limited to, strategic planning, market research, creative development, media placement, sales activities, hosting tourism industry events relating to promotion and marketing, and administrative and management support for such services.

Market segments include (but not limited to):

- Key Leisure Markets: Washington, Oregon, California, Idaho, Texas, Arizona, Colorado
- Cruise pre/post marketing (extending arrivals & departures)
- International promotion and sales (Canada, Mexico, Japan, South Korea, Australia/New Zealand, UK, German-Speaking Europe, France, Benelux, China, India)
- LGBTQIA+
- Arts & Culture promotion
  - Seattle Museum Month
  - Refract
  - Cloudbreak
- Meeting & Event Planners
- Convention Attendees

Sales & Marketing initiatives include (but not limited to):

- Destination publicity (domestic and international)
- Advertising creation and media placement
- Hosting industry events
- Convention Sales & Services
- Trade Shows
- Sales Missions
- Familiarization Tours
- Marketing asset development
- Visitor Services
- Research
- Administration and personnel and support services
- Contingency and reserve (marketing opportunity fund)



Legislation Text

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**File #:** Res 32105, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION of intention to establish a new business improvement area to be known as the Seattle Tourism Improvement Area and fix a date and place for a hearing thereon.

WHEREAS, the Seattle Office of Economic Development determined that the owners of businesses offering

transient accommodations with 60 or more rooms located within the area who represent an estimated 72

percent of the special assessments to be assessed filed a petition with The City of Seattle (“City”)

pursuant to chapter 35.87A RCW and said petition is filed in Clerk File 322704; and

WHEREAS, the City Council has reviewed the petition and letters of support, and determined it is in the best

interests of the City to proceed, as permitted by chapter 35.87A RCW, under the resolution method of

creating a business improvement area instead of the petition method; and

WHEREAS, the City Council introduced Resolution 32014 on August 15, 2023, initiating the Seattle Tourism

Improvement Area; and

WHEREAS, the City Council wishes to declare its intent to establish a Seattle Tourism Improvement Area, and

to set a public hearing for the public and all affected persons to consider its establishment; NOW,

THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR**

**CONCURRING, THAT:**

Section 1. The City Council of The City of Seattle declares its intention to establish a new business improvement area in accordance with chapter 35.87A RCW, to be known as the Seattle Tourism Improvement Area (STIA).

Section 2. The STIA shall be within the following boundaries, as shown on the map attached to this resolution as Attachment A and described in this section. 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 Seattle Tourism Improvement Area:**

Beginning where Puget Sound meets W. Galer Street, continuing east as if Galer Street continued to 12th Avenue, south to South Royal Brougham Way, west as if South Royal Brougham Way continued to Puget Sound, continuing along the shore of Puget Sound to W. Galer Street.

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

Section 3. Programs. Special assessment revenues shall be used solely and exclusively for domestic and international tourism promotion, advertising, sales, and marketing activities (including, without limitation, the creation of a standing limited reserve solely to fund any such activities that arise unexpectedly from year to year) intended to encourage both leisure tourism and group tourism (e.g., the hosting and attending of meetings and events) in Seattle in order to increase area hotel occupancy within the area, and for no other purpose. Promotion, advertising, sales, and marketing services include, but are not limited to, strategic planning, market research, creative development, media placement, sales activities, hosting tourism industry events relating to promotion and marketing, and administrative and management support for such services. No funds raised by the special assessment authorized by this ordinance may be used to take, support, or oppose any position taken by any entity in a labor dispute.

The projected cost of STIA programs that will be paid for with the proposed STIA’s assessments in 2024 is estimated to be \$15.02 million. This will also be the approximate amount in subsequent years as adjusted by various factors including, but not limited to, inflation, hotel room occupancies, and other marketplace variables.

Section 4. Ratepayer’s Advisory Board. There shall be an advisory board (“Board”) whose membership is comprised of an odd number, between nine and 11, of owners of all hotels, inns, and other businesses providing transient accommodations with 60 rooms or more located within the boundaries of the STIA

described in Section 2 of this resolution (“Ratepayers”) that shall be representative of the varying locations, sizes, and types of lodging properties within the geographic area of the STIA. Individuals serving on the Board must possess the legal authority to represent, and act on behalf of, their respective hotel properties in all STIA board matters.

Section 5. Levy of Special Assessments. To finance the programs authorized in Section 3 of this resolution, there is proposed to be levied upon and collected from all Ratepayers a monthly special assessment of 2.3 percent of the guest room rate paid by guests for each occupied room per night (excluding taxes or legally mandated charges, but without deduction for commissions or payment card processing fees).

The special assessments shall not be imposed on rooms: (a) where the occupant has stayed 30 or more days; (b) that are provided by a Ratepayer to guests without charge for promotional purposes; (c) that are available exclusively to members or guests of members of a private member-owned club or its reciprocal clubs; or (d) that comprise facilities where accommodations are generally marketed and sold on a per-bed, shared room basis (e.g., hostels).

Section 6. Rate Changes. Changes in assessment rates shall only be authorized by ordinance consistent with RCW 35.87A.140 upon the City Council’s receipt of a written request from the Program Manager submitted with the approval of the Board and shall not occur more than one time per year.

Section 7. A hearing shall be held on this matter before the Economic Development, Technology, and City Light Committee in the City Council Chamber, City Hall, 600 Fourth Avenue, 2nd Floor, Seattle, Washington 98104 on September 13, 2023, at 9:30 a.m., or as soon thereafter as the same may be heard. The City Council will hear all protests and receive all evidence for or against the proposed action.

Section 8. The City Clerk is requested to publish this resolution of intention in a newspaper of general circulation in Seattle and mail a complete copy of this resolution to each prospective ratepayer within the proposed area at least ten days prior to the hearing. The notice shall include a statement that a copy of the

proposed ordinance, with attachments, may be examined electronically at <http://www.seattle.gov/cityclerk>, or in paper form at the Office of the City Clerk, City Hall, 600 Fourth Avenue, 3rd Floor, Seattle, Washington 98104, or will be mailed upon request.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

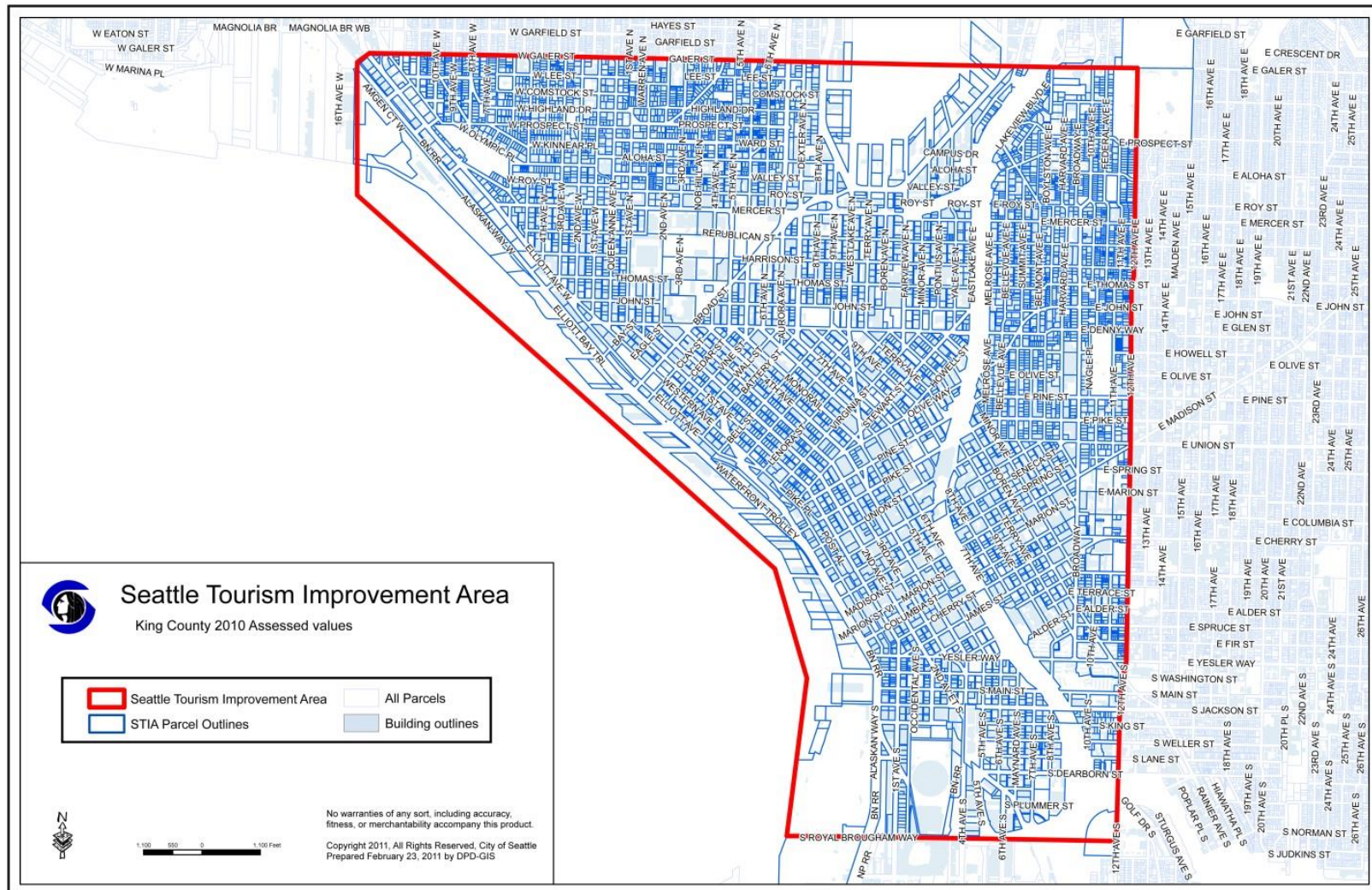
\_\_\_\_\_  
Scheereen Dedman, City Clerk

(Seal)

Attachments:  
Attachment A - STIA District Boundaries Map

### Attachment A

The District, for the purpose of the STIA, includes those areas within the following boundaries: Beginning where Puget Sound meets W. Galer Street, continuing east as if Galer Street continued to 12th Avenue, south to South Royal Brougham Way, west as if South Royal Brougham Way continued to Puget Sound, continuing along the shore of Puget Sound to W. Galer Street.



**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Office of Economic Development	Phillip Sit	Nick Tucker

*\* 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:** A RESOLUTION of intention to establish a new business improvement area to be known as the Seattle Tourism Improvement Area and fix a date and place for a hearing thereon.

**Summary and background of the Legislation:**

This resolution declares the intention to establish a new Seattle Tourism Business Improvement Area (Seattle Tourism Improvement Area) and is the second of two similar pieces of legislation that must be prepared, per RCW 35.87A. The City must pass this resolution to declare a public hearing dates and place for the initiative. After the public hearing, the council may introduce a Council Bill to create the Seattle Tourism Improvement Area with a special assessment to be levied upon the owners of all hotels, inns, and similar businesses offering transient accommodations with 60 or more rooms within the area within its boundaries.

The existing Seattle Tourism Business Improvement Area was established in 2011 by Ordinance 123714 and modified in 2022 by Ordinance 126552. While Ordinance 123714 specified that the 2011 STIA’s assessments would not expire, the Advisory Board, Ratepayers and Program Manager wish to reestablish the STIA in order to expand the permitted uses of STIA revenues to include promotion, advertising, sales and marketing activities intended to encourage leisure tourism as well as group tourism (i.e., the hosting and attending of meetings and events), and to adopt a different monthly assessment formula.

Based on its ability to provide services valued by its ratepayers, the Seattle Tourism Improvement Area Board developed a proposal recommending the creation of a new BIA that would be established for the duration of fifteen years, with the base year being 2024. The Seattle Tourism Improvement Area Advisory Board believes its proposal is efficient, accountable, and responsive to the area’s needs. The group collected signatures for a petition to form the Seattle Tourism Improvement Area that will fund domestic and international tourism promotion, advertising, sales and marketing activities (including, without limitation, the creation of a standing limited reserve solely to fund any such activities that arise unexpectedly from year to year) intended to encourage both leisure tourism and group tourism (e.g., the hosting and attending of meetings and events) in Seattle in order to increase hotel occupancies within the area. Promotion, advertising, sales and marketing services include, but are not limited to, strategic planning, market research, creative development, media placement, sales activities, hosting tourism industry events relating to promotion and marketing, and administrative and management support for such services.

City staff followed RCW 35.87A.010 and calculated the estimated special assessments that each lodging property would pay, by signed petitions and assigned percentage of support by the Office of Economic Development (OED) for the entire proposed Seattle Tourism Improvement Area, and the result was over 72 percent in approved and validated petition, which exceeds the threshold of 60 percent stated in RCW 35.87A.010.

Assessments will commence as of January 1st, 2024, or the effective date of the ordinance, whichever is later. The Seattle Tourism 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

Does this legislation amend the Adopted Budget?       Yes  No

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?  
No.

**Are there financial costs or other impacts of *not* implementing the legislation?**

If the Seattle Tourism Improvement Area (STIA) legislation is not implemented, it would potentially result in the failure of the tourism element of the Downtown Activation Plan, the success of the Seattle Convention Center and erode the revenue and tax base generated by the hotels within the STIA service area.

## 4. OTHER IMPLICATIONS

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

Treasury Services in the Office of City Finance administers the assessments for the BIAs. OED has worked in close coordination with Treasury on this legislation package. Treasury will collect the BIA assessments from its ratepayers. Treasury holds the funds solely for the purpose of reimbursing the Program Manager for administering staffing, projects, and other costs associated with the BIA.

**b. Is a public hearing required for this legislation?**

A public hearing is required for the BIA renewal and will be held on                      as required by RCW 35.87A.040.

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

Yes. This resolution was published to give notice of the public hearing for the proposed Council Bill.



**d. Does this legislation affect a piece of property?**

Please see Attachment A to the Resolution: Proposed STIA Boundaries

**e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**

The Seattle Tourism Improvement Area is not expected to have adverse disproportionate impacts on vulnerable and historically disadvantaged communities in the district. OED will complete a RET on the outreach process on the BIA renewal.

**f. Climate Change Implications**

**1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**

No.

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

No.

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

Summary Exhibit A, the Seattle Tourism Improvement Area Business Plan Summary, expands on the goals of the BIA.

**Summary Attachments:**

Summary Exhibit A - Proposed STIA Business Plan Summary

## **Exhibit A**

### **Seattle Tourism Improvement Area Business Plan Executive Summary**

Special assessment revenues shall be used solely and exclusively for domestic and international tourism and convention promotion, advertising, sales and marketing activities intended to encourage leisure tourism, meetings and conventions in Seattle in order to increase area hotel occupancies and for no other purpose.

Promotion, advertising, sales and marketing services include, but are not limited to, strategic planning, market research, creative development, media placement, sales activities, hosting tourism industry events relating to promotion and marketing, and administrative and management support for such services.

Market segments include (but not limited to):

- Key Leisure Markets: Washington, Oregon, California, Idaho, Texas, Arizona, Colorado
- Cruise pre/post marketing (extending arrivals & departures)
- International promotion and sales (Canada, Mexico, Japan, South Korea, Australia/New Zealand, UK, German-Speaking Europe, France, Benelux, China, India)
- LGBTQIA+
- Arts & Culture promotion
  - Seattle Museum Month
  - Refract
  - Cloudbreak
- Meeting & Event Planners
- Convention Attendees

Sales & Marketing initiatives include (but not limited to):

- Destination publicity (domestic and international)
- Advertising creation and media placement
- Hosting industry events
- Convention Sales & Services
- Trade Shows
- Sales Missions
- Familiarization Tours
- Marketing asset development
- Visitor Services
- Research
- Administration and personnel and support services
- Contingency and reserve (marketing opportunity fund)



Legislation Text

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**File #:** Res 32106, **Version:** 1

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**CITY OF SEATTLE**

**RESOLUTION \_\_\_\_\_**

A RESOLUTION of intention to disestablish the existing Seattle Tourism Improvement Area and fixing a date and place for a hearing thereon.

WHEREAS, the City Council introduced Resolution 32104 on August 15, 2023, initiating a new business improvement area to be known as the Seattle Tourism Improvement Area; and

WHEREAS, the City Council wishes to declare its intent to disestablish the existing business improvement area known as the Seattle Tourism Improvement Area, which was established in 2011 by Ordinance 123714, as amended in 2022 by Ordinance 126552, and to set a public hearing for the public and affected persons to consider its disestablishment; NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR**

**CONCURRING, THAT:**

Section 1. The City Council of The City of Seattle declares its intention to disestablish the current Seattle Tourism Improvement Area, established by Ordinance 123714, and amended by Ordinance 126552, in accordance with Chapter 35.87A RCW.

Section 2. A hearing shall be heard on this matter before the Economic Development, Technology, and City Light Committee in the City Council Chambers, City Hall, 600 Fourth Avenue, 2nd Floor, Seattle, Washington 98104 on September 13, 2023, at 9:30 a.m., or as soon thereafter as the same may be heard. The City Council will hear all protests and receive all evidence for or against the proposed action.

Section 3. The City Clerk is requested to publish this resolution in a newspaper of general circulation in Seattle and mail a complete copy of this resolution to each ratepayer within the area, at least 15 days prior to

the hearing.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2023, and signed by  
me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

The Mayor concurred the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scheereen Dedman, City Clerk

(Seal)

**SUMMARY and FISCAL NOTE\***

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
Office of Economic Development	Phillip Sit	Nick Tucker

*\* 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:** A RESOLUTION of intention to disestablish the existing Seattle Tourism Improvement Area and fixing a date and place for a hearing thereon.

**Summary and Background:** This Resolution initiates the process to disestablish the business improvement area known as the 2011 Seattle Tourism Improvement Area (STIA) under RCW 35.87A. The 2011 STIA was established by Ordinance 123714 and modified in 2022 by Ordinance 126552.

The existing Seattle Tourism Improvement Area was established in 2011 as a Business Improvement Area authorized to collect assessments by Ordinance 123714. Ordinance 123714 states that the current Seattle Tourism Improvement Area special assessment revenues “shall be used solely and exclusively for domestic and international tourism promotion, advertising, sales and marketing activities intended to encourage leisure tourism in Seattle in order to increase area hotel occupancies and for no other purpose.”

While Ordinance 123714 specified that the 2011 STIA’s assessments would not expire, the Advisory Board, Ratepayers and Program Manager wish to reestablish the STIA in order to expand the permitted uses of STIA revenues to include promotion, advertising, sales and marketing activities intended to encourage leisure tourism as well as group tourism (i.e., the hosting and attending of meetings and events), and to adopt a different monthly assessment formula. RCW 35.87A.180 provides that the City may disestablish a business improvement area by ordinance after holding a hearing on the matter and that the City shall adopt a resolution of intention to disestablish the area at least fifteen days prior to said hearing. The 2011 BIA currently generates \$12 million annually and the proposed new BIA will generate an estimated \$15 million in its first year.

**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?**

No.

**Are there financial costs or other impacts of *not* implementing the legislation?**

No.

#### **4. OTHER IMPLICATIONS**

- a. Does this legislation affect any departments besides the originating department?**  
Treasury Services in the Office of City Finance administers the assessments for the BIAs. Any remaining funds from the current BIA will be transferred to the new BIA upon its establishment.
- b. Is a public hearing required for this legislation?**  
Yes, this resolution of intention provides the date and place of the hearing, as required by RCW 35.87A.180
- c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?**  
Yes. This resolution must be published to give notice of the public hearing.
- d. Does this legislation affect a piece of property?**  
Please see Summary Exhibit A, 2011 Seattle Tourism Improvement Area Service Area.
- e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?**  
Disestablishing the Seattle Tourism Improvement Area is not expected to have adverse disproportionate impacts on vulnerable and historically disadvantaged communities in the district. OED will complete a RET on the outreach process on the STIA renewal.
- f. Climate Change Implications**
- 1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?**  
No.
  - 2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**  
No.

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

N/A

**Summary Attachments:**

Summary Exhibit A - 2011 Seattle Tourism Improvement Area Ordinance and Map



Ordinance No. 123714

Council Bill No. 117258

AN ORDINANCE establishing a Seattle Tourism Business Improvement Area; levying special assessments upon hotel businesses within the area; 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.

Related Legislation File:

Date Introduced and Referred: <u>Aug. 15, 2011</u>	To: (committee): <u>Regional Development and Sustainability</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>9.26.11</u>	Date Presented to Mayor: <u>9.27.11</u>
Date Signed by Mayor: <u>Sept. 30, 2011</u>	Date Returned to City Clerk: <u>Sept. 30, 2011</u>
Published by Title Only <input checked="" type="checkbox"/>	Date Vetoed by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: [Signature]

Committee Action:

Date	Recommendation	Vote
<u>9/20/11</u>	<u>Approve</u>	<u>4-0</u>
		<u>RC, TR, SG, MD</u>

This file is complete and ready for presentation to Full Council. [Signature]

Full Council Action:

Date	Decision	Vote
<u>9.26.11</u>	<u>Passed</u>	<u>9-0</u>

*Law Department*



ORDINANCE 123714

1  
2  
3 AN ORDINANCE establishing a Seattle Tourism Business Improvement Area; levying special  
4 assessments upon hotel businesses within the area; providing for the deposit of revenues  
5 in a special account and expenditures therefrom; providing for collection of and penalties  
6 for delinquencies; providing for the establishment of a Ratepayers Advisory Board, and  
7 providing for an implementation agreement with a Program Manager.

8  
9 WHEREAS, RCW 35.87A authorizes the City to establish business improvement areas to  
10 provide special benefits to business and property owners within a defined geographic area  
11 through the imposition of special assessments; and

12  
13 WHEREAS, RCW 35.87A.010 provides that such special assessments may be used, among other  
14 things, to provide, "the promotion of retail trade" within the defined area; and

15  
16 WHEREAS, leisure tourism includes both individuals and groups traveling for pleasure, cultural  
17 enrichment, exploration and adventure; and

18  
19 WHEREAS, other West Coast cities such as San Francisco, San Diego, Anaheim and Los  
20 Angeles have established dedicated funds for tourism promotion; and

21  
22 WHEREAS, the State of Washington discontinued all funding for tourism promotion in its 2011-  
23 2013 Biennial Operating Budget, making Washington the only state not to appropriate  
24 any funds for such a purpose; and

25  
26 WHEREAS, facing acute budgetary pressure, the City of Seattle reduced general fund support  
27 for tourism promotion in the 2011 adopted City budget; and

28  
29 WHEREAS, the tourism industry is a vital and substantial component of the City's economy and  
30 tourism promotion will increase visitors to Seattle and grow the local economy; and

31  
32 WHEREAS, the hotel businesses located within the area and subject to sixty percent or more of  
33 the special assessments levied by this ordinance filed a petition with the City of Seattle to  
34 establish a Business Improvement Area (BIA) pursuant to RCW 35.87A, which is filed in  
35 C.F. 311423; and

36  
37 WHEREAS, pursuant to RCW 35.87A.040, the City on July 25, 2011 adopted Resolution 31309  
38 entitled "A RESOLUTION of intention to establish a Seattle Tourism Business  
39 Improvement Area and fix a date and place for a hearing thereon," and declaring its intent  
40 to establish the same; and



1 WHEREAS, the BIA established herein is for the purpose of providing needed resources to  
2 increase leisure tourism, which will increase hotel occupancy rates among participating  
hotels within the defined area and provide family-wage jobs in the hotel industry; and

3 WHEREAS, the promotion of Seattle to increase leisure tourism will also provide economic  
4 benefit to the retail, restaurant, entertainment and cultural industries that are closely  
5 connected to the hotel industry and critical to the health of Seattle's downtown economy;  
and

6 WHEREAS, as provided by Resolution 31309, the City Council, through its Regional  
7 Development and Sustainability Committee, held a public hearing thereon on August 8,  
8 2011 at 5:30 p.m. in the City Council Chambers, City Hall, 600 Fourth Avenue, 2nd  
Floor, Seattle, Washington; and

9 WHEREAS, the testimony received at that hearing resulted in the Council determining that  
10 establishing a new BIA is in the best interest of the hotel businesses and hotel employees  
within the BIA's boundaries;

11 NOW, THEREFORE,

12  
13 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

14 **Section 1.** Area Established. As authorized by Chapter 35.87A RCW, there is hereby  
15 established a Business Improvement Area ("BIA"), to be known as the "Seattle Tourism  
16 Improvement Area" or "STIA," within the following boundaries as shown on the map attached as  
17 Exhibit "A" (when a street or alley is named, the area boundary is the centerline of the right-of-  
18 way including vacated portions unless otherwise specified in the description):

19 Beginning where Puget Sound meets W. Galer Street, continuing  
20 east as if Galer Street continued to 12th Avenue, south to South  
21 Royal Brougham Way, west as if South Royal Brougham Way  
continued to Puget Sound, continuing along the shore of Puget  
22 Sound to W. Galer Street.

23 In case of a conflict between the description of the area and the map, the map shall  
control.

24 **Section 2.** Programs. Special Assessment revenues shall be used solely and exclusively  
25 for domestic and international tourism promotion, advertising, sales and marketing activities  
26  
27

1 (including, without limitation, the creation of a standing limited reserve solely to fund any such  
2 activities that arise unexpectedly from year to year) intended to encourage leisure tourism in  
3 Seattle in order to increase area hotel occupancies and for no other purpose. Promotion,  
4 advertising, sales and marketing services include, but are not limited to, strategic planning,  
5 market research, creative development, media placement, sales activities, hosting tourism  
6 industry events relating to promotion and marketing, and administrative and management  
7 support for such services. No funds raised by the special assessment authorized by this ordinance  
8 may be used to take, support or oppose any position taken by any entity in a labor dispute.

9 **Section 3.** Levy of Special Assessments. To finance the programs authorized in Section  
10 2, there is levied upon and shall be collected from the owners of all transient accommodations  
11 (“Ratepayers”) with more than 60 rooms located within the boundaries of the Business  
12 Improvement Area described in Section 1, monthly special assessments in an amount equal to \$2  
13 per night per occupied hotel room for each such Ratepayer.

14 The special assessments shall not be imposed on rooms (a) where the occupant has stayed  
15 30 or more days, (b) that are provided by a Ratepayer to guests without charge for promotional  
16 purposes, (c) that are available exclusively to members or guests of members of a private  
17 member-owned club or its reciprocal clubs or (d) that comprise facilities where accommodations  
18 are generally marketed and sold on a per bed, shared room basis (e.g. hostels).

19 **Section 4.** Rate Changes. Changes in the assessment rate shall only be made by  
20 ordinance and as authorized in RCW 35.87A.140 upon the City Council’s receipt of a written  
21 request from the Program Manager submitted with the approval of the Ratepayers Advisory  
22 Board and shall not occur more than one time per year.

23 **Section 5.** Collection Schedule. Special assessments for the preceding month shall be  
24 collected on a monthly basis and shall be due on the 10<sup>th</sup> of each month. The Director of Finance  
25 and Administrative Services, or the Director's designee ("Director") may change the billing  
26 frequency by directive to an interval no less frequent than quarterly. A copy of a directive issued  
27



1 under this Section shall be mailed to all Ratepayers not less than 90 days before the new billing  
2 cycle is to take effect.

3 **Section 6. Deposit of Revenues.** There is in the City Treasury's Business Improvement  
4 Area Fund, a separate subaccount designated the Seattle Tourism Improvement Area Account  
5 (called "the Account"). The following monies shall be deposited in the Account:

- 6 (a) All revenues from special assessments levied under this ordinance;  
7 (b) All income to the City from public events financed with special assessments;  
8 (c) Gifts and donations;  
9 (d) Interest and all other income from the investment of Account deposits;  
10 (e) Restitution moneys for expenditures made from the Account; and  
11 (f) Reimbursements due to the Account.

12 **Section 7. Delinquent Payments.** If an assessment has not been paid within thirty (30)  
13 days after its due date, the Director shall send a reminder notice and add a Five Dollar (\$5.00)  
14 processing fee. If the assessment is not paid within sixty (60) days after its due date, a  
15 delinquency charge shall be added in the amount of ten percent (10%) of the assessment. All  
16 assessments that are not paid within sixty (60) days of the due date shall also bear interest from  
17 the due date at twelve percent (12%) per annum. The Director is authorized to refer any unpaid  
18 assessments to a collection agency or to bring an action to collect any unpaid assessments in any  
19 court of competent jurisdiction in King County.

20 **Section 8. Notices.** Notices of assessment, installment payments, or delinquency, and all  
21 other notices contemplated by this ordinance may be sent by ordinary mail or delivered by the  
22 City to the address shown on the records of the Director, and, if no address is shown there, to the  
23 address shown on the records of the County Assessor. Failure of the Ratepayer to receive any  
24 mailed notice shall not release the Ratepayer from the duty to pay the assessment and any  
25 interest and delinquency charges on the due date.

1           **Section 9.** Disputes. Any Ratepayer aggrieved by the amount of an assessment or  
2 delinquency charge may on request obtain a meeting with the Director or the Director's designee.  
3 If not satisfied, the Ratepayer may appeal the matter to the City's Hearing Examiner in the  
4 manner provided for a contested case under Chapter 3.02 of the Seattle Municipal Code. The  
5 Ratepayer has the burden of proof to show that the assessment or delinquency fee is incorrect.

6           **Section 10.** Audit. The City may conduct random audits of Ratepayers to ensure that  
7 assessments are being properly calculated and reported.

8           **Section 11.** Expenditures. Expenditures from the Account shall be made upon demand  
9 and presentation of documentation of allowable expenses to the Director by the Program  
10 Manager and shall be used exclusively for the statutory purposes as defined in Section 2,  
11 including the reimbursement of costs reasonably incurred for the benefit of the STIA by the  
12 Ratepayers or the Program Manager in the formation and creation of the STIA and its initial  
13 work program, respectively. Demand for payment and presentation of documentation of  
14 allowable expenses may also be submitted by the Program Manager to the Director on a monthly  
15 basis based on pro rata allocation (1/12) of the annual work plan and budget approved by the  
16 Ratepayers Advisory Board.

17           **Section 12.** Ratepayers Advisory Board. The Director shall appoint an interim  
18 Ratepayers Advisory Board comprised solely of Ratepayers from the Area within thirty days of  
19 the effective date of this ordinance. The Director shall solicit recommendations from the  
20 Ratepayers with the assistance of the then current presidents of the Seattle-King County  
21 Convention and Visitors Bureau and the Seattle Hotel Association, and shall appoint the interim  
22 board solely from that list. Within ninety days of the effective date of this ordinance, the interim  
23 Ratepayers Advisory Board will recommend to the Director a permanent Ratepayers Advisory  
24 Board ("Board") comprised solely of Ratepayers. The Board shall consist of an odd number of  
25 Ratepayers (no less than nine and no more than eleven members) reflecting the diversity of  
26 location, size and type of Ratepayers, whose initial terms shall be for one, two, or three years in  
27



1 accordance with bylaws which shall be adopted by the interim Ratepayers Advisory Board.  
2 Individuals serving on the Board must possess the legal authority to represent, and act on behalf  
3 of, their respective hotel properties in all STIA board matters. Subsequent appointments to the  
4 Board shall be made in accordance with bylaws adopted by the Board, subject to review and  
5 approval by the Director to ensure adequate representation of Ratepayers reflecting the diversity  
6 of location, size and type of Ratepayers.

7 The Ratepayers Advisory Board shall be responsible for adopting policy guidelines,  
8 providing advice and consultation to the Department of Finance and Administrative Services  
9 initially, and to the Program Manager, on all matters related to the operation of the program.

10 The Board shall meet at least once quarterly; approve an annual work program and  
11 budget; address and discuss Ratepayer concerns and questions regarding the STIA district and  
12 program; review all reports submitted to the Department by the Program Manager; and sponsor  
13 an annual Ratepayers' meeting.

14 At the annual Ratepayers' meeting, the Board shall submit for approval its proposed work  
15 plan and budget for the next year, and its recommendation regarding whether to continue with  
16 the current Program Manager if the Program Manager's contract is scheduled to expire at the end  
17 of the current year. The work plan, budget, and a decision on the Program Manager contract  
18 must be approved by a vote of the Ratepayers attending the meeting.

19 **Section 13.** Administration. The Director shall administer the program for the City with  
20 authority to:

21 (a) Collect the special assessments; refund special assessments when overpaid or  
22 otherwise improperly collected; extend the deadline for payment and waive delinquency charges  
23 and interest whenever the delinquency results from extenuating circumstances beyond the  
24 Ratepayer's control, such as a casualty loss causing premature closure of the business or  
25 bankruptcy or the total payment due to the City (exclusive of penalty and interest) is Ten Dollars  
26 (\$10.00) or less.



1 (b) Calculate and collect the interest for late payments;

2 (c) After receiving the recommendation of the interim Ratepayers Advisory Board,  
3 execute a program management contract with a Program Manager for a term no less than seven  
4 years;

5 (d) Accept and deposit advance payment of assessments by ratepayers; accept donations  
6 from governmental agencies, the public, and owners and operators of businesses on land that is  
7 developed or redeveloped during the existence of the STIA for STIA programs.

8 **Section 14.** Contract for Program Management. The Director is authorized to contract  
9 with any local non-profit entity experienced in tourism marketing to act as the Program Manager  
10 whose duty shall be to manage the day-to-day operations of the STIA and, after receiving the  
11 approval of the Ratepayers at each annual meeting, to administer the projects and activities. The  
12 entity acting as Program Manager shall have on its governing Board of Directors an advisory  
13 member representing the interests of organized labor within the STIA. It is the intent of the City  
14 Council that the Director contract with the Seattle-King County Convention and Visitors Bureau  
15 as the initial Program Manager. The selection of a Program Manager upon the recommendation  
16 of the Ratepayers Advisory Board acting on behalf of the Ratepayers shall obviate compliance  
17 with the consultant selection procedures of Seattle Municipal Code Chapter 20.50 and Section  
18 20.42.050.

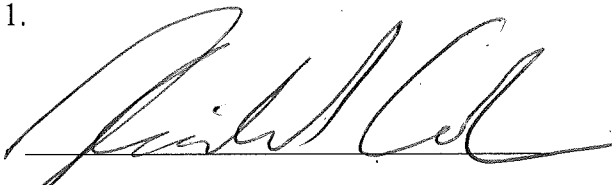
19 **Section 15.** Commencement of Assessments. Assessments shall commence as of  
20 November 1, 2011.

21 **Section 16.** Request to Disestablish. Upon a petition signed by Ratepayers that would  
22 pay sixty percent of the proposed special assessments, the Ratepayers Advisory Board shall  
23 request the City Council to disestablish the STIA in accordance with Chapter 35.87A RCW.

24 **Section 17.** Ratification and Confirmation. The making of contracts and expenditures  
25 and the sending of assessment notices pursuant to the authority and prior to the effective date of  
26 this ordinance are hereby ratified and confirmed.

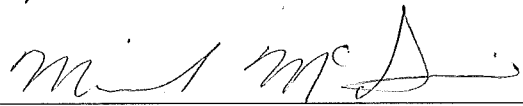
1 **Section 18.** This ordinance shall take effect and be in force 30 days from and after its  
2 approval by the Mayor, but if not approved and returned by the Mayor within ten days after  
3 presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 26<sup>th</sup> day of September, 2011, and  
5 signed by me in open session in authentication of its passage this  
6 26<sup>th</sup> day of September, 2011.



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

7  
8  
9  
10 Approved by me this 30<sup>th</sup> day of September, 2011.



11  
12 Michael McGinn, Mayor

13  
14  
15 Filed by me this 30<sup>th</sup> day of September, 2011.



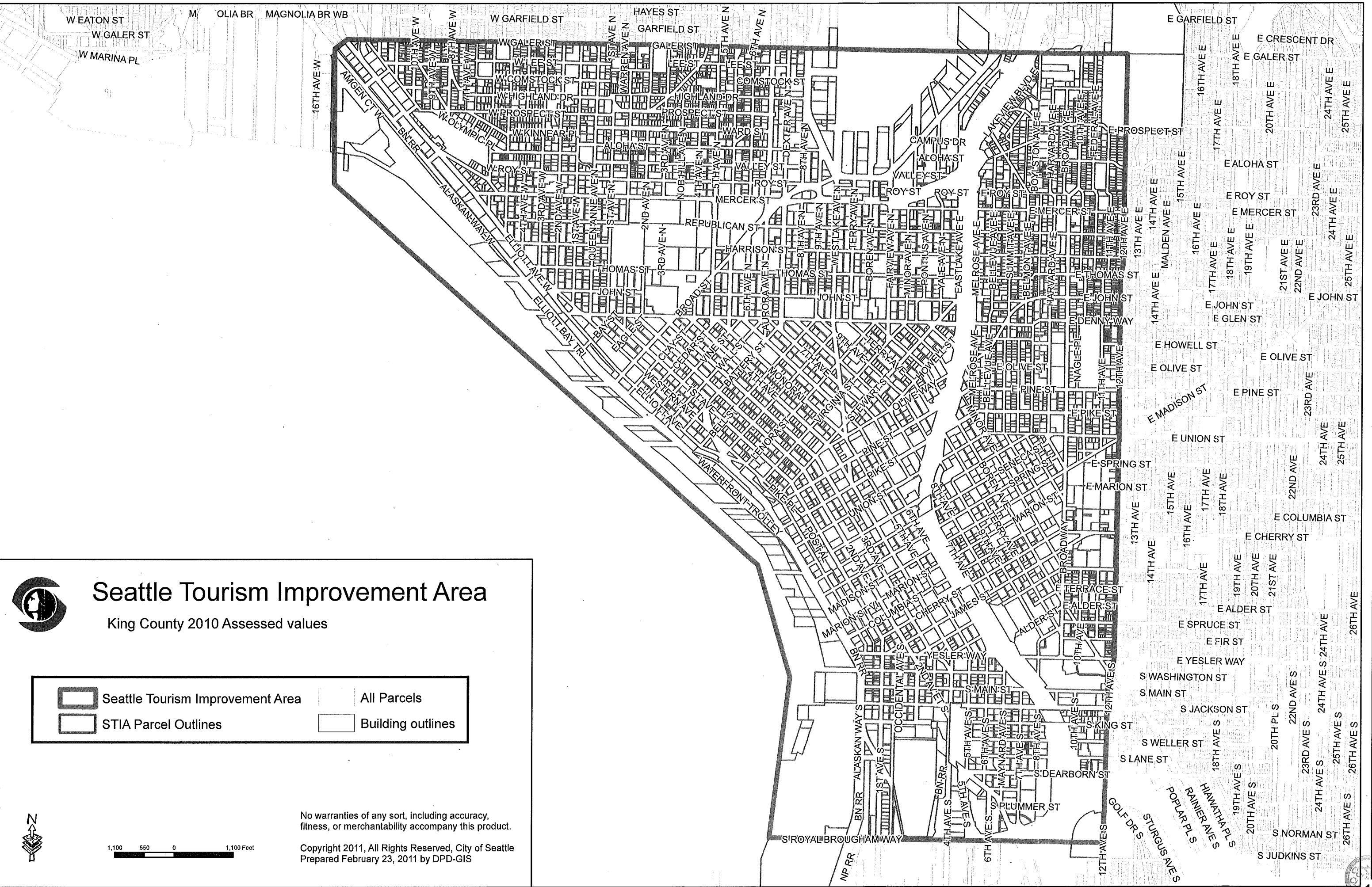
16  
17 City Clerk

18  
19  
20 (Seal)

21  
22 Exhibit A: Seattle Tourism Improvement Area Map











# Seattle Tourism Improvement Area

King County 2010 Assessed values

	Seattle Tourism Improvement Area		All Parcels
	STIA Parcel Outlines		Building outlines



No warranties of any sort, including accuracy, fitness, or merchantability accompany this product.

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Prepared February 23, 2011 by DPD-GIS

**FISCAL NOTE FOR NON-CAPITAL PROJECTS**

<b>Department:</b>	<b>Contact Person/Phone:</b>	<b>DOF Analyst/Phone:</b>
Legislative	Nate Van Duzer/206-233-7801	N/A

**Legislation Title:**

AN ORDINANCE establishing a Seattle Tourism Business Improvement Area; levying special assessments upon hotel businesses within the area; 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.

• **Summary of the Legislation:**

This ordinance creates a Tourism Business Improvement Area as allowed under RCW 35.87A to be known as the Seattle Tourism Improvement Area (STIA). Hotels over 60 rooms in size within the geographic boundaries shown in Exhibit A will include a \$2 per occupied room per night surcharge to guests. The purpose of the funds collected will be to pay for promotion and marketing activities intended to increase hotel occupancy within the boundaries of the STIA. The City would contract with a Program Manager to administer these activities. The STIA's Program Manager will be overseen by a Ratepayer Advisory Board, which would be broadly representative of the ratepayers in the area covered by the improvement district.

• **Background:**

This ordinance is the final piece of legislation that must be prepared, per RCW 35.87A, to establish a Tourism Business Improvement Area to be known as the Seattle Tourism Improvement Area (STIA). The City has passed a resolution to initiate the formation of the STIA along with the passage of a resolution of intent that included the time, date and location of a public hearing. After the public hearing, the Council agreed to go forward with this ordinance that will impose a special assessment on hotel properties within the STIA boundaries as shown in Exhibit A.

A proposal was put together by Seattle's Convention and Visitors Bureau, with the support of the Seattle Hotel Association, to create the Seattle Tourism Improvement Area (STIA). These organizations worked to collect signatures for a petition to form a business improvement area that will allow for the promotion and marketing of leisure tourism in Seattle, with the goal of increasing hotel occupancy. The petitioning effort resulted in a 77% show of support by 41 of the 53 affected hotel property owners. This exceeds the required demonstration of 60% financial support from the responsible ratepayers.

- *Please check one of the following:*

**This legislation does not have any financial implications.** (Stop here and delete the remainder of this document prior to saving and printing.)

  X   **This legislation has financial implications.** (Please complete all relevant sections that follow.)

**Anticipated Revenue/Reimbursement: Resulting From This Legislation:** This table should reflect revenues/reimbursements that are a direct result of this legislation. In the event that the issues/projects associated with this ordinance/resolution have revenues or reimbursements that were, or will be, received because of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Fund Name and Number	Department	Revenue Source	2011 Revenue	2012 Revenue
198XX Seattle Tourism Improvement Area	Finance and Administrative Services	Ratepayer Assessments	\$1,000,000.00	\$6,000,000.00
<b>TOTAL</b>			<b>\$1,000,000.00</b>	<b>\$6,000,000.00</b>

**Notes:** In the first year, the special assessment will provide approximately \$1,000,000.00 in revenue for leisure tourism promotion and marketing costs of the STIA. Finance and Administrative Services (FAS) would collect the assessments from the ratepayers, but the funds would then be kept by FAS only for reimbursement to the Seattle Tourism Improvement Area.

**Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE**

**Impact:** This table should only reflect the actual number of positions created by this legislation in the event that positions have been, or will be, created as a result of previous or future legislation or budget actions, please provide details in the Notes section below the table.

Position Title and Department*	Fund Name	Fund Number	Part-Time/Full Time	2011 Positions	2011 FTE	2012 Positions**	2012 FTE**
<b>TOTAL</b>				<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\* List each position separately

\*\* 2011 positions and FTE are total 2012 position changes resulting from this legislation, not incremental changes. Therefore, under 2012, please be sure to include any continuing positions from 2011

**Notes:** Discussions with FAS indicate that existing staff resources can handle any administrative functions related to the STIA necessary for the City to perform.

- **Do positions sunset in the future?** (If yes, identify sunset date):

Not applicable.

**Spending/Cash Flow:** *This table should be completed only in those cases where part or all of the funds authorized by this legislation will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects). Details surrounding spending that will occur in future years should be provided in the Notes section below the table.*

Fund Name and Number	Department	Budget Control Level*	2011 Expenditures	2012 Anticipated Expenditures
198XX Seattle Tourism Improvement Area	Finance and Administrative Services	Not applicable.	\$1,000,000.00	\$6,000,000.00
<b>TOTAL</b>			<b>\$1,000,000.00</b>	<b>\$6,000,000.00</b>

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

**Notes:** Again, FAS would collect the assessments from the ratepayers, but the funds would then be kept by FAS only for reimbursement to the Seattle Tourism Improvement Area, which would actually administer the staffing, projects and other costs associated with the STIA.

- **What is the financial cost of not implementing the legislation?** *(Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other costs if the legislation is not implemented.)*

**None.** The STIA is established as a revenue-neutral program.

**What are the possible alternatives to the legislation that could achieve the same or similar objectives?** *(Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)*

**None.** Improvement area services are in addition to, and not a replacement of, basic City services, and are funded by assessments on the properties that benefit from the services. If the legislation is not passed, the services under the improvement area will not be provided.

- **Is the legislation subject to public hearing requirements:** *(If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s).)*  
**No**

- **Other Issues** *(including long-term implications of the legislation):* **None.**

**Please list attachments to the fiscal note below:**

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STATE OF WASHINGTON – KING COUNTY

--SS.

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277354  
CITY OF SEATTLE, CLERKS OFFICE

No.

**Affidavit of Publication**

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12<sup>th</sup> day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:123714-123721 TITLE

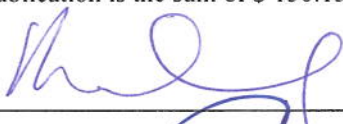

was published on

10/17/11

The amount of the fee charged for the foregoing publication is the sum of \$ 150.15, which amount has been paid in full.



Affidavit of Publication

  
\_\_\_\_\_  
Subscribed and sworn to before me on  
10/17/11   
\_\_\_\_\_  
Notary public for the State of Washington,  
residing in Seattle



# State of Washington, King County

## City of Seattle

The full text of the following legislation, passed by the City Council on September 26, 2011, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>. Contact: Office of the City Clerk at (206) 684-8344.

### ORDINANCE NO. 123714

AN ORDINANCE establishing a Seattle Tourism Business Improvement Area; levying special assessments upon hotel businesses within the area; 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.

### ORDINANCE NO. 123715

AN ORDINANCE relating to Seattle Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to enter into an easement agreement granting and conveying a permanent subsurface tunnel easement under portions of the Cheasty Greenspace to the Central Puget Sound Regional Transit Authority and to accept payment therefor; finding that the grant of a permanent subsurface tunnel easement meets the requirements of Ordinance 118477, adopting Initiative 42, to the extent applicable; ratifying and confirming the grant of temporary surface rights on portions of the Cheasty Greenspace to the Central Puget Sound Regional Transit Authority for temporary construction purposes and authorizing acceptance of payment therefor; and exempting the grant of temporary surface rights from the requirements of Ordinance 118477, to the extent applicable.

### ORDINANCE NO. 123716

AN ORDINANCE relating to State of Washington restrictions on the use of certain property under the jurisdiction of the Department of Parks and Recreation; authorizing the Superintendent of Parks and Recreation to grant to the State of Washington a Deed of Right limiting the use of certain property in the Duwamish Head Greenspace to conservation purposes and to accept the release of a Deed of Right limiting the use of certain property in the Cheasty Greenspace to public recreation purposes.

### ORDINANCE NO. 123717

AN ORDINANCE relating to the business license tax; amending the Seattle Municipal Code to provide that all return or tax information is confidential, privileged, and subject to disclosure in the manner provided by RCW 82.32.330; and amending Section 5.55.200 of the Seattle Municipal Code in connection therewith.

### ORDINANCE NO. 123718

AN ORDINANCE relating to the Seattle Center Department; authorizing the Seattle Center Director to execute a ten year lease agreement, with additional options to extend, with Friends of KEXP; under which agreement KEXP will renovate and lease space in the Northwest Rooms and a portion of the adjacent courtyard at Seattle Center for use as KEXP's radio broadcast studios and offices, performance spaces, a cafe, a shared use outdoor stage, and other uses supporting KEXP's operations.

### ORDINANCE NO. 123719

AN ORDINANCE relating to economic development; authorizing the Council President to sign a letter of understanding with Wyndham Publications, Inc. to sponsor the creation of an economic development and tourism publication consisting potentially of a three-book series about the City with the working title, Seattle: The Emerald City; and ratifying and confirming prior acts.

### ORDINANCE NO. 123720

AN ORDINANCE relating to the Department of Parks and Recreation,

authorizing the Superintendent of Parks and Recreation to enter into an egress easement agreement with Seattle School District No. 1 over portions of vacated N. 42nd Street between Woodlawn Avenue N. and Densmore Avenue N., and to execute a covenant restricting the use of property at Wallingford Playfield to satisfy permit requirements related to the construction of a new gymnasium on the Hamilton International Middle School property; authorizing acceptance of reimbursed City- incurred costs related to the egress easement agreement and covenant; superseding the requirements of Ordinance 118477, which adopted Initiative 42, for the purposes of this ordinance; and ratifying and confirming certain prior acts.

### ORDINANCE NO. 123721

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Publication ordered by the City Clerk  
Date of publication in the Seattle Daily  
Journal of Commerce, October 17, 2011.

10/17(277354)