



**Legislative Department
Seattle City Council
Memorandum**

Date: September 14, 2015
To: CHAHSER Committee
From: Patricia Lee, Council Central Staff

Subject: Special Events Ordinance: CB 118463

Background.

The City's Special Events Permit fee process is codified in section 15.52 of the Seattle Municipal Code (SMC). CB 118463, submitted by the Executive, amends and modifies that process. This legislation was discussed at the June 4, August 6 and August 20 CHAHSER committee meetings.

Committee Action.

- Discussion and vote on substitute version 2 of CB118463.
- Discussion and vote on a potential amendment to substitute version 2 of CB 118463.

It would be clearest if Council considers and votes on substitute version 2 of CB118463 and then considers the potential amendment.

Substitute Ordinance and Potential Amendment

This memo summarizes the language changes in Substitute Ordinance Version 2 of CB 118463. These changes reflect Council's discussions at the previous CHAHSER committee meetings. Substitute Version 2 of CB 118463, with the language changes shown in track changes, is attached to this memo as Attachment 1.

The second part of this memo provides the language changes that could be added if Council wanted to add a specific provision on events organized, managed and benefitting only the sponsoring non-profit entity.

I. Summary of Changes in the Substitute Ordinance, version 2 of CB118463.

The new language is shown in the box.

A. Definitions.

1. The "My Macy's Holiday Parade" is added to the definition of "citywide event," and a "free speech event" or "mixed free speech event" is explicitly excluded. Section 15.52.05; page 7, lines 8, 9 and page 8, line 4.

2. "Citywide event" means:

- a. The following events: Fremont Solstice Parade; My Macy's Holiday Parade; Seafair Hydroplane Races and Blue Angel Weekend; Seafair Summer Fourth on Lake Union; and

Seafair Torchlight Parade; and

- b. An event that has one or more of the following characteristics:
- i. The event can be viewed by the public outside of the immediate event footprint or boundaries;
 - ii. The event is expected to draw a significant citywide and/or regional crowd;
 - iii. The estimated amount of total police officer hours to be assigned to the event is anticipated to exceed 300 hours;
 - iv. The event is a recurring event held in Seattle for at least 15 of the last 20 years;
 - v. The event is a celebration of a local, regional, or Federal holiday;
 - vi. The event is a celebratory parade or event for a local team winning a major national competition; or
 - vii. The event would not typically be defined as an athletic event, commercial event, free speech event, or mixed free speech event.

B. Powers of the Special Events Committee, adds a requirement that the committee meet with stakeholders to review impacts. Section 15.52.030, page 14, lines 16 – 21.

L. To convene meetings in March 2017 and March 2020 with a diverse group of event organizers and stakeholders to review the impacts to special events from this Chapter 15.52 and process improvements. The committee will invite all event organizers who held an event in Seattle in the previous year. Participants must include at least one organizer representing each special event type as defined in Section 15.02.005, and other related neighborhood and business organizations, government agencies and stakeholders; and

C. Fees

1. Alcohol area fee reduced for additional areas. Section 15.52.070.B (4) page 25, lines 12, 14, 15.

4. Alcohol Area Fee. For events that will include alcohol sales to the general public or event attendees as permitted by the Washington Liquor and Cannabis Board, a \$200 fee per alcohol service area applies to those alcohol areas in a park, other City-owned property, excluding the Seattle Center area, or public place. The fee is \$200 for the first alcohol area and \$100 for each additional alcohol area.

2. Police Department fee, Section 15. 52.070 (C) pages 26 lines 10 – 13. Removes phase in language which is addressed later in Section 15.52.070 (J).

C. Police Department Fee. For athletic events and commercial events, the police

department fee applies and is calculated by multiplying the number of officers required to safely manage vehicle or waterway traffic and a reasonable number of officers within the event footprint to ensure safety and security by the number of hours per officer by a rate of \$67 per officer per hour as calculated in Exhibit B for 15.52.070. The number of hours per officer are rounded up to the nearest half hour. A two hour minimum per officer applies. Any officers paid for by the organizer through agreements with Parks, the Seattle Center, or other agreements with the Seattle Police Department, are separate and not included as part of this fee. ~~.For 2016 events, if the same event took place in 2015, the police department fee is discounted by 50 percent. For other 2016 events, the full police department fee applies. For 2017 and later, the full police department fee applies to all applicable events.~~ Police department fees shall not be charged for community events, parade events, free speech events, or mixed free speech events as defined in Section 15.52.005.

3. Fee Adjustments. Caps the amount of fee adjustment. Section 15.52.070 (G)) page 28 lines 1 – 6.

G. Fee Adjustments. The hourly rates described in subsections 1 and 2 of subsection 15.52.070.B shall be revised by the Special Events Committee annually based on changes in the purchasing power of the dollar during the preceding year shown by the Consumer Price Index for Urban Wage Earners and Clerical Workers for Seattle-Tacoma-Bremerton, WA, First Six Months, published in or about August of each year by the U.S. Department of Labor Bureau of Labor Statistics. The first adjustment shall apply in 2018. Adjustments shall use 2017 as the base year but fee components shall not increase by more than ten percent from one year to the next. The Special Events Committee may determine whether to adjust the application fee, vendor fee, alcohol area fee, or police department fee, but it may only do so once per year in conjunction with the administrative fee adjustment and shall not increase these fees by more than ten percent from one year to the next. Without including any phase-in discount, when the police department fee is established for an event for the first time, if an event is a repeat event taking place in the same general time, place, and manner as it did in the previous year, and no documented issues during previous years' events would demand the need for additional officer support, the police department fee for an event shall not increase by more than ten percent from the previous year.

4. Phase-In Discount. Provides a phase in for all 2016 events with a fee increase. Section 15.52.070 (J); page 29, lines 13-20.

J. Phase-In Discount. If a 2016 event will be conducted in the same general time, place and manner as the 2015 event but would realize a total special events fee increase from 2015 to 2016 if calculated in full as a result of these fee increases, then the total 2016 special events fee, comprised of the administrative fee and police department fee (if applicable), shall be discounted. The discounted special events fee for 2016 shall be equal to: the event's 2015 special events fee plus fifty percent of the total special events

fee increase from 2015 to 2016. The phase-in discount applies to all special event types except citywide events. The discount applies to 2016 events only. For 2017 and later, the full special events fee applies to all events.

- D. **Audit requested.** An audit of Seattle Police Department’s process of determining staffing for special events is requested. Section 15.52.100; page 31 lines 9-17.

The City Council requests the Seattle City Auditor to audit the Seattle Police Department’s process for staffing special events. This audit should include the planning, authorization, staffing levels, attendance, and payment of officers for permitted special events under Chapter 15.52. The City Council requests that the first audit take place in the first quarter of 2016 and cover special events staffing for 2010 through 2015, with subsequent annual audits to take place in the first quarter of each year and cover special events staffing for the previous year.

II. Changes That Would Add a Specific Non-Profit Category.

A. WHEREAS Section.

The following WHEREAS is added, after the current 3rd WHEREAS, recognizing the benefit of non-profit fundraising events.

WHEREAS, the City recognizes the role special events play as effective, creative fundraising tools for local non-profit organizations that significantly benefit Seattle communities; and

B. Definitions

1. A definition of “pure non-profit organizer” is added, Section 15.52.005; page 4, line 11.

“Pure non-profit organizer” means a local non-profit organization based in the City of Seattle that provides a community benefit to Seattle inhabitants, businesses, or organizations.

2. A definition of “Pure non-profit event” is added Section 15.52.05; page 10, line 19.

“Pure non-profit event” means an event with all of the following characteristics:
a. The event is to raise or solicit funds for the benefit of a pure non-profit

organizer;

- b. The event is wholly organized, planned, and managed by the pure non-profit organizer, or unpaid volunteers for the pure non-profit organizer, that will benefit from the event;
- c. One hundred percent of the event revenues and proceeds go to the pure non-profit organizer;
- d. The event name does not feature the name of a for-profit business, for-profit organization, or for-profit entity;
- e. No professional, for-profit company, or for-profit organization is hired or receives compensation to organize, plan, or manage the event; and
- f. The event would not typically be defined as an athletic event.

C. Fees.

1. Pure non-profit events added to the calculation of administrative fees. Section 15.52.070 B; page 22, line 10.

B. Administrative Fee. For athletic events, commercial events, community events, parade events, and pure non-profit events, the administrative fee is the sum of five fee components as calculated in Exhibit A for 15.52.070 and described below in this subsection 15.52.070.B. The administrative fee for mixed free speech events shall be the lower of a) the fees as calculated in this subsection 15.52.070.B or b) the actual costs incurred by the City for planning, review, and permitting before the event; required inspections during the event; a traffic control plan; noise variation permits and reviews; business license reviews; and insurance reviews. The administrative fee shall not be charged for free speech events as defined in Section 15.52.005.

2. Pure non-profit events excluded from police department fee. Section 15.52.070 (C); page 26 line 9.

C. Police Department Fee. For athletic events and commercial events, the police department fee applies and is calculated by multiplying the number of officers required to safely manage vehicle or waterway traffic and a reasonable number of officers within the event footprint to ensure safety and security by the number of hours per officer by a rate of \$67 per officer per hour as calculated in Exhibit B for 15.52.070 . The number of hours per officer are rounded up to the nearest half hour. A two hour minimum per officer applies. Any officers paid for by the organizer through agreements with Parks, the Seattle Center, or other agreements with the Seattle Police Department, are separate and not included as part of this fee. Police department fees shall not be charged for community events, parade events, pure non-profit events, free speech events, or mixed free speech events as defined in Section 15.52.005.