



Legislation Text

File #: Res 31965, Version: 1

CITY OF SEATTLE

RESOLUTION _____

A RESOLUTION delegating temporary authority to the City Clerk to set the time and place for a hearing on any appeals from the report, findings, recommendation, and decision of the Hearing Examiner on the final assessment roll for Local Improvement District No. 6751, and directing that the City Clerk provide any required notice of the hearing in the manner required by law.

WHEREAS, the Director of Transportation prepared the proposed final assessment roll for Local Improvement District (LID) No. 6751 and filed it with the City Clerk in November 2019; and

WHEREAS, on November 18, 2019, the City Council (“Council”) passed Resolution 31915, which initiated the process to confirm Waterfront LID assessments; and

WHEREAS, Revised Code of Washington (RCW) 35.44.070 requires the Council to hold a hearing on the final assessment roll where property owners subject to assessment may object to their assessments as described in the roll; and

WHEREAS, RCW 35.44.070 permits the Council to hold the hearing itself, or to designate an officer to conduct the hearing; and

WHEREAS, via Resolution 31915, the Council designated February 4, 2020, as the date for the hearing and designated the Hearing Examiner for The City of Seattle to conduct the required hearing on the LID final assessment roll; and

WHEREAS, in July 2020 the Hearing Examiner concluded the hearing and began preparing the Hearing Examiner’s report, findings, recommendation, and decision on the final assessment roll for LID No. 6751 (“Recommendation”); and

WHEREAS, Seattle Municipal Code (SMC) subsection 20.04.090.A.2 directs the Hearing Examiner to file said

Recommendation with the City Clerk; and

WHEREAS, the Hearing Examiner may file said Recommendation during the month of August 2020; and

WHEREAS, RCW 35.44.070 and SMC 20.04.090 require the Council to hear any appeals from the recommendation of the Hearing Examiner on the final assessment roll for local improvement districts; and

WHEREAS, SMC 20.04.090 and City Council Rules for Quasi-Judicial Proceedings (“Quasi-Judicial Rules”) subsection V.A.2 require that an appellant must file a notice of appeal from said recommendation with the City Clerk within 14 days of the Hearing Examiner’s filing of the recommendation with the City Clerk; and

WHEREAS, SMC 20.04.090 requires the Council to set a time and place for a hearing on the appeal before the City Council or a committee thereof and to give notice of the time and place to the appellant following the filing of the notice of appeal; and

WHEREAS, Quasi-Judicial Rules subsection IV.A states that the Council may delegate the appeal review to a committee, and the committee would then make a recommendation to the full Council; and

WHEREAS, Quasi-Judicial Rules subsection VI.A requires the delegated committee to set the time and place for the hearing on the appeal within 15 days following the filing of the appeal with the City Clerk; and

WHEREAS, in accordance with the General Rules and Procedures of the Seattle City Council, no City Council or committee meetings will occur between August 24 and September 4, 2020; and

WHEREAS, the City Clerk may receive one or more appeals from the Hearing Examiner’s recommendation on a day in August such that the following 15 days will fall within the time that no City Council or committee meetings will occur; NOW, THEREFORE,

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

Section 1. The City Council (“Council”) intends to refer appeals from the Hearing Examiner’s report, findings, recommendation, and decision on the final assessment roll for Local Improvement District No. 6751

(“Hearing Examiner’s recommendation”) to the Public Assets and Native Communities Committee.

Section 2. During the time period of August 24 through September 4, 2020, when no Council or committee meetings will occur, Council hereby delegates temporary authority to the City Clerk to set the time and place for the hearing of appeals from the Hearing Examiner’s recommendation by the Public Assets and Native Communities Committee to comply with the 15-day deadline established in City Council Rules for Quasi-Judicial Proceedings subsection VI.A.

Section 3. The City Clerk shall not set a time for a hearing sooner than December 1, 2020, due to the noticing requirements for hearings of appeals from the Hearing Examiner’s recommendations and Council’s suspension of committee meetings other than Select Budget Committee meetings during annual budget deliberations.

Section 4. During the time period of August 24 through September 4, 2020, the City Clerk is hereby directed to give notice of the time, place, and purpose of the hearing, in the form and manner required by law to any appellants.

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

President _____ of the City Council

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)