



ORDINANCE NO. 27882

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AN ORDINANCE relating to community and economic development; amending Ordinance No. 27696, relating to the Business Improvement Area ("BIA"), to comport with chapter 35.87A RCW, which requires a public hearing only when there are changes in the assessment rates, modification of the boundaries, and/or establishment or disestablishment of the BIA.

WHEREAS, in 2008, the City Council passed Ordinance No. 27696, renewing the Business Improvement Area ("BIA") for ten years, and

WHEREAS Ordinance No. 27696 requires a public hearing be held by the City Council to consider the proposed budget and activities annually, and

WHEREAS chapter 35.87A RCW requires a public hearing only when there are changes in the assessment rates, modification of the boundaries, and/or establishment or disestablishment of the BIA, and

WHEREAS this ordinance proposes to amend Ordinance No. 27696 to comport with Washington State law in requiring a public hearing only under those circumstances; Now, Therefore,



EXHIBIT "A"

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2 * * *

3 Section 12. Annual Budget/Annual Assessment Amount. On or before
4 February 10 of any year, after consultation with the LDC (or its successor) and any
5 established ratepayers' advisory board (as may be provided in the management
6 contract), the City Manager, or his designee, shall submit to the City Council the
7 following: (a) a statement of the proposed programs and activities to be
8 conducted during the ensuing fiscal year (May 1 through April 30); (b) the
9 proposed annual budget; and (c) a statement of any adjustment to the assessment
10 rates required for financing the proposed activities and budget for the ensuing
11 fiscal year. See attached Exhibit "A" for the 2008-2009 Work Plan, and Exhibit "B"
12 for the 2008-2009 Budget.
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15 After receipt of the proposed budget, and if a hearing is required under
16 chapter 35.87A RCW, the City Council will adopt a resolution setting the time and
17 place for a hearing to be held by the City Council to consider the proposed
18 activities and budget. Notice of the hearing shall be given by: (a) one publication
19 of the notice of hearing in a newspaper of general circulation in the City; and
20 (b) mailing a copy of the proposed activities, budget, and assessment rates for the
21 ensuing fiscal year to the owner or reputed owner of property in the District whose
22 names appear as the owners on the records of the City Treasurer, at the address
23 for such owners as shown on the records of the City Treasurer, or at such other
24 address for a particular owner as such owner may have previously requested in
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1 writing; or, if no address is shown there, to the address shown in the tax records of
2 the Pierce County Assessor/Treasurer.

3 At the time fixed for the hearing, and at the times to which the hearing may
4 be adjourned, or in the event a hearing is not required under chapter 35.87A RCW,
5 the City Council may correct, revise, modify, and amend the proposed activities,
6 budget, and assessment; and, thereafter, the City Council may approve, by
7 ordinance or resolution, said activities, budget, and assessment as proposed or as
8 modified. Upon City Council approval, the assessment roll shall be filed with the
9 City Treasurer and billings for the ensuing annual assessment shall be mailed to the
10 property owners in the District. Any property owner wishing to object to the special
11 assessment billed shall file, within 30 days from the date of mailing of the annual
12 assessment billing, an objection thereto stating the grounds of the objection, with
13 the City Clerk. Objections not so made within the required time shall be
14 conclusively presumed to have been waived.
15

16 Filed with the office of the City Clerk prior to the adoption of this ordinance
17 is a map showing the boundaries of the BIA and a list showing each lot and parcel
18 to be assessed and the rate and amount assessed, as authorized herein, against
19 each lot and parcel (and the owner thereof), together with improvements thereon.
20 Such list, together with the assessments as shown, is referred to as the "Annual
21 Assessment Roll," which is hereby approved and confirmed. Initial assessments
22 shall be made in accordance with the approved Annual Assessment Roll; and
23 subsequent annual assessments shall be made in accordance with subsequent
24 Annual Assessment Rolls as may be amended to reflect changes in the
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1 per-square-foot rate of the assessment, amended to reflect correction of errors in
2 the computation of an assessment as to a particular property, or as may otherwise
3 be amended by the City Council. The City Treasurer or other City official, as
4 authorized herein, is hereby directed to collect the initial annual assessments as
5 shown on the Annual Assessment Roll and collect subsequent annual
6 assessments, as may be shown on subsequent Annual Assessment Rolls, as the
7 same may be amended or corrected.

8 Section 13. Approval of Expenditures/Contract for Program Management.

9 The first annual budget for the first year of the renewed BIA and activities,
10 services, and projects to be funded with the special assessment proceeds, as set
11 forth in the materials on file with the City Clerk, are hereby approved. There is
12 hereby appropriated and authorized to be expended from the District Fund the
13 sum of \$839,750, or so much thereof as may be necessary, for the purposes,
14 projects, activities, and services approved for the first year of the renewed BIA.

15 The Downtown Business Improvement Area Budget for 2008-2009 is
16 recommended at \$839,750, compared to a total budget of \$752,503 for the
17 previous year. Almost all of this increase in expenditure (11.6 percent) is
18 attributable to cover costs associated with police on bikes (salaries, benefits)
19 and is contingent upon a yet-to-be-developed, mutually agreed upon contract
20 with the City (budgeted cost of \$95,000). Revenues are correspondingly
21 increased to cover expenses. The high and low assessment rates to cover
22 expenses are set to increase from 0.1042 to 0.1094 (5 percent), and 0.500 to
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1 0.0535 (7 percent) respectively. These new assessment rates will provide an
2 additional \$104,963 over the previous year.

3 Unless otherwise authorized by the City, the total amount to be specially
4 assessed and expended in subsequent years shall be as set forth in the annual
5 budget approved by the City. The particular programs and services to be provided
6 for each subsequent annual period and the amount of funding thereof shall be
7 approved by resolution or ordinance of the City Council, ~~after notice and hearing~~
8 as provided by Section 12 above. The City may enter into a contract, subject to
9 approval by the City Council, with the LDC to administer the projects and activities
10 for the first year of the renewed BIA and each annual period thereafter, the term of
11 which contract to be effective from May 1 through April 30 of each BIA year,
12 unless a suitable successor organization is recommended by (a) a majority of the
13 votes of the ratepayers at their annual meeting weighed by the dollar value of their
14 assessments, (b) a petition signed by ratepayers paying a majority of the
15 assessments, or (c) by the association itself.
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17 * * *



BE IT ORDAINED BY THE CITY OF TACOMA:


That Sections 12 and 13 of Ordinance No. 27696 are hereby amended,
as set forth in the attached Exhibit "A."

Passed MAR 30 2010



Mayor

Attest:



City Clerk

Approved as to Form:



Deputy City Attorney

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REQUEST FOR
[X] ORDINANCE [] RESOLUTION

Request #:
Ord./Res. #:

12547
27882

MAR 18 2010

1. DATE: March 12, 2010

2. SPONSORED BY: COUNCIL MEMBER(S) N/A (If no sponsor, enter N/A) CITY CLERK'S OFFICE

3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM
Community & Economic Development
4a. CONTACT (for questions): Bob Levin
PHONE: 253-591-5039
3b. "DO PASS" FROM [Committee Name]
[] Yes
[] No
[] To Committee as information only
[X] Did not go before a Committee
4b. Person Presenting: Bob Levin
PHONE: 253-591-5039
3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD?
[] Yes, on
[X] Not required
4c. ATTORNEY: Debra Casparian
PHONE: 253-591-5887
Department Director/Utility Division
N/A
Budget Officer/Finance Director
City Manager/Director Utilities

5. REQUESTED COUNCIL DATE: March 23, 2010

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)

Amending Ordinance 27696 to comport with RCW 35.87A which requires a public hearing only when there are changes in the assessment rates, modification of the boundaries, establishment or disestablishment of the BIA.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)

In 2008, Council passed Ordinance 27696 renewing the BIA for ten years. This ordinance requires a public hearing be held by City Council to consider the proposed budget and activities annually. RCW 35.87A requires a public hearing only when there are changes in the assessment rates, modification of the boundaries, establishment or disestablishment of the BIA. This ordinance would amend Ordinance 27696 to comport with state law in requiring a public hearing only under those circumstances.

The BIA held a public hearing on February 24, 2010 and did not modify the assessment rates from the previous year.

8. LIST ALL MATERIAL AVAILABLE AS BACKUP INFORMATION FOR THE REQUEST AND INDICATE WHERE FILED:

Table with 2 columns: Source Documents/Backup Material, Location of Document. Row 1: Ordinance 27696, Clerk's Office

REQUEST (CONT)

CITY CLERK USE ONLY

Request #:	12547
Ord/Res #:	27882

9. WHICH OF THE CITY'S STRATEGIC GOALS DOES THIS ITEM SUPPORT? (CHECK THE GOAL THAT BEST APPLIES)

- A. A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B. A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C. A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

10. IF THIS CONTRACT IS FOR AN AMOUNT OF \$200,000 OR LESS, EXPLAIN WHY IT NEEDS LEGISLATIVE APPROVAL:

N/A

11. FINANCIAL IMPACT: EXPENDITURE REVENUE

- A. NO IMPACT (NO FISCAL NOTE)
- B. YES, OVER \$100,000, Fiscal Note Attached
- C. YES, UNDER \$100,000, (NO FISCAL NOTE)
Provide funding source information below:

FUNDING SOURCE: (Enter amount of funding from each source)

Fund Number & Name:	State \$	City \$	Other \$	Total Amount
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If an expenditure, is it budgeted? Yes No Where? Cost Center:
Acct #:

Ordinance No. 27882

First Reading of Ordinance: MAR 23 2010

Final Reading of Ordinance: MAR 30 2010

Passed: MAR 30 2010

Roll Call Vote:

MEMBERS	AYES	NAYS	^{RECUSED} ABSTAIN	ABSENT
Mr. Boe			✓	
Mr. Campbell			✓	
Mr. Fey	✓			
Mr. Lonergan	✓			
Mr. Manthou	✓			
Mr. Mello				✓
Ms. Walker	✓			
Ms. Woodards	✓			
Mayor Strickland			✓	

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Boe				
Mr. Campbell				
Mr. Fey				
Mr. Lonergan				
Mr. Manthou				
Mr. Mello				
Ms. Walker				
Ms. Woodards				
Mayor Strickland				