

16 formation of LIDs outside City limits, and

17

WHEREAS the Environment and Public Works Committee reviewed these

18

19 proposed changes at its September 10, 2008, October 14, 2009, and

20 November 19, 2009, meetings and issued a "do pass" recommendation; Now,

21 Therefore,

22 BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

23 Section 1. That Resolution No. 32989 and Substitute Resolution No. 35757

24 are repealed in their entirety.

25

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LEG 004 (11/89)

Section 2. That the Tacoma City Council Local Improvement District

2 Policy ("Policy") is amended, as set forth in the attached Exhibit "A," said

3 document to be substantially in the form of the proposed Policy on file in the

4 office of the City Clerk.

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Adopted' DEC 15 2009

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Attest:

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10 City Clerk

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12 Approved as to form:

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14 City-Atro-rnek)

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LEG 004 (11/89)

EXHIBIT"A"

2 Tacoma City Council
3 Local Improvement District Policy

4 A. References:

- 5 Revised Code of Washington (RCW) Chapter 35.43
6 Tacoma Municipal Code (TMC) Chapter 10.04
Resolution No. 32989, adopted April 25, 1995 (LID Policy)
7 Resolution No. 35757, adopted February 18, 2003 (Residential Fixed Rates)
Resolution No. 30947

8

9 B. Background and Purpose:

10 Since the 1890s, Local Improvement District(s) (LIDs) have been successfully
11 utilized by the City of Tacoma to finance the construction of public
infrastructure.

12 The purpose of this policy is to establish a framework under which proposed
13 LIDs will be considered for formation by the City Council. The adoption of this
policy replaces Resolution No. 32989.

14 C. Definitions:

15

16 1) "Special benefit" is defined as the increase in value of real property
derived from the construction of an LID. At times, it may be necessary to
17 ascertain special benefits by a professional appraiser.

18 2) "Complete streets" are defined as roadways designed, constructed
and operated in order provide safe, attractive, and comfortable access and
19 travel for all users, including pedestrians, bicyclists, motorists, and public
transportation. Complete streets create a sense of place and improve social
20 interaction, while generally improving property adjacent land values. The City

21 will include complete streets concepts in our designs of LiDs where practicable.

22 3) "Formation hearing" is a hearing conducted by the Hearing Examiner
set by the City Council for the purpose of providing notice to property owners

23 responsible for the cost of the proposed LID, taking testimony from the affected
property owners, establishing the LID boundaries, and to determine the level of

24 Remonstrance against the proposed project prior to LID formation by the City

25 Council.

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4) "LID" is an acronym for Local Improvement District, and both shall
1 refer to those taxing districts formed pursuant to the authority granted by state
law.

2

3 5) "LID Assistance Program" is the program established by the City
Council, funded by federal Community Development Block Grants, for the
4 purpose of assisting low-income homeowners to offset all or a portion of their
LID assessments.

5

6 6) "Neighborhood Advisory Survey" is a nonbinding document provided
by the City to a property owner(s) or citizen(s) who are interested in having a

7 public improvement constructed through an LID.

8 7) "Opinion Survey" is a City-sponsored direct mailing sent to property
owners within a defined area to determine if there is sufficient support for a
9 proposed improvement that the City is interested in constructing. The results of

10 the survey may then be used by the City Council as a guide to determine if
there is enough public support to proceed to an LID formation hearing.

8) "Property owner" is the owner or reputed owner of record of real
12 property as listed on the tax rolls of the Pierce County Assessor-Treasurer.

13 9) "Remonstrance" is the action of property owners who file timely

14 written protests with the City Clerks Office against the formation of an LID.

15 10) "Level of support" is determined by the sum total of the estimated
assessments indicating interest and dividing that sum total by the sum total of
16 the assessments for the requested improvement and is generally shown, but is
not limited to, by property owners signing and returning a Neighborhood
17 Advisory Survey or an Opinion Survey to the City.

18 11) "Total cost of the improvement" is the sum total of all costs related,
19 but not limited, to engineering, construction management, financing,
administration and construction of the LID.

20

12) "Total assessment" is the sum total of those costs that will be borne
21 directly by the property owners.

22 D. Staff Recommendations for Preformation:

23

City staff will assess the level of support of the property owners for the
24 improvement prior to recommending a formation hearing to the City Council

25 consistent with the intent of this policy. Staff recognizes that support for the

improvement is subject to change during the formation process due to changes
26 such things as ownership, duration of formation process, and the economy.

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LEG 004 (11/89)

1 Staff will evaluate and consider opportunities to coordinate construction of the
improvement with other public infrastructure projects or if other funding sources
2 exist for the improvement, such as grants.

3 Staff will work closely with property owners to review design standards,

4 including Complete Street elements, and discuss the financial impacts of the
project to the property owners.

5

6 Staff will notify the City Council prior to the preformation process if the LID is
any one of the following: (1) A comprehensive/streetscape project, (2) located

7 in a mixed-use center, (3) located in an economically distressed area, or
(4) where the City has identified that significant development will occur as a

8 result of the LID. If the City Council determines that the project serves the best
interest of the City, the City Council may provide additional funding for the
9 project by adopting a resolution declaring its intent.

10 E. LID Formation:

11

The preferred method of LID formation in the City of Tacoma is by resolution.

12 State law (RCW 35.43) outlines requirements for the resolution method.

13 The City Council may form an LID under emergency circumstances, such as

14 when the Health Officer of a city, town, county or state files a report with the
appropriate legislative authority, showing the necessity for sanitary sewer mains

15 or water mains to be constructed, citing health and/or safety issues; OR when
the Chief of the Fire Department files a report showing the necessity for fire

16 hydrants to be installed.

17 In order for the City Council to form an LID under an emergency, the ordinance

18 must be passed by unanimous vote of the City Council.

19 The formation of an LID is a legislative act by the City Council. Except for LIDs
determined by the City Council, prior to remonstrance, to be in the best interest
20 of the City, the City Council shall not pass an LID formation ordinance when

21 property owners representing 50 percent or more of the total assessment file
remonstrance with the City Clerk's office. For LIDs that have been determined

22 by the City Council to be in the best interest of the City, in accordance with
section D of this policy, the City Council may revise the remonstrance level

23 requirement up to the limit allowed under RCW 35.43.180, which divests the
City Council of authority to form an LID by resolution when property owners

24 representing 60 percent or more of the total assessment file remonstrance with

25 the City Clerk's office. Regardless of the level of support, the City Council
reserves the right to not form a proposed LID if it determines that the project is

26 not in the best interest of the City.

LEG 004 (11/89)

I F. Funding:

2 Property owners, unless otherwise identified in Table 1, shall be responsible for
3 all costs of the improvements as deemed appropriate. The total assessment of
4 the property owners will be determined by the total cost of the improvement and
5 will vary depending upon the proximity of the property to the improvement and
6 on the amount of special benefit the improvements) adds to the property.

7
8 Provided that City funding is available, the City may participate financially in the
9 types of LIDs at the percentage rates identified in Table 1.

10
11 The City's participation shall generally be made available only to residential
12 (single-family dwellings) street and alley paving projects that are in established
13 neighborhoods where a majority of either the lineal footage of property or the
14 total assessments for the proposed district predominantly consists of
15 single-family dwellings and they will incorporate some aspects of complete
16 streets. The City may also provide financial assistance to property owners who
17 qualify for the LID Assistance Program.

18
19 The City may participate financially in other types of LIDs that are not identified
20 in Table 1 if they receive grants, there are other sources of funding, or it is
21 deemed to be in the best interest of the City. The City Council reserves the
22 right to allocate LID funding to these types of improvements.

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17	Description	Property Owner	City Participation
		Assessments	
18	Residential alley paving (single-family dwellings)""	85%	15%
19	Residential street paving (single-family dwellings) incorporating concepts of complete streets)	60%	40%
20	Sanitary Sewers (2)	Variable	Variable
21	Water Mains (3)	Variable	Variable
22	Undergrounding Overhead Primary Electrical Distribution Systems (4)	70%	30%
23	Projects identified by City Council resolution to be in the City's best interest	Variable	Variable

24

Note: The adoption of this policy replaces Resolution No. 35757; the existing

25 City participation policy for fixed rate LIDs

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LEG 004 (11/89)

- (1) P r Public Works Policy-Storm Sewer costs are 1 00 percent City funded
- 1 (2) Per TIVIC 12.08 and Public Works Policies
- (3) Per Tacoma Water Customer Service Policies
- 2 (4) Per Tacoma Power Customer Service Policies
- 3 If the cost of the improvement and property owner assessments increases after
- 4 LID formation and the increased costs do not exceed the special benefit of the
- improvement, City staff will notify the property owners of the increase to their
- 5 preliminary assessment increase and will construct the improvement.
- 6 If the cost of the improvement exceeds the special benefit of the improvement,
- 7 City staff will notify the property owners and will ask the City Council to dissolve
- the LID in a separate ordinance. If the City Council determines that the
- 8 construction of the improvements serves a public interest, it may elect to
- construct the improvements and the costs in excess of the special benefit will
- 9 be the responsibility of the City as determined by the City Manager and

- 10 Tacoma Public Utilities Director, as appropriate.
- 11 LID projects, other than emergency LIDs, will be formed on a first-come, first-served basis. The City, subject to the availability of City resources, will
- 12 form LID projects in the chronological order in which the Neighborhood Advisory Surveys or Opinion Surveys are returned to the City.
- 13
- 14 Once an LID is formed by ordinance and if it subsequently fails to move forward to construction, the LID remains established until it is dissolved by City Council
- 15 in a separate ordinance.
- 16 G. Formation of LIDs outside the City Limits:
- 17 The City Council, for the purpose of extending or upgrading public utility services or undergrounding overhead utility lines outside the corporate
- 18 boundaries of the City and within unincorporated Pierce County, may pass
- 19 LID formation ordinances provided the requirements of Resolution No. 30947 are met. A copy of Resolution No. 30947 is attached as Exhibit "A" for
- 20 reference.
- 21 The City Council may pass LID formation ordinances within the Tacoma Public
- 22 Utility Service areas and in the boundaries of another municipality where it has been determined to be in the best interests of both parties. An interlocal
- 23 agreement may be executed between the jurisdictions describing the nature of the intended improvement, as well as identifying the responsibilities of the
- 24 respective staff of the municipalities.
- 25
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LEG 004 (11/89)

CITY CLERK USE ONLY

Tacoma	REQUEST FOR	Plequest
	EI ORDINANCE E RESOLUTION	b@d./Res.

- 1. DATE: November 17, 2009
- 2. SPONSORED BY: COUNCIL MEMBER(s) N/A
- 3a. REQUESTING DEPARTMENT/DIVISION/PROGRAM
Public Works/Construction
- 4a. CONTACT (for questions): PHONE:
Rae Bailey 591-5488
- 3b. "Do PASS" FROM Env. & PW Committee
E Yes 4b. Person Presenting: PHONE:
Rae Bailey 591-5488
nNo
n To Committee as information only
n Did not go before a Committee
- 3c. DID THIS ITEM GO BEFORE THE PUBLIC UTILITY BOARD?
0 Yes, on
ZNot required
- 4c. ATTORNEY: PHONE:
Elizabeth Pauli 591-5627

)@Richard E. McKinle3 N/A hrector Robert K Biles, Finance Director Rey Deputy C

5. REQUESTED COUNCIL DATE: December 15, 2009

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

Repealing Resolution No. 32989 and 35757 and amending the Tacoma City Council policy with respect to the formation of Local Improvement Districts (LIDs).

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?)

Since the fall of 2007, a cross-functional team with representatives from Tacoma Water, Tacoma Power, Community and Economic Development, Legal, Public Works, and the City Manager's Office reviewed the current policy with the purpose of drafting an updated policy. Staff identified six (6) City Council policy issues that needed to be clarified or addressed in the updated policy. The policy issues were:

- 1. Level of Neighborhood Support Necessary to conduct Formation Hearings
- 2. Formation Method and Remonstrance Level
- 3. Funding Level participation of the City and Property Owners
- 4. Contractor bid proposals result in increased Property Owner assessments
- 5. Project Prioritization Process
- 6. Process for Formation of LIDs outside City Limits

Staff, working closely with the Environment and Public Works Committee, crafted a new policy that addressed the above referenced policy issues.

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

Source Documents/Backup Material	Location of Document
Resolution No. 32989	City Clerk's Office
Resolution No. 35757	City Clerk's Office
Updated LID Formation Policy	City Clerk's Office 91

cotclerk\forins\ RequestResolitiionOrdinance.do-c Office of tlw City Clerk (03/23/12009)

CITY CLERK USE ONLY

REQUEST (CONT) Request Ord/Res

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

- A. D A SAFE, CLEAN AND ATTRACTIVE COMMUNITY
- B. F-1 A DIVERSE, PRODUCTIVE AND SUSTAINABLE ECONOMY
- C. E A HIGH-PERFORMING, OPEN AND ENGAGED GOVERNMENT

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

N/A

11. FINANCIAL IMPACT: REPENDITURE REVENUE

- A. No IMPACT (NO FISCAL NOTE)
- B. YES, OVER \$ 1 00,000, Fiscal Note Attached
- C. YES, UNDER \$ 1 00,000, (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

If an expenditure, is it budgeted? E I Yes R No Where? Cost Center:

Acct

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Office of the Cihj Clerk (03/23/2009)

Resolution No. 3 7 9 5 6
Adopted: DEC 1 5 2009
Maker of Motion: @51:x
Seconded:

Voice Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Mr. Fey				
Ms. Ladenburg				
Mr. Lonergan				
Mr. Manthou				
Ms. Strickland				
Mr. Talbert				
Ms. Walker				
Mayor Baarsma	C=::-<			

Roll Call Vote:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Ms. Anderson				
Mr. Fey				
Ms. Ladenburg				
Mr. Lonergan				
Mr. Manthou				
Ms. Strickland				
Mr. Talbert				
Ms. Walker				
Mayor Baarsma				

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