

ORDINANCE NO. C- 35696

An ordinance relating to the Downtown Parking and Business Improvement Area regarding changing certain assessment rates and modifying the boundary; amending SMC sections 4.31.020, 4.31.040 and 4.31.080.

The City of Spokane does ordain:

Section 1. That SMC section 4.31.020 is amended to read as follows:

4.31.020 BID BOUNDARIES

The BID shall be within the boundaries described below and as shown on the map attached as [Appendix A](#), which is incorporated herein by reference:

~~((Beginning at a point at the northwest corner of Spokane Falls Boulevard and Division Street; thence west along the north line of Spokane Falls Boulevard to the northwest corner of Spokane Falls Boulevard and Browne Street; thence south along the west line of Browne Street to the northwest corner of Brown Street and Sprague Avenue; thence west along the north line of Sprague Avenue to the northwest corner of Sprague Avenue and Bernard Street; thence south along the west line of Bernard Street to the northwest corner of Bernard Street and First Avenue; thence west along the north line of First Avenue to the northwest corner of First Avenue and Washington Street; thence south along the west line of Washington Street to the intersection of Washington Street and the Railroad Viaduct; thence west along the north line of the Railroad Viaduct to the intersection of the Railroad Viaduct and the east line of Walnut Street; thence north along the east line of Walnut Street to the northeast corner of Walnut Street and Riverside Avenue; thence east along the north line of Riverside Avenue to the northwest corner of Riverside Avenue and Wright Street; thence north along the west line of Wright Street to the southwest corner of Wright Street and Main Avenue; thence east along the south line of Main Avenue to the Northeast Corner of Lot 34, Block 4, Glovers Addition; thence north along said east property line extended to the south line of the Spokane River; thence northeast along the south line of the Spokane River to Monroe Street; thence north along the east line of Monroe Street to the southeast corner of Monroe Street and Bridge Avenue; thence west across Monroe Street to the west line of Monroe Street; thence north along the west line of Monroe Street to the Southeast corner of County Assessor Parcel No. 35183.0095; thence west along the south line of said parcel to the Southwest corner of said parcel; thence north along the west property line of said parcel to the Southwest corner of County Assessor Parcel No. 35183.1302; thence east along the south line of said parcel to the southeast corner of said parcel; thence north along the east property line of said parcel to Broadway Avenue; thence east along the south line of Broadway Avenue to the southeast corner of Broadway Avenue and Post Street; thence north along the east line of Post Street to the southeast corner of Post Street and Mallon Avenue; thence east along the south line of Mallon Avenue to the southeast corner of Mallon Avenue and Howard Street; thence north~~

~~along the east line of Howard Street to the southwest corner of Lot 33, Block 8, Keystone Addition; thence east along the south line of said lot to the southwest corner of Lot 27, Block 8, Keystone Addition; thence north along the west line of said lot to the south line of Cataldo Avenue; thence east along the south line of Cataldo Avenue to the northeast corner of Lot 17, Block 8, Keystone Addition; thence south along the east line of said lot to the southeast corner of said lot; thence east along the south line of Block 8, Keystone Addition to the northeast corner of County Assessor Parcel No. 35181.0032; thence south along the east line of said parcel to the southeast corner of said parcel; thence east along the south line of County Parcel No. 35181.4410 to the east line of Washington Street; thence north along the east line of Washington Street to the southeast corner of Washington Street and North River Drive; thence east along the south line of North River Drive to the southwest corner of North River Drive and Division Street; thence south along the west line of Division Street to the point of beginning-.)~~

Beginning at the intersection of N Washington St and W North River Dr, thence east along W North River Dr to N Division St, thence south to the intersection of W Spokane Falls Blvd and N Division St, thence west along W Spokane Falls Blvd to N Browne St, thence south to W Sprague Ave, to N Bernard St, thence south to W 1st Ave, thence west to S Washington St, thence south to the Railroad, thence west along the railroad to S Walnut St, thence north to W Riverside Ave, thence northeast to the southwestern corner of lot 15 block 4 of the Glover's Addition, thence north to W Main Ave, thence east to a point 294 feet west of the intersection of N Monroe St and W Main Ave, thence north for a distance of 187.8 feet, thence east for a distance of 115.6 feet, thence north to the Spokane River, thence northeast to N Monroe St, thence north to a point 222.3 feet north of the intersection of N Monroe St and W Summit Parkway, thence west to the western boundary of parcel 35183.0095, thence north to the Broadway-College Alley, thence east a distance of 50.1 feet, thence north to W Broadway Ave, thence east to N Monroe St, thence north to W Mallon Ave, thence east to N Howard St, thence northwest for a distance of 85.6 feet, thence east to the southwest corner of Lot 28 Block 8 of the Keystone Addition, thence north to W Cataldo Ave, thence east for a distance of 294.5 feet, thence south to the northern boundary of parcel 35181.0032, thence east to the northeast corner of said parcel, thence south to the southeast corner of said parcel, thence north to the intersection of N Washington St and W North River Dr.

The above description will hereafter be referred to as the "business improvement district" or "BID." Businesses, as described in RCW 35.87A.020, real properties (including improvement thereon), multifamily residential, mixed-use projects, hotels, motels, government property and parking lots available to the public which are occupied for a fee located within the BID shall be subject to special assessments as authorized by RCW 35.87A.010.

Section 2. That SMC section 4.31.040 is amended to read as follows:

4.31.040 Levy of Special Assessments

- A. To finance the programs set forth in [SMC 4.31.030](#), there shall be levied and collected an annual special assessment upon the “businesses” and “multifamily residential or mixed-use” projects, as defined in RCW 35.87A.020(3) (including real property improvements thereon) as set forth on the special assessment formula for the BID, which shall be adopted annually by ordinance and incorporated by this reference as if fully set forth herein.
- B. For purposes of levying and collecting special assessments within the BID, the BID will be divided into ~~((six))~~ four zones (the boundaries of which are set forth in [Appendix A](#) hereto and incorporated herein by this reference). Within each such zone, the City will levy and collect special assessments at different rates based on whether the entity being assessed is a tenant (and, if so, the type of tenant) or a property owner, and whether the property to which such assessment applies is a governmentally-owned park. The City will levy and collect special assessments on an annual basis within the BID.
- C. The rates at which special assessment within the BID will be imposed for calendar year ~~((2002))~~ 2019 are set forth in [Appendix B](#) hereto (which is incorporated herein by reference and which shall be annually adopted as amended as part of the ordinance approving and confirming the assessment roll). The city council finds that the benefit to the property owners, businesses and multifamily residential or mixed-used projects subject to the special assessment is a special benefit which would not otherwise accrue, but for the activities, programs and services carried out with the funds provided by the special assessments authorized pursuant to this chapter.
- D. ~~((The City anticipates that any s))~~ Subsequent increases in the amounts of the special assessments for all flat-fee assessments will be adjusted based on the increase, if any, of the Consumer Price Index ~~((CPI))~~ of the U.S. City Average for all urban consumers CPI-U. The percentage increase in the assessment formula shall be computed as follows:
1.
$$\frac{[(\text{Ending CPI-U} - \text{Beginning CPI-U}) \div \text{Beginning CPI-U}] \times 100}{\text{Percentage Increase}} =$$
- E. Any change in the assessment rate shall only be made by ordinance and as authorized in RCW 35.87A.130 through RCW 35.87A.140. No increase shall occur in the assessment rate unless recommended by the ratepayer advisory board.

Section 3. That SMC section 4.31.080 is amended to read as follows:

4.31.080 Ratepayer Advisory Board

- A. Pursuant to RCW 35.87A.110, there is hereby created a nineteen-member BID advisory board, to be known as the “Ratepayer Advisory Board.” The ratepayer advisory board shall not exceed a membership of nineteen persons, who, if they are ratepayers, are in good standing either residing within the BID, owning property, or operating a “business” or “multifamily residential or mixed-use” projects in the BID. “Persons in good standing” are those ratepayers who are not more than sixty days delinquent on any BID assessment unless the ratepayer has appealed the BID assessment and is in the appeal process, in which case the ratepayer retains his or her “in good standing” status through completion of the appeal process.
- B. Board positions are designated by geography, business, and property type to ensure that the BID’s interests are well represented and served. To the extent individuals are willing to serve, Ratepayer Advisory Board positions consist of:
1. ~~((one))~~ six individuals ~~((each))~~ from zones one through ~~((six))~~ four, ~~((respectively (six positions)))~~ with at least one individual from each zone;
 2. one individual from a retail business within the BID occupying more than twenty thousand square feet;
 3. one individual from a retail business located within the BID occupying less than twenty thousand square feet;
 4. the Superintendent of School District 81 or his/her designee;
 5. four individuals representing professional service businesses located within the BID, including such as legal services, accounting, and architecture;
 6. one individual from a non-profit organization which is either located within, or provides services inside, the BID;
 7. one individual from a small business located within the BID with up to twenty-five employees;
 8. one individual from a business located within the BID with more than twenty-five employees;
 9. two individuals who reside within the BID area; and
 10. one appointee from the City Council.

The program manager shall provide administrative staff to the ratepayer advisory board.

- C. Each member of the ratepayer advisory board will be elected by businesses and property owners within the BID for a term of two years from the date of election (unless such member is appointed by the ratepayer advisory board to fulfill the remaining unexpired term of a prior member).

1. A subcommittee of ratepayer advisory board members will receive nomination applications and will select a slate of candidates for open ratepayer advisory board positions to be presented at the annual meeting.
2. New ratepayer advisory board members will be elected by a majority vote of ratepayers in good standing who attend the annual meeting.
3. The initial ratepayer advisory board shall consist of the ratepayer advisory board for the City's previous PBIA that was created pursuant to Ordinance C32438. All subsequent Board elections shall be pursuant to the ratepayer advisory board's bylaws.
4. The city council hereby approves through the adoption of this chapter the revised "Bylaws of the Downtown Spokane Business Improvement District" which are attached to the ordinance codified in this section (ORD C32923 and Recodification Ordinance C33995) as Appendix C. Subsequent proposed amendments shall be brought before City Council for approval on or before November 25th of each year in which the amendments are proposed.

D. The ratepayer advisory board shall:

1. establish and maintain a database which includes a list and classification of all ratepayers;
2. represent the interests of ratepayers by developing projects, programs, and budgets; proposing assessments; monitoring service delivery; and planning for the future of the BID; and
3. make determinations regarding ratepayer disputes as provided in [SMC 04.31.120](#), including, as appropriate, the adjustment of assessment rates, methods, classification, special benefits, and all matters reasonably related thereto. For the purpose of considering ratepayer disputes, the ratepayer advisory board may act through a committee comprised of ratepayer advisory board members.
4. make recommendations to the program manager on matters relating to the BID budget, expenditures, and programs for the purpose of monitoring the contract to administer the BID.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date