

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Discussion of Ordinance No. 704, Amendments to Shoreline Municipal Code Chapter 3.01 - Fee Schedule
DEPARTMENT:	City Attorney's Office
PRESENTED BY:	Julie Ainsworth-Taylor, Asst. City Attorney
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion <input type="checkbox"/> Public Hearing

PROBLEM/ISSUE STATEMENT:

On November 24, 2014, the City Council adopted the 2015 Annual Budget with the passage of Ordinance No. 699. Included in this adoption was the repeal and replacement of Shoreline Municipal Code (SMC) Chapter 3.01, Fee Schedule, to reflect changes to the fees being charged for City services in 2015. Subsequent to the passage of Ordinance No. 699, several clerical errors or inadvertent omissions were discovered. Proposed Ordinance No. 704 provides for the necessary corrections for these errors and omissions.

FINANCIAL IMPACT:

There is no financial impact in adopting proposed Ordinance No. 704

RECOMMENDATION

No action is required by the City Council. This meeting will provide an opportunity for Council to ask specific questions and provide staff direction. Adoption of proposed Ordinance No. 704 is scheduled for February 9, 2015.

Approved By: City Manager **DT** City Attorney **MK**

BACKGROUND

On November 24, 2014, the City Council adopted the 2015 Budget with the passage of Ordinance No. 699. Included in this action was the repeal, in its entirety, of SMC Chapter 3.01, Fee Schedule, and the replacement of the SMC provision with new fees for 2015. Subsequent to the passage of Ordinance No. 699, several clerical errors and inadvertent omissions were discovered. Action is now required by the City Council to amend SMC Chapter 3.01 to correct these errors and omissions.

DISCUSSION

SMC 3.01.015(B) Administrative Fees needs to be amended to include provisions that were inadvertently omitted. SMC 3.01.015(B) was adopted on July 21, 2014 with the passage of Ordinance No. 690. At the time of its adoption, SMC 3.01.015(B) included text denoting not only the amount of administrative fees but also text stating that these fees were non-refundable, that they could not be credited against impact fees, and when the fees were to be paid. Despite the fact that both Ordinance No. 690 and Ordinance No. 699 became effective on the same day – January 1, 2015 – the later enacted ordinance controlled the language of SMC 3.01.015(B). Ordinance No. 699 inadvertently contained only the fee structure and not the textual language as to the application and collection of these fees. Proposed Ordinance No. 704 amends SMC 3.01.015(B) to include the necessary language.

SMC 3.01.400 Surface Water Management Rate Table needs to be amended to correct a clerical rounding error related to the minimum rate. This rounding error was only \$0.01, resulting in a corrected minimum rate for the 2015 Annual Service Charge of \$145.84 and a total (Fee + Utility Tax) of \$154.59. Proposed Ordinance No. 704 amends SMC 3.01.400 to correct this rounding error. There are currently no parcels classified in this category.

Lastly, Ordinance No. 699 failed to include three existing provisions of SMC 3.01 – SMC 3.01.800 Fee Waiver, SMC 3.01.810 Collection fees (financial), and SMC 3.01.820 Annual adjustments. All of these provisions have been part of SMC 3.01 for many years and provide the necessary authority to administer the Fee Schedule. Since Ordinance No. 699 repealed SMC 3.01 in its entirety, proposed Ordinance No. 704 is needed to bring back these inadvertently omitted provisions.

FINANCIAL IMPACT

There is no financial impact in adopting proposed Ordinance No. 704

RECOMMENDATION

No action is required by the City Council. This meeting is for discussion purposes only. Adoption of proposed Ordinance No. 704 is scheduled for February 9, 2015.

ATTACHMENT

Proposed Ordinance No. 704

ORDINANCE NO. 704

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CHAPTER 3.01 FEE SCHEDULE, OF SHORELINE MUNICIPAL CODE TITLE 3 REVENUE AND FINANCE TO CORRECT INADVERTENT OMISSIONS AND CLERICAL ERRORS.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington and is required to adopt an annual budget; and

WHEREAS, on November 24, 2014, the City Council adopted Ordinance No. 699, approving the annual budget which included the repeal of the existing Shoreline Municipal Code (SMC) Chapter 3.01 *Fee Schedule* and adoption of a new Chapter 3.01 as set forth in Exhibit A to the Ordinance; and

WHEREAS, subsequent to the adoption, several inadvertent omissions and clerical errors were discovered in Exhibit A including that SMC 3.01.800 Fee Waiver, SMC 3.01.810 Collection Fees, and SMC 3.01.820 Annual Adjustments were inadvertently omitted in their entirety from Exhibit A; SMC 3.01.400(A) Surface Water Management Rate Table incorrectly stated the minimum rate; and SMC 3.01.015(B) Transportation Impact Fees Administrative Fees, failed to accurately reflect the administration of these fees; and

WHEREAS, a correction needs to be made to include the omitted provisions and to correct clerical errors;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. Chapter 3.01 *Fee Schedule* of the Shoreline Municipal Code is amended as set forth below:

SMC 3.01.015 is amended as follows:

B. Administrative Fees		2015 Proposed Fee Schedule
1	Administrative Fee – All Applicable Projects	\$158.75
2	Administrative Fee – Impact Fee estimate/preliminary determination	Hourly rate, 1-hour minimum \$158.75
3	Administrative Fee – Independent fee calculation	Hourly rate, 1-hour minimum \$158.75
<u>All administrative fees are non-refundable.</u> <u>Administrative fees shall not be credited against the impact fee.</u> <u>Administrative fees applicable to all projects shall be paid at the time of building permit issuance.</u> <u>Administrative fees for impact fee estimates or preliminary determination shall be paid at the time the request is submitted to the City.</u> <u>Administrative fees for independent fee calculation shall be paid prior to issuance of the Director’s determination.</u>		

SMC 3.01.400 is amended as follows:

3.01.400 Surface Water Management Rate Table

Rate Category		Percent Impervious Surface	2015 Annual Service Charge	Per Unit	6% Utility Tax	Fee + Utility Tax
A. Rate Table						
1. Residential: Single-family home			\$145.84	Parcel	\$8.75	\$154.59
2. Very Light		Less than or equal to 10%	\$145.84	Parcel	\$8.75	\$154.59
3. Light		More than 10%, less than or equal to 20%	\$338.71	Acre	\$20.32	\$359.04
4. Moderate		More than 20%, less than or equal to 45%	\$699.75	Acre	\$41.99	\$741.74
5. Moderately Heavy		More than 45%, less than or equal to 65%	\$1,357.16	Acre	\$81.43	\$1,438.59
6. Heavy		More than 65%, less than or equal to 85%	\$1,719.38	Acre	\$103.16	\$1,822.54
7. Very Heavy		More than 85%, less than or equal to 100%	\$2,252.14	Acre	\$135.13	\$2,387.26
Minimum Rate			\$145.83 \$145.84		\$8.75	\$154.58 \$154.59

There are two types of service charges: The flat rate and the sliding rate.
 The flat rate service charge applies to single family homes and parcels with less than 10% impervious surface. The sliding rate service charge applies to all other properties in the service area. The sliding rate is calculated by measuring the amount of impervious surface on each parcel and multiplying the appropriate rate by total acreage.

SMC 3.01 is amended to include the following provisions:

3.01.800 Fee Waiver

The city manager or designee is authorized to waive use fees for right-of-way permits (SMC 3.01.010), facility use fees and concessionaire permits (SMC 3.01.030), and meeting rooms (SMC 3.01.032) as a city contribution toward events which serve the community and are consistent with adopted city programs. The city manager is authorized to designate collection points in the City Hall lobby, pool, or Spartan Recreation Center for any charitable organization without charge to be used for the donation of food or goods that will benefit Shoreline residents in need.

3.01.810 Collection Fees (Financial)

	<u>2015 Fee Schedule</u>
- <u>The maker of any check that is returned to the city due to insufficient funds or a closed account shall be assessed a collection fee</u>	<u>\$29.75</u>

3.01.820 Annual Adjustments

The fee schedules in this chapter shall be automatically updated on an annual basis on January 1st of each year by the Seattle Consumer Price Index for all urban consumers (CPI-U). The adjustment shall be calculated each year and included in the city manager’s proposed budget. The annual adjustment shall be based on the CPI-U average for the period that includes the last six months of the previous budget year and the first six months of the current budget year. The city manager may choose to not include annual CPI-U adjustments in the city manager’s proposed budget and the city council may choose to not include annual CPI-U adjustments in the adopted budget for select user fees in any individual budget year without impacting the full force of this section for subsequent budget years. The annual adjustments to the fees in this chapter shall be rounded to the nearest quarter-dollar.

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or circumstance.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON FEBRUARY 9, 2015.

Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2015
Effective Date: , 2015