



City Hall  
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## City Council

### **Approval of a Resolution of Intention to Modify the Boundaries of the Parking and Business Improvement Area to Correct a Scrivener's Error, Changing the Number of Advisory Board Members to Eleven, and to Provide for PRIDE Programs and Events**

**Agenda Date:** 10/12/2021  
**Agenda Item Number:** 4.E  
**File Number:** 21-0961

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**Type:** resolution **Version:** 1 **Status:** Passed

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#### **Title**

Approval of a Resolution of Intention to Modify the Boundaries of the Parking and Business Improvement Area to Correct a Scrivener's Error, Changing the Number of Advisory Board Members to Eleven, and to Provide for PRIDE Programs and Events

#### **Recommended Action**

#### **Committee Recommendation:**

Not referred to a committee.

#### **City Manager Recommendation:**

Move to approve a Resolution of the City Council's intent to modify the boundaries of the Parking and Business Improvement Area (PBIA) to correct a scrivener's error in the legal description of Zone C, as found in Ordinance No. 6375, and as subsequently codified in OMC 3.62.010, to change the number of PBIA Advisory Board members to 15 to 11, to provide for PRIDE programs and events in downtown, and to schedule a public hearing as required by RCW 35.87A.050 and RCW 35.87A.075.

#### **Report**

#### **Issue:**

Whether to approve a Resolution of intention to modify the boundaries of the PBIA to correct a scrivener's error in Ordinance No. 6375, and as subsequently codified in OMC 3.62.010, to change the number of PBIA Advisory Board members from 15 to 11, to provide for PRIDE programs and events, and to schedule a public hearing upon at least 15 days' notice as required by RCW 35.87A.050 and RCW 35.87A.075.

#### **Staff Contact:**

Max DeJarnatt, Program Analyst, Community Planning & Development. 360.570.3723

#### **Presenter(s):**

None

**Background and Analysis:**

Almost 16 years ago, the Olympia City Council passed and approved Ordinance No. 6375 establishing a Parking and Business Improvement Area (PBIA) as permitted by RCW Chapter 35.87A. Within Ordinance No. 6375 was a metes and bounds legal description for Zone C. Unfortunately, there was a scrivener's error in the Zone C legal description that was undiscovered at the time, and remained undiscovered as the PBIA, established by Ordinance No. 6375, was codified into OMC 3.62.010. A review of the legal description in Zone C revealed the error when compared to Exhibit A-1, attached to Ordinance No. 6375.

The effect of the error is that Council must modify the boundaries of the PBIA to be consistent with its intent in 2005 when passing Ordinance No. 6375, and to be consistent with Exhibit A-1 as attached to Ordinance No. 6375. While the scrivener's error is a simple typographical error, Council must state its intent to hold a public hearing to modify the PBIA boundaries, and to provide for 15 days' notice prior to the hearing to those businesses and others within the PBIA, as required by RCW 35.87A.050 and RCW 35.87A.075. In addition to a public hearing to consider an Ordinance to correct the scrivener's error, the proposed Ordinance will also address a request from the PBIA Board to reduce the number of Advisory Board members from fifteen 15 to 11 to improve the Board's efficiency and management, and to also include PRIDE programs and events in downtown in addition to others within the PBIA.

**Neighborhood/Community Interests (if known):**

None, other than the PBIA Advisory Board request to reduce the size of the Advisory Board members to from 15 to 11.

**Options:**

1. Approve the Resolution of the City Council's intention to modify the boundaries of the PBIA to correct a scrivener's error in the legal description of Zone C within Ordinance No. 6375, and as subsequently codified in OMC 3.62.010, and to provide for notice of a future public hearing on the boundary modification as required by RCW 35.87A.050 and RCW 35.87A.075.
2. Don't approve the Resolution of the City Council's intention to correct the scrivener's error found in the legal description for Zone C in Ordinance No. 6375 from 2005. The effect will be that the error will remain in Ordinance No. 6375, and as codified in the current OMC 3.62.010, and the boundaries in Zone C as legally described will be inconsistent with Exhibit A-1 attached to Ordinance No. 6375.
3. Consider the Resolution at another time.

**Financial Impact:**

The scrivener's error in the text has resulted in the City reimbursing 41 businesses for previous assessments, totaling approximately \$45,000. Fixing the scrivener's error will align the text with the map showing the intended boundary of the PBIA. This modification will enable the City to assess businesses within the intended PBIA boundary in 2022.

**Attachments:**

Resolution

Ordinance No. 6375 (Passed in 2005)