City Council

Approval of an Ordinance modifying the Boundaries of the Parking and Business Improvement Area (PBIA) correcting a Scrivener's Error; changing the number of PBIA Advisory Board Members from 15 to 11; and providing for PRIDE Programs and Events in Downtown

Agenda Date: 11/9/2021
Agenda Item Number: 4.C
File Number: 21-1015

Type: ordinance   **Version:** 2   **Status:** Passed

Title

Approval of an Ordinance modifying the Boundaries of the Parking and Business Improvement Area (PBIA) correcting a Scrivener's Error; changing the number of PBIA Advisory Board Members from 15 to 11; and providing for PRIDE Programs and Events in Downtown

Recommended Action
Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve on first reading and forward to second reading an ordinance modifying the boundaries of the Parking and Business Improvement Area (PBIA) to correct a scrivener's error; changing the number of PBIA Advisory Board members from 15 to 11; and to provide for PRIDE programs and events in downtown.

Report
Issue:

Whether to approve an ordinance modifying the boundaries of the PBIA to correct a scrivener's error in Ordinance No. 6375 as subsequently codified in OMC 3.62.010; changing the number of PBIA Advisory Board members from 15 to 11, and providing for PRIDE programs and events.

Staff Contact:

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Presenter(s):

Max DeJarnatt, Program Analyst, Community Planning & Development

Background and Analysis:

Background and Analysis did not change from first to second reading.

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 hold a public hearing to consider an Ordinance to correct the scrivener's error as correction will modify the boundaries of Zone C of the PBIA. The proposed Ordinance also addresses 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):
The PBIA Advisory Board request to reduce the size of the Advisory Board members to from 15 to 11 and there is a general interest in the City supporting PRIDE activities in the community.

Options:
1. Approve the ordinance modifying 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.
2. Move to take no action. 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.

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:
Ordinance