

Ordinance No. 00414

[City Council meeting minutes of April 17 2006](#)

ORDINANCE NO. 414

AN ORDINANCE of the City Council of the City of Lakewood, Washington, providing for the use by the city of a hearing officer when authorized and directed by the City Council to conduct local improvement district and utility local improvement district formation hearings and final assessment roll hearings, and to consider final assessment rolls and the individual assessments upon property within local improvement districts and utility local improvement districts prior to final Council action on such rolls establishing procedures by amending Chapter 1.36 of the Lakewood Municipal Code, adding a new Section 1.36.126, 1.36.127 and 1.36.128 of the Lakewood Municipal Code.

WHEREAS, RCW 35.43.070 authorizes the City Council to direct that hearings on the formation of a local improvement district (an ?LID?) or a utility local improvement district (a ?ULID?) may be conducted by an officer designated by the Council; and

WHEREAS, RCW 35.44.070 authorizes the City Council to direct that hearings on any final assessment roll and individual assessments in an LID or ULID may be conducted by an officer designated by the City Council; and

WHEREAS, the City Council intends to provide for the alternative of designating a Hearing Officer as the officer to conduct such hearings when in the determination and discretion of the City Council the complexity of an LID or ULID, or of an assessment roll, or any other issues involved, would best be referred for hearing before a qualified professional hearing officer prior to final Council action on the question of formation of an LID or ULID, or the assessment roll and individual assessments; and

WHEREAS, an amendment to the Lakewood Municipal Code is necessary to allow for that purpose;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. That a new Section 1.36.126 of the Lakewood Municipal Code relating to Independent and Alternative Hearing Officer Procedures for Local Improvement Districts and Utility Local Improvement Districts, be and the same is hereby created to read as follows:

Section 1.36.126 - Independent and Alternative Hearing Officer Procedures for Local Improvement Districts and Utility Local Improvement Districts.

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The procedures set forth in Sections 1.36.126, 1.36.127 and 1.36.128 of this chapter are independent of and alternative to any other hearing or review processes heretofore or hereafter established by the City, and shall govern the conduct and review of LID and ULID formation and final assessment roll hearings conducted before Hearing Officers, and related proceedings when authorized and directed by the City Council.

Section 2. That a new Section 1.36.127 of the Lakewood Municipal Code relating to the Formation Hearing Officer Procedures and Requirements for Local Improvement Districts and Utility Local Improvement Districts, be and the same is hereby created to read as follows:

Section 1.36.127 - Formation Hearing Officer Procedures and Requirements for Local Improvement Districts and Utility Local Improvement Districts.

A As authorized by RCW 35.43.140, the City Council hereby provides for delegating, whenever directed by majority vote of the City Council, the duty of conducting public hearings for the purpose of considering and making recommendations on the formation of LIDs and ULIDs to a Hearing Officer appointed under this section, and the Hearing Officer is directed to conduct such hearings in the manner provided by law and make those recommendations when thus authorized by the City Council.

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B The Hearing Officer shall conduct the formation hearing to be commenced at the time and place designated by the City Council, cause an adequate record to be made of the proceedings, and make written findings, conclusions and recommendations to the City Council following the completion of such hearing, which may be continued and recontinued as provided by law whenever deemed proper by the Hearing Officer.

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C. The recommendations of the Hearing Officer shall be reported to the City Council and they also shall be filed with the City Clerk and be open to public inspection.

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D. The City Council shall consider, adopt, modify or reject the recommendations of the Hearing Officer in whole or in part, in the discretion of the Council, at a public meeting and shall act by ordinance in forming any LID or ULID. Council consideration and action shall be based on the record made before the Hearing Officer and no further evidence or argument will be permitted.

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E. Any appeal from a decision of the City Council regarding formation of an LID or ULID may be made to the Superior Court within the time and in the manner provided by law.

Section 3. That a new Section 1.36.128 of the Lakewood Municipal Code relating to the Final Assessment Roll Hearing Officer Procedures and Requirements for Local Improvement Districts and Utility Local Improvement Districts, be and the same is hereby created to read as follows:

Section 1.36.128 ? Final Assessment Roll Hearing Officer Procedures and Requirements.

A. As authorized by RCW 35.44.070, the City Council hereby provides for delegating, whenever directed by majority vote of the City Council, the duty of conducting public hearings for the purpose of considering and making recommendations on final assessment rolls and the individual assessments upon property within LIDs and ULIDs to a Hearing Officer appointed under this section, and the Hearing Officer is directed to conduct such hearings in the manner provided by law and make those recommendations when thus authorized by the City Council.

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B. All objections to the confirmation of the assessment roll shall be in writing and identify the property, be signed by the owners and clearly state the grounds of the objection. Objections not made within the time and in the manner prescribed and as required by law shall be conclusively presumed to have been waived.

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C. The Hearing Officer shall conduct the final assessment roll hearing to be commenced at the time and place designated by the City Council, cause an adequate record to be made of the proceedings, and make written findings, conclusions and recommendations to the City Council following the completion of such hearing, which may be continued and recontinued as provided by law whenever deemed proper by the Hearing Officer.

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D. The recommendations of the Hearing Officer shall be that the City Council correct, revise, lower, change or modify the roll or any part thereof, or set aside the roll in order for the assessment to be made de novo, or that the City Council adopt or correct the roll or take other action on the roll as appropriate, including confirmation of the roll without change. The recommendations of the Hearing Officer shall be filed with the City Clerk and be open to public inspection. All persons whose names appear on the assessment roll who timely filed written objections to their assessments shall receive mailed written notification of their assessments recommended by the Hearing Officer.

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E. All persons who shall have timely filed written objections to their assessments may appeal the recommendations of the Hearing Officer regarding their properties to the City Council by filing written notice of such appeal with the City Clerk within ten (10) calendar days after the date of mailing of the Hearing Officer's recommendations.

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F. Such appeals shall be based exclusively upon the record made before the Hearing Officer and shall be considered by the City Council at a public meeting. No new evidence may be presented. Arguments on appeal shall be either oral or written as the City Council may order.

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G. The City Council shall adopt, modify or reject the recommendations of the Hearing Officer in whole or in part, in the discretion of the Council, at a public meeting and shall act by ordinance in confirming the final assessment roll.

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H. Any appeal from a decision of the City Council regarding any assessment may be made to the Superior Court within the time and in the manner provided by law.

Section 4. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 5. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 17th day of April, 2006.

CITY OF LAKEWOOD

Clauda B. Thomas, Mayor
Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney