

# THE CITY OF SPOKANE



## ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, MARCH 18, 2013

### MISSION STATEMENT

TO DELIVER EFFICIENT AND EFFECTIVE SERVICES  
THAT FACILITATE ECONOMIC OPPORTUNITY  
AND ENHANCE QUALITY OF LIFE.

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBER MICHAEL A. ALLEN

COUNCIL MEMBER MIKE FAGAN

COUNCIL MEMBER NANCY McLAUGHLIN

COUNCIL MEMBER STEVE SALVATORI

COUNCIL MEMBER JON SNYDER

COUNCIL MEMBER AMBER WALDREF

COUNCIL CHAMBERS  
CITY HALL

808 W. SPOKANE FALLS BLVD.  
SPOKANE, WA 99201

## CITY COUNCIL BRIEFING SESSION

Council will adopt the Administrative Session Consent Agenda after they have had appropriate discussion. Items may be moved to the 6:00 p.m. Legislative Session for formal consideration by the Council at the request of any Council Member.

SPOKANE CITY COUNCIL BRIEFING SESSIONS (BEGINNING AT 3:30 P.M. EACH MONDAY) AND LEGISLATIVE SESSIONS (BEGINNING AT 6:00 P.M. EACH MONDAY) ARE BROADCAST LIVE ON CITY CABLE CHANNEL FIVE AND STREAMED LIVE ON THE CHANNEL FIVE WEBSITE. THE SESSIONS ARE REPLAYED ON CHANNEL FIVE ON WEDNESDAYS AT 6:00 P.M. AND FRIDAYS AT 10:00 A.M.

The Briefing Session is open to the public, but will be a workshop meeting. Discussion will be limited to Council Members and appropriate Staff and Counsel. There will be an opportunity for the expression of public views on any issue not relating to the Current or Advance Agendas during the Open Forum at the beginning and the conclusion of the Legislative Agenda.

### ADDRESSING THE COUNCIL

- No one may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet as a condition of recognition.
- Each person speaking at the public microphone shall print his or her name and address on the sheet provided at the podium and verbally identify him/herself by name, address and, if appropriate, representative capacity.
- If you are submitting letters or documents to the Council Members, please provide a minimum of ten copies via the City Clerk. The City Clerk is responsible for officially filing and distributing your submittal.
- In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, modes of expression such as demonstration, banners, applause and the like will not be permitted.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.

**SPEAKING TIME LIMITS:** Unless deemed otherwise by the Chair, each person addressing the Council shall be limited to a three-minute speaking time.

**CITY COUNCIL AGENDA:** The City Council Advance and Current Agendas may be obtained prior to Council Meetings from the Office of the City Clerk during regular business hours (8 a.m. - 5 p.m.). The Agenda may also be accessed on the City website at [www.spokanecity.org](http://www.spokanecity.org). Agenda items are available for public review in the Office of the City Clerk during regular business hours.

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Gita George-Hatcher at (509) 625-7083, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [ggeorge-hatcher@spokanecity.org](mailto:ggeorge-hatcher@spokanecity.org). Persons who are deaf or hard of hearing may contact Ms. George-Hatcher at (509) 625-7083 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

If you have questions, please call the Agenda Hotline at 625-6350.

# BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)

(No Public Testimony Taken)

Council Reports

Staff Reports

Committee Reports

Advance Agenda Review

Current Agenda Review

# ADMINISTRATIVE SESSION

Roll Call of Council

# CONSENT AGENDA

## REPORTS, CONTRACTS AND CLAIMS

## RECOMMENDATION

Staff requests motion to withdraw OPR 2013-0170 referenced below:

- |   |                |                              |
|---|----------------|------------------------------|
| 1. Low bid meeting specifications of Mallory Safety & Supply (Spokane, WA) for purchase of 273 Escape Belts and Carabineer Multi-use Straps and 293 Escape Systems—\$151,613.90 (including tax). (Deferred from March 11, 2013, Agenda) | Withdraw       | OPR 2013-0170<br>BID 3917-13 |
| 2. Contract Amendment with Community-Minded Enterprises (CME), as the operator of Spokane's community-access cable channel, setting CME's 2013 capital equipment grant at \$88,000. (Deferred from February 25, 2013, Agenda)           | Approve        | OPR 2006-0976                |
| 3. Community, Housing and Human Services Board recommendations to increase grant funding and extend contracts from July 1, 2013 through December 31, 2013 with:   | Approve<br>All |                              |
| a. Various Agencies (Catholic Charities, Transitions, YWCA and Spokane Housing Ventures)—total increase \$480,626.33.   |                | OPR 2012-0366                |

- b. Salvation Army and Spokane County Medical Foundation Society—total increase \$194,227.64. OPR 2012-0552
4. Access and Utility Easement between Spokane County and the City, as tenants in common, and New Cingular Wireless PCS, LLC (Alpharetta, GA) to install underground communication line located in the Airport Business Park to support communication equipment on a City-owned water tower. Approve OPR 2013-0198
5. Reschedule Hearing before the City Council to April 8, 2013, for the vacation of Garnet Avenue from Rebecca Street to Myrtle Street and Myrtle Street from North Line of Alley North of Courtland Avenue to Garnet Avenue (Requested by Parks Department). Approve RES 2013-0014
6. Report of the Mayor of pending claims and payments of previously approved obligations, including those of Parks and Library, through \_\_\_\_\_, total \$\_\_\_\_\_, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$\_\_\_\_\_. Approve & Authorize Payment CPR 2013-0002

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## **EXECUTIVE SESSION**

(Closed Session of Council)

(Executive Session may be held or reconvened during the 6:00 p.m. Legislative Session)

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## **CITY COUNCIL SESSION**

(May be held or reconvened following the 3:30 p.m. Administrative Session)  
(Council Briefing Center)

This session may be held for the purpose of City Council meeting with Mayoral nominees to Boards and/or Commissions. The session is open to the public.

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## **LEGISLATIVE SESSION**

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

**WORDS OF INSPIRATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL OF COUNCIL**

**ANNOUNCEMENTS**

(Announcements regarding Changes to the City Council Agenda)

**BOARDS AND COMMISSIONS APPOINTMENTS**

(Includes Announcements of Boards and Commissions Vacancies)

**CITY ADMINISTRATION REPORT**

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**COUNCIL COMMITTEE REPORTS**

(Committee Reports for Finance, Neighborhoods, Public Safety, Public Works, and Planning/Community and Economic Development Committees and other Boards and Commissions)

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**OPEN FORUM**

This is an opportunity for citizens to discuss items of interest not relating to the Current or Advance Agendas nor relating to political campaigns/items on upcoming election ballots. This Forum shall be for a period of time not to exceed thirty minutes. After all the matters on the Agenda have been acted on, unless it is 10:00 p.m. or later, the open forum shall continue for a period of time not to exceed thirty minutes. Each speaker will be limited to three minutes, unless otherwise deemed by the Chair. If you wish to speak at the forum, please sign up on the sign-up sheet located in the Chase Gallery.

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**LEGISLATIVE AGENDA**

**NO EMERGENCY BUDGET ORDINANCES**

**NO EMERGENCY ORDINANCES**

**NO RESOLUTIONS**

**FINAL READING ORDINANCE**

(Requires Four Affirmative, Recorded Roll Call Votes)

**ORD C34969** Relating to weights and measures; amending SMC Sections 1.05.170, 4.04.010, 4.04.020, 10.34.030, 10.34.050, 10.34.060, and 10.34.070; and repealing SMC Sections 8.02.0219, 10.46.010, 10.46.020, 10.46.030,

10.46.040, 10.46.050, 10.46.060, 10.46.070, 10.46.080, 10.46.081, 10.46.082, 10.46.083, 10.46.084, 10.46.085, 10.46.086, 10.46.090, 10.46.100, 10.46.110, 10.46.120, 10.46.130, 10.46.140, 10.46.150, 10.46.160, 10.46.170, 10.46.180, 10.46.190, 10.46.200, 10.46.210, 10.46.220, 10.46.230, 10.46.240, 10.46.250, 10.46.260, 10.46.270, 10.46.280, 10.46.290, 10.46.300, 10.46.310, 10.46.320, 10.46.330, 10.46.340, 10.46.350, 10.46.360, 10.46.370, 10.46.380, 10.46.390, 10.46.400, 10.46.410, 10.46.420, 10.46.430, 10.46.440, 10.46.450, 10.46.460, 10.46.470, 10.46.480, 10.46.490, 10.46.500, 10.46.5001, 10.46.5002, 10.46.5003, 10.46.5004, 10.46.5005, 10.46.5006, 10.46.5007, 10.46.5008, 10.46.5009, 10.46.5010, 10.46.5011, 10.46.5012, 10.46.5013, 10.46.5014, 10.46.5015, 10.46.510, 10.46.520, 10.46.530, 10.46.540, 10.46.550, 10.46.560, and 10.46.570.

## **FIRST READING ORDINANCES**

(No Public Testimony Will Be Taken)

- ORD C34964** Relating to the executive and administrative organization of the City; adopting a new Chapter 3.01A to Title 3; and repealing Chapter 3.01 of the Spokane Municipal Code. (Deferred from March 4, 2013, Agenda)
- ORD C34965** Relating to the Police Division; adopting a new Chapter 3.10 to Title 3 of the Spokane Municipal Code. (Deferred from March 4, 2013, Agenda)
- ORD C34971** Relating to the Utility U-Help program; adopting a new Chapter 13.09 to Title 13 of the Spokane Municipal Code.

(Note: Final Reading of the above ordinances will be held April 8, 2013.)

**FURTHER ACTION DEFERRED**

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**NO SPECIAL CONSIDERATIONS**

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**NO HEARINGS**

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**Motion to Approve Advance Agenda for March 18, 2013**  
(per Council Rule 2.1.2)

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## **OPEN FORUM (CONTINUED)**

This is an opportunity for citizens to discuss items of interest not relating to the Current or Advance Agendas nor relating to political campaigns/items on upcoming election ballots. This Forum shall be for a period of time not to exceed thirty minutes. After all the matters on the Agenda have been acted on, unless it is 10:00 p.m. or later, the open forum shall continue for a period of time not to exceed thirty minutes. Each speaker will be limited to three minutes, unless otherwise deemed by the Chair. If you wish to speak at the forum, please sign up on the sign-up sheet located in the Chase Gallery.

## **ADJOURNMENT**

The March 18, 2013, Regular Legislative Session of the City Council is adjourned to Monday, March 25, 2013.

**Note:** The March 25, 2013, 6:00 p.m. Legislative Session will be a Town Hall Session held at East Central Community Center.

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## **NOTES**



OFFICE OF THE CITY CLERK  
808 W. SPOKANE FALLS BLVD  
SPOKANE, WASHINGTON 99201-3342  
509.625.6350

March 7, 2013

City Clerk File Nos.:  
OPR 2013-0170

COUNCIL ACTION MEMORANDUM

RE: LOWEST BID MEETING SPECIFICATION TO MALLOR SAFETY & SUPPLY (BID 3917-13)

During its 3:30 p.m. Briefing Session held Monday, March 4, 2013, upon review of the March 11, 2013, Advance Agenda, the following action was taken:

**Motion** by Council Member Fagan, seconded by Council Member Salvatori, to **defer** for one week (to March 18, 2013) the Low Bid meeting specifications of Mallory Safety & Supply for purchase of 273 Escape Belts and Carabineer Multi-use Straps and 293 Escape Systems; **carried unanimously (Council Members McLaughlin and Waldref absent).**

Terri L. Pfister, MMC  
Spokane City Clerk





**Agenda Sheet for City Council Meeting of:**

03/11/2013

<b>Date Rec'd</b>	2/27/2013
<b>Clerk's File #</b>	OPR 2013-0170
<b>Renews #</b>	
<b>Cross Ref #</b>	OPR 2012-0487
<b>Project #</b>	
<b>Bid #</b>	3917-13
<b>Requisition #</b>	RE 16557

<b>Submitting Dept</b>	FIRE
<b>Contact Name/Phone</b>	ART NICHOLS 625-7080
<b>Contact E-Mail</b>	ANICHOLS@SPOKANEIFRE.ORG
<b>Agenda Item Type</b>	Purchase w/o Contract
<b>Agenda Item Name</b>	0440 AWARD OF BID FOR FIRE ESCAPE SYSTEMS AND BELTS

**Agenda Wording**

Award lowest bid meeting specification to Mallory Safety & Supply (15310 E. Marietta, Spokane, WA 99216) for the purchase of 273 Escape Belts and CMUS (Carabineer Multi-Use Strap) and 293 Escape Systems for a total of \$151,613.90 including tax.

**Summary (Background)**

FEMA has awarded a grant (80% FEMA – 20% local) to the Fire Department which was approved by Council on 06/04/2012. This grant is for Personal Protective Equipment (PPE), specifically Escape Belts and Systems which are to be used by firefighters in emergency situations to evacuate from a building when all normal escape means have been eliminated. The FD had tested a variety of belts, hooks, ropes and escape systems extensively which resulted in the selection of the components specified.

**Fiscal Impact**

Expense	\$ 121,292.12
Expense	\$ 30,322.78
Select	\$
Select	\$

**Budget Account**

#	3130-91687-22200-53205
#	3130-49201-22200-53205
#	
#	

**Approvals**

<b>Dept Head</b>	WILLIAMS, BOBBY
<b>Division Director</b>	WILLIAMS, BOBBY
<b>Finance</b>	LESESNE, MICHELE
<b>Legal</b>	BURNS, BARBARA
<b>For the Mayor</b>	SANDERS, THERESA
<b>Additional Approvals</b>	
<b>Purchasing</b>	PRINCE, THEA

**Council Notifications**

<b>Study Session</b>	Public Safety 2/27/13 (email)
<b>Other</b>	
<b>Distribution List</b>	
	anichols
	lbrant
	bwilliams
	tprince

Bids were received from 3 vendors. The FD's share is \$ 30,322.78.

Bidder	Description	Number of units	Description	Number of units
	Escape belts & CMUS each	273	Escape Systems each	293
Mallory	\$ 212.89	\$ 58,118.97	\$ 277.68	\$ 81,360.24
MES	\$ 206.46	\$ 56,363.58	\$ 285.93	\$ 83,777.49
Unifire		Combined both units	\$ 487.00	\$ 142,691.00
Unifire( belts only)	\$ 216.50	\$ 59,104.50	\$	\$ -
Unifire (intended)	\$ 216.50	\$ 59,104.50	\$ 270.50	\$ 79,256.50

Sub Total	Tax	Total		Will sell additional units at the same price
\$ 139,479.21	\$ 12,134.69	\$ 151,613.90		Yes
\$ 140,141.07	\$ 12,192.27	\$ 152,333.34		Yes
\$ 142,691.00	\$ 12,414.12	\$ 155,105.12		Yes
\$ 59,104.50	\$ 5,142.09	\$ 64,246.59		Yes
\$ 138,361.00	\$ 12,037.41	\$ 150,398.41	Rejected by Barb Burns	Yes

Days to delivered once awarded

45

49

63 from today

63 from today

63 from today

DAVID CONDON  
MAYOR



CITY OF SPOKANE - PURCHASING  
808 W. Spokane Falls Blvd.  
Spokane, Washington 99201-3316  
(509) 625-6400  
FAX (509) 625-6413

## REQUEST FOR BID

City of Spokane, Washington

**BID NUMBER:** 3917-13

**DESCRIPTION:** FIREFIGHTER ESCAPE SYSTEMS AND ESCAPE BELTS

**DUE DATE:** MONDAY, FEBRUARY 25, 2013  
No later than 1:00 p.m.

City of Spokane - Purchasing  
4<sup>TH</sup> Floor, City Hall  
808 W. Spokane Falls Blvd.  
Spokane WA 99201-3316

**BID SUBMITTED BY:**  
COMPANY MALLORY SAFETY AND SUPPLY

**MAILING ADDRESS** 15310 E MARIETTA AVE  
SPOKANE WA 99216

**PHYSICAL ADDRESS** 15310 E MARIETTA AVE  
SPOKANE WA 99216

**PHONE NUMBER** 509 534-0661

**FAX NUMBER** 509 534-0991

**E-MAIL ADDRESS** bparrish@malloryco.com

*Shea Prince*

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Purchasing

**CITY OF SPOKANE REQUEST FOR BIDS**

**PART I. PRICING PAGE**

**TO: PURCHASING, CITY OF SPOKANE**

**BID NAME: ESCAPE SYSTEMS AND ESCAPE BELTS**

**BID NO: 3917-13**

The undersigned agrees to furnish the following items at the prices stated, subject to the conditions and requirements of this Bid.

ITEM NO.	QTY	DESCRIPTION	UNIT PRICE	TOTAL
1	273	ESCAPE BELTS & CMUS (Carabiner Multi-Use Strap)	\$212.89	\$58,118.97
2	293	ESCAPE SYSTEMS	\$277.68	\$81,360.24
<b>SUB TOTAL</b>				\$139,479.21
<b>WA STATE SALES TAX (8.7%)</b>				\$12,134.69
<b>GRAND TOTAL</b>				\$151,613.90


**PAYMENT:** Net 30 days

**PAYMENT:** Supplier will accept credit cards:  YES  NO

**DELIVERY:** We (I) will deliver complete the above items within 45 days from receipt of order.

**F.O.B. Delivery Point:**

**ACCEPTANCE:** The signing and submittal of Part 1 of this proposal shall be an indication of acknowledgement and acceptance of these terms and conditions and compliance shall be part of the bidders' proposal.

Firm Name: MALLORY SAFETY AND SUPPLY CO Signature: 

Mailing Address: 15310 E MARIETTA AVE, SPOKANE WA 99216 By: BILL PARRISH  
(Type or Print)

Title: TERRITORY MANAGER

Phone: 509 954-0881 Date: 02/19/2013

Please indicate person to be contacted by the City concerning item(s) being bid:

NAME: BILL PARRISH TELEPHONE: 509 954-0881

**BUSINESS REGISTRATION REQUIREMENT**

Section 8.01.070 of the Spokane Municipal Code states that no person may engage in business with the City without first having obtained a valid business registration. The Vendor shall be responsible for contacting the State of Washington Business License Services at <http://bls.dor.wa.gov> or 1-800-451-7985 to obtain a business registration. If the Vendor does not believe it is required to obtain a business registration, it may contact the City's Taxes and Licenses Division at 509-625-6070 to request an exemption status determination.

**CITY OF SPOKANE BUSINESS LICENSE NUMBER:** T12089915BUS

**ORGANIZATION**

Proposal of an ( ) individual ( ) partnership (X) corporation organized and existing under the Laws of the State of WASHINGTON.

**ADDITIONAL ITEMS**

The City of Spokane reserves the right to purchase additional items at the bid price. Vendor agrees to sell at the same price, terms and conditions.

YES \_\_\_\_\_ X \_\_\_\_\_ NO \_\_\_\_\_

If yes, prices are good until further notice.

**INTERLOCAL PURCHASE AGREEMENTS**

The City of Spokane has entered into Interlocal Purchase Agreements with other public agencies pursuant to RCW 39.34. In submitting a response the vendor agrees to sell additional items at the bid price, terms and conditions to the City of Spokane and other public agencies contingent upon the seller's review and approval at the time of a requested sale. Any price de-escalation/escalation provisions of this bid proposal shall apply in the case of a sale of additional items. Seller's right to refuse to sell additional items at the time of request shall be absolute.

**ORIGINAL EQUIPMENT MANUFACTURER**

State name(s) and address(es) of Original Equipment Manufacturer (OEM) and distributors (if applicable) to be used in the production and delivery of your product.

NAME	ADDRESS	ZIP
<u>XTREME RESCUE</u>	<u>614 E STATE ST, CHERRY HILL, IL</u>	<u>61016</u>
<u>STERLING ROPE CO INC</u>	<u>26 MORIN ST, BIDDEFORD ME</u>	<u>04005</u>
<u>FIRE INNOVATIONS LLC</u>	<u>BOX 2111, PETALUMA CA</u>	<u>94953</u>

**MINORITY BUSINESS ENTERPRISE**

Vendor (is \_\_\_\_, is not X) a Minority Business Enterprise. A Minority Business Enterprise is defined as a "business, privately or publicly owned, at least 51% of which is owned by minority group members." For purpose of this definition, minority group members are Blacks, Hispanics, Asian Americans, American Indian or Alaskan Natives, or Women.

**SMALL BUSINESS**

Vendor (is X, is not \_\_\_\_) a small business concern. (A small business concern for the purpose of government procurement is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operations in which it is bidding on government contracts, and can further qualify under the criteria concerning number of employees, average annual receipts, or other criteria as prescribed by the Small Business Administration).



## NON-COLLUSION

The Bidder certifies that his/her firm has not entered into any agreement of any nature whatsoever to fix, maintain, increase or reduce the prices or competition regarding the items covered by this bid invitation.

## PART II. SPECIFICATIONS

### SECTION I. GENERAL INSTRUCTIONS

1. These specifications will establish minimum acceptable requirements attempting to take advantage of latest developments.
2. Time is of the essence in the performance of this contract after a delivery schedule is established. Delivery time shall be a consideration of awarding this contract.
3. Vendors should be aware that bids would be rejected if all questions are not completely and correctly answered.
4. The City of Spokane reserves the right to divide the award of this bid in the most efficient way for the City.
5. Signature on this proposal by the bidder will confirm acknowledgement of receipt and understanding of general terms and conditions.

### SECTION II. SPECIAL INSTRUCTIONS

1. This bid is for a firefighter escape system to be worn by all on-duty Spokane Fire Department members. Included in the bid are a complete escape system, escape belt, and accessory strap for use with escape belt. Bidder may bid on both the escape system and escape belt system or individually. The Fire Department will select what will be most beneficial in cost but will consider other factors such as delivery time, warranties, and support. All items may be delivered as separate components as we will be training individuals how to assemble system in the course of training on usage.
2. Specifications below are for an individual system.
3. Quantities indicated on page two are realistic estimates of expected annual usage but no particular quantities are guaranteed. Specific quantities of each belt size will be provided at time of award.
4. The successful vendor will be required to maintain a local stock of all line items. Actual stocking levels are to be determined and agreed upon before award to recommended vendor.
5. All items must meet Spokane Fire Department specifications and NFPA 1983-2012 Edition Standards.
6. Delivery of Escape system components is required by May 1, 2013.
7. Delivery of Escape Belt & CMUS (**Carabiner Multi-Use Strap**) components is required by April 1, 2013 in order to outfit each firefighter for scheduled training.
8. The City of Spokane reserves the right to request samples of the quoted items, before award, and to have the final say in the determination of equals.
9. Any questions may be directed to Art Nichols, Fire Department (509) 625-7080 or Thea Prince, Purchasing Division (509) 625-6403.

10. The Fire Department has completed extensive testing and evaluations of several belts and systems with the equipment listed below as being the best products for this Department. Since many of the items specified below are new to the market or yet to be released we have included contact information to assist you in the bid process. The contacts are familiar with the specifications listed below.

**Manufacturer Contact Information:**

Xtreme Rescue Inc  
Contact: Brian Herrli  
614 East State Street  
Cherry Valley, IL 61016  
(773) 406-4574  
[chicagosquad5@yahoo.com](mailto:chicagosquad5@yahoo.com)

Sterling Rope Co., Inc.  
Contact: Matt Hunt  
Alternate Contact: Sam Morton  
26 Morin Street  
Biddeford, ME 04005-4413 USA  
(800) 788-7673 ext. 3107  
[rescue@sterlingrope.com](mailto:rescue@sterlingrope.com)

Fire Innovations, LLC  
Contact: JC Colorado  
PO Box 2111  
Petaluma, CA 94953  
(866) 347-3466  
[info@fireinnovations.com](mailto:info@fireinnovations.com)

11. I acknowledge receipt and compliance with the above special instructions.

  
\_\_\_\_\_

**SECTION III. TECHNICAL SPECIFICATION**

**Escape System:**

**Descent Control Device:** Xtreme Rescue HALO Escape Device

Hands free descending device. Auto stopping. Shall be capable of utilizing a 7.5 mm Escape Rope, with an internal cam activated by the user's weight creating an auto-stopping descent control. Auto-stop shall be overcome and descent speed controlled by pulling on a metal control device, capable of being activated with one hand. The descent control device shall include a rope guide to reduce rope jamming. Device is 6" (L) x 1.25" (W) x 1" (H). Device to be independently certified NFPA 1983 - 2012 edition as an Escape Device by an industry recognized company. Device shall be marked as such and be marked with individual serial numbers for tracking purposes. A 100% kevlar tether shall be sewn on and be rated for a minimum of 13.5 kN MBS. This tether is to be used for attaching the carabiner for attachment to the escape belt.

Sterling Rope SAFE-D carabiner to be included and attached to tether with captive eye pin installed. Carabiner specs: 3 stage Auto-locking, Assymetrical D shaped carabiner. Red in color. UL certified to NFPA 1983 -

Technical Use. Captive eye pin with removable 2mm set screw with included allen wrench. MBS 28kN along major axis, 11kN along minor axis. Gate opening: 1.05".

A total of 20 extra 2mm set screws to be included with entire order.

Manufacturer shall provide a guarantee for a period of ten (10) years against any and all faults in material. This shall exclude unauthorized modifications of the equipment, use of the equipment for other than its' intended purpose, improper inspection/maintenance of the equipment, or normal wear and tear of the equipment.

**Rope:** Sterling Rope EscapeTech 7.5mm Escape Rope

50 feet in length. Rope to be sewn onto hook by rope manufacturer with a fully rated stitch. Tail of rope to be pre-threaded through escape device and the tail sewn with a fully rated, manufacturer supplied termination providing an attachment point.

16 carrier sheath with one black Technora strand, one red Kevlar strand, and 14 natural colored Technora strands. Core constructed of Nylon. Elongation at 300 lbs – 6.1 %, MBS – 3912 lbs, Weight per 50 feet -1.4 lbs.

**Carrying Bag / Deployment Strap:** Customized bag and deployment strap manufactured by Xtreme Rescue for Spokane Fire Department.

Bag designed to be stored in either left or right pocket of Globe turnout pants for secure storage and easy deployment of escape system. Bag made of water resistant Cordura to specifications supplied to manufacturer by the Spokane FD (contact manufacturer for details regarding design).

Deployment strap designed to assist in easy deployment of the escape system. Strap to be constructed of fire resistant material per specifications supplied to the manufacturer by the Spokane FD (contact manufacturer for details regarding design).

**Hook:** Sterling Rope Lighting GT Escape Anchor Hook

Escape anchor hook constructed of 7076-T6 Aluminum, Anodized, Red in color. Hook to weigh 7.5 oz and certified UL listed to NFPA 1983 - 2012 as an Escape Anchor. Dimensions: Length 7 inches, width (at widest) 4.5 inches, thickness 0.5 inches. Hook to feature a hitching slot with spring loaded wire gate, allowing for a secure remote anchorage.

**Escape Belt and Accessory:**

**Escape Belt:** Fire Innovations Cheyenne Escape Belt w/ Carabiner Multi Use Strap

The firefighter escape belt shall be compliant to NFPA 1983-2012 Edition Standards. The belt shall be capable of 3,034 lbs. static load. The belt shall be constructed of one and three quarter inch (1.75") Kevlar® webbing. The belt shall have the D-ring attachment point and the main buckle. Both sets of standard issue gear loops are to be removed by manufacturer. Belt to include 1 Multi Slide Attachment point. Belts to be sized in 2" increments through manufacturer supplied sizing belts.

\*Note: All D-rings are NFPA 1983-2012 Edition Attachment Points/Positioning Points

All buckles shall be constructed of forged alloy steel and at the min. 100% proof load tested @11.2kN (2500 lbs.). Additionally, buckles shall be UL® tested and certified to NFPA 1983 and 2012 Edition Standards. Buckle to include wings for ease of donning and doffing. All D-Rings are NFPA attachment points utilizing Bent 40 degree D-Rings. The first used as the main attachment point to the front of the belt. The sliding Bent D ring can slide to any point on the body of the belt. Both D-rings to be equipped with a velcro holder for securing D-ring when not in use.

All webbing shall be constructed of dual layered 1.75" Kevlar and sewed with 138 bonded twisted Kevlar® thread. Additionally, webbing shall be UL tested and certified to NFPA 1983-2012 Edition Standards.

### ***Fire Innovations Carabiner Multi-Use Strap (CMUS)***

This accessory attaches to the belt's attachment point via a carabiner. Installation and proper use of this strap will upgrade the escape belt into a NFPA 1983 - 2012 edition certified Ladder Belt. The end of the CMUS is a certified Positioning Point and certified Escape Anchor in the Basket configuration (both to NFPA 1983 - 2012 edition).

Sterling Rope SAFE-D twist lock carabiner to be included with CMUS. Carabiner specs: 2 stage twist lock, Assymetrical D shaped carabiner. Red in color. UL certified to NFPA 1983 - Technical Use. Captive Eye pin with removable 2mm set screw with included allen wrench. MBS 28kN along major axis, 11kN along minor axis. Gate opening: 1.05".

Since many of the items specified below are new to the market or yet to be released we have included contact information to assist you in the bid process. The contacts are familiar with the specifications listed above.

## **SECTION IV. BID PREPARATION AND EVALUATION**

### **1. PREPARATION OF BIDS**

All bids shall be typed or printed in ink, prepared on the form furnished by the Purchaser and signed by an authorized person of Bidder's firm. If errors are made, they may be crossed out. Corrections shall be printed in ink or typewritten adjacent and initialed in ink by the person signing the bid. IF THE BIDS CONTAIN ANY OMISSION, ERASURES, ALTERATIONS, ADDITIONS, OR ITEMS NOT CALLED FOR IN THE PROPOSAL, OR CONTAIN IRREGULARITIES OF ANY KIND, IT MAY CONSTITUTE SUFFICIENT CAUSE FOR REJECTION.

### **2. PREPARATION OF ENVELOPES**

Place all copies of the bid in one sealed envelope. On the front of the envelope, place the following information:

**"SEALED BID - IMPORTANT"**  
**PROJECT NAME: #3917-13 ESCAPE SYTEMS & ESCAPE BELTS**  
**OPENING DATE AND TIME**  
**COMPANY NAME**

### **3. SUBMISSION OF BIDS Submit two (2) copies of the bid, as follows:**

· Original & one (1) copy to: **City of Spokane Purchasing  
4<sup>th</sup> Floor - City Hall  
808 West Spokane Falls Blvd.  
Spokane WA 99201-3316**

The Purchaser is not responsible for bids delivered late. It is the responsibility of the Bidder to be sure the bids are sent sufficiently ahead of time to be received **no later than 1:00 PM** on the opening date.

The City of Spokane City Hall is a secured building so allow enough time to get through security when delivering a bid.

Sealed bids will be opened at 1:15 p.m., Monday, February 25, 2013 in the City Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201

#### **4. INTERPRETATION**

If the Bidder discovers any errors, discrepancies or omissions in the bid specifications, or has any questions about the specifications, the Bidder must notify City of Spokane Purchasing in writing. Any addenda issued by the Purchaser will be incorporated into the contract or purchase order.

#### **5. WITHDRAWAL OF BIDS**

Bidders may make written request to City of Spokane Purchasing for withdrawal of a sealed bid prior to the scheduled bid opening. Unless otherwise specified, no bids may be withdrawn for a minimum of thirty (30) calendar days after the opening date.

#### **6. EVALUATION OF BIDS**

Evaluation of bids shall be based upon the following criteria, where applicable:

- The price, including sales tax and the effect of discounts. Price may be determined by life cycle costing or total cost bidding, when advantageous to the Purchaser.
- The quality of the items bid, their conformity to specifications and the purpose for which they are required.
- The Bidder's ability to provide prompt and efficient service and/or delivery.
- The character, integrity, reputation, judgment, experience and efficiency of the Bidder.
- The quality of performance of previous contracts or services.
- The previous and existing compliance by the Bidder with the laws relating to the contract or services.
- Uniformity or interchangeability.
- The energy efficiency of the product throughout its life.
- Any other information having a bearing on the decision to award the contract.

#### **7. BIDDING ERRORS**

When, after the opening and tabulation of bids, a Bidder claims error, and requests to be relieved of award, he will be required to promptly present certified work sheets. The Purchaser will review the work sheets and if the Purchaser is convinced, by clear and convincing evidence, that an honest, mathematically excusable error or critical omission of costs has been made, the Bidder may be relieved of his bid.

#### **8. BIDDER PREQUALIFICATION.**

Prior to award of contract or purchase, Bidders shall be required to submit evidence of sufficient facilities, equipment, experience and financial ability to insure completion of the work, unless waived by the Purchaser.

#### **9. REJECTION OF BIDS.**

The Purchaser reserves the right to reject any or all bids; to waive minor deviations from the specifications, to waive any informality in bids received, whenever it is in the Purchaser's best interest, and to accept or reject all or part of this bid at prices shown.

**10. AWARD OF CONTRACT.**

Award of contract or purchase, when made, will be to the Bidder whose bid is the most favorable to the Purchaser, taking into consideration price and the other evaluation factors. STATE CONTRACTS WHERE APPLICABLE WILL BE CONSIDERED AS A BID. The City Council shall make the award of contract or purchase. Unsuccessful Bidders will not automatically be notified of bid results.

**SECTION V. GENERAL TERMS AND CONDITIONS**

**1. DEFINITIONS**

- A. Bidder - one who submits a bid.
- B. Vendor - Bidder to whom contract or purchase order is awarded.
- C. Purchaser - City of Spokane and other government agencies (Pursuant to RCW 39.34).
- D. Destination-Delivery - Delivery to Purchaser's building location and includes uncrating and installation.
- E. Until Further Notice - Any time in excess of sixty (60) days from date of opening.
- F. Cost - Total cost of ownership based on the best available information.

**2. CONTRACT PERIOD**

The contract shall begin on signing by both parties, and terminate on **FINAL ACCEPTANCE** of delivery of all items listed herein to include all required documents.

**3. PRICE DECREASES**

During the contract period and any renewals thereof, price decreases at manufacturer's and wholesaler's levels shall be reflected in a contract price reduction to the Purchaser retroactive to the Vendor's effective date.

**4. NON-ESCALATION**

The Vendor's prices shall be firm throughout the contract period with NO provision for price increases unless specific provisions are proposed and agreed upon.

**5. DELIVERY DEFAULT.**

The acceptance of late performance by the Purchaser shall not waive the right to claim damage for such breach nor constitute a waiver of the requirements for the timely performance of any obligations remaining to be performed by Vendor.

**6. DELIVERY DELAY.**

In the event of delivery delay beyond the date specified in the bid, the Purchaser shall assess, as liquidated damages \$50.00 per day per unit beyond the completion date specified. The Purchaser shall have the right to deduct and retain the amount of such liquidated damages from any monies due or which may become due the Vendor or to initiate legal proceedings for the collection of same.

**SECTION VI. STANDARD TERMS AND CONDITIONS**

**1. PATENTS, TRADEMARKS AND COPYRIGHTS**

The Vendor warrants the items to be furnished do not infringe any patent, registered trademark or copyright, and agrees to hold Purchaser harmless in the event of any infringement or claim thereof.

**2. TITLE**

The Vendor warrants that the items to be furnished are free and clear of all liens and encumbrances and that the Vendor has good and marketable title to same.

**3. COMPLIANCE WITH LAWS**

The Vendor shall comply with all applicable federal, state and local laws, rules, and regulations, affecting its performance and hold the Purchaser harmless against any claims arising from the violation thereof.

**4. CONTRACT DISPUTES**

Any contract agreement shall be performed under the laws of the State of Washington. Any litigation to enforce such agreement or any of its provisions shall be brought in Spokane County, Washington.

**5. OVERCHARGES.**

The Vendor assigns to the Purchaser any claims for anti-trust violations or overcharges relating to items purchased in filling the Purchaser's orders. The Vendor warrants that its suppliers will also assign any such claims.

**6. WARRANTIES**

The Vendor warrants that the items furnished will conform to its description and any applicable specifications, shall be of good merchantable quality and fit for the known purpose for which sold. This warranty is in addition to any standard warranty or service guarantee by Vendor to the Purchaser.

**7. UNIFORM COMMERCIAL CODE**

The Uniform Commercial Code (UCC), as effective in Washington State, RCW Title 62A, shall determine the rights and duties of the Vendor and the Purchaser.

**8. NON-DISCRIMINATION**

No individual shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied employment in the administration of or in connection with this agreement because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation, national origin, the presence of any sensory, mental or physical disability, or use of a service animal by a disabled person.

**9. SAVE HARMLESS**

Vendor shall protect, indemnify and save the Purchaser harmless from and against any damage, cost or liability for any injuries to persons or property arising from acts or omissions of Vendor, his employees, agents or sub-contractors, howsoever caused.

**10. TAXES**

- **FEDERAL.** The Purchaser is exempt from federal excise taxes. Exemption certificates will be furnished on request.
- **SALES TAX.** The City of Spokane is required to pay Washington State Sales/Use Tax on all purchases. All bidders whether inside or outside the State of Washington shall show the tax rate applicable to this bid. All taxes payable by the City of Spokane as a result of this contract are considered a part of the bid evaluation. Washington State Sales Tax is payable by the City of Spokane direct to the State of Washington on awards made to out-of-state vendors who do not have a Washington State Sales Tax Number. If you have any questions concerning the appropriate rate, contact the Washington State Department of Revenue (509) 482-3800.
- Business, occupational and personal property taxes are the responsibility of the Vendor.

**11. BRAND NAME "OR EQUAL"**

Brand names and numbers, when used, are for the purpose of indicating the desired quality, performance or use. Vendors may offer other brands of comparable or better quality, performance and use. Descriptive literature shall also be submitted, when available. Any bid containing a brand which is not of equal quality, performance or use, must be represented **as an alternate and not as an equal.**

**12. QUANTITIES**

Quantities, when used, are estimates only and are given for the purpose of comparing bids on a uniform basis. Quantities shall be bid on a more or less basis. Payment will be made only for quantities actually ordered, delivered and accepted, whether greater or less than the stated amounts.

**13. ASSIGNMENTS**

The provisions or monies due under the contract or purchase order shall be assignable only with the prior consent of the Director of Purchasing.

**14. CHANGES**

No alteration in any of the terms, conditions, delivery, price, quality or specifications of items ordered will be effective without the written consent of the Director of Purchasing.

**15. DEFAULT**

The Vendor agrees that if a law suit is instituted by the Purchaser for any default on the part of the Vendor, and the Vendor is adjudged to be in default, he/she shall pay to the Purchaser all costs and expenses, expended or incurred by the Purchaser in connection therewith, and reasonable attorney's fees. Venue shall be in the County of Spokane, Washington.

**16. REJECTION**

All items purchased herein are subject to approval by the Purchaser. Any rejection of items resulting because of non-conformity to the terms or specifications of this order whether held by the Purchaser or returned, will be at the Vendor's risk and expense.

**17. TERMINATION**

In event of a breach by Vendor of any of the provisions of this order, Purchaser reserves the right to terminate upon immediate oral or written notification to the Vendor. Vendor shall be liable for damages suffered by the Purchaser resulting from Vendor's breach of contract.

**18. MINORITY BUSINESS OPPORTUNITIES**

Purchaser actively solicits the participation of certified minority business enterprises in the bidding of any and all goods or services.

**19. FREIGHT TERMS**

- A freight bill must support all freight charges included on an invoice.
- The Purchaser reserves the right to be advised of selection of method and type of carrier.
- No charges will be allowed for handling, including but not limited to packing, wrapping, bags, containers or reels, unless otherwise stated herein.
- All invoices, packing lists, packages, shipping notices, instruction manuals, and other written documents affecting this order shall contain the applicable purchase order number. Packing lists shall be enclosed in every box or package shipped pursuant to this order, indicating the contents therein. Invoices will not be processed for payment until all items invoiced are received.
- Risk of Loss. Regardless of F.O.B. point, Vendor agrees to bear all risks of loss, injury or destruction of items ordered herein which occur prior to delivery; such loss, injury or destruction shall not release Vendor from any obligation hereunder.



**20. VENDOR'S COOPERATION**

The Vendor shall communicate with City of Spokane Purchasing and shall actively cooperate in all matters pertaining to this contract or purchase in any way City of Spokane Purchasing may direct to the end that the Purchaser shall receive efficient and satisfactory service.

DAVID CONDON  
MAYOR



CITY OF SPOKANE - PURCHASING  
808 W. Spokane Falls Blvd.  
Spokane, Washington 99201-3316  
(509) 625-6400  
FAX (509) 625-6413

February 21, 2013

## ADDENDUM NO. 1

### REQUEST FOR BIDS #3917-13 FIREFIGHTER ESCAPE SYSTEM & ESCAPE BELTS

This Addendum pertains to the Rope section regarding the Sterling EscapeTech rope.

The corrected text updates the information that was recently given to Sterling from UL pertaining to their new NFPA 1983-2012 certification. The original text was accurate to the 1983-2006 cert.

#### ORIGINAL TEXT:

16 carrier sheath with one black Technora strand, one red Kevlar strand, and 14 natural colored Technora strands. Core constructed of Nylon. Elongation at 300 lbs – 6.1 %, MBS – 3912 lbs, Weight per 50 feet -1.4 lbs.

#### CORRECTED TEXT:

16 carrier sheath with one black Technora strand, one red Kevlar strand, and 14 natural colored Technora strands. Core constructed of Nylon. Certified to NFPA 1983-2012 edition as a Fire-escape rope. Elongation at 300 lbs – 4.4 %, MBS – 3912 lbs, Weight per 50 feet -1.4 lbs.

Thea Prince  
Purchasing

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**PLEASE NOTE: A SIGNED COPY OF THIS ADDENDUM MUST BE SUBMITTED WITH YOUR BID, OR THE BID MAY BE CONSIDERED NON-RESPONSIVE.**

**The undersigned acknowledges receipt of this Addendum.**

MALLODY SAFETY + SUPPLY  
Company

Authorized Signature

DAVID CONDON  
MAYOR



CITY OF SPOKANE - PURCHASING  
808 W. Spokane Falls Blvd.  
Spokane, Washington 99201-3316  
(509) 625-6400  
FAX (509) 625-6413

February 22, 2013

## ADDENDUM NO. 2

### REQUEST FOR BIDS #3917-13 FIREFIGHTER ESCAPE SYSTEM & ESCAPE BELTS

This Addendum pertains to the Delivery Default section under General Terms and conditions.

The corrected text changes the liquidated damages requirement from per day per unit to just per day.

#### ORIGINAL TEXT:

##### DELIVERY DELAY.

In the event of delivery delay beyond the date specified in the bid, the Purchaser shall assess, as liquidated damages \$50.00 per day per unit beyond the completion date specified. The Purchaser shall have the right to deduct and retain the amount of such liquidated damages from any monies due or which may become due the Vendor or to initiate legal proceedings for the collection of same.

#### CORRECTED TEXT:

##### DELIVERY DELAY.

In the event of delivery delay beyond the date specified in the bid, the Purchaser shall assess, as liquidated damages \$50.00 per day beyond the completion date specified. The Purchaser shall have the right to deduct and retain the amount of such liquidated damages from any monies due or which may become due the Vendor or to initiate legal proceedings for the collection of same.

Thea Prince  
Purchasing

**PLEASE NOTE: A SIGNED COPY OF THIS ADDENDUM MUST BE SUBMITTED WITH YOUR BID, OR THE BID MAY BE CONSIDERED NON-RESPONSIVE.**

The undersigned acknowledges receipt of this Addendum.

Murray Safety & Supply  
Company  
  
Authorized Signature



OFFICE OF THE CITY CLERK  
808 W. SPOKANE FALLS BLVD  
SPOKANE, WASHINGTON 99201-3342  
509.625.6350

February 26, 2013

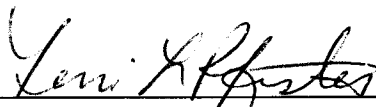
City Clerk File No.:  
OPR 2006-0976

COUNCIL ACTION MEMORANDUM:

RE: CONTRACT AMENDMENT WITH COMMUNITY-MINDED ENTERPRISES

During the Spokane City Council's 3:30 p.m. Administrative Session held Monday, February 25, 2013, Utilities Communications Manager Marlene Feist provided an overview of the Contract Amendment with Community-Minded Enterprises, and she responded to Council inquiries. Subsequent to Council and staff discussion, the following action was taken:

**Motion** by Council Member Allen, seconded by Council President Stuckart, to defer Item No. 7 (Contract Amendment with Community-Minded Enterprises) for three weeks (to March 18, 2013); **carried unanimously (Council Member McLaughlin absent).**

  
\_\_\_\_\_  
Terri L. Pfister, MMC  
Spokane City Clerk



**Agenda Sheet for City Council Meeting of:**

02/25/2013

<b>Date Rec'd</b>	2/12/2013
<b>Clerk's File #</b>	OPR 2006-0976
<b>Renews #</b>	
<b>Cross Ref #</b>	ORDC33751
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	CR13219

<b>Submitting Dept</b>	COMMUNICATIONS
<b>Contact Name/Phone</b>	MARLENE FEIST X6740
<b>Contact E-Mail</b>	MFEIST@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Contract Item
<b>Agenda Item Name</b>	0330-PEG GRANT FOR COMMUNITY ACCESS CABLE TV

**Agenda Wording**

This contract amendment to OPR 2006-0976, which designated Community-Minded Enterprises (CME) as the operator for Spokane's community-access cable channel, sets CME's 2013 capital equipment grant at \$88,000.

**Summary (Background)**

The City cable franchise with Comcast requires Comcast to pay a 50 cent/subscriber/month fee to the City for capital needs for public, governmental, and educational cable programming (PEG). The public programming is produced by CME through its operation of a community access channel. The contract amendment would enable CMTV to access a grant of \$88,000 from the PEG fee restricted fund for that purpose. These funds were included in the 2013 budget and can't be used for other purposes.

**Fiscal Impact**

Expense	\$ 88,000
Select	\$
Select	\$
Select	\$

**Budget Account**

#	1940-37330-28800-54201-99999
#	
#	
#	

**Approvals**

<b>Dept Head</b>	FEIST, MARLENE
<b>Division Director</b>	
<b>Finance</b>	LESESNE, MICHELE
<b>Legal</b>	
<b>For the Mayor</b>	SANDERS, THERESA

**Council Notifications**

<b>Study Session</b>	
<b>Other</b>	
<b>Distribution List</b>	
	mfeist@spokanecity.org
	nancyb@community-minded.org
<b>Additional Approvals</b>	jdelay@spokanecity.org
<b>Purchasing</b>	tszambelan@spokanecity.org
	jfaulkner@spokanecity.org
	mlesesne@spokanecity.org

AMENDMENT NO. 7 TO CME CABLE CHANNEL AGREEMENT

THIS AMENDMENT is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City," and COMMUNITY-MINDED ENTERPRISES, whose address is 25 West Main Avenue, Suite 310, Spokane, Washington 99201, as "CME."

WHEREAS, the City has previously entered into an agreement dated February 7, 2007, with Community Minded Enterprises (CME), a not for profit corporation organized under the laws of the State of Washington, wherein the City provided certain capital grant funds from "PEG" fees from the City's cable franchise (C-33571), together with limited operational support; and

WHEREAS, CME agreed to provide community programming on the cable channel designated for that purpose; and

WHEREAS, the agreement has been amended in the first quarter of 2008, 2009, 2010, 2011, and 2012 to provide additional capital funding from PEG fees; and

WHEREAS, City staff has proposed and CME has accepted capital grant funding for 2013 needs from Comcast PEG monies in the amount of \$88,000, with the grant not involving funds other than PEG fees dedicated to such purposes under the Comcast franchise; and

WHEREAS, CME has agreed to continue to provide community access cable programming and the continued operation of CME as Community Channel Manager is in the public interest; -- Now, Therefore,

The parties agree as follows:

1. DOCUMENTS. The agreement dated February 6, 2007, any previous amendments and/or extensions/renewals thereto are incorporated by reference into this document as though written in full and shall remain in full force and effect except as provided herein.

2. AMENDMENT. Section 3 of the agreement is amended to include the following:

2013 CAPITAL FUNDING. Subject to applicable Franchise requirements as provided in the cable franchise between the City and the Comcast cable company (C-33571) for PEG Fee source expenditures, the City

agrees to pay CME from the "PEG Fee" resource identified in Section 19 J of the franchise, a grant of EIGHTY EIGHT THOUSAND AND NO/100THS DOLLARS (\$88,000.00) for capital expenditures for the calendar year 2012.

- A. CME agrees to continue to present community programming on the cable channel designated for this purpose and represents to the City that it has adequate operational funding and other resources necessary to accomplish this function.
- B. CME understands its obligation to be sure that all expenditures of PEG fee grant monies are consistent with any Comcast franchise restrictions for use of said monies. CME shall furnish Comcast with reasonable proof, upon request, that its use meets cable franchise requirements. In the event CME cannot do so to Comcast's satisfaction, CME is responsible to reimburse the City any reduction in PEG funding obligations by Comcast under Section 19 J (4). CME further agrees to indemnify and hold harmless the City from any other loss or liability for failure to the City from failure to satisfy Comcast.
- C. This is a grant from PEG fee resources only. Under no circumstances shall the City be independently liable to CME for payment of any sums under this amendment, directly or indirectly by way of reduction of other monies due and payable by Comcast.

3. EFFECTIVE DATE. This agreement amendment shall become effective upon date given below, upon approval of the Spokane City Council and execution by all parties.

Dated: \_\_\_\_\_

CITY OF SPOKANE

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Assistant City Attorney

Dated: \_\_\_\_\_

COMMUNITY-MINDED  
ENTERPRISES

City of Spokane Business  
License No. T11092723BUS

Email Address:

\_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_





**Agenda Sheet for City Council Meeting of:**

03/18/2013

<b>Date Rec'd</b>	3/6/2013
<b>Clerk's File #</b>	OPR 2012-0366
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	HUMAN SERVICES
<b>Contact Name/Phone</b>	SHEILA MORLEY 6052
<b>Contact E-Mail</b>	SMORLEY@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Contract Item
<b>Agenda Item Name</b>	1540 CONSOLIDATED HOMELESS HOUSING GRANT PROGRAM CONTRACT EXTENSIONS

**Agenda Wording**

Approve Community, Housing and Human Services Board (CHHS) recommendation to extend contracts with agencies listed on the attached list. The term of the contract extensions will be July 1, 2013 – December 31, 2013

**Summary (Background)**

On April 30, 2012 the City Council approved recommendations of the Review Committee and authorized the CHHS Department to enter into contract with social services agencies to provide assistance to homeless households or household at risk of homelessness, through the CHHGP program. Contracts through the CHHGP program were funded with the intention of extending contracts with programs meeting performance objectives. CHHS staff has assessed program performance of programs quarterly.

**Fiscal Impact**

Expense	\$ 118,533.00
Expense	\$ 192,895.33
Expense	\$ 169,198.69
Select	\$

**Budget Account**

#	1540-95413-51200-54201
#	1540-53513-51200-54201
#	1540-95471-51200-54201
#	

**Approvals**

<b>Dept Head</b>	ALLARD, JERRIE
<b>Division Director</b>	MALLAHAN, JONATHAN
<b>Finance</b>	LESESNE, MICHELE
<b>Legal</b>	BURNS, BARBARA
<b>For the Mayor</b>	FEIST, MARLENE

**Council Notifications**

<b>Study Session</b>	
<b>Other</b>	PCED 3/4/13

**Distribution List**

smorley@spokanecity.org
jallard@spokanecity.org
cfriesen@spokanecity.org
aschmeltzer@spokanecity.org

**Additional Approvals**

<b>Purchasing</b>	

**BRIEFING PAPER**  
**City of Spokane**  
**PCED Committee**  
**Contract Extension for Consolidated Homeless Housing Grant Program**  
**contracts**  
**March 4, 2013**

---

**Subject**

Contract extensions for programs funded through the City's Consolidate Homeless Housing Grant Program (CHHGP).

**Background**

CHHGP contracts were awarded via a competitive RFP process and approved by the City Council in February of 2012. Proposals were at that time reviewed by a committee of the Homeless Governance Council prior to the creation of the Community, Housing and Human Services Board. The request to extend these contracts was presented and approved by the Community, Housing and Human Services Board at their February meeting.

At the time of contract, it was the intention of the department to extend the contracts based on performance and funding availability. Funding for the contract extension has been secured through the Department of Commerce, HUD and the City's Homeless Housing and Assistance Grant program and is included in the 2013 budget. CHHS staff has assessed program performance of all the funded programs on a quarterly basis

The City's Consolidated Homeless Housing Grant Program was established to coordinated local, state and federal grant program to fund proposals that provide solutions as established and documented in the updated Regional 10 Year Plan to End Homelessness, *The Road Home*. Funded programs support an integrated system of housing assistance to prevent homelessness and quickly re-house households who are unsheltered.

The program is funded through revenue generated by the City Homeless Housing Assistance Act revenue, the Federal Emergency Solutions Grant received from the Department of Housing and Urban Development as well as funding received through the Washington State Department of Commerce Consolidated Homeless Grant Program.

**Impact**

Contract extensions will allow for a continuity of these essential homeless services through 12/31/13. The extensions will also align this funding with other homeless funding managed by the department with the intention of moving toward a more coordinated and streamlined RFP process for the allocation of funds to serve and house homeless and at risk of homeless households.

For further information contact Sheila Morley [smorley@spokanecity.org](mailto:smorley@spokanecity.org) 509-625-6052

**Action**

Approve contract extensions as listed below. The board's recommendations are tentatively scheduled to go before City Council on March 18, 2013.

Agency/Program	Contract Extension Period	Additional funds
Catholic Charities	7/1/13 – 12/31/13	\$373,896.15
Transitions	7/1/13 – 12/31/13	\$52,735.00
YWCA	7/1/13 – 12/31/13	\$37,668.00
Spokane Housing Ventures	7/1/13 – 12/31/13	\$16,327.18

For further information contact Sheila Morley [smorley@spokanecity.org](mailto:smorley@spokanecity.org) 509-625-6052



**Agenda Sheet for City Council Meeting of:**

03/18/2013

<b>Date Rec'd</b>	3/6/2013
<b>Clerk's File #</b>	OPR 2012-0552
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	HUMAN SERVICES
<b>Contact Name/Phone</b>	SHEILA MORLEY 6052
<b>Contact E-Mail</b>	SMORLEY@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Contract Item
<b>Agenda Item Name</b>	1540 COORDINATED ASSESSMENT INITIATIVE CONTRACT EXTENSIONS

**Agenda Wording**

Approve Community, Housing and Human Services Board (CHHS) recommendation to extend contracts with agencies listed on the attached list. The term of the contract extensions will be July 1, 2013 – December 31, 2013.

**Summary (Background)**

On July 9, 2012 City Council approved recommendations of the Review Committee and authorized the CHHS Department to enter into contract with two social services agencies to provide a coordinated response to homeless families and vulnerable homeless individuals as they discharge from health care institutions. Contracts through the CHGP program were funded with the intention of extending contracts meeting performance objectives. CHHS staff has assessed program performance of programs quarterly

**Fiscal Impact**

**Budget Account**

Expense	\$ 17,500.00	# 1540-95413-51200-54201
Expense	\$ 136,363.64	# 1540-53513-51200-54201
Expense	\$ 40,364.00	# 1540-95471-51200-54201
Select	\$	#

**Approvals**

**Council Notifications**

<b>Dept Head</b>	ALLARD, JERRIE	<b>Study Session</b>	PCED 3/4/13
<b>Division Director</b>	MALLAHAN, JONATHAN	<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	smorley@spokanecity.org	
<b>For the Mayor</b>	FEIST, MARLENE	jallard@spokanecity.org	
<b>Additional Approvals</b>		cfriesen@spokanecity.org	
<b>Purchasing</b>		aschmelzer@spokanecity.org	

**BRIEFING PAPER**  
**City of Spokane**  
**PCED Committee**  
**Contract Extension for Coordinated Assessment Initiatives contracts**  
**March 4, 2013**

---

**Subject**

Contract extensions for programs funded through the City's Coordinated Assessment Initiatives Program (CAI).

**Background**

CAI contracts were awarded via a competitive RFP process and approved by the City Council in April of 2012. Proposals were at that time reviewed by a committee of the Homeless Governance Council prior to the creation of the Community, Housing and Human Services Board. The request to extend these contracts was presented and approved by the Community, Housing and Human Services Board at their February meeting.

At the time of contract, it was the intention of the department to extend the contracts based on performance and funding availability. Funding for the contract extension has been secured through the Department of Commerce, HUD and the City's Homeless Housing and Assistance Grant program and is included in the 2013 budget. CHHS staff has assessed program performance of all the funded programs on a quarterly basis

The City's Coordinated Assessment Initiatives program was established to develop a coordinated, integrated approach to ensuring homeless and/or at-risk families, as well as vulnerable homeless individuals being discharged from health care institutions are provided the appropriate level of care, at the right level of intensity and in a coordinated and timely manner, ultimately leading to improved housing outcomes for these individuals.

The program is funded through revenue generated by the City Homeless Housing Assistance Act revenue, the Federal Emergency Solutions Grant received from the Department of Housing and Urban Development as well as funding received through the Washington State Department of Commerce Consolidated Homeless Grant Program.

**Impact**

Contract extensions will allow for a continuity of these essential homeless services through 12/31/13. The extensions will also align this funding with other homeless funding managed by the department with the intention of moving toward a more coordinated and streamlined RFP process for the allocation of funds to serve homeless and at risk of homeless households and vulnerable homeless individuals being discharged from health care institutions.

**Action**

For further information contact Sheila Morley [smorley@spokanecity.org](mailto:smorley@spokanecity.org) 509-625-6052

Approve contract extensions as listed below. The board's recommendations are tentatively scheduled to go before City Council on March 18, 2013.

Agency/Program	Contract Extension Period	Additional funds
The Salvation Army	7/1/13 – 12/31/13	\$147,896.64
Spokane County Medical Foundation Society	7/1/13 – 12/31/13	\$46,331.00

For further information contact Sheila Morley [smorley@spokanecity.org](mailto:smorley@spokanecity.org) 509-625-6052



**Agenda Sheet for City Council Meeting of:**

03/18/2013

<b>Date Rec'd</b>	3/6/2013
<b>Clerk's File #</b>	OPR 2013-0198
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	AIRPORTS
<b>Contact Name/Phone</b>	LARRY 455-6419 KRAUTER
<b>Contact E-Mail</b>	LKRAUTER@SPOKANEAIRPORTS.NET
<b>Agenda Item Type</b>	Contract Item
<b>Agenda Item Name</b>	AIRPORT - ACCESS & UTILITY EASEMENT WITH NEW CINGULAR WIRELESS

**Agenda Wording**

Access and Utility Easement between County of Spokane and City of Spokane, as tenants in common, and New Cingular Wireless PCS LLC to install an underground communication line located in the Airport Business Park to support communication equipment

**Summary (Background)**

The Airport Board approved the Access & Utility Easement during its February 27, 2013, meeting. The property is operated by the Airport Board pursuant to the Amended Spokane County/City Airport Agreement dated August 28, 1990. A fee of \$4,000 will be paid by Grantee (New Cingular Wireless) upon execution of the easement.

**Fiscal Impact**

Select	\$
Select	\$
Select	\$
Select	\$

**Budget Account**

#
#
#
#

**Approvals**

<b>Dept Head</b>	PFISTER, TERRI
<b>Division Director</b>	
<b>Finance</b>	LESESNE, MICHELE
<b>Legal</b>	BURNS, BARBARA
<b>For the Mayor</b>	SANDERS, THERESA

**Council Notifications**

<b>Study Session</b>	
<b>Other</b>	
<b>Distribution List</b>	judyg@spokaneairports.net
	jthielemann@spokaneairports.net
	derickson@spokanecounty.org

**Additional Approvals**

<b>Purchasing</b>	

Agenda Item Name: Airport – Access & Utility Easement with New Cingular Wireless

Additional Agenda Wording:

on one of the water towers owned by the City.



RETURN TO: SPOKANE AIRPORT  
ATTN: JUDY GIFFORD  
9000 W. Airport Dr., Suite 204  
Spokane, WA 99224

---

RECORDING INFORMATION ABOVE

**ACCESS AND UTILITY EASEMENT**

This Access and Utility Easement ("Easement") is made by and between the County of Spokane and City of Spokane, State of Washington, as tenants in common (referred to collectively as "Grantor"), and New Cingular Wireless PCS, LLC, a Delaware limited liability company ("Grantee"), and its successors and assigns.

WHEREAS, the Grantor is the owner of the following real property situated within the boundaries of the Airport Business Park (the "Property") identified as Spokane County Assessor's Tax Parcel Number, attached hereto as Exhibit A, entitled "Parcel Number" and incorporated herein by reference, further identified by the legal description attached hereto as Exhibit B, entitled "Legal Description," and incorporated herein by reference; and

WHEREAS, the Property is operated by the Airport Board (the "Board") pursuant to the Amended Spokane County/City Airport Agreement, dated August 28, 1990 (City of Spokane City Clerk File # OPR 1986-0318, Spokane County Resolution No. 1990-1040), (the "Airport Agreement"); and

WHEREAS, Grantor desires to grant an access and utility easement over, under, along, and across those portions of the Property," (the "Easement Area"), as shown in Exhibit C, entitled "Site Plans", attached hereto and incorporated herein by reference; and

NOW, THEREFORE, for and in consideration of the sum of Four Thousand Dollars (\$4,000.00), to be paid to the Board upon Grantee executing Easement, the above recitals which are incorporated herein by reference, and other benefits to be derived by the Grantor, and the mutual covenants and purposes herein stated, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. Easement and Purpose. Grantor does hereby grant and convey unto Grantee a non-exclusive Access and Underground Utility Easement under, along and across the Easement Area for purposes of constructing, reconstructing, operating, maintaining, repairing, relocating and replacing underground communication lines, hereinafter referred to as "Facilities", located on, under, along and across the Easement Area, as shown on Exhibit C. Facilities covered by this Easement are those which are located on the herein described Property at the time this Easement document is recorded.

2. Termination. Grantor, upon providing Grantee ninety (90) days written notice, may terminate this Easement in the event the described Property is required for aeronautical purposes. Grantor may provide Grantee with alternative non aeronautical property for Facilities, if available. This Easement shall terminate upon relocation or abandonment of the Facilities. Further, Grantor may terminate this Easement in the event Grantee breaches any provisions hereof. Prior to termination for breach, Grantor shall give Grantee thirty (30) days written notice of the breach. If the breach is cured to the reasonable satisfaction of the Grantor during the thirty (30) day timeframe, said termination shall be null and void.

3. Access and Damage. Grantee shall have the right of ingress and egress along such routes as specifically directed by the Board's Chief Executive Officer or his/her designee over and across the above described Easement Area for the purposes of installation, repair and maintenance of said Facilities. Grantee, upon installation of the Facilities, and upon each occasion that Grantee repairs, maintains, reconstructs, or replaces such Facilities, shall, at the Grantee's sole cost and expense, restore the Easement Area, the Property, and Grantor's surrounding property, to a condition as they were prior to any such work, to the extent any damage, disturbance, or alteration of the Easement Area, the Property, or Grantor's surrounding property was caused by the Grantee's exercise of its privileges under this Easement.

4. Right of Way Clearing and Maintenance. Grantee shall have the right to cut, trim and remove any and all brush, branches and trees, including danger trees, on the above described Easement Area or adjoining Property of the Grantor, that in the opinion of the Grantee, could interfere with the safe and reliable operation of Grantee's Facilities as described herein, or that could interfere with Grantee's rights as granted herein. Grantee's work, as described in this paragraph will be solely at Grantee's expense. Grantee shall coordinate all cutting, trimming and removal in advance with the Board's Chief Executive Officer or his/her designee and shall not in any way interfere with Spokane International Airport and Airport Business Park's operations in conjunction with such activities. Grantee shall cause no liens to stand against the Property.

5. Grantor's Use of the Easement Area. The Grantor and those operating with its authority, including, but not limited to the Board, reserves the right to the full use and enjoyment of the Easement Area described in Exhibit C, provided, however, that the Board and Grantor shall not construct, place or maintain any building or structures within the Easement Area that would interfere with the maintenance or safe operation of said Facilities. In the event the Grantor, in its sole discretion, determines the Facilities must be relocated, all costs of relocation shall be the responsibility of the requesting party. Grantee shall interfere as little as possible with the Grantor's and Board's use of the Easement Area and shall not interfere with access to the Easement Area.

6. Indemnity. The Grantee shall defend, indemnify and hold harmless the Grantor, the Board, and their elected or appointed officials, agents and employees from any and all claims and actions of any kind and all expenses incidental to the investigation and defense thereof, including reasonable

attorney's fees and costs, claimed by anyone by reason of injury or death or damages to persons or property sustained as a result of Grantee's activity or actions done, permitted or suffered by Grantee in, or about the Property and/or Spokane International Airport and Airport Business Park or other act or failure to act, excluding only claims or actions arising out of the sole negligence or intentional acts of the Grantor, the Board, their elected or appointed officials, agents and employees.

7. Insurance. The Grantee shall, at its expense, maintain insurance in full force and effect at all times in such amounts as to meet the minimum limits of liability specified in this paragraph and insurance shall be placed with companies or underwriters authorized to conduct business in the State of Washington and satisfactory to the Board rated at least A- by AM Best. The insurance policy(ies) shall be the standard commercial insurance coverage with aircraft exclusions deleted to cover all operations of Grantee and shall include, but not by way of limitation, bodily injury, property damage, product liability, automobile, including owned, non-owned, leased and hired, and contractual coverage. The Board, the County of Spokane, the City of Spokane, their elected and appointed officials, agents and employees, shall be named as additional insureds with respect to Grantee's use of the Easement Area which is the subject of this Easement. Grantee shall promptly upon execution of this Easement, furnish to the Board and Grantor appropriate certificates of insurance and endorsements evidencing coverage affected and to be maintained for the term of this Easement. The coverage shall not be less than One Million Dollars (\$1,000,000) combined single limit or split limits equal to and not less than One Million Dollars (\$1,000,000), for bodily injury and property damage with respect to each occurrence and in the aggregate of Two Million Dollars (\$2,000,000); such limits are subject to periodic adjustments at sole reasonable determination of Grantor and Board. Grantee shall provide at least thirty (30) days written notice to the Board of any cancellation or non-renewal of any required coverage that is not replaced. Where any policy(ies) has (have) normal expirations during the term of this Easement, written evidence of renewal shall be furnished to the Board at least ten (10) days prior to such expiration. Grantee may satisfy the insurance requirement through a program of self-insurance. In case Grantee uses a self-insurance program, Grantee shall provide Grantor evidence, no more frequently than annually and upon written request by Grantor, that the net worth of the Grantee or any parent company is greater than \$50,000,000 throughout the term of this Easement.

8. Dimension of Easements. For existing Facilities, easements for communication lines shall be five (5) feet in width. This dimension shall apply in all cases except those in which a specific dimension other than those herein mentioned is identified on Exhibit C. The width of easements for the installation of future Facilities shall be agreed upon by the Board's Chief Executive Officer or his/her designee and the Grantee.

9. Miscellaneous Provisions. This Easement shall not be assigned by Grantee, its successors and assigns, in whole or in part, vesting in any other person, firm or corporation without the express prior written consent of the Grantor and the Board.

The terms, conditions and provisions hereof shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

It is specifically declared and agreed that time is of the essence of this Easement.

This Easement shall be governed by, construed, and enforced in accordance with the laws of the State of Washington.

Any notice providing for or concerning this Easement shall be deemed given on: (i) the day such

notices or other communications are received when sent by personal delivery; or (ii) the third day following the day on which the same have been mailed by first class delivery, postage prepaid addressed to the Grantee or Board at their business address.

Board:	Spokane International Airport Attn: Property & Contracts Dept. 9000 W. Airport, Suite 204 Spokane, WA 99224
Grantee:	New Cingular Wireless PCS, LLC Attn: Network Real Estate Administration Re: Cell Site #:SP11 Cell Site Name: Spokane Airport Fixed Asset #: 10092335 12555 Cingular Way, Suite 1300 Alpharetta, GA 30004
With copy to:	New Cingular Wireless PCS, LLC Attn: Network Real Estate Administration Re: Cell Site #:SP11 Cell Site Name: Spokane Airport Fixed Asset #: 10092335
(US Mail)	P. O. Box 97061 Redmond, WA 98073-9761
(Overnight Mail)	16331 NE 72 <sup>nd</sup> Way, RTC1 Redmond, WA 98052

Grantee shall comply with all applicable Federal, State, and local laws, ordinances and regulations with regard to this Easement.

The titles to the paragraphs of this Easement are solely for the convenience of the signatories and shall not be used to explain, modify, simplify, or aid in the interpretation of the provisions of this Easement.

IN WITNESS WHEREOF, the undersigned have caused this Easement to be executed on the date opposite their signature block. This Easement shall be effective as of the date of the last signature.

ATTEST: Date: \_\_\_\_\_

GRANTOR: COUNTY OF SPOKANE

\_\_\_\_\_  
Clerk of the Board

\_\_\_\_\_  
Shelly O'Quinn, Chair

State of Washington            )  
  ) ss.  
County of Spokane             )

I certify that I know or have satisfactory evidence that SHELLY O'QUINN is the person who appeared before me and acknowledge that she signed the document, on oath stated that she was authorized to sign it and acknowledged it as the Chair the Board of County Commissioners of Spokane County, Washington to be the free and voluntary act of such party for the uses and purposes therein mentioned.

Date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public in and for Washington State  
residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

[SEAL OR STAMP]

ATTEST: Date: \_\_\_\_\_

GRANTOR: CITY OF SPOKANE

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
David A. Condon, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant City Attorney  
City of Spokane

State of Washington            )  
  ) ss.  
County of Spokane             )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me and acknowledge that he signed the document, on oath stated that he was authorized to sign it and acknowledged it as the Mayor of City of Spokane, Washington to be the free and voluntary act of such party for the uses and purposes therein mentioned.

Date: \_\_\_\_\_

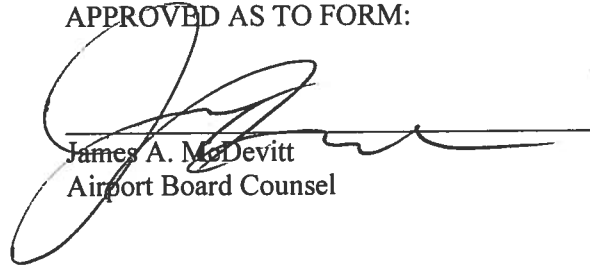
Notary Public in and for Washington State  
Residing at \_\_\_\_\_  
My appointment expires: \_\_\_\_\_

[SEAL OR STAMP]

SPOKANE AIRPORT BOARD

APPROVED AS TO FORM:

\_\_\_\_\_  
Title \_\_\_\_\_

  
James A. McDevitt  
Airport Board Counsel

\_\_\_\_\_  
Lawrence J. Krauter  
Chief Executive Officer  
Date: \_\_\_\_\_

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me and acknowledge that he signed the document, on oath stated that he was authorized to sign it and acknowledged it as the \_\_\_\_\_ of the Airport Board to be free and voluntary act of such party for the uses and purposes therein mentioned.

Date: \_\_\_\_\_

Notary Public in and for Washington State  
residing at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

GRANTEE:

NEW CINGULAR WIRELESS PCS, LLC

By: AT&T Mobility Corporation

Its: Manager

Its: Area MGR

Date: 2-11-13

ATTEST: Date: 2/11/13

Charlette Coarhe

State of Oregon  
County of Washington

I certify that I know or have satisfactory evidence that Wayne Wooten is the person who appeared before me and acknowledge that he/she signed the document, ~~on oath~~ stated that he/she was authorized to sign it and acknowledged it as the Area Manager of AT&T Mobility Corporation, Manager of New Cingular Wireless PCS, LLC to be the free and voluntary act of such party for the uses and purposes therein mentioned.

Date: 2/11/13

[SEAL OR STAMP]

Jennifer A. Devine  
Notary Public in and for Oregon State  
residing at Washington County  
My appointment expires 1/5/16

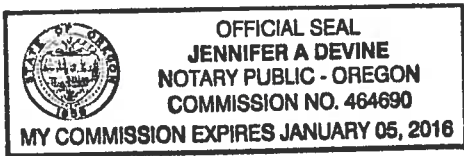


EXHIBIT A

Parcel Number

A Portion of Parcel 25335.9004



**EXHIBIT B**

**Legal Description - Attached**

AUGUST 24, 2012  
LEGAL DESCRIPTION  
5' WIDE EASEMENT

W.B. WELLS & ASSOC., INC. – JOB NO. TELCO16

LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 33, TOWNSHIP 25 NORTH, RANGE 42 EAST, WILLAMETTE MERIDIAN, CITY OF SPOKANE, SPOKANE COUNTY, WASHINGTON, BEING A 5.00 FOOT WIDE EASEMENT CENTERED ON THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 33;

THENCE SOUTH 00°40'45" EAST, ALONG THE EAST LINE OF SAID SECTION 33, A DISTANCE OF 123.81 FEET;

THENCE SOUTH 89°19'15" WEST, A DISTANCE OF 62.50 FEET TO THE TRUE PLACE OF BEGINNING;

THENCE SOUTH 00°58'38" WEST, A DISTANCE OF 254.00 FEET;

THENCE NORTH 89°46'11" WEST, A DISTANCE OF 440.00 FEET;

THENCE NORTH 00°16'29" EAST, A DISTANCE OF 127.24 FEET

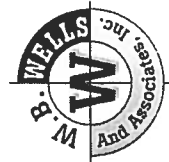
THENCE NORTH 88°31'51" WEST, A DISTANCE OF 38.47 FEET;

THENCE SOUTH 81°33'35" WEST, A DISTANCE OF 11.81 FEET TO THE POINT OF TERMINUS BEING A NEMA BOX ON THE SIDE OF AN EXISTING WATER TOWER.

**EXHIBIT C**

**Site Plan – Attached**

**W.B. WELLS**  
**and associates, inc.**  
 ENGINEERS/SURVEYORS/PLANNERS  
 4230 NE FREMONT STREET  
 PORTLAND, OREGON 97213  
 PHONE: (503) 284-5996 FAX: (503) 284-6530  
 e-mail address: info@wbwells.com



**EASEMENT PLAN**

FOR  
**SPOKANE AIRPORT**

**VELOCITEL FA#10092335**

SITUATED IN THE SOUTHEAST 1/4 OF SECTION 33, T25N, R42E  
 W.M., CITY OF LAKE SPOKANE, SPOKANE COUNTY, WASHINGTON

DRAWN BY: BB  
 SCALE: 1"=60' | DATE: 2-4-13  
 JOB NO: TELCO16  
 FILE: P:\TELCO\TELCO16  
 TELCO16 EXHIBIT 2012.DWG

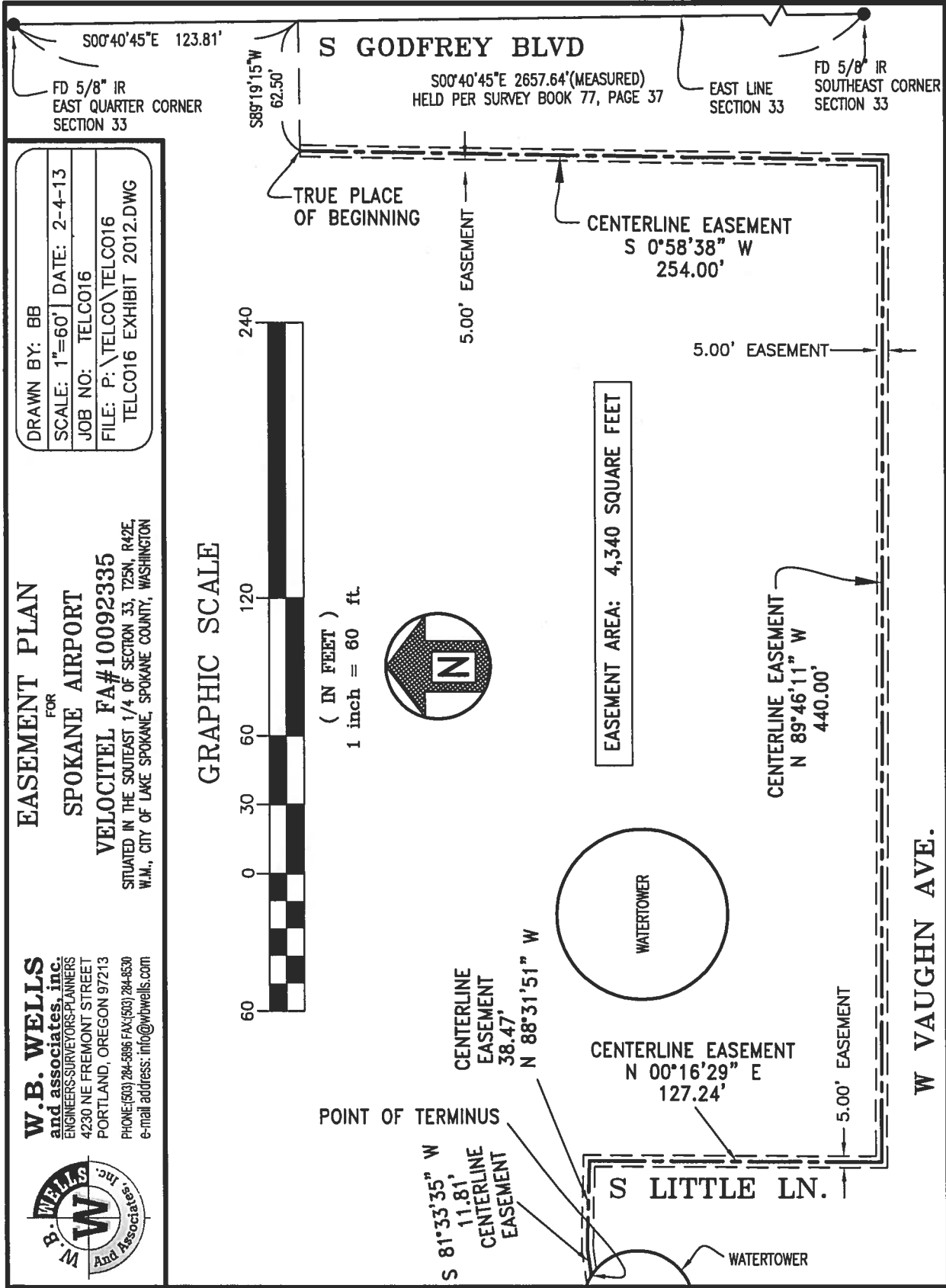
**GRAPHIC SCALE**



( IN FEET )  
 1 inch = 60 ft.



EASEMENT AREA: 4,340 SQUARE FEET





**Agenda Sheet for City Council Meeting of:**  
03/18/2013

<b>Date Rec'd</b>	03/07/2013
<b>Clerk's File #</b>	RES 2013-0014
<b>Renews #</b>	

<b>Submitting Dept</b>	ENGINEERING SERVICES	<b>Cross Ref #</b>	
<b>Contact Name/Phone</b>	ELDON BROWN 625-6305	<b>Project #</b>	
<b>Contact E-Mail</b>	EBROWN@SPOKANECITY.ORG	<b>Bid #</b>	
<b>Agenda Item Type</b>	Report Item	<b>Requisition #</b>	
<b>Agenda Item Name</b>	0370 – GARNET STREET VACATION RESCHEDULE HEARING		

**Agenda Wording**  
Reschedule hearing before the City Council to April 8, 2013 for the vacation of Garnet Ave. from Rebecca St. to Myrtle St. and Myrtle St. from North Line of Alley North of Courtland Ave. to Garnet Ave. requested by City of Spokane, Park's Department.

**Summary (Background)**  
This hearing was originally set for March 25, 2013. Due to a Town Hall Meeting on that date it is necessary to reschedule the hearing to the next available Council Date which is April 8, 2013.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	BROWN, ELDON	<b>Study Session</b>	
<b>Division Director</b>	QUINTRALL, JAN	<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	sdecker@spokanecity.org	
<b>For the Mayor</b>			
<b>Additional Approvals</b>			
<b>Purchasing</b>			



**Agenda Sheet for City Council Meeting of:**  
02/25/2013

<b>Date Rec'd</b>	2/12/2013
<b>Clerk's File #</b>	RES 2013-0014
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	ENGINEERING SERVICES
<b>Contact Name/Phone</b>	ELDON BROWN 625-6305
<b>Contact E-Mail</b>	EBROWN@SPOKANECITY.ORG
<b>Agenda Item Type</b>	Resolutions
<b>Agenda Item Name</b>	0370-SET HEARING-GARNET STREET VACATION

**Agenda Wording**  
Resolution setting hearing before the City Council for March 25, 2013 for the vacation of Garnet Ave. from Rebecca St. to Myrtle St. and Myrtle St. from North Line of Alley North of Courtland Ave. to Garnet Ave. requested by City's Parks Department.

**Summary (Background)**  
The City of Spokane Park's Department owns the abutting property and has initiated this request. Staff requests that City Council set a public hearing on the vacation petition.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	BROWN, ELDON	<b>Study Session</b>	
<b>Division Director</b>	QUINTRALL, JAN	<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	sdecker@spokanecity.org	
<b>For the Mayor</b>	SANDERS, THERESA	htrautman@spokanecity.org	
<b>Additional Approvals</b>			
<b>Purchasing</b>			

ADOPTED BY SPOKANE CITY COUNCIL

2/25/2013  
*[Signature]*  
CITY CLERK

RES 2013-0014

RESOLUTION No. 2013-0014

A RESOLUTION INITIATING THE VACATION OF A CITY STREET

WHEREAS, the Spokane City Council pursuant to Chapter 35.79 RCW may initiate by resolution the vacation of any street or alley or any part when it is in the public interest; and

WHEREAS, the Spokane City Council finds it is in the public interest to vacate the street described as Garnet Avenue from Rebecca Street to Myrtle Street and Myrtle Street from North Line of the Alley North of Courtland Avenue to Garnet Avenue and desires to provide published and mailed notice to owners of lots, tracks or parcels abutting upon the street or alley to be vacated, as shown on the roles of the County Assessor and set a public hearing in order to act upon the vacation.

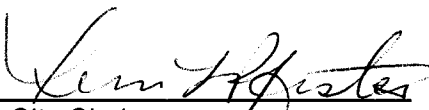
NOW, THEREFORE,

The Spokane City Council resolves as follows:

It is in the public interest to vacate the street described as: Garnet Avenue from Rebecca Street to Myrtle Street and Myrtle Street from North Line of the Alley North of Courtland Avenue to Garnet Avenue

That hearing on the petition to vacate Garnet Avenue from Rebecca Street to Myrtle Street and Myrtle Street from North Line of the Alley North of Courtland Avenue to Garnet Avenue, in the City of Spokane will be held in front of the City Council at 6:00 P.M. or as soon thereafter as possible on March 25, 2013, and the City Clerk of the City of Spokane is instructed to proceed with all proper notice according to State law.

ADOPTED by the City Council this 25<sup>th</sup> day of February, 2013.

  
\_\_\_\_\_  
City Clerk

Approved as to form:

  
\_\_\_\_\_  
Assistant City Attorney

\\stvac\Garnet-Myrtle Resolution.doc

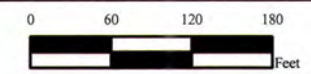






Date: June 25, 2012

**Vacation of Garnett Avenue from Rebecca Street to Myrtle Street and Myrtle Street from the Northline of the Alley North Courtland Avenue to Garnett Avenue**



*THIS IS NOT A LEGAL DOCUMENT. The information shown on this map is compiled from various sources and is subject to constant revision. Information shown on this map should not be used to determine the location of facilities in relationship to property lines, section lines, streets, etc.*





**Agenda Sheet for City Council Meeting of:**  
03/11/2013

<b>Date Rec'd</b>	2/27/2013
<b>Clerk's File #</b>	ORD C34969
<b>Renews #</b>	

<b>Submitting Dept</b>	BUSINESS & DEVELOPMENT	<b>Cross Ref #</b>	
<b>Contact Name/Phone</b>	JAN QUINTRALL 625-6187	<b>Project #</b>	
<b>Contact E-Mail</b>	JQUINTRALL@SPOKANECITY.ORG	<b>Bid #</b>	
<b>Agenda Item Type</b>	First Reading Ordinance	<b>Requisition #</b>	
<b>Agenda Item Name</b>	0780-ORDINANCE-WEIGHTS AND MEASURES		

**Agenda Wording**

An Ordinance relating to weights and measures amending and repealing certain SMC sections.

**Summary (Background)**

The ordinance changes will provide clarification of language in response to the elimination of the City of Spokane Weights and Measures Department. Spokane has transitioned the responsibility for consumer protection under the Weights and Measures requirements to the Washington State Department of Agriculture (WSDA). WSDA currently handles the weights and measures responsibilities for all areas in Washington, except the City of Seattle. (see attached)

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	TAYLOR, MIKE	<b>Study Session</b>	
<b>Division Director</b>	TAYLOR, MIKE	<b>Other</b>	PCED 3/4/13
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	sdecker@spokanecity.org	
<b>For the Mayor</b>	SANDERS, THERESA	jwest@spokanecity.org	
<b>Additional Approvals</b>		htrautman@spokanecity.org	
<b>Purchasing</b>			



## ORDINANCE NO. C34969

AN ORDINANCE relating to weights and measures; amending SMC sections 1.05.170, 4.04.010, 4.04.020, 10.34.030, 10.34.050, 10.34.060, and 10.34.070; and repealing SMC sections 8.02.0219, 10.46.010, 10.46.020, 10.46.030, 10.46.040, 10.46.050, 10.46.060, 10.46.070, 10.46.080, 10.46.081, 10.46.082, 10.46.083, 10.46.084, 10.46.085, 10.46.086, 10.46.090, 10.46.100, 10.46.110, 10.46.120, 10.46.130, 10.46.140, 10.46.150, 10.46.160, 10.46.170, 10.46.180, 10.46.190, 10.46.200, 10.46.210, 10.46.220, 10.46.230, 10.46.240, 10.46.250, 10.46.260, 10.46.270, 10.46.280, 10.46.290, 10.46.300, 10.46.310, 10.46.320, 10.46.330, 10.46.340, 10.46.350, 10.46.360, 10.46.370, 10.46.380, 10.46.390, 10.46.400, 10.46.410, 10.46.420, 10.46.430, 10.46.440, 10.46.450, 10.46.460, 10.46.470, 10.46.480, 10.46.490, 10.46.500, 10.46.5001, 10.46.5002, 10.46.5003, 10.46.5004, 10.46.5005, 10.46.5006, 10.46.5007, 10.46.5008, 10.46.5010, 10.46.5011, 10.46.5012, 10.46.5013, 10.46.5014, 10.46.5015, 10.46.510, 10.46.520, 10.46.530, 10.46.540, 10.46.550, 10.46.560, and 10.46.570.

The City of Spokane does ordain:

Section 1. That SMC section 1.05.170 is amended to read as follows:

**1.05.170                      Penalty Schedule – Business Regulations**

- A. For each subsequent violation by a person the classification of infraction advances by one class.
- B. Infraction/Violation Class.

<b>SMC 1.05.170 PENALTY SCHEDULE – BUSINESS REGULATIONS</b>		
	<b>Infraction</b>	<b>Violation Class</b>
<b>General</b>		
<a href="#"><u>SMC 4.04.020</u></a>	Engaging in licensed activity without license	2
<a href="#"><u>SMC 4.04.060</u></a>	Failure to display license or insigne	3
<a href="#"><u>SMC 8.01.070</u></a> <a href="#"><u>SMC 10.40.020</u></a>	Engaging in business without registration or itinerant vendor license or permit	1
<a href="#"><u>SMC 8.12.020</u></a>	No amusement device license, no amusement device operators or owners license	3
<a href="#"><u>SMC 8.12.060</u></a>	No current list of amusement device locations	3

<a href="#">SMC 10.23A.030(G)</a>	Entertainment facility establishment operator/owner	1
<a href="#">SMC 10.25.010</a>	Pruning, planting, or removing a public tree without a license	1
<a href="#">SMC 10.29.010(A)</a>	Conducting an improper blasting operation	1
<a href="#">SMC 10.29.030</a>	Heating mechanic	1
<a href="#">SMC 10.29.060(A)</a>	Providing fire equipment service without Spokane Fire Department registration	1
<a href="#">SMC 10.34.020</a>	Own, operate for-hire vehicle	2
<a href="#">SMC 10.34.110(D)</a>	Owner of for-hire vehicle, allowing a non-licensed for-hire driver to operate his or her vehicle	1
<a href="#">SMC 10.41A.040</a>	Special police officer	2
<a href="#">SMC 10.45.040</a>	Deal in used goods	2
<a href="#">SMC 10.46.550</a>	Install, repair weighing/measuring equipment	2
<a href="#">SMC 10.48.050</a>	Failure to register alarm system	2
<a href="#">SMC 10.48.170</a>	Unlawful use of a security alarm system	3
<a href="#">SMC 13.02.0204</a>	Solid waste collection or disposal	2
<a href="#">SMC 17G.010.100(C)(3)</a>	Sewer installation	1
<b>Fireworks</b>		
<a href="#">SMC 10.33A.020(A)(2)</a>	Conducting public display without a permit	Up to \$1,000
<a href="#">SMC 10.41A.040</a>	Employ non-commissioned special police officer	3
<a href="#">SMC 10.41A.090</a>	Violation of code by special police officer	1
<b>(Weights &amp; Measures</b>		
<a href="#">SMC 10.46.160</a>	<del>Method of Sale: General</del>	<del>3</del>
<a href="#">SMC 10.46.170</a>	<del>Method of Sale: Meat</del>	<del>4</del>
<a href="#">SMC 10.46.180</a>	<del>Method of Sale: Bread</del>	<del>3</del>
<a href="#">SMC 10.46.190</a>	<del>Method of Sale: Flour, Meal, Grits</del>	<del>3</del>
<a href="#">SMC 10.46.200</a>	<del>Method of Sale: Fluid Dairy Products</del>	<del>3</del>
<a href="#">SMC 10.46.210</a>	<del>Method of Sale: Butter, Margarine</del>	<del>3</del>
<a href="#">SMC 10.46.220</a>	<del>Method of Sale: Berries, Small Fruit</del>	<del>2</del>
<a href="#">SMC 10.46.230</a>	<del>Delivery ticket for bulk deliveries sold by weight</del>	<del>4</del>
<a href="#">SMC 10.46.240</a>	<del>Delivery ticket for heating oil</del>	<del>4</del>
<a href="#">SMC 10.46.250</a>	<del>Method of Sale: Wood Fuel</del>	<del>4</del>

<a href="#">SMC 10.46.250(E)</a>	Wood fuel not seasoned and dry	2
<a href="#">SMC 10.46.250(F)</a>	Method of Sale: Receipt of Wood Fuel	4
<a href="#">SMC 10.46.260</a>	Weight of ice cream	2
<a href="#">SMC 10.46.280</a>	Method of Sale: Thawed Frozen Products, label on frozen products	2
<a href="#">SMC 10.46.290</a>	Labeling: Form of Identity Declaration	2
<del><a href="#">SMC 10.46.300</a></del> <del><a href="#">SMC 10.46.320</a></del>	Labeling: Quantity Declaration	4
<del><a href="#">SMC 10.46.330</a></del> <del><a href="#">SMC 10.46.350</a></del> <del><a href="#">SMC 10.46.370</a></del> <del><a href="#">SMC 10.46.380</a></del>	Labeling: Quantity Declaration, Units of Weight and Measure	2
<a href="#">SMC 10.46.360</a>	Variations in quantity	3
<a href="#">SMC 10.46.390</a>	Labeling: Price Advertising	4
<a href="#">SMC 10.46.400</a>	Labeling: Declaration of Unit Price	2
<a href="#">SMC 10.46.410</a>	Labeling: Declaration of Origin	2
<del><a href="#">SMC 10.46.420</a></del> <del><a href="#">SMC 10.46.490</a></del> <del><a href="#">SMC 10.46.5001</a></del> <del><a href="#">SMC 10.46.5014</a></del>	Labeling: Form of required Declarations	4
<a href="#">SMC 10.46.5015</a>	Labeling: Phosphorus Products	3
<a href="#">SMC 10.46.510(B)</a>	Use of large commercial scale without inspection	2
<a href="#">SMC 10.46.510(C)</a>	Use of device with broken seal, use of new device before inspection and approval	4
<a href="#">SMC 10.46.570(D)</a>	Method of Sale: Remove, Tamper with Seal, Mark, Other Certification	4
<a href="#">SMC 10.46.570(E)</a>	Improper disposal of weight, measure, other device	2
<a href="#">SMC 10.46.570(F)</a>	Method of Sale: Sell, Offer for Sale Package, Other Commodity Ordered Removed	4
<a href="#">SMC 10.46.570(G)</a>	Improper disposal of package, other commodity ordered removed	4
<a href="#">SMC 10.46.570(H)</a>	Method of Sale: Take More, Give Less than Represented	4
<a href="#">SMC 10.46.570(I)</a>	Distribute, sell, offer for sale commodity by a method which does not comply or is otherwise deceptive	4
<a href="#">SMC 10.46.570(I)</a>	Distribute, sell, offer for sale commodity which does not comply or is otherwise deceptive	3

<a href="#">SMC 10.46.570(L)</a>	Fail to obey lawful order of sealer	4--))
<b>Fire Code</b>		
IFC 105.6.14 Chapter 33 IFC <a href="#">Chapter 10.33A SMC</a> <a href="#">SMC 17F.080.060</a>	Manufacture, storage, use, sale, handling of blasting agents, explosives without proper permit	1
IFC 105.6 IFC 105.7 <a href="#">SMC 17F.080.060</a>	Conducting regulated code activities, operations, functions without permit	2
IFC 105.6.41	Conducting spraying or dipping application of flammable or combustible finishes (liquids or powders) for floor finishing or surfacing operations without a permit	2
IFC 2703.3	Unauthorized release, discharge of flammable, combustible liquids, petroleum waste products	1
<a href="#">SMC 15.01.500</a>	Fail to comply with notice and order under Commute Trip Reduction Program	2
<a href="#">SMC 15.03.030</a>	Fail to comply with requirement of posting restaurant's smoking designation	2

Section 2. That SMC section 4.04.010 is amended to read as follows:

#### **4.04.010 Definitions**

Words are to be given their usual meaning. The following terms and their derivations have the meaning given when used in this chapter. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is always mandatory and not merely directory.

- A. "Business" includes all kinds of activities and matters, together with the devices, machines, vehicles and appurtenances used therein, which are conducted in this city or anywhere else within the City's jurisdiction.
- B. "City" is the City of Spokane.
- C. "City council" is the city council of the City.
- D. "Insignia", or its singular number, "insigne", is any tag, plate, badge, emblem, sticker or any other kind of device required for use in connection with any license.
- E. "License" or "licensee" includes the words "permit" or "permittee" and means the privilege or the holder of any privilege, respectively, under this code or other law or ordinance.

- F. "License officer" is, unless otherwise designated in the case of a:
1. class I license, the finance director or his designee;
  2. class II or III license, the chief of police or his designee;
  3. license suffixed A, the finance director or his designee;
  4. license suffixed B, the building official or his designee;
  5. license suffixed D, the mayor or his designee;
  6. license suffixed E, the director of engineering services or his designee;
  7. license suffixed F, the fire official or his designee((;
  - ~~8. license suffixed S, the city sealer or his designee)).~~
- G. "Persons" is meant to include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations.
- H. "Premises" is meant to include all lands, structures, places, the equipment and appurtenances connected or used in any business, and any personal property or fixture used in connection with any business.

Section 3. That SMC section 4.04.020 is amended to read as follows:

**4.04.020 Activities Requiring Registrations and Licenses**

- A. A person, including principals and agents, needs a current and valid license issued under this chapter to begin or to continue, directly or indirectly, any activity provided for in [Division II of Title 10 SMC](#), whether as a commercial business or for nonprofit or charitable purposes.
- B. Persons pursuing ordinary vocations and businesses on private property by private means need a class I license and registration, for such activities as:
1. peddling merchandise, and
  2. solicitation of money or things of value.
- C. Persons conducting activities which have a potential to cause social or economic evil, or useful occupations which may under certain circumstances become a public or private nuisance offensive or dangerous to health, safety, morals, or good order, need a class II license for such activities as:

1. maintaining places and devices of amusement, including teen clubs, cabarets, and entertainment facilities;
2. keeping of animals;
3. building relocation;
4. certain contracting;
5. commercial use and sale of fireworks;
6. private or special police;
7. dealing in used goods; and
8. ~~((weights and measures; and~~
- 9.)) operating for-hire vehicles. The for-hire license shall be issued by the City of Spokane taxes and licenses division to coincide with the issuance of the business registration through the Washington State business license service. The for-hire license will have the same renewal date as the business registration.

D. Persons claiming a private right in or making extraordinary use of public property need a class III license for such activities as:

1. moving buildings;
2. operating cable television;
3. certain contracting;
4. collecting garbage or commercial recyclables ([SMC 13.02.0204](#));
5. distributing natural gas;
6. maintaining mechanical newspaper vendors;
7. parades, special events, and demonstrations;
8. operating telephone and telegraph equipment;
9. operating sidewalk cafes; and
10. doing commercial tree work.



Section 4. That SMC section 8.02.0219 is repealed.

Section 5. That SMC section 10.34.030 is amended to read as follows:

**10.34.030 Vehicle License – Application**

In addition to the requirements of [SMC 4.04.030](#), an applicant for a for-hire vehicle license must submit:

- A. proof of ownership or lessee’s interest in the vehicle;
- B. the name and address of the owner of the vehicle; a business address and daytime phone number that must be located within the County of Spokane;
- C. the make, model, year of manufacture, color, motor or vehicle identification number, state motor vehicle license number and state permit number of the vehicle;
- D. an insurance binder, naming the City as an additional insured, providing coverage for the term of the license applied for, in the minimum amounts of:
  - 1. one hundred thousand dollars for any recovery for death or personal injury by one person,
  - 2. three hundred thousand for aggregate personal injuries or deaths in any one occurrence, and
  - 3. twenty-five thousand dollars for damage to property.

The insurance liability limits herein shall be subject to automatic increase if the minimum coverage required by state law is increased for state for-hire vehicle permits, pursuant to chapter 46.72 RCW. Such policy shall provide minimum thirty days’ written notice to the City of the cancellation of the policy or change in the liability limits;

- E. a biannual emissions test certificate conducted by the department of ecology is required for vehicles five years of age or older and is to be presented to fleet services at the time of inspection for initial or renewal for-hire vehicle licensing, a copy of which shall be forwarded to and kept on file with City taxes and licenses division. Fleet services may require a new emissions inspection based on their vehicle inspection;
- F. the schedule or schedules of rates and charges in the form required by [SMC 10.34.070](#);

- G. inspection certificates issued by the:
  1. fleet services department for vehicle inspection,
  2. Washington state department of agriculture (~~((weights and measures))~~) for taximeter inspection, and
  3. the emissions certificate issued by the department of ecology.

The inspection certificates herein shall be required for both the initial issuance of a vehicle license and for the renewal of a vehicle license. The inspection certificates for vehicles and taximeters must indicate a date of issuance by the respective departments of not more than thirty days preceding the date of application for a license or the renewal of a license;

- H. proof of a current City business license;
- I. documentation or copy of FCC license and frequency used by dispatch service;
- J. vehicle inspections by fleet services and the Washington state department of agriculture (~~((weights and measures))~~) are to be scheduled by appointment in accordance with each department's operating policies;
- K. any changes in the above must be reported in writing to the licensing officer within fifteen days;
- L. licensee will establish a written dress code that will be adhered to by for-hire vehicle operators.
  1. A copy of this dress code will kept on file with the for-hire vehicle application in police records.
  2. Minimum standards as listed in [SMC 10.34.180\(U\)](#).

Section 6. That SMC section 10.34.050 is amended to read as follows:

**10.34.050                    Transfer**

- A. A for-hire vehicle license is not transferable to another person.
- B. A for-hire vehicle license is transferable between vehicles of the same licensee for the remainder of the term for which it was issued.
  1. If a for-hire vehicle license is transferred to another vehicle, the for-hire vehicle license is to be installed (~~((by weights and measures))~~) upon satisfactory completion of the licensing process.

2. Fleet services will create a new inspection record for the new vehicle by for-hire license and vehicle identification number.
3. A notation will be made on the replaced vehicle inspection record and filed in accordance with fleet services policies.

Section 7. That SMC section 10.34.060 is amended to read as follows:

**10.34.060 Equipment Requirements (Taxi)**

- A. Every licensee of a "taxi" must keep each vehicle equipped with a taximeter that is mounted in such a manner as to be clearly readable to passengers.
  1. Each licensee shall submit each taximeter to inspection in accordance with the requirements of this chapter and all applicable ordinances of the City and in compliance with regulatory standards as adopted by the Washington state department of agriculture (~~division of weights and measures~~).
  2. No licensee may use a taximeter which has not been sealed by the Washington state department of agriculture (~~division of weights and measures~~) or has its seal broken or tampered with.
- B. Every licensee must display on every vehicle:
  1. the for-hire vehicle number approved by the license officer shall be in non-removable figures at least two inches high (of contrasting color with respect to the vehicle color) on both rear quarter panels and on the right side of the rear trunk so as to be visible from behind; an additional number shall be placed on the inside of the passenger compartment so as to be clearly visible to the customer;
  2. the name of the business or company to which the vehicle is licensed plainly printed in letters at least two and one-half inches high on both sides;
  3. the current year license decal (clearly visible) on the left side of the rear window, or if a license plate is used, installed on the left side of the rear trunk;
  4. the schedule or schedules of rates of fare conspicuously on the exterior of the vehicle and on a notice typewritten upon a contrasting background in at least twenty-four-point type posted in the passenger compartment;

- a. Where more than one rate is charged, both the interior and exterior notices must clearly specify when and/or under what conditions the respective rates will apply and must be clearly visible at all times;
  5. an approved notice from the Spokane police department that provides a contact number when the public would like to make a complaint regarding the cleanliness and safe operating condition of the vehicle; and
  6. The operator shall have available to customers a business card with the taxi complaint number on the card.
- C. The licensee must ensure that every vehicle in operation complies with emission standards, safety, and cleanliness regulations promulgated by the fleet services director.
- D. Every licensee must ensure that every vehicle is equipped with proper and serviceable seat belts for every passenger.
- E. Vehicle Color Scheme.
  1. The color scheme for all taxicabs affiliated with a taxicab association must be identical and conform with sample color photograph submitted to the licensing officer for approval.
    - a. In the event that a stripe is a component of the vehicle color scheme, it shall run the full length of the vehicle and shall not be less than three inches in width. In no event shall a stripe be the sole difference between color schemes.
    - b. The taxicab association logo, if any, shall be in a color which contrasts to the portion of the vehicle where the logo is placed. In no event shall the logo be the sole difference between color schemes.
  2. The color scheme and logo must be permanently affixed to the vehicle.
  3. All vehicles associated with a taxi company or dispatch service or belonging to the same company or association must be of the same color scheme and registered with police records.
    - a. No two companies may have the same color scheme.
    - b. Color schemes are to be approved by the licensing officer.
- F. Every taxi must have a top light that clearly indicates when the taxi is in service, with an on/off switch that can be controlled by the operator.

- G. The vehicle shall not be in service for more than three years of service or have exceeded three hundred fifty thousand miles on the vehicle's odometer.
- H. Licensees who field more than one taxi must utilize a radio or computer dispatching system or service.
  - 1. One-vehicle licensees may utilize telephone dispatch using hands-free equipment only.
  - 2. All phone records of each call for service and dispatch must be kept on file in accordance with this chapter.
- I. The chief of police, or the chief's designee, may assist the licensing officer in the administration of this chapter.

Section 8. That SMC section 10.34.070 is amended to read as follows:

**10.34.070 Rates and Charges**

- A. The City does not regulate the rates and charges of for-hire vehicles except to require that:
  - 1. they be uniform for all vehicles of the same color combination of a company,
  - 2. certain measures be taken before rates are changed, and
  - 3. the rate schedule include certain items.
- B. Before putting into effect changed rates, a licensee must file the new schedule or schedules with the license officer at least fifteen days in advance.
  - 1. If the new rate requires adjustment of the taximeter, the licensee may not use the new rate until the adjustment has been made and the meter resealed by the Washington state department of agriculture (~~weights and measures department~~).
  - 2. The licensee must withdraw any advertisement of the previous rates before using new rates.
  - 3. The licensee must post the new rate schedule or schedules in the vehicle as required by [SMC 10.34.060\(B\)\(4\)](#).
- C. A licensee must include in the required rate schedule charges for:

1. waiting time, on an hourly basis;
  2. initial drop on all trips including the first tenth of a mile;
  3. distance based on uniform increments of one-tenth of a mile;
  4. each additional passenger;
  5. additional baggage, per piece, not including baggage which can be carried on by the passenger.
- D. Any separate rates for service charged by the licensee must clearly specify when and under what conditions the respective rates will apply.
- E. A licensee may by written contract establish a fare for specific transportation different than the filed rate.

Section 9. That SMC section 10.46.010 is repealed.

Section 10. That SMC section 10.46.020 is repealed.

Section 11. That SMC section 10.46.030 is repealed.

Section 12. That SMC section 10.46.040 is repealed.

Section 13. That SMC section 10.46.050 is repealed.

Section 14. That SMC section 10.46.060 is repealed.

Section 15. That SMC section 10.46.070 is repealed.

Section 16. That SMC section 10.46.080 is repealed.

Section 17. That SMC section 10.46.081 is repealed.

Section 18. That SMC section 10.46.082 is repealed.

Section 19. That SMC section 10.46.083 is repealed.

Section 20. That SMC section 10.46.084 is repealed.

Section 21. That SMC section 10.46.085 is repealed.

Section 22. That SMC section 10.46.086 is repealed.

Section 23. That SMC section 10.46.090 is repealed.

Section 24. That SMC section 10.46.100 is repealed.

Section 25. That SMC section 10.46.110 is repealed.

Section 26. That SMC section 10.46.120 is repealed.

Section 27. That SMC section 10.46.130 is repealed.

Section 28. That SMC section 10.46.140 is repealed.

Section 29. That SMC section 10.46.150 is repealed.

Section 30. That SMC section 10.46.160 is repealed.

Section 31. That SMC section 10.46.170 is repealed.

Section 32. That SMC section 10.46.180 is repealed.

Section 33. That SMC section 10.46.190 is repealed.

Section 34. That SMC section 10.46.200 is repealed.

Section 35. That SMC section 10.46.210 is repealed.

Section 36. That SMC section 10.46.220 is repealed.

Section 37. That SMC section 10.46.230 is repealed.

Section 38. That SMC section 10.46.240 is repealed.

Section 39. That SMC section 10.46.250 is repealed.

Section 40. That SMC section 10.46.260 is repealed.

Section 41. That SMC section 10.46.270 is repealed.

Section 42. That SMC section 10.46.280 is repealed.

Section 43. That SMC section 10.46.290 is repealed.

Section 44. That SMC section 10.46.300 is repealed.

Section 45. That SMC section 10.46.310 is repealed.

Section 46. That SMC section 10.46.320 is repealed.

Section 47. That SMC section 10.46.330 is repealed.

Section 48. That SMC section 10.46.340 is repealed.

Section 49. That SMC section 10.46.350 is repealed.

Section 50. That SMC section 10.46.360 is repealed.

Section 51. That SMC section 10.46.370 is repealed.

Section 52. That SMC section 10.46.380 is repealed.

Section 53. That SMC section 10.46.390 is repealed.

Section 54. That SMC section 10.46.400 is repealed.

Section 55. That SMC section 10.46.410 is repealed.

Section 56. That SMC section 10.46.420 is repealed.

Section 57. That SMC section 10.46.430 is repealed.

Section 58. That SMC section 10.46.440 is repealed.

Section 59. That SMC section 10.46.450 is repealed.

Section 60. That SMC section 10.46.460 is repealed.

Section 61. That SMC section 10.46.470 is repealed.

Section 62. That SMC section 10.46.480 is repealed.

Section 63. That SMC section 10.46.490 is repealed.

Section 64. That SMC section 10.46.500 is repealed.

Section 65. That SMC section 10.46.5001 is repealed.

Section 66. That SMC section 10.46.5002 is repealed.

Section 67. That SMC section 10.46.5003 is repealed.

Section 68. That SMC section 10.46.5004 is repealed.



Section 69. That SMC section 10.46.5005 is repealed.

Section 70. That SMC section 10.46.5006 is repealed.

Section 71. That SMC section 10.46.5007 is repealed.

Section 72. That SMC section 10.46.5008 is repealed.

Section 73. That SMC section 10.46.5009 is repealed.

Section 74. That SMC section 10.46.5010 is repealed.

Section 75. That SMC section 10.46.5011 is repealed.

Section 76. That SMC section 10.46.5012 is repealed.

Section 77. That SMC section 10.46.5013 is repealed.

Section 78. That SMC section 10.46.5014 is repealed.

Section 79. That SMC section 10.46.5015 is repealed.

Section 80. That SMC section 10.46.510 is repealed.

Section 81. That SMC section 10.46.520 is repealed.

Section 82. That SMC section 10.46.530 is repealed.

Section 83. That SMC section 10.46.540 is repealed.

Section 84. That SMC section 10.46.550 is repealed.

Section 85. That SMC section 10.46.560 is repealed.

Section 86. That SMC section 10.46.570 is repealed.

PASSED BY THE CITY COUNCIL on \_\_\_\_\_.

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Effective Date: \_\_\_\_\_



OFFICE OF THE CITY CLERK  
808 W. SPOKANE FALLS BLVD  
SPOKANE, WASHINGTON 99201-3342  
509.625.6350

March 7, 2013

City Clerk File Nos.:

ORD C34964

ORD C34965

COUNCIL ACTION MEMORANDUM

RE: ORDINANCE C34964 RELATING TO THE EXECUTIVE AND ADMINISTRATIVE ORGANIZATION OF THE CITY and ORDINANCE C34965 RELATING TO THE POLICE DIVISION

During the Spokane City Council's 3:30 p.m. Briefing Session held Monday, March 4, 2013, upon review of the March 11, 2013, Advance Agenda, Assistant City Attorney Barb Burns, along with City Administrator Theresa Sanders and Gerry Gemmill, Director of Local Government and Labor Relations, responded to Council inquiries and comments regarding Ordinance C34964 and Ordinance C34965. Council Member Salvatori suggested deferring these ordinances and that they be brought back through a committee so staff can explain the rationalization of the structure. Following further discussion, Council President Stuckart suggested delaying the ordinances to March 18 and that they be placed on the next Public Safety meeting agenda. Subsequently, the following action was taken:

**Motion** by Council Member Waldref, seconded by Council Member Salvatori, **to delay (defer)** these items (Ordinances C34964 and C34964) until March 18; **carried unanimously.**

Terri L. Pfister, MMC  
Spokane City Clerk

**Agenda Sheet for City Council Meeting of:**

03/04/2013

<b><u>Date Rec'd</u></b>	2/20/2013
<b><u>Clerk's File #</u></b>	ORD C34964
<b><u>Renews #</u></b>	
<b><u>Cross Ref #</u></b>	
<b><u>Project #</u></b>	
<b><u>Bid #</u></b>	
<b><u>Requisition #</u></b>	

<b><u>Submitting Dept</u></b>	HUMAN RESOURCES
<b><u>Contact Name/Phone</u></b>	HEATHER LOWE 6233
<b><u>Contact E-Mail</u></b>	HLOWE@SPOKANECITY.ORG
<b><u>Agenda Item Type</u></b>	First Reading Ordinance
<b><u>Agenda Item Name</u></b>	0620 CHAPTER 3.01 SMC DEPARTMENT ORGANIZATION

**Agenda Wording**

AN ORDINANCE relating to the executive and administrative organization of the City; adopting a new chapter 3.01A to title 3; and repealing chapter 3.01 of the Spokane Municipal Code.

**Summary (Background)**

The city charter provides that departments are created by ordinance. This ordinance codifies recent and future department changes to the City organization.

**Fiscal Impact**

Select	\$
Select	\$
Select	\$
Select	\$

**Budget Account**

#
#
#
#

**Approvals**

<b><u>Dept Head</u></b>	LOWE, HEATHER
<b><u>Division Director</u></b>	
<b><u>Finance</u></b>	LESESNE, MICHELE
<b><u>Legal</u></b>	BURNS, BARBARA
<b><u>For the Mayor</u></b>	SANDERS, THERESA

**Council Notifications**

<b><u>Study Session</u></b>	
<b><u>Other</u></b>	
<b><u>Distribution List</u></b>	hlowe@spokanecity.org

**Additional Approvals**

<b><u>Purchasing</u></b>	

ORDINANCE NO. C34964

AN ORDINANCE relating to the executive and administrative organization of the City; adopting a new chapter 3.01A to title 3; and repealing chapter 3.01 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That chapter 3.01 SMC is hereby repealed.

Section 2. That there is adopted a new chapter 3.01A to title 3 of the municipal code to read as follows:

**Chapter 3.01A  
Executive and Administrative Organization**

Sections

3.01A.100	Mayor
3.01A.110	City Administrator
3.01A.120	Mayor's Office Staff
3.01A.200	Departments and Offices - Establishment
3.01A.205	Departments – Rights, Powers and Duties
3.01A.210	Division Departments
3.01A.215	Accounting
3.01A.220	Asset Management Group
3.01A.225	Business and Developer Services
3.01A.230	City Attorney
3.01A.235	City Clerk
3.01A.240	Civil Service
3.01A.245	Community and Neighborhood Services
3.01A.250	Community, Housing and Human Services
3.01A.255	Engineering Services
3.01A.260	Finance
3.01A.265	Fire
3.01A.270	Fire Communications
3.01A.275	Fire Emergency Medical Services
3.01A.280	Fire Logistics
3.01A.285	Fire Operations
3.01A.290	Fire Planning and Information Management
3.01A.295	Fire Prevention
3.01A.300	Fire Training
3.01A.310	Fleet Services

3.01A.320	Historic Preservation
3.01A.330	Human Resources
3.01A.340	Management and Budget
3.01A.350	Management Information Services
3.01A.355	Neighborhood Services and Code Enforcement
3.01A.360	Parks and Recreation
3.01A.365	Planning and Development
3.01A.370	Police
3.01A.375	Police Business Services
3.01A.380	Police Communications
3.01A.385	Police Field Operations
3.01A.390	Police Investigations
3.01A.395	Police Public Information
3.01A.400	Police Tactical Operations
3.01A.410	Probation
3.01A.415	Public Affairs / Communications
3.01A.420	Public Defender
3.01A.430	Regional Emergency Communications Systems
3.01A.440	Retirement
3.01A.445	Risk Management
3.01A.450	Solid Waste Management
3.01A.460	Spokane Area Workforce Development Council Administration
3.01A.470	Spokane Regional Solid Waste System
3.01A.480	Street
3.01A.490	Treasurer's Office
3.01A.500	Utilities
3.01A.510	Wastewater Management
3.01A.520	Water and Hydroelectric Services
3.01A.600	Spokane Municipal Court
3.01A.610	Spokane Public Library
3.01A.620	Health

**Article I  
Mayor**

**3.01A.100 Mayor**

- A. As provided in the City Charter, the mayor is the chief executive and administrative officer of the City with final authority over the employment, termination and assignment of all employees of the City, not including the elected officers, except that:
1. the appointment of the city attorney, the city clerk and the administrative heads of each department requires approval of the city council;

2. the appointment of the head of the department of parks and recreation requires the concurrence of the park board;
  3. the appointment of the head and assistant head of the retirement department requires the concurrence of the retirement board;
  4. the appointment of persons to positions within the classified service, and their discharge, must follow the procedures of the civil service system;
  5. the number of positions in the City government is determined in the annual budget;
  6. some individuals, such as the director of Spokane area workforce development council administration, the library director, chief examiner, and the clerk of the municipal court, are appointed or directed by a board or agency by charter, statute or intergovernmental contract;
  7. state law may impose a requirement, such as a license, for the performance of a particular function.
- B. The mayor may appoint such assistants, who are variously referred to as city administrator, division director, department director, or assistant director, as deemed necessary for the efficient operation of City government, subject always to city council approval of positions and salaries through the budget process.
- D. Subject to the provisions of the City Charter and the ordinances by which administrative departments are established and discontinued, the mayor determines the allocation of functions and duties among the several departments and positions and establishes the organizational structure and reporting relationships of the executive branch of the City government.
- E. As provided in SMC 1.02.130, the mayor may delegate to assistants specific functions, authority and responsibility, including the signing of documents.
- F. Subject to the provisions of the City Charter and the ordinances by which administrative departments are established and discontinued, the mayor determines the allocation of functions and duties among the several departments and positions and establishes the organizational structure and reporting relationships of the executive branch of the City government.
- G. As provided in SMC 1.02.130, the mayor may delegate specific functions, authority and responsibility, including the signing of documents.
- H. The mayor exercises direct supervision of the departments of communications and public affairs, retirement, and equal employment opportunity and contract compliance.

- I. The mayor is chair of the Sister Cities Association of Spokane, the nonprofit corporation that oversees the Sister Cities program by contract with the City.

**3.01A.110 City Administrator**

- A. Under the direction of the mayor, the city administrator performs a variety of administrative duties to assist the mayor in the direction of City operations, and represents the mayor at meetings and conferences and as otherwise directed. This office responds to questions and complaints from the public and the city council.
- B. The city administrator is responsible for planning, recommending, coordinating and administering a local, state and federal legislative program for the City of Spokane in accordance with legislative guidelines established by the city council. The office develops for council approval City legislative programs for the state and federal legislative sessions, represents the City before state and federal legislative bodies, and analyzes and submits reports to the mayor and the city council on state and federal legislation affecting the City.
- C. The city administrator is appointed and removed by the mayor.

**3.01A.120 Mayor's Office Staff**

The mayor may, subject to budget appropriation, appoint and remove office staff under his direction as necessary to support the performance of the executive and administrative duties of the mayor's office. The mayor's office provides staff to the several Sister Cities associations.

**Article II  
Departments**

**3.01A.200 Departments and Offices – Establishment**

The executive branch of the City shall be organized into departments and offices, which are hereby continued, created, or established as follows:

**3.01A.205 Departments – Rights, Powers and Duties**

Except as otherwise provided, the departments and offices listed in this chapter shall have all the rights and powers granted and duties imposed by authority of the laws of the state and the charter and ordinances of the City now existing or subsequently adopted, subject to the general supervision and control of the mayor.



### **3.01A.210 Division Departments**

The following departments shall be considered as division departments:

- A. business and developer services
- B. city attorney
- C. community and neighborhood services
- D. finance
- E. fire
- F. parks and recreation
- G. police
- H. utilities

### **3.01A.215 Accounting**

- A. The accounting department provides various accounting services, including accounts payable, accounts receivable, payroll, purchasing, inventory, and budget control, for the City administration and some joint governmental agencies. The department compiles and produces the City's combined annual financial statements. It disseminates and monitors financial policies and internal controls, and provides analysis and reporting.
- B. The director of accounting serves on the City investment board.
- C. The purchasing section is responsible for the procurement of public works, goods and services by competitive bid, quote or proposal; processing purchase orders and contracts; maintaining and accounting for inventories; and the disposal of surplus property. The director of accounting, or a designee, is a permanent member of the committee to receive bids.

### **3.01A.220 Asset Management Group**

The asset management group provides focused leadership in maintaining and managing the City's hard assets. This include the parking system, right of way work, all infrastructure capital programs including how all these areas relate to the combined sewer overflow and storm water solutions.

### **3.01A.225 Business and Developer Services**

The department of business and developer services oversees planning and programming for services to enhance the quality of life in the community. It promotes economic growth, redevelopment and developer incentives.

### **3.01.230 City Attorney**

- A. The office of the city attorney renders legal advice, counsel and services to the mayor, the city council, all City administrative agencies and employees, and certain intergovernmental agencies. The office drafts, reviews and approves ordinances, resolutions, contracts and other legal instruments and documents; gives written and oral opinions and advice to all City officers and employees concerning City affairs; and represents the City in all judicial and administrative proceedings not in the charge of special counsel.
- B. The office of the city prosecutor is the criminal branch of the office of the city attorney. It is responsible for the prosecution of all misdemeanor crimes and civil infractions that occur within the City of Spokane. The office is involved in every phase of criminal and civil infraction law from beginning to end including preparation, diversion, filing, negotiation, resolution, adjudication, sentencing, and compliance. It is the mission of this office to promote justice, to prosecute crime and to protect citizens in the City of Spokane.
- C. The city attorney appoints and removes assistant city attorneys and city prosecutors; and designates a city prosecutor.

### **3.01A.235 City Clerk**

- A. The city clerk is the secretary of the municipal corporation; performing functions as provided in various state statutes, the Charter, the municipal code, council rules of procedure and city policies and procedures.
- B. The city clerk acts as editor and publishes the *official gazette*.
- C. The city clerk acts as the City's records officer.
- D. The city clerk is a member of the fire pension board and of the police relief and pension board.

### **3.01A.240 Civil Service**

- A. The civil service department provides clerical and administrative support to the civil service commission. The department performs duties required by article IV of the city charter, including job classification, examination, maintenance of eligibility lists, and the investigation and processing of applications and appeals.

- B. The chief examiner is the director of civil service and supervises the staff of the commission. The chief examiner is appointed by the civil service commission.

**3.01A.245 Community and Neighborhood Services**

The department of community and neighborhood services provides support and direction for the City's community-oriented departments. This support is accomplished through ensuring effective expenditure of local, state and federal funds to benefit low and middle income citizens; providing direct services to improve quality of life; sharing information and providing opportunities for citizens to be engaged in the city government decision making process; and ensuring the highest standards of customer service for City department's interactions with citizens.

**3.01A.250 Community, Housing And Human Services**

The community, housing and human services department, under the direction of the community, housing and human services board, administers federal, state and local grant programs to serve extremely low to moderate income citizens. The department provides staff support to the community, housing and human services board.

**3.01A.255 Engineering Services**

- A. The engineering services department is the design and construction arm of the City. It designs and manages construction of public street, sewer and water systems. It also assists private development by reviewing and approving plans, issuing permits for construction and inspecting infrastructure projects for compliance with federal, state and local requirements.
- B. The engineering services department also includes a traffic design group that coordinates transportation elements of projects designed in-house and by outside consultants. It also reviews transportation planning, street improvement proposals and transportation-related development issues.

**3.01A.260 Finance**

- A. The finance department manages the budget, supervises the internal/tax auditor, coordinates debt issuances and is responsible for establishing and maintaining sound fiscal management practices throughout the City.
- B. The chief financial officer shall attend all meetings of the city council finance committee, apprise the committee of the activities that he is responsible for and provide to the committee any information related to these activities that is requested. The chief financial officer shall also present to the committee changes in past practices or procedures or recommended ordinance amendments that he

deems necessary to maintain or increase the efficiency or effectiveness of the financial services division or the financial operations of the City.

- C. The chief financial officer shall regularly communicate to the city council on matters material to the City's financial condition, including quarterly financial updates and budget updates.

**3.01A.265 Fire**

- A. The fire division, through various departments, provides the community with a number of services, including but not limited to:
  - 1. response to medical help, fires and other situations where the public calls for assistance;
  - 2. fire investigations, and code enforcement and engineering services augmented by public education, technical assistance for fire code compliance, inspections and safety assessments; and
  - 3. CPR and other educational classes.
- B. The fire chief is responsible for the leadership and management of the fire division and the various departments within the fire division.
- C. The fire chief or fire marshal is the "fire official" for enforcement of various federal and state fire codes, including fireworks and underground storage tanks.

**3.01A.270 Fire Communications**

The communications department's primary responsibilities are to receive calls through the Community's 9-1-1 system and dispatch appropriate resources to the public's request for assistance as well as to communicate with and provide documentation and other support to fire and EMS response agencies and their field units. Includes assuring that facilities, equipment and systems are in place and operational for interoperable communication to occur between the public and responders in order to support the mission of the fire division as well as fulfill the obligations to provide contract dispatching services to other fire agencies.

**3.01A.275 Fire Emergency Medical Services**

The fire emergency medical services department is responsible for the medical systems necessary to provide quality pre-hospital basic life support and paramedic level critical care. Includes the management and oversight of the 9-1-1 ambulance transport contract as well as participation in the coordination of the overall community emergency medical services system.

**3.01A.280 Fire Logistics**

The fire logistics department manages and maintains the emergency response fleet of specialized apparatus, equipment, physical buildings and inventory that are in place and necessary to support the fire division's mission.

**3.01A.285 Fire Operations**

The fire operations department primary responsibilities include response to fire, emergency medical services, rescue and other calls for service that typically occur through the community's 9-1-1 system. Consists of personnel and equipment deployed to field operations (stations and apparatus) as well as special operations and emergency incident management.

**3.01A.290 Fire Planning and Information Management**

The fire planning and information management department primary responsibilities are to develop and oversee the fire division's information technology plan and systems necessary to support the fire division's mission together with obligations to provide contract dispatching services to other fire agencies. Includes providing all aspects of information technology and information management services through development, purchase, installation and maintenance of routine and critical technological software and interoperable, secure infrastructure.

**3.01A.295 Fire Prevention**

The fire prevention department primary responsibilities are to manage and oversee the enforcement of the fire code and other applicable standards as well as other efforts to prevent injury and harm from fire and avoidable accidents. Includes the review of plans for new and remodel projects within the City; field inspections to insure compliance with required permits and codes; educational and other collaborative programs to minimize occurrence of fires, accidents and injuries in the community.

**3.01A.300 Fire Training**

The fire training department primary responsibilities are to lead and manage the training, educational and other systems necessary to assure operational readiness and compliance with governmental standards and regulations. Includes the management and oversight of the fire division's safety program.

**3.01A.310 Fleet Services**

The fleet services department has three sections:

- A. Equipment maintenance, which develops specifications for and administers the acquisition of motor vehicles and other rolling equipment, schedules and performs equipment maintenance and repairs, and maintains replacement schedules, rental rates and equipment history.
- B. Facilities maintenance, which provides preventive maintenance, emergency repairs, boiler inspections, minor repairs and other work on City facilities, coordinates major repairs and modifications by contract, reviews plans for new facilities, and maintains equipment inspection records as required by federal and state laws; and
- C. Communications management, which manages and maintains communications networks for the police, fire, water, engineering and other departments, develops specifications for equipment acquisition, ensures compliance with Federal Communications Commission requirements, maintains replacements schedules, rental rates and equipment history, and coordinates joint activities with other governmental entities.

**3.01A.320 Historic Preservation**

The office of historic preservation serves as staff to the historic landmarks commission, providing:

- A. current inventories of historic places;
- B. technical information on the proper preparation and processing of nominations to historic registers;
- C. design review for Spokane Register properties;
- D. assistance to applicants in the preparation of documentation for special valuation;
- E. technical assistance to City departments on projects impacting historic resources;
- F. review of projects for impacts on historic properties, including Section 106 review;
- G. technical information and referral regarding rehabilitation/restoration of local historic properties, as well as information pertaining to tax incentives for historic preservation.

**3.01A.330 Human Resources**

- A. The human resources department administers all aspects of employment and labor relations, except the responsibilities of the civil service system, for City employees and some employees of other local agencies by agreement.
- B. The department administers employee orientation; counseling and conflict resolution through the employee assistance program; safety, training and discipline programs; wage, salary and fringe benefits; employee benefits, unemployment and workers' compensation, continuous improvement, collective bargaining; recruitment of employees exempt from civil service; and a number of employee records.
- C. The department is responsible for all diversity and equal opportunity programs that pertain to City employment.

**3.01A.340 Management and Budget**

- A. The department of management and budget assists the chief financial officer in budget development and administration by review and analysis of the City's financial condition, reporting as needed on revenues and expenditures of the various departments. The department is responsible for coordinating the development of the annual budget, budget control, financial forecasting and planning, and the budget activities of all departments.
- B. This department also assists departments with research projects, cost/benefit analyses and similar fiscal management and planning; and manages the City's indirect cost allocation plan.
- C. The taxes and license section administers the City's business registration process and administers the City's various municipal taxes. Its responsibilities include processing applications, registrations and returns; and billing, collecting, accounting and auditing of fees and taxes.
- D. The director of management and budget oversees the risk management department functions.

**3.01A.350 Management Information Services**

- A. The management information services department is responsible for information technology application and system support, to include electronic mail, telephone system, network infrastructure, city web site, help desk, GIS, datacenter operations, and security and monitoring systems.
- B. The mail room services section collects and distributes interoffice mail and posts outgoing City mail including utility billing invoices.

- C. The reprographic services section provides full digital imaging and printing services for the City.

**3.01A.355 Neighborhood Services and Code Enforcement**

- A. The department of neighborhood services and code enforcement acts as the staff support for the neighborhood councils and community assembly, and primarily through these organizations, the citizens of Spokane.
- B. The department of neighborhood services and code enforcement serves as liaison between the legislative and executive branches of the City, the neighborhood councils and the community assembly.
- C. The code enforcement section coordinates the activities of the other City departments and local and regional agencies in the investigation and resolution of violations of the public health and safety laws.

**3.01A.360 Parks and Recreation**

- A. The procurement, disposition, improvement and management of parks, playgrounds, designated boulevards, designated parkways, trees in streets and other rights-of-way, and other designated public places is vested in the park board. The park board and its committees perform their function through the department of parks and recreation. The park board is also authorized by Spokane city charter to adopt a budget for the parks and recreation department.
- B. The parks and recreation department serves as administrative staff to, and receives policy direction from, the park board and receives administrative direction from the mayor. The parks and recreation department performs a complement of duties at the direction of the park board, including but not limited to:
  - 1. design, development and maintenance of parks, gardens, the arboretum, swimming pools and recreational grounds and facilities;
  - 2. development and management of the urban forestry program;
  - 3. operation and management of the municipal golf courses;
  - 4. operation and development of a variety of recreational programs serving the public;
  - 5. operation, maintenance and promotion of grounds facilities and activities at Riverfront Park;



6. acquisition and long-range planning for future parks and open spaces as well as recreational services; and
  7. promotion, public relations, financial control and reporting.
- C. The municipal golf courses may be operated directly by the parks and recreation department or may be operated by licensed golf professionals under contract with the department.

### **3.01A.365 Planning and Development**

- A. The planning and development department is responsible for preparation and maintenance of the comprehensive plan to guide the community's long-term physical, economic and social growth and for other matters of neighborhood and City planning, including regional coordination and urban design. The department supports plan implementation measures using development regulations, capital improvement plans and annexation programs; administers current planning activities such as rezoning, planned unit developments, subdivisions, environmental review, and variances; and reviews development permits for compliance with land use codes.
- B. The department reviews and approves land use, civil, and building plans, makes zoning interpretations, issues building and occupancy permits and inspects building projects for compliance with building and other construction codes. It also enforces land use regulations and works with various city, county and state agencies in the regulation of property use requirements. The "building official" is in the department and oversees all building code interpretations. The department addresses the community's business needs and coordinates revitalization programs with an emphasis on sustainable economic growth. The department reviews transportation and traffic planning, street improvement proposals and transportation-related development issues.
- C. Through the administration section, the department serves as staff to the plan commission, design review board and bicycle advisory board.

### **3.01A.370 Police**

The police division through various departments is the primary law enforcement agency of the City with investigative, arrest and incidental powers over violations of federal, state and municipal laws, both criminal and traffic. In addition to patrol, surveillance, investigation and crime prevention education, division personnel perform administrative, communications, community relations, planning, records maintenance and training functions.

**3.01A.375 Police Business Services**

The police business services department is responsible for overall fiscal, human resources, and support services (records, property, planning, and fleet) to ensure the daily business and support operations of the police division.

**3.01A.380 Police Communications**

The police communications department is responsible for the police dispatch center, and responsible for the proper deployment of police division resources.

**3.01A.385 Police Field Operations**

The police field operations department is responsible for the personnel deployed to patrol, major crimes investigations, traffic, and specialized units for the day-to-day field operations for the police division.

**3.01A.390 Police Investigations**

The police investigations department leads the overall investigative resources for criminal cases in which the City of Spokane has overall jurisdiction.

**3.01A.395 Police Public Information**

The police tactical operations department is responsible for coordinating external communications with the public regarding the police division through the development of communication strategies and may serve as a media contact for the division.

**3.01A.400 Police Tactical Operations**

The police tactical operations department is responsible for the targeted crimes unit (detectives), patrol anti-crime teams, special investigations unit, property crimes and fraud detectives, abandoned auto unit, and special police problems.

**3.01A.410 Probation**

- A. The probation department supervises offenders placed on probation by the municipal court to ensure compliance with court orders, supervises conditions of pre-trial release, refers offenders to various community agencies for programs, facilitates evidence based programs proven to reduce re-offense, conducts pre and post sentence investigations, conducts financial screening for public defense services, works with law enforcement and community agencies to promote offender compliance and rehabilitation and promote victim and community safety.
- B. The chief of probation is appointed by the mayor after consultation with the presiding judge of municipal court and confirmed by the city council.

### **3.01A.415 Public Affairs / Communications**

- A. The department of public affairs/communications informs citizens and employees about important City issues and provides opportunities for increased participation in government. Its efforts focus on three major areas:
  - 1. External communications with the public and the media;
  - 2. Internal communications with employees; and
  - 3. Media relations.
- B. The department uses a multi-media approach to provide information; the goal is to provide information in ways that are convenient for citizens and employees.
- C. Cable TV Channel 5.
  - 1. Through City personnel or by contract, the City produces programming for the City government channel (CityCable5) available under the cable television system franchise.
  - 2. The office of cable TV is operated by a City employee who is appointed by the mayor and confirmed by the city council.

### **3.01A.420 Public Defender**

The office of public defender provides legal representation to indigent persons accused of misdemeanor and gross misdemeanor charges under the criminal and motor vehicle sections of the Spokane municipal code, who have been appointed by municipal court for representation. The office handles some county cases that have been conflicted to the City through agreement with the Spokane county public defender's office.

### **3.01A.430 Regional Emergency Communications Systems**

The regional emergency communications systems department provides radio communications services to local public safety entities as well as city/county non-emergency (public works/utilities, etc.) departments and county-wide public safety information technology services. The department consists of the merger of the city/county radio communications functions and the city/county law enforcement information technology division.

### **3.01A.440 Retirement**

- A. The retirement department is responsible for processing pensions for the Spokane employees retirement system and the LEOFF 1 police and firefighters'

pension plans. Subject to state law, the Spokane employees retirement system and the firefighters' pension board provide for the proper investment of the moneys in the respective retirement funds. Under the direction of the respective boards, the retirement department administers the investment funds for these pension plans.

- B. The director and the assistant director are appointed by the mayor with the concurrence of the Spokane employees' retirement board. The director's appointment is subject to confirmation by the city council.

### **3.01A.445 Risk Management**

The risk management department monitors potential and actual claims incidents involving loss or liability to the City. It provides liaison with the City's claims adjusters and develops procedures, methods and practices designed to avoid and to more efficiently handle risks of loss.

### **3.01A.450 Solid Waste Management**

The solid waste management department is responsible for collecting solid waste and recyclables generated in the City of Spokane and managing all other aspects of solid waste collection and related sanitation matters within the City except as assigned to the Spokane regional solid waste system department as allowed by law.

### **3.01A.460 Spokane Area Workforce Development Council Administration**

See chapter 6.03 SMC.

The director and the assistant director are appointed by the mayor with the concurrence of the Spokane county board of county commissioners and the Spokane Area Workforce Development Council.

### **3.01A.470 Spokane Regional Solid Waste System**

- A. The Spokane regional solid waste system department (regional system) handles solid waste disposal and related functions for solid waste generated in the City of Spokane not assigned to the solid waste management department. The regional system also handles solid waste disposal from other participating local government jurisdictions in incorporated and unincorporated areas of Spokane County pursuant to interlocal agreement.
- B. The regional system develops and administers recycling and composting programs and waste-reduction strategies for the City and participating local governments in Spokane County and provides staff support for the regional system liaison board. That board makes recommendations pursuant to interlocal

agreements to the City and County regarding the management of regional system. Regional system programs include:

1. waste-to-energy facility,
2. recycling,
3. composting,
4. transfer stations,
5. moderate-risk wastes,
6. long-haul disposal, and
7. administration.

**3.01A.480 Street**

- A. The street department is responsible for providing day-to-day safe and efficient movement of persons and goods throughout the City and for maintaining and preserving the City's public streets, bridges and traffic control devices. The department has two field operations sections: street maintenance and traffic operations.
- B. Street maintenance performs:
  1. bridge maintenance and inspection;
  2. pavement management evaluations; and
  3. roadway maintenance, street sweeping, leaf removal, snow and ice control, and weed control.
- C. Traffic operations perform:
  1. street signs and pavement markings installation, repair and maintenance;
  2. signals and lighting operations, repair and maintenance, cable system repair and maintenance;
  3. ITS operations and maintenance,
  4. street lighting inventory and design analyses;
  5. maintenance of city-wide traffic count program; and

6. intersection visibility safety programs.

**3.01A.490            Treasurer's Office**

- A. The treasurer's office is responsible for receiving, investing, safekeeping and accounting for cash of the City; issuing, paying and redeeming City bonds; collecting local improvement district and parking and business improvement district assessments, utility bill payments, and accounts receivable payments and tax payments; accepting and paying City warrants; providing federal tax reporting on arbitrage; and billing, managing taxes and licenses.
- B. The city treasurer is a member of the fire pension board and the police relief and pension board. The treasurer also serves on the City investment board.

**3.01A.500            Utilities**

The utilities department manages the City's public utilities including water, wastewater, and solid waste, as well as, overseeing the City's vehicle fleet.

**3.01A.510            Wastewater Management**

The wastewater management department is responsible for managing all wastewater in the City, including stormwater.

- A. The sewer maintenance section cleans and maintains the public storm and sanitary sewer mains and pumps on-site private treatment facilities when requested.
- B. The water reclamation plant section operates and maintains the water reclamation plant and the pump stations and associated pressure lines. It is also responsible for the biosolids management program of the City.
- C. The department also operates a collection and treatment program for stormwater and assists with the promotion and design of on-site stormwater treatment and dispersion facilities.

**3.01A.520            Water and Hydroelectric Services**

- A. The water and hydroelectric services department operates and maintains the public water supply system, including fire protection via public fire hydrants, and hydroelectric generating plant.
- B. The director of water and hydroelectric services is appointed by the mayor and confirmed by the city council.

**Article III  
Quasi-Departments**

**3.01A.600           Spokane Municipal Court**

- A.     See chapter 5A.04 SMC.
- B.     The clerk of the municipal court shall be appointed by the presiding judge of the municipal court upon a majority vote of judges present at a regularly scheduled judges' meeting. Under the direction of the presiding municipal judge, the clerk is responsible for the clerical functions of the court and for the operation of the municipal violations bureau.

**3.01A.610           Spokane Public Library**

- A.     The Spokane public library, although an agency of the City of Spokane, is a separate statutory entity under chapter 27.12 RCW and other laws for certain purposes. As provided by state law, the board of trustees of the Spokane public library is the governing body of the municipal library system. The director of the library is the librarian, who is employed by and responsible to the board of trustees of the Spokane public library for all aspects of library administration and operation. By agreement the City performs budgeting, accounting and personnel administration services for the library.
- B.     Whenever this code refers to "mayor" or "city council", such terms shall mean "librarian" and "library board of trustees", respectively, with respect to library matters. The term "employee" includes an employee of the Spokane public library, unless otherwise provided.
- C.     Nothing in this code precludes the library board of trustees from adopting personnel, procurement, contracting and other policies pursuant to the authority of state law, including chapter 27.12 RCW and, specifically, RCW 27.12.210.

**3.01A.620           Health**

Any responsibility devolving upon the city health officer or, by similar terms, upon any local public health official, is the responsibility of the administrator of the Spokane Regional Health District as provided in chapter 6.04 SMC, and the administrator, as health officer, is empowered to enforce within the City all statutes and regulations of the government of the United States and the State of Washington and the ordinances and resolutions of the Spokane Regional Health District, Spokane County and the City and has, specifically, the right of entry and the inspection of all premises in the City as provided by law.

PASSED BY THE CITY COUNCIL on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Effective Date: \_\_\_\_\_





OFFICE OF THE CITY CLERK  
808 W. SPOKANE FALLS BLVD  
SPOKANE, WASHINGTON 99201-3342  
509.625.6350

March 7, 2013

City Clerk File Nos.:

ORD C34964

ORD C34965

COUNCIL ACTION MEMORANDUM

RE: ORDINANCE C34964 RELATING TO THE EXECUTIVE AND ADMINISTRATIVE ORGANIZATION OF THE CITY and ORDINANCE C34965 RELATING TO THE POLICE DIVISION

During the Spokane City Council's 3:30 p.m. Briefing Session held Monday, March 4, 2013, upon review of the March 11, 2013, Advance Agenda, Assistant City Attorney Barb Burns, along with City Administrator Theresa Sanders and Gerry Gemmill, Director of Local Government and Labor Relations, responded to Council inquiries and comments regarding Ordinance C34964 and Ordinance C34965. Council Member Salvatori suggested deferring these ordinances and that they be brought back through a committee so staff can explain the rationalization of the structure. Following further discussion, Council President Stuckart suggested delaying the ordinances to March 18 and that they be placed on the next Public Safety meeting agenda. Subsequently, the following action was taken:

**Motion** by Council Member Waldref, seconded by Council Member Salvatori, to **delay (defer)** these items (Ordinances C34964 and C34964) until March 18; **carried unanimously.**

Terri L. Pfister, MMC  
Spokane City Clerk



**Agenda Sheet for City Council Meeting of:**

03/04/2013

<b>Date Rec'd</b>	2/20/2013
<b>Clerk's File #</b>	ORD C34965
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	HUMAN RESOURCES
<b>Contact Name/Phone</b>	HEATHER LOWE 6233
<b>Contact E-Mail</b>	HLOWE@SPOKANECITY.ORG
<b>Agenda Item Type</b>	First Reading Ordinance
<b>Agenda Item Name</b>	0620 POLICE DEPARTMENT

**Agenda Wording**

AN ORDINANCE relating to the Police Division; adopting a new chapter 3.10 to title 3 of the Spokane Municipal Code.

**Summary (Background)**

This ordinance moves text about the police department from chapter 3.01 SMC which is being repealed to a new chapter of the municipal code.

<b>Fiscal Impact</b>	<b>Budget Account</b>
Select \$	#
Select \$	#
Select \$	#
Select \$	#

<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	LOWE, HEATHER	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>	LESESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA	hlowe@spokanecity.org	
<b>For the Mayor</b>	SANDERS, THERESA	cmeidl@spokanecity.org	
<b>Additional Approvals</b>		fstraub@spokanecity.org	
<b>Purchasing</b>			

ORDINANCE NO. C34965

AN ORDINANCE relating to the Police Division; adopting a new chapter 3.10 to title 3 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 3.10 to title 3 to read as follows:

**CHAPTER 3.10  
POLICE DIVISION**

Sections:

- 3.10.010 Police
- 3.10.020 Police – Extra-Duty Employment.
- 3.10.030 Police Volunteer Force.

**3.10.010 Police**

- A. The chief of police heads the police division and the police volunteer force, and regulates the extra-duty employment of officers in private security.
- B. The police division is the primary law enforcement agency of the City with investigative, arrest and incidental powers over violations of federal, state and municipal laws, both criminal and traffic. In addition to patrol, surveillance, investigation and crime prevention education, division personnel perform administrative, communications, community relations, planning, records maintenance and training functions.
  - 1. The chief of the police division administers the Spokane police department and the police reserve force and has the authority to make rules and issue orders for the proper functioning of the division, consistent with law, council policy and the rules of the civil service commission.
  - 2. The commissioned members of the police division are, and have all the rights and authority conferred, by law, on law enforcement officers, peace officers and constables.
  - 3. Specifically, but without limitation, members of the police division have the duty and the power to investigate and arrest in connection with suspected violations of any law of the City, the State of Washington or the United States; to serve the process, writs and warrants of municipal court; and to enforce all orders issued in cases of emergency, including the establishment of cordon lines.

4. Upon the retirement of a member of the police division, the mayor is authorized and is directed to deliver over to such retiring officer, to become the officer's personal property, the pistol which, as a part of his service equipment, has been previously given over into the officer's custody; that such pistol shall, by such delivery, be considered an added extra compensation for his services to the City and, upon such delivery, shall become the personal property of such officer. This provision shall have continuing effect from year to year, and shall be considered a part of each and every annual appropriation ordinance to be made hereafter.
5. The division's noncommissioned employees are in many cases classified as specialists by virtue of the City's civil service classification system. Noncommissioned police employees are required to receive specialized training and certification from the State of Washington depending upon their assignments. They also work in shifts and are held to the same standards of on-duty conduct as commissioned police officers.

### **3.10.020 Police – Extra-Duty Employment.**

- A. As part of the responsibilities of the chief of police to administer the police division, the chief is specifically authorized to regulate extra-duty service of commissioned officers in private security.
- B. Any officer wishing to be eligible for extra-duty employment of a security nature is required to enroll in the program, thereby agreeing to abide by the special regulations established in divisional policies and procedures.
- C. Any person wishing to employ one or more officers to perform private security services in their capacity as police officers must contract for the services of the officer(s) with the City through the chief of police. By such contract the employer will reimburse the City for the costs of the security services, including wages and benefits of the personnel, equipment and administration. Wages are paid to the officers through the City payroll system.
- D. As circumstances require, the chief may decline a contract or modify the terms proposed by the prospective contractor, including without limitation, to reduce or add to the personnel and equipment to be furnished.
- E. Each contract must contain provisions explaining that even while on extra-duty assignment police officers have a primary obligation to the City and are subject at all times to be called away from such extra-duty assignment for emergencies, overtime duty, special assignments, or other reasons.

### **3.10.030 Police Volunteer Force.**

- A. Pursuant to city council resolutions and ordinance, the police division has been authorized to create and maintain a variety of volunteer forces including law enforcement explorer scouts, reserve police officers, senior and specialized volunteers and the utilization, via contract with the Spokane Community College system, of law enforcement co-op students and interns. A city council resolution authorizes the screening, appointment, training, scheduling, supervision and equipping of these volunteers in exchange for their voluntarily contributed hours of service to the citizens of the City of Spokane via the police department in many different categories and assignments. In some cases volunteers are reimbursed for expenses such as travel, meals, lodging and training costs. The City also provides the necessary uniforms and safety and other equipment for these volunteers to utilize in the course of their duties.
- B. A police reserve corps ("the reserve") is created and established as an organization composed of individuals who shall have been appointed and sworn in as members thereof by the chief of police or by a designated assistant chief. The number of members of the reserve may be increased or decreased by any number deemed advisable by the chief during any fiscal year but shall not exceed two hundred at any time. Members are volunteer workers only, serve gratuitously, and are not deemed to be employees of the City for any purpose.
1. The chief establishes the requirements for membership in the reserve and may include physical, mental, aptitude, personality inventory and character standards and the successful completion of a training program. The chief may require a physical examination to be given at the City's expense.
  2. Whenever a person has met all of the requirements and has certified that he has read the provisions of this section the chief may, but is not required to, appoint and swear in such person as a member of the reserve.
  3. The chief, with or without cause, may terminate the membership of any member at any time and any member may resign at any time by written notification to the chief. Any person who shall cease to be a member shall immediately surrender all property of the City issued to him.
  4. The chief of police has complete authority and control over the reserve. The chief may establish by order rules and regulations governing the reserve and its members, providing for the maintenance of discipline and the assigning of members to perform duties.
    1. Each member of the reserve serves at least two assigned shifts each calendar month.

2. Each member of the reserve, while on duty, has the same power and authority, except to the extent that the same may be restricted or limited by the chief, as a regular police officer. Each member at all times other than while serving as such does not have any status, power, authority or duties as a police officer or as a peace officer and may not represent himself, identify or hold himself out to be a police officer or a peace officer.
5. Each member of the reserve may be issued at City expense equipment including a regulation firearm, a uniform, a regulation police baton, a cap badge and a badge, and an identification card.
  - a. Each item issued to a member of the reserve remains the property of the City.
6. The offense of criminal impersonation, as defined in [SMC 10.07.021](#), includes impersonation of a member of the police reserve.
  - a. The mayor is authorized to include members of the reserve in the City's industrial insurance program as volunteers and to thereby provide medical aid benefits for injury proximately resulting from and suffered while on duty.
  - b. The mayor is directed to include members of the reserve among the officers and employees of the City whose actions are covered by the City's liability insurance. Members of the reserve have no other personnel benefits.
7. The mayor may cause members of the police reserve to be registered emergency services workers.

PASSED BY THE CITY COUNCIL on \_\_\_\_\_, 2013.

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Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Effective Date: \_\_\_\_\_



**Agenda Sheet for City Council Meeting of:**  
03/18/2013

<b>Date Rec'd</b>	3/6/2013
<b>Clerk's File #</b>	ORD C34971
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	CITY COUNCIL
<b>Contact Name/Phone</b>	WALDREF & 625.6255
<b>Contact E-Mail</b>	AWALDREF@SPOKANECITY.ORG,
<b>Agenda Item Type</b>	First Reading Ordinance
<b>Agenda Item Name</b>	0320 U HELP ORDINANCE

**Agenda Wording**

An ordinance relating to the Utility U-Help program; adopting a new chapter 13.09 to title 13 of the Spokane Municipal Code.

**Summary (Background)**

Chapter 35.92 and chapter 35.67 RCW authorize cities to “provide assistance to aid low-income persons in connection with services” for municipal utilities and sewerage services. Sixteen and eight tenths percent (16.8%) of households in the City of Spokane reported an income below the poverty line at the time of the 2010 Census. The City Council has recognized that any increase of utility rates has a profound impact on the City’s low-income customers.

<b>Fiscal Impact</b>		<b>Budget Account</b>	
Select	\$		#
Select	\$		#
Select	\$		#
Select	\$		#
<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	WESTFALL, JENNIFER	<b>Study Session</b>	
<b>Division Director</b>		<b>Other</b>	
<b>Finance</b>	LESNE, MICHELE	<b>Distribution List</b>	
<b>Legal</b>	BURNS, BARBARA		
<b>For the Mayor</b>	FEIST, MARLENE		
<b>Additional Approvals</b>			
<b>Purchasing</b>			





## ORDINANCE NO. C34971

AN ORDINANCE relating to the Utility U-Help program; adopting a new chapter 13.09 to Title 13 of the Spokane Municipal Code.

WHEREAS, chapter 35.92 and chapter 35.67 RCW authorize cities to “provide assistance to aid low-income persons in connection with services” for municipal utilities and sewerage services; and

WHEREAS, Article 8, Section 7 of the Washington State Constitutions permits “support of the poor and infirm,”; and

WHEREAS, sixteen and eight tenths percent (16.8%) of households in the City of Spokane reported an income below the poverty line at the time of the 2010 Census and the City Council has recognized that any increase of utility rates has a profound impact on low-income customers; and

WHEREAS, through the expansion of the existing donation-based utility u-help program and formalization of a City-sponsored u-help program, the intent of the City Council is to offer expanded one-time limited assistance to its customers whose household incomes are in the lower ranges of the area’s income scale and earning less than the poverty level income; and

WHEREAS, the City Council has directed the Utility Department to transfer \$50,000 per year to the U-Help Assistance Fund, a separate fund managed by the City and designated to assist low-income customers with utility bills; -- Now Therefore

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 13.09 to Title 13 of the Municipal Code to read as follows:

### **CHAPTER 13.09 UTILITY U-HELP PROGRAM**

Sections:

13.09.010	Purpose and Findings
13.09.020	Definitions
13.09.030	Qualifications
13.09.040	Application for Credit
13.09.050	Penalty for False Information

**13.09.010 Purpose and Findings.**

- A. The Spokane city council finds that it is appropriate for the City of Spokane to provide a credit against utility charges to qualifying low- income customers of the City's utilities who are facing utility shut-off.
- B. The council further finds that verification of this credit should be administered by a third party agency.

**13.09.020 Definitions.**

- A. "Applicant" means any individual applying for a benefit, discount or attempting to qualify as a low income customer.
- B. "City" refers to the City of Spokane.
- C. "Gross Income" includes any income that would be considered gross income under the Federal Internal Revenue Title 26, Subtitle A – Income Taxes, Chapter 1, Subchapter B, Part I, Section 61.
- D. "Low-Income Customer" means a person whose gross income is less than one hundred twenty five percent of the current poverty level guidelines issued by the U. S. department of health and human services and is a current residential customer of the City of Spokane utilities; and

**13.09.030 Qualifications.**

An applicant must qualify as a low-income customer to receive a utility service credit. To qualify as a low-income customer for any purpose under this chapter, an applicant must satisfy each of the following criteria:

- A. Current residential customer of City of Spokane utilities. The credit shall apply only to utility charges for services to a residence.
- B. Income.  
The annual gross income of the applicant's household may not exceed one hundred twenty five percent of the current poverty level guidelines issued by the U. S. department of health and human services.
- C. The applicant must have received a final notice for utility account delinquency.
- D. The applicant is limited to one u-help assistance within a twelve month period not to exceed sixty dollars.

**13.09.040                    Application for Credit.**

Applications for utility credit or discount shall be obtained from and filed with the third party program administrator. The applicant must submit with his application, income verification documentation which will be reviewed and evaluated.

**13.09.050                    Penalty for False Information.**

The willful provision to the City of false information in an application for utility discount shall forfeit the applicant's eligibility for future credit. Additionally, the applicant shall be required to repay the amount of any utility credit received based upon such false information.

PASSED BY THE CITY COUNCIL ON \_\_\_\_\_.

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date