THE CITY OF SPOKANE

ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, JULY 29, 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. 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. 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	
1. **Low Bid of Cameron-Reilly, LLC (Spokane, WA) for 2013 Community Development Sidewalk Project—$441,929, including Change Order No. 1 for an increase of $51,878.52. An administrative reserve of $44,192.90, which is 10% of the contract price, will be set aside.** Ken Brown	Approve	OPR 2013-0546 ENG 2013039
2. **Local Agency Participating Agreement, Work by State, Agreement No. GCB1227, with the Washington State Department of Transportation for the Flint Road and Sunset Highway (US 2) Traffic Signal Project—$99,458.57.** Brandon Blankenagel	Approve	OPR 2013-0547 ENG 2012120
3. **Community Revitalization Financing Tax Increment Area Agreement between the City of Spokane and Spokane County.** Teri Stripes	Approve	OPR 2013-0548
4. **Memorandum of Understanding between the City of Spokane and Avista Utilities for the parking lot on the north side and adjoining City Hall owned and maintained by the City of Spokane—$150,000.** Mike Werner	Approve	OPR 2013-0549

5.	**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 Payments**	**CPR 2013-0002**

EXECUTIVE SESSION

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

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.

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

COUNCIL COMMITTEE REPORTS

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

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.

LEGISLATIVE AGENDA

EMERGENCY BUDGET ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinance C35019 amending Ordinance No. C34947 passed the City Council December 10, 2012, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in: Carly Cortright

General Fund
FROM: **Various Accounts, $34,000;**
TO: **Deputy Director, Rg. 53, Tactical and Strategic Initiatives, same amount.**

(This action budgets for the Deputy Director position, Tactical and Strategic Initiatives, in the Police Department, effective August 4, 2013.)

NO EMERGENCY ORDINANCES

RESOLUTIONS & FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

Resolutions requesting the Spokane County to hold a Special Election on November 5, 2013, in conjunction with the scheduled General Election to submit to the voters of the City of Spokane, advisory votes regarding the Envision Spokane Initiative:
Council Members Mike Allen and Steve Salvatori

RES 2013-0056 **Relates to the question of whether the Spokane City Council should pursue additional funding sources in order to implement the provisions of the Envision Spokane Community Bill of Rights ballot proposition, if the proposition is approved by voters. (Postponed from July 22, 2013, Agenda)**

RES 2013-0057 **Relates to the question of whether the Spokane City Council should reduce funding in existing general fund programs to reallocate funding to implement the provisions of the Envision Spokane Community Bill of Rights ballot proposition, if the proposition is approved by the voters. (Postponed from July 22, 2013, Agenda)**

Resolutions requesting the Spokane County Auditor to hold a Special Election on November 5, 2013, in conjunction with the scheduled General Election, to submit to the voters of the City of Spokane, advisory votes regarding the Spokane Moves to Amend Initiative: Council Members Mike Allen and Steve Salvatori

RES 2013-0058 **Relates to the question of whether the Spokane City Council should pursue additional funding sources in order to fund the implementation of the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition, if the proposition is approved by the voters. (Postponed from July 22, 2013, Agenda)**

RES 2013-0059 **Relates to the question of whether the Spokane City Council should reduce funding in existing general fund programs to reallocate funding to the implementation of the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition, if the proposition is approved by the voters. (Postponed from July 22, 2013, Agenda)**

ORD C35014 **Relating to initiatives; amending SMC Sections 2.02.030, 2.02.040 and 2.02.055 and repealing SMC Section 2.02.050.** Council President Stuckart

Ordinances approving and confirming the assessments and assessment rolls for:

ORD C35016
LID 2009163
PRO 2010-0037
Local Improvement District No. 2009163 for street, water and sewer improvements of Dalke Avenue from Freya Street to Florida Street and street improvements of Myrtle Street from Dalke Avenue to Francis Avenue, Kyle Twohig

ORD C35017
LID 2010042
PRO 2012-0008
Local Improvement District No. 2010042 for street improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue, Kyle Twohig

and levying and assessing the amounts thereof, according to benefits, against the several lots, tracts and parcels of land and other property as shown on said roll; providing for the collection of said assessments and the issuance of local improvement installment notes or bonds to pay the costs and expenses of said improvements; fixing the date of issue of said installment notes or bonds; and providing for delinquency penalties.

FIRST READING ORDINANCES

(No Public Testimony Will Be Taken)

ORD C35018 **Relating to the City of Spokane's use of surveillance equipment; requiring City departments to obtain City Council approval prior to acquiring certain surveillance equipment; requiring departments to propose protocols related to proper use and deployment of certain surveillance equipment for Council review, requiring departments to adopt written protocols that address data retention, storage and access of any data obtained through the use of certain surveillance equipment, and adopting a new Chapter 1.08 to Title 1 of the Spokane Municipal Code.** Council President Stuckart

FURTHER ACTION DEFERRED

NO SPECIAL CONSIDERATIONS

NO HEARINGS

Motion to Approve Advance Agenda for July 29, 2013

(per Council Rule 2.1.2)

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 July 29, 2013, Regular Legislative Session of the City Council is adjourned to Monday, August 5, 2013.

NOTES

Agenda Sheet for City Council Meeting of: 07/29/2013		Date Rec'd	7/18/2013
		Clerk's File #	OPR 2013-0546
		Renews #	
Submitting Dept	ENGINEERING SERVICES	**Cross Ref #**	
Contact Name/Phone	KEN BROWN 625-6626	**Project #**	2013039
Contact E-Mail	KBROWN@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	Contract Item	**Requisition #**	CR 13625
Agenda Item Name	0370-LOW BID AWARD-2013 CD SIDEWALK-CAMERON-REILLY		

Agenda Wording

Low Bid of Cameron-Reilly, LLC (Spokane, WA) for 2013 Community Development Sidewalk Project- $441,929.00 including Change Order No. 1 for an increase of $51,878.52. An admin reserve of $44,192.90 which is 10% of the contract price will be set aside.

Summary (Background)

On June 3, 2013 bids were opened for the above project. The low bid was from Cameron-Reilly, LLC in the amount of $441,929.00, which is $89,047.00 or 16.77% under the Engineer's Estimate; two other bids were received as follows: William Winkler Company - $522,388.00 and Bacon Concrete, Inc. - $526,506.00. Community Development Funds are allocated to this program each year and it is expected that the entire amount will be used.

Fiscal Impact		**Budget Account**
Expense	$ 538,000.42	# 3200 95054 95300 56501
Select	$	#
Select	$	#
Select	$	#

Approvals		**Council Notifications**	
Dept Head	TWOHIG, KYLE	**Study Session**	
Division Director	QUINTRALL, JAN	**Other**	
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	BURNS, BARBARA	lhattenburg@spokanecity.org	
For the Mayor	SANDERS, THERESA	rdykes@spokanecity.org	
Additional Approvals		mhughes@jspokanecity.org	
Purchasing		ewade@spokanecity.org	
		pdolan@spokanecity.org	
		mlesesne@spokanecity.org	
		kmoat@spokanecity.org	

City Of Spokane

Engineering Services Department

* * * Bid Tabulation * * *

Project Number: 2013039

Project Description 2013 Community Development Sidewalk Project

Funding Source Federal

Preparer Joel Graff

Original Date 5/7/2013 9:05:12 PM

Update Date 6/3/2013 1:36:23 PM

Addendum Addendum 1

Project Number: 2013039			Engineer's Estimate		Cameron-Reilly LLC		William Winkler Company		Bacon Concrete Inc	
Item No	Bid Item Description	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
	Schedule Description				**Tax Classification**					
Schedule 01	Sidewalk Improvements				Public Street Improvement					
101	REIMBURSEMENT FOR THIRD PARTY DAMAGE	1 EST	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
102	SPCC PLAN	1 LS	* * * * * *	1,000.00	* * * * * *	1.00	* * * * * *	500.00	* * * * * *	500.00
103	REFERENCE AND REESTABLISH SURVEY MONUMENT	5 EA	750.00	3,750.00	100.00	500.00	500.00	2,500.00	450.00	2,250.00
104	CLASSIFICATION AND PROTECTION OF SURVEY MONUMENTS	1 LS	* * * * * *	1,000.00	* * * * * *	500.00	* * * * * *	1,500.00	* * * * * *	1,000.00
105	MOBILIZATION	1 LS	* * * * * *	20,000.00	* * * * * *	22,000.00	* * * * * *	62,212.00	* * * * * *	32,000.00
106	PROJECT TEMPORARY TRAFFIC CONTROL	1 LS	* * * * * *	7,500.00	* * * * * *	750.00	* * * * * *	10,000.00	* * * * * *	12,000.00
107	PEDESTRIAN TRAFFIC CONTROL	1 LS	* * * * * *	7,500.00	* * * * * *	750.00	* * * * * *	10,000.00	* * * * * *	1,200.00
108	SEQUENTIAL ARROW SIGN	80 HR	200.00	16,000.00	20.00	1,600.00	15.00	1,200.00	25.00	2,000.00
109	REMOVE TREE STUMP	22 EA	250.00	5,500.00	250.00	5,500.00	200.00	4,400.00	300.00	6,600.00
110	REMOVE EXISTING CURB	1900 LF	4.50	8,550.00	2.00	3,800.00	8.00	15,200.00	6.00	11,400.00
111	REMOVE CEMENT CONCRETE SIDEWALK AND DRIVEWAY	3100 SY	5.50	17,050.00	1.00	3,100.00	5.00	15,500.00	6.50	20,150.00
112	SAWCUTTING CURB	200 EA	5.00	1,000.00	10.00	2,000.00	10.00	2,000.00	45.00	9,000.00
113	SAWCUTTING RIGID PAVEMENT	5000 LFI	1.00	5,000.00	1.00	5,000.00	1.00	5,000.00	1.00	5,000.00
114	REMOVE AND REINSTALL EXISTING GUARDRAIL	1 LS	* * * * * *	2,000.00	* * * * * *	1,000.00	* * * * * *	5,000.00	* * * * * *	9,500.00

Project Number: 2013039			Engineer's Estimate		Cameron-Reilly LLC		William Winkler Company		Bacon Concrete Inc	
Item No	**Bid Item Description**	**Estimated Quantity**	**Unit Price**	**Amount**	**Unit Price**	**Amount**	**Unit Price**	**Amount**	**Unit Price**	**Amount**
	Schedule Description				**Tax Classification**					
Schedule 01	Sidewalk Improvements				Public Street Improvement					
115	ROADWAY EXCAVATION INCL. HAUL	71 CY	20.00	1,420.00	30.00	2,130.00	25.00	1,775.00	40.00	2,840.00
116	PREPARATION OF UNTREATED ROADWAY	365 SY	5.00	1,825.00	3.00	1,095.00	3.00	1,095.00	6.00	2,190.00
117	CONTROLLED DENSITY FILL	10 CY	100.00	1,000.00	1.00	10.00	40.00	400.00	50.00	500.00
118	CRUSHED SURFACING TOP COURSE	41 CY	37.50	1,537.50	45.00	1,845.00	25.00	1,025.00	60.00	2,460.00
119	CSTC FOR SIDEWALK AND DRIVEWAYS	265 CY	37.50	9,937.50	30.00	7,950.00	25.00	6,625.00	42.00	11,130.00
120	COMMERCIAL HMA	70 TO	200.00	14,000.00	225.00	15,750.00	200.00	14,000.00	240.00	16,800.00
121	SOIL RESIDUAL HERBICIDE	365 SY	2.00	730.00	1.00	365.00	2.00	730.00	1.00	365.00
122	CEMENT CONCRETE CURB WALL	900 LF	42.50	38,250.00	35.00	31,500.00	25.00	22,500.00	35.00	31,500.00
123	FRAME AND GRATE FOR CATCH BASIN OR GRATE INLET	10 EA	650.00	6,500.00	500.00	5,000.00	400.00	4,000.00	410.00	4,100.00
124	ESC LEAD	1 LS	* * * * * *	1,000.00	* * * * * *	1.00	* * * * * *	500.00	* * * * * *	750.00
125	INLET PROTECTION	100 EA	75.00	7,500.00	0.01	1.00	10.00	1,000.00	50.00	5,000.00
126	HYDROSEEDING, FERTILIZING, AND MULCHING	900 SY	5.00	4,500.00	2.00	1,800.00	2.00	1,800.00	3.00	2,700.00
127	SOD INSTALLATION	900 SY	15.00	13,500.00	9.00	8,100.00	25.00	22,500.00	16.00	14,400.00
128	4-IN. PVC IRRIGATION SLEEVE	50 LF	10.00	500.00	1.00	50.00	10.00	500.00	10.00	500.00
129	REMOVE AND REPLACE EXISTING SPRINKLER HEADS AND LINES	1 LS	* * * * * *	2,500.00	* * * * * *	2,500.00	* * * * * *	5,000.00	* * * * * *	2,500.00
130	CEMENT CONCRETE CURB	2000 LF	20.00	40,000.00	20.00	40,000.00	20.00	40,000.00	21.00	42,000.00
131	REMOVE AND REPLACE EXISTING CURB	1300 LF	40.00	52,000.00	35.00	45,500.00	28.00	36,400.00	27.00	35,100.00
132	CEMENT CONCRETE DRIVEWAY	225 SY	45.00	10,125.00	44.00	9,900.00	20.00	4,500.00	50.00	11,250.00
133	CEMENT CONC. SIDEWALK	4500 SY	45.00	202,500.00	44.00	198,000.00	41.25	185,625.00	45.00	202,500.00

Project Number: 2013039			Engineer's Estimate		Cameron-Reilly LLC		William Winkler Company		Bacon Concrete Inc	
Item No	**Bid Item Description**	**Estimated Quantity**	**Unit Price**	**Amount**	**Unit Price**	**Amount**	**Unit Price**	**Amount**	**Unit Price**	**Amount**
	Schedule Description				**Tax Classification**					
Schedule 01	Sidewalk Improvements				Public Street Improvement					
134	RAMP DETECTABLE WARNING	740 SF	20.00	14,800.00	19.50	14,430.00	35.00	25,900.00	18.00	13,320.00
135	SIGNING, PERMANENT	8000 FA	1.00	8,000.00	1.00	8,000.00	1.00	8,000.00	1.00	8,000.00
136	PAVEMENT MARKING	1000 FA	1.00	1,000.00	1.00	1,000.00	1.00	1,000.00	1.00	1,000.00
137	CEMENT CONCRETE STEPS	5 CY	400.00	2,000.00	100.00	500.00	500.00	2,500.00	600.00	3,000.00
		Schedule Totals		530,976.00		441,929.00		522,388.00		526,506.00

Project Number ***2013039*** ***2013 Community Development Sidewalk Project***

SCHEDULE SUMMARY

	Sched 1	*Sched 2*	*Sched 3*	*Sched 4*	*Sched 5*	*Sched 6*	*Sched 7*	*Sched 8*	*Total*
Engineer's Est	530,976.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	530,976.00
Cameron-Reilly LLC	441,929.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	441,929.00
William Winkler Compa	522,388.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	522,388.00
Bacon Concrete Inc	526,506.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	526,506.00

Low Bid Contractor: Cameron-Reilly LLC

	Contractor's Bid	*Engineer's Estimate*	*% Variance*	
Schedule *01*	$441,929.00	$530,976.00	16.77	% Under Estimate
Bid Totals	$441,929.00	$530,976.00	16.77	% Under Estimate

CITY OF SPOKANE
CONTRACT CHANGE ORDER AGREEMENT NO. 1

PROJECT NO. 2013039

CONTRACT 2013 Community Development Sidewalk Project

CONTRACTOR Cameron-Reilly, LLC

SUMMARY OF PROPOSED CHANGE:

Community Development Funds are allocated to this program each year and it is expected that the entire amount be used. The low bid was considerably under this budget; therefore, this Change Order is being submitted to increase the contract amount to allow for additional sidewalk work up to the amount of the budget.

SUMMARY OF COSTS & CHANGE ORDERS:

	AMOUNT	% CHANGE
Original Contract Amount:	$ 441,929.00	
Change Order Amount	$ 51,878.52	11.74%
Revised Contract Amount:	$ 493,807.52	

SIGNATURES:

_____ _____
Engineering Operations Manager Date

_____ _____
Director – Business and Developer Services Date

Attest: _____ _____
City Clerk Date

_____ _____
City Administrator Date

Approved as to form: _____ _____
Assistant City Attorney Date

Agenda Sheet for City Council Meeting of:		Date Rec'd	7/18/2013
07/29/2013		Clerk's File #	OPR 2013-0547
		Renews #	
Submitting Dept	ASSET MANAGEMENT	Cross Ref #	
Contact Name/Phone	BRANDON BLANKENAGEL 625-6419	Project #	2012120
Contact E-Mail	BBLANKENAGEL@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Contract Item	Requisition #	CR 13623
Agenda Item Name	5900- WSDOT LOCAL AGENCY PARTICIPATING AGREEMENT		

Agenda Wording

Local Agency Participating Agreement, Work by State, Agreement No. GCB1227, with the Washington State Department of Transportation (WSDOT) for the Flint Road and Sunset Highway (US 2) Traffic Signal project.

Summary (Background)

City staff has coordinated closely with WSDOT to design intersection improvements including a new traffic signal at Flint Road and US 2. The project has been designed to be included in WSDOT's US 2 Espanola to I-90 paving project. WSDOT will take the lead for contract administration. This Agreement will allow WSDOT to directly access the FHWA safety grant funds. Conditional to the agreement, the City will cover indirect and administrative costs (see attached)

Fiscal Impact		Budget Account
Expense	$ 99,458.57	# 3200 95050 95300 56501
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	WERNER, MIKE	Study Session	
Division Director	QUINTRALL, JAN	Other	PCED 7/15/13
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	BURNS, BARBARA	lhattenburg@spokanecity.org	
For the Mayor	SANDERS, THERESA	bblankenagel@spokanecity.org	
Additional Approvals		mserbousek@spokancity.org	
Purchasing		htrautman@spokanecity.org	

BRIEFING PAPER

City Council

July 22, 2013

Subject:

The City and WSDOT are looking to enter an agreement to include the City's Flint Road at US2 intersection improvements and traffic signal installation into WSDOT's US2 paving project.

Background:

Early in 2013, the City received an FHWA safety grant to improve the intersection of Flint Road and Highway 2 by widening for dedicated turn lanes and installing a traffic signal. The funding was for construction only. The City has worked closely with WSDOT to design the improvements on a short timeline in order to meet fund requirements to be construction ready by August. Additionally, WSDOT shared the cost and responsibility of designing the intersection, as they were also preparing a project in the vicinity to re-pave Highway 2. From the outset of design, the two projects have been coordinated, with the intent to construct under one contract.

The City's Flint Road intersection project received $1,271,000 in FHWA safety grant funds for the construction phase. The proposed agreement (GCB 1227) will allow WSDOT to maintain lead on the combined project, and directly access the FHWA safety grant funds. Conditional to the agreement, the City will cover indirect and administrative costs not eligible under the grant. Also, in the event that the intersection portion of the project incurs costs above the grant funding, the City will bear these costs.

Impact:

The intersection project is estimated to cost $949,797.80 with reserve of $37,991.91 for construction contingencies. Construction Engineering is estimated at $118,534.77, with overhead costs of $99,458.57 for a total amount at $1,205,783.05. The FHWA funding for construction is 100% Federal funds (no match required) that were obtained through a Quick Response Safety Grant.

Action:

We recommend Council approval of the WSDOT contract agreement. Construction is scheduled to take place in 2014.

For further information on this subject, contact Katherine Miller, Principal Engineer, Capital Programs at 625-6338 kemiller@spokanecity.org.

LOCAL AGENCY PARTICIPATING AGREEMENT
WORK BY STATE
Agreement Number GCB 1227

This Agreement is made and entered into between the State of Washington Department of Transportation, hereinafter the "STATE" and the City of Spokane, Washington, hereinafter the "LOCAL AGENCY."

WHEREAS, the STATE is planning the construction of improvement of a portion of SR2 from Espanola Road to SR 90 hereinafter the "Project," and

WHEREAS, as part of the Project the LOCAL AGENCY has requested the STATE to jointly plan the design and re-construction of the non-limited access SR 2 and Flint Road intersection located within the LOCAL AGENCY's boundary, hereinafter the "Work," and

WHEREAS, the STATE has committed up to Fifty Thousand Dollars ($50,000) in, in-kind design of the Work, and

WHEREAS, the LOCAL AGENCY has transferred by letter, dated May 23, 2013, One Million Two Hundred Seventy One Thousand Dollars (1,271,000) in federal Quick Response Safety Program funds to the STATE for construction of the Work, and

WHEREAS, the STATE recognizes the benefits to SR 2 and the LOCAL AGENCY from the construction of the Work, and

WHEREAS, the STATE will not contribute any money toward the construction of the Work,

NOW, THEREFORE, pursuant to RCW 47.28.140, the above recitals that are incorporated herein as if fully set forth below, and in consideration of the terms, conditions, and performances contained herein, and Exhibits A and B, which are attached hereto and by this reference made a part of this Agreement,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. PLANS, SPECIFICATIONS, AND COST ESTIMATES

1.1 The STATE and LOCAL AGENCY will jointly prepare the Work plans, specifications, and cost estimate (PS&E) for the plans shown in Exhibit A. The Work PS&E shall be in accordance with the state of Washington Standard Specifications for Road, Bridge and Municipal Construction, and its amendments thereto (Standard Specifications), current at the time of Project advertisement.

1.2 The STATE will incorporate the Work PS&E into the final Project PS&E package. Professional certification of the Work PS&E jointly prepared with the LOCAL AGENCY shall be provided solely by the LOCAL AGENCY.

1.3 The STATE will provide the LOCAL AGENCY with one (1) reproducible copy of the Ad ready PS&E for the Project, including the Work, a minimum of twenty (20) calendar days prior to the proposed Ad date. The LOCAL AGENCY will have fifteen (15) calendar days to review the Ad ready PS&E that includes the Work and resolve with the STATE any LOCAL AGENCY

concerns. The LOCAL AGENCY will provide the STATE with written approval, conditional approval, or rejection.

2. BID, AWARD, AND COST ADJUSTMENTS

2.1 The STATE will advertise the Project, including the Work, for bids.

2.2 The STATE will award and execute the Project contract, including the Work.

2.3 The STATE shall provide the LOCAL AGENCY with written notification of the bid price for the Work. The LOCAL AGENCY shall have five (5) working days from the date of written notification to provide the STATE written approval of the bid price for the Work, or request the Work be deleted from the Project. The LOCAL AGENCY may request an extension of time in writing, provided that the STATE receives the written request not later than five (5) working days after the LOCAL AGENCY has received the written notification. The STATE shall provide a written response indicating the number of working days extended, if any.

2.4 The LOCAL AGENCY acknowledges that if it fails to provide the STATE with written approval of the bid price for the Work or request that the Work be deleted from the Project within five (5) working days and any approved extension of time pursuant to Section 2.3, the STATE shall delete the Work from the Project. The LOCAL AGENCY understands that deleting the Work from the Project may require an equitable adjustment to the Project contract and agrees to reimburse the STATE for costs associated with the equitable adjustment. This Agreement shall then terminate upon receipt of all reimbursement and equitable adjustment payments in accordance with Section 5.

3. CONSTRUCTION

3.1 The STATE will designate a STATE Project Engineer to provide all services and tools, including but not limited to construction administration, inspection, materials testing, and representation, necessary to administer and manage the contract to ensure that the Work is constructed in accordance with the contract.

3.2 The LOCAL AGENCY may consult with and inquire of the STATE Project Engineer, attend all meetings, and have access to all documentation concerning the Work. The LOCAL AGENCY shall not provide direction, directly or indirectly, to the STATE's contractor. All formal contacts between the LOCAL AGENCY and the contractor shall be through the STATE's representative.

3.3 The LOCAL AGENCY may inspect the Work. Any costs for such inspection shall be borne solely by the LOCAL AGENCY. All contact between said inspector and the contractor shall be only through the STATE's inspector or the STATE's representative.

3.4 Prior to Work acceptance, the STATE and LOCAL AGENCY will perform a joint final inspection. The LOCAL AGENCY agrees, upon satisfactory completion of the Work and receipt of a Notice of Physical Completion of the Work, as determined by the STATE, to deliver a letter of acceptance to the STATE which shall include a release of the STATE from all future claims or demands of any nature resulting from the performance of the Work and STATE administration

thereof, outside of state-owned SR 2 limited access right of way, subject to any contractor claims (Section 8) caused by the negligent acts or omissions of the STATE in administration of the Work.

3.5 If a letter of acceptance is not received by the STATE within ninety (90) calendar days following delivery of a Notice of Physical Completion of the Work to the LOCAL AGENCY, the Work and STATE administration thereof shall be considered accepted by the LOCAL AGENCY, and the STATE shall be released from all future claims and demands of any nature resulting from the performance of the Work and the STATE's administration thereof, outside of state-owned SR 2 limited access right of way, subject to any contractor claims (Section 8) caused by the negligent acts or omissions of the STATE in administering the Work.

3.6 The LOCAL AGENCY may withhold its acceptance of the Work by submitting written notification to the STATE within ten (10) working days following delivery of a Notice of Physical Completion of the Work. This notification shall include the reason(s) for withholding acceptance.

3.7 The STATE will prepare the final construction documentation in general conformance with the STATE's Construction Manual. The STATE will maintain one set of plans as the official "as-built" set, then make notations in red ink of all plan revisions typically recorded per standard STATE practices, as directed by the STATE's Construction Manual. Once the STATE and LOCAL AGENCY have accepted the Work, the STATE will provide one reproducible set of as-built plans to the LOCAL AGENCY within one hundred eighty (180) working days.

4. CONTRACT CHANGES

4.1 Changes to the Work will be documented by change order in accordance with the Standard Specifications. The STATE shall process change orders for all changes affecting the Work in the manner set forth in subsection 1-2.4C (3), Approval of Changes/Checklist, STATE Construction Manual, current edition.

4.2 The STATE will advise the LOCAL AGENCY of any proposed required changes affecting the Work as soon as possible and provide it with an opportunity, if time permits, to review the changes before implementation. The STATE will determine the length of the review time based upon the need to expedite the changes to avoid delay to the contractor.

4.3 The STATE will make available to the LOCAL AGENCY all change order documentation related to the Work. The LOCAL AGENCY agrees to pay for all change orders that are required by the Work.

5. PAYMENT

5.1 The LOCAL AGENCY will be responsible for all actual direct and related indirect costs of the Work, including STATE administration costs, for which federal funding cannot be used.

5.2 An estimate of costs for the Work is contained in Exhibit B.

5.3 The STATE shall provide detailed invoices to the LOCAL AGENCY for the local match of federal funds and Work costs for which federal funds cannot be used. The LOCAL AGENCY agrees to make payment within thirty (30) calendar days from receipt of an invoice. A payment

will not constitute agreement as to the appropriateness of any item. At the time of the final invoice, the Parties will resolve any discrepancies.

5.4 The LOCAL AGENCY agrees that if it does not make payment within forty five (45) calendar days after receipt of an invoice, the STATE may deduct and expend any monies to which the LOCAL AGENCY is entitled to receive from the Motor Vehicle Fund.6.

EXTRA WORK

6.1 In the event unforeseen conditions require an increase in the cost of twenty-five (25) percent or more from that agreed to on Exhibit B or the Work bid amount, whichever is greater, this Agreement will require modification by amendment pursuant to Section 10.1, covering said increase prior to accruing any costs exceeding twenty-five (25) percent or more from that agreed to on Exhibit B or the Work bid amount, whichever is greater.

7. RIGHT OF ENTRY

7.1 The LOCAL AGENCY hereby grants to the STATE and its authorized agents, contractors, subcontractors, and employees, a right of entry upon all land in which the LOCAL AGENCY has an interest for the purpose of constructing the Project and Work.

8. CLAIMS

8.1 Claims for Additional Payment

8.1.1 In the event the contractor makes claims for additional payment associated with the Work, the STATE will immediately notify the LOCAL AGENCY of such claims. Such claims shall be made in the manner and form as provided for in the Standard Specifications.

8.1.2 The LOCAL AGENCY shall not be obligated to pay such claims or their cost of defense to the extent that the claims are caused by the negligent acts or omissions of the STATE in administering the Work.

8.1.3 The LOCAL AGENCY shall have the right to review and comment on any settlement for claims associated with the Work. However, the STATE shall have the ultimate right to settle such claims. In the event the LOCAL AGENCY does not agree with the claim settlement as negotiated by the STATE, the LOCAL AGENCY shall reserve the right to not financially participate in the negotiated claim settlement. If agreement cannot be reached between the LOCAL AGENCY and the STATE on a claim settlement, the Parties agree to follow the dispute resolution procedure in Section 10.4.

8.1.4 If the STATE agrees, the LOCAL AGENCY may defend contractor claims associated with the Work at its own cost, and in so doing, the LOCAL AGENCY agrees to pay any resulting settlement, court judgment, or arbitration award. The STATE will cooperate with the LOCAL AGENCY in the LOCAL AGENCY's defense of the claims. The LOCAL AGENCY agrees to reimburse any STATE costs, including attorney fees, incurred in providing such assistance in accordance with Section 5.

9. OWNERSHIP, OPERATION, AND MAINTENANCE

9.1 Upon completion of the Project, the LOCAL AGENCY shall be the sole owner of the Work.

10. GENERAL PROVISIONS

10.1 Amendment: This Agreement may be amended or modified only by the mutual agreement of the Parties. Such amendments or modifications shall not be binding unless they are in writing and signed by persons authorized to bind each of the Parties.

10.2 Termination:

10.2.1 The STATE may terminate this Agreement for any reason by providing the LOCAL AGENCY with thirty (30) calendar day's prior written notice.

10.2.2 If this Agreement is terminated prior to the fulfillment of the terms stated herein, the LOCAL AGENCY agrees to reimburse the STATE for the actual direct and related indirect expenses and costs it has incurred for the Work, including the STATE's administration thereof, up to the date of termination, as well as the costs of non-cancelable obligations. Reimbursement shall be in accordance with Section 5.

10.2.3 Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

10.3 Independent contractor: The STATE shall be deemed an independent contractor for all purposes, and the employees of the STATE or any of its contractors, subcontractors, consultants, and the employees thereof, shall not in any manner be deemed to be employees of the LOCAL AGENCY.

10.4 Disputes: In the event that a dispute arises under this Agreement, it shall be resolved as follows: The STATE and the LOCAL AGENCY shall each appoint a member to a disputes board, these two members shall select a third board member not affiliated with either Party. The three-member board shall conduct a dispute resolution hearing that shall be informal and unrecorded. An attempt at such dispute resolution in compliance with aforesaid process shall be a prerequisite to the filing of any litigation concerning the dispute. The Parties shall equally share in the cost of the third disputes board member; however, each Party shall be responsible for its own costs and fees.

10.5 Venue: In the event that either Party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this Agreement, the Parties agree that any such action or proceedings shall be brought in Thurston County Superior Court. Further, the Parties agree that each will be solely responsible for payment of its own attorneys' fees, witness fees, and costs.

10.6 Audits/Records: All Project records for the Work in support of all costs incurred shall be maintained by the STATE for a period of six (6) years. The LOCAL AGENCY shall have full access to and right to examine said records, during normal business hours and as often as it deems necessary. Should the LOCAL AGENCY require copies of any records, it agrees to pay the costs thereof. The Parties agree that the Work performed herein is subject to audit by either or both Parties and/or their designated representatives, and/or state of Washington and/or the federal government.

10.7 Term of Agreement: Unless otherwise provided herein, the term of this Agreement shall commence as of the date this Agreement is fully executed and shall continue until the Work is accepted, or as otherwise provided herein, and all obligations for payment have been met.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Party's date signed last below.

CITY OF SPOKANE	**STATE OF WASHINGTON DEPARTMENT OF TRANSPORTATION**
By	By
Name	Name Mike R. Gribner, P.E.
Title	Title Acting Regional Administrator
Date	Date

APPROVED AS TO FORM:

By: _____
City Attorney (Asst)

Date: _____

Attest:

_____
City Clerk

Date: _____

APPROVED AS TO FORM:

By: _____
Assistant Attorney General

Date: 6-11-13

GCB 1227
Exhibit B
Cost Estimate

Item Description	Unit	Unit Price	Quantity	Amount
Mobilization	L.S.			$ 53,762.14
Roadway Excavation Incl. Haul	C.Y.	$ 16.00	3216	$ 51,456.00
Embankment Compaction	C.Y.	$ 3.00	2045	$ 6,135.00
Cement Conc. Gutter	L.F.	$ 22.00	10	$ 220.00
Crushed Surfacing Base Course	C.Y.	$ 45.00	2396	$ 107,820.00
Anti Stripping Additive	Est.			$ 1,830.00
HMA for Preleveling Cl. 1/2 IN. PG 70-28	Ton	$ 70.00	910	$ 63,700.00
HMA Cl.1/2 IN. PG 70-28	Ton	$ 68.00	1830	$ 124,440.00
Job Mix Compliance Price Adjustment	Calc.			$ 3,733.00
Compaction Price Adjustment	Calc.			$ 2,489.00
Cement Conc. Traffic Curb & Gutter	L.F.	$ 31.00	979	$ 30,349.00
Modified Cement Concrete Traffic Curb	L.F.	$ 30.00	482	$ 115.00
Traffic Island	S.Y.	$ 20.00	161	$ 3,220.00
Island Channelization	Each	$ 65.00	3	$ 195.00
Paint Line	L.F.	$ 0.13	11832	$ 1,538.16
Plastic Wide Lane Line	L.F.	$ 6.50	4131	$ 26,851.50
Plastic Crosswalk Line	L.F.	$ 6.00	1498	$ 8,988.00
Plastic Stop Line	L.F.	$ 10.00	184	$ 1,840.00
Plastic Traffic Arrow	Each	$ 175.00	18	$ 3,150.00
Plastic Yield Line Symbol	Each	$ 30.00	16	$ 480.00
Illumination System City of Spokane	L.S.			$ 100,000.00
Traffic Signal System City of Spokane	L.S.			$ 193,000.00
Communication System	L.S.			$ 30,000.00
Permanent Signing	L.S.			$ 6,500.00
Roadway Surveying	L.S.			$ 1,535.00
Adjust Manhole	Each	$ 530.00	7	$ 3,710.00
Adjust Water Valve	Each	$ 400.00	9	$ 3,600.00
Traffic Control	Hour	$ 35.00	500	$ 17,500.00
Grate Inlet Type 2	Each	$ 1,800.00	4	$ 7,200.00
Drop Inlet Type 1	Each	$ 2,500.00	1	$ 2,500.00
Combination Inlet	Each	$ 1,600.00	3	$ 4,800.00
Quarry Spalls	C.Y.	$ 70.00	10	$ 700.00
Schedule A Culv. Pipe 12 IN. Diam.	L.F.	$ 26.00	114	$ 2,964.00
Cl. II Reinf. Conc. Culvert Pipe 36 IN. Diam.	L.F.	$ 225.00	12	$ 2,700.00
Spokane County Curb Inlet Type 2	Each	$ 3,500.00	2	$ 7,000.00
Catch Basin Type 1	Each	$ 1,200.00	1	$ 1,200.00
Catch Basin Type 2 48 IN. Diam.	Each	$ 2,800.00	2	$ 5,600.00
Testing Storm Sewer Pipe	L.F.	$ 2.00	723	$ 1,446.00
Schedule A Storm Sewer Pipe 12 IN. Diam.	L.F.	$ 26.00	531	$ 13,806.00
Schedule A Storm Sewer Pipe 18 IN. Diam.	L.F.	$ 36.00	84	$ 3,024.00
Pond Outfall	Each	$ 3,500.00	2	$ 7,000.00
Ductile Iron Sewer Pipe 12 IN. Diam.	L.F.	$ 70.00	108	$ 7,560.00
Topsoil Type A	C.Y.	$ 15.00	200	$ 3,000.00
Structure Excavation Class B Incl. Haul	C.Y.	$ 10.00	401	$ 4,010.00
Shoring or Extra Excavation Class B	S.F.	$ 8.00	82	$ 656.00
Plugging Existing Pipe	Each	$ 500.00	1	$ 500.00
Adjust drainage Structure	Each	$ 500.00	11	$ 5,500.00
Connection to Drainage Structure	Each	$ 650.00	1	$ 650.00
Construction Geotextile for Permanent Erosion Control	S.Y.	$ 305.00	65	$ 19,825.00
			Sub Total	$ 949,797.80
		Contingencies 4%		$ 37,991.91
			Sub Total	$ 987,789.71
		Engineering 12%		$ 118,534.77
			Sub Total	$ 1,106,324.48
		Overhead 8.99%		$ 99,458.57
		Total Agreement Cost		**$ 1,205,783.05**

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Agenda Sheet for City Council Meeting of: 07/29/2013		Date Rec'd	7/18/2013
		Clerk's File #	OPR 2013-0548
		Renews #	
Submitting Dept	PLANNING & DEVELOPMENT	**Cross Ref #**	
Contact Name/Phone	TERI STRIPES 625-6597	**Project #**	
Contact E-Mail	TSTRIPES@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	Contract Item	**Requisition #**	
Agenda Item Name	0650 - TAX INCREMENT AGREEMENT-CITY-COUNTY		

Agenda Wording

Community Revitalization Financing Tax Increment Area Agreement between the City of Spokane and Spokane County.

Summary (Background)

The County desires to form a developer-driven tax increment area to finance public improvements. The increment area will have a sub-area referred to as the "Beacon Hill Sub-Area." For the County to do so, the City has to agree that the public improvements identified in the agreement's Exhibit B, as City Public Improvements may be constructed by or at the direction of the City and that costs of such improvements will be financed through the use of community revitalization financing.

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	PELTON, KEN	Study Session	
Division Director	QUINTRALL, JAN	Other	PCED 7/15/13
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	DALTON, PAT	lhattenburg@spokanecity.org	
For the Mayor	PFISTER, TERRI	tstripes@spokanecity.org	
Additional Approvals		schesney@spokanecity.org	
Purchasing		aworlock@spokanecity.org	

COMMUNITY REVITALIZATION FINANCING
TAX INCREMENT AREA AGREEMENT

A. The County desires to form a developer driven increment area to finance the public improvements described on Exhibit "B" (The Public Improvements) for:

- 30 yrs - December 31, 2043
- up to $30 Million
- two defined incremental areas (Light Industrial along Wellesley and the Beacon Hill Development)
- the City to rebuild Wellesley with incremental revenue generated by Industrial properties
- the developer to work with the County to Bond for improvements within the private development and/or required by the development

B. The County and Developer may issue bonds for improvements within the private development and/or required by the development in the principal amount of not to exceed:

1. Phase I Bonds: $3,000,000 to finance the Beacon Hill Sub-Area Improvements. Bonds will be issued after the public bidding process has been completed by the City.
2. Phase II Bonds: $2,000,000 County may elect to issue bonds to finance the Beacon Hill Sub-Area Improvements. Bonds will be issued after the public bidding process has been completed by the City.
3. Phase III Bonds: $2,000,000 County may elect to issue bonds to finance the Beacon Hill Sub-Area Improvements, however the city shall not be responsible for the construction of any of the Phase III Public Improvements.

C. **Exhibit "B"** - Description of Public Improvements
City Improvements may be constructed by or at the direction of the City and costs of improvements will be financed through the use of community revitalization financing:

a. First stage of reconstruction of Wellesley Avenue (three-lane configuration) within the existing 60-foot right-of-way, from Freya Street to Havana Street, together with associated curbs, sidewalks, and storm drainage systems, estimated $1.5 million.

b. Acquisition of right-of-way to accommodate widening of Wellesley Avenue to 102, at an estimated cost of $_____.

c. Widening of Wellesley to 102 feet, curbs, sidewalks, pedestrian buffers and landscaping, storm drainage systems, street lighting, street trees, and necessary irrigation, estimated $1.5 million.

Beacon Hill Sub-Area Improvements may be constructed under the terms and conditions outlined and a portion of the cost will be financed through the use of community revitalization financing.

1. Reconstruction of Havana from Princeton to Longfellow, estimate:_____
2. Reconstruction of Longfellow from Havana to easterly end of the Longfellow ROW, estimate:_____
3. Construction of a water lift station, estimate:_____
4. Construction of a golf cart path from Havana and Longfellow to Esmeralda Golf Course, estimate:_____
5. Reconstruction of Valley Springs Road, estimate:_____
6. Miscellaneous public improvements inside the boundaries of the Beacon Hill & Valley Springs Development, estimate:_____

COMMUNITY REVITALIZATION FINANCING
AND
TAX INCREMENT AREA AGREEMENT

This COMMUNITY REVITALIZATION FINANCING AND TAX INCREMENT AREA AGREEMENT (this "Agreement") is entered into this ___ day of _____, 2013, by and between the City of Spokane, Washington (the "City") and Spokane County, Washington (the "County").

W I T N E S S E T H:

WHEREAS, the City is a first-class charter city duly organized and existing under and by virtue of the Constitution and the laws of the State now in force;

WHEREAS, the County is a Class A county duly organized and existing under and by virtue of the Constitution and the laws of the State now in force;

WHEREAS, pursuant to RCW 39.89, the County is authorized to use community revitalization financing to finance public improvements within an increment area if certain conditions are satisfied;

WHEREAS, the County desires to form an increment area, the boundaries of which are set forth on Exhibit "A" hereto (the "Increment Area") to finance the public improvements described on Exhibit "B" hereto (the "Public Improvements");

WHEREAS, as indicated on Exhibit "A", the Increment Area will have within it a sub-area referred to as the "Beacon Hill Sub-Area

WHEREAS, the County and City have agreed that the Public Improvements identified in Exhibit B as City Public Improvements may be constructed by or at the direction of the City and that costs of such improvements will be financed through the use of community revitalization financing;

WHEREAS, the County and City have further agreed that the Public Improvements identified in Exhibit B as Beacon Hill Sub-Area Improvements may be constructed under the terms and conditions outlined herein below and that a portion of the cost of such Beacon Hill Sub-Area Improvements will be financed through the use of community revitalization financing, as specified herein below;

WHEREAS, the County and the City acknowledge and agree that the Public Improvements constructed within the Increment Area must meet all applicable state and local laws, including the City of Spokane Comprehensive Plan and the development regulations and engineering standards adopted to implement that plan;

WHEREAS, the County is authorized to adopt a resolution to create the Increment Area after obtaining the written agreement for the use of community revitalization financing with taxing districts that levy at least 75 percent of the regular property tax on property within the Increment Area before it may use community revitalization financing;

WHEREAS, most of the territory encompassed by the Increment Area lies within the City's corporate boundaries;

WHEREAS, the City and the County are taxing districts that, in the aggregate, levy at least 75 percent of the regular property taxes on property within the Increment Area;

WHEREAS, the City and County wish to enter into a written agreement for the use of the community revitalization financing to finance a portion of the costs of the Public Improvements;

WHEREAS, pursuant to RCW 39.34 and 39.89, the City and the County are authorized to fix the duration of this Agreement;

WHEREAS, pursuant to chapter 39.89 RCW, the City is authorized to participate in the financing of the Public Improvements;

WHEREAS, the City and the County have determined it is in the best interest of the Increment Area taxpayers for the City and the County to agree to employ community revitalization financing to apportion regular property taxes within the Increment Area; and

WHEREAS, pursuant to chapters 39.34 and 39.89 RCW, the City and the County have determined it is in the best interest of Increment Area taxpayers to affix a duration for this Agreement such that it shall terminate no later than 30 years from the date the tax allocation revenues generated from the Increment Area are first collected;

NOW, THEREFORE, the City and the County each mutually agree as follows:

Section 1. This Agreement shall continue until the earlier of: (1) such time as the tax allocation revenues (as defined in RCW 39.89.020(8)) are no longer necessary or obligated to pay the costs of any of the Public Improvements as set forth in Exhibit B and as further approved by the County and City; or (2) December 31, 2043.

Section 2. The City and the County each hereby agree to the use of community revitalization financing to finance a portion of the costs of the Public Improvements, in an amount not to exceed $30,000,000.00. The Public Improvements set forth in Exhibit "B" hereto shall be constructed within the Increment Area. Any Public Improvement located within the City will be owned by the City. All Public Improvements constructed within the Increment Area must meet all applicable state and local laws, including the City of Spokane Comprehensive Plan and the development regulations and engineering standards adopted to implement that plan. Any deviation from such City standards must be approved by the City in the City's discretion.

Section 3.

a. Pursuant to this Agreement, the City and County agree: (1) That the City Public Improvements will be constructed by or at the direction of the City; and (2) to participate in the use of community revitalization financing to finance a portion of the costs of the City Public Improvements in the Increment Area as authorized under Chapter 39.89 RCW.

b. The County and City agree that, except as otherwise provided in this Agreement, the County Resolution creating the Increment Area shall provide that all tax allocation revenues generated in the Increment Area during the term of this Agreement shall be allocated to the City Public Improvements.

c. The County and City agree that, if no later than December 31, 2018, the County sells bonds pursuant to Section 4 herein below, the County shall be entitled to receive those tax allocation revenues generated within the boundaries of the Beacon Hill Sub-Area for purposes of paying debt service on the County's bonds. The County

and City agree that such tax allocation revenues may be used solely to pay debt service on the County bonds described herein below. If bonds are not sold by December 31, 2018, the option to sell bonds and to pay debt service on the bonds using tax allocation revenues generated in the Increment Area shall expire and become null and void. Until such time as the County sells bonds pursuant to Section 4 herein below, the County shall create and shall continue to maintain a segregated account within its treasury, designated as the "Beacon Hill Sub-Area Fund" (the "Beacon Hill Fund"), solely for the purposes of (i) reimbursing the City's public improvement costs relative to the Beacon Hill Sub-Area Improvements upon the City's request; and (ii) paying the principal and interest on bonds issued pursuant to Section 4 herein below. If the County has not sold bonds to finance Beacon Hill Sub-Area Improvements pursuant to this agreement on or before December 31, 2018, all money deposited in the Beacon Hill Fund shall be available to the City for the City Improvements.

Section 4. Subject to the limitations in Section 3(c) above, the County may elect to issue limited tax general obligation bonds in the principal amount of not to exceed $3,000,000 (the "Phase I Bonds") to finance the Beacon Hill Sub-Area Public Improvements consisting of the reconstruction of Havana from Princeton to Longfellow, the reconstruction of Longfellow from Havana to the easterly end of the Longfellow right-of-way, the construction of a water lift station, and the construction of a golf cart path from Havana and Longfellow to Esmeralda Golf Course (collectively, the "Phase I Public Improvements").

Subject to the limitations in Section 3(c) above, if Phase I Bonds have been issued, the County may elect to issue limited tax general obligation bonds in the principal amount of not to exceed $2,000,000 (the "Phase II Bonds") to finance the Beacon Hill Sub-Area Public Improvements consisting of the reconstruction of Valley Springs Road (collectively, the "Phase II Public Improvements").

Subject to the limitations in Section 3(c) above, if Phase II Bonds have been issued, the County may elect to issue limited tax general obligation bonds in the principal amount of not to exceed $2,000,000 (the "Phase III Bonds") to finance the Beacon Hill Sub-Area Public Improvements described in Exhibit "B" in connection with the first phase of the Beacon Hill development and the Valley Springs development, the preliminary plats for which have been approved by the City prior to the date of this Agreement (collectively, the "Phase III Public Improvements").

This Agreement does not obligate the County to authorize the Phase I Bonds, the Phase II Bonds, the Phase III Bonds or any other particular issuance of bonds to finance the Beacon Hill Sub-Area Public Improvements. The issuance of the Phase I Bonds, the Phase II Bonds, the Phase III Bonds or any other particular issuance of bonds in connection with financing Beacon Hill Sub-Area Public Improvements in the Beacon Hill Sub-Area will require the subsequent approval of the Board of Spokane County Commissioners. Debt service on the Phase I Bonds the Phase II Bonds, the Phase III Bonds or any other such issuance of bonds shall be paid from tax allocation revenues (as defined in RCW 39.89.020(8)) received from the Beacon Hill Sub-Area.

Section 5. Subject to the terms of this Agreement, in connection with the Phase I Public Improvements, the City may:

(a) prepare or acquire the plans and specifications for the Phase I Public Improvements and approve the same;

(b) publicly bid the Phase I Public Improvements; and

(c) manage the construction of the Phase I Public Improvements (collectively, the "Phase I Public Improvements City Responsibilities").

The actual costs incurred by the City in connection with the Phase I Public Improvements City Responsibilities are Public Improvement Costs (as such term is defined in RCW 39.89.020(5)) and shall be paid or reimbursed with proceeds of the Phase I Bonds. The Phase I Public Improvements City Responsibilities and the City's obligations to perform the same shall be limited to the amount of Phase I Public Improvements the City is able to design, bid, and fully construct using the Phase I Bond proceeds and the City shall have no obligation of any kind with respect to designing, bidding, constructing, financing or paying for Phase I Public Improvements, or any portion thereof, beyond the Phase I Bond proceeds made available to the City by the County for such purpose.

It is anticipated that the Phase I Bonds will be issued after the public bidding process for the Phase I Public Improvements has been completed by the City, provided that the City may elect not to incur any costs in connection with the Phase I Public Improvements City Responsibilities, including without limitation costs associated with preparation of or acquisition of plans and specifications for the Phase I Public Improvements and/or bidding the same, until it receives notification from the County that a commitment for a letter of credit or other form of guaranty securing the Phase I Bonds, in form satisfactory to the County, has been received by the County. Provided further, the City shall have no obligation to award a contract(s) for construction of Phase I Public Improvements until such time as the City has received Phase I Bond proceeds and the City's obligations shall be limited to those Phase I Public Improvements that the City is able to fully complete using the Phase I Bond proceeds. In the event Phase I Bond proceeds are inadequate to cover the cost of all of the Phase I Public Improvements, it shall be within the City's sole discretion to determine which Phase I Public Improvements to complete using the Phase I Bond proceeds. The County shall deliver the proceeds of the Phase I Bonds to be used to pay the Public Improvement Costs (as such term is defined in RCW 39.89.020(5)) of the Phase I Public Improvements to the City upon the issuance of the Phase I Bonds. The City shall segregate and deposit such proceeds into an account to be created and maintained by the City Treasurer, designated "Spokane County Increment Area No. 2013-01 Phase I Public Improvements Project Account."

The City shall execute and deliver to the County a certificate, in form and substance acceptable to the County, representing and agreeing that the City shall provide, or cause to be provided to the County, monthly reports and information consisting of:

(i) copies of all invoices paid with proceeds of the Phase I Bonds deposited into the Spokane County Increment Area No. 2013-01 Phase I Public Improvements Project Account; and

(ii) copies of all statements depicting interest earnings on the Phase I Bond proceeds deposited into the Spokane County Increment Area No. 2013-01 Phase I Public Improvements Project Account.

The purpose of such information is to enable the County to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

Section 6. Subject to the terms of this Agreement, in connection with the Phase II Public Improvements, the City may:

(a) prepare or acquire the plans and specifications for the Phase II Public Improvements and approving the same;

(b) publicly bid the Phase II Public Improvements; and

(c) manage the construction of the Phase II Public Improvements (collectively, the "Phase II Public Improvements City Responsibilities").

The actual costs incurred by the City in connection with the Phase II Public Improvements City Responsibilities are Public Improvement Costs (as such term is defined in RCW 39.89.020(5)) and shall be paid or reimbursed with proceeds of the Phase II Bonds. The Phase II Public Improvements City Responsibilities and the City's obligations to perform the same shall be limited to the amount of Phase II Public Improvements the City is able to design, bid, and fully construct using the Phase II Bond proceeds and the City shall have no obligation of any kind with respect to designing, bidding, constructing, financing or paying for Phase II Public Improvements, or any portion thereof, beyond the Phase II Bond proceeds available for such purpose.

It is anticipated that the Phase II Bonds will be issued after the public bidding process for the Phase II Public Improvements has been completed by the City, provided that the City may elect not to incur any costs in connection with the Phase II Public Improvements City Responsibilities, including without limitation costs associated with preparation of or acquisition of plans and specifications for the Phase II Public Improvements and/or bidding the same, until it receives notification from the County that a commitment for a letter of credit or other form of guaranty securing the Phase II Bonds, in form satisfactory to the County, has been received by the County. Provided further, the City shall have no obligation to award a contract(s) for construction of Phase I Public Improvements until such time as the City has received Phase I Bond proceeds and the City's obligations shall be limited to those Phase I Public Improvements that the City is able to fully complete using the Phase I Bond proceeds. In the event Phase I Bond proceeds are inadequate to cover the cost of all of the Phase I Public Improvements, it shall be within the City's sole discretion to determine which Phase I Public Improvements to complete using the Phase I Bond proceeds. The County shall deliver the proceeds of the Phase II Bonds to be used to pay the Public Improvement Costs (as such term is defined in RCW 39.89.020(5)) of the Phase II Public Improvements to the City upon the issuance of the Phase II Bonds. The City shall segregate and deposit such proceeds into an account to be created and maintained by the City Treasurer, designated "Spokane County Increment Area No. 2013-01 Phase II Public Improvements Project Account."

The City shall execute and deliver to the County a certificate, in form and substance acceptable to the County, representing and agreeing that the City shall provide, or cause to be provided to the County, monthly reports and information consisting of:

(i) copies of all invoices paid with proceeds of the Phase II Bonds deposited into the Spokane County Increment Area No. 2013-01 Phase II Public Improvements Project Account; and

(ii) copies of all statements depicting interest earnings on the Phase II Bond proceeds deposited into the Spokane County Increment Area No. 2013-01 Phase II Public Improvements Project Account.

The purpose of such information is to enable the County to comply with Section 148 of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder.

Section 7. The Phase III Public Improvements may be constructed after the Phase I Public Improvements and the Phase II Public Improvements have been constructed. The City shall not be responsible for the construction of any of the Phase III Public Improvements. Upon completion, the City shall own the Phase III Public Improvements.

Section 8. Nothing expressed in or to be implied from this Agreement is intended to give, or shall be construed to give, any person, other than the County and the City, any benefit or legal or equitable right, remedy or claim under or by virtue of this Agreement.

Section 9. This Agreement contains all the terms and conditions agreed upon by the City and the County with respect to the subject matter hereof. No other understanding, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind either the City or the County, other than those imposed by operation of law.

Section 10. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

IN WITNESS WHEREOF, the City of Spokane and Spokane County have each executed this Agreement as of the date first written above.

CITY OF SPOKANE
Spokane County, Washington

_____
David Condon, Mayor

ATTEST:

_____
Terri Pfister, City Clerk

(S E A L)

SPOKANE COUNTY, WASHINGTON

_____
Shelly O'Quinn, Chair

_____
Al French, Commissioner

_____
Todd Mielke, Commissioner

ATTEST:

_____
Daniela Erickson, Clerk of the Board
of County Commissioners

(S E A L)

EXHIBIT "A"

INCREMENT AREA BOUNDARIES AND LEGAL DESCRIPTION

Those portions of Sections 2 and 3, Township 25N, Range 43 EWM and Sections 34 and 35, Township 26N, Range 43 EWM, more particularly described as follows:

BEGINNING at the intersection of the Westerly Right of Way (R/W) line of Havana Street and the intersection of the Northerly R/W line of Queen Avenue to the East extended; thence Easterly along the Northerly R/W line of said Queen Avenue to the intersection of the East line of the West 200 feet of W1/2 of the SE ¼ of Section 35, T 26 N, R 43 EWM; thence Southerly along said East line and the East line of the West 200 feet of W1/2 of the NE ¼ of Section 2, T 25 N, R 43 EWM to the intersection with the North line of the SE ¼ of said Section 2; thence Easterly along said North line to the NE corner of the NW ¼ of the NW ¼ of the SE ¼ of said Section 2; thence Southerly along the East line of said NW ¼ of the NW ¼ of said SE ¼ to the South line of said NW ¼ of the NW ¼ of said SE ¼; thence Westerly along said South line to the intersection with the East line of the SW ¼ of said Section 2; thence Southerly along said East line to the North line of the South 10 rods of the NE ¼ of said SW ¼; thence Westerly along said North line to the West line of the East 32 rods of said SW ¼; thence Southerly along said West line to the intersection of the South line of the N ½ of the SW ¼ of said Section 2; thence Westerly along said South line to the West line of said Section 2; thence Northerly along said West line to the intersection with the South line of the plat of Hillyard Orchard Heights Addition; thence Westerly along said South line to the West R/W line of Havana Street; thence Northerly along said West line to the intersection of the South R/W line of Princeton Avenue; thence Westerly along said South line to the intersection of the West R/W line of Freya Street; thence Northerly along said West line to the intersection of the North R/W line of Broad Avenue; thence Easterly along said North line to the intersection with the Westerly R/W line of Myrtle Street; thence Northerly along said Westerly line to the intersection of the South line of assessor parcel # 36344.6001 extended; thence Easterly along said South line to the West R/W line of Florida Street; thence Easterly to the to the North line of assessor parcel #36344.2108; thence Easterly along said North line to the West R/W line of Havana Street; thence Northerly along said Westerly line to the Point of Beginning.

EXHIBIT "B"

DESCRIPTION OF PUBLIC IMPROVEMENTS

1. <u>City Public Improvements</u>

a. First stage of reconstruction of Wellesley Avenue (three-lane configuration) within the existing 60-foot right-of-way, from Freya Street to Havana Street (Priority 1), together with associated curbs, sidewalks, , and roadway storm drainage systems, , at an estimated cost of $1.5 million.

b. Acquisition of right-of-way to accommodate widening of Wellesley Avenue to 102 feet from Freya Street to Havana Street, at an estimated cost of $_____.

c. Widening of Wellesley to 102 feet, together with associated curbs, sidewalks, pedestrian buffers and landscaping, roadway storm drainage systems, street lighting, street trees, and necessary irrigation, at an estimated cost of $1.5 million.

2. <u>Beacon Hill Sub-Area Improvements</u>

a. Reconstruction of Havana from Princeton to Longfellow at an estimated cost of $_____.

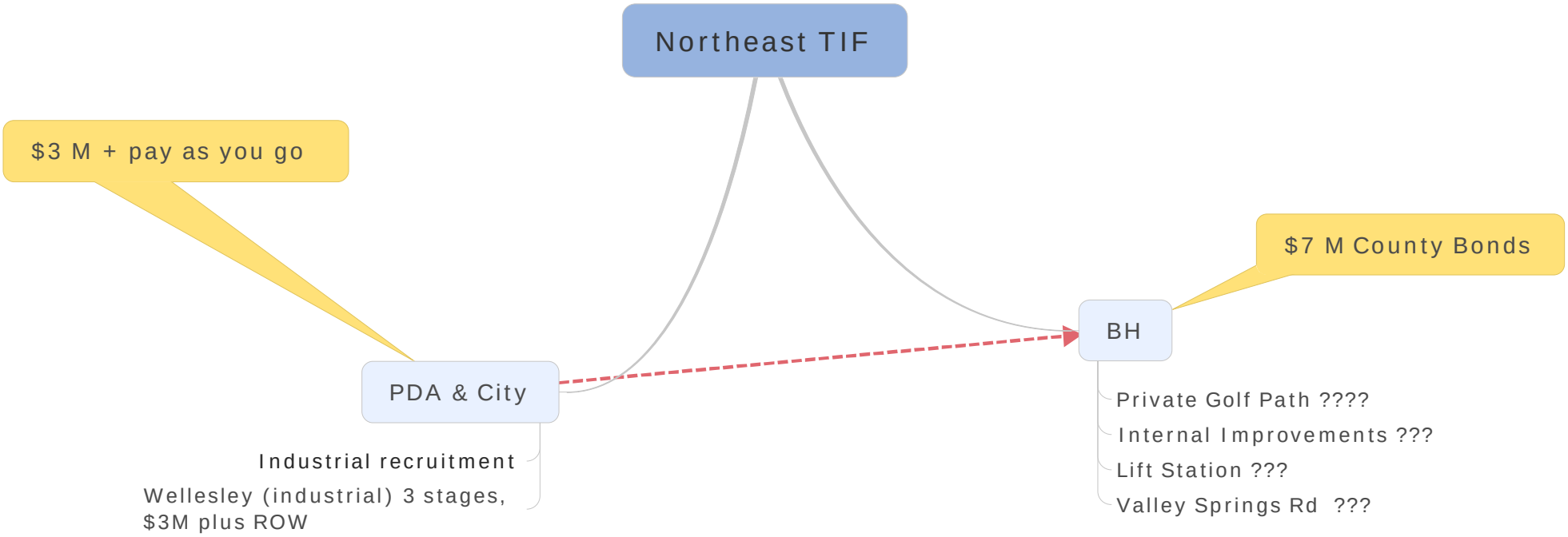
b. Reconstruction of Longfellow from Havana to easterly end of the Longfellow right-of-way, at an estimated cost of $_____.

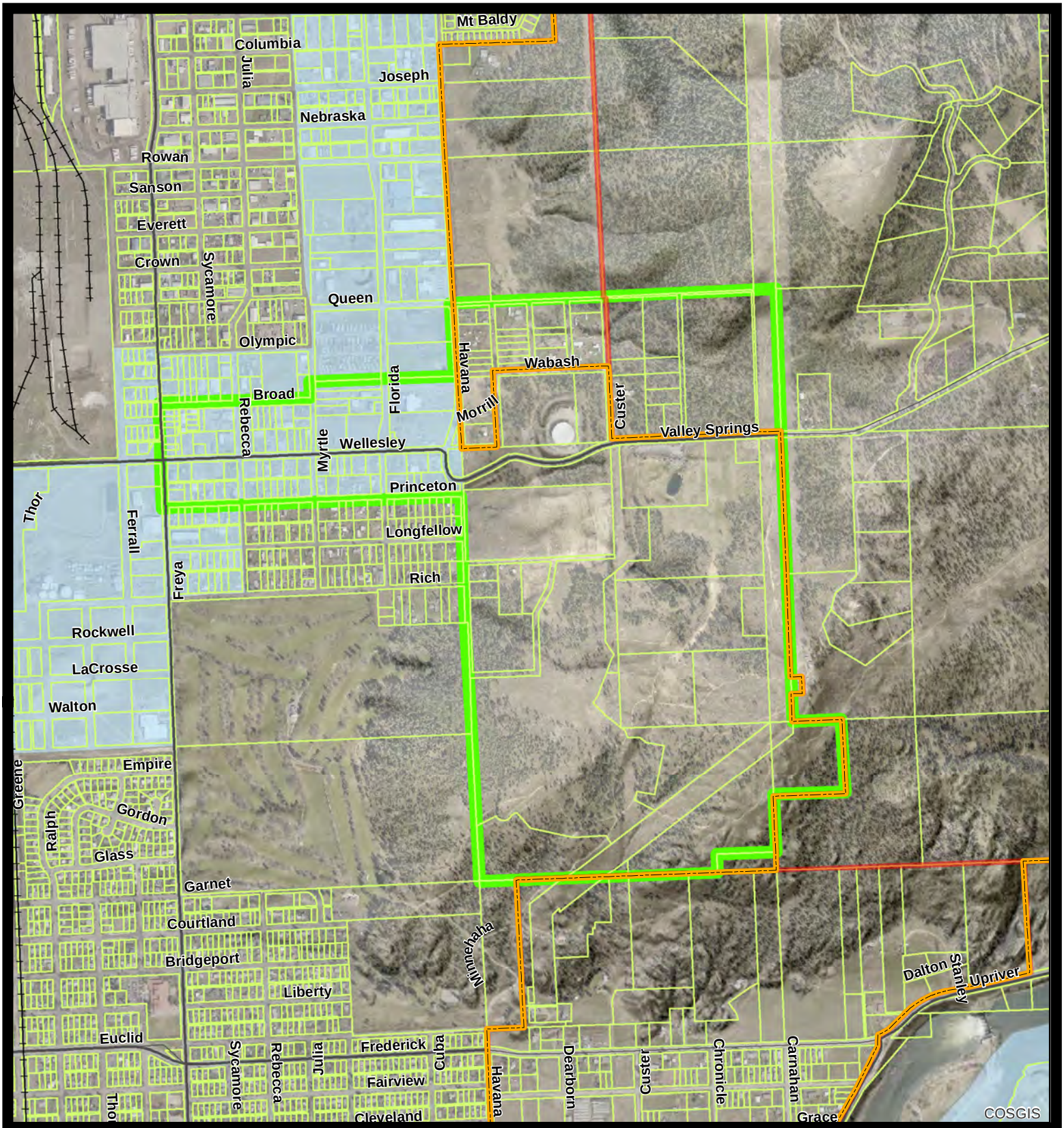
c. Construction of a water lift station, at an estimated cost of $_____.

d. Construction of a golf cart path from Havana and Longfellow to Esmeralda Golf Course, at an estimated cost of $_____

e. Reconstruction of Valley Springs Road, at an estimated cost of $_____.

f. Miscellaneous public improvements inside the boundaries of the Beacon Hill development and Valley Springs development, including roads; sewer collection lines, sewer water reuse systems and sewer pump stations; water distribution systems (including the construction of water lift stations); sidewalks, roadway storm drainage systems, street lighting and street trees; public parks, trails and public open space improvements in the public right of way; and other public improvements and public improvement costs referenced in RCW 39.89.020(4) and (5), at an estimated cost of $_____.


Northeast TIF
$3 M + pay as you go
$7 M County Bonds
PDA & City
BH
Industrial recruitment
Wellesley (industrial) 3 stages, $3M plus ROW
Private Golf Path ????
Internal Improvements ???
Lift Station ???
Valley Springs Rd ???



Beacon Hill TIF Proposal General Area

Date: May 23, 2013

Legend

- Arterial
- City of Spokane
- City Light Industrial Zoning
- Urban Growth Area
- Beacon Hill TIF General Area 5-23-2013

0 440 880 1,320 1,760 Feet

Geographic Information System

N W E S

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: 07/29/2013		**Date Rec'd**	7/18/2013
		Clerk's File #	OPR 2013-0549
		Renews #	
Submitting Dept	ASSET MANAGEMENT	**Cross Ref #**	
Contact Name/Phone	MIKE WERNER 625-6286	**Project #**	
Contact E-Mail	MWERNER@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	Contract Item	**Requisition #**	BT
Agenda Item Name	5900 - MOU - HUNTINGTON PARK		

Agenda Wording

Memorandum of Understanding between the City of Spokane and Avista Utilities for the parking lot on the north side and adjoining City Hall owned and maintained by the City of Spokane.

Summary (Background)

Huntington Park will replace the north parking lot. Avista is financing the project. The project will be completed by the end of 2013. It will be a plaza with multiple levels, water features and a small stage.

Fiscal Impact		**Budget Account**
Expense	$ 150,000.00	# 5900 30700 14500 54201
Select	$	#
Select	$	#
Select	$	#

Approvals		**Council Notifications**	
Dept Head	WERNER, MIKE	**Study Session**	
Division Director	QUINTRALL, JAN	**Other**	
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	BURNS, BARBARA	lhattenburg	
For the Mayor	PFISTER, TERRI	mwerner@spokanecity.org	
Additional Approvals		leadie@spokanecity.org	
Purchasing		jrichman@spokanecity.org	

City Clerk's No. _____

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is between the CITY OF SPOKANE, a Washington State municipal corporation, as "City"; and the AVISTA CORPORATION DBA AVISTA UTILITIES, whose address is 1411 East Mission Avenue, Spokane, Washington 99220, as "Avista".

WHEREAS, the parking lot on the north side of and adjoining City Hall is owned and maintained by the City; and

WHEREAS, the City and Avista have agreed on a proposal to construct a City Plaza ("Plaza") and reconstruct the existing Huntington Park ("Park");

WHEREAS, Avista has requested permission to close the parking lot and use the parking lot for the development of the Plaza and for work associated with the Park;

WHEREAS, testing has revealed the presence of Polycyclic Aromatic Hydrocarbons (PAHs) and lead in soil beneath the parking lot in concentrations that exceed cleanup levels for unrestricted use under the Model Toxics Control Act ("Contaminated Soil").

Now, Therefore, The parties agree as follows:

1. CITY HALL PARKING LOT. The City gives Avista permission to close and access the parking lot on the north side of and adjoining City Hall for the purpose of constructing the Plaza and expanding the Park (the "Project"), which Avista shall complete at Avista's sole expense, in accordance with plans and specifications, to be approved by the parties; provided, except as expressly set forth herein, this MOU shall not be construed as a waiver of any of the conditions relating to Avista's development or use of the Plaza or Park, nor shall this Agreement relieve Avista from Avista's obligations to comply with rules and regulations applicable to the development of the Plaza and Park, and to secure such authorizations and permits as may be imposed as a condition of any work being performed on the properties involved. Preliminary plans for the Plaza are attached to this agreement as Exhibit "A". Substantial deviations from these plans shall require written approval of the Director of the Spokane Parks Department. During the construction period, beginning on or about July 8, 2013, Avista and/or its representatives will be allowed to use three (3) parking spaces in the parking lot at no expense until the parking lot is demolished, which is expected to occur in mid- to late-July 2013.

2. HAZARDOUS SUBSTANCES. During construction of the Project, Avista will remove Contaminated Soil and take it to an appropriate disposal facility. Notwithstanding any other provision of this MOU, if Avista discovers soil contaminated with hazardous substances other than PAHs or lead, finds that Contaminated Soil is more extensive than expected, or encounters other evidence of the presence of hazardous substances in soil, it may stop work on the Project. Within 30 days after receipt of any invoices for costs associated with disposal of Contaminated Soil or with sampling and analyzing soil to determine whether the soil is contaminated, the City will reimburse Avista for all such costs; provided, the City's reimbursement obligation shall be limited to costs associated with Contaminated Soil located in the City's parking lot and shall be capped at One Hundred Thousand Dollars ($100,000.00) for Contaminated Soil disposal costs

DRAFT

and Fifty Thousand Dollars ($50,000.00) for engineering costs associated with sampling and analyzing soil to determine whether the soild is contaminated. The City is responsible for all communications with the Department of Ecology and other regulatory agencies regarding the presence of hazardous substances in the City's parking lot, including the Contaminated Soil. The parties acknowledge that Avista intends to remove Contaminated Soil only as necessary to allow construction of the Project, and that hazardous substances may remain at the Project site after termination of this MOU at concentrations that exceed cleanup levels for unrestricted use under the Model Toxics Control Act.

3. OWNERSHIP. The City will maintain ownership of the parking lot and the Plaza and will be responsible for maintenance of the Plaza after it is constructed.

4. TERM. This MOU shall begin on July 8, 2013 and run through December 31, 2014, unless terminated earlier by mutual agreement of the parties or in accordance with Section 6 below. It may be extended thereafter, if required, upon mutual agreement of the parties.

5. COMPENSATION. Except as provided in Section 2 above, there is no monetary consideration for this memorandum. The consideration shall be the mutual benefits each party shall receive from the Plaza and Park upgrades which each party acknowledges.

6. TERMINATION. Either party may terminate this MOU at any time with cause if the other party breaches this MOU and does not substantially cure such breach within a reasonable time after written notice or in the event that environmental contamination is found at levels that, in the unreviewable discretion of the terminating party, make the site not suitable for construction of the Project. Following termination of the MOU, the City shall remain responsible for reimbursing Avista for costs incurred prior to the date of termination as provided in Section 2 above.

7. COMPLIANCE WITH LAWS. Each party shall comply with all applicable federal, state, and local laws and regulations.

8. INDEMNIFICATION. Each party shall defend, indemnify and hold harmless the other party, their officers and employees, from and against all claims for damages, liability, cost and expense, including reasonable attorneys' fees, arising out of the negligent conduct or willful misconduct of the indemnifying party, its officers, employees and subcontractors, except to the extent of those claims arise from the negligence or willful misconduct of the other party, its officers, employees and subcontractors. In addition, the City will defend, indemnify, release, and hold Avista and its officers and employees harmless from and against all liability, costs, and expenses, including reasonable attorneys' fees, under the Comprehensive Environmental Response, Compensation, and Liability Act, the Model Toxics Control Act, or any other law arising out of the excavation, sampling, analysis, transportation, management, or disposal of hazardous substances located at the parking lot, subject to the financial limitations set forth in Section 2 herein above; provided, and by way of clarification, the City shall have no obligation of any kind relating to hazardous substances and/or Contaminated Soil located on Avista property. To the extent necessary to enforce the parties' indemnification obligations hereunder, the parties hereby agree to waive immunity under Title 51 RCW with respect to the Project. This provision has been specifically negotiated. The terms of this Section 8 shall survive termination of this MOU.

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_____ _____

City's initials Avista's initials

9. INSURANCE. During the term of the MOU, Avista shall maintain in force at its own expense, the following types and amounts of insurance:

A. Worker's Compensation Insurance in compliance with RCW 51.12.020, which requires subject employers to provide workers' compensation coverage for all their subject workers;

B. General Liability Insurance on an occurrence basis, with a combined single limit, of not less than $2,000,000.00 each occurrence for Bodily Injury and Property Damage, naming the City, its officers, employees, contractors, agents as additional insureds, but only with respect to the Project .

C. Automobile Liability Insurance with a combined single limit, or the equivalent of not less than $1,000,000.00 each accident for Bodily Injury and Property Damage, including coverage owned, hired or non-owned vehicles.

D. Avista shall require any contractor performing any work on the Project pursuant to the this MOU to carry and maintain, at no expense to the City: (a) comprehensive general liability insurance, to afford protection, with respect to personal injury, death or property damage of not less than $1,000,000 per occurrence, combined single limit/$2,000,000 aggregate; (b) comprehensive automobile liability insurance with limits for each occurrence of not less than $1,000,000 with respect to personal injury or death and $500,000 with respect to property damage; and (c) Worker's Compensation or similar insurance in form and amounts required by law.

All the insurance required under this MOU shall be written as primary policies, not contributing with and not supplemental to the coverage that the City may carry. There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) days written notice from the insured party or its insurer(s) to the other parties. As evidence of the insurance coverage's required by this MOU an acceptable insurance certificate or certification of equivalent coverage via self-insurance shall be furnished upon request.

10. NONDISCRIMINATION. 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 MOU because of age, sex, race, color, religion, creed, marital status, familial status, sexual orientation, national origin, honorably discharged veteran or military status, the presence of any sensory, mental or physical disability, or use of a service animal by a person with disabilities.

11. ANTI-KICKBACK. No officer or employee of the City of Spokane, having the power or duty to perform an official act or action related to this MOU shall have or acquire any interest in the MOU or have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in this MOU.

12. MISCELLANEOUS PROVISIONS.

A. ASSIGNMENTS. No party may assign, transfer or subcontract its interest, in whole or in part, without the other party's prior written consent. In the event of an assignment or transfer, the terms of this MOU shall continue to be in full force and effect.

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B. DISPUTES. This MOU shall be performed under the laws of the State of Washington. Any litigation to enforce this agreement or any of its provisions shall be brought in Spokane County, Washington.

C. SEVERABILITY. In the event any provision of this MOU should become invalid, the rest of the MOU shall remain in full force and effect.

D. AMENDMENTS. This MOU may be amended at any time by mutual written agreement.

E. RELATIONSHIP OF THE PARTIES**.** Nothing in this MOU shall be deemed to create a partnership or joint venture and/or principal and agent relationship between the parties. Neither party nor its authorized representative shall have authority to act as a general agent for the other party.

Dated: _____

CITY OF SPOKANE

By: _____

Title: _____

Attest:

_____

City Clerk

Approved as to form:

_____

Assistant City Attorney

Dated: _____

AVISTA CORPORATION DBA
AVISTA UTILITIES

Email Address, if available:

_____

By: _____

Title: _____

DRAFT

Agenda Sheet for City Council Meeting of: 07/29/2013		**Date Rec'd**	7/18/2013
		Clerk's File #	ORD C35019
		Renews #	
Submitting Dept	POLICE	**Cross Ref #**	
Contact Name/Phone	CARLY CORTRIGHT 4527	**Project #**	
Contact E-Mail	CCORTRIGHT@SPOKANEPOLICE.ORG	**Bid #**	
Agenda Item Type	Emergency Budget Ordinance	**Requisition #**	
Agenda Item Name	0680- DEPUTY DIRECTOR, TACTICAL AND STRATEGIC INITIATIVES POSITION		

Agenda Wording

Amending Ordinance No. C-34947 and appropriating funds in the Police Department, FROM: Various Accounts, $34,000.00; TO: 0680-11500-21100-09060, same amount, for the Deputy Director, Tactical & Strategic Initiatives position; effective August 4 2013.

Summary (Background)

Creating the Deputy Director position, Tactical and Strategic Initiatives in the Police Department is critical to improving internal coordination of quality of life issues emerging from problem properties and challenges associated with liquor and the very soon marijuana regulation.

Fiscal Impact		**Budget Account**
Neutral	$ $34,000.00	# Various Accounts - See Ordinance
Select	$	#
Select	$	#
Select	$	#

Approvals		**Council Notifications**	
Dept Head	WALKER, JOE	**Study Session**	Council 7/17/13
Division Director	STRAUB, FRANK	**Other**	
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	BURNS, BARBARA	ccortright	
For the Mayor	SANDERS, THERESA*	agolden	
Additional Approvals		achirowamangu	
Purchasing			

ORDINANCE NO C-35019

An ordinance amending Ordinance No. C-34947, passed the City Council December 10, 2012, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2013, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2013, and providing for immediate effectiveness", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2013 budget Ordinance No. C-34947, as above entitled, and which passed the City Council December 10, 2012, it is necessary to make changes in the appropriations of the General Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

WHEREAS, this ordinance has been on file in the City Clerk's Office for five days; - Now, Therefore,

The City of Spokane does ordain:

Section 1. That in the budget of the General Fund, and the budget annexed thereto with reference to the General Fund, the following changes be made:

FROM:	0680-11500	General Fund	
	21100-00390	Program Professional, rg 41 (from 1 to 0 position)	$31,000
	21100-59956	Reserve for Service Advancement	3,000
			$34,000
TO:	0680-11500	General Fund	
	21100-09060	Deputy Director, Rg 53 Tactical and Strategic Initiatives (from 0 to 1 position)	$34,000

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to budget for a department reorganization, effective August 4, 2013, the need for which could not reasonably have been anticipated at the time of adoption of the 2013 budget, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

Passed the City Council _____

_____
Council President

Attest:_____
City Clerk

Approved as to form:_____
Assistant City Attorney

_____ _____
Mayor Date

Agenda Sheet for City Council Meeting of: 07/22/2013		Date Rec'd	7/10/2013
		Clerk's File #	RES 2013-0056
		Renews #	
Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	MIKE ALLEN & 625-6715	Project #	
Contact E-Mail	RBARDEN@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Resolutions	Requisition #	
Agenda Item Name	RESOLUTION REGARDING AN ADVISORY VOTE		

Agenda Wording

A resolution requesting the Spokane County Auditor to hold a special election on November 5, 2013 in conjunction with the scheduled general election to submit to the voters of the City of Spokane an advisory vote regarding the identification of fundi

Summary (Background)

The Envision Spokane initiative measure regarding a community bill of rights has qualified for the November 5, 2013 general election ballot. If approved by the voters, the proposition will create new requirements and regulations to be implemented by the City of Spokane, including City Charter provisions that 1) secures the right of neighborhood residents to approve re-zonings proposed for major, new development, 2)

Fiscal Impact		Budget Account
Select	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	WESTFALL, JENNIFER	Study Session	
Division Director		Other	
Finance	LESESNE, MICHELE	Distribution List	
Legal	BURNS, BARBARA	Steve Salvatori	
For the Mayor	SANDERS, THERESA*		
Additional Approvals			
Purchasing			

A resolution requesting the Spokane County Auditor to hold a special election on November 5, 2013 in conjunction with the scheduled general election to submit to the voters of the City of Spokane an advisory vote regarding the identification of funding sources to implement the provisions of the Envision Spokane Community Bill of Rights proposition.

The Envision Spokane initiative measure regarding a community bill of rights has qualified for the November 5, 2013 general election ballot. If approved by the voters, the proposition will create new requirements and regulations to be implemented by the City of Spokane, including City Charter provisions that 1) secures the right of neighborhood residents to approve re-zonings proposed for major, new development, 2) recognizes the right of neighborhood residents to reject development which violated the City Charter or the City's Comprehensive Plan, 3) expands protections for the Spokane River and Spokane Valley-Rathdrum Prairie Aquifer, 4) provides constitutional protections in the workplace, and 5) elevates Charter rights above rights claimed by the corporation. This resolution will submit an advisory vote to the electors on the November 5, 2013 ballot asking whether the City should pursue additional funding sources in order to implement the provisions of the Envision Spokane Community Bill of Rights ballot proposition.

RESOLUTION NO. 2013-0056

A RESOLUTION REQUESTING THE SPOKANE COUNTY AUDITOR TO HOLD A SPECIAL ELECTION ON NOVEMBER 5, 2013 IN CONJUNCTION WITH THE SCHEDULED GENERAL ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF SPOKANE AN ADVISORY VOTE REGARDING THE IDENTIFICATION OF FUNDING SOURCES TO IMPLEMENT THE PROVISIONS OF THE ENVISION SPOKANE COMMUNITY BILL OF RIGHTS PROPOSITION.

WHEREAS, on April 12, 2012, the Envision Spokane Political Committee (Envision Spokane) filed with the City Clerk's Office under the direct petition method an initiative designated as Initiative No. 2012-3; and

WHEREAS, on April 10, 2013 Envision Spokane filed with the City Clerk's Office the petition signatures for Initiative No. 2012-3; and

WHEREAS, pursuant to SMC 2.02.080, the City Council held a hearing and first reading on April 22, 2013 for Initiative No. 2012-3, designated by the City Council as Ordinance No. C-34979; and

WHEREAS, on May 2, 2013, the Spokane County Elections Office confirmed that Initiative No. 2012-3 satisfied the required number of valid signatures of registered voters as required by Section 82 of the City Charter; and

WHEREAS, pursuant to SMC 2.02.100, the City Council held a hearing on May 20, 2013 on the validated initiative petition where Ordinance No. C-34979 was given a second and final reading and Resolution No. 2013-0038 was approved to request the Spokane County Auditor to place the proposition on the November 5, 2013 general election; and

WHEREAS, the Envision Spokane Community Bill of Rights initiative will be presented to the voters for their approval or rejection on the November 5, 2013 ballot as the following proposition:

CITY OF SPOKANE

PROPOSITION NO. 1

A CITY CHARTER AMENDMENT
ESTABLISHING A COMMUNITY BILL OF RIGHTS

Shall the City Charter be amended to add a Community Bill of Rights, which secures the right of neighborhood residents to approve re-zonings proposed for major new development, recognizes the right of neighborhood residents to reject development

which violates the City Charter or the City's Comprehensive Plan, expands protections for the Spokane River and Spokane Valley-Rathdrum Prairie Aquifer, provides constitutional protections in the workplace, and elevates Charter rights above rights claimed by the corporation?

YES ..... ☐
NO ..... ☐

WHEREAS, the Envision Spokane Community Bill of Rights proposition creates new requirements and regulations to be implemented by the City of Spokane by establishing in the City Charter provisions that 1) secures the right of neighborhood residents to approve re-zonings proposed for major, new development, 2) recognizes the right of neighborhood residents to reject development which violates the City Charter or the City's Comprehensive Plan, 3) expands protections for the Spokane River and Spokane Valley-Rathdrum Prairie Aquifer, 4) provides constitutional protections in the workplace, and 5) elevates Charter rights above rights claimed by the corporation; and

WHEREAS, the Envision Spokane Community Bill of Rights proposition does not provide the City a funding source to implement these provisions; and

WHEREAS, if approved by the voters, the provisions of the Envision Spokane Community Bill of Rights proposition will become effective upon the certification of the election results by the County Auditor; and

WHEREAS, if the Envision Spokane Community Bill of Rights proposition is approved by the voters, the City could fund the cost of implementing the provisions of the proposition by either raising new revenue or by reallocating existing general fund revenue from other programs; and

WHEREAS, the Spokane City Council seeks to obtain the advice of the voters of the City of Spokane on efforts to identify funding sources to implement the provisions of the Envision Spokane Community Bill of Rights proposition, if approved by the voters either by pursuing additional funding sources or by reallocating funding in existing general fund programs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spokane, pursuant to section 84 of the City Charter, that:

1) the Spokane County Auditor is hereby requested, pursuant to RCW 29A.04.330, to hold a special election on November 5, 2013, in conjunction with the scheduled general election, for the purpose of submitting to the voters of the City of Spokane an advisory vote proposition, as set forth below, regarding identification of

funding sources to implement the provisions of the Envision Spokane Community Bill of Rights proposition:

CITY OF SPOKANE

PROPOSITION NO. 3

ADVISORY VOTE REGARDING FUNDING FOR A COMMUNITY BILL OF RIGHTS

The Spokane City Council approved Resolution No. 2013-0056, authorizing a ballot proposition for an advisory vote regarding the identification of funding sources to implement the provisions of the Envision Spokane Community Bill of Rights proposition.

Should the Spokane City Council pursue additional funding sources in order to implement the provisions of the Envision Spokane Community Bill of Rights ballot proposition, if the proposition is approved by the voters?

YES ..... ☐
NO ..... ☐

2) the City Clerk is directed to deliver a certified copy of this resolution to the Spokane County Auditor no later than August 6, 2013 unless a judicial determination has been issued to remove the proposition from the ballot, in which case, the City Clerk shall not deliver the resolution to the County Auditor.

Adopted _____.

_____
City Clerk

Approved as to form:

_____
Assistant City Attorney

Agenda Sheet for City Council Meeting of: 07/22/2013		Date Rec'd	7/10/2013
		Clerk's File #	RES 2013-0057
		Renews #	
Submitting Dept	CITY COUNCIL	**Cross Ref #**	
Contact Name/Phone	MIKE ALLEN & 625-6715	**Project #**	
Contact E-Mail	RBARDEN@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	Resolutions	**Requisition #**	
Agenda Item Name	RESOLUTION REGARDING AN ADVISORY VOTE FOR REALLOCATION OF		

Agenda Wording

A resolution requesting the Spokane County Auditor to hold a special election on November 5, 2013 in conjunction with the scheduled general election to submit to the voters of the City of Spokane an advisory vote regarding the identification of fundi

Summary (Background)

The Envision Spokane initiative measure regarding a community bill of rights has qualified for the November 5, 2013 general election ballot. If approved by the voters, the proposition will create new requirements and regulations to be implemented by the City of Spokane, including City Charter provisions that 1) secures the right of neighborhood residents to approve re-zonings proposed for major, new development, 2) recognizes the right of neighborhood residents to reject development which viol

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	WESTFALL, JENNIFER	Study Session	
Division Director		Other	
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	BURNS, BARBARA	Steve Salvatori	
For the Mayor	SANDERS, THERESA*		
Additional Approvals			
Purchasing			

The agenda wording will be:

A resolution requesting the Spokane County Auditor to hold a special election on November 5, 2013 in conjunction with the scheduled general election to submit to the voters of the City of Spokane an advisory vote regarding the identification of funding sources to implement the provisions of the Envision Spokane Community Bill of Rights proposition.

The agenda background will be:

The Envision Spokane initiative measure regarding a community bill of rights has qualified for the November 5, 2013 general election ballot. If approved by the voters, the proposition will create new requirements and regulations to be implemented by the City of Spokane, including City Charter provisions that 1) secures the right of neighborhood residents to approve re-zonings proposed for major, new development, 2) recognizes the right of neighborhood residents to reject development which violated the City Charter or the City's Comprehensive Plan, 3) expands protections for the Spokane River and Spokane Valley-Rathdrum Prairie Aquifer, 4) provides constitutional protections in the workplace, and 5) elevates Charter rights above rights claimed by the corporation. This resolution will submit an advisory vote to the electors on the November 5, 2013 ballot asking whether the City should reduce funding in existing general fund programs to reallocate funding to implement the provisions of the Envision Spokane Community Bill of Rights ballot proposition.

RESOLUTION NO. 2013-0057

A RESOLUTION REQUESTING THE SPOKANE COUNTY AUDITOR TO HOLD A SPECIAL ELECTION ON NOVEMBER 5, 2013 IN CONJUNCTION WITH THE SCHEDULED GENERAL ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF SPOKANE AN ADVISORY VOTE REGARDING THE IDENTIFICATION OF FUNDING SOURCES TO IMPLEMENT THE PROVISIONS OF THE ENVISION SPOKANE COMMUNITY BILL OF RIGHTS PROPOSITION.

WHEREAS, on April 12, 2012, the Envision Spokane Political Committee (Envision Spokane) filed with the City Clerk's Office under the direct petition method an initiative designated as Initiative No. 2012-3; and

WHEREAS, on April 10, 2013 Envision Spokane filed with the City Clerk's Office the petition signatures for Initiative No. 2012-3; and

WHEREAS, pursuant to SMC 2.02.080, the City Council held a hearing and first reading on April 22, 2013 for Initiative No. 2012-3, designated by the City Council as Ordinance No. C-34979; and

WHEREAS, on May 2, 2013, the Spokane County Elections Office confirmed that Initiative No. 2012-3 satisfied the required number of valid signatures of registered voters as required by Section 82 of the City Charter; and

WHEREAS, pursuant to SMC 2.02.100, the City Council held a hearing on May 20, 2013 on the validated initiative petition where Ordinance No. C-34979 was given a second and final reading and Resolution No. 2013-0038 was approved to request the Spokane County Auditor to place the proposition on the November 5, 2013 general election; and

WHEREAS, the Envision Spokane Community Bill of Rights initiative will be presented to the voters for their approval or rejection on the November 5, 2013 ballot as the following proposition:

CITY OF SPOKANE

PROPOSITION NO. 1

A CITY CHARTER AMENDMENT
ESTABLISHING A COMMUNITY BILL OF RIGHTS

Shall the City Charter be amended to add a Community Bill of Rights, which secures the right of neighborhood residents to approve re-zonings proposed for major new

development, recognizes the right of neighborhood residents to reject development which violates the City Charter or the City's Comprehensive Plan, expands protections for the Spokane River and Spokane Valley-Rathdrum Prairie Aquifer, provides constitutional protections in the workplace, and elevates Charter rights above rights claimed by the corporation?

YES ..... ☐
NO ..... ☐

WHEREAS, the Envision Spokane Community Bill of Rights proposition creates new requirements and regulations to be implemented by the City of Spokane by establishing in the City Charter provisions that 1) secures the right of neighborhood residents to approve re-zonings proposed for major, new development, 2) recognizes the right of neighborhood residents to reject development which violates the City Charter or the City's Comprehensive Plan, 3) expands protections for the Spokane River and Spokane Valley-Rathdrum Prairie Aquifer, 4) provides constitutional protections in the workplace, and 5) elevates Charter rights above rights claimed by the corporation; and

WHEREAS, the Envision Spokane Community Bill of Rights proposition does not provide the City a funding source to implement these provisions; and

WHEREAS, if approved by the voters, the provisions of the Envision Spokane Community Bill of Rights proposition will become effective upon the certification of the election results by the County Auditor; and

WHEREAS, if the Envision Spokane Community Bill of Rights proposition is approved by the voters, the City could fund the cost of implementing the provisions of the proposition by either raising new revenue or by reallocating existing general fund revenue from other programs; and

WHEREAS, the Spokane City Council seeks to obtain the advice of the voters of the City of Spokane on efforts to identify funding sources to implement the provisions of the Envision Spokane Community Bill of Rights proposition, if approved by the voters either by pursuing additional funding sources or by reallocating funding in existing general fund programs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spokane, pursuant to section 84 of the City Charter, that:

1) the Spokane County Auditor is hereby requested, pursuant to RCW 29A.04.330, to hold a special election on November 5, 2013, in conjunction with the scheduled general election, for the purpose of submitting to the voters of the City of Spokane an advisory vote proposition, as set forth below, regarding identification of

funding sources to implement the provisions of the Envision Spokane Community Bill of Rights proposition:

CITY OF SPOKANE

PROPOSITION NO. 4

ADVISORY VOTE REGARDING FUNDING FOR A COMMUNITY BILL OF RIGHTS

The Spokane City Council approved Resolution No. 2013-0057, authorizing a ballot proposition for an advisory vote regarding the identification of funding sources to implement the provisions of the Envision Spokane Community Bill of Rights proposition.

Should the Spokane City Council reduce funding in existing general fund programs to reallocate funding to implement the provisions of the Envision Spokane Community Bill of Rights ballot proposition, if the proposition is approved by the voters?

YES ..... ☐
NO ..... ☐

2) the City Clerk is directed to deliver a certified copy of this resolution to the Spokane County Auditor no later than August 6, 2013 unless a judicial determination has been issued to remove the proposition from the ballot, in which case, the City Clerk shall not deliver the resolution to the County Auditor.

Adopted _____.

_____
City Clerk

Approved as to form:

_____
Assistant City Attorney

Agenda Sheet for City Council Meeting of: 07/22/2013		Date Rec'd	7/10/2013
		Clerk's File #	RES 2013-0058
		Renews #	
Submitting Dept	CITY COUNCIL	**Cross Ref #**	
Contact Name/Phone	MIKE ALLEN & 625-6715	**Project #**	
Contact E-Mail	RBARDEN@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	Resolutions	**Requisition #**	
Agenda Item Name	RESOLUTION REGARDING AN ADVISORY VOTE FOR ADDITIONAL FUNDING		

Agenda Wording

A resolution requesting the Spokane County Auditor to hold a special election on November 5, 2013, in conjunction with the scheduled general election, to submit to the voters of the City of Spokane an advisory vote regarding the identification of fun

Summary (Background)

The Spokane Moves to Amend initiative measure regarding a voter bill of rights has qualified for the November 5, 2013 general election ballot. If approved by the voters, the proposition will prohibit any corporation from making a contribution or expenditure to influence any election within the City of Spokane and from communicating with an elected official within the City of Spokane urging support or opposition to pending legislation or citizen initiative, except when the communication occurs

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	WESTFALL, JENNIFER	Study Session	
Division Director		Other	
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	BURNS, BARBARA	Steve Salvatori	
For the Mayor	SANDERS, THERESA*		
Additional Approvals			
Purchasing			

The agenda wording will be:

A resolution requesting the Spokane County Auditor to hold a special election on November 5, 2013, in conjunction with the scheduled general election, to submit to the voters of the City of Spokane an advisory vote regarding the identification of funding sources to implement the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition.

The agenda background will be:

The Spokane Moves to Amend initiative measure regarding a voter bill of rights has qualified for the November 5, 2013 general election ballot. If approved by the voters, the proposition will prohibit any corporation from making a contribution or expenditure to influence any election within the City of Spokane and from communicating with an elected official within the City of Spokane urging support or opposition to pending legislation or citizen initiative, except when the communication occurs during an open forum and provides that a violation of the prohibited acts by corporations, corporate directors, officers, or other corporate agents is a criminal offence under the Spokane Municipal Code and that corporations in violation of the rights and prohibitions established by the proposition, or seeking to engage in activities prohibited by the proposition shall not have the rights of “persons” afforded by the United States and Washington Constitutions, nor shall those corporations be afforded rights under the First or Fifth Amendments to the United States Constitution or corresponding sections of the Washington Constitution. This resolution will submit an advisory vote to the electors on the November 5, 2013 ballot asking whether the City should pursue additional funding sources in order to implement the provisions of the Spokane Moves to Amend Bill of Rights ballot proposition.

RESOLUTION NO. 2013-0058

A RESOLUTION REQUESTING THE SPOKANE COUNTY AUDITOR TO HOLD A SPECIAL ELECTION ON NOVEMBER 5, 2013, IN CONJUNCTION WITH THE SCHEDULED GENERAL ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF SPOKANE AN ADVISORY VOTE REGARDING THE IDENTIFICATION OF FUNDING SOURCES TO IMPLEMENT THE PROVISIONS OF THE SPOKANE MOVES TO AMEND VOTER BILL OF RIGHTS PROPOSITION.

WHEREAS, on April 16, 2012, the Spokane Moves to Amend Political Committee(SMAC) filed with the City Clerk's Office under the direct petition method an initiative designated as Initiative No. 2012-4; and

WHEREAS, on April 8, 2013, SMAC filed with the City Clerk's Office the petition signatures for Initiative No. 2012-4; and

WHEREAS, pursuant to SMC 2.02.080, the City Council held a hearing and first reading on April 22, 2013 for Initiative No. 2012-4, designated by the City Council as Ordinance No. C-34978; and

WHEREAS, on May 7, 2013, the Spokane County Elections Office confirmed that Initiative No. 2012-4 satisfied the required number of valid signatures of registered voters as required by Section 82 of the City Charter; and

WHEREAS, pursuant to SMC 2.02.100, the City Council held a hearing on May 20, 2013 on the validated initiative petition where Ordinance No. C-34978 was given a second and final reading and Resolution No. 2013-0039 was approved to request the Spokane County Auditor to place the proposition on the November 5, 2013 general election; and

WHEREAS, the Spokane Moves to Amend Voter Bill of Rights initiative will be presented to the voters for their approval or rejection on the November 5, 2013 ballot as the following proposition:

CITY OF SPOKANE

PROPOSITION NO. 2

A VOTER BILL OF RIGHTS: A CLEAN AND FAIR ELECTIONS AND GOVERNMENT ORDINANCE

Shall the Spokane Municipal Code be amended to add a Voter Bill of Rights for Clean and Fair Elections, and Government Ordinance that

Prohibits Corporate Lobbying, Corporate Involvement in Initiatives, and Corporate Donations to Candidates for Elected Office?

YES ..... ☐
NO ..... ☐

WHEREAS, the Spokane Moves to Amend Voter Bill of Rights proposition prohibits any corporation from making a contribution or expenditure to influence any election within the City of Spokane and from communicating with an elected official within the City of Spokane urging support or opposition to pending legislation or citizen initiative, except when the communication occurs during an open forum; and

WHEREAS, the Spokane Moves to Amend Voter Bill of Rights proposition provides that a violation of the prohibited acts by corporations, corporate directors, officers, or other corporate agents is a criminal offence under the Spokane Municipal Code and that corporations in violation of the rights and prohibitions established by the proposition, or seeking to engage in activities prohibited by the proposition shall not have the rights of “persons” afforded by the United States and Washington Constitutions, nor shall those corporations be afforded rights under the First or Fifth Amendments to the United States Constitution or corresponding sections of the Washington Constitution; and

WHEREAS, the Spokane Moves to Amend Voter Bill of Rights proposition does not provide the City a funding source to implement these provisions; and

WHEREAS, if approved by the voters, the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition will become effective upon the certification of the election results by the County Auditor; and

WHEREAS, if the Spokane Moves to Amend Voter Bill of Rights proposition is approved by the voters, the City could fund the cost of enforcement, monitoring, implementation and prosecution called for by the provisions of the proposition by either raising new revenue or by reallocating existing general fund revenue from other programs; and

WHEREAS, the Spokane City Council seeks to obtain the advice of the voters of the City of Spokane on efforts to identify funding sources to implement the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition, if approved by the voters either by pursuing additional funding sources or by reallocating funding in existing general fund programs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spokane, pursuant to section 84 of the City Charter, that:

1) the Spokane County Auditor is hereby requested, pursuant to RCW 29A.04.330, to hold a special election on November 5, 2013, in conjunction with the scheduled general election, for the purpose of submitting to the voters of the City of Spokane an advisory vote proposition, as set forth below, regarding identification of funding sources to implement the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition:

CITY OF SPOKANE

PROPOSITION NO. 5

ADVISORY VOTE REGARDING FUNDING FOR A VOTER BILL OF RIGHTS

The Spokane City Council approved Resolution No. 2013-0058, authorizing a ballot proposition for an advisory vote regarding the identification of funding sources to implement the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition.

Should the Spokane City Council pursue additional funding sources in order to fund the implementation of the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition, if the proposition is approved by the voters?

YES ..... ☐
NO ..... ☐

2) the City Clerk is directed to deliver a certified copy of this resolution to the Spokane County Auditor no later than August 6, 2013 unless a judicial determination has been issued to remove the proposition from the ballot, in which case, the City Clerk shall not deliver the resolution to the County Auditor.

Adopted _____.

_____
City Clerk

Approved as to form:

_____
Assistant City Attorney

Agenda Sheet for City Council Meeting of: 07/22/2013		Date Rec'd	7/10/2013
		Clerk's File #	RES 2013-0059
		Renews #	
Submitting Dept	CITY COUNCIL	**Cross Ref #**	
Contact Name/Phone	MIKE ALLEN & 625-6715	**Project #**	
Contact E-Mail	RBARDEN@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	Resolutions	**Requisition #**	
Agenda Item Name	REGARDING AN ADVISORY VOTE FOR ADDITIONAL FUNDING TO IMPLEMENT		

Agenda Wording

A resolution requesting the Spokane County Auditor to hold a special election on November 5, 2013, in conjunction with the scheduled general election, to submit to the voters of the City of Spokane an advisory vote regarding the identification of fun

Summary (Background)

The Spokane Moves to Amend initiative measure regarding a voter bill of rights has qualified for the November 5, 2013 general election ballot. If approved by the voters, the proposition will prohibit any corporation from making a contribution or expenditure to influence any election within the City of Spokane and from communicating with an elected official within the City of Spokane urging support or opposition to pending legislation or citizen initiative, except when the communication occurs

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	WESTFALL, JENNIFER	Study Session	
Division Director		Other	
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	BURNS, BARBARA	Steve Salvatori	
For the Mayor	SANDERS, THERESA*		
Additional Approvals			
Purchasing			

The agenda wording will be:

A resolution requesting the Spokane County Auditor to hold a special election on November 5, 2013, in conjunction with the scheduled general election, to submit to the voters of the City of Spokane an advisory vote regarding the identification of funding sources to implement the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition.

The agenda background will be:

The Spokane Moves to Amend initiative measure regarding a voter bill of rights has qualified for the November 5, 2013 general election ballot. If approved by the voters, the proposition will prohibit any corporation from making a contribution or expenditure to influence any election within the City of Spokane and from communicating with an elected official within the City of Spokane urging support or opposition to pending legislation or citizen initiative, except when the communication occurs during an open forum and provides that a violation of the prohibited acts by corporations, corporate directors, officers, or other corporate agents is a criminal offence under the Spokane Municipal Code and that corporations in violation of the rights and prohibitions established by the proposition, or seeking to engage in activities prohibited by the proposition shall not have the rights of “persons” afforded by the United States and Washington Constitutions, nor shall those corporations be afforded rights under the First or Fifth Amendments to the United States Constitution or corresponding sections of the Washington Constitution. This resolution will submit an advisory vote to the electors on the November 5, 2013 ballot asking whether the City should reduce funding in existing general fund programs to reallocate funds to implement the provisions of the Spokane Moves to Amend Bill of Rights ballot proposition.

RESOLUTION NO. 2013-0059

A RESOLUTION REQUESTING THE SPOKANE COUNTY AUDITOR TO HOLD A SPECIAL ELECTION ON NOVEMBER 5, 2013, IN CONJUNCTION WITH THE SCHEDULED GENERAL ELECTION TO SUBMIT TO THE VOTERS OF THE CITY OF SPOKANE AN ADVISORY VOTE REGARDING THE IDENTIFICATION OF FUNDING SOURCES TO IMPLEMENT THE PROVISIONS OF THE SPOKANE MOVES TO AMEND VOTER BILL OF RIGHTS PROPOSITION.

WHEREAS, on April 16, 2012, the Spokane Moves to Amend Political Committee(SMAC) filed with the City Clerk's Office under the direct petition method an initiative designated as Initiative No. 2012-4; and

WHEREAS, on April 8, 2013, SMAC filed with the City Clerk's Office the petition signatures for Initiative No. 2012-4; and

WHEREAS, pursuant to SMC 2.02.080, the City Council held a hearing and first reading on April 22, 2013 for Initiative No. 2012-4, designated by the City Council as Ordinance No. C-34978; and

WHEREAS, on May 7, 2013, the Spokane County Elections Office confirmed that Initiative No. 2012-4 satisfied the required number of valid signatures of registered voters as required by Section 82 of the City Charter; and

WHEREAS, pursuant to SMC 2.02.100, the City Council held a hearing on May 20, 2013 on the validated initiative petition where Ordinance No. C-34978 was given a second and final reading and Resolution No. 2013-0039 was approved to request the Spokane County Auditor to place the proposition on the November 5, 2013 general election; and

WHEREAS, the Spokane Moves to Amend Voter Bill of Rights initiative will be presented to the voters for their approval or rejection on the November 5, 2013 ballot as the following proposition:

CITY OF SPOKANE

PROPOSITION NO. 2

A VOTER BILL OF RIGHTS: A CLEAN AND FAIR ELECTIONS AND GOVERNMENT ORDINANCE

Shall the Spokane Municipal Code be amended to add a Voter Bill of Rights for Clean and Fair Elections, and Government Ordinance that

Prohibits Corporate Lobbying, Corporate Involvement in Initiatives, and Corporate Donations to Candidates for Elected Office?

YES ..... ☐
NO ..... ☐

WHEREAS, the Spokane Moves to Amend Voter Bill of Rights proposition prohibits any corporation from making a contribution or expenditure to influence any election within the City of Spokane and from communicating with an elected official within the City of Spokane urging support or opposition to pending legislation or citizen initiative, except when the communication occurs during an open forum; and

WHEREAS, the Spokane Moves to Amend Voter Bill of Rights proposition provides that a violation of the prohibited acts by corporations, corporate directors, officers, or other corporate agents is a criminal offence under the Spokane Municipal Code and that corporations in violation of the rights and prohibitions established by the proposition, or seeking to engage in activities prohibited by the proposition shall not have the rights of “persons” afforded by the United States and Washington Constitutions, nor shall those corporations be afforded rights under the First or Fifth Amendments to the United States Constitution or corresponding sections of the Washington Constitution; and

WHEREAS, the Spokane Moves to Amend Voter Bill of Rights proposition does not provide the City a funding source to implement these provisions; and

WHEREAS, if approved by the voters, the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition will become effective upon the certification of the election results by the County Auditor; and

WHEREAS, if the Spokane Moves to Amend Voter Bill of Rights proposition is approved by the voters, the City could fund the cost of enforcement, monitoring, implementation and prosecution called for by the provisions of the proposition by either raising new revenue or by reallocating existing general fund revenue from other programs; and

WHEREAS, the Spokane City Council seeks to obtain the advice of the voters of the City of Spokane on efforts to identify funding sources to implement the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition, if approved by the voters either by pursuing additional funding sources or by reallocating funding in existing general fund programs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Spokane, pursuant to section 84 of the City Charter, that:

1) the Spokane County Auditor is hereby requested, pursuant to RCW 29A.04.330, to hold a special election on November 5, 2013, in conjunction with the scheduled general election, for the purpose of submitting to the voters of the City of Spokane an advisory vote proposition, as set forth below, regarding identification of funding sources to implement the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition:

CITY OF SPOKANE

PROPOSITION NO. 6

ADVISORY VOTE REGARDING FUNDING FOR A VOTER BILL OF RIGHTS

The Spokane City Council approved Resolution No. 2013-0059, authorizing a ballot proposition for an advisory vote regarding the identification of funding sources to implement the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition.

Should the Spokane City Council reduce funding in existing general fund programs to reallocate funding to the implementation of the provisions of the Spokane Moves to Amend Voter Bill of Rights proposition, if the proposition is approved by the voters?

YES ..... ☐
NO ..... ☐

2) the City Clerk is directed to deliver a certified copy of this resolution to the Spokane County Auditor no later than August 6, 2013 unless a judicial determination has been issued to remove the proposition from the ballot, in which case, the City Clerk shall not deliver the resolution to the County Auditor.

Adopted _____.

_____
City Clerk

Approved as to form:

_____
Assistant City Attorney

Agenda Sheet for City Council Meeting of: 07/22/2013		Date Rec'd	7/10/2013
		Clerk's File #	ORD C35014
		Renews #	
Submitting Dept	CITY COUNCIL	**Cross Ref #**	
Contact Name/Phone	BEN STUCKART 625.6258	**Project #**	
Contact E-Mail	BSTUCKART@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	First Reading Ordinance	**Requisition #**	
Agenda Item Name	0320 INITIATIVE PROCESS		

Agenda Wording

An ordinance relating to initiatives; amending SMC sections 2.02.030, 2.02.040 and 2.02.055 and repealing SMC section 2.02.050.

Summary (Background)

Chapter 2.02 SMC currently provides that the initiative sponsor may request a legal review of a proposed measure by the City Attorney, which occurs after the measure has been filed and a ballot title has been prepared. The City Council can also request that the City Attorney prepare a legal review and an alternative version of the ballot title and summary of the measure to be used in the event the sponsor elects to modify the proposal consistent with the City Attorney's legal review.

Fiscal Impact		Budget Account
Select	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	WESTFALL, JENNIFER	Study Session	
Division Director		Other	
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	BURNS, BARBARA		
For the Mayor	SANDERS, THERESA*		
Additional Approvals			
Purchasing			

Continuation of Wording, Summary, Budget, and Distribution

Agenda Wording

Summary (Background)

This ordinance will amend the initiative process to require the hearing examiner, instead of the City Attorney, to prepare a written opinion as to the legal validity and effect of a proposed measure subsequent to the City Attorney's Office preparing the ballot title and summary of the measure but before the sponsor could begin collecting signatures. Upon receiving the hearing examiner's written opinion, the initiative sponsor may elect to either proceed with collecting signatures or to revise the initiative measure based upon the written opinion. The initiative sponsor could not begin collecting signatures until after receipt of the hearing examiner's written opinion and after the sponsor has notified the City Clerk that they have elected to proceed with collecting signatures.

Fiscal Impact		**Budget Account**
Select	$	#
Select	$	#
Select	$	#
Select	$	#

Distribution List

ORDINANCE NO. C35014

AN ORDINANCE relating to initiatives; amending SMC sections 2.02.030, 2.02.040 and 2.02.055; and repealing SMC section 2.02.050.

The City of Spokane does ordain:

Section 1. That SMC section 2.02.030 is amended to read as follows:

2.02.030 Filing of Initiative Measure

A. In order to facilitate the processing of a proposed initiative measure, a petitioner shall file the proposed measure with the city clerk.

B. The proposed measure must contain the mailing address of the petitioner and telephone number of the petitioner or petitioner's representative.

C. The city clerk must immediately transmit a copy of the proposed measure to the city attorney.

D. Within two weeks after receiving the measure, the city attorney prepares, after consultation with the petitioner(s), a ballot title and summary of the measure and files them with the city clerk.

1. The ballot title shall consist of:

a. a statement of the subject measure;

b. a concise description of the measure; and

c. a question.

2. The statement of the subject measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words.

3. The concise description must be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, to the extent reasonably possible, not create prejudice either for or against the measure and not exceed seventy-five words. When practicable, the question posed by the ballot title is written in such way that an affirmative answer to the question and an affirmative vote on the measure would result in a change in the law.

4. The summary of the measure should be a clear and concise statement not to exceed one hundred fifty words.

5. The ballot title and the summary of the measure shall not be argumentative or likely to create prejudice for or against the measure.

E. In addition to preparing the ballot title and summary of the measure, the city attorney shall review the proposed measure for such matters as form and style. The city attorney shall edit the measure as necessary to correct obvious typographical errors, conform the language to Spokane Municipal Code format and style, or eliminate ambiguity. Any such editorial revisions are made on a separate sheet from the measure as submitted and clearly identified. All editorial revisions shall be provided to the sponsor and the city clerk at the same time the city attorney files the ballot title and summary of the measure with the city clerk.

F. Upon receipt of the ballot title and summary of the measure from the city attorney, the city clerk assigns a number by which the measure is identified. The city clerk affixes the ballot title and summary to the original of the proposed measure or the measure as revised pursuant to this section, inscribes the identifying number upon it and retains it in the official file.

G. The city clerk must immediately furnish a copy of the proposed measure with its ballot title and summary to the sponsor and prepare a report to the city council for the next agenda.

((~~H. Upon receipt of the measure from the city clerk with the assigned number, the initiative sponsors may begin collecting signatures.~~))

Section 2. That SMC section 2.02.040 is amended to read as follows:

2.02.040 Council Action on Initiative Measure

A. Upon receiving the report regarding an initiative from the city clerk, the city council may ((~~:~~))
((~~A.~~)) pass the measure as proposed or submit the initiative measure to the voters on its own motion((~~, or~~)).

B. ((~~provide for legal review of the procedural and substantive validity of the proposed measure by the city attorney, if requested by the sponsor.~~)) If the city council does not take either action set for in subsection A, the initiative and the ballot title and summary of the measure shall be forwarded by the city clerk to the city hearing examiner who shall issue a formal written opinion as to the legal validity and effect of the proposed measure. Within fourteen days of receiving the initiative measure from the city clerk, the hearing examiner shall file his written

opinion with the city council and the city clerk with a copy provided to the initiative measure sponsor.

C. Within seven days of receipt of the hearing examiner's written opinion, the initiative measure sponsor shall notify the city clerk in writing of the sponsor's decision to proceed with collecting signatures for the initiative measure or to revise the initiative measure based upon the hearing examiner's written opinion. If the sponsor elects to proceed with gathering signatures, the time period to collect and file petition signatures set forth in SMC 2.02.055 shall begin to run from the date the sponsor's written decision is filed with the city clerk. If the sponsor elects to revise the initiative measure, the city council shall discontinue processing the originally filed initiative measure. The initiative sponsors may file a revised initiative measure, which shall be submitted to the city clerk's office pursuant to SMC 2.02.030.

Section 3. That SMC section 2.02.050 is repealed.

((~~2.02.050 Review of Initiative Measure by City Attorney~~

~~A. If directed by the city council, the city attorney reviews the proposed measure for appropriate subject matter and legal validity and effect.~~

~~B. Within ten calendar days the city attorney files a written report of review with the city clerk and the city council expressing a formal opinion as to the legal validity and effect of the measure being proposed and at the same time provides a copy of the report of review to the filer of the proposed measure.~~

~~C. If the report of review suggests significant changes in the text of the proposed measure, the city council may request the city attorney to prepare an alternate version of the ballot title and summary of the measure to be used in the event the sponsor elects to modify the proposal in accordance with the city attorney's report.~~))

Section 4. That SMC section 2.02.055 is amended to read as follows:

Section 2.02.055 Petition Signatures

A. Prior to circulation for signatures, an initiative petition shall have received an assigned number from the city clerk's office and a written opinion from the hearing examiner regarding the legal validity and effect of the proposed measure.

B. Signed petitions must be filed with the city clerk within three hundred sixty-five days ((~~after the approval by the city council of the ballot title and summary of the measure~~)) from the date the sponsor files a written decision to proceed with the

signature gathering pursuant to SMC 2.02.040. If the three hundred sixty-fifth day lands on a Saturday, Sunday, or a legal holiday, the petitions may be filed on the next succeeding day which is not a Saturday, Sunday, or a legal holiday.

C. The sponsor of the initiative may submit additional petition signatures at any time during the three hundred sixty-five day period until a sufficient number of signatures have been validated to place the measure on a ballot; however, if the additional petition signatures are submitted later than one-hundred twenty calendar days prior to the next election, the measure, if otherwise valid, will be placed on the ballot at the next appropriate election pursuant to section 82 of the City Charter.

D. Petition signatures collected after the three hundred sixty-five day period will not be counted towards a previously filed initiative.

E. A person who has signed an initiative petition may withdraw his or her signature from a petition by submitting to the city clerk a written request for the withdrawal of the signature up to the time the city clerk is directed by the city council to validate the signatures.

PASSED BY THE CITY COUNCIL ON_____.

_____
Council President

Attest:

_____
City Clerk

_____
Mayor

Approved as to form:

_____
Assistant City Attorney

_____
Date

_____
Effective Date

Agenda Sheet for City Council Meeting of:		Date Rec'd	7/17/2013
07/29/2013		Clerk's File #	ORD C35016
		Renews #	
Submitting Dept	HEARING EXAMINER	**Cross Ref #**	PRO 2010-0037
Contact Name/Phone	KYLE TWOHIG 625-6152	**Project #**	2009163
Contact E-Mail	KTWOHIG@SPOKANECITY.ORG	**Bid #**	
Agenda Item Type	Final Reading Ordinance	**Requisition #**	
Agenda Item Name	0570, LID 2009163- FINAL ASSMT ROLL-DALKE/MYRTLE		

Agenda Wording

Final Reading Ordinance approving and confirming the assessments & assessment roll of Local Improvement District #2009163 for street, sewer and water improvements in Dalke Avenue from Freya Street to Florida Street and . . .

Summary (Background)

On 07-09-13 the Hearing Examiner held a public hearing on the above matter and on 07-11-13 issued a decision recommending confirming the final assessment roll as presented. The district contains a total of 20 parcels and was initiated by petition. There are two known opponents.

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	MCGINN, BRIAN	Study Session	
Division Director		Other	
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	BURNS, BARBARA	lhattenburg@spokanecity.org	
For the Mayor	SANDERS, THERESA	areid@spokanecity.org	
Additional Approvals		rriedinger@spokanecity.org	
Purchasing		cclark@spokanecity.org	
		htrautman@spokanecity.org	
		kmoat@spokanecity.org	
		mhughes@spokanecity.org	

Continuation of Wording, Summary, and Distribution

Agenda Item Name: 0570, LID 2009163- FINAL ASSMT ROLL-DALKE/MYRTLE

Agenda Wording (524 character max)

street improvements in Myrtle Street from Dalke Avenue to Francis Avenue. (Hillyard Neighborhood Council)

Summary (Background) (870 character max)

Fiscal Impact

Select	$		#
Select	$		#
Select	$		#
Select	$		#

Budget Account

Distribution List

Save | Cancel

CITY OF SPOKANE HEARING EXAMINER

RE: Final Assessment Roll for street, sewer and water improvements in Dalke Avenue from Freya Street to Florida Street and street improvements in Myrtle Street from Dalke Avenue to Francis Avenue	))))))))	FINDINGS, CONCLUSIONS, AND DECISION LID #2009163

SUMMARY OF PROPOSAL AND DECISION

Project Description: This project resulted in street improvements in Dalke Avenue from Freya Street to Florida Street and street improvements in Myrtle Street from Dalke Avenue to Francis Avenue. The purpose of the project is to provide improved local and emergency vehicle access, improved neighborhood circulation, dust control, and adequate drainage within the district boundaries. There are 20 parcels within the assessment district. There are two known opponents. The Zone Termini method of distributing the project costs has been used.

Decision: The final assessment roll is confirmed as presented.

FINDINGS OF FACT
BACKGROUND INFORMATION

Project Costs: The estimated net project cost is $381,637.03 and breaks down as follows:

Completed Contract Price	$673,867.75
Sales Tax	5,586.02
Engineering Costs	178,917.00
City Clerk	256.59
City Treasurer	2,450.00
Accounting	6,443.05
Interest on Contract Payments	13,107.62
Bonds	577.50
Attorney's Fee	5,724.55
Tree Work	5,232.01
Hydrant Relocates	9,730.27
Right-of-way Expense	10,640.38
Geotech Work	9,394.29
Total Project Cost	921,927.03
Supplemental Funding:	
Ten-Year Street Bond	(300,707.65)
Community Development Funds	(239,582.35)
Net Project Cost after Supplemental Funding	$ 381,637.03

PROCEDURAL INFORMATION

Date of Ordering Ordinance: February 28, 2011

Date of Ordering Ordinance Publication: March 2, 2011

Hearing Date: July 9, 2013

Notices:
Mailed: June 13, 2013
Published: June 12 & 19, 2013
Information Meeting: June 27, 2013

Known Opponents:
Keith V. Clark
8026 N. Market Street
Spokane, WA 99207-8107

Harley C. Douglass
Harley C. Douglass, Inc.
5520 N. Florida Street
Spokane, WA 99217

Testimony:
Michael Myers, Engineering Services
City of Spokane Engineering Services Dept.
808 West Spokane Falls Boulevard
Spokane, WA 99201

Exhibits:
1. Affidavit of Ordinance Publication and Ordinance establishing the Local Improvement District and ordering the construction of the improvements
2. Map of district
3. Engineer's certificate transmitting final assessment roll to the Hearing Examiner
4. Final assessment roll
5. Copy of mailed notice
6. Affidavit of mailing
7. Published notice and affidavit of publication
8. Engineering Services Department report
9. Informational meeting attendance roster
10. Letter from Keith Clark, dated June 15, 2013, protesting assessment
11. Letter from Harley C. Douglass, Inc., dated July 3, 2013, protesting assessment
12. Engineering Services memorandum regarding protest of Harley C. Douglass, Inc.
13. Letter from P. Mike Taylor to Harley C. Douglass, Inc., dated May 14, 2012
14. Letter from Harley C. Douglass, Inc. to P. Mike Taylor dated May 30, 2012
15. Engineering Services memorandum regarding protest of Keith Clark
16. LID Final Hearing Report of Engineering Services

FINDINGS AND CONCLUSIONS

Local improvement districts finalized by a confirming ordinance are subject to Spokane Municipal Code Chapter 7.05 and may be approved only if they comply with the criteria set forth in SMC 7.05.500. The Hearing Examiner has reviewed the assessment roll and all of the evidence of record with regard to these criteria and makes the following Findings and Conclusions:

1. The assessment roll is correct.

The assessment roll is based on the total final cost of the project. The assessments against the individual properties were derived using the Zone Termini method of cost distribution. This is an acceptable method of making assessments against a parcel, and there is no evidence to indicate that it was done incorrectly for any of the parcels in the district.

2. All property in the local improvement district is specially benefited in an amount at least equal to the assessment.

As a result of the project improvements, all of the parcels in the district are benefited by improved local and emergency vehicle access, improved neighborhood circulation, dust control, improved sewer and water facilities and adequate drainage. As a general rule, property in an improvement district is presumed to benefit to the extent of the cost of making the improvements available to the property. No evidence was offered to rebut this presumption for any of the properties in the district.

3. All property in the local improvement district has been assessed proportionally to all other property in the district.

Assessments in the district were calculated using a zone termini method. This method uses lot area and distance from the improvements to derive assessments. The assessments in this case should, therefore, be proportional. Further, the zone termini method is a method recognized in the Revised Code of Washington as an acceptable method for calculating assessments. It may, therefore, be presumed that using such a method will result in assessments consistent with the requirements of the Revised Code of Washington and Washington Case Law that assessments be proportional.

4. All procedures set forth in RCW 35.44 and SMC 7.05 have been followed.

The hearing was held pursuant to a direction by the City Council on the date, at the time, and at the place directed. RCW 35.44 and SMC 7.05 require notices to be mailed to owners of record in the district at least 15 days in advance of the hearing. They require notices to be published for two consecutive weeks in a newspaper of general circulation with the last publication date being at least 15 days in advance of the hearing. The hearing was held on July 9, 2013. The notices were mailed on June 13, 2013, and published in the *Official Gazette* on June 12th and 19, 2013. Both the written and published notices contained all of the information required by RCW 35.44 and SMC 7.05.

5. The assessment on Parcel No. 36341.0909, owned by Harley C. Douglass, Inc. was proportional and correctly calculated.

Harley C. Douglass, Inc. submitted a letter dated July 3, 2013, protesting the assessment against its property, designated under Tax Parcel No. 36341.0909. Calculating the assessment based upon the percentage of frontage, Harley C. Douglas, Inc. contended that the assessment should be $31,446.89, rather than $46,080.78. However, the method used by Harley C. Douglass, Inc. to make its calculation was incorrect. The percentage of frontage method is only used to assess properties for the cost to make improvements to adjoining alleys. For other improvements, which benefit an identified district, the zone termini method is used to calculate an assessment. This methodology is sanctioned by state statute, specifically RCW 35.44.030-040.

The total assessment of the property of Harley C. Douglass, Inc. was also affected by the fact that there were specific benefits to that property. Harley C. Douglass, Inc. was aware that such costs would be included in the assessment, as confirmed in previous correspondence between the City of Spokane and Mr. Douglass. In any event, the final assessment for the property owned by Harley C. Douglass, Inc. was properly calculated to total $46,080.78. That final assessment was itemized in the Engineering Services memorandum submitted at the time of the hearing. The memorandum is incorporated in this decision by reference. No representative of Harley C. Douglass, Inc. attended the hearing to contest the analysis and conclusions contained in the memorandum, or to offer testimony contrary to that of Mr. Myers in support of the assessment. The Hearing Examiner concludes that the final assessment of property of Harley C. Douglass, Inc. was proper.

6. The assessment on Parcel No. 36341.3311, owned by Keith and Patricia Clark, was fair, proportional, and correct.

In his letter dated June 15, 2013, Keith V. Clark contended that the $18,367.45 assessment against Parcel No. 36341.3311 was "extremely exorbitant." He also stated: "To charge us so much for so little benefit seems unfair, especially since we just were assessed a very large amount for street improvements on Francis Avenue."

The assessment against the Clarks' property was calculated using the zone termini method. As stated above, this is the appropriate manner to allocate cost to the properties within a local improvement district. There were also additional costs related to direct benefits to the Clarks' property, including improvements to the driveway and a driveway transition. The final assessment of the Clarks' property is itemized in the Engineering Services memorandum submitted at the time of the hearing. The memorandum is incorporated in this decision by reference.

Mr. Clark's claim to have been burdened by another assessment for improvements to Francis Avenue was not supported by the evidence. According to city records, the improvements to Francis Avenue, designated under Project No. 2006117, were 100% funded by city and federal funds. The improvements to Francis Avenue were not part of a local improvement district and no parcel assessments were associated with that project. Thus, the Clarks were not assessed for street improvements to Francis Avenue. Not only were the Clarks not assessed for improvements to Francis, they were actually paid $29,789.00 for the purchase of 2,567 square feet of land acquired by the City of Spokane to widen Francis Avenue.

Neither of the property owners attended the hearing to contest the analysis and conclusions contained in the memorandum submitted by Engineering Services, or to offer testimony contrary to that of Mr. Myers in support of the assessment. The Hearing Examiner concludes that the final assessment of property of Keith and Patricia Clark was proper.

DECISION

Based on the Findings and Conclusions above, it is the decision of the Hearing Examiner to confirm the final assessment roll as presented.

DATED this 11th day of July 2013.

Brian T. McGinn
City of Spokane Hearing Examiner

AFFIDAVIT OF PUBLICATION **EXHIBIT NO. 1**

STATE OF WASHINGTON) SS
COUNTY OF SPOKANE)
CITY OF SPOKANE)

I, TERRI L. PFISTER, CITY CLERK of Spokane, Washington, and ex-officio editor of the *Official Gazette*, a paper published weekly by the City of Spokane, Washington, do hereby certify that the ORDINANCE attached hereto and which is hereby made a part of this proof of publication was published in said paper to wit:

On the 2nd day of March, 2011, and that said ORDINANCE was published in every copy of the said paper of said date.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Spokane this 4th day of March, 2011.

Terri L. Pfister

City Clerk
City of Spokane, Washington

(See Attached for Remainder of Affidavit)

ORDINANCE NO. C34699

An ordinance ordering the Street, Water and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements of Myrtle Street from Dalke Avenue to Francis Avenue, establishing a local improvement district and creating a local improvement fund therefore, directing the levy of special assessments and providing a method of financing to pay the cost and expense of said improvement.

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. That Street, Water and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements of Myrtle Street from Dalke Avenue to Francis Avenue be improved by paving, water and sewer of the same, and that such other work be done as may be necessary in connection therewith, according to the maps, plans, drawings and specifications prepared by the Engineering Services Director of said City, and on file in the Office of the said Engineering Services Director, which said maps, plans, drawings and specifications are hereby approved and adopted.

Section 2. That the cost of said improvement, including all the necessary and incidental expenses, shall be borne by and assessed against the property included in the local improvement district hereinafter established and described and in accordance with law. The City of Spokane shall not be liable in any manner for any portion of the cost or expense of said improvement, except as may be herein provided.

Section 3. That there is hereby established a local improvement district to be known as **"Local Improvement District No. 2009163 for Street, Water and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements of Myrtle Street from Dalke Avenue to Francis Avenue,"** which said district embraces as nearly as practicable all of the lots, tracts and parcels of land and other property specially benefited by the said improvement, and described as follows:

All that property described as follows:

LOTS	BLOCK	ADDITION
1-16	1	Columbia
Vacated Alley	1	Columbia
9-14	4	Columbia
1-14	5	Columbia
Vacated Alley	5	Columbia
1-16	6	Columbia
Vacated Alley	6	Columbia
1-8	7	Columbia
1-12	8	Columbia
Portion of Vacated Alley	8	Columbia
1-6	9	Columbia
N ½ Vacated Alley	9	Columbia
Vacated Decatur Ave	1 & 6	Columbia
All of 6-7	4	Hillyard Acre Tracts
N ½ of 8-10	4	Hillyard Acre Tracts
1-5	5	Hillyard Acre Tracts
8-10	5	Hillyard Acre Tracts

Situated in the NE Quarter of Section 34, Township 26, Range 43 East of the Willamette Meridian.

Section 4. That the sum charged against any lot, tract and parcel of land or other property in said district may be paid during the thirty (30) day period allowed for the payment of assessments without penalty, interest, or cost, and that thereafter the sum remaining unpaid may be paid in equal annual installments bearing interest at such rate or rates as authorized by the City Council, in accordance with state law and the charter and ordinances of the City of Spokane. All of which said lots, tracts and parcels of land or other property in said district are specially benefited by said improvement.

For the purpose of this improvement there is hereby created a special fund for the cost and expense of the said improvement to be designated as, "Local Improvement District No. 2009163 for Street, Water and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements of Myrtle Street from Dalke Avenue to Francis Avenue," into which shall be paid the special assessments hereby authorized when collected as provided by law. The said fund shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide for the cost and expense of the improvement, or installment notes for same.

Section 5. That for the purpose of paying the cost and expense of said improvement there shall be issued by the City of Spokane local improvement bonds, installment notes, or warrants, said bonds, installment notes, or warrants to bear interest at such rate or rates as authorized by the City Council. Said bonds, installment notes, or warrants shall be redeemable only out of the local improvement fund created by this ordinance. In case said improvement is made by contract, said bonds, installment notes, or warrants shall be delivered to the contractor in payment of the contract price, or, the City may, at its election, sell said bonds, installment notes, or warrants and make payment in cash. If provision is made in said contract for progress payments to be made upon estimates, local improvement warrants shall be issued upon the local improvement fund created herein for the purpose of making such progress payments. The improvement bonds herein provided for may be sold by the Treasurer of the City of Spokane at public or private sale at not less than their par value and accrued interest. In such event, the proceeds thereof shall be applied in payment of the cost and

expense of the improvement. No bonds shall be issued in excess of the cost of the improvement, nor shall they be issued prior to twenty (20) days after the thirty (30) days allowed for the payment of assessments without penalty, interest, or cost.

Section 6. The City Administrator is hereby directed to advertise for bids for making said improvement, reserving to the City the right to reject any and all bids. In case a satisfactory bid is received and accepted, the contract for said improvement shall provide that the same shall be completed in all things in accordance with the maps, plans, drawings and specifications for said improvement herein referred to, and shall also provide that the contractor making the improvement shall accept the bonds or warrants herein provided for at par and accrued interest in payment of the contract price for such work, to the extent of such bond or warrant issue, if the City shall so elect. In case no satisfactory bid is received, as in RCW 35.43.190 set forth, said improvement may be made by the City and payment therefore shall be made as otherwise provided herein.

Section 7. No bid, acceptance of any bid, or contract relating to said improvement shall be binding upon the City until the assessments herein provided for shall be confirmed by ordinance. The City shall not be under any obligation or duty to confirm any assessment or assessment roll and, if for any reason the same be not confirmed, the bid, acceptance of bid, or contract shall be of no force or effect. The City shall not be liable or responsible in any manner, except to account for the local improvement bonds and fund herein provided for, and except as to the guaranty fund provided for in Ordinance No. C4155. Bondholders' remedy in case of nonpayment shall be confined to enforcement of the special assessments made for the improvement and to the guaranty fund.

Section 8. This ordinance shall take effect immediately after its passage.

Passed the City Council February 21, 2011.

(Delivered to the Mayor on the 24th day of February, 2011)

ORDINANCE NO. C34699

An ordinance ordering the **Street, Water and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements of Myrtle Street from Dalke Avenue to Francis Avenue**, establishing a local improvement district and creating a local improvement fund therefore, directing the levy of special assessments and providing a method of financing to pay the cost and expense of said improvement.

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. That **Street, Water and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements of Myrtle Street from Dalke Avenue to Francis Avenue** be improved by **paving, water and sewer of the same,** and that such other work be done as may be necessary in connection therewith, according to the maps, plans, drawings and specifications prepared by the Engineering Services Director of said City, and on file in the Office of the said Engineering Services Director, which said maps, plans, drawings and specifications are hereby approved and adopted.

Section 2. That the cost of said improvement, including all the necessary and incidental expenses, shall be borne by and assessed against the property included in the local improvement district hereinafter established and described and in accordance with law. The City of Spokane shall not be liable in any manner for any portion of the cost or expense of said improvement, except as may be herein provided.

Section 3. That there is hereby established a local improvement district to be known as **"Local Improvement District No. 2009163 for Street, Water and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements of Myrtle Street from Dalke Avenue to Francis Avenue,"** which said district embraces as nearly as practicable all of the lots, tracts and parcels of land and other property specially benefited by the said improvement, and described as follows:

All that property described as follows:

LOTS	BLOCK	ADDITION
1-16	1	Columbia
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All of 6-7	4	Hillyard Acre Tracts
N ½ of 8-10	4	Hillyard Acre Tracts
1-5	5	Hillyard Acre Tracts
8-10	5	Hillyard Acre Tracts

Situated in the NE Quarter of Section 34, Township 26, Range 43 East of the Willamette Meridian.

Section 4. That the sum charged against any lot, tract and parcel of land or other property in said district may be paid during the thirty (30) day period allowed for the payment of assessments without penalty, interest, or cost, and that thereafter the sum remaining unpaid may be paid in equal annual installments bearing interest at such rate or rates as authorized by the City Council, in accordance with state law and the charter and ordinances of the City of Spokane. All of which said lots, tracts and parcels of land or other property in said district are specially benefited by said improvement.

For the purpose of this improvement there is hereby created a special fund for the cost and expense of the said improvement to be designated as, **"Local Improvement District No. 2009163 for Street, Water and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements of Myrtle Street from Dalke Avenue to Francis Avenue,"** into which shall be paid the special assessments hereby authorized when collected as provided by law. The said fund shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide for the cost and expense of the improvement, or installment notes for same.

Section 5. That for the purpose of paying the cost and expense of said improvement there shall be issued by the City of Spokane local improvement bonds, installment notes, or warrants, said bonds, installment notes, or warrants to bear interest at such rate or rates as authorized by the City Council. Said bonds, installment notes, or warrants shall be redeemable only out of the local improvement fund created by this ordinance. In case said improvement is made by contract, said bonds, installment notes, or warrants shall be delivered to the contractor in payment of the contract price, or, the City may, at its election, sell said bonds, installment notes, or warrants and make payment in cash. If provision is made in said contract for progress payments to be made upon estimates, local improvement warrants shall be issued upon the local improvement fund created herein for the purpose of making such progress payments. The improvement bonds herein provided for may be sold by the Treasurer of the City of Spokane at public or private sale at not less than their

par value and accrued interest. In such event, the proceeds thereof shall be applied in payment of the cost and expense of the improvement. No bonds shall be issued in excess of the cost of the improvement, nor shall they be issued prior to twenty (20) days after the thirty (30) days allowed for the payment of assessments without penalty, interest, or cost.

Section 6. The City Administrator is hereby directed to advertise for bids for making said improvement, reserving to the City the right to reject any and all bids. In case a satisfactory bid is received and accepted, the contract for said improvement shall provide that the same shall be completed in all things in accordance with the maps, plans, drawings and specifications for said improvement herein referred to, and shall also provide that the contractor making the improvement shall accept the bonds or warrants herein provided for at par and accrued interest in payment of the contract price for such work, to the extent of such bond or warrant issue, if the City shall so elect. In case no satisfactory bid is received, as in RCW 35.43.190 set forth, said improvement may be made by the City and payment therefore shall be made as otherwise provided herein.

Section 7. No bid, acceptance of any bid, or contract relating to said improvement shall be binding upon the City until the assessments herein provided for shall be confirmed by ordinance. The City shall not be under any obligation or duty to confirm any assessment or assessment roll and, if for any reason the same be not confirmed, the bid, acceptance of bid, or contract shall be of no force or effect. The City shall not be liable or responsible in any manner, except to account for the local improvement bonds and fund herein provided for, and except as to the guaranty fund provided for in Ordinance No. C4155. Bondholders' remedy in case of nonpayment shall be confined to enforcement of the special assessments made for the improvement and to the guaranty fund.

Section 8. This ordinance shall take effect immediately after its passage.

Passed the City Council February 21, 2011.

Alexander Joe Shogan Jr
Council President

Attest: Terri L Pfister
City Clerk

CITY OF SPOKANE WASHINGTON

LID #2009163

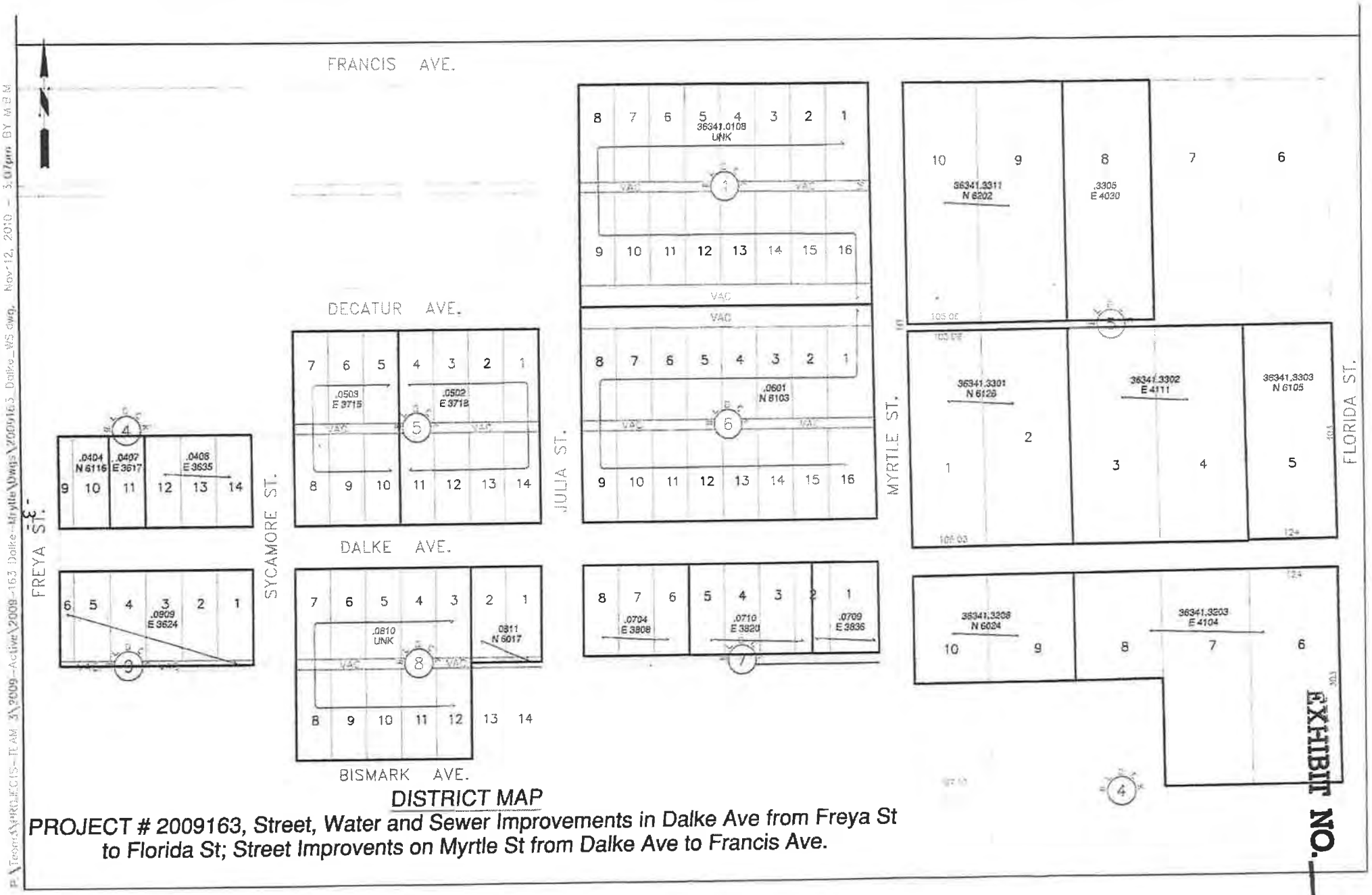
Approved as to form:

Assistant City Attorney

Mayor

2/28/2011
Date

February 28, 2011
Effective Date



DISTRICT MAP

PROJECT # 2009163, Street, Water and Sewer Improvements in Dalke Ave from Freya St to Florida St; Street Improvents on Myrtle St from Dalke Ave to Francis Ave.

EXHIBIT NO. 2

CITY OF SPOKANE
DEPARTMENT OF
ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.6124
Spokaneengineering.org

EXHIBIT NO. 3

ENGINEER'S CERTIFICATE

Hearing Examiner
City of Spokane, Washington

Complying with Ordinance Number C-34699, creating Local Improvement District Number 2009163, I have prepared the following assessment roll in accordance with Ordinance Number C-138, and RCW 35.43 et seq and RCW 35.44 et seq. The actual cost of said improvement in the sum of Three Hundred Eighty-one Thousand, Six Hundred Thirty-seven & three/100 Dollars ($381,637.03) and that the same amount has been equitably apportioned in the attached roll to the property therein described according to the special benefits resulting from said improvements to each lot, tract, parcel or portion thereof, as set opposite each of the tracts respectively in the column marked "Amount of Assessment", certifying that this assessment roll, consisting of eight (8) sheets, is a true and correct assessment roll of the aforesaid improvement.

I herewith transmit this roll to you, through the office of City Clerk, for equalization and confirmation.

Sincerely,

Kyle Twohig
Enginering Operations Manager

Dated: June 13, 2013

projects\2009163\eng crt.doc

CITY OF SPOKANE
ENGINEERING SERVICES
**** FINAL ASSESSMENT ROLL ****

EXHIBIT NO. 4

FILE	PROJECT DESCRIPTION
2009163	Dalke Avenue from Freya Street to Florida Street; Myrtle Street from Dalke Avenue to Francis Avenue

FILE	PROJECT DESCRIPTION	IMPROVEMENT TYPE
2009163 LID	Dalke Avenue from Freya Street to Florida Street Myrtle Street from Dalke Avenue to Francis Avenue	Paving. Water, Sewer

Completed Contract Price	$ 673,867.75
Sales Tax	5,586.02
Engineering Costs	178,917.00
City Clerk	256.59
City Treasurer	2,450.00
Accounting	6,443.05
Interest on Contract Payments	13,107.62
Bonds	577.50
Attorney's Fee	5,724.55
Tree Work	5,232.01
Hydrant Relocates	9,730.27
Right-of-Way Expense	10,640.38
Geotech Work	9,394.29
Total Project Cost	$ 921,927.03
Supplemental Funding:	
10-Year Street Bond	300,707.65
Community Development Funds	239,582.35
Net Project Cost after Supplemental Funding	$ 381,637.03

PBWK FILE	PROJECT DESCRIPTION
2009163 LID	STREET, WATER, AND SEWER IMPROVEMENTS IN DALKE AVEFROM FREYA ST TO FLORIDA ST: STREET IMPROVEMENTS N MYRTLE ST FROM DALKE AVE TO FRANCIS AVE

1 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI(
34631-0108 / 36341.0108	COLUMBIA ADD LTS 1 THRU 16 BLK 1 INCL N1/2 OF VAC DECATUR S T S OF & ADJ & VAC ALLEY IN BLK 1 EXC ROW TAKE DESC IN AFN 5 999318	ADDRESS UNKNOWN	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
SHUMAN, STEPHEN & DEBORA PO BOX 6332 SPOKANE WA 99217	SHUMAN, STEPHEN & DEBORA PO BOX 6332 SPOKANE WA 99217	.00	DRIVEWAY DRIVEWAY TRANSITION MYRTLE STREET	466.57 21.41 15,697.77	16,185.7!

2 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI(
34631-0404 / 36341.0404	COLUMBIA ADD PT OF L5TO10 B4 ALL L5;L6&9 EXC ST;ALL L10	N 6116 FREYA ST	

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
SALMON CREEK LEASING INC N 6116 FREYA ST SPOKANE WA 99217 USA	SALMON CREEK LEASING INC N 6116 FREYA ST SPOKANE WA 99217 USA	4,282.55	DRIVEWAY DRIVEWAY TRANSITION SEWER MAIN SIDE SEWER WATER MAIN WATER SERVICE	305.52 339.62 1,996.07 1,318.88 3,247.56 1,938.66	13,428.8

3 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
34631-0407 / 36341.0407	COLUMBIA ADD.: LT11 BLK4.	E 3617 DALKE AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
SALMON CREEK LEASING AND INV N 6116 FREYA ST SPOKANE WA 99217 USA	SALMON CREEK LEASING AND INV N 6116 FREYA ST SPOKANE WA 99217 USA	3,058.97	DRIVEWAY DRIVEWAY TRANSITION SEWER MAIN SIDE SEWER WATER MAIN WATER SERVICE	246.68 53.40 1,425.77 1,318.88 2,319.68 1,938.66	10,362.0

4 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
34631-0408 / 36341.0408	COLUMBIA ADD.: LTS12-14 BLK4.	E 3635 DALKE AV	Y

***** FINAL ASSESSMENT ROLL *****

PBWK FILE	PROJECT DESCRIPTION
2009163 LID	STREET, WATER, AND SEWER IMPROVEMENTS IN DALKE AVEFROM FREYA ST TO FLORIDA ST: STREET IMPROVEMENTS N MYRTLE ST FROM DALKE AVE TO FRANCIS AVE

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
3D LLC	3D LLC	9,176.90			23,970.8
N 6116 FREYA ST	N 6116 FREYA ST		DRIVEWAY	246.68	
SPOKANE WA 99217 USA	SPOKANE WA 99217 USA		DRIVEWAY TRANSITION	53.40	
			SEWER MAIN	4,277.30	
			SIDE SEWER	1,318.88	
			WATER MAIN	6,959.05	
			WATER SERVICE	1,938.66	

5 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
34631-0502 / 36341.0502	COLUMBIA ADD LTS 1 THRU 4 & LTS 11 THRU 14 BLK 5 INC VAC ALLEY LYG THEREIN	E 3718 DECATUR AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
ARS PROPERTIES, LLC	ARS PROPERTIES, LLC	12,376.74			23,594.1
E 110 PACIFIC	E 110 PACIFIC		WATER MAIN	9,278.74	
SPOKANE WA 99202	SPOKANE WA 99202		WATER SERVICE	1,938.66	

PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
34631-0503 / 36341.0503	COLUMBIA ADD LTS 5 THRU 10 BLK 5 INC VAC ALLEY LYG THEREIN	E 3715 DALKE AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
LOSHBAUGH, E	LOSHBAUGH, E	9,282.56			18,669.7
E 8210 HAMILTON RD	E 8210 HAMILTON RD		DRIVEWAY	489.45	
CHATTAROY WA 99003-9761USA	CHATTAROY WA 99003-9761USA		WATER MAIN	6,959.05	
			WATER SERVICE	1,938.66	

7 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
34631-0601 / 36341.0601	COLUMBIA ADD LTS 1 TO 16 BLK 6 INC S1/2 OF VAC DECATUR ST LYG N OF & ADJ EXC RD	N 6103 MYRTLE ST	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
SHUMAN, STEPHEN & DEBORA	SHUMAN, STEPHEN & DEBORA	23,020.04			35,711.7
PO BOX 6332	PO BOX 6332		DRIVEWAY	268.33	
SPOKANE WA 99217	SPOKANE WA 99217		DRIVEWAY TRANSITION	19.11	
			MYRTLE STREET	12,404.23	

PBWK FILE	PROJECT DESCRIPTION
2009163 LID	STREET, WATER, AND SEWER IMPROVEMENTS IN DALKE AVEFROM FREYA ST TO FLORIDA ST: STREET IMPROVEMENTS N MYRTLE ST FROM DALKE AVE TO FRANCIS AVE

8 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIC
34631-0704 / 36341.0704	COLUMBIA ADD L6TO8 B7	E 3808 DALKE AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
AMRINE, BONNIE J E 25517 RIVER RD OTIS ORCHARDS WA 99027-9444USA	AMRINE, BONNIE J E 25517 RIVER RD OTIS ORCHARDS WA 99027-9444USA	9,176.90		9,176.9

9 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
34631-0709 / 36341.0709	COLUMBIA ADDITION LT 1 & E1/2 LT 2 BLK 7 (PARCEL A OF R OS #5679254 BK 133 PG 23) EXC RD	E 3836 DALKE AV	

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMEN
MANZAK, FRANK A & MELODY J E 8822 WOODLAND PARK DR SPOKANE WA 99217 USA	MANZAK, FRANK A & MELODY J E 8822 WOODLAND PARK DR SPOKANE WA 99217 USA	5,745.83		5,745.8

0 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
34631-0710 / 36341.0710	COLUMBIA ADDITION W1/2 LT 2 & ALL LTS 3 THRU 5 BLK 7 (PARCEL B OF ROS #5679254 BK 133 PG 23)	E 3820 DALKE AV	

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMEN
MANZAK, FRANK A & MELODY J E 8822 WOODLAND PARK DR SPOKANE WA 99217 USA	MANZAK, FRANK A & MELODY J E 8822 WOODLAND PARK DR SPOKANE WA 99217 USA	10,698.03	DRIVEWAY 369.72 DRIVEWAY TRANSITION 1,116.08	12,183.8

11 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
34631-0810 / 36341.0810	COLUMBIA ADD LTS 3 THRU 12 BLK 8	ADDRESS UNKNOWN	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMEN
ABCO WOOD RECYCLING LLC PO BOX 1329 POST FALLS ID 83877	ABCO WOOD RECYCLING LLC PO BOX 1329 POST FALLS ID 83877	15,470.93	DRIVEWAY 969.51 WATER MAIN 11,598.42 WATER SERVICE 3,877.33	31,916.:

12 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-S:
34631-0811 / 36341.0811	COLUMBIA ADD LTS 1 & 2, BLK 8 & N1/2 OF VAC ALLEY LYG SLY &	N 6017 JULIA ST	Y

PBWK FILE	PROJECT DESCRIPTION
2009163 LID	STREET, WATER, AND SEWER IMPROVEMENTS IN DALKE AVEFROM FREYA ST TO FLORIDA ST: STREET IMPROVEMENTS N MYRTLE ST FROM DALKE AVE TO FRANCIS AVE

ADJ TO SD LTS

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
NORTHWEST MAILING PROPERTIES, N 6017 JULIA ST SPOKANE WA 99217	NORTHWEST MAILING PROPERTIES, N 6017 JULIA ST SPOKANE WA 99217	6,188.37	DRIVEWAY	483.95	6,672.3

13 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
34631-0909 / 36341.0909	34-26-43; COLUMBIA ADD LTS 1 THRU 6 BLK 9 EXC FREYA ST; TOG W/ N 1/2 VACATED ALLEY S OF AND ADJACENT TO COLUMBIA ADD LT S1-6 BLK9 (ORDINANCE C-34381).	E 3624 DALKE AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEI
HARLEY DOUGLASS, INC N 5620 FLORIDA SPOKANE WA 99217	HARLEY DOUGLASS, INC N 5620 FLORIDA SPOKANE WA 99217	16,708.60	DRIVEWAY SEWER MAIN SIDE SEWER WATER MAIN WATER SERVICE	486.84 7,699.14 6,721.26 12,526.28 1,938.66	46,080.

14 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-S
34631-3203 / 36341.3203	HILLYARD AC TRS ALL L6&7;N1/2 OF L8 B4 EXC ROW FOR DALKE PER AFN 6092616	E 4104 DALKE AV	

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSME
TOMBARI FAMILY LIMITED, THE S 4102 REGAL STE 202 SPOKANE WA 99223	LTPH, TOMBARI FAM E 2720 SINTO AVE SPOKANE WA 99202-3659USA	23,582.23	DRIVEWAY WATER SERVICE	1,122.15 5,816.00	30,520.

15 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-S
34631-3208 / 36341.3208	HILLYARD ACRE TRS N1/2 OF LTS 9 & 10 BLK 4 EXC RD	N 6024 MYRTLE ST	

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSME
ALEX BUTTERS MASONRY PARTNERSH W 5511 BEDFORD AVE SPOKANE WA 99208-	ALEX BUTTERS MASONRY PARTNERSH W 5511 BEDFORD AVE SPOKANE WA 99208-	14,605.76	DRIVEWAY SIDE SEWER WATER SERVICE	365.60 1,318.88 1,938.66	18,228.

PBWK FILE	PROJECT DESCRIPTION
2009163 LID	STREET, WATER, AND SEWER IMPROVEMENTS IN DALKE AVEFROM FREYA ST TO FLORIDA ST: STREET IMPROVEMENTS N MYRTLE ST FROM DALKE AVE TO FRANCIS AVE

16	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIG
	34631-3301 / 36341.3301	HILLYARD AC TRS L1-2 B5; EXC ROW PER DEED AFN 6095265	N 6126 MYRTLE ST	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
ROBERTS, ROBERT J & DONNA M S 7710 FRONTAGE RD BILLINGS MT 59101-	ROBERTS, ROBERT J & DONNA M S 7710 FRONTAGE RD BILLINGS MT 59101-	11,565.41	DRIVEWAY DRIVEWAY TRANSITION MYRTLE STREET SIDE SEWER	959.81 44.17 12,756.29 1,318.88	26,644.56

17	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI(
	34631-3302 / 36341.3302	HILLYARD AC TRS LTS 3-4 BLK 5 EXC RD	E 4111 DALKE AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
HATTENBURG, MELVIN R & LOIS V N 12918 FREYA ST MEAD WA 99021-8921USA	HATTENBURG, MELVIN R & LOIS V N 12918 FREYA ST MEAD WA 99021-8921USA	15,721.48	DRIVEWAY DRIVEWAY TRANSITION MYRTLE STREET SIDE SEWER WATER SERVICE	1,167.13 220.41 787.69 756.87 1,938.66	20,592.2

18	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
	34631-3303 / 36341.3303	HILLYARD AC TRS LT5 BLK 5 EXC RD	N 6105 FLORIDA ST	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
TOMBARI INVESTMENTS, LLC S 4102 REGAL STE 202 ST SPOKANE WA 99223	TOMBARI INVESTMENTS, LLC S 4102 REGAL STE 202 ST SPOKANE WA 99223	7,860.74	SIDE SEWER	3,956.65	11,817.3

19	PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-S1
	34631-3305 / 36341.3305	HILLYARD AC TRS L8 B5 EXC N 11 FT FOR RD ROW	E 4030 FRANCIS AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEI
HATTENBURG, MELVIN R & LOIS V N 12918 FREYA ST MEAD WA 99021-8921USA	HATTENBURG, MELVIN R & LOIS V N 12918 FREYA ST MEAD WA 99021-8921USA	.00	MYRTLE STREET	1,767.17	1,767.:

CITY OF SPOKANE
PUBLIC WORKS DEPARTMENT
***** FINAL ASSESSMENT ROLL *****

PBWK FILE	PROJECT DESCRIPTION
2009163 LID	STREET, WATER, AND SEWER IMPROVEMENTS IN DALKE AVEFROM FREYA ST TO FLORIDA ST: STREET IMPROVEMENTS N MYRTLE ST FROM DALKE AVE TO FRANCIS AVE

20 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SI
34631-3311 / 36341.3311	HILLYARD ACRE TRACTS LOTS 9-10 BLK 5 EXC RD	N 6206 MYRTLE ST	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMEN
CLARK, KEITH V & PATRICIA M	CLARK, KEITH V & PATRICIA M	.00			18,367.4
N 8026 MARKET ST	N 8026 MARKET ST		DRIVEWAY	380.32	
SPOKANE WA 99207-8107USA	SPOKANE WA 99207-8107USA		DRIVEWAY TRANSITION	275.03	
			MYRTLE STREET	17,712.10	

PBWK FILE	PROJECT DESCRIPTION
2009163 LID	STREET, WATER, AND SEWER IMPROVEMENTS IN DALKE AVEFROM FREYA ST TO FLORIDA ST: STREET IMPROVEMENTS N MYRTLE ST FROM DALKE AVE TO FRANCIS AVE

SPECIAL-DESCRIPTION	ASSESSMENT-METHOD-DESCRIPTION	METHOD-CODE
DISTRICT	ZONE TERMINI	ZT
DRIVEWAY	RELATIVE COST	RC
DRIVEWAY TRANSITION	RELATIVE COST	RC
SEWER MAIN	RELATIVE COST	RC
SIDE SEWER	RELATIVE COST	RC
WATER MAIN	RELATIVE COST	RC
WATER SERVICE	RELATIVE COST	RC
MYRTLE STREET	RELATIVE SCALER	RS

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.6124
Spokaneengineering.org

EXHIBIT NO. 5

June 13, 2013

File Number: 2009163
Parcel Number: «Parcel_1»

Assessment: $ «Assessment»

«Name»
«Address1»
«Address2»

RE: Assessment and Hearing for Street Improvements in Dalke Avenue from Freya Street to Florida Street and Myrtle Street from Dalke Avenue to Francis Avenue

Dear «Name»:

The above project has been completed, and a description of the assessment district is attached. The City proposes to assess your property in the **amount shown in the upper left hand corner of this letter**. In order to provide an opportunity for you to become better informed and to answer questions concerning the project and your assessment, a meeting will be held by the Department of Engineering Services on June 27, 2013, at 2:30 P.M., in the Conference Room 2A, 2nd Floor of the Spokane City Hall. This is an informal meeting intended to address questions or concerns that you may have. If you are unable to attend this meeting, you may contact me for information at the number shown below.

In compliance with the Statutes of the State of Washington, a hearing will be held before the City Hearing Examiner in Conference Room 2B, 2nd Floor of the City Hall, 808 West Spokane Falls Boulevard, at 2:30 P.M., on July 9, 2013. This hearing is to correct any irregularities or errors that may have occurred in assessing your property; it is not for the purpose of discussing the advisability of the project. The decision to create this Assessment District was made at a previous hearing and construction of this project is now completed. The Hearing Examiner will sit as a board of equalization for the purpose of considering the assessment roll. This will be the only hearing held on the assessments for this project.

Persons objecting to this assessment roll must submit written objections that comply with the requirements of Spokane Municipal Code (SMC) 7.05.480 to the Director of Engineering Services by the date and time scheduled for the hearing. Only persons who have submitted such written objections will be permitted to testify at the hearing. To be considered, written objections must contain the nature of the objection, the evidence to be presented in support of the objection, and the witnesses to be called to testify in support of the objection. The Hearing Examiner will consider the objections made and may correct, revise, raise, lower, change, or modify the roll or any part thereof, or set aside the roll and order the assessments to be made anew.

The decision of the Hearing Examiner will be final unless appealed to the City Council. The decision of the Hearing Examiner may only be appealed by persons who have submitted written objections that comply with the requirements stated in this letter. All appeals must comply with the requirements of SMC Section 7.05.540. Copies of the Spokane Municipal Code can be obtained through the City's website at www.spokanecity.org, or by contacting this office.

In Summary - Dates to Note:

June 27, 2013 at 2:30 P.M.	**Informational Meeting**
July 8, 2013	**Written objections due before the hearing**
July 9, 2013 at 2:30 P.M.	**Hearing**

The costs for the improvement are as follows:

Contract Value	$ 673,867.75
Sales Tax	5,586.02
Design & Inspection Expense	178,917.00
City Clerk's Expense	256.59
Treasurer's Expense	2,450.00
Accounting Expense	6,443.05
Interest	13,107.62
Bonds Cost	577.50
Legal Expense	5,724.55
Hydrant Relocates	9,730.27
Right-of-Way Expense	10,640.38
Tree Related	5,232.01
Geotech Related	9,394.29
Total Project Cost	$ 921,927.03
Supplemental Funding:	
Community Development Block Grant	239,582.35
10-Year Street Bond	300,707.65
Total Supplemental Funding	540,290.00
Net Project Assessment	$ 381,637.03

Please note your assessment amount in the upper left hand corner of page one.

Approximately thirty days before the due date of the assessment, the City Treasurer will send a statement showing the amount of the assessment. All or any part of the assessment may be paid without interest before the date shown on the statement. After the date shown on the statement, the balance will be divided over ten years with ten annual installments with interest computed each year on the unpaid balance.

Funding assistance may pay 50, 75, or 100% of your assessment. In order to qualify for assistance, please review the enclosed application. If your income level and family size are within the limits, fill out the application and return it to the Department of Engineering Services at the address shown. Along with your application form, please include a copy of your 2012 Federal Income Tax Return. **Please note, if you have previously been approved for assistance you do not need to apply again. However, if your income has been reduced as of 2012 or your family size increased, you may now qualify for assistance. Please review the application carefully to determine whether to reapply. This application must be submitted to our office by July 8, 2013.**

If you desire any additional information, please contact me in the Department of Engineering Services at 625-6700, or at the address above.

Sincerely,

Michael Myers
L.I.D. Coordinator

Attachments: District Description, Affidavit
MM/sh

ASSESSMENT DISTRICT DESCRIPTION

PROJECT NO. 2009163

Description of the assessment district for:

Street, Water, and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements on Myrtle Street from Dalke Avenue to Francis Avenue

---

All that property described as follows:

LOTS	BLOCK	ADDITION
1-16	1	Columbia
Vacated Alley	1	Columbia
9-14	4	Columbia
1-14	5	Columbia
Vacated Alley	5	Columbia
1-16	6	Columbia
Vacated Alley	6	Columbia
1-8	7	Columbia
1-12	8	Columbia
Portion of Vacated Alley	8	Columbia
1-6	9	Columbia
N ½ Vacated Alley	9	Columbia
Vacated Decatur Ave	1 & 6	Columbia
All of 6-7	4	Hillyard Acre Tracts
N ½ of 8-10	4	Hillyard Acre Tracts
1-5	5	Hillyard Acre Tracts
8-10	5	Hillyard Acre Tracts

Situated in the **NE** Quarter of Section **34**, Township **26**, Range **43** East of the Willamette Meridian.

End of Description.

By: SRM Date: October 7th, 2010

Checked:_____ Date:____/____/_____

STREET BOND LID FUNDING

Project 2009163

THIS APPLICATION MAY REDUCE YOUR COST **PROVIDED** YOU QUALIFY FOR ASSISTANCE ASSISTANCE IS AVAILABLE ON A **FIRST-COME, FIRST-SERVED** BASIS, ACCORDING TO THE DATE THIS APPLICATION IS RECEIVED IN THE ENGINEERING SERVICES DEPARTMENT.

APPLICATION FOR LOCAL IMPROVEMENT DISTRICT (LID) FINANCIAL ASSISTANCE

The City of Spokane's Street Bond LID Program may pay 100%, 75%, or 50% of the LID assessment for stree improvements for residential property owners who occupy their residence within the Local Improvement District Owners must have low and moderate incomes and have non-income producing assets that **do not** exceed $35,000.00. Your personal residence is excluded from the $35,000.00 asset limit.

The amount of assistance depends on family size, gross annual income and assets. If your income is less tha Line A of the chart below, you may receive 100% assistance. If your income is between Line A and B, you ma receive 75% assistance. If your income is between Line B and C, you may receive 50% assistance. At any leve of assistance, your assets that do not produce income may not exceed $35,000.00 (personal residenc excluded).

GROSS ANNUAL INCOME LIMIT BY NUMBER OF PERSONS IN FAMILY

		1	2	3	4	5	6	7	8	9+
A	100%	22,050	25,200	28,350	31,450	34,000	36,500	39,000	41,550	44,05
B	75%	28,650	32,725	36,825	40,875	44,175	47,425	50,700	53,975	57,22
C	50%	35,250	40,250	45,300	50,300	54,350	58,350	62,400	66,400	70,40

If you think you qualify for this assistance, COMPLETE BOTH SIDES OF THIS FORM. BE SURE TO SIGN AN DATE THE FORM AND RETURN IT ALONG WITH A COMPLETE COPY OF YOUR 2012 FEDERAL TA RETURN, YOUR W2 FORM(S), SOCIAL SECURITY BENEFIT LETTER, 2012 DSHS AWARD LETTER O ANY OTHER APPLICABLE DOCUMENTS SHOWING INCOME TO THE DEPARTMENT OF ENGINEERIN SERVICES, 808 West Spokane Falls Boulevard, Spokane, WA 99201-3343.

==========

Name (Owner/Purchaser) _____ Phone _____

Address of Property _____ Lot _____ Block _____ Addition _____

Mailing Address _____ Zip Code _____

Date of Birth _____ Family Size (include yourself) _____

Employer _____ Employer's Address _____

Position _____ Years of Service _____

The following information is not required and is voluntary:

Is anyone in your household handicapped? Yes _____ No _____

Indicate number of persons in your household by Ethnic Origin (include yourself).

ETHNICITY:		RACE:		RACE (continued):	
Hispanic or Latino		White		American Indian/Alaskan Native & White	
Not Hispanic or Latino		Black/African American		Asian & White	
		Asian		Black/African American & White	
		American Indian/Alaskan Native		American Indian/Alaskan Native & Black/African American	
		Native Hawaiian/Other Pacific Islander		Other	

GROSS HOUSEHOLD INCOME FOR **2012**

List all sources of income:

Salary/Wage	$_____
Social Security	$_____
Retirement/Pension	$_____
Veteran Pension	$_____
Public Assistance	$_____
Investments	$_____
Interest	$_____
Rent	$_____
Other - List other sources of income:	
_____	$_____
_____	$_____
_____	$_____
_____	$_____
_____	$_____
_____	$_____
TOTAL INCOME	$_____

ASSETS: List all current assets with over $1,000.00 value:

Cash (Including checking & savings)	$_____
Tax Assessed Value of:	
Real Estate:	
Personal residence	$_____
Other Real Estate	$_____
Automobile Value	$_____
Boat Value	$_____
Stock and Bonds	$_____
Savings Certificates	$_____
Other - List other assets you own:	
_____	$_____
_____	$_____
_____	$_____
_____	$_____
_____	$_____
TOTAL ASSETS	$_____

==========

I believe that I, _____ (print name) am eligible for financial assistanc under the Street Bond LID Program and hereby request 50%, 75%, 100% (circle one) assistance should I quali on the basis of gross household income and total assets. I understand this assistance will be provided on FIRST-COME, FIRST-SERVED basis, as long as funds are available; and only to those persons who have bee approved on the basis of this application and are the owners/purchasers and occupants of the residenti property. Furthermore, I hereby certify, under penalty of perjury, that the above information is true and correct a of this date, to the best of my knowledge. I further authorize the City of Spokane or its authorized representati to have access to any and all financial records, in addition to my submitted Federal Tax Returns, for the purpos of verifying my/our annual income and assets for the year of 2012 (last full year). Please have all own applicant(s) requesting assistance sign and date.

_____ Signed

_____ Signed

_____ Date

_____ Date

IF YOU HAVE ANY QUESTIONS, CALL THE DEPARTMENT OF ENGINEERING SERVICES AT 625-6700.

==========

For Community Development Use Only

Approved for Assistance: Yes/No _____%

_____ Director of Community, Housing & Human Services

_____ Date

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.612
Spokaneengineering.org

EXHIBIT NO. 6

CONFIRMATION
LOCAL IMPROVEMENT DISTRICT
CERTIFICATE OF MAILING

STREET IMPROVEMENTS IN DALKE AVENUE FROM FREYA STREET TO FLORIDA STREET; MYRTLE STREET FROM DALKE AVENUE TO FRANCIS AVENUE

2009163

I, Kyle Twohig, Engineering Operations Manager, Department of Engineering Services, hereby certify that written notices of the hearing before the Hearing Examiner were mailed under my direction to all owners or reputed owners of the property at the time and in the manner prescribed by law, and that said notices were mailed to such owners or reputed owners more than fifteen days before the date set for the hearing.

Kyle Twohig
Engineering Operations Manager

Letters Mailed: June 13, 2013

Confirmation Hearing: July 9, 2013

PMT/slh

\projects\2009163\confirmtion mail crt.doc

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON) SS
COUNTY OF SPOKANE)
CITY OF SPOKANE)

EXHIBIT NO._____

I, TERRI L. PFISTER, CITY CLERK of Spokane, Washington, and ex-officio editor of the *Official Gazette*, a paper published weekly by the City of Spokane, Washington, do hereby certify that the NOTICE OF ASSESSMENT ROLL HEARING attached hereto and which is hereby made a part of this proof of publication was published in said paper to wit:

On the 12th and 19th days of June 2013, and that said NOTICE OF ASSESSMENT ROLL HEARING was published in every copy of the said paper of said dates.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Spokane this 19th day of June 2013.

Terri L. Pfister

City Clerk
City of Spokane, Washington

CITY OF SPOKANE WASHINGTON

(See Attached for Remainder of Affidavit)

ASSESSMENT ROLL HEARING NOTICE

LID NO. 2009163

Local Improvement District No. 2009163 for street, sewer and water improvements in Dalke Avenue from Freya Street to Florida Street and Myrtle Street from Dalke Avenue to Francis Avenue.

The Assessment Roll for the above Local Improvement District, prepared under City of Spokane Ordinance No. C34699 enacted February 21, 2011, was filed with the Spokane City Clerk May 29, 2013, and is now open for public inspection.

The Spokane City Council has **fixed Tuesday, July 09, 2013, at 2:30 p.m.,** in the Second Floor Conference Room of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington, as the time and place for the Hearing to be held before the City Hearing Examiner upon said roll.

All persons who may desire to object thereto shall make such objection in writing and file the same with the City Engineer at or prior to the date fixed for such Hearing. Only persons who have submitted written objections will be permitted to testify at the Hearing.

At the time and place fixed, and at such other times as the Hearing may be continued to, the City Hearing Examiner will sit as a Board of Equalization for the purpose of considering said roll, and at such Hearing, or Hearings, will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change, or modify such roll, or any part thereof, or set aside such roll and order that such assessment be made de novo.

This will be the only Hearing held on the assessment roll and will be final unless appealed to the Spokane City Council. Failure to submit written objections to the Hearing Examiner will be deemed a waiver of the right to appeal. All appeals must comply with Section 7.05.540 of the Spokane Municipal Code.

Specific information regarding this assessment roll may be obtained by contacting the Engineering Services Department, Third Floor, Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington 99201—telephone number (509) 625-6700.

Terri L. Pfister
Spokane City Clerk

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. Individuals requesting reasonable accommodations or further information may call, write, or email 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. 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.

Publish: June 12 and 19, 2013

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.6124
Spokaneengineering.org

LOCAL IMPROVEMENT DISTRICT (L.I.D.) CONFIRMATION REPORT

FOR EXHIBIT NO. 8

Local Improvement District No. 2009163

SUMMARY AND RECOMMENDATION

Confirmation of Assessments for: Street, Water and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements on Myrtle Street from Dalke Avenue to Francis Avenue

Recommendation: Approve

FINDINGS OF FACT

BACKGROUND INFORMATION

Date of Ordering Ordinance: February 28, 2011

Ordering Ordinance Published: March 2, 2011

Project Description: Street, Water and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements on Myrtle Street from Dalke Avenue to Francis Avenue

Reason and Purpose of Project: This project is designed to provide neighborhood circulation, dust control, adequate storm drainage, water and sewer service and improved quality of life within the assessment district.

Total Project Cost	$921,927.03
Supplemental Funding:	
10-Year Street Bond	300,707.65
Community Development Funds	239,582.35
Net Assessment to Property Owners	**$381,637.03**
Total Number of Parcels:	20

PROCEDURAL INFORMATION

Confirmation Hearing: July 9, 2013

Notice Dates:

Mailed Final Hearing Notification: June 13, 2013

Notice of Assessment Roll Hearing Published: June 12 & 19, 2013

Information Meeting: June 27, 2013

Known Opponents:

Keith V. Clark
8026 N. Market St.
Spokane WA 99207-8107

Date of Report:

July 2, 2013

Responsible Staff Person:

John Gomez, P.E., Senior Engineer - Design
City of Spokane
Department of Engineering Services
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6700

FINDINGS AND CONCLUSIONS

Local Improvement Districts finalized by a confirming Ordinance are subject to Spokane Municipal Code (SMC) Chapter 7.05 and may be approved only if they comply with the criteria set forth in SMC 7.05.500. The Department of Engineering Services has reviewed these criteria and all of the available evidence and makes the following Findings and Conclusions to confirm the assessment roll:

1. All property in the Local Improvement District has been assessed proportionally in relation to all other property in the Local Improvement District.

   A zone termini, relative scaler and relative cost method of distributing the project costs has been used insuring proportional assessments.

2. All property in the Local Improvement District is specially benefited in an amount at least equal to the assessment.

   A review of the assessments has been conducted by the Department of Engineering Services staff and it is the Department's judgment that the assessments are equal to or less than the special benefit to the properties in the assessment district. In no case are the assessments greater than the special benefit.

3. All procedures set forth in RCW 35.43 and this Article have been followed.

   On June 13, 2013 notices were sent to all property owners and taxpayers of record advising them of the proposed amount of their assessments and of the date of the hearing before the City's Hearing Examiner in accordance with RCW 35.43. Copies of this correspondence can be found elsewhere in this report.

2009163

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.6124
Spokaneengineering.org

EXHIBIT NO. 9

CONFIRMATION MEETING

FOR LOCAL IMPROVEMENT DISTRICT 2009163

STREET IMPROVEMENTS IN

DALKE AVENUE FROM FREYA STREET

TO FLORIDA STREET AND MYRTLE STREET

DALKE AVENUE TO FRANCIS AVENUE

JUNE 27, 2013

ATTENDANCE ROSTER

No ATTENDANCE

Name	Address	Phone Number
Name	Address	Phone Number
Name	Address	Phone Number
Name	Address	Phone Number
Name	Address	Phone Number
Name	Address	Phone Number
Name	Address	Phone Number
Name	Address	Phone Number
Name	Address	Phone Number

EXHIBIT NO. 10

RECEIVED
JUN 1 0 2013
ENGINEERING SERVICES

June 15, 2013

Michael Myers, L.I.D Coordinator
Department of Engineering Service
808 W. Spokane Falls Blvd.
Spokane, WA 99201

RE: Assessment on street improvements Parcel #36341.3311

In reference to your letter regarding assessments on street improvements, we feel $18,367.45 is extremely exorbitant. Our property on Myrtle is a secondary street which is largely unused and unnecessary for us. To charge us so much for so little benefit seems unfair, especially since we just were assessed a very large amount for street improvements on Francis Avenue.

Please reconsider the amount of our assessment as it is a real hardship in this difficult landlord/tenant income related climate.

I may be reached at 509.979.6099 or at the address on your letter to us. We will be out of town June 21-July 7, but can be reached on the phone, of course.

Sincerely,

Keith V Clark

Keith V. Clark

EXHIBIT NO. 11

Home Builder
HarleyC.Douglass,Inc.
Spokane, Washington
PO Box 234 • Spokane, WA 99005
(509) 487-9792 – Fax: (509) 487-4546

RECEIVED
JUL 03 2013
OFFICE OF THE CITY ATTORNEY

July 3, 2013

RECEIVED
JUL 09 2013
HEARING EXAMINER

City of Spokane
Department of Engineering Services
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3343

Attn: Michael Myers

RE: File: 2009163
Parcel Number 36341.0909

Dear Mr. Myers

After reviewing your letter of June 13, 2013, I do not understand how our assessment of $46,080.78 was reached. According to our calculations, there is 3,297.66 lineal feet of effected land in this project. Our land is 270.0', which is 8.24 % out of the total 3,297.66 lineal feet. Using this 8.24% of the Net Project Assessment of $381,637.03, we come up with an assessment amount of $31,446.89 for our land.

I thank you in advance for your anticipated cooperation.

Harley C. Douglass
Harley C. Douglass, Inc.

HCD/df

RECEIVED
JUL - 3 2013
ENGINEERING SERVICES

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.6124
Spokaneengineering.org

June 13, 2013

File Number: 2009163
Parcel Number: 36341.0909

Assessment: $ 46,080.78

JUN 17 2013

HARLEY DOUGLASS, INC
N 5620 FLORIDA ST
SPOKANE WA 99217

RE: Assessment and Hearing for Street Improvements in Dalke Avenue from Freya Street to Florida Street and Myrtle Street from Dalke Avenue to Francis Avenue

Dear HARLEY DOUGLASS, INC:

The above project has been completed, and a description of the assessment district is attached. The City proposes to assess your property in the **amount shown in the upper left hand corner of this letter**. In order to provide an opportunity for you to become better informed and to answer questions concerning the project and your assessment, a meeting will be held by the Department of Engineering Services on June 27, 2013, at 2:30 P.M., in the Conference Room 2A, 2nd Floor of the Spokane City Hall. This is an informal meeting intended to address questions or concerns that you may have. If you are unable to attend this meeting, you may contact me for information at the number shown below.

In compliance with the Statutes of the State of Washington, a hearing will be held before the City Hearing Examiner in Conference Room 2B, 2nd Floor of the City Hall, 808 West Spokane Falls Boulevard, at 2:30 P.M., on July 9, 2013. This hearing is to correct any irregularities or errors that may have occurred in assessing your property; it is not for the purpose of discussing the advisability of the project. The decision to create this Assessment District was made at a previous hearing and construction of this project is now completed. The Hearing Examiner will sit as a board of equalization for the purpose of considering the assessment roll. This will be the only hearing held on the assessments for this project.

Persons objecting to this assessment roll must submit written objections that comply with the requirements of Spokane Municipal Code (SMC) 7.05.480 to the Director of Engineering Services by the date and time scheduled for the hearing. Only persons who have submitted such written objections will be permitted to testify at the hearing. To be considered, written objections must contain the nature of the objection, the evidence to be presented in support of the objection, and the witnesses to be called to testify in support of the objection. The Hearing Examiner will consider the objections made and may correct, revise, raise, lower, change, or modify the roll or any part thereof, or set aside the roll and order the assessments to be made anew.

The decision of the Hearing Examiner will be final unless appealed to the City Council. The decision of the Hearing Examiner may only be appealed by persons who have submitted written objections that comply with the requirements stated in this letter. All appeals must comply with the requirements of SMC Section 7.05.540. Copies of the Spokane Municipal Code can be obtained through the City's website at www.spokanecity.org, or by contacting this office.

In Summary - Dates to Note:

June 27, 2013 at 2:30 P.M.	**Informational Meeting**
July 8, 2013	**Written objections due before the hearing**
July 9, 2013 at 2:30 P.M.	**Hearing**

The costs for the improvement are as follows:

Contract Value	$ 673,867.75
Sales Tax	5,586.02
Design & Inspection Expense	178,917.00
City Clerk's Expense	256.59
Treasurer's Expense	2,450.00
Accounting Expense	6,443.05
Interest	13,107.62
Bonds Cost	577.50
Legal Expense	5,724.55
Hydrant Relocates	9,730.27
Right-of-Way Expense	10,640.38
Tree Related	5,232.01
Geotech Related	9,394.29
Total Project Cost	$ 921,927.03
Supplemental Funding:	
Community Development Block Grant	239,582.35
10-Year Street Bond	300,707.65
Total Supplemental Funding	540,290.00
Net Project Assessment	$ 381,637.03

Please note your assessment amount in the upper left hand corner of page one.

Approximately thirty days before the due date of the assessment, the City Treasurer will send a statement showing the amount of the assessment. All or any part of the assessment may be paid without interest before the date shown on the statement. After the date shown on the statement, the balance will be divided over ten years with ten annual installments with interest computed each year on the unpaid balance.

Funding assistance may pay 50, 75, or 100% of your assessment. In order to qualify for assistance, please review the enclosed application. If your income level and family size are within the limits, fill out the application and return it to the Department of Engineering Services at the address shown. Along with your application form, please include a copy of your 2012 Federal Income Tax Return. **Please note, if you have previously been approved for assistance you do not need to apply again. However, if your income has been reduced as of 2012 or your family size increased, you may now qualify for assistance. Please review the application carefully to determine whether to reapply. This application must be submitted to our office by July 8, 2013.**

If you desire any additional information, please contact me in the Department of Engineering Services at 625-6700, or at the address above.

Sincerely,

Michael R. Myers

Michael Myers
L.I.D. Coordinator

Attachments: District Description, Affidavit
MM/sh

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.6124
Spokaneengineering.org

ASSESSMENT DISTRICT DESCRIPTION

PROJECT NO. 2009163

Description of the assessment district for:

Street, Water, and Sewer Improvements in Dalke Avenue from Freya Street to Florida Street; Street Improvements on Myrtle Street from Dalke Avenue to Francis Avenue

---

All that property described as follows:

LOTS	BLOCK	ADDITION
1-16	1	Columbia
Vacated Alley	1	Columbia
9-14	4	Columbia
1-14	5	Columbia
Vacated Alley	5	Columbia
1-16	6	Columbia
Vacated Alley	6	Columbia
1-8	7	Columbia
1-12	8	Columbia
Portion of Vacated Alley	8	Columbia
1-6	9	Columbia
N ½ Vacated Alley	9	Columbia
Vacated Decatur Ave	1 & 6	Columbia
All of 6-7	4	Hillyard Acre Tracts
N ½ of 8-10	4	Hillyard Acre Tracts
1-5	5	Hillyard Acre Tracts
8-10	5	Hillyard Acre Tracts

Situated in the **NE** Quarter of Section **34**, Township **26**, Range **43** East of the Willamette Meridian.

End of Description.

By: SRM Date: October 7th, 2010

Checked:_____ Date:____/____/_____

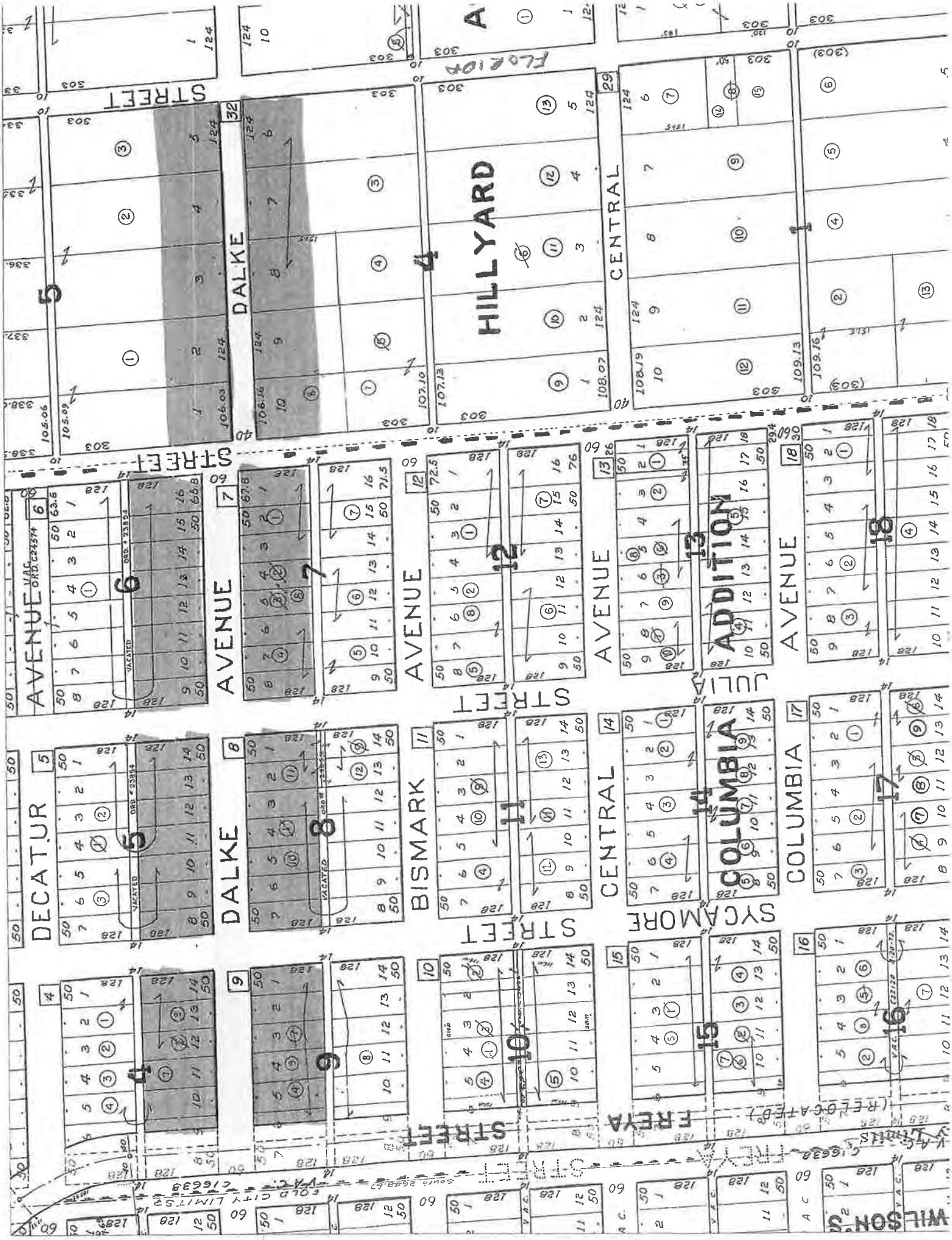
#4 Columbia Addition	#5 Columbia Addition	#6 Columbia Addition	#5 Hillyard A\ddition
#9 Columbia Addition	$8 Columbia Addition	#7 Columbia Addition	#4 Hillyard Addition

Blocks	Frontage (Feet)	Percentage of Total Frontage
#4 Columbia Add	270.00	8.24%
#5 Columbia Add	350.00	10.68%
#6 Columbia Add	416.80	12.71%
#7 Columbia Add	416.80	12.71%
#8 Columbia Add	350.00	10.68%
#9 Columbia Add	270.00	8.24%
#4 Hillyard Add	602.03	18.37%
#5 Hillyard Add	602.03	18.37%
Total Frontage	3277.66	100.00%

Net Project Assessment $381,637.03

Each Blocks Portion of Assessment:

#4 Columbia Add	8.24% X $381,637.03	$31,446.89
#5 Columbia Add	10.68% X $381,637.03	$40,758.83
#6 Columbia Add	12.71% X $381,637.03	$48,506.07
#7 Columbia Add	12.71% X $381,637.03	$48,506.07
#8 Columbia Add	10.68% X $381,637.03	$40,758.83
#9 Columbia Add	8.24% X $381,637.03	$31,446.89
#4 Hillyard Add	18.37% X $381,637.03	$70,106.72
#5 Hillyard Add	18.37% X $381,637.03	$70,106.72
		$381,637.03


HILLYARD
DALKE
CENTRAL
STREET
AVENUE
JULIA
COLUMBIA
ADDITION
DECATUR
BISMARK
SYCAMORE
FREYA
WILLSON'S
VACATED
ORD. C24574
ORD. 23854
GOLD CITY LIMITS
SOUTH BOUNDARY
C16638

FREYA
#4
270'-0"
OBLIQUE
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HCOT
#9
SYCAMORE
#5
350'-0"
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416.80
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#7
myrtle
#5
602.03
602.03
#4
FLORIDA

$ 381,637.03

EXHIBIT NO. 12

Final Assessment Hearing Info - LID # 2009163 (Dalke & Myrtle)

RE: Letter from Harley Douglass to the Dept of Engineering Services July 3rd 2013; parcel #36341.0909

According to the letter received, Mr. Harley Douglass did not understand how Engineering Services arrived at the final assessment cost of $46,080.78. Per Mr. Douglass's calculations, based on frontage percentage, he should owe $31,446.89.

The Dalke & Myrtle Local Improvement District final assessments were calculated using the zone termini method of assessment. Additional cost for items that benefit specific parcels, such as new sewer or water utilities were then added to individual parcel assessments based on benefit.

On May 14th, 2012 a letter was sent to Mr. Douglass from the Director of Engineering Services regarding a meeting they had regarding the Dalke & Myrtle LID. The letter stated the following: "*To be very clear, we intend to put sewer and water mains in Dalke Avenue as was requested and as is appropriate. Further, we intend that they will be included in the 10 year LID funding. As the law prescribes, they will be assessed against the benefitted properties. This means that your parcels will be appropriately assessed for those improvements and their service stubs. Others, similarly being benefitted will be appropriately assessed, as well.*"

On May 30th, 2012 the director received a letter signed by Mr. Douglass confirming his understanding of the letter dated May 14th 2012.

Final Assessment for parcel # 36341.0909 was computed as follows:

District	$16,708.60
Driveway	486.84
Sewer Main	7,699.14
Side Service	6,721.26
Water Main	12,526.28
Water Service	1,938.66
Total Final Assessment	$46,080.78

RECEIVED
JUL 09 2013
A-2
HEARING EXAMINER

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.6124
Spokaneengineering.org

May 14, 2012

EXHIBIT NO. 13

HARLEY C. DOUGLASS, INC.
5520 N. FLORIDA STREET
SPOKANE WA 99217

Reference: LID Project No. 2009163
Dalke Avenue LID

Dear Harley:

Thanks for meeting with me last week on the subject LID. In accordance with my understanding of our meeting, I recognized that you require a sewer pipe; and, a water main in Dalke Avenue. I further understood that you wanted the sewer pipe and the water main costs to be included in the LID, payable by the benefitted property owner(s) over 10 years. It would seem we agree on those two points.

You have been corresponding with the design team and our utilities for the past 2 years. It is clear from the correspondence that there is an ongoing disagreement as to who would be responsible for and paying for what improvements. I was provided a partial chronology of correspondence, beginning with the October 9, 2009 Proposed Street Improvement... notice. I would note that it makes no referral anywhere to sewer and water improvements. Those partial references come later. It mainly centered on the benefits of paving and storm water improvements; and, of the process, billing and financing mechanisms.

The next notice in your notebook was the December 15, 2010 Estimated Special Benefit and Assessment Notice. It did refer to Street, Water and Sewer Improvements, however, no specific improvements were defined. Again, the only reference on that notice was to paving, on page 3. To be very clear, we intend to put sewer and water mains in Dalke Avenue as was requested and as is appropriate. Further, we intend that they will be included in the 10 year LID funding. As the law prescribes, they will be assessed against the benefitted properties. This means that your parcels will be appropriately assessed for those improvements and their service stubs. Others, similarly being benefitted will be appropriately assessed, as well.

We are proceeding to amend the LID project accordingly; and, will go to bid as soon as the modifications are complete and incorporated.

Respectfully

P. Mike Taylor, P.E.
Director

Home Builder
HarleyC.Douglass,Inc.
Spokane, Washington
5520 N. Florida• Spokane, WA 99217
(509) 487-9792 – Fax: (509) 487-4546

EXHIBIT NO. 14

May 30, 2012

P. Mike Taylor, P.E.
Director
City of Spokane
Dept. of Engineering Services
808 W. Spokane Falls Blvd.
Spokane, WA 99201-3343

Re: LID Project No. 2009163
Dalke Avenue LID

Dear Mike:

The purpose of this letter is to confirm our understanding of your letter dated May 14, 2012. Water and sewer mains will be installed in Dalke in front of our parcels. Additionally, water and sewer service stubs will be installed and provided to our parcels as agreed. Approaches are to be installed as previously discussed.

Thank you for your assistance in getting these issues resolved.

Sincerely,

Harley C. Douglass

HCD:clg

cc: Mayor David Condon

RECEIVED
JUN 01 2012
ENGINEERING SERVICES

EXHIBIT NO. 15

Final Assessment Hearing Info - LID # 2009163 (Dalke & Myrtle)

RE: Letter from Mr. Keith Clark to the Dept of Engineering Services June 15th, 2013; parcel #36341.3311

Mr. Clark argues that his final parcel assessment of $18,367.45 is extremely exorbitant. He goes on to state that, "*To charge us so much for so little benefit seems unfair, especially since we just were assessed a very large amount for street improvements in Francis Avenue.*"

After researching this matter, it appears that Mr. Clark may have provided inaccurate information regarding his property and an assessment from the Francis Avenue project. According to city records, the improvements of Francis Avenue from Freya St to Havana Street, also known as city project # 2006117, was 100% funded by city & federal monies. It was not part of a local improvement district & no parcel assessments were associated with that project. According to the records, On April 19th, 2011 Mr. Keith V Clark & Mrs. Patricia M Clark were **paid** $29,789.00 for the purchase of 2,567 SF of land (approximately an 11 feet wide section) from the north side of parcel #36341.3311 for the purpose of widening Francis Avenue.

The Dalke & Myrtle Local Improvement District final assessments were calculated using the zone termini method of assessment. Additional cost for items that benefit specific parcels were then added to individual parcel assessments based on benefit.

Final Assessment for parcel # 36341.3311 was computed as follows:

Myrtle Street	$17,712.10
Driveway	380.32
Driveway Transition	275.03
Total Final Assessment	$18,367.45

RECEIVED
JUL 09 2013
A-1
HEARING EXAMINER

EXHIBIT NO. 16

LID Final Hearing Report

Date: July 9th, 2013

LID No. 2009163

Street Improvements in Dalke Avenue from Freya Street to Florida Street
& Myrtle Street from Dalke Avenue to Francis Avenue

- This LID was initiated by **petition.**
- Property in this District is being assessed proportionally in relation to all other properties in the LID. The **Zone Termini** method of assessment is being used to distribute the cost in accordance with the Revised Code of Washington, Title 35, Chapter 35.44, Section(s) .030, and .040.
- All of the property and only that property that will be benefited by the proposed improvement is being assessed.
- On **June 13th, 2013** notices were sent to each owner and/or taxpayer as shown on the County's tax rolls, informing them of their final assessments, that an **information** meeting would be held on **June 27th** and the date of this hearing.
- No parcel owners attended the **Information** meeting.
- The Engineering Services Department has received **2** valid letters-of-protest.
- Valid parcel owners protesting this LID represent **16.9** percent of the assessed cost of the project. Parcels with paving waivers & invalid parcel owners were excluded from the protest percentage.
- There are **20** parcels in this LID
- Total cost of this improvement is: $ 921,927.03
- Supplemental funding is: - $ 540,290.00
- Project cost to be assessed is: $ 381,637.03
- Individual parcel assessments range from $ 1,767.17 to $ 46,080.78.
- The Department recommends that the Final Assessment Roll for this LID be confirmed.

ORDINANCE NO. ORD C-35016

An ordinance approving and confirming the assessments and assessment roll for **Local Improvement District No. 2009163 for Street, Water and Sewer Improvements of Dalke Avenue from Freya Street to Florida Street and Street Improvements of Myrtle Street from Dalke Avenue to Francis Avenue,** and levying and assessing the amounts thereof, according to benefits, against the several lots, tracts and parcels of land and other property as shown on said roll; providing for the collection of said assessments and the issuance of local improvement installment notes or bonds to pay the cost and expense of said improvement; fixing the date of issue of said installment notes or bonds; and providing for delinquency penalties.

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. That the assessments and assessment roll of **Local Improvement District No. 2009163** as the same now stands, be and the same hereby are, in all things approved and confirmed.

Section 2. That each of the lots, tracts and parcels of land and other property shown upon said roll is hereby declared to be specially benefited by said improvement in at least the amount charged against the same, and that the assessment appearing against each lot, tract or parcel of land and other property is in proportion to the several assessments appearing upon said roll. There is hereby levied and assessed against each such lot, tract and parcel of land, and other property described in said roll, the amount finally charged against the same thereon.

Section 3. That the City Clerk is hereby directed to certify and transmit said assessment roll to the City Treasurer for collection pursuant to state law and the ordinances of the City of Spokane.

Section 4. That said assessments shall become due and payable on **September 15, 2013**, and thereafter shall bear interest at an effective rate of three-fourths of one percent in excess of the rate at which installment notes or bonds may be sold as authorized in the next following section of this ordinance. All or any portion of any assessment may be paid without penalty or interest at any time before said date. Any portion of any assessment not paid as aforesaid shall be paid to the City Treasurer in **ten** equal annual installments, the first of which shall be due, payable and delinquent on **September 15, 2014** and on the same day in each year thereafter, together with interest thereon. All delinquent installments, consisting of principal and interest, shall bear interest at the aforesaid rate to the date of payment of foreclosure sale and, in addition, the total of the foregoing shall be subject to a penalty, the rate and calculation of which shall be as by general ordinance prescribed.

Section 5. That the **15th** day of **October, 2013** is hereby fixed as the date of issue of the installment notes or bonds required to be issued on account of said improvement; provided, a later date may be fixed by resolution of the City Council. No installment notes or bonds shall be issued in excess of the cost and expense of said improvement, or before the expiration of fifty (50) days from and after the date of the first publication of notice by the City Treasurer that said roll is in his/her hands for collection.

Section 6. The City Council hereby declares its official intent under Treasury Regulation Section 1.150-2 on behalf of the City to issue bonds to finance that portion of the improvements ordered by Section 1 of **Ordinance No. C34699,** that are to be paid from assessments. The Council reasonably expects that, (a) the City will reimburse expenditures for the improvements with proceeds of such bonds, and (b) the maximum principal amount of such bonds will be **$381,167.03.**

Section 7. This ordinance shall take effect and be in force from and after its passage.

Passed the City Council _____.

_____
Council President

Attest:

_____
City Clerk

Approved as to form:

_____
Assistant City Attorney

_____ _____
Mayor Date

_____
Effective Date

Agenda Sheet for City Council Meeting of:		Date Rec'd	7/18/2013
07/29/2013		Clerk's File #	ORD C35017
		Renews #	
Submitting Dept	HEARING EXAMINER	Cross Ref #	PRO 2012-0008
Contact Name/Phone	KYLE TWOHIG 625-6152	Project #	2010042
Contact E-Mail	KTWOHIG@SPOKANECITY.ORG	Bid #	
Agenda Item Type	Final Reading Ordinance	Requisition #	
Agenda Item Name	0570, LID 2010042- FINAL ASSMT ROLL-14TH/CUBA		

Agenda Wording

Final Reading Ordinance approving and confirming the assessments & assessment roll of Local Improvement District #2010042 for street improvements in 14th Avenue from Cuba Street to Havana Street and in Cuba Street from 14th Avenue to 13th Avenue.

Summary (Background)

On 07-09-13 the Hearing Examiner held a public hearing on the above matter and on 07-10-13 issued a decision recommending confirming the final assessment roll as presented. The district contains a total of 22 parcels and was initiated by petition. There are no known opponents to this LID.

Fiscal Impact		Budget Account
Neutral	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	MCGINN, BRIAN	Study Session	
Division Director		Other	
Finance	LESESNE, MICHELE	**Distribution List**	
Legal	BURNS, BARBARA	lhattenburg@spokanecity.org	
For the Mayor	SANDERS, THERESA	areid@spokanecity.org	
Additional Approvals		rriedinger@spokanecity.org	
Purchasing		cclark@spokanecity.org	
		htrautman@spokanecity.org	
		mhughes@spokanecity.org	
		kmoat@spokanecity.org	

CITY OF SPOKANE HEARING EXAMINER

RE: Final Assessment Roll for street improvements in 14th Avenue from Cuba Street to Havana Street and in Cuba Street from 14th Avenue to 13th Avenue.	)))))	FINDINGS, CONCLUSIONS, AND DECISION LID #2010042

SUMMARY OF PROPOSAL AND DECISION

Project Description: This project resulted in street improvements in 14th Avenue from Cuba Street to Havana Street and in Cuba Street from 14th Avenue to 13th Avenue. The purpose of the project is to provide neighborhood circulation, dust control, adequate storm drainage and improved quality of life within the assessment district. There are 22 parcels within the assessment district. There are no known opponents to this LID. The Zone Termini method of distributing the project costs has been used.

Decision: The final assessment roll is confirmed as presented.

FINDINGS OF FACT
BACKGROUND INFORMATION

Project Costs: The estimated net project cost is $166,930.10 and breaks down as follows:

Completed Contract Price	$255,214.64
Engineering Costs	138,294.53
City Clerk	256.59
City Treasurer	2,670.00
Accounting	2,440.18
Interest on Contract Payments	12,506.70
Bonds	255.00
Attorney's Fee	2,503.94
Relocate Hydrant	6,734.44
Postal CUB	1,445.00
Traffic Signs	126.84
Tree Related	22,079.58
Geotech Related	9,853.11
Total Project Cost	454,380.55
Supplemental Funding:	
Ten-Year Street Bond	(265,693.24)
Community Development Block Grant	(21,757.21)
Net Project Cost after Supplemental Funding	$ 166,930.10

PROCEDURAL INFORMATION

Date of Ordering Ordinance: February 22, 2011

Date of Ordering Ordinance Publication: February 23, 2011

Hearing Date: July 9, 2013

Notices:
Mailed: June 13, 2013
Published: June 12 & 19, 2013
Information Meeting: June 27, 2013

Known Opponents: None

Testimony:
Michael Myers, Engineering Services
City of Spokane Engineering Services Dept.
808 West Spokane Falls Boulevard
Spokane, WA 99201

Exhibits:
1. Affidavit of Ordinance Publication and Ordinance establishing the Local Improvement District and ordering the construction of the improvements
2. Map of district
3. Engineer's certificate transmitting final assessment roll to the Hearing Examiner
4. Final assessment roll
5. Copy of mailed notice
6. Affidavit of mailing
7. Published notice and affidavit of publication
8. Engineering Services Department report
9. Informational meeting attendance roster

FINDINGS AND CONCLUSIONS

Local improvement districts finalized by a confirming ordinance are subject to Spokane Municipal Code Chapter 7.05 and may be approved only if they comply with the criteria set forth in SMC 7.05.500. The Hearing Examiner has reviewed the assessment roll and all of the evidence of record with regard to these criteria and makes the following Findings and Conclusions:

1. The assessment roll is correct.

The assessment roll is based on the total final cost of the project. The assessments against the individual properties were derived using the Zone Termini method of cost distribution. This is an acceptable method of making assessments against a parcel, and there is no evidence to indicate that it was done incorrectly for any of the parcels in the district.

2. All property in the local improvement district is specially benefited in an amount at least equal to the assessment.

As a result of the project improvements, all of the parcels in the district are benefited by improved local and emergency vehicle access, improved neighborhood circulation, dust control, improved sewer facilities and adequate drainage. As a general rule, property in an improvement district is presumed to benefit to the extent of the cost of making the improvements available to the property. No evidence was offered to rebut this presumption for any of the properties in the district.

3. All property in the local improvement district has been assessed proportionally to all other property in the district.

Assessments in the district were calculated using a zone termini method. This method uses lot area and distance from the improvements to derive assessments. The assessments in this case should, therefore, be proportional. Further, the zone termini method is a method recognized in the Revised Code of Washington as an acceptable method for calculating assessments. It may, therefore, be presumed that using such a method will result in assessments consistent with the requirements of the Revised Code of Washington and Washington Case Law that assessments be proportional.

4. All procedures set forth in RCW 35.44 and SMC 7.05 have been followed.

The hearing was held pursuant to a direction by the City Council on the date, at the time, and at the place directed. RCW 35.44 and SMC 7.05 require notices to be mailed to owners of record in the district at least 15 days in advance of the hearing. They require notices to be published for two consecutive weeks in a newspaper of general circulation with the last publication date being at least 15 days in advance of the hearing. The hearing was held on July 9, 2013. The notices were mailed on June 13, 2013, and published in the *Official Gazette* on June 12th and 19, 2013. Both the written and published notices contained all of the information required by RCW 35.44 and SMC 7.05.

DECISION

Based on the Findings and Conclusions above, it is the decision of the Hearing Examiner to confirm the final assessment roll as presented.

DATED this 10th day of July 2013.

Brian T. McGinn
City of Spokane Hearing Examiner

AFFIDAVIT OF PUBLICATION

EXHIBIT NO. 1

STATE OF WASHINGTON) SS
COUNTY OF SPOKANE)
CITY OF SPOKANE)

I, TERRI L. PFISTER, CITY CLERK of Spokane, Washington, and ex-officio editor of the *Official Gazette*, a paper published weekly by the City of Spokane, Washington, do hereby certify that the ORDINANCE attached hereto and which is hereby made a part of this proof of publication was published in said paper to wit:

On the 23rd day of February, 2011, and that said ORDINANCE was published in every copy of the said paper of said date.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Spokane this 24th day of February, 2011.

Terri L. Pfister

City Clerk
City of Spokane, Washington

(See Attached for Remainder of Affidavit)

ORDINANCE NO. C34692

An ordinance ordering the Street Improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue, establishing a local improvement district and creating a local improvement fund therefore, directing the levy of special assessments and providing a method of financing to pay the cost and expense of said improvement.

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. That Street Improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue be improved by the paving of the same, and that such other work be done as may be necessary in connection therewith, according to the maps, plans, drawings and specifications prepared by the Engineering Services Director of said City, and on file in the Office of the said Engineering Services Director, which said maps, plans, drawings and specifications are hereby approved and adopted.

Section 2. That the cost of said improvement, including all the necessary and incidental expenses, shall be borne by and assessed against the property included in the local improvement district hereinafter established and described and in accordance with law. The City of Spokane shall not be liable in any manner for any portion of the cost or expense of said improvement, except as may be herein provided.

Section 3. That there is hereby established a local improvement district to be known as **"Local Improvement District No. 2010042 for Street Improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue,"** which said district embraces as nearly as practicable all of the lots, tracts and parcels of land and other property specially benefited by the said improvement, and described as follows:

LOTS	BLOCK	ADDITION
1-8	29	Tudor Heights Addition
Portion of 9 & 10	29	Tudor Heights Addition
6-18	28	Tudor Heights Addition
1-3	27	Tudor Heights Addition
10-12	27	Tudor Heights Addition

Situated in the Southeast 1/4 of Section 22, Township 25, Range 43 East of the Willamette Meridian.

Section 4. That the sum charged against any lot, tract and parcel of land or other property in said district may be paid during the thirty (30) day period allowed for the payment of assessments without penalty, interest, or cost, and that thereafter the sum remaining unpaid may be paid in equal annual installments bearing interest at such rate or rates as authorized by the City Council, in accordance with state law and the charter and ordinances of the City of Spokane. All of which said lots, tracts and parcels of land or other property in said district are specially benefited by said improvement.

For the purpose of this improvement there is hereby created a special fund for the cost and expense of the said improvement to be designated as, "Local Improvement District No. 2010042 for Street Improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue," into which shall be paid the special assessments hereby authorized when collected as provided by law. The said fund shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide for the cost and expense of the improvement, or installment notes for same.

Section 5. That for the purpose of paying the cost and expense of said improvement there shall be issued by the City of Spokane local improvement bonds, installment notes, or warrants, said bonds, installment notes, or warrants to bear interest at such rate or rates as authorized by the City Council. Said bonds, installment notes, or warrants shall be redeemable only out of the local improvement fund created by this ordinance. In case said improvement is made by contract, said bonds, installment notes, or warrants shall be delivered to the contractor in payment of the contract price, or, the City may, at its election, sell said bonds, installment notes, or warrants and make payment in cash. If provision is made in said contract for progress payments to be made upon estimates, local improvement warrants shall be issued upon the local improvement fund created herein for the purpose of making such progress payments. The improvement bonds herein provided for may be sold by the Treasurer of the City of Spokane at public or private sale at not less than their par value and accrued interest. In such event, the proceeds thereof shall be applied in payment of the cost and expense of the improvement. No bonds shall be issued in excess of the cost of the improvement, nor shall they be issued prior to twenty (20) days after the thirty (30) days allowed for the payment of assessments without penalty, interest, or cost.

Section 6. The City Administrator is hereby directed to advertise for bids for making said improvement, reserving to the City the right to reject any and all bids. In case a satisfactory bid is received and accepted, the contract for said improvement shall provide that the same shall be completed in all things in accordance with the maps, plans, drawings and specifications for said improvement herein referred to, and shall also provide that the contractor making the improvement shall accept the bonds or warrants herein provided for at par and accrued interest in payment of the contract price for such work, to the extent of such bond or warrant issue, if the City shall so elect. In case no satisfactory bid is received, as in RCW 35.43.190 set forth, said improvement may be made by the City and payment therefore shall be made as otherwise provided herein.

Section 7. No bid, acceptance of any bid, or contract relating to said improvement shall be binding upon the City until the assessments herein provided for shall be confirmed by ordinance. The City shall not be under any obligation or duty to confirm any assessment or assessment roll and, if for any reason the same be not confirmed, the bid, acceptance of bid, or contract shall be of no force or effect. The City shall not be liable or responsible in any manner, except to account for the local improvement bonds and fund herein provided for, and except as to the guaranty fund provided for in Ordinance No. C4155. Bondholders' remedy in case of nonpayment shall be confined to enforcement of the special assessments made for the improvement and to the guaranty fund.

Section 8. This ordinance shall take effect immediately after its passage.

Passed the City Council February 14, 2011.

(Delivered to the Mayor on the 17th day of February, 2011)

ORDINANCE NO. C 34692

An ordinance ordering the **Street Improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue**, establishing a local improvement district and creating a local improvement fund therefore, directing the levy of special assessments and providing a method of financing to pay the cost and expense of said improvement.

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. That **Street Improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue** be improved by the **paving of the same,** and that such other work be done as may be necessary in connection therewith, according to the maps, plans, drawings and specifications prepared by the Engineering Services Director of said City, and on file in the Office of the said Engineering Services Director, which said maps, plans, drawings and specifications are hereby approved and adopted.

Section 2. That the cost of said improvement, including all the necessary and incidental expenses, shall be borne by and assessed against the property included in the local improvement district hereinafter established and described and in accordance with law. The City of Spokane shall not be liable in any manner for any portion of the cost or expense of said improvement, except as may be herein provided.

Section 3. That there is hereby established a local improvement district to be known as **"Local Improvement District No. 2010042 for Street Improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue,"** which said district embraces as nearly as practicable all of the lots, tracts and parcels of land and other property specially benefited by the said improvement, and described as follows:

LOTS	BLOCK	ADDITION
1-8	29	Tudor Heights Addition
Portion of 9 & 10	29	Tudor Heights Addition
6-18	28	Tudor Heights Addition
1-3	27	Tudor Heights Addition
10-12	27	Tudor Heights Addition

Situated in the Southeast 1/4 of Section 22, Township 25, Range 43 East of the Willamette Meridian.

Section 4. That the sum charged against any lot, tract and parcel of land or other property in said district may be paid during the thirty (30) day period allowed

for the payment of assessments without penalty, interest, or cost, and that thereafter the sum remaining unpaid may be paid in equal annual installments bearing interest at such rate or rates as authorized by the City Council, in accordance with state law and the charter and ordinances of the City of Spokane. All of which said lots, tracts and parcels of land or other property in said district are specially benefited by said improvement.

For the purpose of this improvement there is hereby created a special fund for the cost and expense of the said improvement to be designated as, **"Local Improvement District No. 2010042 for Street Improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue,"** into which shall be paid the special assessments hereby authorized when collected as provided by law. The said fund shall be used for no other purpose than the redemption of warrants drawn upon and bonds issued against the fund to provide for the cost and expense of the improvement, or installment notes for same.

Section 5. That for the purpose of paying the cost and expense of said improvement there shall be issued by the City of Spokane local improvement bonds, installment notes, or warrants, said bonds, installment notes, or warrants to bear interest at such rate or rates as authorized by the City Council. Said bonds, installment notes, or warrants shall be redeemable only out of the local improvement fund created by this ordinance. In case said improvement is made by contract, said bonds, installment notes, or warrants shall be delivered to the contractor in payment of the contract price, or, the City may, at its election, sell said bonds, installment notes, or warrants and make payment in cash. If provision is made in said contract for progress payments to be made upon estimates, local improvement warrants shall be issued upon the local improvement fund created herein for the purpose of making such progress payments. The improvement bonds herein provided for may be sold by the Treasurer of the City of Spokane at public or private sale at not less than their par value and accrued interest. In such event, the proceeds thereof shall be applied in payment of the cost and expense of the improvement. No bonds shall be issued in excess of the cost of the improvement, nor shall they be issued prior to twenty (20) days after the thirty (30) days allowed for the payment of assessments without penalty, interest, or cost.

Section 6. The City Administrator is hereby directed to advertise for bids for making said improvement, reserving to the City the right to reject any and all bids. In case a satisfactory bid is received and accepted, the contract for said improvement shall provide that the same shall be completed in all things in accordance with the maps, plans, drawings and specifications for said improvement herein referred to, and shall also provide that the contractor making the improvement shall accept the bonds or warrants herein provided for at par and accrued interest in payment of the contract price for such work, to the extent of such bond or warrant issue, if the City shall so elect. In case no satisfactory bid is received, as in RCW 35.43.190 set forth,

said improvement may be made by the City and payment therefore shall be made as otherwise provided herein.

Section 7. No bid, acceptance of any bid, or contract relating to said improvement shall be binding upon the City until the assessments herein provided for shall be confirmed by ordinance. The City shall not be under any obligation or duty to confirm any assessment or assessment roll and, if for any reason the same be not confirmed, the bid, acceptance of bid, or contract shall be of no force or effect. The City shall not be liable or responsible in any manner, except to account for the local improvement bonds and fund herein provided for, and except as to the guaranty fund provided for in Ordinance No. C4155. Bondholders' remedy in case of nonpayment shall be confined to enforcement of the special assessments made for the improvement and to the guaranty fund.

Section 8. This ordinance shall take effect immediately after its passage.

Passed the City Council February 14, 2011.

Alexander J. Shogan, Jr.
Council President

Attest: Terri L. Pfister
City Clerk

Approved as to form:

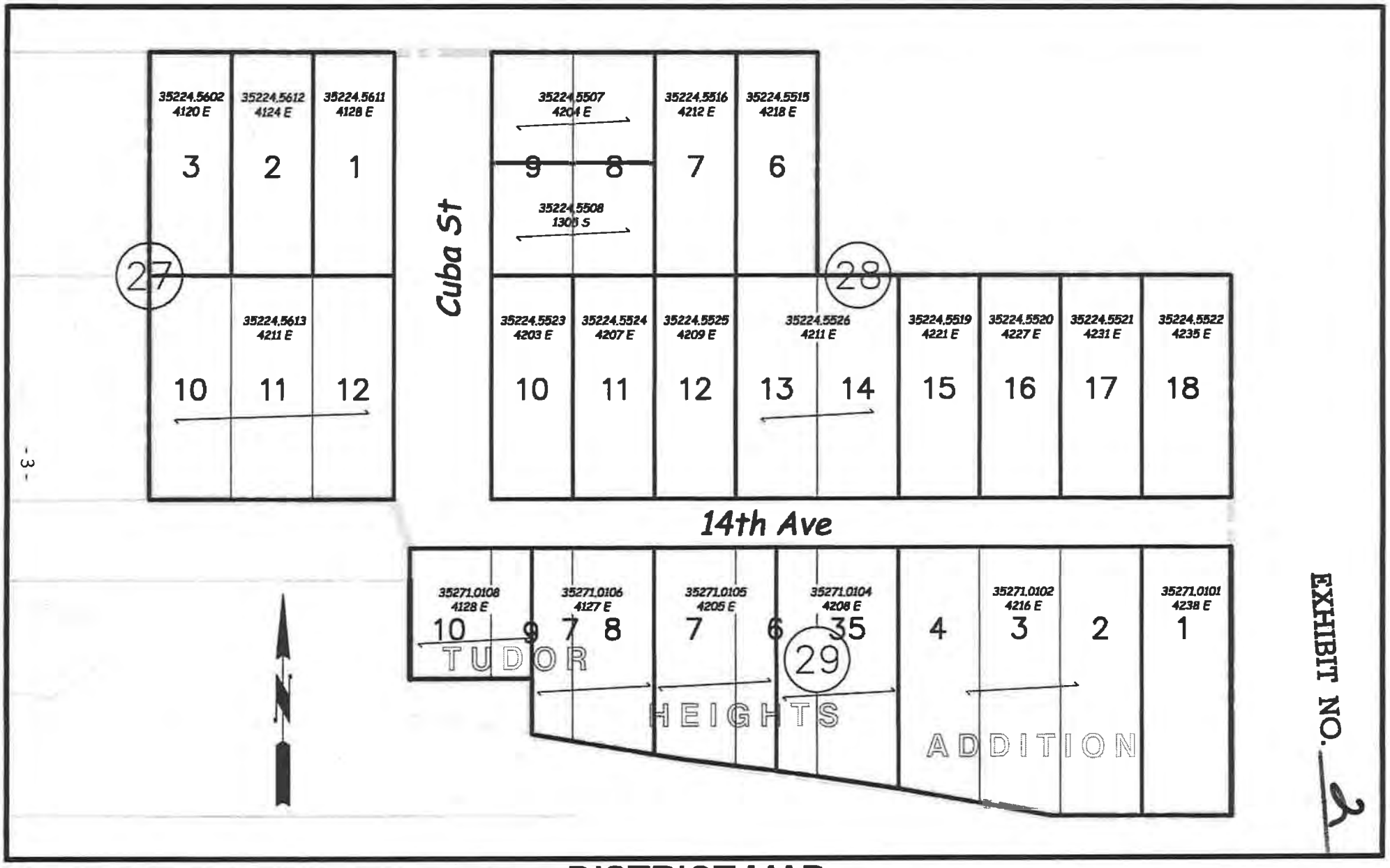
Assistant City Attorney

Mary B. Verner
Mayor

2/22/2011
Date

February 22, 2011
Effective Date

LID 2010042



DISTRICT MAP

PROJECT # 2010042,

14th Ave from Cuba St to Havana St; Cuba St from 14th Ave to 13th Ave

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.612
Spokaneengineering.org

EXHIBIT NO. 3

ENGINEER'S CERTIFICATE

Hearing Examiner
City of Spokane, Washington

Complying with Ordinance Number C-34692, creating Local Improvement District Number 2010042, I have prepared the following assessment roll in accordance with Ordinance Number C-138, and RCW 35.43 et seq and RCW 35.44 et seq. The actual cost of said improvement in the sum of One Hundred Sixty-six Thousand, Nine Hundred Thirty & ten/100 Dollars ($166,930.10) and that the same amount has been equitably apportioned in the attached roll to the property therein described according to the special benefits resulting from said improvements to each lot, tract, parcel or portion thereof, as set opposite each of the tracts respectively in the column marked "Amount of Assessment", certifying that this assessment roll, consisting of eight (8) sheets, is a true and correct assessment roll of the aforesaid improvement.

I herewith transmit this roll to you, through the office of City Clerk, for equalization and confirmation.

Sincerely,

Kyle Twohig
Enginering Operations Manager

Dated: June 13, 2013

projects\2010042\eng crt.doc

EXHIBIT NO. 4

CITY OF SPOKANE
ENGINEERING SERVICES
**** FINAL ASSESSMENT ROLL ****

FILE	PROJECT DESCRIPTION
2010042	STREET IMPROVEMENTS OF 14TH AVENUE FROM CUBA STREET TO HAVANA STREET; CUBA STREET FROM 14TH AVENUE TO 13TH AVENUE

FILE	PROJECT DESCRIPTION	IMPROVEMENT TYPE
2010042 LID	STREET IMPROVEMENTS OF 14TH AVENUE FROM CUBA STREET TO HAVANA STREET; CUBA STREET FROM 14TH AVENUE TO 13TH AVENUE	PAVING

Completed Contract Price	$ 255,214.64
Engineering Costs	138,294.53
City Clerk	256.59
City Treasurer	2,670.00
Accounting	2,440.18
Interest on Contract Payments	12,506.70
Bonds	255.00
Attorney's Fee	2,503.94
Relocate Hydrant	6,734.44
Postal CBU	1,445.00
Traffic Signs	126.84
Tree Related	22,079.58
Geotech Related	9,853.11
Total Project Cost	$ 454,380.55
Community Development Block Grant	21,757.21
10-Year Street Bond	265,693.24
TOTAL NET PROJECT ASSESSMENT	$166,930.10

PBWK FILE	PROJECT DESCRIPTION
2010042 LID	STREET IMPROVEMENTS OF 14TH AVENUE FROM CUBASTREET TO HAVANA STREET; CUBA STREET FROM 14TH AVENUE TO 13TH AVENUE

1 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5507 / 35224.5507	TUDOR HTS N1/2 OF LTS 8&9 BLK 28	E 4204 13TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
ALLEN, GREGORY K & HIROMI N E 4204 13TH AVE SPOKANE WA 99202	ALLEN, GREGORY K & HIROMI N E 4204 13TH AVE SPOKANE WA 99202	.00	CUBA STREET	6,709.02	6,709.02

2 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5508 / 35224.5508	TUDOR HTS S1/2 OF LTS 8&9 BLK 28	S 1305 CUBA ST	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
WILSON, ROBERT R S 1305 CUBA ST SPOKANE WA 99202	WILSON, ROBERT R S 1305 CUBA ST SPOKANE WA 99202	.00	CUBA STREET DRIVEWAY TRANSITION	6,709.02 230.84 1,535.79	8,475.65

PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5515 / 35224.5515	TUDOR HTS LOT 6 BLK 28	E 4218 13TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
VANNOTE, DEANNE E 4218 13TH AVE SPOKANE WA 99202-5462USA	VANNOTE, DEANNE E 4218 13TH AVE SPOKANE WA 99202-5462USA	.00	CUBA STREET	1,206.63	1,206.63

4 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5516 / 35224.5516	TUDOR HTS LOT 7 BLK 28	E 4212 13TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
HAMILTON, DAVID H & JULIE G E 4212 13TH AVE SPOKANE WA 99202-5462USA	HAMILTON, DAVID H & JULIE G E 4212 13TH AVE SPOKANE WA 99202-5462USA	.00	CUBA STREET	1,689.28	1,689.28

5 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5519 / 35224.5519	TUDOR HEIGHTS ADD LOT 15 BLK 28	E 4221 14TH AV	Y

PBWK FILE	PROJECT DESCRIPTION
2010042 LID	STREET IMPROVEMENTS OF 14TH AVENUE FROM CUBASTREET TO HAVANA STREET; CUBA STREET FROM 14TH AVENUE TO 13TH AVENUE

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
SHCHERBINA, LEONID & LYUBOV	SHCHERBINA, LEONID & LYUBOV	3,350.16			3,672.18
E 4227 14TH AVE	E 4227 14TH AVE		DRIVEWAY	35.93	
SPOKANE WA 99202	SPOKANE WA 99202		TRANSITION	286.09	

6 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5520 / 35224.5520	TUDOR HEIGHTS ADD LOT 16 BLK 28	E 4227 14TH AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
SHCHERBINA, LEONID A	SHCHERBINA, LEONID A	3,350.16			3,930.91
E 4227 14TH AVE	E 4227 14TH AVE		DRIVEWAY	115.42	
SPOKANE WA 99202	SPOKANE WA 99202		TRANSITION	465.33	

7 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5521 / 35224.5521	TUDOR HEIGHTS ADD, LT17 BLK28	E 4231 14TH AV	Y

AXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
WELCH, SHAWN M / GOODSALL, SHA	WELCH, SHAWN M / GOODSALL, SHA	6,700.33			7,701.61
E 4231 14TH AVE	E 4231 14TH AVE		DRIVEWAY	172.63	
SPOKANE WA 99202	SPOKANE WA 99202		TRANSITION	828.65	

8 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5522 / 35224.5522	25-43-SE1/4 OF SEC22; TUDOR HEIGHTS ADD, LT18 BLK28	E 4235 14TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
VANDERVERT, MICHAEL & MARIA	VANDERVERT, MICHAEL & MARIA	7,347.29			8,597.13
E 4235 14TH AVE	E 4235 14TH AVE		DRIVEWAY	217.19	
SPOKANE WA 99202	SPOKANE WA 99202		TRANSITION	1,032.65	

9 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5523 / 35224.5523	TUDOR HEIGHTS ADDITION LT 10 BLK 28	E 4203 14TH AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
STROM, JOSH & KIMBERLY	STROM, JOSH & KIMBERLY	2,272.52			10,698.27
E 3224 21ST AVE	E 3224 21ST AVE		CUBA STREET	7,543.05	
SPOKANE WA 99223	SPOKANE WA 99223		DRIVEWAY	230.84	

CITY OF SPOKANE
PUBLIC WORKS DEPARTMENT
***** FINAL ASSESSMENT ROLL *****

PBWK FILE	PROJECT DESCRIPTION
2010042 LID	STREET IMPROVEMENTS OF 14TH AVENUE FROM CUBASTREET TO HAVANA STREET; CUBA STREET FROM 14TH AVENUE TO 13TH AVENUE

TRANSITION 651.86

10 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5524 / 35224.5524	TUDOR HEIGHTS ADDITION LT 11 BLK 28	E 4207 14TH AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
GRANGROTH, ROBB & MARY	GRANGROTH, ROBB & MARY	5,186.56			7,554.38
S 3021 REGAL UNIT 101 ST	S 3021 REGAL UNIT 101 ST		CUBA STREET	2,178.52	
SPOKANE WA 99223	SPOKANE WA 99223		DRIVEWAY	165.00	
			TRANSITION	24.30	

11 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5525 / 35224.5525	TUDOR HEIGHTS ADDITION LT 12 BLK 28	E 4209 14TH AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
STINEBAUGH, BRADLEY & AMY	STINEBAUGH, BRADLEY & AMY	6,482.87			6,867.56
4209 14TH AVE	E 4209 14TH AVE		CUBA STREET	210.16	
KANE WA 99202	SPOKANE WA 99202		DRIVEWAY	142.72	
			TRANSITION	31.81	

12 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5526 / 35224.5526	TUDOR HEIGHTS ADDITION LTS 13 & 14 BLK 28	E 4211 14TH AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
ODOM, LILLINA B / PHELPS, TERE	ODOM, LILLINA B / PHELPS, TERE	3,350.17			3,393.80
E 4211 14TH AVE	E 4211 14TH AVE		DRIVEWAY	35.68	
SPOKANE WA 99202-5430USA	SPOKANE WA 99202-5430USA		TRANSITION	7.95	

13 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5602 / 35224.5602	TUDOR HTS L3 B27	E 4120 13TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
CAMPBELL RENTALS LLC	CAMPBELL RENTALS LLC	.00			1,689.28
E 3105 BOONE AVE	E 3105 BOONE AVE		CUBA STREET	1,689.28	
SPOKANE WA 99202-3607	SPOKANE WA 99202-3607				

PBWK FILE	PROJECT DESCRIPTION
2010042 LID	STREET IMPROVEMENTS OF 14TH AVENUE FROM CUBASTREET TO HAVANA STREET; CUBA STREET FROM 14TH AVENUE TO 13TH AVENUE

14 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5611 / 35224.5611	TUDOR HTS LT 1 BLK 27	E 4128 13TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
PROUTY, SUSAN	PROUTY, SUSAN	.00			9,660.91
E 4128 13TH AVE	E 4128 13TH AVE		CUBA STREET	8,929.02	
SPOKANE WA 99202	SPOKANE WA 99202		DRIVEWAY	641.72	
			TRANSITION	90.17	

15 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5612 / 35224.5612	TUDOR HTS LT 2 BLK 27	E 4124 13TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
WOODS, BRANDY L	WOODS, BRANDY L	.00			4,585.18
E 4124 13TH AVE	E 4124 13TH AVE		CUBA STREET	4,585.18	
SPOKANE WA 99202-5419USA	SPOKANE WA 99202-5419USA				

PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
22534-5613 / 35224.5613	TUDOR HEIGHTS LOTS 10-12 BLOCK 27	E 4127 14TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
LYTLE, KENNETH L & DEANNA M	LYTLE, KENNETH L & DEANNA M	.00			15,556.93
E 4127 14TH AVE	E 4127 14TH AVE		CUBA STREET	15,285.76	
SPOKANE WA 99202-5428USA	SPOKANE WA 99202-5428USA		TRANSITION	271.17	

17 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
27531-0101 / 35271.0101	TUDOR HTS L1 B29	E 4238 14TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
LEWIS, CLYDE E & KATHRYN A	LEWIS, CLYDE E & KATHRYN A	3,852.41			3,972.71
E 4238 14TH AVE	E 4238 14TH AVE		TRANSITION	120.30	
SPOKANE WA 99202-	SPOKANE WA 99202-				

18 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
27531-0102 / 35271.0102	TUDOR HTS L2-3-4 B29	E 4216 14TH AV	Y

PBWK FILE	PROJECT DESCRIPTION
2010042 LID	STREET IMPROVEMENTS OF 14TH AVENUE FROM CUBASTREET TO HAVANA STREET; CUBA STREET FROM 14TH AVENUE TO 13TH AVENUE

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
SPILDE, JOEL L E 4216 14TH AVE SPOKANE WA 99202-5431USA	SPILDE, J L E 4216 14TH AVE SPOKANE WA 99202-5431USA	20,864.09	TRANSITION 610.14	21,474.23

19 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
27531-0104 / 35271.0104	TUDOR HTS LT 5 & E1/2 OF LT 6 BLK 29 TOG W/ VAC PTN OF BEN BURR BLVD LYG SLY & ADJ	E 4208 14TH AV	Y

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
BRANOM, JARED A E 4208 14TH SPOKANE WA 99202	BRANOM, JARED A E 4208 14TH SPOKANE WA 99202	10,151.51	TRANSITION 768.05	10,919.56

20 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
27531-0105 / 35271.0105	TUDOR HTS LT 7 & W1/2 OF LT 6 BLK 29 TOG W/ VAC PTN OF BEN BURR BLVD LYG SLY & ADJ	E 4205 15TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
LARMER, DENISE D E 4205 15TH AVE SPOKANE WA 99223	LARMER, DENISE D E 4205 15TH AVE SPOKANE WA 99223	9,984.94		9,984.94

21 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
27531-0106 / 35271.0106	TUDOR HTS LT 8 & E1/2 OF LT 9 BLK 29 TOG W/ VAC PTN OF BEN BURR BLVD LYG SLY & ADJ	E 4127 15TH AV	N

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS	TOTAL ASSESSMENT
TRUSLER, PHILLIP N CAITLIN E E 4127 15TH AVE SPOKANE WA 99223	TRUSLER, PHILLIP N CAITLIN E E 4127 15TH AVE SPOKANE WA 99223	9,772.91		9,772.91

22 PARCEL-NO	LEGAL-DESCRIPTION	PARCEL ADDRESS	P-SIGN
27531-0108 / 35271.0108	TUDOR HEIGHTS N 80FT LT10 AND N 80FT OF W1/2 LT 9 BLK 29	E 4128 14TH AV	N

PBWK FILE	PROJECT DESCRIPTION
2010042 LID	STREET IMPROVEMENTS OF 14TH AVENUE FROM CUBASTREET TO HAVANA STREET; CUBA STREET FROM 14TH AVENUE TO 13TH AVENUE

TAXPAYER	OWNER/PURCHASER	DISTRICT ASSESSMENT	SPECIAL ASSESSMENTS		TOTAL ASSESSMENT
LYCAN, CECILE A	LYCAN, CECILE A	8,154.96			8,817.03
W 1107 27TH AVE	W 1107 27TH AVE		DRIVEWAY	586.82	
SPOKANE WA 99203-1310USA	SPOKANE WA 99203-1310USA		TRANSITION	75.25	

PBWK FILE	PROJECT DESCRIPTION
2010042 LID	STREET IMPROVEMENTS OF 14TH AVENUE FROM CUBASTREET TO HAVANA STREET; CUBA STREET FROM 14TH AVENUE TO 13TH AVENUE

SPECIAL-DESCRIPTION	ASSESSMENT-METHOD-DESCRIPTION	METHOD-CODE
DISTRICT	ZONE TERMINI	ZT
CUBA STREET	RELATIVE SCALER	RS
DRIVEWAY	RELATIVE COST	RC
TRANSITION	RELATIVE COST	RC

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.612
Spokaneengineering.org

EXHIBIT NO. 5

June 13, 2013

File Number: 2010042
Parcel Number: «Parcel_1»

Assessment: $ «Assessment»

«Name»
«Address1»
«Address2»

RE: Assessment and Hearing for Street Improvements in 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue

Dear «Name»:

The above project has been completed, and a description of the assessment district is attached. The City proposes to assess your property in the **amount shown in the upper left hand corner of this letter**. In order to provide an opportunity for you to become better informed and to answer questions concerning the project and your assessment, a meeting will be held by the Department of Engineering Services on June 27, 2013, at 1:30 P.M., in the Conference Room 2A, 2nd Floor of the Spokane City Hall. This is an informal meeting intended to address questions or concerns that you may have. If you are unable to attend this meeting, you may contact me for information at the number shown below.

In compliance with the Statutes of the State of Washington, a hearing will be held before the City Hearing Examiner in Conference Room 2B, 2nd Floor of the City Hall, 808 West Spokane Falls Boulevard, at 1:30 P.M., on July 9, 2013. This hearing is to correct any irregularities or errors that may have occurred in assessing your property; it is not for the purpose of discussing the advisability of the project. The decision to create this Assessment District was made at a previous hearing and construction of this project is now completed. The Hearing Examiner will sit as a board of equalization for the purpose of considering the assessment roll. This will be the only hearing held on the assessments for this project.

Persons objecting to this assessment roll must submit written objections that comply with the requirements of Spokane Municipal Code (SMC) 7.05.480 to the Director of Engineering Services by the date and time scheduled for the hearing. Only persons who have submitted such written objections will be permitted to testify at the hearing. To be considered, written objections must contain the nature of the objection, the evidence to be presented in support of the objection, and the witnesses to be called to testify in support of the objection. The Hearing Examiner will consider the objections made and may correct, revise, raise, lower, change, or modify the roll or any part thereof, or set aside the roll and order the assessments to be made anew.

The decision of the Hearing Examiner will be final unless appealed to the City Council. The decision of the Hearing Examiner may only be appealed by persons who have submitted written objections that comply with the requirements stated in this letter. All appeals must comply with the requirements of SMC Section 7.05.540. Copies of the Spokane Municipal Code can be obtained through the City's website at www.spokanecity.org, or by contacting this office.

In Summary - Dates to Note:

June 27, 2013 at 1:30 P.M.	**Informational Meeting**
July 8, 2013	**Written objections due before the hearing**
July 9, 2013 at 1:30 P.M.	**Hearing**

The costs for the improvement are as follows:

Contract Value	$ 255,214.64
Design & Inspection Expense	138,294.53
City Clerk's Expense	256.59
Treasurer's Expense	2,670.00
Accounting Expense	2,440.18
Interest	12,506.70
Bonds Cost	255.00
Legal Expense	2,503.94
Relocate Hydrant	6,734.44
Postal CBU	1,445.00
Traffic Signs	126.84
Tree Related	22,079.58
Geotech Related	9,853.11
Total Project Cost	$ 454,380.55
Supplemental Funding:	
Community Development Block Grant	21,757.21
10-Year Street Bond	265,693.24
Total Supplemental Funding	287,450.45
Net Project Assessment	$ 166,930.10

Please note your assessment amount in the upper left hand corner of page one.

Approximately thirty days before the due date of the assessment, the City Treasurer will send a statement showing the amount of the assessment. All or any part of the assessment may be paid without interest before the date shown on the statement. After the date shown on the statement, the balance will be divided over ten years with ten annual installments with interest computed each year on the unpaid balance.

Funding assistance may pay 50, 75, or 100% of your assessment. In order to qualify for assistance, please review the enclosed application. If your income level and family size are within the limits, fill out the application and return it to the Department of Engineering Services at the address shown. Along with your application form, please include a copy of your 2012 Federal Income Tax Return. **Please note, if you have previously been approved for assistance you do not need to apply again. However, if your income has been reduced as of 2012 or your family size increased, you may now qualify for assistance. Please review the application carefully to determine whether to reapply. This application must be submitted to our office by July 8, 2013.**

If you desire any additional information, please contact me in the Department of Engineering Services at 625-6700, or at the address above.

Sincerely,

Michael Myers
L.I.D. Coordinator

Attachments: District Description, Affidavit
MM/sh

ASSESSMENT DISTRICT DESCRIPTION
PROJECT NO. 2010042

Description of the assessment district for:

Street Improvements of 14th Ave. from Cuba St to Havana St; Cuba St from 14th Ave to 13th Ave

All that property described as follows:

LOTS	BLOCK	ADDITION
1-8	29	Tudor Heights Addition
Portion of 9 & 10	29	Tudor Heights Addition
6-18	28	Tudor Heights Addition
1-3	27	Tudor Heights Addition
10-12	27	Tudor Heights Addition

Situated in the **Southeast 1/4** of Section **22,** Township **25**, Range **43** East of the Willamette Meridian.

End of Description.

By: SRM Date: July 22nd, 2010 Checked:_____ Date:___/___/____

STREET BOND LID FUNDING

Project 2010042

THIS APPLICATION MAY REDUCE YOUR COST **PROVIDED** YOU QUALIFY FOR ASSISTANCE ASSISTANCE IS AVAILABLE ON A **FIRST-COME, FIRST-SERVED** BASIS, ACCORDING TO THE DATE THIS APPLICATION IS RECEIVED IN THE ENGINEERING SERVICES DEPARTMENT.

APPLICATION FOR LOCAL IMPROVEMENT DISTRICT (LID) FINANCIAL ASSISTANCE

The City of Spokane's Street Bond LID Program may pay 100%, 75%, or 50% of the LID assessment for stree improvements for residential property owners who occupy their residence within the Local Improvement Distric Owners must have low and moderate incomes and have non-income producing assets that **do not** excee $35,000.00. Your personal residence is excluded from the $35,000.00 asset limit.

The amount of assistance depends on family size, gross annual income and assets. If your income is less tha Line A of the chart below, you may receive 100% assistance. If your income is between Line A and B, you ma receive 75% assistance. If your income is between Line B and C, you may receive 50% assistance. At any leve of assistance, your assets that do not produce income may not exceed $35,000.00 (personal residenc excluded).

GROSS ANNUAL INCOME LIMIT BY NUMBER OF PERSONS IN FAMILY

		1	2	3	4	5	6	7	8	9+
A	100%	22,050	25,200	28,350	31,450	34,000	36,500	39,000	41,550	44,05
B	75%	28,650	32,725	36,825	40,875	44,175	47,425	50,700	53,975	57,22
C	50%	35,250	40,250	45,300	50,300	54,350	58,350	62,400	66,400	70,40

If you think you qualify for this assistance, COMPLETE BOTH SIDES OF THIS FORM. BE SURE TO SIGN AN DATE THE FORM AND RETURN IT ALONG WITH A COMPLETE COPY OF YOUR 2012 FEDERAL TA RETURN, YOUR W2 FORM(S), SOCIAL SECURITY BENEFIT LETTER, 2012 DSHS AWARD LETTER O ANY OTHER APPLICABLE DOCUMENTS SHOWING INCOME TO THE DEPARTMENT OF ENGINEERIN SERVICES, 808 West Spokane Falls Boulevard, Spokane, WA 99201-3343.

==========

Name (Owner/Purchaser) _____ Phone _____

Address of Property _____ Lot _____ Block _____ Addition _____

Mailing Address _____ Zip Code _____

Date of Birth _____ Family Size (include yourself) _____

Employer _____ Employer's Address _____

Position _____ Years of Service _____

The following information is not required and is voluntary:

Is anyone in your household handicapped? Yes _____ No _____

Indicate number of persons in your household by Ethnic Origin (include yourself).

ETHNICITY:		RACE:		RACE (continued):	
Hispanic or Latino		White		American Indian/Alaskan Native & White	
Not Hispanic or Latino		Black/African American		Asian & White	
		Asian		Black/African American & White	
		American Indian/Alaskan Native		American Indian/Alaskan Native & Black/African American	
		Native Hawaiian/Other Pacific Islander		Other	

GROSS HOUSEHOLD INCOME FOR **2012**

List all sources of income:

Salary/Wage	$_____
Social Security	$_____
Retirement/Pension	$_____
Veteran Pension	$_____
Public Assistance	$_____
Investments	$_____
Interest	$_____
Rent	$_____
Other - List other sources of income:	
_____	$_____
_____	$_____
_____	$_____
_____	$_____
_____	$_____
_____	$_____
TOTAL INCOME	$_____

ASSETS: List all current assets with over $1,000.00 value:

Cash (Including checking & savings)	$_____
Tax Assessed Value of:	
Real Estate:	
Personal residence	$_____
Other Real Estate	$_____
Automobile Value	$_____
Boat Value	$_____
Stock and Bonds	$_____
Savings Certificates	$_____
Other - List other assets you own:	
_____	$_____
_____	$_____
_____	$_____
_____	$_____
_____	$_____
TOTAL ASSETS	$_____

==========

I believe that I, _____ (print name) am eligible for financial assistanc under the Street Bond LID Program and hereby request 50%, 75%, 100% (circle one) assistance should I quali on the basis of gross household income and total assets. I understand this assistance will be provided on FIRST-COME, FIRST-SERVED basis, as long as funds are available; and only to those persons who have bee approved on the basis of this application and are the owners/purchasers and occupants of the residenti property. Furthermore, I hereby certify, under penalty of perjury, that the above information is true and correct a of this date, to the best of my knowledge. I further authorize the City of Spokane or its authorized representati to have access to any and all financial records, in addition to my submitted Federal Tax Returns, for the purpos of verifying my/our annual income and assets for the year of 2012 (last full year). Please have all own applicant(s) requesting assistance sign and date.

_____ Signed

_____ Signed

_____ Date

_____ Date

IF YOU HAVE ANY QUESTIONS, CALL THE DEPARTMENT OF ENGINEERING SERVICES AT 625-6700.

==========

For Community Development Use Only

Approved for Assistance: Yes/No _____%

_____ Director of Community, Housing & Human Services

_____ Date

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.612
Spokaneengineering.org

EXHIBIT NO. 6

CONFIRMATION
LOCAL IMPROVEMENT DISTRICT
CERTIFICATE OF MAILING

STREET IMPROVEMENTS IN 14TH AVENUE FROM CUBA STREET TO HAVANA STREET; CUBA STREET FROM 14TH AVENUE TO 13TH AVENUE

2010042

I, Kyle Twohig, Engineering Operations Manager, Department of Engineering Services, hereby certify that written notices of the hearing before the Hearing Examiner were mailed under my direction to all owners or reputed owners of the property at the time and in the manner prescribed by law, and that said notices were mailed to such owners or reputed owners more than fifteen days before the date set for the hearing.

Kyle Twohig
Engineering Operations Manager

Letters Mailed: June 13, 2013

Confirmation Hearing: July 9, 2013

PMT/slh

\projects\2010042\confirmtion mail crt.doc

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON) SS
COUNTY OF SPOKANE)
CITY OF SPOKANE)

EXHIBIT NO. 7

I, TERRI L. PFISTER, CITY CLERK of Spokane, Washington, and ex-officio editor of the *Official Gazette*, a paper published weekly by the City of Spokane, Washington, do hereby certify that the NOTICE OF ASSESSMENT ROLL HEARING attached hereto and which is hereby made a part of this proof of publication was published in said paper to wit:

On the 12th and 19th days of June 2013, and that said NOTICE OF ASSESSMENT ROLL HEARING was published in every copy of the said paper of said dates.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City of Spokane this 19th day of June 2013.

Terri L. Pfister

City Clerk
City of Spokane, Washington

CITY OF SPOKANE WASHINGTON

(See Attached for Remainder of Affidavit)

ASSESSMENT ROLL HEARING NOTICE

LID NO. 2010042

Local Improvement District No. 2010042 for street improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue.

The Assessment Roll for the above Local Improvement District, prepared under City of Spokane Ordinance No. C34962 enacted February 22, 2011, was filed with the Spokane City Clerk May 29, 2013, and is now open for public inspection.

The Spokane City Council has **fixed Tuesday, July 09, 2013, at 1:30 p.m.,** in the Second Floor Conference Room of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington, as the time and place for the Hearing to be held before the City Hearing Examiner upon said roll.

All persons who may desire to object thereto shall make such objection in writing and file the same with the City Engineer at or prior to the date fixed for such Hearing. Only persons who have submitted written objections will be permitted to testify at the Hearing.

At the time and place fixed, and at such other times as the Hearing may be continued to, the City Hearing Examiner will sit as a Board of Equalization for the purpose of considering said roll, and at such Hearing, or Hearings, will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change, or modify such roll, or any part thereof, or set aside such roll and order that such assessment be made de novo.

This will be the only Hearing held on the assessment roll and will be final unless appealed to the Spokane City Council. Failure to submit written objections to the Hearing Examiner will be deemed a waiver of the right to appeal. All appeals must comply with Section 7.05.540 of the Spokane Municipal Code.

Specific information regarding this assessment roll may be obtained by contacting the Engineering Services Department, Third Floor, Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington 99201—telephone number (509) 625-6700.

Terri L. Pfister
Spokane City Clerk

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. Individuals requesting reasonable accommodations or further information may call, write, or email 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. 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.

Publish: June 12 and 19, 2013

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201-3343
509.625.6700
FAX 509.625.6349/509.625.6124
Spokaneengineering.org

LOCAL IMPROVEMENT DISTRICT (L.I.D.) CONFIRMATION REPORT

FOR

EXHIBIT NO. 8

Local Improvement District No. 2010042

SUMMARY AND RECOMMENDATION

Confirmation of Assessments for: Street Improvements of 14th Avenue from Cuba Street to Havana Street; Cuba Street from 14th Avenue to 13th Avenue

Recommendation: Approve

FINDINGS OF FACT

BACKGROUND INFORMATION

Date of Ordering Ordinance: February 22, 2011

Ordering Ordinance Published: February 23, 2011

Project Description: Street Improvements of 14th Avenue from Cuba Street to Havana Street; Cuba Street from 14th Avenue to 13th Avenue

Reason and Purpose of Project: This project is designed to provide neighborhood circulation, dust control, adequate storm drainage and improved quality of life within the assessment district.

Total Project Cost	$454,380.55
Supplemental Funding:	
10 – Year Street Bond	265,693.24
Community Development Funds	21,757.21
Net Assessment to Property Owners	**$166,930.10**
Total Number of Parcels:	22

PROCEDURAL INFORMATION

Confirmation Hearing: July 9, 2013

Notice Dates:

Mailed Final Hearing Notification: June 13, 2013

Notice of Assessment Roll Hearing Published: June 12 & 19, 2013

Information Meeting: June 27, 2013

Known Opponents:

None

Date of Report:

July 2, 2013

Responsible Staff Person:

John Gomez, P.E., Senior Engineer - Design
City of Spokane
Department of Engineering Services
808 West Spokane Falls Blvd.
Spokane, WA 99201-3343
(509) 625-6700

FINDINGS AND CONCLUSIONS

Local Improvement Districts finalized by a confirming Ordinance are subject to Spokane Municipal Code (SMC) Chapter 7.05 and may be approved only if they comply with the criteria set forth in SMC 7.05.500. The Department of Engineering Services has reviewed these criteria and all of the available evidence and makes the following Findings and Conclusions to confirm the assessment roll:

1. All property in the Local Improvement District has been assessed proportionally in relation to all other property in the Local Improvement District.

   A zone termini, relative scaler and relative cost method of distributing the project costs has been used insuring proportional assessments.

2. All property in the Local Improvement District is specially benefited in an amount at least equal to the assessment.

   A review of the assessments has been conducted by the Department of Engineering Services staff and it is the Department's judgment that the assessments are equal to or less than the special benefit to the properties in the assessment district. In no case are the assessments greater than the special benefit.

3. All procedures set forth in RCW 35.43 and this Article have been followed.

   On June 13, 2013 notices were sent to all property owners and taxpayers of record advising them of the proposed amount of their assessments and of the date of the hearing before the City's Hearing Examiner in accordance with RCW 35.43. Copies of this correspondence can be found elsewhere in this report.

2010042

CITY OF SPOKANE
DEPARTMENT OF ENGINEERING SERVICES
808 W. SPOKANE FALLS BLVD.
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509.625.6700
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EXHIBIT NO. 9

CONFIRMATION MEETING

FOR

LOCAL IMPROVEMENT DISTRICT 2010042

STREET IMPROVEMENTS IN 14TH AVENUE FROM

CUBA STREET TO HAVANA STREET AND CUBA STREET

FROM 14TH AVENUE TO 13TH AVENUE

JUNE 27, 2013

ATTENDANCE ROSTER

Name	Address	Phone Number
Brandy Woods	4124 E. 13th Ave	509-499-5125

ORDINANCE NO. C-35017

An ordinance approving and confirming the assessments and assessment roll for **Local Improvement District No. 2010042 for Street Improvements of 14th Avenue from Cuba Street to Havana Street and Cuba Street from 14th Avenue to 13th Avenue,** and levying and assessing the amounts thereof, according to benefits, against the several lots, tracts and parcels of land and other property as shown on said roll; providing for the collection of said assessments and the issuance of local improvement installment notes or bonds to pay the cost and expense of said improvement; fixing the date of issue of said installment notes or bonds; and providing for delinquency penalties.

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. That the assessments and assessment roll of **Local Improvement District No. 2010042** as the same now stands, be and the same hereby are, in all things approved and confirmed.

Section 2. That each of the lots, tracts and parcels of land and other property shown upon said roll is hereby declared to be specially benefited by said improvement in at least the amount charged against the same, and that the assessment appearing against each lot, tract or parcel of land and other property is in proportion to the several assessments appearing upon said roll. There is hereby levied and assessed against each such lot, tract and parcel of land, and other property described in said roll, the amount finally charged against the same thereon.

Section 3. That the City Clerk is hereby directed to certify and transmit said assessment roll to the City Treasurer for collection pursuant to state law and the ordinances of the City of Spokane.

Section 4. That said assessments shall become due and payable on **September 15, 2013**, and thereafter shall bear interest at an effective rate of three-fourths of one percent in excess of the rate at which installment notes or bonds may be sold as authorized in the next following section of this ordinance. All or any portion of any assessment may be paid without penalty or interest at any time before said date. Any portion of any assessment not paid as aforesaid shall be paid to the City Treasurer in **ten** equal annual installments, the first of which shall be due, payable and delinquent on **September 15, 2014** and on the same day in each year thereafter, together with interest thereon. All delinquent installments, consisting of principal and interest, shall bear interest at the aforesaid rate to the date of payment of foreclosure sale and, in addition, the total of the foregoing shall be subject to a penalty, the rate and calculation of which shall be as by general ordinance prescribed.

Section 5. That the **15th** day of **October, 2013** is hereby fixed as the date of issue of the installment notes or bonds required to be issued on account of said improvement; provided, a later date may be fixed by resolution of the City Council. No installment notes or bonds shall be issued in excess of the cost and expense of said improvement, or before the expiration of fifty (50) days from and after the date of the first publication of notice by the City Treasurer that said roll is in his/her hands for collection.

Section 6. The City Council hereby declares its official intent under Treasury Regulation Section 1.150-2 on behalf of the City to issue bonds to finance that portion of the improvements ordered by Section 1 of **Ordinance No. C34692,** that are to be paid from assessments. The Council reasonably expects that, (a) the City will reimburse expenditures for the improvements with proceeds of such bonds, and (b) the maximum principal amount of such bonds will be **$166,930.10.**

Section 7. This ordinance shall take effect and be in force from and after its passage.

Passed the City Council _____.

_____
Council President

Attest:

_____
City Clerk

Approved as to form:

_____
Assistant City Attorney

_____ _____
Mayor Date

_____
Effective Date

Agenda Sheet for City Council Meeting of:		Date Rec'd	7/18/2013
07/29/2013		Clerk's File #	ORD C35018
		Renews #	
Submitting Dept	CITY COUNCIL	Cross Ref #	
Contact Name/Phone	BEN STUCKART 625.6258	Project #	
Contact E-Mail	BSTUCKART@SPOKANECITY.ORG	Bid #	
Agenda Item Type	First Reading Ordinance	Requisition #	
Agenda Item Name	0320 DRONE ORDINANCE		

Agenda Wording

AN ORDINANCE relating to the City of Spokane's use of surveillance equipment; requiring City departments to obtain City Council approval prior to acquiring certain surveillance equipment.

Summary (Background)

This ordinance creates a new chapter in the SMC regulating the acquisition and use of surveillance equipment, including drones. The ordinance will require city departments to obtain City Council approval by resolution for the acquisition, deployment and installation of surveillance equipment. City departments shall develop operational protocols for the use of surveillance equipment at the time the department seeks City Council approval, including data management protocol.

Fiscal Impact		Budget Account
Select	$	#
Select	$	#
Select	$	#
Select	$	#

Approvals		Council Notifications	
Dept Head	WESTFALL, JENNIFER	Study Session	
Division Director		Other	
Finance	LESESNE, MICHELE	Distribution List	
Legal	BURNS, BARBARA		
For the Mayor	SANDERS, THERESA		
Additional Approvals			
Purchasing			

ORDINANCE NO. C - 035018

AN ORDINANCE relating to the City of Spokane's use of surveillance equipment; requiring City departments to obtain City Council approval prior to acquiring certain surveillance equipment; requiring departments to propose protocols related to proper use and deployment of certain surveillance equipment for Council review, requiring departments to adopt written protocols that address data retention, storage and access of any data obtained through the use of certain surveillance equipment, and adopting a new chapter 1.08 to title 1 of the Spokane Municipal Code.

WHEREAS, the previous installation of video cameras by the City on City property and facilities have raised concerns over privacy and the lack of public process leading up to the decisions to use certain surveillance equipment; and

WHEREAS, while surveillance equipment may help promote public safety in some contexts, such as red light cameras and dashboard video cameras in police vehicles, the benefits of such technologies should be balanced with the need to protect privacy and anonymity, free speech and association, and equal protection; and

WHEREAS, while the courts have established that people generally do not have a reasonable expectation of privacy in public settings, the City should be judicious in its use of surveillance equipment to avoid creating a constant and pervasive surveillance presence in public life; and

WHEREAS, all City departments should seek approval from the City Council prior to the acquisition and operation of certain surveillance equipment; and

WHEREAS, City departments should also propose specific protocols for Council review and approval that address the appropriate use of certain surveillance equipment and any data captured by such equipment; and

WHEREAS, City departments should also develop protocols for retaining, storing, and accessing data captured by surveillance equipment consistent with state law; - - Now, Therefore,

The City of Spokane does ordain:

Section 1. That there is adopted a new chapter 1.08 to title 1 of the Spokane Municipal Code to read as follows:

Chapter 1.08
Acquisition and Use of Surveillance Equipment

Sections:

1.08.010 Definitions
1.08.020 Council Approval for City Department Acquisition and Operations of Surveillance Equipment
1.08.030 Data Management Protocols for Surveillance Equipment
1.08.040 Acquisition and Use of Surveillance Equipment Related to Law Enforcement Investigations
1.08.050 Prior Use of Surveillance Equipment

1.08.010 Definitions

The following definitions apply to this chapter 1.08 SMC.

A. "Data management protocols" generally means procedures governing how data collected by surveillance equipment will be retained, stored, indexed and accessed. Information comprising data management protocols includes, at a minimum, the information required in SMC 1.08.030.

B. "Operational protocols" generally means procedures governing how and when surveillance equipment may be used and by whom. Information comprising operational protocols includes, at a minimum, the information required in SMC 1.08.020.

C. "Surveillance equipment" means equipment capable of capturing or recording data, including images, videos, photographs or audio operated by or at the direction of a City department that may deliberately or inadvertently capture activities of individuals on public or private property, regardless of whether "masking" or other technology might be used to obscure or prevent the equipment from capturing certain views. "Surveillance equipment" includes drones or unmanned aircraft and any attached equipment used to collect data. "Surveillance equipment" does not include:

1. a handheld or body-worn device used by law enforcement,

2. a camera installed in or on a police vehicle,

3. a camera installed in or on any vehicle, such as fire trucks, emergency vehicles, utility vehicles and street maintenance vehicles intended for the safe operation of the vehicles;

4. a camera installed along a public right-of-way intended to record traffic patterns and/or traffic violations,

5. a camera intended to record activity inside or at the entrances to City buildings for security purposes, and

6. a camera installed to monitor and protect the physical integrity of City infrastructure, such as City fire stations and utility service facilities.

1.08.020 City Council Approval for City Department Acquisition and Operations of Surveillance Equipment

A. Any City department intending to acquire surveillance equipment shall obtain city council approval pursuant to a resolution prior to acquisition. Prior to deployment or installation of the surveillance equipment, City departments shall obtain city council approval pursuant to a resolution of operational protocols, unless applicable operational protocols were previously approved by a resolution. In requesting approval for acquisition of surveillance equipment, City departments shall include proposed operational protocols containing the following information for the city council's consideration, along with any other information specifically requested by the city council:

1. A clear statement describing the purpose and use of the proposed surveillance equipment.

2. The type of surveillance equipment to be acquired and used.

3. The intended specific location of such surveillance equipment if affixed to a building or other structure.

4. How and when a department proposes to use the surveillance equipment, such as whether the equipment will be operated continuously or used only under specific circumstances, and whether the equipment will be installed permanently or temporarily

5. A description of the privacy and anonymity rights affected and a mitigation plan describing how the department's use of the equipment will be regulated to protect privacy, anonymity, and limit the risk of potential abuse.

6. A description of how and when data will be collected and retained and who will have access to any data captured by the surveillance equipment.

7. The extent to which activity will be monitored in real time as data is being captured and the extent to which monitoring of historically recorded information will occur.

8. A public outreach plan for each community in which the department intends to use the surveillance equipment that includes opportunity for

public meetings, a public comment period, and written agency response to these comments.

9. If a department is requesting to acquire or use drones or other unmanned aircraft, it shall propose the specific circumstances under which they may be deployed, along with clearly articulated authorization protocols.

10. If more than one department will have access to the surveillance equipment or the data captured by it, a lead department shall be identified that is responsible for maintaining the equipment and ensuring compliance with all related protocols. If the lead department intends to delegate any related responsibilities to other departments and city personnel, these responsibilities and associated departments and personnel shall be clearly identified.

11. Whether a department intends to share access to the surveillance equipment or the collected data with any other government entity.

12. A description of the training to be provided to operators or users of the surveillance equipment.

B. Upon review of the information required under this section, and any other information deemed relevant by the city council, the city council may approve the acquisition and operation of surveillance equipment, approve the acquisition of surveillance equipment and require future city council approval for operations, deny the acquisition or use of surveillance equipment for the purpose proposed, or take other actions.

1.08.030 Data Management Protocols for Surveillance Equipment

A. Prior to operating surveillance equipment acquired after the effective date of this chapter, City departments shall submit written protocols for managing data collected by surveillance equipment to the city council. The city council may require that any or all data management protocols required under this section be approved by resolution. These data management protocols shall address the following:

1. The time period for which any data collected by surveillance equipment will be retained.

2. The methods for storing recorded information, including how the data is to be labeled or indexed. Such methods must allow for the department personnel to readily search and locate specific data that is collected and determine with certainty that data was properly deleted, consistent with applicable law.

3. How the data may be accessed, including who will be responsible for authorizing access, who will be allowed to request access, and acceptable reasons for requesting access.

4. A viewer's log or other comparable method to track viewings of any data captured or collected by the surveillance equipment, including the date, time, the individuals involved, and the reason(s) for viewing the records.

5. A description of the individuals who have authority to obtain copies of the records and how the existence and location of copies will be tracked.

6. A general description of the system that will be used to store the data.

7. A description of the unit or individuals responsible for ensuring compliance with SMC 1.08.030 and when and how compliance audits will be conducted.

1.08.040 Acquisition and Use of Surveillance Equipment Related to Law Enforcement Investigations

Notwithstanding the provisions of this chapter, City departments may acquire or use surveillance equipment(excluding drones) that is used on a temporary basis for criminal investigative purposes or pursuant to a lawfully issued search warrant, or under exigent circumstances as defined in case law. The provisions of this chapter shall not apply to surveillance equipment installed on park property under the jurisdiction of the park board and library property under the jurisdiction of the library board of trustees. The exemptions from the provisions of this chapter set forth above do not apply to surveillance cameras mounted on drones or other unmanned aircraft.

1.08.050 Prior Use of Surveillance Equipment

A. Unless the city council previously approved operational protocols by resolution for department surveillance equipment, each City department operating surveillance equipment prior to the effective date of this chapter shall propose written operational protocols consistent with SMC 1.08.020 no later than thirty days following the effective date of this chapter for city council review and approval by resolution.

B. Each department operating surveillance equipment prior to the effective date of this chapter shall adopt written data management protocols consistent with SMC 1.08.030 no later than thirty days following the effective date of this chapter and submit these protocols to the city council for review and possible approval by resolution

Section 2. Following one year after the effective date of this ordinance, the city council will review its implementation as it applies to city department use of surveillance equipment.

PASSED BY THE CITY COUNCIL ON _____, 2013.

_____
Council President

Attest:

_____
City Clerk

_____
Mayor

Approved as to form:

_____
Assistant City Attorney

_____
Date

_____
Effective Date