

CITY OF SPOKANE



REGARDING CITY COUNCIL MEETINGS

City Council's standing committee meetings, Briefing Sessions, Legislative Sessions and study sessions are held in City Council Chambers – Lower Level of City Hall, 808 W. Spokane Falls Blvd.

City Council Members, City staff, presenters and members of the public have the option to participate virtually via WebEx during all meetings, with the exception of Executive Sessions which are closed to the public. Call in information for the May 13, 2024, meetings is below. All meetings will be streamed live on Channel 5 and online at <https://my.spokanecity.org/citycable5/live> and <https://www.facebook.com/spokanecitycouncil>.

WebEx call in information for the week of May 13, 2024:

3:30 p.m. Briefing Session: 1-408-418-9388; access code: 249 250 76017; password: 0320

6:00 p.m. Legislative Session: 1-408-418-9388; access code: 249 269 38869; password: 0320

Thursday Study Session: 1-408-418-9388; access code: 249 143 67432; password: 0320

To participate in public comment (including Open Forum):

Testimony sign-up is open beginning at 5:00 p.m. on Friday, May 10, 2024, and ending at 6:00 p.m. on Monday, May 13, 2024, via the online testimony sign-up form link which can be accessed by clicking <https://forms.gle/Vd7n381x3seaL1NW6> or in person outside council chambers beginning at 8:00 a.m. on May 13, 2024. You must sign up by 6:00 p.m. to be called on to testify. (If you are unable to access the form by clicking the hyperlink, please copy and paste the link address into your browser window.) Instructions for participation are provided on the form when you sign up.

The open forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City and not relating to the current or advance agendas, pending hearing items, or initiatives or referenda in a pending election. "Affairs of the city" shall include (i) matters within the legislative, fiscal or regulatory purview of the city, (ii) any ordinance, resolution or other official act adopted by the city council, (iii) any rule adopted by the city, (iv) the delivery of city services and operation of city departments, (v) any act of members of the city council, the mayor or members of the administration, or (vi) any other matter deemed by the council president to fall within the affairs of the city, which determination may be overridden by majority vote of the council members present. Individuals speaking during the open forum shall address their comments to the council president and shall maintain decorum as laid out in Rule 2.15 (Participation by Members of the Public in Council Meetings).

**CITY COUNCIL MEETINGS
RULES – PUBLIC DECORUM**

Strict adherence to the following rules of decorum by the public will be observed and adhered to during City Council meetings, including open forum, public comment period on legislative items, and Council deliberations:

- 1. No Clapping!**
- 2. No Cheering!**
- 3. No Booing!**
- 4. No public outbursts!**
- 5. Two-minute time limit for comments made during open forum, and three-minute time limit on public testimony regarding legislative items!**

In addition, please silence your cell phones when entering the Council Chambers!

Further, keep the following City Council Rules in mind:

Rule 2.2 OPEN FORUM

- A. After the conclusion of all legislative business, the council shall recess briefly and then convene for an open forum, unless a majority of council members vote otherwise. The open forum shall have twenty (20) spaces available. The individuals assigned to the twenty (20) spaces available will be chosen at random, with preference given to individuals who have not spoken at open forum during that calendar month. The council shall conclude open forum after twenty (20) speakers unless a majority of council members vote to allow additional speakers. The city clerk and other staff shall not be required to remain in attendance during the open forum. Nothing in this Rule 2.2 shall be deemed to require open forum or the legislative session to continue after 10:00 p.m., or to require open forum during a council “Town Hall” meeting contrary to Rule 2.14.F.
- B. Members of the public can sign up for open forum beginning no later than 5:00 p.m. on the Friday immediately preceding the legislative session and ending at 6:00 p.m. on the date of the meeting via the virtual testimony form linked in the meeting packet or in person outside council chambers beginning at 8:00 a.m. on the day of the legislative session. Speakers must sign themselves in using a name. Members of the public who are unable to sign up during the sign-up period or who attempt to sign up late will be added to the list of speakers at the discretion of the chair, or their designee. The order of the speakers will be determined at the discretion of the chair, taking into account any special accommodations for persons of limited English proficiency as provided in Rule 2.2.F below. Each speaker shall be limited to no more than two (2) minutes unless a majority of the council members in attendance vote on an alternate time limit.
- C. No action, other than a statement of council members’ intent to address the matter in the future, points of order, or points of information will be taken by council members during an open forum.
- D. The open forum is a limited public forum and all matters discussed in the open forum shall relate to the affairs of the city. “Affairs of the city” shall include (i) matters within the legislative, fiscal or regulatory purview of the city, (ii) any ordinance, resolution or other official act adopted by the city council, (iii) any rule adopted by the city, (iv) the delivery of city services and operation of city departments, (v) any act of members of the city council, the mayor or members of the administration, or (vi) any other matter deemed by the council president to fall within the affairs of the city, which determination may be overridden by majority vote of the council members present. Absent permission of the chair, no person shall be permitted to speak in open forum regarding items on that week’s current agenda or the next week’s advanced agenda, pending hearing items, or initiatives or referenda in a pending election. Legal or personal matters between private parties that do not impact the governance of the City of Spokane are not a permissible topic of open forum testimony.
- E. No person shall be permitted to display visual information during open forum, including but not limited to presentations, videos, or other media; however, members of the public may share this information with the council by emailing them at citycouncil2@spokanecity.org. Individuals speaking during open forum shall address their comments to the council president, and speakers as well as members of the audience shall comply with Rule 2.15 (Participation by Members of the Public in Council Meetings).
- F. Participation of individuals with limited English language proficiency in open forum shall be accommodated to the extent set forth in Rule 2.15.J.

Rule 2.7 SERVICE ANIMALS AT CITY COUNCIL MEETINGS

- A. For purposes of these Rules, only dogs that are individually trained to do work or perform tasks for a person with a disability are recognized as service animals. Dogs or other animals whose sole function is to provide comfort or emotional support do not qualify as service animals under these Rules. Service animals are permitted to accompany people with disabilities in City Council meetings, as well as all areas where members of the public are allowed to go.

- B. Service animals must, at all times while present in a City Council meeting, be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices, in which case, the individual must maintain control of the animal through voice, signal, or other effective controls.

Rule 2.15 PARTICIPATION OF MEMBERS OF THE PUBLIC IN COUNCIL MEETINGS

The council encourages public participation in the legislative process. Council meetings shall be conducted in a manner that provides the opportunity for all attendees to hear, see and participate in the proceedings to the extent provided in these Rules and applicable city, state, and federal law. Speech or conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any council meeting is prohibited. In addition to these general principles governing public participation, the following specific rules apply:

- A. Members of the public may address the council regarding the following items during the council's legislative session: the consent agenda as a whole, all first reading ordinances together (with the exception of first reading ordinances associated with hearings, which shall be taken separately), final readings of regular and special budget ordinances, emergency ordinances, hearing items, special considerations, and other items before the city council requiring council action, except those that are adjudicatory or solely administrative in nature. This rule shall not limit the public's right to speak on issues that are not part of the current or advanced agendas during open forum.
- B. No member of the public 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 and provide their city of residence as a condition of recognition. Council members must be recognized by the chair for the purpose of obtaining the floor.
- C. Each person speaking in a public council meeting shall verbally identify themselves by name, city of residence, and, if appropriate, representative capacity.
- D. Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded, and documents submitted for the record are identified and marked by the clerk.
- E. Those who wish to provide commentary but do not wish to give verbal comments at the podium may provide written comments to the council via letter or electronic mail.
- F. No person shall be permitted to conduct demonstrations, display banners, hold signs, applaud or boo speakers, use profanity, vulgar language or obscene speech, yell or make comments that attack or verbally insult any individual, or engage in other such disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of the proceedings.
- G. Standing is permitted so long as doing so maintains compliance with applicable fire codes and the Americans with Disability Act (ADA), does not interfere with reserved seating areas, and does not impede access to entrances and exits to the Council Chambers, aisles, or pathways inside the Council Chambers. Attendees shall be mindful not to obstruct the views of others in Council Chambers when standing.
- H. A speaker asserting a statement of fact may be asked by a council member to document and identify the sources of the factual datum being asserted.
- I. When addressing the council, members of the public shall direct all remarks to the council president, shall refrain from remarks directed personally to any council member or any other individual, and shall confine remarks to the matters that are specifically before the council at that time.
- J. City employees or city officials (including members of city boards and commissions) may participate in public comment, including open forum, providing they are in compliance with the City of Spokane Code of Ethics and they do the following:
 - 1. Announce at the beginning of their testimony that they are there in their personal capacity or their capacity as a member of a relevant board, commission, committee or community group;
 - 2. Protect confidential information, including, but not limited to, confidential financial information and attorney-client communications;
 - 3. Do not use, or be perceived to use, city funds, including giving testimony during paid work time or while in uniform; or city property, including using a city-issued computer or cell phone, in giving testimony.
- K. When any person, including members of the public, city staff, and others, are addressing the council, council members shall observe the same decorum and process as the rules require among the members *inter se*. That is, a council member shall not engage the person addressing the council in colloquy but shall speak only when granted the floor by the council president. All persons and/or council members shall not interrupt one another. The duty of mutual respect and avoiding unlawful harassment set forth in Rule 1.2 and the rules governing debate set forth in *Robert's Rules of Order, Newly Revised*, shall extend to all speakers before the city council. The city council's policy advisor and/or a city attorney shall, with the assistance of council staff, assist the council president to ensure that all individuals desiring to speak shall be identified,

appropriately recognized, and provided the opportunity to speak. All persons attending city council meetings or city council sponsored meetings shall refrain from harassing other attendees or risk being removed and/or prohibited from attending future meetings.

- L. The city council intends to fully comply with chapter 18.11 SMC, Language Access in Municipal Proceedings. Rules regarding participation of individuals in council proceedings, including legislative sessions and open forum, shall be deemed amended to conform to any Language Access Plan adopted by the council pursuant to SMC 18.11.030. Except as otherwise provided in an adopted Language Access Plan, individuals with limited English language proficiency are encouraged to contact the council office director at least five (5) days prior to a scheduled legislative session for assistance with the signing up to testify or to arrange translation or interpretation assistance.
- M. City council legislative sessions are regularly video and audio recorded and available online (<https://vimeo.com/spokanecitycouncil>). Members of the public may also photograph or film council proceedings so long as doing so maintains compliance with applicable fire codes and the Americans with Disability Act (ADA), does not interfere with reserved seating areas, and does not impede access to entrances and exits to the Council Chambers, aisles, or pathways inside the Council Chambers. Attendees shall be mindful not to obstruct the views of others in Council Chambers when photographing or recording. No flash photography or other lighting is permitted.
- N. RCW 42.17A.555 generally prohibits the use of city facilities for electioneering. Therefore, no person may use the council meeting or facilities for the purpose of assisting a campaign for election of any person to any office, or for the promotion of or opposition to any ballot proposition. In this context, the term “facilities” includes council chambers, the council gallery and the speaking opportunities available through the public comment and open forum procedures set forth in these rules.

Rule 2.16 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS

- A. Members of the public can sign up to give testimony beginning no later than 5:00 p.m. on the Friday immediately preceding the legislative session and ending at 6:00 p.m. on the date of the meeting via the online testimony sign-up form linked in the meeting packet or in person outside council chambers beginning at 8:00 a.m. on the day of the legislative session. Speakers must sign in using a name. Members of the public who are unable to sign up during the sign-up period or who attempt to sign up late will not be added to the list of speakers. The order of the speakers shall be determined at the discretion of the chair.
- B. The city council shall take public testimony on all matters included on its legislative agenda as described at Rule 2.15(A), with those exceptions stated in Rule 2.16(B). Public testimony shall be limited to the final council action, except that public testimony shall be allowed at the first reading of ordinances. Public testimony shall be limited to three (3) minutes per speaker. The chair, absent a majority vote of the council, has the authority to lower the three (3) minutes per speaker time limit by announcing the new, lower time limit at the legislative session. The chair may allow additional time if the speaker is asked to respond to questions from the council. Public testimony and consideration of an item may be extended to a subsequent meeting by a majority vote of the council. Testimony on a legislative item deferred to a future date shall be taken on the future date, unless testimony on the date of deferral is allowed by the Council President.
- C. No public testimony shall be taken on oral amendments to consent or legislative agenda items, votes to override a mayoral veto, or solely procedural, parliamentary, or administrative matters of the council.
- D. Public testimony will be taken on consent and legislative items that are moved to council’s regular briefing session or study session unless a majority of council votes otherwise during the meeting in which the items are moved.
- E. For legislative or hearing items that may affect an identifiable individual, association, or group, the following procedure may be implemented at the discretion of the council president:
 - 1. Following an assessment by the chair of factors such as complexity of the issue(s), the apparent number of people indicating a desire to testify, representation by designated spokespersons, etc., the chair shall, in the absence of objection by the majority of the council present, impose the following procedural time limitations for taking public testimony regarding legislative matters:
 - a. There shall be up to fifteen (15) minutes for staff, board, or commission presentation of background information, if any.
 - b. The designated representative of the proponents of the issue shall speak first and may include within their presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to thirty (30) minutes may be granted for the proponent’s presentation. If there be more than one designated representative, they shall allocate the allotted time between or among themselves.
 - c. Following the presentation of the proponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the proponents who wishes to

Speak on behalf of the proponent's position.

- d. The designated representative, if any, of the opponents of the issue shall speak following the presentation of the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same amount of time which was allotted to the proponents.
 - e. Following the presentation by the opponents of the issue, three (3) minutes shall be granted for any other person not associated with the designated representative of the opponents who wishes to speak on behalf of the opponents' position.
 - f. Up to ten (10) minutes of rebuttal time may be granted to the designated representative for each side, the proponents speaking first, the opponents speaking second.
2. In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three (3) minutes to present their position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.
 3. In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the chair may grant the same procedural and time allowances to each group or groups, as stated previously.
 4. In the event that the side for which individuals wish to speak is not identified, those wishing to give testimony shall be granted three (3) minutes to present their position after all sides have made their initial presentations and before each side's rebuttal period.
- F. The time taken for staff or council member questions and responses thereto shall be in addition to the time allotted for any individual or designated representative's testimony.
 - G. No person shall be permitted to display visual information during their testimony, including but not limited to presentations, videos, or other media; however, members of the public may share this information with the council by emailing them at citycouncil2spokanecity.org.
 - H. In addition to in-person or remote verbal testimony, testimony may also be submitted by mail to City Council Office, Spokane City Hall, 808 W. Spokane Falls Blvd., Spokane, WA, 99201, by email to all council members, or via the contact form on the council's website.¹

¹ <https://my.spokanecity.org/citycouncil/members/>

THE CITY OF SPOKANE



ADVANCE COUNCIL AGENDA

MEETING OF MONDAY, MAY 13, 2024

MISSION STATEMENT

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

MAYOR LISA BROWN

COUNCIL PRESIDENT BETSY WILKERSON

COUNCIL MEMBER JONATHAN BINGLE

COUNCIL MEMBER PAUL DILLON

COUNCIL MEMBER LILI NAVARRETE

COUNCIL MEMBER MICHAEL CATHCART

COUNCIL MEMBER KITTY KLITZKE

COUNCIL MEMBER ZACK ZAPPONE

**CITY COUNCIL CHAMBERS
CITY HALL**

**808 W. SPOKANE FALLS BLVD.
SPOKANE, WA 99201**

LAND ACKNOWLEDGEMENT

We acknowledge that we are on the unceded land of the Spokane people. And that these lands were once the major trading center for the Spokanes as they shared this place and welcomed other area tribes through their relations, history, trade, and ceremony. We also want to acknowledge that the land holds the spirit of the place, through its knowledge, culture, and all the original peoples Since Time Immemorial.

As we take a moment to consider the impacts of colonization may we also acknowledge the strengths and resiliency of the Spokanes and their relatives. As we work together making decisions that benefit all, may we do so as one heart, one mind, and one spirit.

We are grateful to be on the shared lands of the Spokane people and ask for the support of their ancestors and all relations. We ask that you recognize these injustices that forever changed the lives of the Spokane people and all their relatives.

We agree to work together to stop all acts of continued injustices towards Native Americans and all our relatives. It is time for reconciliation. We must act upon the truths and take actions that will create restorative justice for all people.

Adopted by Spokane City Council on the 22nd day of March, 2021
via Resolution 2021-0019

BRIEFING AND LEGISLATIVE SESSIONS

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. The Legislative Session is also open to the public and public comment will be taken on Legislative Session items, except those that are adjudicatory or solely administrative in nature. Following the conclusion of the Legislative Agenda, an Open Forum will be held unless a majority of Council Members vote otherwise. Please see additional Open Forum information that appears at the end of the City Council agenda.

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 THURSDAYS AT 6:00 P.M. AND FRIDAYS AT 10:00 A.M.

ADDRESSING THE COUNCIL

- No member of the public 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 and provide their city of residence as a condition of recognition. Council Members must be recognized by the chair for the purpose of obtaining the floor.
- Each person speaking at the public microphone shall verbally identify themselves by name, city of residency and, if appropriate, representative capacity.
- Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded, and documents submitted for the record are identified and marked by the Clerk. (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, no modes of expression including but not limited to demonstrations, banners, signs, applause, profanity, vulgar language, or personal insults will be permitted. To prevent disruption of council meetings and visual obstruction of proceedings, members of the audience shall remain seated during council meetings.
- A speaker asserting a statement of fact may be asked to document and identify the source of the factual datum being asserted.
- When addressing the Council, members of the public shall direct all remarks to the Council President, and shall confine their remarks to the matters that are specifically before the Council at that time or, if speaking during Open Forum, shall confine their remarks to affairs of the city.
- City staff may participate in public comment, including open forum, providing they are in compliance with the City of Spokane Code of Ethics and they follow the steps outlined in the City Council Rules of Procedure.

SPEAKING TIME LIMITS: Unless the time limit is adjusted by a majority vote of the Council, each person addressing the Council shall be limited to a two-minute speaking time during Open Forum and a three-minute speaking time for other matters. The chair may allow additional time if the speaker is asked to respond to questions from the Council. Public testimony and consideration of an item may be extended to a subsequent meeting by a majority vote of the Council. Note: No public testimony shall be taken on amendments to consent or legislative agenda items, or solely procedural, parliamentary, or administrative matters of the Council, including veto overrides.

CITY COUNCIL AGENDA: The City Council Advance and Current Agendas may be obtained prior to Council Meetings by accessing the City website at <https://my.spokanecity.org/citycouncil/documents/>.

BRIEFING SESSION

(3:30 p.m.)

(Council Chambers Lower Level of City Hall)
(No Public Testimony Taken)

ROLL CALL OF COUNCIL

INTERVIEWS OF NOMINEES TO BOARDS AND COMMISSIONS

COUNCIL OR STAFF REPORTS OF MATTERS OF INTEREST

ADVANCE AGENDA REVIEW (Staff or Council Member briefings and discussion)

APPROVAL BY MOTION OF THE ADVANCE AGENDA

CURRENT AGENDA REVIEW (Presentation of any new background information and discussion of any adjustments)

EXECUTIVE SESSION

(Closed Session of Council)

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

LEGISLATIVE SESSION

(6:00 P.M.)

(Council Reconvenes in Council Chamber)

PLEDGE OF ALLEGIANCE

WORDS OF INSPIRATION AND SPECIAL INTRODUCTIONS

ROLL CALL OF COUNCIL

PROCLAMATIONS AND SALUTATIONS

REPORTS FROM COMMUNITY ORGANIZATIONS

ANNOUNCEMENTS

(Announcements regarding Changes to the City Council Agenda)

NO BOARDS AND COMMISSIONS APPOINTMENTS

CONSENT AGENDA

The consent agenda consists of purchases and contracts for supplies and services provided to the city, as well as other agreements that arise (such as settlement or union agreements), and weekly claims and payments of previously approved obligations and biweekly payroll claims against the city. Any agreement over \$50,000 must be approved by the city council. Typically, the funding to pay for these agreements has already been approved by the city council through the annual budget ordinance, or through a separate special budget ordinance. If the contract requires a new allocation of funds, that fact usually will be indicated in the summary of the contract in the consent agenda.

Unless a council member requests that an item be considered separately, the council approves the consent agenda as a whole in a single vote. Note: The consent agenda is no longer read in full by the city clerk. The public is welcome to testify on matters listed in the consent agenda, but individual testimony is limited to three minutes for the entire consent agenda.

REPORTS, CONTRACTS AND CLAIMS

RECOMMENDATION

- | | | | |
|----|---|------------------------------------|--|
| 1. | Low Bid of <u>(to be determined at bid opening)</u> (City, ST) for 2024 Paving Unpaved Streets project—\$_____. An administrative reserve of \$____, which is 10% of the contract price, will be set aside. (Various Neighborhoods) (Council Sponsors: Council President Wilkerson and Council Members Bingle and Klitzke)
Dan Buller | Approve | OPR 2024-0351
ENG 2024049
ENG 2024050
ENG 2024051 |
| 2. | Report of the Mayor of pending: | Approve &
Authorize
Payments | CPR 2024-0002 |
| | a. Claims and payments of previously approved obligations, including those of Parks and Library, through _____, 2024, total \$_____, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$_____. | | |
| | b. Payroll claims of previously approved obligations through _____, 2024: \$_____. | | CPR 2024-0003 |
| 3. | a. City Council Meeting Minutes: _____, 2024. | Approve
All | CPR 2024-0013 |
| | b. City Council Standing Committee Meeting Minutes _____, 2024. | | |

LEGISLATIVE AGENDA

SPECIAL BUDGET ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

Ordinance C36520 amending Ordinance No. C36467 passed by the City Council November 27, 2023, and entitled, "An Ordinance adopting the Annual Budget of the City of Spokane for 2024, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2024, and providing it shall take effect immediately upon passage," and declaring an emergency and appropriating funds in:

American Rescue Plan Fund

- 1) Reallocate part of the appropriation of \$60,000 that was previously allocated for the purpose of ADU Permits.
- 2) Reallocate part of the appropriation of \$50,000 that was previously allocated for the purpose of Chief Recruitment.
- 3) Reallocate the appropriation of \$1,181,190.49 that was previously allocated for the purpose of Projects of City Wide Significance.
- 4) Reallocate the appropriation of \$74,811.42 that was previously allocated for the purpose of EV Stations.
- 5) Reallocate the appropriation of \$1,793,921.82 that was previously allocated for the purpose of the Municipal Court Justice Building.
- 6) Reallocate the appropriation of \$1,300,000 that was previously allocated for the purpose of Youth Behavioral Health.
- 7) Decrease appropriation by \$474,885.63.
 - A) Of the decreased appropriation, \$474,885.63 is removed solely from other miscellaneous charges.
- 8) Of the reallocated appropriation, \$2,650,000 is provided solely to support a new housing model.
- 9) Of the reallocated appropriation, \$1,800,000 is provided solely to ensure adequate addiction treatment facilities.
- 10) Of the reallocated appropriation \$ 484,809.36 is provided solely to for the purpose of Childcare Center Capital Projects.

(This action arises from the need to re-allocate ARPA funding for other purposes.) (Council Sponsors: Council President Wilkerson and Council Member Zappone)

Matt Boston

EMERGENCY ORDINANCES

(Require Five Affirmative, Recorded Roll Call Votes)

ORD C36482 Relating to Short-Term Rental Occupancy Fee, amending SMC Section 8.02.090, adopting a new Section 8.02.091 of Chapter 08.02 of the Spokane Municipal Code; and declaring an emergency. (Deferred from March 4, 2024, Agenda, during the February 26, 2024, 3:30 p.m. Briefing Session) (Council Sponsors: Council President Wilkerson and Council Member Cathcart)

Matt Boston

Wilkerson/Cathcart Proposed Amendment:

- Request motion to amend previous version of Emergency Ordinance C36482 with an updated amended version filed May 2, 2024, and included in agenda packet under ORD C36482.

NO RESOLUTIONS

FINAL READING ORDINANCES

(Require Four Affirmative, Recorded Roll Call Votes)

ORD C36518 Relating to the executive and administrative organization of the City, and amending SMC section 3.01A.350. (Council Sponsors: Council President Wilkerson and Council Members Cathcart and Zappone)

Matt Boston

ORD C36519 Repealing inactive boards; repealing Chapters 04.06, 04.20, 04.24, 04.39 and Article IV of Chapter 10.27A of the Spokane Municipal Code. (Council Sponsors: Council Members Zappone, Klitzke, and Bingle)

Adam McDaniel

NO FIRST READING ORDINANCES

NO SPECIAL CONSIDERATIONS

NO HEARINGS

OPEN FORUM

At the conclusion of legislative business, the Council shall recess briefly and then hold an open public comment period for up to 20 (twenty) speakers, unless a majority of council members vote otherwise. Each speaker is limited to no more than two minutes. In order to participate in Open Forum, you must sign up beginning at 5:00 p.m. on the Friday immediately preceding the legislative session and ending at 6:00 p.m. on the date of the meeting via the virtual testimony form linked in the meeting packet (<https://my.spokanecity.org/citycouncil/documents/>) or in person outside council chambers beginning at 8:00 a.m. on the day of the legislative session. The virtual sign-up form can also be found here: <https://forms.gle/Vd7n381x3seaL1NW6>. (If you are unable to access the form by clicking the hyperlink, please copy and paste the link address into your browser window.) Speakers must sign themselves in using a name. The individuals assigned to the twenty (20) spaces available will be chosen at random, with preference given to individuals who have not spoken at open forum during that calendar month. Instructions for virtual participation are provided on the form when you sign up. The Open Forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City other than items appearing on the Current or Advance Agendas, pending hearing items, and initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.

Motion to Approve Advance Agenda for May 6, 2024 (per Council Rule 2.1.B)

ADJOURNMENT

The May 13, 2024, Regular Legislative Session of the City Council is adjourned to May 20, 2024.

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 Risk Management at 509.625.6221, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or mlowmaster@spokanecity.org. Persons who are deaf or hard of hearing may contact Risk Management through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

NOTES

**Agenda Sheet for City Council:****Committee:** PIES **Date:** 04/15/2024**Committee Agenda type:** Consent**Date Rec'd**

3/26/2024

Clerk's File #

OPR 2024-0351

Renews #**Cross Ref #****Council Meeting Date:** 05/13/2024**Submitting Dept**

ENGINEERING SERVICES

Project #

2024049,50,51

Contact Name/Phone

DAN BULLER 625-6700

Bid #**Contact E-Mail**

DBULLER@SPOKANECITY.ORG

Requisition #**Agenda Item Type**

Engineer Construction Contract

Council Sponsor(s)

BWILKERSON JBINGLE KKLITZKE

Agenda Item Name

0370-LOW BID AWARD - 2024 PAVING UNPAVED STREETS (2024049) TO BE

Agenda Wording

Low Bid of (to be determined at bid opening) (City, ST) for 2024 Paving Unpaved Streets - \$__. An administrative reserve of \$__, which is 10% of the contract, will be set aside. (Various Neighborhood Councils)

Summary (Background)

On ____, bids were opened for the above project. The low bid was from (to be determined at bid opening) in the amount of \$__, which is \$__ or __% (above/below) the Engineer's Estimate of __. __ other bids were received as follows: (to be determined). All information will be provided prior to the council vote date.

Lease? NO Grant related? NO Public Works? YES

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative**Amount****Budget Account**

Select \$ #

Select \$ #

Select \$ #

Select \$ #

\$ #

\$ #



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

BULLER, DAN

Division Director

FEIST, MARLENE

Accounting Manager

ORLOB, KIMBERLY

Legal

HARRINGTON,

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

ddaniels@spokanecity.org

eraea@spokanecity.org

publicworksaccounting@spokanecity.org

kgoodman@spokanecity.org

pyoung@spokanecity.org

jgraff@spokanecity.org

Committee Agenda Sheet

Public Infrastructure, Environment & Sustainability Committee

Committee Date	4-15-24
Submitting Department	Engineering Services
Contact Name	Dan Buller
Contact Email & Phone	dbuller@spokanecity.org , 625-6391
Council Sponsor(s)	Wilkerson, Bingle, Klitzke
Select Agenda Item Type	<input checked="" type="checkbox"/> Consent <input type="checkbox"/> Discussion Time Requested:
Agenda Item Name	2024 Paving Unpaved Streets
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<ul style="list-style-type: none"> This project paves the various currently unpaved streets shown in the attached exhibit. The paving to be done is strip paving – no curbing, no sidewalk, no street trees, etc. per city council established program guidelines. This project is funded with TBD and local impact fees. Work is planned for construction later this spring and summer.
Fiscal Impact Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Total Cost: <u>\$0.6M</u> Current year cost: \$0.6M Subsequent year(s) cost:	
Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue	
Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Specify funding source: Select Funding Source* Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.	
Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.)	
Operations Impacts (If N/A, please give a brief description as to why) <ul style="list-style-type: none"> What impacts would the proposal have on historically excluded communities? Public works services and projects are designed to serve all citizens and businesses. We strive to offer a consistent level of service to all, to distribute public investment throughout the community and to respond to gaps in services identified in various City plans. How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? N/A How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution? Public Works follows the City’s established procurement and public works bidding regulations and 	

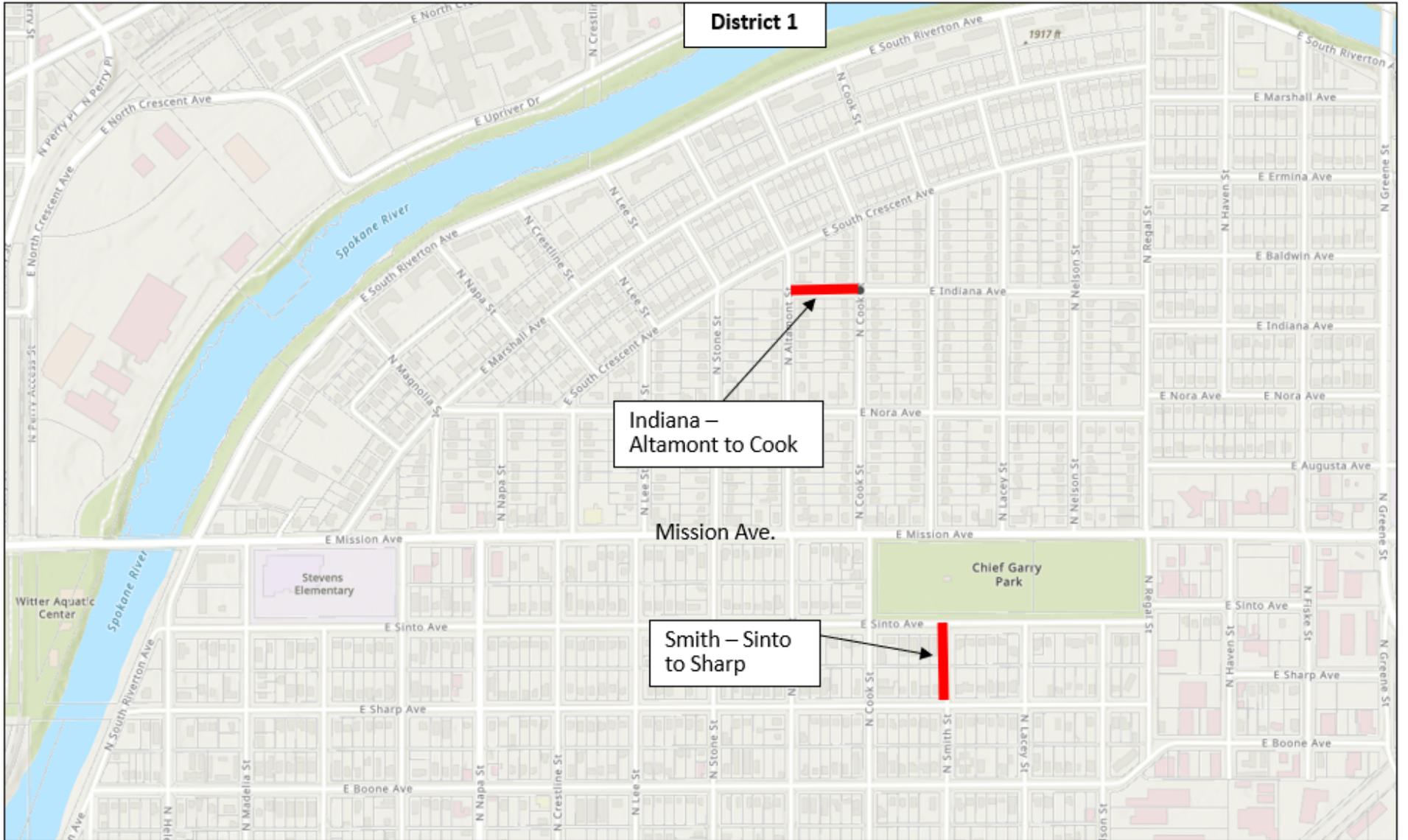
policies to bring items forward, and then uses contract management best practices to ensure desired outcomes and regulatory compliance.

- Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

This work is consistent with annual budget strategies to limit costs and approved projects in the 6-year CIP.

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not.

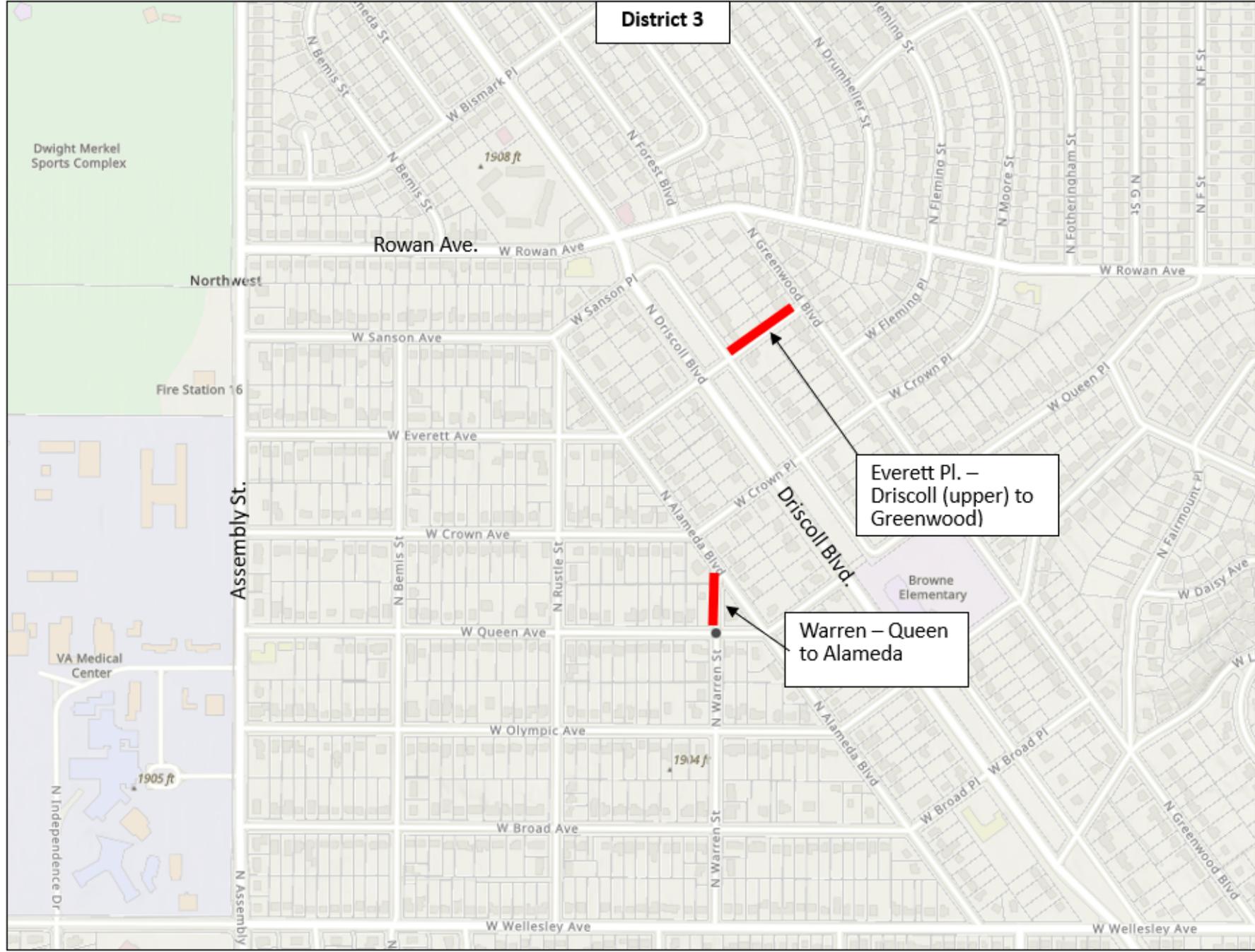


District 1

Indiana –
Altamont to Cook

Mission Ave.

Smith – Sinto
to Sharp



District 3

Everett Pl. -
Driscoll (upper) to
Greenwood

Warren - Queen
to Alameda

Dwight Merkel
Sports Complex

Fire Station 16

VA Medical
Center

Browne
Elementary

Rowan Ave.

Northwest

Assembly St.

1908 ft

1914 ft

1905 ft



Agenda Sheet for City Council:

Committee: Finance & Administration **Date:** 04/22/2024

Committee Agenda type: Discussion

Date Rec'd

4/2/2024

Clerk's File #

ORD C36520

Renews #

Cross Ref #

Council Meeting Date: 05/13/2024

Submitting Dept

ACCOUNTING & GRANTS

Project #

Contact Name/Phone

MATT BOSTON 625-6820

Bid #

Contact E-Mail

MBOSTON@SPOKANECITY.ORG

Requisition #

Agenda Item Type

Special Budget Ordinance

Council Sponsor(s)

BWILKERSON ZZAPPONE

Agenda Item Name

5600 - SBO ARPA ALLOCATION

Agenda Wording

An ordinance amending Ordinance No. C36467, passed by the City Council November 27, 2023, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2024, making appropriations to the various funds of the City of Spokane govern

Summary (Background)

This SBO would reallocate funding from various projects identified in a ARPA funding claw back exercise and toward the following projects in the below amounts: \$2,650,000 is provided solely to support a new housing model. \$1,800,000 is provided solely to ensure adequate addiction treatment facilities. \$ 484,809.36 is provided solely to for the purpose of Childcare Center Capital Projects.

Lease? NO

Grant related? YES

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 4.93 million

Current Year Cost \$ 0

Subsequent Year(s) Cost \$ 0

Narrative

ARPA encumbrances must be set by the end of 2024.

Amount

Budget Account

Neutral \$ 4.93 M

1425-various

Neutral \$

#

Neutral \$

#

Select \$

#

\$

#

\$

#

Council Briefing Paper

Finance & Administration Committee

Committee Date	4/22/24
Submitting Department	Finance
Contact Name	CP Wilkerson
Contact Email & Phone	bwilkerson@spokanecity.org
Council Sponsor(s)	CP Wilkerson, CM Zappone
Select Agenda Item Type	<input checked="" type="checkbox"/> Discussion Time Requested: 10min
Agenda Item Name	Special Budget Ordinance – ARPA Reallocation
Grant Item	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda
Summary What is the specific purpose or need for the budget adjustment? What changes or developments have triggered this request?	<p>This SBO would reallocate funding from various projects identified in a ARPA funding claw back exercise and toward the following projects in the below amounts:</p> <p>\$2,650,000 is provided solely to support a new housing model. \$1,800,000 is provided solely to ensure adequate addiction treatment facilities.</p> <p>\$ 484,809.36 is provided solely to for the purpose of Childcare Center Capital Projects.</p>
Fiscal Impact Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Total Cost: <u>Reallocation of \$TBD</u> Current year cost: Subsequent year(s) cost:	
Funding Source <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Specify funding source: Grant Is this funding source sustainable for future years, months, etc? ARPA encumbrances must be set by the end of 2024.	
Expense Occurrence <input checked="" type="checkbox"/> One-time <input type="checkbox"/> Recurring <input type="checkbox"/> N/A Other budget impacts: (revenue generating, match requirements, etc.) ARPA encumbrances must be set by the end of 2024 to be spent by end of 2026.	
Operations Impacts (If N/A, please give a brief description as to why) <ul style="list-style-type: none"> • What are the net impacts this adjustment will have on the specifically affected line items? Increased investment in health, human services, and accessibility to create an overall vibrant, clean and safe community. • What operational changes will occur because of this adjustment? This list is more manageable for staff and has a greater likelihood to be encumbered by end of year. 	

- What are the potential risks or consequences of not approving the budget adjustment?
If not encumbered by end of year, the potential risk is ARPA funds needing to be returned to Treasury.
- Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?
This proposal aligns with the City to deliver efficient services and facilitate economic opportunity and enhance the quality of life for its residents.

What current racial and other inequities might this special budget ordinance address?

These initiatives assist the unhoused, addicted, indigent and those struggling to provide the broadband utility to their households.

ORDINANCE NO C36520

An ordinance amending Ordinance No. C36467, passed by the City Council November 27, 2023, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2024, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2024, and providing it shall take effect immediately upon passage," and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2024 budget Ordinance No. C36467, as above entitled, and which passed the City Council November 27, 2023, it is necessary to make changes in the appropriations of the American Rescue Plan 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 American Rescue Plan Fund, and the budget annexed thereto with reference to the Fund, the following changes be made:

- 1) Reallocate part of the appropriation of \$60,000 that was previously allocated for the purpose of ADU Permits.
- 2) Reallocate part of the appropriation of \$50,000 that was previously allocated for the purpose of Chief Recruitment.
- 3) Reallocate the appropriation of \$1,181,190.49 that was previously allocated for the purpose of Projects of City Wide Significance.
- 4) Reallocate the appropriation of \$74,811.42 that was previously allocated for the purpose of EV Stations.
- 5) Reallocate the appropriation of \$1,793,921.82 that was previously allocated for the purpose of the Municipal Court Justice Building.
- 6) Reallocate the appropriation of \$1,300,000 that was previously allocated for the purpose of Youth Behavioral Health.
- 7) Decrease appropriation by \$474,885.63.
 - A) Of the decreased appropriation, \$474,885.63 is removed solely from other miscellaneous charges.
- 8) Of the reallocated appropriation, \$2,650,000 is provided solely to support a new housing model.
- 9) Of the reallocated appropriation, \$1,800,000 is provided solely to ensure adequate addiction treatment facilities.
- 10) Of the reallocated appropriation \$ 484,809.36 is provided solely to for the purpose of Childcare Center Capital Projects.

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 re-allocate ARPA funding for other purposes, 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 by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**Agenda Sheet for City Council:****Committee:** Urban Experience **Date:** 01/08/2024**Committee Agenda type:** Consent**Date Rec'd**

12/20/2023

Clerk's File #

ORD C36482

Renews #**Cross Ref #****Council Meeting Date:** 01/29/2024**Submitting Dept**

FINANCE, TREASURY & ADMIN

Project #**Contact Name/Phone**

TONYA 625-6585

Bid #**Contact E-Mail**

TWALLACE@SPOKANECITY.ORG

Requisition #**Agenda Item Type**

Emergency Ordinance

Council Sponsor(s)

MCATHCART BWILKERSON

Agenda Item Name

(12/4) - 0410-FINANCE-SHORT TERM RENTAL OCCUPANCY FEE ORD

Agenda Wording

An amendment to ORD C36392 is proposed that reflects the change in fee, its use, and includes the provision of legislative guidelines for platform business.

Summary (Background)

On July 10, 2023, City Council passed Ord. C36392 regarding the regulation of short-term rental units. Specifically, Section 08.02.090, refers to a \$4.00 per night lodging fee whereby the proceeds are directed primarily to low-income housing. The effective date was Aug. 18, 2023. The fee must have a nexus to the cost of the short-term regulation program and cannot be directed as such without legal challenges as an unlawful tax.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? YES

Total Cost \$ 0

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

Total estimated cost of the program is \$173,000 and is included in the 2024 Adopted Budget. The cost of the program is offset by the per night fee of \$2.00.

Amount**Budget Account**

Select \$ #

Select \$ #

Select \$ #

Select \$ #

\$ #

\$ #

Committee Agenda Sheet

Public Safety & Community Health Committee

Submitting Department	F&A Division
Contact Name	Tonya Wallace
Contact Email & Phone	twallace@spokanecity.org
Council Sponsor(s)	M. Cathcart
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested:
Agenda Item Name	Short-term Rental Occupancy Fee Ordinance Amendment
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>On July 10, 2023, City Council passed Ord. C36392 regarding the regulation of short-term rental units. Specifically, Section 08.02.090, refers to a \$4.00 per night lodging fee whereby the proceeds are directed primarily for low-income housing. The effective date was Aug. 18, 2023.</p> <p>However, the fee must have a nexus to the cost of the short-term regulation program and cannot be directed as such without legal challenges as an unlawful tax. The calculated fee to cover the cost of the program is estimated to be \$2.00 per night.</p> <p>Therefore, an amendment to ORD C36392 is proposed that reflects the change in fee, its use, and includes the provision of legislative guidelines for platform business.</p>
Proposed Council Action	Approve Jan. 8 as an emergency for immediate effective date following approval.
Fiscal Impact	
<p>Total Cost: <u>Total estimated cost of the program is \$173,000 and is included in the 2024 Adopted Budget. The cost of the program is offset by the per night fee of \$2.00.</u></p> <p>Approved in current year budget? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p> <p>Funding Source <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring Specify funding source: Funding source is the per night occupancy fee of \$2.00.</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input checked="" type="checkbox"/> Recurring</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
Operations Impacts (If N/A, please give a brief description as to why)	
What impacts would the proposal have on historically excluded communities?	
NA	
How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?	
Data will be collected with each quarterly report as to the location, owner, and number of nightly rentals.	

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

Data will be collected quarterly as to the location, owner, and number of nightly

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

ORDINANCE NO. C36482

AN ORDINANCE relating to Short-Term Rental Occupancy Fee, amending SMC section 8.02.090, adopting a new section 8.02.091 of chapter 08.02 of the Spokane Municipal Code; and declaring an emergency.

WHEREAS, on July 10, 2023, Spokane City Council adopted Ordinance C-36392 regarding Short Term Rentals operating within the City of Spokane, effective August 10, 2023; and

WHEREAS, during the adoption process, amendments were made to the Ordinance which raise legal concerns and necessitate additional revisions; and

WHEREAS, The City Council finds that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions.

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That SMC section 08.02.090 is amended to read as follows:

08.02.090 Short-Term Rental ((License)) Occupancy Fee

There is a levied a charge on the furnishing of short-term rental lodging located in the City of Spokane, a quarterly fee based on the total number of nights booked for each short-term rental listings through a short-term rental platform (Platform).

A. For purposes of this Chapter, the term “Platform” shall have the meaning for a short-term rental platform set forth in SMC 17C.316.020.

~~((A.))~~ B. Platforms shall pay a _per night booked through the Platform and delineated in the Public Rule.

~~((B.))~~ C. The per night booking fee shall be calculated and remitted on a quarterly basis by the Platform.

~~((C.))~~ D. If a Platform fails to provide complete information the City’s Chief Financial Officer, or designee, the City may estimate the quarterly per night booking fee and issue an assessment.

~~((D. All funds collected under this section shall be spent exclusively for purposes authorized under Chapter 08.07B Sales and Use Tax for Affordable Housing. At~~

~~lease 90% of funds collected under this section shall be allocated to direct, non-administrative costs of programs serving the purposes of SMC 08.07B.020.))~~

E. The Chief Financial Officer, or designee, shall review annually any of the occupancy fees in subsection B and shall make any necessary adjustments in a Public Rule to ensure the fees achieve full cost recovery of the City's administrative, enforcement, and other regulatory costs and no more, after consideration of the following factors:

- a. The projected costs and annual budget allotted for administrative, enforcement and regulatory costs across the short-term rental industry;
- b. The need for increased enforcement to reduce illegal activity;
- c. The total number of nights booked in City limits across the short-term rental industry; and
- d. The administrative burden of issuing additional platform or operator permits.

Section 2. That there is adopted a new section 8.02.091 to chapter 08.02 SMC to read as follows:

08.02.091 Short-Term Rental Platform General Provisions

All Platforms operating in Spokane shall comply with the following:

- A. Possess a valid Platform permit.
- B. Prior to providing booking services, require that all operators and bed and breakfast operators using a Platform either submit an application for an operator permit or bed and breakfast operator permit through a Platform and include a permit number in any listing, or, include a permit number in any listing for a short-term rental or bed and breakfast unit on the platform.
- C. Remove any listings for short-term rentals or bed and breakfast units from the Platform upon notification by the Planning Department. The Director of Planning and Economic Development Services, or designee, shall develop, by Public Rule, processes and procedures for the removal of any listing.
- D. Provide the following information in an electronic format determined by the Chief Financial Officer, or designee, to the City on a quarterly basis:
 1. The total number of short-term rentals, and bed and breakfast units in the City listed on the Platform during the applicable reporting period; and
 2. The total number of nights all short-term rentals and bed and breakfast units were rented through the Platform during the applicable reporting period.

- E. Inform all operators, including bed and breakfast operators, who use the Platform of the operator's responsibility to collect and remit all applicable local, state, and federal taxes unless the Platform does this on the operator's behalf.
- F. When notified to do so by the Director of Planning and Economic Development, or designee, provide written notification to all short-term rental operators and bed and breakfast operators of changes to local regulations affecting their businesses. Upon request, the Platform shall provide documentation to the Director demonstrating that the required notification was provided. Platforms shall be deemed to comply with this subsection if they provide summaries of changes to local regulations as provided by the Director.
- G. Upon request by the Director of Planning and Economic Development or the Chief Financial Officer, or their respective designee(s), permit access to review records that are required to be kept under this Chapter, in a manner consistent with federal law.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 5. Emergency Clause. The City Council declares that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions, and that because of such need, this ordinance shall be effective immediately under Section 19 of the City Charter, upon the affirmative vote of one more than a majority of the City Council.

PASSED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

CITY OF SPOKANE DEPARTMENT FINANCE PUBLIC RULE AND REGULATION	DEPT 0860-__ -_____ LGL 2024-_____
TITLE: FINANCE – SHORT TERM RENTAL OCCUPANCY FEE PUBLIC RULES	
EFFECTIVE DATE:	
REVISION EFFECTIVE DATE: N/A	

1.0 GENERAL

1.1 This Public Rule is promulgated and published pursuant to SMC 8.02.090 and SMC 8.02.091 and is necessary to carry out the provisions of Chapter 8.02 SMC. Appendix A, City of Spokane City Short Term Rental Public Rules is incorporated herein sets out the Spokane City Short Term Rental Public Rules.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This public rule shall apply to all Short-Term Rental Platforms, Short-Term Rental Operators, the Taxes and Licenses Department, the Office of Finance, Treasury and Administration, and Planning and Economic Development Services for the City of Spokane.

3.0 REFERENCES

- Chapter 8.02 SMC
- SMC 8.02.090
- SMC 8.02.091

4.0 DEFINITIONS

"Bed and breakfast" means a lodging use where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

"Bed and breakfast operator" means any person who is the owner or resident manager of a bed and breakfast unit.

"Bed and breakfast unit" means a room within a bed and breakfast that is offered or provided to a guest(s) by a bed and breakfast operator for a fee for fewer than 30 consecutive nights.

"Booking service" means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between a short-term rental operator and a prospective short-term rental guest, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

"Dwelling unit" means a room or rooms located within a structure that are configured to meet the standards of SMC Title 17A and that are occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

"Fee" means remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered.

"Guest" means any person or persons renting a short-term rental or bed and breakfast unit.

"Household" means a housekeeping unit consisting of any number of related persons; a group or more disabled residents; adult family homes as defined under Washington State Law; or six or fewer non-related persons.

"In Spokane" or "within Spokane" means in the Spokane city limits.

"Local contact" means the operator or the operator's representative who is the point of contact for any short-term guest(s) for the duration of the guest(s) stay in the short-term rental.

"Operate a short-term rental platform within Spokane" means that a short-term rental platform is engaged in business in Spokane, including having agreements with short-term rental operators or other customers in Spokane who provide dwelling units, or portions thereof, located in Spokane for short-term rental use, regardless of whether the short-term rental platform is physically present in Spokane.

"Owner" means any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any

building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall not be considered an owner.

"Person" means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

"Primary residence" means a person's usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration, or other such evidence as determined by Public Rule. A person may have only one primary residence.

"Principal" means a principal or governing member of any business entity, including but not limited to: LLC member/manager, president, vice president, secretary, treasurer, CEO, director, stockholder, partner, general partner, or limited partner.

"Short-term rental advertisement" means any method of soliciting use of a dwelling unit for short-term rental purposes.

"Short-term rental" means a lodging use, that is not a hotel or motel, in which a dwelling unit, or portion thereof, that is offered or provided to a guest(s) by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit, or portion thereof, that is used by the same person for 30 or more consecutive nights is not a short-term rental. A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the Secretary of State, State of Washington, and/or is classified by the Internal Revenue Service as a public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury or disease and/or their family members is not a short-term rental.

"Short-term rental operator" or "operator" means any person who is the owner of a dwelling unit, or portion thereof, who offers or provides that dwelling unit, or portion thereof, for short-term rental use or a person who is the tenant of a dwelling unit, or portion thereof, who offered or provided a short-term rental.

"Short-term rental operator registry" means record of information detailing short-term rental transactions, maintained by the short-term rental operator.

"Short-term rental platform" or "platform" means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, or which a bed and breakfast operator may offer a bed and breakfast unit, and from which the person or entity financially benefits. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

5.0 POLICY

The Chief Financial Officer hereby adopts rules to administer and enforce the City's Short Term Rental Occupancy Fee and carry out the provisions of Chapter 8.02.090 SMC, as contained in Attachment A.

6.0 PROCEDURES

6.1 See Appendices

7.0 RESPONSIBILITIES

The Taxes and Licenses Department through the City's Office of Finance, Treasury and Administration Department shall administer this Public Rule and Policy.

8.0 APPENDICES

8.1 Appendix A – City of Spokane Short Term Rental Rules

APPROVED BY:

City Administrator

Date

Chief Financial Officer

Date

Assistant City Attorney

Date

APPENDIX A
CITY OF SPOKANE SHORT TERM RENTAL OCCUPANCY FEE RULES

- RULE 1: Primary Residence.
- RULE 2: Monitoring Listings For Compliance.
- RULE 3: Permits and Permit Applications.
- RULE 4: Short-term Rental Platforms General Provisions.
- RULE 5: Short-term Rental Occupancy Fees.
- RULE 6: Short-term Rental Regulations and Public Disclosure.

The following rules are applicable to the Spokane City Short Term Occupancy Fee. They have been promulgated and published by the City of Spokane's Chief Financial Officer, pursuant to SMC § 8.02.090 and SMC § 8.02.091.

RULE 1: Primary Residence.

This rule defines a primary residence as the term applies to a short-term rental (STR) operator and describes evidence that may be used to document the operator's primary residence. An operator may only have one primary residence.

Overview

The STR permit is designed to limit the number of and regulate the operation of STR properties.

Definition and Application

Primary residence means a person's usual place of return for housing where one makes their home and conducts their daily affairs, including, without limitations, paying bills and receiving mail. A primary residence is generally the dwelling unit with the residential address used on documentation related to identification, taxation, and insurance purposes, including, without limitation, income tax returns, medical service plans, voter registration, paycheck stubs, lease or rental agreement, mortgage agreement, bank statements, driver's license, valid state identification, and/or vehicle registration.

As part of the permitting or renewal process (e.g., to validate an operator meets and does not exceed restrictions on the number of allowed units), the Planning and Economic Development Services (PEDS) Director or his or her designee will require that an operator provide two supporting documents verifying the address of the primary residence. Supporting documents include, but are not limited to, the documentation described above.

In some instances, a business entity may offer a unit for short-term rental use. Each principal, as defined herein, in the business entity may have a property interest in no more than two short-term rental units, one of which is the principal's primary residence

or the primary residence of one of the business entity's other principals listed on the same short-term rental license.

RULE 2: Monitoring Listings for Compliance.

This rule describes the process for monitoring short-term rentals (STR) and bed and breakfast listings for compliance and notifying STR platforms of any noncompliant listings as specified in the Spokane Municipal Code (SMC).

Periodically, but at least monthly, the Department of Planning and Economic Development (PED) will review the listings on each STR platform for compliance with SMC 17C.315 and 17C.316. After the reviews, PED will provide the STR platforms with a spreadsheet identifying which listings are noncompliant and including the following information:

1. The STR platform's permit number (issued by the City)
 - a. For the same unit listed on multiple platforms, PED will notify each platform of the noncompliant listing.
2. The operator's permit number (issued by the City)
3. The STR listing's Uniform Resource Locator (URL)
4. The reason for listing ineligibility, which may include but is not limited to:
 - a. The operator lacks a valid STR permit;
 - b. The operator lacks a valid City of Spokane business license and/or
 - c. The operator has failed to comply with the requirements listed in SMC 17C.315 or SMC 17C.316.
 - d. The operator is claiming a zoning exemption that has not been granted by PED.
 - e. The operator is out of compliance with one or more requirements of the City Land Use Code.

PED will send this spreadsheet via electronic mail (email) at the email address provided by the STR platform or via an application programming interface (using the technology system from which PED will manage STR permitting and enforcement). PED will deliver the spreadsheet by a mutually agreed upon date or the date selected by the PED Director or his or her designee.

STR platforms will be responsible for providing PED an email address that will accept delivery of the spreadsheet. Notice that is sent via email to the designated address will be deemed effective and complete at the time it is sent.

STR platforms will inform PED within seven (7) calendar days after receipt of PED's spreadsheet whether the STR platform will act against the listings identified in PED's spreadsheet and the timeline for taking such action. The platforms will provide their responses for each ineligible listing in the spreadsheet provided by PED.

Outside of the normal notification process, PED will notify the appropriate platform(s) if PED has reason to believe the building or unit(s) presents a threat to the health or safety of potential occupants, of the occupants of neighboring buildings or of the public. Such reasons may include, but are not limited to, scenarios in which PED has received notification of:

1. Illegal activity at an STR unit;
2. A complaint indicating immediate harm to a guest from renting a unit; or
3. The condition of the building or unit(s) poses an imminent threat as determined by Spokane Code Enforcement.

In such instances, PED will actively coordinate with relevant City departments as needed before notifying the appropriate STR platform(s). The STR platform(s) will provide PED with a status update, within 24 hours, on whether the STR platform will act against the listings identified in the emergency situation report provided by PED.

Nothing in this rule prohibits or restricts PED from taking enforcement action against the platform pursuant to SMC xxxxx.

RULE 3: Permits and Permit Applications.

This rule describes the licenses required for short-term rental (STR) platforms and operators and the processes to apply for a new permit and to renew an existing permit as specified in the Spokane Municipal Code (SMC).

License Required

Both STR platforms and operators, including bed and breakfast operators using a platform to list a bed and breakfast unit, require an annual permit to legally operate a dwelling unit(s), or portion(s) thereof, within the Spokane city limits. The required permit is in addition to the standard business license requirement.

All platform and operator licenses are non-transferable. Any change of ownership will require the new owner(s) to apply for a new operator permit (should the new owner desire to continue operating the STR).

Definition of a Platform and Platform License Applications

For purposes of licensing, a platform is: a person or entity that provides the means to (1) offer (i.e., advertise) a dwelling unit for short-term rental use and to (2) book (i.e., reserve and/or pay for) such a unit and (3) financially benefits from providing these services. The definition of platform does not depend on the person's or entity's scale of operations, possible simultaneous status as short-term rental operator or condition to limit access to the platform to certain operators or properties.

To obtain a permit, a platform must complete an application form with the Department of Planning and Economic Development (PED) in a format prescribed by the PED Director or his or her designee (the Department Director). This format could include a paper

application form or an electronic application on a City website or some combination of the two. An applicant must also pay any applicable permitting fee at the time of application submittal **(please refer to Director's Rule STR-5 for information).**

A platform will be issued a permit number upon completion of the entire application process and approval of the application by the Department Director.

Operator Permit Applications

To obtain a permit, an operator must complete an application form with PED in a format provided by the Department Director. This format could include a paper application form or an electronic application on a City website or some combination of the two. An applicant must also pay any applicable permitting fee at the time of application submittal.

All operators applying for a permit must declare that each dwelling unit, or portion thereof, offered for use as a short-term rental complies with the general provisions outlined in SMC 17C.315 and SMC 17C.316.

The applicant must register all units the applicant intends to use as short-term rentals on the initial or renewal permit application. Any omitted units cannot be used for short-term rental without going through the permitting approval process.

As part of the application process, all applicants will be asked to (1) self-certify that they are eligible to be an operator and possess all required documentation to establish eligibility and, if offering their primary residence for short-term rental use, (2) provide PED with two (2) supporting documents demonstrating primary residence as described herein. As applicable, an operator must always possess a physical copy of the evidence of prior short-term rental and primary residence and will present such evidence for inspection upon request of the Department Director.

An operator will be issued a permit number upon completion of the entire application process and approval of the application by the Department Director.

The Department Director will require attestation of compliance for each section of SMC 17C.315 or SMC 17C.316 at the time a STR (or bed and breakfast) operator applies for and/or renews their operator's permit. Operators must maintain hard-copy proof of compliance for each section of SMC 17C.315 or SMC 17C.316 and will provide such documentation at the Department Director's request. Failure to provide proof as requested by the Department Director and within five (5) calendar days of the Director's request will be deemed noncompliant with the applicable SMC section(s).

The Department Director may choose to provide examples of best practices for compliance with applicable SMC sections and if so, will do so on a public-facing website.

Operators are obligated to keep their contact information current and must submit any changes in a manner specified by the Department Director within 10 calendar days of when the change occurs.

Permit Renewals

Permittees will receive multiple reminders to renew starting at least 60 calendar days prior to expiration of their annual permit. A permittee may renew the permit at any time after receiving the notification and up to 10 calendar days after the license expires without penalty. However, a permittee will be assessed a **one-time late penalty of \$10** for not renewing a license by the last day of the 10-day grace period.

The City will not renew a license unless all penalties and all past and current business, regulatory and STR permit fees are paid in full. The Department Director will take reasonable means to investigate whether a permittee has applied for a new permit to avoid paying outstanding penalties and/or license fees. An operator may apply to renew their permit if they have a pending appeal for an enforcement action.

RULE 4: Short-term Rental Platforms General Provisions.

This rule describes the general obligations of short-term rental (STR) platforms as required by the Spokane Municipal Code (SMC).

Providing Information to FAS

STR platforms will submit the following information to the Department of Finance and Administrative Services (FAS) each quarter:

1. The total number of all short-term rentals and bed and breakfast listings in the City listed on the platform during the applicable reporting period broken out by month.
2. The total number of nights all short-term rentals and bed and breakfast units rented (booked) through the platform during the applicable reporting period broken out by month.

The STR platform will provide this information to FAS fifteen (15) calendar days after the end of each quarter (i.e., January 15, April 15, July 15, and October 15). The STR platform will provide this information in a format specified by the FAS Director or his or her designee, which may be either an electronic or paper format. The FAS Director, or designee, will notify the STR platform of the format to be used.

STR platforms will submit the following to **FAS each month**:

1. All operators using the platform to list STR units during the month and the units listed by those operators:
 - A licensed operator will be identified by either their City issued permit number or by "City of Spokane permit application pending" if the operator has applied for but not yet been issued a permit number by the City.

- A listed unit will be identified by an active and working **uniform resource locator (URL)** for the listing on the platform.

The STR platform will provide this information to FAS 15 calendar days after the end of each month. The STR platform will provide this information in an electronic format specified by the Department Director. The Department Director will notify the STR platform of the format to be used.

An STR platform is obligated to keep its contact information current and must submit any changes in a manner specified by the **Department Director** within 10 calendar days of when the change occurs.

Providing Information to STR Operators

City Website

The City will maintain a public-facing website to provide up-to-date STR information and summaries of the status of SMC § 8.02.090 and SMC § 8.02.091, and all administrative rules pertaining to SMC § 8.02.090 and SMC § 8.02.091. The link to the website will be provided at the time that the STR platform applies for their STR platform permit, which will satisfy the City's responsibility to provide a summary of the rules and regulations for STR platforms and operators.

When changes are made to the ordinance or rules, the City will notify STR platforms via email to the email address provided by the STR platform that the website has been updated.

Taxes

STR platforms will provide STR operators, in writing, with notice that the STR operators are responsible for collecting and remitting all applicable local, state, and federal taxes. STR platforms may choose whether this is done electronically or via postal service. STR platforms must retain proof that they provided the notice.

Failure to provide the information as directed or failure to remit taxes, if the STR platform chooses to collect and remit taxes on operators behaves, **may result in penalties as described in SMC 6.600.110**. Nothing in this Rule exempts an STR operator's tax obligations under SMC § 8.02.090.

Summaries of Regulations

STR platforms will be responsible for providing STR operators with summaries of the City's STR regulations. To fulfill this obligation, STR platforms will refer operators to the City's website, which will provide current information about SMC § 8.02.090. STR platforms must provide the summary when an STR operator lists their property on the STR platform. STR platforms must retain proof that they provided the notice.

When City regulations change, the City will provide the STR platforms with notice within 30 calendar days of the change of regulation. The City will also update the City's

website. Within five calendar days of receiving this notice, STR platforms will provide STR operators with notice that the regulations have been updated and may refer STR operators to the City's website. STR platforms must retain proof that they provided the notice.

Records Review and Public Disclosure

STR platforms will make available all records required to be kept under SMC § 8.02.090 and these Rules. Upon the City's request, STR platforms will coordinate presentation of the applicable records to City staff at a mutually convenient time and place and in a convenient format.

RULE 5: Short-term Rental Occupancy Fees.

This rule describes the fees to be paid by short-term rental (STR) platforms and operators as a condition of permitting and as specified in the Spokane Municipal Code (SMC).

Overview

The occupancy fees imposed pay for the administrative, enforcement and regulatory costs incurred by the City to regulate the STR industry, including all platforms and operators participating within it.

Review of Permitting Fees

The Department of Planning and Economic Development (PED) Director or his or her designee (the Department Director) will review annually, or as needed, the platform and operator permitting fee amount and make any necessary adjustments to this rule to ensure the fees achieve full recovery of the City's administrative, enforcement and other regulatory costs.

In addition to the factors outlined in SMC § 8.02.090, the Department Director will consider the appropriate level of staffing needed for enforcement against illegal activity and the resources needed to issue platform and operator permits. As the actual number of platform and operator permits issued may be higher or lower than the projected numbers used to set the initial fee amounts, upon the Director's review, the permitting fee amounts may increase or decrease.

Occupancy Fees for Platforms

As a condition of permitting, each platform, as defined in **Public Rule**, will pay a quarterly fee based on the total number of nights booked for short-term rental use through the platform.

Effective January 1, 2024, the occupancy fee will be \$2 per dwelling unit for each night booked. The City bases this fee amount on its projected 2024 program revenue and expenditures costs.

The per night occupancy fees will be calculated and paid on a quarterly basis. If a platform fails to provide complete data and information as required by SMC § 8.02.090 and **Public Rule**, the Department Director may estimate, based on available data, the quarterly occupancy fee.

A platform's fee payment is due 30 calendar days after the end of each quarter. This schedule allows for a platform to submit its quarterly data report, the City to generate an invoice for the fee amount owed and the platform to remit payment. If the due date for submitting a report and payment falls upon a Saturday, Sunday or legal holiday, the filing is timely if the report is either (i) received by the City (in the City's possession), or (ii) postmarked by the United States Postal Service, on the next business day.

The occupancy fee per night booked may apply to the same dwelling unit if that unit was booked using different platforms in the same quarter. For example, if dwelling unit A is booked through platform A for five nights in the first quarter and booked through platform B for five nights in the first quarter, platforms A and B are both responsible for remitting \$10 each for dwelling unit A as part of their fee payments to the City.

The per booked night fee will apply to all dwelling units used by the operator as a short-term rental primary, secondary and any additional allowed by SMC § 8.02.090.

Occupancy fees for platforms are non-refundable and non-transferable.

Permitting Fees for Operators

As a condition of permitting and effective August 18, 2023, a short-term rental operator (or a bed and breakfast operator) will pay an initial \$200 in residential zones and \$300 in all other zone per dwelling unit, and \$100 in residential zones and \$150 for all other zones to renew annually. The fee must be paid at the time an operator submits a permit application to the City.

The City will issue an operator one permit, but the fee amount associated with that permit will be based on the number of dwelling units or portions thereof the operator chooses, and is legally permitted, to operate.

Some examples:

1. If an operator's STR consists of multiple rooms (three) in one dwelling unit in a residential zone, the initial permitting fee would be \$200, assuming the operator has no additional STRs.
2. Accessory dwelling units (ADUs) and detached accessory dwelling units (DADUs) are dwelling units separate from the primary residence. An operator using an ADU or DADU as an STR would pay \$200 (in addition to fees for any other unit(s)), assuming in a residential zone.

3. Each unit within a duplex is a separate dwelling unit and would have an initial permitting fee of \$200 per separate unit (e.g., \$200 x 2 = \$400 for a duplex) in a residential zone. If the duplex operator can legally operate an additional STR, then the license fee would increase by \$200 for that unit if in a residential zone.

Permitting fees for operators are non-refundable and non-transferable.

RULE 6: Short-term Rental Regulations and Public Disclosure.

This rule describes public disclosure requests as they apply to the City's administration of short-term rental (STR) regulations.

Background

The Public Records Act broadly defines public records as any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristic. It includes records prepared at the direction of a governmental agency or records used by an agency in connection with any governmental or proprietary function regardless of whether they are in the possession of the agency at the time a public records request is made.

General Application

If the City receives a public records request for records designated as confidential by the STR operator, bed and breakfast operator and/or STR platform that submitted those records (the submitting party), the City will notify the submitting party in writing of the request and will postpone disclosure for up to ten (10) calendar days. During that time, the STR operator, bed and breakfast operator and/or STR platform will be allowed an opportunity to obtain and serve the City with a court order to enjoin the City from releasing the records.

Third-Party Data Mining Service

To help enforce short-term regulations and ensure operator compliance, the City may use the services of a third-party data mining vendor. Such a vendor would regularly provide City staff with aggregated data and information on short-term rental and bed and breakfast listings across various STR platforms.

These aggregated data and information could include the following:

- Operator's name
- Operator's contact information (email address, phone number and mailing address)
- Property owner's name
- Property owner's contact information (email address, phone number and mailing address)
- Unit's address
- Screenshot of the unit's online listing
- Parcel number

- Land use compliance status
- Meets definition of a short-term rental (i.e., unit rents for fewer than 30 consecutive nights)
- Number of nights booked
- Booking price (weekday and weekend)
- Platform(s) on which unit is listed
- City issued license number

Data and information received from a third-party vendor are subject to public disclosure.

Audit

All records required to be maintained under SMC § 8.02.090 are subject to inspection, copying and audit by the Department of Finance and Administrative Services (FAS) Director or his or her designee, with reasonable prior notice, during regular City business hours.

Short Term Rental Public Rules are hereby ADOPTED this _____ day of _____, 2024.

Chief Financial Officer

Approved as to form:

Assistant City Attorney

ORDINANCE NO. C36482

AN ORDINANCE relating to Short-Term Rental Occupancy Fee, amending SMC section 8.02.090, adopting a new section 8.02.091 of chapter 08.02 of the Spokane Municipal Code; and declaring an emergency.

WHEREAS, on July 10, 2023, Spokane City Council adopted Ordinance C-36392 regarding Short Term Rentals operating within the City of Spokane, effective August 10, 2023; and

WHEREAS, during the adoption process, amendments were made to the Ordinance which raise legal concerns and necessitate additional revisions; and

WHEREAS, The City Council finds that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions.

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. That SMC section 08.02.090 is amended to read as follows:

08.02.090 Short-Term Rental ((License)) Occupancy Fee

There is a levied a charge on the furnishing of short-term rental lodging located in the City of Spokane, a quarterly fee based on the total number of nights booked for each short-term rental listings through a short-term rental platform (Platform).

A. For purposes of this Chapter, the term "Platform" shall have the meaning for a short-term rental platform set forth in SMC 17C.316.020.

Commented [GS1]: I assume you mean "Short-term rental platform"?

~~((A-))~~ B. Platforms shall pay a per night booked through the Platform and delineated in the Public Rule.

Commented [GS2]: Wouldn't it be clearer to eliminate a specific number here and simply refer to the Public Rule? Subsection (E) refers to the Public Rule so it appears we'll end up with two numbers--one in the ordinance and another in the Public Rule.

~~((B-))~~ C. The per night booking fee shall be calculated and remitted on a quarterly basis by the Platform.

~~((C-))~~ D. If a Platform fails to provide complete information the City's Chief Financial Officer, or designee, the City may estimate the quarterly per night booking fee and issue an assessment.

~~((D. All funds collected under this section shall be spent exclusively for purposes authorized under Chapter 08.07B Sales and Use Tax for Affordable Housing. At~~

~~lease 90% of funds collected under this section shall be allocated to direct, non-administrative costs of programs serving the purposes of SMC 08.07B.020.)~~

E. The Chief Financial Officer, or designee, shall review annually any of the occupancy fees in subsection B and shall make any necessary adjustments in a Public Rule to ensure the fees achieve full cost recovery of the City's administrative, enforcement, and other regulatory costs and no more, after consideration of the following factors:

- a. The projected costs and annual budget allotted for administrative, enforcement and regulatory costs across the short-term rental industry;
- b. The need for increased enforcement to reduce illegal activity;
- c. The total number of nights booked in City limits across the short-term rental industry; and
- d. The administrative burden of issuing additional platform or operator permits.

Section 2. That there is adopted a new section 8.02.091 to chapter 08.02 SMC to read as follows:

08.02.091 Short-Term Rental Platform General Provisions

All Platforms operating in Spokane shall comply with the following:

- A. Possess a valid Platform permit.
- B. Prior to providing booking services, require that all operators and bed and breakfast operators using a Platform either submit an application for an operator permit or bed and breakfast operator permit through a Platform and include a permit number in any listing, or, include a permit number in any listing for a short-term rental or bed and breakfast unit on the platform.
- C. Remove any listings for short-term rentals or bed and breakfast units from the Platform upon notification by the Planning Department. The Director of Planning and Economic Development Services, or designee, shall develop, by Public Rule, processes and procedures for the removal of any listing.
- D. Provide the following information in an electronic format determined by the Chief Financial Officer, or designee, to the City on a quarterly basis:
 - 1. The total number of short-term rentals, and bed and breakfast units in the City listed on the Platform during the applicable reporting period; and
 - 2. The total number of nights all short-term rentals and bed and breakfast units were rented through the Platform during the applicable reporting period.

Commented [GS3]: Should this be called a License instead of a Permit? It might be confusing to have a permit for STR operators and also a permit for STR providers. This seems like more of a license.

Commented [WT4R4]: The Platforms must have a business license at a minimum. It seems that they should also have a permit like the operators so that we know in the permit system all of the platforms and can monitor and communicate with them. A business license is not enough to do that. I think the Public Rule will help to decide that question.

Commented [GS5]: Is it anticipated that Finance will handle issuance of a Platform permit? I don't think DSC is expecting to manage that.

Commented [WT6R6]: It seems best if DSC handles the small number of platform permits like the operator permits. I think the Public Rule will help answer this question.

Commented [GS7]: Do platforms track this? What is the purpose of separating out like this?

Commented [WT8R8]: Bed and Breakfasts are often defined differently than STR, but should still be monitored and charged the occupancy fee. Bed and Breakfast can be just a room within a dwelling unit that is not a STR.

- E. Inform all operators, including bed and breakfast operators, who use the Platform of the operator's responsibility to collect and remit all applicable local, state, and federal taxes unless the Platform does this on the operator's behalf.
- F. When notified to do so by the Director of Planning and Economic Development, or designee, provide written notification to all short-term rental operators and bed and breakfast operators of changes to local regulations affecting their businesses. Upon request, the Platform shall provide documentation to the Director demonstrating that the required notification was provided. Platforms shall be deemed to comply with this subsection if they provide summaries of changes to local regulations as provided by the Director.
- G. Upon request by the Director of Planning and Economic Development or the Chief Financial Officer, or their respective designee(s), permit access to review records that are required to be kept under this Chapter, in a manner consistent with federal law.

Commented [SE9]: To who?
 Commented [WT10R10]: To the lodging operators or owners

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

Section 5. Emergency Clause. The City Council declares that an urgency and emergency exists such that this ordinance is needed for the immediate preservation of the public peace, health, or safety, and/or for the immediate support of City government and its existing public institutions, and that because of such need, this ordinance shall be effective immediately under Section 19 of the City Charter, upon the affirmative vote of one more than a majority of the City Council.

PASSED BY THE CITY COUNCIL ON _____

 Council President

Attest:

Approved as to form:

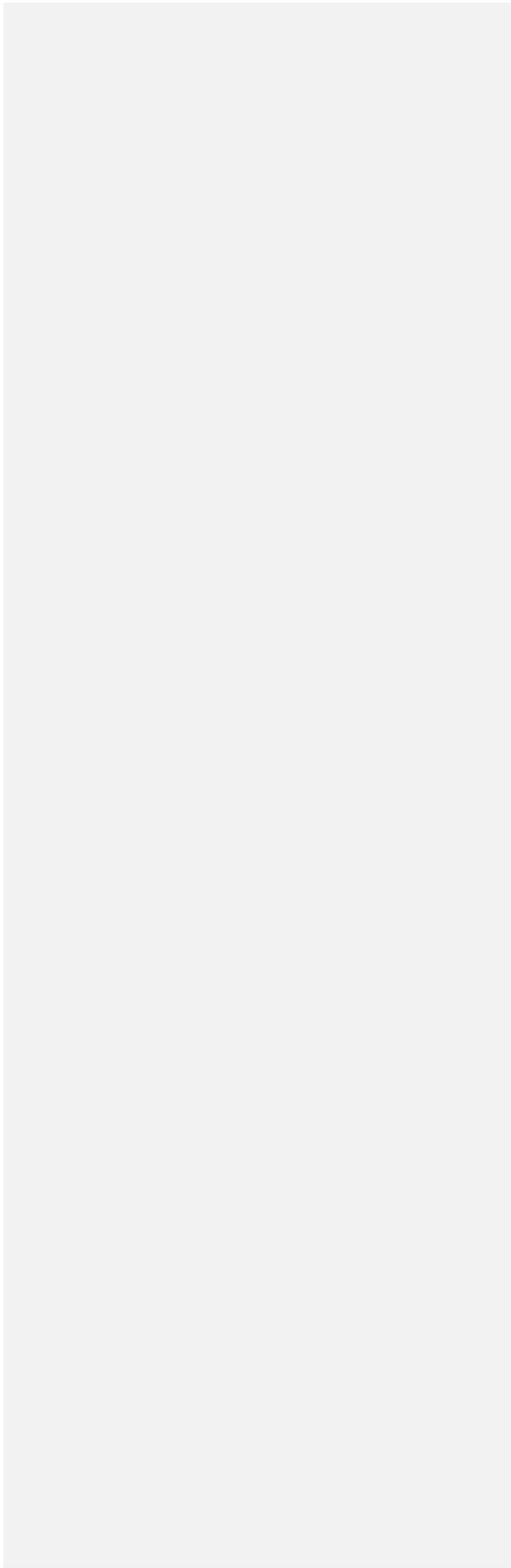
City Clerk

Assistant City Attorney

Mayor

Date

Effective Date



CITY OF SPOKANE DEPARTMENT FINANCE PUBLIC RULE AND REGULATION	DEPT 0860-__-____ LGL 2024-_____
TITLE: FINANCE – SHORT TERM RENTAL OCCUPANCY FEE PUBLIC RULES	
EFFECTIVE DATE:	
REVISION EFFECTIVE DATE: N/A	

1.0 GENERAL

1.1 This Public Rule is promulgated and published pursuant to SMC 8.02.090 and SMC 8.02.091 and is necessary to carry out the provisions of Chapter 8.02 SMC. Appendix A, City of Spokane City Short Term Rental Public Rules is incorporated herein sets out the Spokane City Short Term Rental Public Rules.

1.2 TABLE OF CONTENTS

- 1.0 GENERAL
- 2.0 DEPARTMENTS/DIVISIONS AFFECTED
- 3.0 REFERENCES
- 4.0 DEFINITIONS
- 5.0 POLICY
- 6.0 PROCEDURE
- 7.0 RESPONSIBILITIES
- 8.0 APPENDICES

2.0 DEPARTMENTS/DIVISIONS AFFECTED

This public rule shall apply to all Short-Term Rental Platforms, Short-Term Rental Operators, the Taxes and Licenses Department, the Office of Finance, Treasury and Administration, and Planning and Economic Development Services for the City of Spokane.

3.0 REFERENCES

Chapter 8.02 SMC
SMC 8.02.090
SMC 8.02.091

4.0 DEFINITIONS

"Bed and breakfast" means a lodging use where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

Commented [TW1]: SMC 17C.315.100 - definition and use

"Bed and breakfast operator" means any person who is the owner or resident manager of a bed and breakfast unit.

"Bed and breakfast unit" means a room within a bed and breakfast that is offered or provided to a guest(s) by a bed and breakfast operator for a fee for fewer than 30 consecutive nights.

"Booking service" means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between a short-term rental operator and a prospective short-term rental guest, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction.

"Dwelling unit" means a room or rooms located within a structure that are configured to meet the standards of **SMC Title 17A** and that are occupied or intended to be occupied by not more than one household as living accommodations independent from any other household.

"Fee" means remuneration or anything of economic value that is provided, promised, or donated primarily in exchange for services rendered.

"Guest" means any person or persons renting a short-term rental or bed and breakfast unit.

"Household" means a housekeeping unit consisting of any number of related persons; a group or more disabled residents; adult family homes as defined under Washington State Law; or six or fewer non-related persons.

"In Spokane" or "within Spokane" means in the Spokane city limits.

"Local contact" means the operator or the operator's representative who is the point of contact for any short-term guest(s) for the duration of the guest(s) stay in the short-term rental.

"Operate a short-term rental platform within Spokane" means that a short-term rental platform is engaged in business in Spokane, including having agreements with short-term rental operators or other customers in Spokane who provide dwelling units, or portions thereof, located in Spokane for short-term rental use, regardless of whether the short-term rental platform is physically present in Spokane.

"Owner" means any person who, alone or with others, has title or interest in any building, property, dwelling unit, or portion thereof, with or without accompanying actual possession thereof, and including any person who as agent, or executor, administrator, trustee, or guardian of an estate has charge, care, or control of any

building, dwelling unit, or portion thereof. A person whose sole interest in any building, dwelling unit, or portion thereof is solely that of a lessee under a lease agreement shall not be considered an owner.

"Person" means any individual, firm, corporation, association, governmental entity, or partnership and its agents or assigns.

"Primary residence" means a person's usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration, or other such evidence as determined by **Public Rule**. A person may have only one primary residence.

"Principal" means a principal or governing member of any business entity, including but not limited to: LLC member/manager, president, vice president, secretary, treasurer, CEO, director, stockholder, partner, general partner, or limited partner.

"Short-term rental advertisement" means any method of soliciting use of a dwelling unit for short-term rental purposes.

"Short-term rental" means a lodging use, that is not a hotel or motel, in which a dwelling unit, or portion thereof, that is offered or provided to a guest(s) by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit, or portion thereof, that is used by the same person for 30 or more consecutive nights is not a short-term rental. A dwelling unit, or portion thereof, that is operated by an organization or government entity that is registered as a charitable organization with the Secretary of State, State of Washington, and/or is classified by the Internal Revenue Service as a public charity or a private foundation, and provides temporary housing to individuals who are being treated for trauma, injury or disease and/or their family members is not a short-term rental.

Commented [TW2]: We do not seem to define this in Title 17A

"Short-term rental operator" or "operator" means any person who is the owner of a dwelling unit, or portion thereof, who offers or provides that dwelling unit, or portion thereof, for short-term rental use or a person who is the tenant of a dwelling unit, or portion thereof, who offered or provided a short-term rental.

"Short-term rental operator registry" means record of information detailing short-term rental transactions, maintained by the short-term rental operator.

"Short-term rental platform" or "platform" means a person that provides a means through which an operator may offer a dwelling unit, or portion thereof, for short-term rental use, or which a bed and breakfast operator may offer a bed and breakfast unit, and from which the person or entity financially benefits. Merely publishing a short-term rental advertisement for accommodations does not make the publisher a short-term rental platform.

5.0 POLICY

The Chief Financial Officer hereby adopts rules to administer and enforce the City's Short Term Rental Occupancy Fee and carry out the provisions of Chapter 8.02.090 SMC, as contained in Attachment A.

6.0 PROCEDURES

6.1 See Appendices

7.0 RESPONSIBILITIES

The Taxes and Licenses Department through the City's Office of Finance, Treasury and Administration Department shall administer this Public Rule and Policy.

8.0 APPENDICES

8.1 Appendix A – City of Spokane Short Term Rental Rules

APPROVED BY:

City Administrator

Date

Chief Financial Officer

Date

Assistant City Attorney

Date

APPENDIX A
CITY OF SPOKANE SHORT TERM RENTAL OCCUPANCY FEE RULES

- RULE 1: Primary Residence.
- RULE 2: Monitoring Listings For Compliance.
- RULE 3: Permits and Permit Applications.
- RULE 4: Short-term Rental Platforms General Provisions.
- RULE 5: Short-term Rental Occupancy Fees.
- RULE 6: Short-term Rental Regulations and Public Disclosure.

The following rules are applicable to the Spokane City Short Term Occupancy Fee. They have been promulgated and published by the City of Spokane's Chief Financial Officer, pursuant to SMC § 8.02.090 and SMC § 8.02.091.

Commented [TW3]: To be amended in Jan. 2024

RULE 1: Primary Residence.

This rule defines a primary residence as the term applies to a short-term rental (STR) operator and describes evidence that may be used to document the operator's primary residence. An operator may only have one primary residence.

Overview

The STR permit is designed to limit the number of and regulate the operation of STR properties.

Definition and Application

Primary residence means a person's usual place of return for housing where one makes their home and conducts their daily affairs, including, without limitations, paying bills and receiving mail. A primary residence is generally the dwelling unit with the residential address used on documentation related to identification, taxation, and insurance purposes, including, without limitation, income tax returns, medical service plans, voter registration, paycheck stubs, lease or rental agreement, mortgage agreement, bank statements, driver's license, valid state identification, and/or vehicle registration.

As part of the permitting or renewal process (e.g., to validate an operator meets and does not exceed restrictions on the number of allowed units), the **Planning and Economic Development Services (PEDS) Director** or his or her designee will require that an operator provide two supporting documents verifying the address of the primary residence. Supporting documents include, but are not limited to, the documentation described above.

In some instances, a business entity may offer a unit for short-term rental use. Each principal, as defined herein, in the business entity may have a property interest in no more than two short-term rental units, one of which is the principal's primary residence

or the primary residence of one of the business entity's other principals listed on the same short-term rental license.

Commented [WT4]: We should determine how many STR units a principal may have and if there are exceptions.

RULE 2: Monitoring Listings for Compliance.

This rule describes the process for monitoring short-term rentals (STR) and bed and breakfast listings for compliance and notifying STR platforms of any noncompliant listings as specified in the Spokane Municipal Code (SMC).

Periodically, but at least monthly, the **Department of Planning and Economic Development (PED)** will review the listings on each STR platform for compliance with **SMC 17C.315 and 17C.316**. After the reviews, PED will provide the STR platforms with a spreadsheet identifying which listings are noncompliant and including the following information:

1. The STR platform's **permit** number (issued by the City)
 - a. For the same unit listed on multiple platforms, PED will notify each platform of the noncompliant listing.
2. The operator's permit number (issued by the City)
3. The STR listing's **Uniform Resource Locator (URL)**
4. The reason for listing ineligibility, which may include but is not limited to:
 - a. The operator lacks a valid STR permit;
 - b. The operator lacks a valid City of Spokane business license and/or
 - c. The operator has failed to comply with the requirements listed in **SMC 17C.315 or SMC 17C.316**.
 - d. The operator is claiming a zoning exemption that has not been granted by PED.
 - e. The operator is out of compliance with one or more requirements of the City Land Use Code.

Commented [WT5]: Not sure if the platforms need to also have a permit as well as a regular business license, but I think they should.

PED will send this spreadsheet via electronic mail (email) at the email address provided by the STR platform or via an application programming interface (using the technology system from which PED will manage STR permitting and enforcement). **PED** will deliver the spreadsheet by a mutually agreed upon date or the date selected by the **PED Director** or his or her designee.

STR platforms will be responsible for providing PED an email address that will accept delivery of the spreadsheet. Notice that is sent via email to the designated address will be deemed effective and complete at the time it is sent.

STR platforms will inform PED within seven (7) calendar days after receipt of **PED's** spreadsheet whether the STR platform will act against the listings identified in **PED's** spreadsheet and the timeline for taking such action. The platforms will provide their responses for each ineligible listing in the spreadsheet provided by PED.

Outside of the normal notification process, PED will notify the appropriate platform(s) if PED has reason to believe the building or unit(s) presents a threat to the health or safety of potential occupants, of the occupants of neighboring buildings or of the public. Such reasons may include, but are not limited to, scenarios in which PED has received notification of:

1. Illegal activity at an STR unit;
2. A complaint indicating immediate harm to a guest from renting a unit; or
3. The condition of the building or unit(s) poses an imminent threat as determined by **Spokane Code Enforcement**.

In such instances, PED will actively coordinate with relevant City departments as needed before notifying the appropriate STR platform(s). The STR platform(s) will provide PED with a status update, within 24 hours, on whether the STR platform will act against the listings identified in the **emergency situation report** provided by PED.

Nothing in this rule prohibits or restricts PED from taking enforcement action against the platform pursuant to **SMC xxxxx**.

Commented [WT6]: Do we have enforcement actions in SMC?

RULE 3: Permits and Permit Applications.

This rule describes the licenses required for short-term rental (STR) platforms and operators and the processes to apply for a new permit and to renew an existing permit as specified in the Spokane Municipal Code (SMC).

License Required

Both STR platforms and operators, including bed and breakfast operators using a platform to list a bed and breakfast unit, require an annual permit to legally operate a dwelling unit(s), or portion(s) thereof, within the Spokane city limits. The required permit is in addition to the standard business license requirement.

All platform and operator licenses are non-transferable. Any change of ownership will require the new owner(s) to apply for a new operator permit (should the new owner desire to continue operating the STR).

Definition of a Platform and Platform License Applications

For purposes of licensing, a platform is: a person or entity that provides the means to (1) offer (i.e., advertise) a dwelling unit for short-term rental use and to (2) book (i.e., reserve and/or pay for) such a unit and (3) financially benefits from providing these services. The definition of platform does not depend on the person's or entity's scale of operations, possible simultaneous status as short-term rental operator or condition to limit access to the platform to certain operators or properties.

To obtain a permit, a platform must complete an application form with the Department of Planning and Economic Development (PED) in a format prescribed by the PED Director or his or her designee (the Department Director). This format could include a paper

application form or an electronic application on a City website or some combination of the two. An applicant must also pay any applicable permitting fee at the time of application submittal (please refer to Director's Rule STR-5 for information).

A platform will be issued a permit number upon completion of the entire application process and approval of the application by the Department Director.

Operator Permit Applications

To obtain a permit, an operator must complete an application form with PED in a format provided by the Department Director. This format could include a paper application form or an electronic application on a City website or some combination of the two. An applicant must also pay any applicable permitting fee at the time of application submittal.

All operators applying for a permit must declare that each dwelling unit, or portion thereof, offered for use as a short-term rental complies with the general provisions outlined in SMC 17C.315 and SMC 17C.316.

The applicant must register all units the applicant intends to use as short-term rentals on the initial or renewal permit application. Any omitted units cannot be used for short-term rental without going through the permitting approval process.

As part of the application process, all applicants will be asked to (1) self-certify that they are eligible to be an operator and possess all required documentation to establish eligibility and, if offering their primary residence for short-term rental use, (2) provide PED with two (2) supporting documents demonstrating primary residence as described herein. As applicable, an operator must always possess a physical copy of the evidence of prior short-term rental and primary residence and will present such evidence for inspection upon request of the Department Director.

An operator will be issued a permit number upon completion of the entire application process and approval of the application by the Department Director.

The Department Director will require attestation of compliance for each section of SMC 17C.315 or SMC 17C.316 at the time a STR (or bed and breakfast) operator applies for and/or renews their operator's permit. Operators must maintain hard-copy proof of compliance for each section of SMC 17C.315 or SMC 17C.316 and will provide such documentation at the Department Director's request. Failure to provide proof as requested by the Department Director and within five (5) calendar days of the Director's request will be deemed noncompliant with the applicable SMC section(s).

The Department Director may choose to provide examples of best practices for compliance with applicable SMC sections and if so, will do so on a public-facing website.

Operators are obligated to keep their contact information current and must submit any changes in a manner specified by the Department Director within 10 calendar days of when the change occurs.

Permit Renewals

Permittees will receive multiple reminders to renew starting at least 60 calendar days prior to expiration of their annual permit. A permittee may renew the permit at any time after receiving the notification and up to 10 calendar days after the license expires without penalty. However, a permittee will be assessed a **one-time late penalty of \$10** for not renewing a license by the last day of the 10-day grace period.

The City will not renew a license unless all penalties and all past and current business, regulatory and STR permit fees are paid in full. The Department Director will take reasonable means to investigate whether a permittee has applied for a new permit to avoid paying outstanding penalties and/or license fees. An operator may apply to renew their permit if they have a pending appeal for an enforcement action.

RULE 4: Short-term Rental Platforms General Provisions.

This rule describes the general obligations of short-term rental (STR) platforms as required by the Spokane Municipal Code (SMC).

Providing Information to FAS

STR platforms will submit the following information to the Department of Finance and Administrative Services (FAS) each quarter:

1. The total number of all short-term rentals and bed and breakfast listings in the City listed on the platform during the applicable reporting period broken out by month.
2. The total number of nights all short-term rentals and bed and breakfast units rented (booked) through the platform during the applicable reporting period broken out by month.

The STR platform will provide this information to FAS fifteen (15) calendar days after the end of each quarter (i.e., January 15, April 15, July 15, and October 15). The STR platform will provide this information in a format specified by the FAS Director or his or her designee, which may be either an electronic or paper format. The FAS Director, or designee, will notify the STR platform of the format to be used.

STR platforms will submit the following to **FAS each month**:

1. All operators using the platform to list STR units during the month and the units listed by those operators:
 - A licensed operator will be identified by either their City issued permit number or by "City of Spokane permit application pending" if the operator has applied for but not yet been issued a permit number by the City.

- A listed unit will be identified by an active and working uniform resource locator (URL) for the listing on the platform.

The STR platform will provide this information to FAS 15 calendar days after the end of each month. The STR platform will provide this information in an electronic format specified by the Department Director. The Department Director will notify the STR platform of the format to be used.

An STR platform is obligated to keep its contact information current and must submit any changes in a manner specified by the Department Director within 10 calendar days of when the change occurs.

Providing Information to STR Operators

City Website

The City will maintain a public-facing website to provide up-to-date STR information and summaries of the status of SMC § 8.02.090 and SMC § 8.02.091, and all administrative rules pertaining to SMC § 8.02.090 and SMC § 8.02.091. The link to the website will be provided at the time that the STR platform applies for their STR platform permit, which will satisfy the City's responsibility to provide a summary of the rules and regulations for STR platforms and operators.

When changes are made to the ordinance or rules, the City will notify STR platforms via email to the email address provided by the STR platform that the website has been updated.

Taxes

STR platforms will provide STR operators, in writing, with notice that the STR operators are responsible for collecting and remitting all applicable local, state, and federal taxes. STR platforms may choose whether this is done electronically or via postal service. STR platforms must retain proof that they provided the notice.

Failure to provide the information as directed or failure to remit taxes, if the STR platform chooses to collect and remit taxes on operators behaves, may result in penalties as described in SMC 6.600.110. Nothing in this Rule exempts an STR operator's tax obligations under SMC § 8.02.090.

Summaries of Regulations

STR platforms will be responsible for providing STR operators with summaries of the City's STR regulations. To fulfill this obligation, STR platforms will refer operators to the City's website, which will provide current information about SMC § 8.02.090. STR platforms must provide the summary when an STR operator lists their property on the STR platform. STR platforms must retain proof that they provided the notice.

When City regulations change, the City will provide the STR platforms with notice within 30 calendar days of the change of regulation. The City will also update the City's

website. Within five calendar days of receiving this notice, STR platforms will provide STR operators with notice that the regulations have been updated and may refer STR operators to the City's website. STR platforms must retain proof that they provided the notice.

Records Review and Public Disclosure

STR platforms will make available all records required to be kept under SMC § 8.02.090 and these Rules. Upon the City's request, STR platforms will coordinate presentation of the applicable records to City staff at a mutually convenient time and place and in a convenient format.

RULE 5: Short-term Rental Occupancy Fees.

This rule describes the fees to be paid by short-term rental (STR) platforms and operators as a condition of permitting and as specified in the Spokane Municipal Code (SMC).

Overview

The occupancy fees imposed pay for the administrative, enforcement and regulatory costs incurred by the City to regulate the STR industry, including all platforms and operators participating within it.

Review of Permitting Fees

The Department of Planning and Economic Development (PED) Director or his or her designee (the Department Director) will review annually, or as needed, the platform and operator permitting fee amount and make any necessary adjustments to this rule to ensure the fees achieve full recovery of the City's administrative, enforcement and other regulatory costs.

In addition to the factors outlined in SMC § 8.02.090, the Department Director will consider the appropriate level of staffing needed for enforcement against illegal activity and the resources needed to issue platform and operator permits. As the actual number of platform and operator permits issued may be higher or lower than the projected numbers used to set the initial fee amounts, upon the Director's review, the permitting fee amounts may increase or decrease.

Occupancy Fees for Platforms

As a condition of permitting, each platform, as defined in **Public Rule**, will pay a quarterly fee based on the total number of nights booked for short-term rental use through the platform.

Effective January 1, 2024, the occupancy fee will be \$2 per dwelling unit for each night booked. The City bases this fee amount on its projected 2024 program revenue and expenditures costs.

The per night occupancy fees will be calculated and paid on a quarterly basis. If a platform fails to provide complete data and information as required by SMC § 8.02.090 and **Public Rule**, the Department Director may estimate, based on available data, the quarterly occupancy fee.

A platform's fee payment is due 30 calendar days after the end of each quarter. This schedule allows for a platform to submit its quarterly data report, the City to generate an invoice for the fee amount owed and the platform to remit payment. If the due date for submitting a report and payment falls upon a Saturday, Sunday or legal holiday, the filing is timely if the report is either (i) received by the City (in the City's possession), or (ii) postmarked by the United States Postal Service, on the next business day.

The occupancy fee per night booked may apply to the same dwelling unit if that unit was booked using different platforms in the same quarter. For example, if dwelling unit A is booked through platform A for five nights in the first quarter and booked through platform B for five nights in the first quarter, platforms A and B are both responsible for remitting \$10 each for dwelling unit A as part of their fee payments to the City.

The per booked night fee will apply to all dwelling units used by the operator as a short-term rental primary, secondary and any additional allowed by SMC § 8.02.090.

Occupancy fees for platforms are non-refundable and non-transferable.

Permitting Fees for Operators

As a condition of permitting and effective August 18, 2023, a short-term rental operator (or a bed and breakfast operator) will pay an initial \$200 in residential zones and \$300 in all other zone per dwelling unit, and \$100 in residential zones and \$150 for all other zones to renew annually. The fee must be paid at the time an operator submits a permit application to the City.

The City will issue an operator one permit, but the fee amount associated with that permit will be based on the number of dwelling units or portions thereof the operator chooses, and is legally permitted, to operate.

Some examples:

1. If an operator's STR consists of multiple rooms (three) in one dwelling unit in a residential zone, the initial permitting fee would be \$200, assuming the operator has no additional STRs.
2. Accessory dwelling units (ADUs) and detached accessory dwelling units (DADUs) are dwelling units separate from the primary residence. An operator using an ADU or DADU as an STR would pay \$200 (in addition to fees for any other unit(s)), assuming in a residential zone.

3. Each unit within a duplex is a separate dwelling unit and would have an initial permitting fee of \$200 per separate unit (e.g., \$200 x 2 = \$400 for a duplex) in a residential zone. If the duplex operator can legally operate an additional STR, then the license fee would increase by \$200 for that unit if in a residential zone.

Permitting fees for operators are non-refundable and non-transferable.

RULE 6: Short-term Rental Regulations and Public Disclosure.

This rule describes public disclosure requests as they apply to the City's administration of short-term rental (STR) regulations.

Background

The Public Records Act broadly defines public records as any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristic. It includes records prepared at the direction of a governmental agency or records used by an agency in connection with any governmental or proprietary function regardless of whether they are in the possession of the agency at the time a public records request is made.

General Application

If the City receives a public records request for records designated as confidential by the STR operator, bed and breakfast operator and/or STR platform that submitted those records (the submitting party), the City will notify the submitting party in writing of the request and will postpone disclosure for up to ten (10) calendar days. During that time, the STR operator, bed and breakfast operator and/or STR platform will be allowed an opportunity to obtain and serve the City with a court order to enjoin the City from releasing the records.

Third-Party Data Mining Service

To help enforce short-term regulations and ensure operator compliance, the City may use the services of a third-party data mining vendor. Such a vendor would regularly provide City staff with aggregated data and information on short-term rental and bed and breakfast listings across various STR platforms.

These aggregated data and information could include the following:

- Operator's name
- Operator's contact information (email address, phone number and mailing address)
- Property owner's name
- Property owner's contact information (email address, phone number and mailing address)
- Unit's address
- Screenshot of the unit's online listing
- Parcel number

- Land use compliance status
- Meets definition of a short-term rental (i.e., unit rents for fewer than 30 consecutive nights)
- Number of nights booked
- Booking price (weekday and weekend)
- Platform(s) on which unit is listed
- City issued license number

Data and information received from a third-party vendor are subject to public disclosure.

Audit

All records required to be maintained under SMC § 8.02.090 are subject to inspection, copying and audit by the Department of Finance and Administrative Services (FAS) Director or his or her designee, with reasonable prior notice, during regular City business hours.

Short Term Rental Public Rules are hereby ADOPTED this _____ day of _____, 2024.

Chief Financial Officer

Approved as to form:

Assistant City Attorney

ORDINANCE NO. C36482

AN ORDINANCE concerning the Short-Term Rental License Fee, and repealing section 8.02.090 of the Spokane Municipal Code.

WHEREAS, on July 10, 2023, Spokane City Council adopted Ordinance C-36392 regarding Short Term Rentals operating within the City of Spokane, effective August 10, 2023; and

WHEREAS, during the adoption process, amendments were made to the Ordinance which raise legal concerns that prevent implementation of the fee and collection by the City; and

WHEREAS, the City Council concludes, and the administration agrees, that the ordinance in its current form is not enforceable and not feasible to implement even with amendments, and therefore repeal is appropriate.

NOW, THEREFORE,

The City of Spokane does ordain:

Section 1. Repeal. That SMC section 08.02.090 of the Spokane Municipal Code is repealed. Any public rule or administrative policy adopted to enforce or implement Section 08.02.090 is hereby nullified and of no further force or effect.

Section 2. Clerical Errors. Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

PASSED BY THE CITY COUNCIL ON _____

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

**Agenda Sheet for City Council:****Committee:** Finance & Administration **Date:** 04/22/2024**Committee Agenda type:** Discussion**Date Rec'd**

4/24/2024

Clerk's File #

ORD C36518

Renews #**Cross Ref #****Council Meeting Date:** 05/06/2024**Submitting Dept**

FINANCE, TREASURY & ADMIN

Project #**Contact Name/Phone**

MATT BOSTON 625-6820

Bid #**Contact E-Mail**

MBOSTON@SPOKANECITY.ORG

Requisition #**Agenda Item Type**

First Reading Ordinance

Council Sponsor(s)

MCATHCART BWILKERSON ZZAPPONE

Agenda Item Name

0410 - UPDATE SMC SECTION 03.01A.350

Agenda Wording

Updating SMC Section 03.01A.350 relating to the department of Management & Budget

Summary (Background)

During SMC review, it has been noted that the department of Management & Budget has had some changes to their structure that needs to be corrected within SMC to reflect current status.

Lease? NO Grant related? NO Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative**Amount****Budget Account**

Select \$ #

Select \$ #

Select \$ #

Select \$ #

\$ #

\$ #

Committee Agenda Sheet

Finance & Administration Committee

Committee Date	April 22, 2024
Submitting Department	Finance
Contact Name	Matt Boston
Contact Email & Phone	mboston@spokanecity.org / 509-625-6820
Council Sponsor(s)	CM Cathcart, CP Wilkerson, CM Zappone
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 5 min
Agenda Item Name	Update SMC section 03.01A.350
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background)	<p>*use the Fiscal Impact box below for relevant financial information</p> <p>During SMC review, it has been noted that the office of Management & Budget have had some changes to their structure that need to be corrected within SMC to reflect current stats. The error has been discovered and is needing to be adjusted.</p>
<p>Fiscal Impact</p> <p>Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A</p> <p>Total Cost: Click or tap here to enter text.</p> <p> Current year cost:</p> <p> Subsequent year(s) cost:</p> <p>Narrative: Please provide financial due diligence review, as applicable, such as number and type of positions, grant match requirements, summary type details (personnel, maintenance and supplies, capital, revenue), impact on rates, fees, or future shared revenue</p> <p>Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Specify funding source: Select Funding Source*</p> <p>Is this funding source sustainable for future years, months, etc? Click or tap here to enter text.</p> <p>Expense Occurrence <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A</p> <p>Other budget impacts: (revenue generating, match requirements, etc.)</p>	
<p>Operations Impacts (If N/A, please give a brief description as to why)</p> <ul style="list-style-type: none"> • What impacts would the proposal have on historically excluded communities? – N/A – Part of Finance & Administration restructure • How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities? – N/A – Part of Finance & Administration restructure 	

- How will data be collected regarding the effectiveness of this program, policy, or product to ensure it is the right solution? – N/A – Part of Finance & Administration restructure
- Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others? – N/A – Part of Finance & Administration restructure

Council Subcommittee Review

- Please provide a summary of council subcommittee review. If not reviewed by a council subcommittee, please explain why not. – N/A – Part of Finance & Administration restructure

ORDINANCE NO. C36518

An ordinance relating to the executive and administrative organization of the City, and amending SMC section 3.01A.350.

The City of Spokane does ordain:

Section 1. That SMC section 03.01A.350 is amended to read as follows:

3.01A.350 Management and Budget

- A. The department of management and budget assists the chief financial officer in budget development and administration by review and analysis of the City’s financial condition, reporting as needed on revenues and expenditures of the various departments. The department is responsible for coordinating the development of the annual budget, budget control, financial forecasting and planning, and the budget activities of all departments.

- B. This department also assists departments with research projects, cost/benefit analyses and similar fiscal management and planning; and manages the City’s indirect cost allocation plan.

~~((C.The taxes and license section administers the City’s business registration process and administers the City’s various municipal taxes. Its responsibilities include processing applications, registrations and returns; and billing, collecting, accounting and auditing of fees and taxes.))~~

~~(D.The director of management and budget oversees the risk management department functions.))~~

PASSED by the City Council on _____, 2024.

Council President

Attest

Approved as to Form

Clerk

City Attorney

Mayor

Date

Effective Date

**Agenda Sheet for City Council:****Committee:** Finance & Administration **Date:** 04/22/2024**Committee Agenda type:** Discussion**Date Rec'd**

4/24/2024

Clerk's File #

ORD C36519

Renews #**Cross Ref #****Council Meeting Date:** 05/06/2024**Submitting Dept**

MAYOR

Project #**Contact Name/Phone**

ADAM X6779

Bid #**Contact E-Mail**

AMCDANIEL@SPOKANECITY.ORG

Requisition #**Agenda Item Type**

First Reading Ordinance

Council Sponsor(s)

ZZAPPONE KKLITZKE JBINGLE

Agenda Item Name

0520 - MAYOR'S OFFICE - ORDINANCE REPEALING INACTIVE BOARDS

Agenda Wording

This ordinance repeals the municipal code sections related to inactive boards.

Summary (Background)

This ordinance repeals the municipal code sections related to the following inactive boards: • Construction Review Board • Board of Boiler Examiners • Board of Heating Mechanical Examiners • Emergency Medical Services Advisory Board • U-Help Advisory Board • Opioid Abatement Council • Cable Advisory Board • Regional Cable Advisory Board

Lease? NO

Grant related? NO

Public Works? NO

Fiscal Impact

Approved in Current Year Budget? N/A

Total Cost \$

Current Year Cost \$

Subsequent Year(s) Cost \$

Narrative

This ordinance has no financial impact.

Amount**Budget Account**

Select \$ #

Select \$ #

Select \$ #

Select \$ #

\$ #

\$ #



Continuation of Wording, Summary, Approvals, and Distribution

Agenda Wording

Summary (Background)

Approvals

Dept Head

JONES, GARRETT

Division Director

Accounting Manager

MURRAY, MICHELLE

Legal

SCHOEDEL, ELIZABETH

For the Mayor

PICCOLO, MIKE

Additional Approvals

Distribution List

amcdaniel@spokanecity.org

cwright@spokanecity.org

Committee Agenda Sheet

Urban Experience Committee

Committee Date	4/8/2024
Submitting Department	Mayor's Office
Contact Name	Adam McDaniel
Contact Email & Phone	amcdaniel@spokanecity.org
Council Sponsor(s)	
Select Agenda Item Type	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Discussion Time Requested: 1 minute
Agenda Item Name	Ord repealing inactive boards
Proposed Council Action	<input checked="" type="checkbox"/> Approval to proceed to Legislative Agenda <input type="checkbox"/> Information Only
Summary (Background) *use the Fiscal Impact box below for relevant financial information	<p>This ordinance repeals the municipal code sections related to the following inactive boards:</p> <ul style="list-style-type: none"> • Construction Review Board • Board of Boiler Examiners • Board of Heating Mechanical Examiners • Emergency Medical Services Advisory Board • U-Help Advisory Board • Opioid Abatement Council • Cable Advisory Board • Regional Cable Advisory Board <p>The appeal functions of the Building and Construction Boards (Construction Review Board, Board of Boiler Examiners, and Board of Heating Mechanical Examiners) are handled by the Hearing Examiner.</p> <p>The Emergency Medical Services Advisory Board, Cable Advisory Board, and Regional Cable Advisory Boards have been inactive for many years.</p> <p>The U-Help Advisory Board and Opioid Abatement Council. The U-Help program is now administered by SNAP. The Opioid Abatement Council is no longer needed as a result of Spokane County's Opioid Abatement Council (OAC).</p> <p>None of the boards proposed for repeal are required by state law nor do they have any active members or staff assigned.</p>
Fiscal Impact Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Total Cost: <u>N/A</u> Current year cost: N/A Subsequent year(s) cost:	
Narrative: <u>This ordinance has no financial impact.</u>	
Funding Source <input type="checkbox"/> One-time <input type="checkbox"/> Recurring <input checked="" type="checkbox"/> N/A Specify funding source: Select Funding Source*	

Is this funding source sustainable for future years, months, etc?

Expense Occurrence One-time Recurring N/A

Other budget impacts: (revenue generating, match requirements, etc.)

Operations Impacts (If N/A, please give a brief description as to why)

What impacts would the proposal have on historically excluded communities?

This code cleanup ordinance is a result of the Brown Administration's comprehensive review of boards and commissions with the intent of improving demographic and geographic representation on all City boards and commissions. These boards are no longer active and have no current members.

How will data be collected, analyzed, and reported concerning the effect of the program/policy by racial, ethnic, gender identity, national origin, income level, disability, sexual orientation, or other existing disparities?

N/A

How will data be collected regarding the effectiveness of this program, policy or product to ensure it is the right solution?

N/A

Describe how this proposal aligns with current City Policies, including the Comprehensive Plan, Sustainability Action Plan, Capital Improvement Program, Neighborhood Master Plans, Council Resolutions, and others?

N/A

ORDINANCE NO C36519

An ordinance repealing inactive boards; repealing Chapters 04.06, 04.20, 04.24, 04.39 and Article IV of Chapter 10.27A of the Spokane Municipal Code.

WHEREAS, Mayor Brown has asked her administration to conduct a comprehensive review of the City’s boards and commissions; and

WHEREAS, a component of this review includes identifying boards and commissions that are no longer active or have never been empaneled; and

WHEREAS, eight boards have been identified as no longer active or adopted by code but never empaneled: Construction Review Board, Board of Boiler Examiners, Board of Heating Mechanical Examiners, Emergency Medical Services Advisory Board, U-Help Advisory Board, Opioid Abatement Council, Cable Advisory Board, and the Regional Cable Advisory Board.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That Chapter 04.06 of the Spokane Municipal Code is repealed.

Section 2. That Chapter 04.20 of the Spokane Municipal Code is repealed.

Section 3. That Chapter 04.24 of the Spokane Municipal Code is repealed.

Section 4. That Chapter 04.39 of the Spokane Municipal Code is repealed.

Section 5. That Article IV “Cable Advisory Board”, Section 10.27A.900 and Section 10.27A.905 of the Spokane Municipal Code are repealed.

PASSED by the City Council on _____

Council President

Attest:

Approved as to form:

City Clerk

City Attorney

Mayor

Date

Effective Date