

ORDINANCE NO. C - _____

An ordinance enacting the Spokane Fair Elections Code; instituting campaign contribution limits and disclosure requirements; amending chapter 01.07 and sections 01.02.950, 01.05.210, 07.06.500, and 07.08.149 of the Spokane Municipal Code.

WHEREAS, Spokane has seen an increase in “dark money” and “gray money” in local elections which fails to disclose or makes it hard to determine the source of the political spending; and

WHEREAS, local political campaign contributions and expenditures should be fully disclosed to the public and secrecy in the sources and application of such contributions for local elections should be avoided; and

WHEREAS, lower contribution limits require candidates to expand beyond the narrow group of large individual, corporate, and union donors, thus reducing the threat of city elected officials becoming too compliant with the wishes of large contributors; and

WHEREAS, political parties and legislative district committees have been accused of contributing “earmarked” campaign donations to nonpartisan City of Spokane candidates for elected office from donors who have already reached the contribution limit; and

WHEREAS, monetary contributions to local political campaigns are a form of participation in our political process, but the financial strength of individuals or organizations should not enable them to exercise undue influence on the judgment of City of Spokane elected officials; and

WHEREAS, the people of Spokane should be assured that the private financial dealings of the Mayor, the City Council, the Municipal Court judges, and candidates for those offices present no conflict of interest between the public trust and private interest; and

WHEREAS, contractors have received more than \$116 million in City of Spokane contracts after donating \$88,000 to current elected officials, thereby creating the appearance of *quid pro quo* corruption; and

WHEREAS, City of Spokane contractors, City of Spokane Public Sector Unions, and business lobbyists with City interests have made contributions to City of Spokane Elected Officials outside the year the official appeared on the ballot thereby creating the appearance of *quid pro quo* corruption; and

WHEREAS, federal law prohibits foreign nationals from contributing to candidates for elected office in the United States;

WHEREAS, public faith and confidence in the governing institutions of the City of Spokane is essential and must be promoted by assuring the people of Spokane of the impartiality and honesty of the officials and the appointees that represent them in all public transactions and decisions; and

WHEREAS, the Spokane City Council believes that it is absolutely crucial to restore the public trust in our institutions and our elected officials by instituting a set of local campaign finance restrictions and regulations, which will have the effect of deterring quid pro quo corruption and reducing the appearance of quid pro quo corruption.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That chapter 01.07 of the Spokane Municipal Code is amended to read as follows:

Section 01.07.003 Title; Purpose and Intent

- A. This chapter shall be titled and referred to as the Spokane Fair Elections Code.
- B. The purpose of this chapter is to institute regulations for the fair conduct of elections for citywide office and to ensure a high degree of transparency in the conduct of local elections. The City of Spokane is authorized to legislate in this area as a valid exercise of the City's police power, pursuant to Washington Constitution Art. XI, secs. 10 and 11, RCW 35.22.020 and RCW 35.22.195.
- C. The City intends, by enacting this chapter, to provide for transparency, fairness, accountability, and integrity in the conduct of elections for City office, to promote political participation, and to reduce the effect of financial contributions on the integrity of our elections and our government.
- D. The Spokane Fair Elections Code is intended to compliment and be consistent with chapter 42.17A RCW as enforced by the Washington State Public Disclosure Commission. In the event of a conflict between this chapter and chapter 42.17A RCW, state law controls.
- E. The City of Spokane has a strong governmental interest in preventing corruption, and the appearance of corruption, in its political processes, such as the election of City officials. This chapter, by strengthening limits on political contributions, therefore serves the City's strong interests in preventing corruption and the appearance of corruption because it reduces the risk of *quid pro quo* arrangements and mitigates the appearance of corruption which is created by the real or potentially coercive influence of large financial contributions on the actions of candidates and elected officials.

Section 01.07.005 Definitions

- A. “Agency” means the City of Spokane Contract and Business Standards Compliance Office within the City’s Department of Grants Management and Financial Assistance or its delegate; the director of which is designated, for purposes of the enforcement of this chapter, as the code enforcement officer within the meaning of SMC 01.05.020(B)(1).
- B. “Authorized committee” means the political committee authorized by a candidate for the office of Mayor, City Council Member, or municipal court judge to accept contributions or make expenditures on behalf of the candidate or public official.
- C. “Bona fide political party” means:
1. An organization that has been recognized as a minor political party by the Washington Secretary of State;
2. The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or
3. The country central committee or legislative district committee of a major political party.
- D. “Candidate” means any individual who seeks election to the office of Mayor, member of the Spokane City Council, or Municipal Court Judge, whether or not successfully. An individual is deemed to seek election when he or she first:
1. Solicits or receives contributions; or
2. Makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office; or
3. Announces publicly or files for office; or
4. Purchases advertising space or broadcast time to promote his or her candidacy; or
5. Makes expenditures or solicits or receives contributions to explore the possibility of seeking election to the office of Mayor, member of the Spokane City Council, or Municipal Court Judge; or
6. Gives his or her consent to another person or political committee to take on behalf of the individual any of the actions in subsections 1, 2, 4, or 5 of this section.
- E. “Caucus political committee” means a political committee organized and maintained by the members of a major political party in the Washington State Senate or Washington State House of Representatives.
- F. “City office” means any elective office established by Section 5 of the Spokane City Charter.
- G. “Collectively bargain” means the performance of the mutual obligations of the public employer, including the City of Spokane or the Mayor, and the exclusive

bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours, and working conditions, which may be peculiar to an appropriate bargaining unit of the public employer, except that by such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise allowed under Washington state law.

- H. “Continuing political committee” means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.
- I. “Contract” means an agreement creating a legal relationship between the City and another person or entity, or any amendment or renewal thereto.
- J. “Contractor” means any person or entity who has received the award of a contract, submitted a bid or proposal in any form for the award of a contract, including any other person or entity who seeks the award of the contract and is contesting, appealing or protesting the award of the contract as proposed. The term shall include the proprietor for a sole proprietorship, each partner or principal having an equity interest of ten percent or more for a partnership and each corporate officer, corporate director, or shareholder of ten percent or more of the outstanding shares of stock for a corporation. The term shall also include any subcontractor authorized to provide all or a portion of goods, labor, or services in fulfillment of an award of a contract. This definition does not include the employees of such as person or, if the person is a union, the members of that union.
- K. “Contribution” means a loan, gift, deposit, subscription, forgiveness or indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, sums paid for tickets to fundraising events, the financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent, or anything of value, including personal and professional services for less than full consideration. “Contribution” also includes an expenditure made by a person in cooperation, consultation, or concert with, or at the request of suggestion of, a candidate, a political committee, the person or persons named on the candidate’s or committee’s registration form who direct expenditures on behalf of the candidate or committee, or their agents. “Contribution” does not include:
1. Interest on moneys deposited in a political committee’s account;
 2. Ordinary home hospitality;

3. The rendering of legal or accounting services on behalf of a candidate or an authorized political committee but only to the extent that the services are for the purpose of ensuring compliance with city of state election or public disclosure laws;
 4. The rendering of personal services of the sort commonly performed by volunteer campaign workers;
 5. Incidental expenses personally incurred by campaign workers not in excess of \$25, in the aggregate, during the applicable period, personally paid for by a volunteer campaign worker; or
 6. An internal political communication primarily limited to the members of a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization.
- L. “Designated Treasurer” means the individuals appointed by an incidental committee, responsible for filing and maintaining the incidental committee’s statement of organization with the City of Spokane Clerk’s Office.
- M. “Election for city office” means any primary, general, or special election for public office of the City of Spokane.
- N. “Elected official” means any person elected by a general or special election to the office of Mayor, member of the Spokane City Council, or municipal court judge, and any person appointed to fill a vacancy in any such office.
- O. “Election cycle” means the period beginning on January 1 of the year in which an election for citywide office is held, until December 31 of the same year or until the election results are certified, whichever occurs last.
- P. “Entity” means any business corporation, group, agency, nonprofit corporation, limited liability partnership, limited partnership, limited liability company, and general cooperative association.
- Q. “Expenditure” includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. “Expenditure” also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefitting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. “Expenditure” does not include the partial or complete repayment by a candidate, political committee, or incidental committee of the principal of a loan,

the receipt of which loan has been property reported.

- R. “General election” means the election of a person to the office of Mayor, member of the Spokane City Council, or municipal court judge, excluding primary elections.
- S. “Incidental committee” means any nonprofit organization, regardless of purpose, not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in support of, or opposition to, any candidate for Mayor, member of the Spokane City Council, or municipal court judge directly or through a political committee.
- T. “Independent expenditure” means an expenditure that:
1. is made in support of or in opposition to a candidate for city office by a person who is not:
 - A. A candidate for that office;
 - B. An authorized committee of that candidate for that office;
 - C. A person who has received the candidate’s encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office; or
 - D. A person with whom the candidate has collaborated for the purposed of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office.
 2. pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies that candidate without using the candidate’s name; and
 3. whether alone or in conjunction with other expenditure(s) by the same person in support of or in opposition to that candidate, has a value of eight hundred dollars or more. A series of expenditures, each of which is under eight hundred dollars (\$800), constitutes one independent expenditure if their cumulative value is eight hundred dollars (\$800) or more.
- U. “Person” means an individual, partnership, joint venture, public or private corporation, association, federal, state or local government entity or agency however constituted, candidate, committee, political committee, incidental committee, continuing political committee, political party, executive committee

thereof, or any other organization or group of persons, however organized.

- V. “Political committee” means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, a candidate for Mayor, member of the Spokane City Council, municipal court judge, or any city ballot proposition.
- W. “Surplus funds” means the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election.

Section 01.07.010 Local Voters’ Pamphlet – Pro and Con Committee Statements

- A. Consistent with state law and the Spokane County auditor’s administrative rules regarding participation in a local voters’ pamphlet as they currently exist or as may be amended, the ~~((city council))~~ Spokane City Council shall formally appoint by ~~((council))~~ resolution a Pro Committee to prepare arguments advocating voters’ approval of a ballot measure and a Con Committee to prepare arguments advocating voters’ rejection of the measure. A Pro Committee established to prepare arguments advocating voters’ approval of a ballot measure submitted pursuant to an initiative or referendum shall include the sponsor or a representative of the sponsor of the initiative or referendum. A Con Committee established to prepare arguments advocating voters’ rejection of a ballot measure submitted pursuant to an initiative or referendum shall include a representative of any political committee opposing the measure that has filed a C-1 registration statement with the Washington Public Disclosure Commission. All committee members shall be registered voters in the city of Spokane.
- B. Once established, the committees shall prepare arguments for and against local ballot measures to be included in the voters’ pamphlet consistent with state law and the Spokane County auditor’s administrative rules.
- C. If a local voters’ pamphlet is not published and distributed, the City shall participate with the Spokane County auditor’s office in the posting of the election information on the County’s website or on the City of Spokane’s election resources page.
- D. For purposes of this section, the term “measures”~~((Measures shall include))~~includes all ballot ~~((measure))~~measures placed on a local election ballot including measures submitted to the electorate pursuant to the City’s initiative and referendum procedure.

Section 01.07.020 Voter Registration & Election Resources

- A. Beginning with the first City of Spokane utility bill of the year in which a city general election is held, ((All)) each utility ((bills))bill shall include voter registration information ((regarding how citizens may register to vote, including applicable))and links to the Spokane County Elections Office and the Washington State Secretary of State websites. ((Inclusion of such information shall not be included if the information would create an additional billing page and related costs.))
- B. The City's website shall host a page devoted to election resources and clearly titled "Voting and Elections". The ((site)) shall ((have))contain information and/or links to information including, but not limited to, voter registration, election dates, online voter pamphlets and guides, the Washington State Public Disclosure Commission, and ballot drop box locations.
- C. The City ((administration))Clerk's Office shall ((designate one department or point of contact to serve as)) be the city's election resources center((in addition to their duties. The election resources center)) and shall ((act as))be the central location for any information related to city elections including, but not limited to, sample ballots, voter pamphlets and guides, and voter registration forms.

Section 01.07.030 Mandatory Limitations on Campaign Contributions

- A. No candidate for Mayor, member of the Spokane City Council, or Municipal Court Judge, or any political committee acting on behalf of such candidate, shall solicit or accept campaign contributions of more than five hundred dollars (\$500) from any person in any election for city office as reflected on candidate filings with the Washington State Public Disclosure Commission.
- B. A candidate for Mayor, member of the Spokane City Council, or Municipal Court Judge, and any political committee acting on behalf of such candidate, shall only accept or receive a campaign contribution during the election cycle in which the candidate will appear on the ballot.
- C. The limitations imposed by SMC 1.07.030(A) shall not apply to a candidate's contributions of his or her own resources to his or her own campaign, or contributions to the candidate's campaign by the candidate or the candidate's spouse or assets of their marital community.
- D. Candidate filings with the Washington State Public Disclosure Commission shall constitute the evidence of contributions received during an election cycle for the purposes of enforcement of the penalty for violation.
- E. If a candidate makes personal contributions in aggregate of \$11,500 or more of his or her own funds, including surplus funds from a previous campaign, to their campaign, all candidates for election to that office may surpass the contribution limits set forth in SMC 01.07.030(A) and may solicit and accept contributions up

to the limits allowed by the Washington Public Disclosure Commission. The remainder of the Spokane Fair Elections Code shall apply to all candidates.

- F. The provisions of SMC 01.07.030(E) shall not apply to loans made to the candidate's campaign.
- G. Surplus funds, as defined by SMC 01.07.005, from a candidate's prior campaign and contributions received by a candidate in connection with a campaign for another office may be used by that candidate for the candidate's current campaign only to the extent that such funds are derived from contributions that were within the limitations imposed by this chapter. If such funds are from a campaign not governed by this chapter, a candidate may use only so much of each contribution previously received as would have been allowable as a contribution under this chapter if it had applied to that campaign. The source of a candidate's surplus campaign funds shall be determined to be derived from the most recent contributions received by such candidate or that candidate's political committee which in total equal the amount of the surplus campaign funds.
- H. Beginning in 2019, campaign contribution limits may be adjusted by the Spokane City Council in the December of any odd-numbered year. In no event shall campaign contribution limits per election established by this chapter shall in no event be greater than 1.5% of the city of Spokane's median household income as calculated by the U.S. Census Bureau's American Community Survey for the prior year.

Section 01.07.040 Prohibition on Campaign Contributions by Contractors

- A. No City of Spokane elected official or any candidate for Mayor, member of the Spokane City Council, Municipal Court Judge, or any political committee acting on behalf of such elected official or candidate, shall knowingly solicit or accept any contribution directly or indirectly from any entity or person who, in the two years prior to the election cycle has earned or received more than fifty thousand dollars (\$50,000) under a contractual relationship with the City. No City of Spokane elected official, candidate for Mayor, member of the Spokane City Council, Municipal Court Judge, or any political committee acting on behalf of an elected official or candidate for such office, shall knowingly solicit a contribution for himself or herself or for any political party, political committee, incidental committee, or campaign committee, directly or indirectly from any entity or person who in the prior two years has earned or received more than fifty thousand dollars (\$50,000) under a contractual relationship with the City.
- B. No City of Spokane elected official, candidate for Mayor, member of the Spokane City Council, Municipal Court Judge, or any political committee acting on behalf of an elected official or candidate of such office, shall knowingly solicit or accept any contribution from a contractor during a contract award period. In the event that a City of Spokane elected official or any candidate for such position or a

political committee acting on their behalf unknowingly accepts a contribution from a contractor during a contract award period, it shall be the duty of the elected official or candidate for such position or political committee acting on their behalf to return the contribution within ten days after he or she becomes aware of the violation.

- C. For the purposes of this section, an entity and its subsidiaries, parent company or otherwise affiliated companies, and any of their employees, officer, directors and partners who make a political contribution for which they are reimbursed by the entity or its affiliates shall be prohibited. However, nothing in this section shall be construed to prohibit such an employee, officer, director, or partner from making a political contribution for which he or she is not reimbursed by a person with whom he or she is affiliated.
- D. No contribution or solicitation of contributions made prior to the effective date of this ordinance shall be deemed a violation of this ordinance.
- E. The receipt of legal campaign contributions by the Mayor, member of the Spokane City Council, a Municipal Court Judge, or a candidate shall not be considered a conflict of interest as defined by Spokane Municipal Code 01.4A.030 when approving and executing contracts on behalf of the City of Spokane.

Section 01.07.050 Disclosure of Campaign Contributions by City Bargaining Units

- A. All entities who collectively bargain with the City of Spokane on behalf of its membership shall submit information on all bargaining unit contracts prior to signatures and approval by the Spokane City Council listing the dollar value of campaign contributions donated to any City of Spokane elected official, the dollar value of campaign contributions donated to a political committee acting on behalf of an elected official or has donated to any City of Spokane elected official or has made independent expenditures in support or against any City of Spokane elected official, or the dollar amount of the campaign contributions given to an incidental committee that has given campaign contributions to any City of Spokane elected official or has made independent expenditures in support or opposition to any City of Spokane elected official.
- B. The receipt of legal campaign contributions by the Mayor, a member of the Spokane City Council, or a Municipal Court Judge shall not be considered a conflict of interest as defined by SMC 01.4A.030 when approving and executing bargaining agreement contracts on behalf of the City of Spokane.

Section 01.07.060 Identification of Contributors Required

Any entity that makes campaign contributions to a candidate for Mayor, Spokane City Council, or Municipal Court Judge or makes independent expenditures for or against a candidate for Mayor, Spokane City Council, or municipal court judge shall have an active registration with the Washington Secretary of State or equivalent state agency of the donors' headquarters or primary location.

Section 01.07.070 Disclosure by Political Committees

- A. In addition to the requirements of RCW 42.17A.320, a political committee making independent expenditures for or against a candidate for City office shall identify the three persons or entities making the largest contributions in excess of five hundred dollars (\$500) during the twelve-month period preceding the date on which the advertisement is initially to be published or otherwise presented to the public.
- B. For any political committee that qualifies as one of the top three contributors identified under (a) of this section, the top three contributors to that political committee during the same period shall be identified, and so on, until the individuals or entities other than political committees that have contributed the most to all political committees involved with the advertisement have been identified.
- C. The political committee's advertisement must then list the top three individuals or entities other than political committees contributing in excess of five hundred dollars and making the largest aggregative contributions among all those identified under this section.
- D. The top three individuals or entities shall be listed "Top Individual Contributors" immediately under the disclosure requirements of RCW 42.17A.320.

Section 01.07.080 Contributions by Incidental Committees

- A. An incidental committee must file a statement of organization with the City of Spokane's City Clerk's Office within two weeks after the date the committee has the expectation of making payments, contributions, including in-kind contributions of staff time and office-related equipment, resources, and rent to an affiliated committee, or expenditures of at least five thousand dollars (\$5,000) in any election cycle, or to a political committee or an incidental committee.
- B. An incidental committee's statement of organization shall include the following:
 - 1. The name and address of the committee, its officers, its designated treasurer, and any affiliated persons or committees;

2. The names of any candidates supported or opposed by the committee and the office the candidate is seeking;
 3. Names of the ten largest aggregate contributions received in the current calendar year from a single person of five hundred dollars (\$500) or greater, including any persons tied as the tenth largest source of contributions received.
- C. If an incidental committee first meets the criteria of SMC 1.07.090(A) in the last three weeks before an election, then it must file the statement of organization with the City of Spokane's City Clerk Office within three business days.
 - D. An incidental committee shall update their statement of organization when the committee has received a contribution that would change the information required under SMC 1.07.080(B)(4) or made any expenditures directly or indirectly in support of or in opposition to any election campaign or to a political or incidental committee in which the total exceeds two hundred dollars (\$200) since the last report.
 - E. The City of Spokane shall publish the incidental committee's statement of organization on the City's election resources website within five business days of receipt and shall be made publicly available for viewing in-person within two business days of receipt.

Section 01.07.090 Contributions by Foreign Owned Corporations

- A. All entities making contributions to candidates and political committees participating in elections for Spokane Mayor, Spokane City Council, or Spokane Municipal Court judge shall provide certification of compliance with the federal Foreign Agents Registration Act, that the entity's ownership comprises less than fifty percent foreign nationals.

Section 01.07.100 Complaints and Investigations – Process

- A. Any person who has reason to believe that a person is in violation of the requirements of this chapter may file a complaint with the Agency. The Agency or its delegate may also, on its own initiative, begin investigation or audit of documents of any person, entity, or bargaining unit the Agency has reasonable cause to believe is in violation of this chapter.
- B. Upon receiving a complaint of a possible violation of this chapter, the Agency shall, within ten days, notify in writing the person, entity, or bargaining unit accused of the violation stating the allegation and requesting a written response, with relevant documentation, if any, to the complaint. The person, entity, or bargaining unit alleged to be in violation of this chapter shall respond to the

complaint notice within five days.

- C. Upon reviewing the complaint and the response, if any, the Agency shall make a determination as to whether a violation of this chapter has occurred, and shall notify the complaining person and the accused person in writing of that determination. The Agency shall at all times consider timely enforcement of this chapter and shall strive to reach a determination as to whether a violation has occurred within 30 days of its receipt of a complaint.
- D. It is a violation of this chapter to fail or refuse to provide documents or access to documents requested by the Agency in the process of investigating a possible violation of this chapter.

Section 01.07.110 Enforcement

- A. Violation of this chapter is a Class 1 civil infraction.
- B. If the Agency finds a violation of this chapter, the Agency shall, in addition to the imposition of a class 1 civil infraction, order the return of the contribution(s) illegally made.
- C. Upon a finding that any person subject to this chapter has failed to comply or remains out of compliance with the requirements of this chapter after a noncompliance notice given and the lapse of a five-day cure period, the Agency shall notify the violating person that they are ineligible to receive contributions until in compliance. The Agency shall post all such ineligibility determinations, including the dates of ineligibility, on the City's website.
- D. In any action brought under this chapter, the City may recover all costs of investigation in addition to any other remedies allowed by law.
- E. If the court finds that the violation was willful or intentional, or that the violator has been found to have violated the requirements of this chapter three or more times in the past two elections, the Agency, in the exercise of its sound discretion, may issue a Class 1A civil infraction.
- F. A candidate, political committee, or incidental committee may not use contributions to pay a civil infraction that is owed as a result of violating this chapter.

Section 01.07.120 Severability

If a court of law determines that any provision of this chapter is void or of no legal effect, the offending provision(s) shall be deemed struck from this chapter and the remainder of the chapter shall continue unaffected.

Section 01.07.130 Annual Reporting

Beginning in 2019 and on an annual basis thereafter, the Agency shall make a report to the City Council and shall cause a copy of that report to be posted on the City's election resources web page, concerning the number and type of complaints made, investigations undertaken, and actions taken to enforce the provisions of this chapter.

Section 2. That section 01.02.950 of the Spokane Municipal Code is amended to read as follows:

Section 01.02.950 General Penalty

- A. Under the constitution and laws of Washington, the charter, and general ordinances, the City has and hereby asserts the right to enforce the provisions of this code by all appropriate means, including actions and suits in the superior court and municipal court, and administrative proceedings for revocation of license or permit, for collection of penalty or recovery of costs of enforcement, for summary abatement of nuisance, and otherwise.
- B. Each of the following persons is liable for any penalty provided herein:
1. A person doing an act which this code provides a person may not do.
 2. A person omitting to do an act which this code provides a person is required to do.
 3. A person committing an act or omission which this code provides to be unlawful; or
 4. A person otherwise violating this code.

The principles of liability set forth in SMC 10.01.050, SMC 10.01.070, and SMC 10.01.080 for persons legally responsible for the conduct of another, for owners of property in the custody of others and for principals and agents apply equally in cases of civil and criminal liability.

- C. The maximum civil penalties and default amounts, not including statutory assessments, for a violation of this code, unless otherwise provided by state law, are:
1. Class 1A civil infraction: Seven hundred eighty-three dollars. (\$783.00)
 - ~~((1-))~~ 2. Class 1 civil infraction: Two hundred sixty- one dollars (\$261.00).
 - ~~((2-))~~ 3. Class 2 civil infraction: One hundred thirty-one dollars (\$131.00).
 - ~~((3-))~~ 4. Class 3 civil infraction: Fifty-six dollars (\$56.00)
 - ~~((4-))~~ 5. Class 4 civil infraction: Thirty-one dollars (\$31.00)

- D. Whenever a monetary penalty is imposed by a court under chapter 1.05 SMC, it is immediately payable. If the person is unable to pay at that time, the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting authority of the failure to pay.
- E. The court may also order a person found to have committed a civil infraction to make restitution.
- F. The maximum criminal penalty for a violation of this code is a fine not to exceed five thousand dollars (\$5,000), imprisonment of not more than three hundred sixty-four days, or both fine and imprisonment.
- G. The penalties for violations of Title 16A SMC, both infractions and criminal offenses, are as fixed by statute, court rule, or chapter 8.02 SMC.
- H. The penalties for violations of the City penal code, Title 10 SMC, Division I, chapter 10.01 SMC through chapter 10.20 SMC, are as set forth in each section, or as provided in the statutory counterpart, or as otherwise provided.
- I. Unless otherwise provided, a violation of this code, except for a failure to pay a bill or other charge, is a misdemeanor.

Section 3. That section 01.05.210 of the Spokane Municipal Code is amended to read as follows:

Section 01.05.210 Penalty Schedule - Personal Conduct

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

SMC 1.05.210		
Penalty Schedule - Personal Conduct		
Infraction	Violation Class	
IFC 307.1	Open Burning	1
<u>Ch. 01.07</u>	<u>Violation of Spokane Fair Elections Code</u>	<u>1</u>
<u>SMC 01.07.110(E)</u>	<u>Repeated violations of Spokane Fair Elections Code</u>	<u>1A</u>
SMC 10.03.100	Offenses Relating to Safety and Sanitation	4
SMC 10.03.110	Allow Animal in Riverfront Park or Special Permitted Event Area when Banned	3
SMC 10.08.010	Deposit of Tobacco Product Capable of Being Lit	\$500
SMC 10.08.010	Littering, Unlawful Disposal of Rubbish	1

SMC 10.08D.080		
SMC 10.08D.090(C)		
SMC 10.08D.120 – First violation within a one year period	Noise Control	2
SMC 10.08.055	Purchase, Possession of Tobacco by Minor	3
SMC 10.08.100		
SMC 10.08.120	Homeless Encampment	1
SMC 10.08.140(B-D)		
SMC 10.08.246	Liquor Purchase by Apparently Intoxicated Person	\$500
SMC 10.08A.040(D)	Failure to Respond – Chronic Nuisance	1
SMC 10.10.040		
SMC 12.06.050 –	Offending Peace and Order in Public Park	1
SMC 12.06.080		
SMC 10.11.042	Not Having or Displaying Concealed Pistol License	1
SMC 10.15.115	Selling or Giving Drug Paraphernalia	1
SMC 10.15.220	Open Possession/Consumption of Marijuana, Usable Marijuana or Marijuana-Infused Products	3
SMC 10.17.030	Helmet Safety – Failure to Wear Approved Helmet	4
SMC 10.17.040	Helmet Safety – Failure to Require Wearing of Approved Helmets at Special Events	4
SMC 10.17.050	Helmet Safety – Failure to Rent, Lease, or Loan Approved Helmet	4
SMC 10.17.060	Helmet Safety – Failure to Sell or Offer to Sell Approved Helmet	4
SMC 10.24.060	Property Damage by Animal	3
SMC 10.24A140	Animal Safety – Animal Left in Vehicle or Enclosed Space	2
SMC 10.33A.055	Sell, Use, Discharge Fireworks	1
SMC 12.02.910	No Tree Permit; Destroy, Injure Street Tree, or Other	1
SMC 12.02.914	Violations	1
SMC 17F.100.050	Disposal of Liquid Waste in Unapproved Place or Manner	1
SMC 17G.050.050	Ex Parte Contact with Adjudicative Officer	2
SMC 18.01.040	Reprisal or Retaliation	1
Ch. 18.02	Nondiscrimination in Employment Practices	1
Ch. 18.03	Nondiscrimination in Housing Practices	1

Section 4. That section 07.06.500 of the Spokane Municipal Code is amended to read as follows:

Section 07.06.500 Bidder/Contractor Responsibility Criteria (Mandatory)

Before contract award, the bidder shall meet the following bidder responsibility criteria to be considered a responsible bidder. The bidder may be required by the City of Spokane

to submit documentation demonstrating compliance with the criteria. The bidder and all subcontractors included in the bid must:

- A. Have a current certificate of registration as a contractor in compliance with chapter 18.27 RCW, which must have been in effect at the time of bid submittal;
- B. Have a current Washington Unified Business Identifier (UBI) number;
- C. If applicable, show proof of:
 - 1. Industrial insurance (workers' compensation) coverage for the bidder's employees working in Washington, as required in Title 51 RCW;
 - 2. A Washington employment security department number, as required in Title 50 RCW; and,
 - 3. A Washington department of revenue state excise tax registration number, as required in Title 82 RCW; and,
- D. Demonstrate that they are not disqualified from bidding on any public works contract under RCW 39.06.010 or RCW 39.12.065(3).
- E. Shall affirm and certify that they will not violate any local, state, or federal labor laws or standards during the course of performing work under the City contract.
- F. Shall affirm and certify that the bidder will comply with and notify its principals and subcontractors of the provisions of the Spokane Fair Elections Code, chapter 01.07, SMC.

Section 5. That there is enacted a new section 07.08.149 of the Spokane Municipal Code to read as follows:

Section 07.08.149 Transparent Democracy Fund

There is established a special revenue fund to be known as the "Transparent Democracy Fund" into which shall be deposited funds from Spokane Fair Elections Code infractions. The fund will be used to offset any costs associated with the administration of the Spokane Fair Elections Code.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date

DRAFT