



Official Gazette

City of Spokane, Washington

Statement of City Business, including a Summary of the Proceedings of the City Council

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MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

BREEAN BEGGS (DISTRICT 2)

MIKE FAGAN (DISTRICT 1)

LORI KINNEAR (DISTRICT 2)

CANDACE MUMM (DISTRICT 3)

KAREN STRATTON (DISTRICT 3)

AMBER WALDREF (DISTRICT 1)

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Minutes

MINUTES OF SPOKANE CITY COUNCIL**Monday, August 21, 2017****BRIEFING SESSION**

The Briefing Session of the Spokane City Council held on the above date was called to order at 3:30 p.m. in the Council Briefing Center in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington.

Roll Call

On roll call, Council President Stuckart and Council Members Beggs, Fagan, Kinnear, Mumm, Stratton, and Waldref were present.

Finance and Administration Division Director Tim Dunivant, City Council's Policy Advisor Brian McClatchey, and City Clerk Terri Pfister were also present on the dais.

Advance Agenda Review

The City Council received an overview from staff on the August 28, 2017, Advance Agenda items.

Ordinance C35537

Council Member Karen Stratton provided an overview of Ordinance C35537—relating to human rights—and presented a proposed amendment to the ordinance. The following action was taken:

Motion by Council Member Stratton, seconded by Council Member Mumm, **to amend** SMC 18.01.050.B.8 by replacing the inserted text which states "determination whether a preponderance of the evidence supports" with "a determination" and replace "the filing of" with "as to the filing of." **Motion carried 6-1 (Council Member Fagan voting "no").**

(SMC 18.01.050.B.8, as amended, reads: "Complaints that are not resolved through mediation shall be submitted to the City Prosecutor for a determination as to the filing of a civil infraction pursuant to chapter 1.05 SMC.")

Action to Approve August 28, 2017, Advance Agenda

Following staff reports and Council inquiry and discussion regarding the August 28, 2017, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

Motion by Council Member Waldref, seconded by Council Member Stratton, **to approve** the Advance Agenda for Monday, August 28, 2017; **carried unanimously.**

ADMINISTRATIVE SESSION**Current Agenda Review**

The City Council reviewed the August 21, 2017, Current Agenda for any changes.

Resolution 2017-0076

Resolution 2017-0076 appeared on the City Council's August 21 Current Agenda with a request for suspension of the Council Rules. Council President Stuckart noted that Resolution 2017-0076 will be placed on the August 28, 2017, Agenda (in the normal course, therefore, no suspension of the Council Rules will be needed).

Suspension of Rules

Motion by Council Member Mumm, seconded by Council Member Stratton, **to suspend** the Council Rules (in order to add below items to the August 21 Current Agenda); **carried unanimously.**

Contract with AM Landshaper, Inc. (OPR 2017-0591)

Motion by Council Member Fagan, seconded by Council Member Waldref, **to add** Consent Agenda Item No. 7 (Contract with AM Landshaper, Inc. for installation of basalt rock and other work approved by WSDOT and Urban Forestry along five blocks along I-90 to increase public safety) to today's (August 21) Consent Agenda; **carried unanimously**.

First Reading Ordinance C35537

Motion by Council Member Waldref, seconded by Council Member Beggs, **to add** First Reading Ordinance C35537—relating to human rights—to today's (August 21) Legislative Agenda; **carried 6-1 (Council Member Fagan “no”)**.

CONSENT AGENDA

Upon motion by Council Member Waldref, seconded by Council Member Mumm, the City Council approved Staff Recommendations for the following:

Utility Design and Engineering Agreement with the Washington State Department of Transportation to create engineering designs to prepare for relocating City water and sewer utilities as needed, in preparation of construction of the US 395 / North Spokane Corridor between Francis Ave. and the Spokane River. Execution of Utility Construction Agreement UTB 1226 will reimburse the City for the cost of designing water and sewer facilities being relocated as outlined in the agreement and the attached map—\$1,383,050 Revenue. (PRO 2017-0028; ENG 2017059; ENG 2017060)

Contract with Hatch Associates Consultants (Seattle, WA) for Spillway Rehabilitation Project at Upriver Dam, Phase IIIE - Left Abutment & Fuse Plug Inspection & Assessment and Phase IIIF - Trunnion Friction Testing—\$97,500. (OPR 2016-0063)

Contract with Johnson Controls (Spokane, WA) to replace the HVAC units at the Police Evidence Facility—\$92,670.40 (incl. tax). (OPR 2017-0572)

Contract with All Surface Roofing (Spokane, WA) to re-roof the Alki Property Evidence Facility—\$253,675.90 (incl. tax). (OPR 2017-0573)

Interagency Agreement between the State of Washington, Department of Ecology, and the City, for environmental sampling and analysis at the former Beck's Radiator Property—\$27,335 Revenue. (OPR 2017-0574)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through August 11, 2017, total \$8,171,835.16 (Check Nos. 54005-540220; ACH Payment Nos. 40757-41022), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$7,382,427.53. (CPR 2017-0002)
- b. Payroll claims of previously approved obligations through August 12, 2017: \$6,636,384.61 (Payroll Check Nos. 545931-546139). (CPR 2017-0003)

Contract with AM Landshaper, Inc., (Spokane, WA) for installation of basalt rock and other work approved by WSDOT and Urban Forestry along five blocks along I-90 to increase public safety—\$146,287.04.

Council Recess/Executive Session

The City Council adjourned at 3:53 p.m. No Executive Session was held. The City Council reconvened again at 6:00 p.m. for the Regular Legislative Session.

LEGISLATIVE SESSION

Pledge of Allegiance

The Pledge of Allegiance was led by Council President Stuckart.

Roll Call

Council President Stuckart and Council Members Beggs, Fagan, Kinnear, Mumm, Stratton, and Waldref were present.

City Council's Policy Advisor Brian McClatchey and City Clerk Terri Pfister were also present.

ANNOUNCEMENT – GATHERING AT THE FALLS POW WOW

Council President Stuckart provided a reminder that this weekend will be the Gathering at the Falls Pow Wow in Riverfront Park on August 25, 26, and 27. He encouraged everyone to attend the event.

There were no **Proclamations**.

CITY ADMINISTRATIVE REPORT**Community, Housing and Human Services Report**

Council President Stuckart introduced Paul Trautman of Community, Housing and Human Services (CHHS) who provided a presentation on what the City is doing with various properties the City owns. Mr. Stuckart noted he is very impressed with the work the City is doing and thought it would be good for the public to see what is going on with some houses in the community that have been under public control. Mr. Trautman noted that something that happens on a daily basis through CHHS's (Single Family Rehab) program is assistance to low income homeowners. He noted the City currently has 23 properties in an initiative to create primarily affordable homeownership opportunities in Spokane. He advised the City has had the Single Family Rehab Program since 1977, and there have been a tremendous number of homes that the City has assisted. He noted that over time, things can happen to homeowners – they can pass away or lose their home to a first mortgage; there are many different ways that from time to time the property comes back into the City's ownership. He stated the City ended up with an accumulation of these properties and sat down with HUD and created a plan to turn them into low income housing. He stated there has been a lot of planning and a lot of upfront work and staff is now in the delivery phase which is an exciting point where staff is meeting with homeowners and selling properties. Mr. Trautman commented on how these 23 properties are affecting our neighborhoods for the better and creating homeownership opportunities and improving neighborhoods; and he displayed pictures of some of the properties.

COUNCIL COMMITTEE REPORTS**Finance and Technology Committee**

Council President Stuckart reported on the Finance and Technology Committee meeting held earlier today (August 21, 2017). Minutes of the Finance and Technology Committee are available for review following approval by the Finance and Technology Committee.

Public Safety

Council President Kinnear reported on the Public Safety Committee meeting held earlier today (August 21, 2017). Minutes of the Public Safety Committee are available for review following approval by the Public Safety Committee.

OPEN FORUM

John Lemus requested the City Council to take on a new one hundred day project. He stated the City needs to do a whole lot more work on promoting the employment of people with developmental disabilities and felt this would be a good next one hundred day project for the City Council to take on. He also provided updates from the Human Rights Commission and noted the Commission is working on its 2018 Work Plan.

Andrew Caudell commented on the Uber and Lyft Contracts and objected to the passing of this year's contracts. He stated he understands that Council Member Fagan and Stratton are working on a regulatory framework for the next year's contracts, and he stated he stresses the need for the drivers for Uber and Lyft to have to get a full for hire permit because they are unlicensed contractors. Further, he strongly suggested the need for fingerprint background checks and the need for a pre-hire drug testing.

(Council President called for a recess at 6:22 p.m. as an individual speaking from the audience was out of order. The meeting was called back to order at 6:23 p.m.)

Council President Stuckart stated that the framework the City operates under is that business licenses are granted by the State of Washington and the State of Washington does not register Lyft and Uber as for-hire vehicles; and that is why the City has signed individual MOUs (with Lyft and Uber) instead of a regulatory framework.

Bill Boomer noted he is with the taxi industry. He stated that San Francisco has just required all Uber drivers to have a UBI number. He noted that is a federal regulation that the City does not have control over. He also stated he sent pictures of an Uber sign, stating it was a loading zone, which he indicated is a total violation of their contract. He stated they are working on Division inside orange cones and expressed other concerns pertaining to Uber and Lyft. He indicated he is happy the City has a committee working to fix the contract.

Jeff Bruno remarked on the tax industry. He stated City Cab has done everything to be above board and to do things beyond what is right. He stated City Cab has fought over and over again to make the industry better for the citizens of Spokane. He asked for enforcement of the laws on the books.

Dagger Singh expressed concerns regarding an Uber driver. He inquired about fairness; that Uber drivers are doing same job as taxi drivers picking up and dropping off customers.

Rick Bocook remarked on the feeding behind City Hall for the homeless, which has been going on for eight weeks now. He stated homeless people are being criminalized by the sit and lie (ordinance). He also stated House of Charity punishes them for panhandling. If they get caught panhandling, they can't stay there. He requested the City Council get rid of these laws.

LEGISLATIVE AGENDA

There were no **Special Budget Ordinances**.

There were no **Emergency Ordinances**.

RESOLUTIONS

Resolution 2017-0074

Subsequent to public testimony and Council commentary, the following action was taken:

Upon Unanimous Voice Vote (in the affirmative), the City Council **adopted Resolution 2017-0074** approving the 2017 Action Plan Component of the 2015-2020 Consolidated Plan for Title 1 CDBG, HOME, and ESG grant funds.

Resolution 2017-0075 and Resolution 2017-0071 (RES 2017-0071 was deferred from August 14, 2017, Agenda)

Council Member Waldref provided an overview of Resolution 2017-0075 (updating the regular meeting times for the City Council Committees and Study Sessions and approving amendments to the City Council standing committee administrative procedures) and Resolution 2017-0071 (amending the City council rules of procedure to amend the Council's standing committees). She indicated the resolutions are an attempt to reframe the Council's standing committees to be more in alignment with the four major goal areas of the City's strategic plan, which are: Public Safety and Community Health, Urban Development, Finance and Administration, and Public Infrastructure, Environment and Sustainability. She noted through a lot of discussion, there was a recommendation to have chairs and vice chairs for each committee, so there would be two point people from the Council working with Administration to create those committee agendas and move some of those strategic initiatives forward. Council Member Waldref proposed a change in the name of the Planning, Placemaking, and Urban Development Committee. Subsequently, the following action was taken:

Motion by Council Member Waldref, seconded by Council Member Mumm, that instead of the (name) Planning, Placemaking, and Urban Development, the committee simply be called the Urban Development Committee and to change the name in both Resolution 2017-0075 and Resolution 2017-0071; **carried unanimously**.

Council Member Waldref also proposed that the Resolutions be effective a certain date. The following action was then taken:

Motion by Council Member Waldref, seconded by Council Member Mumm, that these new committee regular meeting times become effective October 1, 2017 (and thereby amending Resolution 2017-0075 and Resolution 2017-0071 by including an effective date of October 1, 2017); **carried unanimously**.

In response to an inquiry by Council Member Kinnear, Council Member Waldref stated that Administration is having their planning retreat September 7 and Administration will be identifying who they want to assign to work with the City Council on the different committees. Council Member Waldref further stated the month of September will be creating those work teams or those teams that will start creating agendas, and she noted that will take some time in September just to do that; and then the new committee meetings will start in October.

There was an opportunity for public testimony, with no individuals requesting to speak. The following action was taken:

Upon Unanimous Voice Vote (in the affirmative), the City Council **adopted Resolution 2017-0075**, as amended, updating the regular meeting times for the City Council Committees and Study Session and approving amendments to the City Council standing committee administrative procedures **and Resolution 2017-0071**, as amended, amending the City Council rules of procedure to amend the Council's standing committees.

BOARDS, COMMISSIONS, and COMMITTEE APPOINTMENTS**Updated Appointments of City Council Members to Committees**

Council President Stuckart called for a motion to appoint the *slate of City council members to committees (as presented in the City Council's agenda packet material). Subsequently, the following action was taken:

Motion by Council Member Mumm, seconded by Council Member Kinnear, **to appoint** the slate of Council Members (effective October 1, 2017); **carried unanimously**.

(See Attachment 1 to these minutes, which reflect the updated appointments of Council Members to committees.)
*[Clerical Note: The updated appointments list, as filed with the City Clerk's Office, referenced the "Planning" committee. The City Clerk corrected/adjusted the name "Planning" (Committee) to "Urban Development" (Committee) so that the name of the committee is consistent with the City Council's action above under Resolutions 2017-0075 and 2017-0071.]

FINAL READING ORDINANCES

For Council action on Final Reading Ordinance C35524, see section of minutes under "Hearings."

For Council action on Final Reading Ordinance C35535, see section of minutes under "Hearings."

For Council action on Final Reading Ordinance C35536, see section of minutes under "Hearings."

FIRST READING ORDINANCES

The following ordinance was read for the First Time with further action deferred:

ORD C35537

(as amended) Relating to human rights; amending sections 18.01.030, 18.01.050, and 18.03.020; and enacting a new section 18.03.025 of the Spokane Municipal Code.

There were no **Special Considerations**.

HEARINGS**Hearing Expressing the Intention of the City Council to Designate Residential Targeted Areas and Related Final Reading Ordinance C35524**

The City Council held a hearing expressing the intention of the City Council to designate residential targeted areas and amend SMC 8.15.030 and considered related Final Reading Ordinance C35524 relating to multiple-family housing property tax exemption. Teri Stripes of the Planning and Development Services Department provided an overview on the matters. Subsequent to public testimony and Council commentary, the following action was taken:

Upon Unanimous Voice Vote (in the affirmative), the City Council **passed Final Reading Ordinance C35524** relating to multiple-family housing property tax exemption; amending sections SMC 8.02.0695, 8.15.020, 8.15.030, 8.15.040, 8.15.050, 8.15.060, 8.15.080, 8.15.090, 8.15.100, 8.15.110, and 8.15.120; and repealing SMC section 8.15.130 of the Spokane Municipal Code.

Final Reading Ordinance C35535

The City Council held a hearing on Final Reading Ordinance C35535. Council President Stuckart provided background information for the ordinance and Nathan Gwinn then provided an overview of the ordinance and responded to Council inquiries. Subsequent to public testimony and Council commentary, the following action was taken:

Upon Unanimous Voice Vote (in the affirmative), the City Council **passed Final Reading Ordinance C35535** relating to expansion of the area shown in Spokane Municipal Code Map 17C.370-M1, into additional areas in residential zones, where existing neighborhood commercial structures may restore a discontinued or other approved commercial use; and amending SMC sections 17C.370.010, 17C.370.020, and 17C.370.030.

Final Reading Ordinance C35536

The City Council held a hearing on Final Reading Ordinance C35536. Council Member Mumm presented introductory remarks regarding the ordinance and then Tirrell Black of the Planning and Development Services Department provided an overview of the ordinance. Public testimony was received and Council commentary held. Subsequently, the following action was taken:

Upon motion by Council Member Mumm, seconded by Council Member Waldref, the City Council **passed upon unanimous voice vote Final Reading Ordinance C35536** adopting a threshold docketing process for deciding when comprehensive plan amendment proposals will be added to the City's annual comprehensive plan amendment work program or alternatively to an ongoing work program or periodic update; amending sections 17G.020.010, 17G.020.020, 17G.020.030, 17G.020.040, 17G.020.050, 17G.020.060, 17G.020.070, 17G.025.010 and 8.02.010; adopting new sections 17G.020.25 and 17G.020.26 to Chapter 17G.020 of the Spokane Municipal Code.

No individuals spoke during the **Second Open Forum**.

ADJOURNMENT

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 7:38 p.m.

STUDY SESSION MEETING MINUTES SPOKANE CITY COUNCIL Thursday, August 17, 2017

A Special Meeting of the Spokane City Council was held on the above date at 3:34 p.m. in the City Council Briefing Center, Lower Level – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington. Council President Stuckart and Council Members Fagan, Kinnear, Stratton and Waldref were present. Council Member Mumm arrived at 3:48 p.m. Council Member Beggs was absent.

The following topic was discussed:

- Spokane Regional Health District with Dr. Bob Lutz
- Snow Plan 2017-2018

The meeting was open to the public but was conducted in a study session format. No public testimony was taken and discussion was limited to appropriate officials and staff.

The meeting adjourned at 5:06 p.m.

CITY OF SPOKANE CIVIL SERVICE COMMISSION MEETING MINUTES July 18, 2017

Craig Hult, Chair, called the regular meeting to order at 9:30 a.m. Present were Craig Hult, Pam DeCounter and Judith Gilmore and Mark Lindsey.

Agenda Item I.

Approval of Minutes:

Mr. Craig Hult introduced the minutes from the regular meeting of June 20, 2017. The minutes will stand as written.

Agenda Item II.

Staff Activities:

June:

Announcements issued:	9	Classifications revised:	3
Examinations:	15	Classifications new/deleted:	2/0
Requisitions received:	50	Requisitions certified:	46
Class Surveys completed:	0	Class Surveys in progress:	5
Requisitions pending:	6	Requisitions canceled:	2

Average days from department initiation of request to receipt in Civil Service:	3.2
Average days from requisition receipt to certification:	0.0
Percentage certified within 24 hours:	100%
Average days from department initiation to completion of hire	.6

Ms. George-Hatcher, Chief Examiner, informed the Commission of the monthly statistics including social media statistics with regards to recruitment. She informed the Commission that the Civil Service recruitment video has been updated and will be posted on our jobs page and YouTube. Recruitment Information Sessions are being organized in cooperation with the Spokane Police Department. Ms. George-Hatcher reported that there will be several information sessions scheduled around the City to increase police officer hires. She thanked the Communications staff and Ms. Crystal Rodgers for working together to ensure publicity.

Ms. George-Hatcher reported that so far in 2017, 35 examinations have been conducted with 65 outstanding requisitions out of which 5 did not have lists. She reported that staff will be working with hiring managers regarding submission of requisitions as soon as vacancies are anticipated so that the requisitions may be placed in the high priority queue. Ms. George-Hatcher said staff has also been working with hiring managers on ensuring flexibility within existing classifications so that fewer single incumbent classifications are created.

The Chief Examiner reported that the second in the Lunch and Learn series program was held in June, the topic being Transfers and Voluntary Demotions, and that there was very good attendance. This series of open programs, held in the testing room on a quarterly basis are meant to be a way for employees, supervisors and managers to learn about the Civil Service processes, ask questions and gain a better understanding of the rules that govern City of Spokane hiring and employment.

Ms. George-Hatcher reported that the rule review study session was scheduled for July 20th in the Testing Room.

Mr. Bryan Sullivan and Ms. George-Hatcher attended the last meeting of the Gender and Pay equity committee at which the main topic presented was collective bargaining.

Ms. George-Hatcher reported that Payroll Certification through June 2017 has been completed.

Agenda Item III.

Appointment of 5th Commission Member

There has been a vacancy on the Commission since last December. Ms. George-Hatcher reported that there were five candidates who submitted applications and who were present at the meeting to provide a three minute presentation as to why they would like to serve on the Civil Service Commission. The candidates were:

Mr. Christopher Savage, Ms. Karen Boone, Mr. Randy Withrow, Mr. Thomas Jarrard, and Mr. Scott Stephens.

Mr. Hult addressed the candidates and let them know that the Commission would go into Executive Session later to discuss the qualifications of each candidate. Mr. Hult said that a decision could either be made that day in open session or at the next meeting. Candidates were informed that they could stay for the entirety of the meeting if they wished. Ms. George-Hatcher thanked each candidate for their interest in the Civil Service Commission.

Agenda Item IV.

Classification Resolution

Adopt:

SPN 602 Industrial Electrician
SPN 957 Supervisory Probation Officer

Title Change and Revisions to the Specifications:

SPN 078 Park Programming Manager
SPN 696 Park Safety and Facilities Manager

A motion to adopt these changes was put forth by Ms. Judith Gilmore and seconded by Ms. Pam DeCounter. The motion carried unanimously.

Agenda Item V.

Appeal of Termination of William Brown

Mr. William Brown was employed with the City since September 9, 1996 as Wastewater Treatment Plant Mechanic. He was terminated from his position effective March 29, 2017 pursuant to a pre-disciplinary hearing. This appeal was originally scheduled to come before the Commission on May 16, 2017. However, both parties agreed to a continuance. Mr. Brown is represented by Mr. Robert Cossey and the City of Spokane is represented by Mr. Nathan Odle. Both parties have witnesses for the Commission.

Mr. Mike Piccolo presented information for the Commission. He asked if any Commission members had any conflicts of interest in the matter. Ms. Judith Gilmore presented information that her husband used to work with one of the individuals involved in Mr. Brown's termination. She stated that she had heard information regarding Mr. Brown from her husband. Ms. Gilmore was asked if Mr. Greg Lorenzi was the individual her husband knew and worked with. She said yes. Mr. Cossey asked her several questions regarding her and her husband's relationship with Mr. Lorenzi. There was no objection from either side with regards to Ms. Gilmore participating with the rest of the Commission in hearing and making a determination on the appeal.

Ms. Pam DeCounter stated that her family knew the Lorenzi family socially back in the late 1970's and early 1980's as she dated his brother. Mr. Cossey asked Ms. DeCounter several questions regarding that relationship. There was no objection from either side with regards to Ms. DeCounter participating with the rest of the Commission in hearing and making a determination on the appeal.

Mr. Mark Lindsey stated that he and Mr. Cossey had several of the same open cases. There were no objections expressed with respect to Mr. Lindsey's participation either.

Mr. Nathan Odle presented the City's case for termination. He discussed the altercation, the injuries and the Police description of what occurred. There were no witnesses to the event other than Mr. Brown and Mr. Lorenzi. Human Resources became involved and Human Resources Analyst Ms. Lisa Richards was assigned to the case. Ms. Richards reviewed the matter and interviewed the parties. The following day, Mr. Brown filed a harassment complaint against Mr. Lorenzi. This allowed Ms. Richards to investigate the matter more in depth. She met with supervisors and other employees. Through these interviews, it was clear there was a long history of mutual dislike between Mr. Brown and Mr. Lorenzi.

Ms. Lisa Richards was sworn in and interviewed by both parties. Ms. Richards recapped interviews with both Mr. Brown and Mr. Lorenzi and went over the timeline of events from the day of the altercation. It was determined that both individuals violated City policy and pre-disciplinary hearings were scheduled for both individuals. Mr. Brown's hearing included Ms. Richards, Mr. Brown and his attorney, Mr. Cossey, Mr. Mike Coster, Plant Manager and Mr. Justin Anderson. Also in attendance were several union members and Ms. Natalie Hildebrand, Staff representative for Local 270. During the hearing, Mr. Brown denied touching or swinging at Mr. Lorenzi. This was a change in recollection from his original story. At this point, Ms. Richards questioned him as to why his recollection of events changed. Mr. Brown stated he never said anything about touching or swinging at Mr. Lorenzi. Because of the credibility issue that arose from the pre-disciplinary hearing, Human Resources asked the Mayor to move towards termination. Another pre-disciplinary hearing with Mr. Lorenzi was held later the same day. He was asked to articulate the facts and his involvement. Mr. Lorenzi had the exact same story as his initial interview after the altercation. He too was in violation of City policy and was going to be terminated as well. Mr. Lorenzi later contacted his bargaining unit and asked to resign in lieu of termination. The City agreed to this. Mr. Brown later requested information regarding bullying and how to file a complaint with regards to Mr. Lorenzi. Ms. Richards gave Mr. Brown all the information he needed and did indeed file a bullying/harassment complaint against Mr. Lorenzi. This led Ms. Richards to begin an investigation. She interviewed several co-workers. From these interviews, it was clear that Mr. Brown and Mr. Lorenzi had a long history of not getting along and this relationship caused issues for the entire department.

Several Commissioners asked questions of Ms. Richards regarding the termination and consequent investigation.

Mr. Cossey cross-questioned Ms. Richards. He asked about statements from Mr. Brown and Mr. Lorenzi and about the interviews with their co-workers. He asked about the credibility issue that arose from Mr. Brown's pre-discipline hearing and the police reports. He also asked about the physical proximity of the two individuals while they were in the breakroom during the altercation.

Mr. Hult asked Ms. Richards about a letter of reprimand from 2011 that was in his employment file. Ms. DeCounter asked if there were any letters of reprimand in Mr. Lorenzi's employment file and Ms. Richards responded that there were not.

Ms. Christine Cavanaugh the City's Human Resources Director was sworn in by the Chief Examiner. She discussed the procedures and protocol for the Human Resources Department. Ms. Cavanaugh stated that it was her belief that protocol was followed correctly based on information provided and that the appropriate and reasonable conclusion was reached.

Ms. Gilmore asked a question regarding concern about the altercation and whether Mr. Brown felt that he was defending himself. Ms. Cavanaugh responded that Mr. Brown threw the first punch and the fight occurred after that. Ms. Gilmore then asked about the toxic relationship between the two individuals, what was done prior to address the situation and also asked and what the City normally does in these types of situations.

Mr. Mike Coster, Plant Manager was sworn in by the Chief Examiner. Mr. Coster supervised both Mr. Brown and Mr. Lorenzi. Ms. DeCounter asked Mr. Coster about the type of mediation training resources were available and asked how this type of co-worker relationship is addressed. Mr. Coster stated that there had been bickering before but nothing that had ever arisen

to the level of violence that occurred on the day of the altercation. Mr. Coster was asked if anyone could put in a transfer to remove themselves from toxic situations or if they could come to a supervisor or manager. To Mr. Coster's knowledge, neither individual was on a transfer list nor had anyone complained to management regarding Mr. Lorenzi.

Mr. Odle asked Mr. Coster to explain Mr. Brown's previous disciplinary letter which he did. Ms. DeCounter asked about follow-up's regarding the previous discipline. Mr. Coster said he heard nothing about it after that.

Mr. Hult followed up with a question regarding department morale. Mr. Cossey then asked Mr. Coster about how people got along with both Mr. Brown and Mr. Lorenzi.

Mr. William Brown was sworn in by the Chief Examiner. Mr. Cossey asked Mr. Brown for a narrative of what occurred. Mr. Brown stated that he came in early to meet someone about personal matters. He started his breakfast and Mr. Lorenzi entered and started making coffee and intentionally got physically close and spilled coffee grounds in his food. Mr. Brown said that Mr. Lorenzi backed him into an area where he couldn't escape and that it became physical. Mr. Brown states he never struck Mr. Lorenzi nor did he swing at him. He stated that he avoided Mr. Lorenzi at work and that they had previous issues with one another such as parking aggression and theft. Mr. Odle then questioned Mr. Brown. He asked Mr. Brown about the coffee cans in the exhibit photos. He asked him about the letter of reprimand and what was going on between him and Mr. Wood and a letter from his employment file from 2004 regarding a suspension.

The Commission took a short break from testimony.

Mr. Hult asked if either party had any other witnesses. He asked Mr. Cossey if there was a specific Civil Service rule that the Commission should consider. Mr. Cossey stated there was not one specifically that he could show to the Commission. Ms. Gilmore wanted to clarify that Mr. Brown has stated that he did not hit or swing at Mr. Lorenzi. Ms. DeCounter asked about the decision to terminate Mr. Brown with regards to the past documentation. Ms. Cavanaugh stated that the decision to terminate Mr. Brown was not based on any previous disciplinary issues.

Mr. Hult called for a motion, either a motion to deny the appeal or a motion to uphold the appeal. A motion to deny the appeal and uphold termination was put forth by Mr. Lindsey, hearing no second, a motion to uphold the appeal was put forth by Ms. DeCounter. Mr. Hult then asked a procedural question of Mr. Piccolo. Ms. Gilmore then seconded the motion to uphold the appeal. Ms. Gilmore stated her concerns regarding the childish behavior of the two employees and the fact that it continued for so long. She expressed concerns that Mr. Lorenzi might have been a bully. Ms. DeCounter stated that she made the motion to uphold due to the fact there is no prior documentation regarding the toxic relationship between Mr. Brown and Mr. Lorenzi. She does not feel there is not enough proof of what actually occurred on the day of the altercation. Mr. Hult stated that the Commission's job is to look at the rules as a guide for decisions. Mr. Lindsey stated that the Civil Service and Human Resources processes were followed correctly and that they could not as Commissioners re-litigate what actually happened in the altercation. He explained that the Commission's job is to ensure that the department followed the proper process, not to be fact finders of what did or did not happen.

A motion to uphold the appeal and reinstate Mr. Brown was voted on and four Commissioners opposed it. The motion failed.

The motion to deny the appeal made by Mr. Lindsey and uphold the termination received a second from Mr. Hult and passed unanimously.

Agenda Item VI.

Request for Investigation of Probation Failure

A request for an investigation in the probation failure of Mr. Bruce Babnick, Water Service Specialist at the Water Department was requested by Local 270. Mr. Babnick was promoted to Water Service Specialist subject to a six month probationary period. He did not pass probation and was demoted to his previous classification. Ms. George-Hatcher provided the background regarding the issue. A letter from Natalie Hildebrand, Staff representative for Local 270 was received asking to appeal the probation failure of Mr. Babnick, stating that Civil Service had sent Mr. Babnick a letter stating he had failed probation and was being returned to his former classification. The letter stated that an individual on probation should be given adequate notice before they are removed from probation. The Chief Examiner responded to Ms. Hildebrand's letter explaining the rules and Civil Service requirements and that the matter was not appealable as there had been no violation of Civil Service rules. Ms. George-Hatcher stated that she received another letter from Ms. Hildebrand asking to complain about the administrative decision and request the commission to conduct an investigation into the probation failure of Mr. Babnick. Ms. George-Hatcher informed Ms. Hildebrand that she would place both the administrative complaint and the request for investigation before the Commission. Further, Ms. George-Hatcher stated that she initiated both a phone conversation with Ms. Hildebrand and a meeting with Ms. Hildebrand, Mr. Joe Cavanaugh and Mr. Babnick to discuss the issue. Local 270 insisted on moving forward. At Mr. Cavanaugh's request the administrative complaint was postponed until August and the Request for Appeal was placed on the Commission's agenda for July.

Ms. George-Hatcher provided a detailed explanation of the applicable rules regarding probation and probation failure, the rules presented by Local 270 regarding appeals and the authorization provided to Civil Service under the rules.

Ms. Natalie Hildebrand was sworn in and gave Mr. Babnick's side of the story. She stated that she believes that the whole purpose of probation is to provide employees an opportunity. She stated that Mr. Babnick did not feel he was given any notice and it was a surprise to him that he was failing probation. Ms. Hildebrand said Mr. Babnick was not given the opportunity to correct any of his actions or his work. Ms. Hildebrand concern is with the process and the fairness of the process. She said that the checks and balances of decisions made by management needed to be looked at.

Mr. Hult asked a clarification question as to whether this was Human Resources issue or a Civil Service issue. Ms. Gilmore asked who protects the employees while they are on probation. Ms. Hildebrand stated that this was the point she was trying to bring up as to who has the employees back and whether it was HR or Civil Service. Ms. Hildebrand said she is asking for what is fair and right and that she does not want this to happen with another employee. She started with Civil Service and also asked Human Resources to investigate this. She is asking Civil Service to verify the process that it was adequately followed and that management did what it needed to do for a probationary employee. She is asking both sides to ensure that the process is being followed correctly.

Ms. DeCounter asked Human Resources, Civil Service and Mr. Babnick's manager if there were policies and procedures in place to follow a probationary employee through the probationary time. Mr. Loren Searl, Water Superintendent, was asked if Mr. Babnick was given feedback before the probation failure. Mr. Searl stated that there were several verbal counseling's with Mr. Babnick and his quality of work. There was a record of counseling while he was working out of grade in the position and another written letter of counseling in the beginning of April, about a month before he was failed on probation. Mr. Searl believes that Mr. Babnick was given the opportunity to improve but failed to do so.

Reference was made to the Human Resources policy regarding Probation. Mr. Hult stated that this situation was a Human Resources issue and not a Civil Service issue.

A motion to deny the investigation was put forth by Ms. DeCounter and was seconded by Ms. Gilmore. The motion passed unanimously.

Executive Session: The Commission went into Executive Session at 12:45 p.m. to discuss the qualifications of the Commission member candidates and to discuss the performance evaluation of a public employee.

The Commission returned from Executive Session at 1:03 p.m. Mr. Lindsey made a motion to appoint Mr. Scott Stephens as the fifth Commission member. The motion was seconded by Ms. Gilmore and Mr. Stephens was unanimously appointed.

Agenda Item VII. Other Business

There being no additional business to come before the Commission, the meeting was adjourned at 1:15 p.m.

STANDING COMMITTEE MINUTES City of Spokane Finance Committee 07/17/2017 - FINAL

Attendance

Council President Ben Stuckart, Council Member Karen Stratton, Council Member Candace Mumm, Council Member Laurie Kinnear, Council Member Amber Waldref, Council Member Mike Fagan, Council Member Breean Beggs, Tim Dunivant, Gavin Cooley, Kim Bustos, Ed Lukas, Mike Ormsby, Brian McClatchey, Adam McDaniel, Kandace Watkins, Hannahlee Allers, Anna Everano, Skyler Oberst, Crystal Marchand, Debra Robole, Emily Maini, Carus O'Malley, Tim Szambelan, Joan Hamilton, Laura Williams

Approval of Minutes:

Meeting Minutes for June 2017 were approved.

Agenda Items:

1. Council Rules Change Re: Campaigning at Meeting – Ben Stuckart

Council President Stuckart briefed the Committee regarding this item. He has drafted some rules regarding campaigning at meetings and he is working with Legal to clarify these rules.

2. Net Neutrality Resolution – Ben Stuckart

Council President Stuckart briefed the Committee regarding this item. Please see attached briefing paper and resolution.

3. Protection of Privacy for Cable Subscribers – Ben Stuckart

Council President Stuckart briefed the Committee regarding this item. Please see attached briefing paper and ordinance.

4. South Hill Traffic Study Special Budget Ordinance – Ben Stuckart

Council President Stuckart briefed the Committee regarding this item. Please see attached Special Budget Ordinance. This will allow for a study of the South Hill Traffic. This will include some engineering costs and a traffic study.

5. Marijuana Mitigation Funding Forecast – Council Member Mumm

Council Member Mumm requested that Tim Dunivant, Director of Finance & Administration explain the ruling by Washington State regarding the Marijuana Mitigation Funding Forecast.

6. Imprest Fund Ordinance Change – Kim Bustos, Accounting

Kim Bustos, Director of Accounting, briefed the Committee regarding this item. Please see the attached briefing paper and ordinance.

This will be brought forward to the City Council for approval.

7. CIP Update – Crystal Marchand

Crystal Marchand, Director of Management & Budget, briefed the Committee regarding this item.

Discussion ensued.

8. Special Budget Ordinance – Library – Emily Maini & Carus O'Malley

Emily Maini and Carus O'Malley from the Library, briefed the Committee regarding this item. Please see the attached Special Budget Ordinance and briefing paper.

This will be brought forward to the City Council for approval.

9. Financial Update – Gavin Cooley & Tim Dunivant, Finance

Gavin Cooley, Chief Financial Officer and Tim Dunivant, Director of Finance & Administration briefed the Committee regarding this item. Please see the attached presentation.

10. IT Update – Erik Finch

Erik Finch, CITO, briefed the Committee regarding this item. Please see attached briefing papers for two contracts that will come before City Council for approval.

Adjournment

The meeting was adjourned at 11:46 a.m.

Public Safety Committee; July 17th, 2017

Meeting minutes: meeting called to order at 1:35pm

Attendance:

PSC Members Present: PSC Chair CM Kinnear, CM Mumm, CM Fagan, CM Beggs, CM Stratton, CM Waldref, CP Stuckart (arrived for last 5 minutes)

Staff/Others Present: Chief Meidl, Asst. Chief Lundgren, Major Eric Olsen, Major Kevin King, Chief Brian Schaefer, Mike Lopez, Dir. Jacqui MacConnell, Kathy Knox, Bart Logue, Heather Trautman, Mary Muramatsu, Tim Szambelan, Angie Napolitano, Sue Raymon, Jake Fraley, Nancy Hill, Brian McClatchey, Ariane Schmidt, Division Chief Stockdill

Approval of June 19, 2017, minutes: Motion to approve by CM Fagan; M/S by CM Mumm. The committee approved the minutes for June 19th, 2017 unanimously.

Consent Agenda:

Photo Red (SPD) – Briefing Paper Only

Drone Program Update (SFD) – Briefing Paper Only

Ride to Care Program Update (SFD) – Briefing Paper Only

Council Requests

Dog Tether Ordinance – Nancy Hill on behalf of CP Stuckart

Nancy Hill briefed the committee on the need adopt a new state law regarding the humane treatment and tethering of pet dogs into the SMC. A new ordinance will need an official Council sponsor. The measure should mirror the dogs-left-in-car ordinance from last year, and will need to codify specific guidelines for dog owners to follow for proper tethering. Measure would allow animal protection officers to respond to instances of inappropriately tethered dogs in order to educate the owner and issue a non-punitive warning. State legislation goes into effect on July 23, 2017; hope would be to pass ordinance soon thereafter. CM Mumm wondered how this ordinance would be enforced in areas surrounding the City of Spokane. In response, Ms. Hill clarified that enforcement would be administered under state law.

SPD / Police Guild Negotiations – CM Mumm

The tentative date for negotiations is August 18th. CM Mumm suggested scheduling a Council Briefing immediately following that meeting. CM Beggs also suggested a talking point memo through confidential space – it can be in Executive Session to keep it confidential.

Spokane Police Department

Integrated Response Effort Resolution of Intent – Ariane Schmidt

Ariane Schmidt presented Council with the Integrated Response Effort Resolution of Intent briefing paper (attached) and briefed council about the efforts by the City and the County. The Spokane County resolution has already been completed; they will take their resolution and add the City to it to sign, if agreed upon. Questions/Discussion followed including what the fiscal and employee impact could be. Chief Meidl will make sure that this is moved through as soon as possible. Ariane will send a copy of the approved interlocal for the “Regional Governance Committee” mentioned in the resolution – Council will decide if an elected official should be on that committee. Ariane will also send the “roadmap” once it is completed.

Proposition 1 Renewal Effort & Project Closure Review – Ariane Schmidt

Ariane Schmidt presented Council with the Proposition 1 Renewal Effort & Project Closure Review briefing paper (attached) and gave them an update. Questions/Discussion followed.

Strategic Initiatives Update – Dir. Jacqui MacConnell

Dir. Jacqui MacConnell provided Council with the Strategic Initiatives monthly update (attached). Dir. MacConnell highlighted several items from the report, including but not limited to: use-of-force is down; precinct highlights – repeat burglar on South-Hill arrest; decrease in crime and calls for service at a particular location downtown precinct; debris under bridge - good collaborative effort; CPTED – limiting WiFi after hours has helped; Northside parks – North Precinct is having meetings in parks, hopefully deterring crime in the parks; civilian in-service; Public Safety tests coming up - Sgt. Reese is working on doing outreach to get a diverse group of applicants. No questions/discussion followed.

Homeland Security FY2017 Grant – Major Kevin King

Major King presented Council with the Homeland Security FY2017 Grant briefing paper (attached). Questions/Discussion followed. It will support the Explosive Disposal Unit.

Spokane Fire Department

Sole Source & Purchase of FirstWatch Program – Chief Schaeffer

The Combined Communication Center (CCC) Board has approved and directed the purchase of a software solution for integrating a myriad number of different data sources (Computer Aided Dispatch [CAD], Records Management Systems [RMS], Phones, Electronic Patient Care Records [ePCR], and live Dispatch Data) to measure outcomes, performance, and clinical key performance indicators in real time. This project is also designed to develop a seamless connection to our, and the 14 other fire agencies', electronic patient care record systems to monitor and improve emergency medical dispatching quality and resulting patient outcomes. The cost for the entire system, components and installation, is expected to be \$205,000 and will be paid for through already budgeted capital funding of the Combined Communications Center.

There are no other programs that have the same capability and reliability. It is a unique patented technology that has the highest level of trust in the industry. No discussion or questions followed.

Staff Requests

OPD Improvement Funds Grant Application – Kathy Knox

State Office for Public Defense grants funds for defense improvement, and this year the amount of the grant was increased. Ms. Knox wants to fund a preplanned attorney position and increased investigation personnel positions by applying for the grant under this program. Ms. Knox requests Council's permission to apply for the grant, for which she already has an application prepared. The committee grants Ms. Knox approval to apply.

Office of Police Ombudsman (OPO) Monthly update – Bart Logue

The Office of Police Ombudsman received 82 citizen contacts in June; of those, two complaints warranted interviews. The OPO also reviewed 13 other incidents. Members of the OPO attended multiple community outreach program events, stakeholder meetings, and SPD events in June as well. A June public records request proved burdensome for the OPO, requiring lots of staff time and energy. Mr. Logue saw extreme burdens placed on SPD as a result of the request, and he wants to find a solution for OPO to more efficiently deal with public records requests in the future. CM Mumm asked if a staff position could be created for a public records requestor to find specific records and provide them for citizen requests so that staff does not get bogged down in the future. Commissioner Wilburn on the OPO Board confirmed that Commissioner Conklin's term on the board is up in September and she intends to stay on board. The OPO will, however, need new commissioner from District 1 as soon as possible.

Vehicle Impoundment Ordinance – Heather Trautman & Mary Muramatsu

Community discussions regarding vehicle impounds, and the implementation of the Olympia model, are moving forward. However, Council will need to postpone action on this ordinance for the time being. The current ordinance will be pulled for now, with revisions expected in the future pending the results of community dialogue and research on municipal codes in other cities. CM Waldref asked what the next steps are for this ordinance after Council pulls it, to which Ms. Trautman responded that the City plans to go forward with current implementation of code enforcement for removing abandoned vehicles off of public right-of-way. Ms. Trautman explained the hope to model code enforcement actions off of the City of Olympia model for vehicle impounds (details about which can be found in the packet). CM Stratton asked if these developments will change job descriptions. Ms. Trautman explained that this is up to Local 270 to address and then clarify with the City. Chairperson Kinnear asked Chief Meidl about the number of staff hours that could be saved for SPD by moving forward with this proposal; the Chief estimated that it could free up 10-20% of SPD staff time. CM Kinnear followed up asking how much staff would need to be added to Parking and Code Enforcement to make this happen. Ms. Trautman explained that the current model doesn't call for increasing staff, since these departments already handle significant amounts of vehicle impounds. CM Stratton wondered if it would be efficient to have code enforcement towing crews working out of SPD precincts. Ms. Trautman responded that Code Enforcement will work out of the neighborhoods ideally, but more research will be needed to determine efficiency. CM Beggs asked whether working on a 5-day rule, as opposed to 24-hour rule, would be beneficial to dealing with vehicle impounds. Ms. Trautman responded that this is a legislative issue to consider. Code Enforcement just enforces existing law. It will be up to Council or the RCW to determine the exact standards for impounding vehicles.

Action Items: N/A.

Adjournment: The meeting was adjourned at 2:33pm

Attachments/Briefing Papers:

PSC Minutes 6-19-17

Photo-Red

Integrated Response Effort Resolution of Intent

Proposition 1 Renewal Effort & Project Closure Review

Strategic Initiatives Monthly Update

Homeland Security FY2017 Grant

Briefing on Fire Department Items

OPO Report

Attachments are on file for review in the Office of the City Clerk.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
July 24, 2017

Attendance:**Committee Members Present:**

Council Member Amber Waldref, Committee Chair
Council Member Breean Beggs
Council Member Mike Fagan
Council Member Lori Kinnear
Council Member Karen Stratton

Committee Members Absent:

Council Member Candace Mumm
Council President Ben Stuckart

Staff Present:

Scott Simmons, Director, Public Works
Brandon Blankenagel, Senior Engineer, Integrated Capital Management
Steve Burns, Superintendent of Water Operations and Hydroelectric
Chuck Conklin, Utilities Facilities Director
Anna Everano, Legislative Assistant, City Council
Marlene Feist, Strategic Development Director
Jacob Fraley, Legislative Assistant, City Council
Raylene Gennett, Stormwater District Supervisor
Ken Gimpel, Business Services Director
Lars Hendron, Principal Engineer, Wastewater Management
Gary Kaesemeyer, Director, Street Department
Ed Lukas, Director, Asset Management
Brian McClatchey, Policy Advisor, City Council
Louis Meuler, Planner, Planning Services Department
Katherine Miller, Director, Integrated Capital Management Department
Skyler Oberst, Legislative Assistant, City Council
Mike Ormsby, City Attorney
Chris Peterschmidt, Principal Engineer, Integrated Capital Management
Steve Riggs, Fleet Services Director
Jim Sakamoto, Principal Engineer, Water Department
Loren Searl, Water Department
Kyle Twohig, Operations Manager, Engineering Services
Scott Windsor, Director, Solid Waste Collection

Guests Present:

Kip Hill, Spokesman Review

Council Member Waldref called the meeting to order at 1:30 p.m.

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the July 10, 2017 meeting.

- **Action Taken:**
- Council Member Fagan moved to approve the minutes of the July 10, 2017 meeting as presented; the motion was seconded by Council Member Kinnear. The minutes were approved unanimously.

Consent Agenda**Value Blanket Renewal for Miscellaneous Retread Tires:**

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Replacement Excavator for Water Department:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Replacement Three Ford F250's and Two Ford Escapes:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Purchase Two Pothole Trailers for Street Department:

Steve Riggs and Gary Kaesemeyer discussed the purchase of two new pothole trailers that will add to the two that the Street department currently operates.

- **Action Taken:**
- None

Purchase Replacement Catch Basin Cleaner for Wastewater Department:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Northside Landfill Erosion Repair:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract for Spillway Rehabilitation Project at Upriver Dam:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Bike Share in Spokane:

Brandon Blankenagel gave an update on the Bike Share Feasibility Study and design. The grant will allow the city to design a program and staff will collaborate on a regional level to facilitate an approach that could grow over time. Brandon has been working with Visit Spokane, DSP, Friends of Centennial trail, SRTC, and others. Discussion was had on helmets and winter seasons. The next steps will be an RFQ for a consultant to produce a study and design later this fall.

- **Action Taken:**
- None

Railway-Highway Crossing Program Grant Opportunity:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Amendment to City/County MOA for Wastewater Treatment Charges and Payments:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Amendment No. 3 to the Disposal Interlocal Agreement between the City and County:

Ken Gimpel discussed the amendment to the Interlocal agreement for garbage disposal with the County. Ken replied to questions about the collections of certain most northerly commercial rolloff containers that are then taken to the Colbert

transfer station and the rates that city pays to the county for that transfer of garbage. Ken discussed the operation efficiency decision to evaluate the expense and labor. Ken discussed the terms of the amendment with five one-year renewal options.

- **Action Taken:**
- None

Council Requests

Discussion on West Plains Intertie Agreements:

Council Member Waldref opened the discussion for any questions from the Committee on the draft template intertie agreement. Scott Simmons discussed the conservation efforts review requirement in the agreement. Discussion was had on figuring connection and projected longer-term needs.

Staff Requests

Update on Foothills Property/Normandie Property:

Scott Simmons discussed the potential use and feasibility of the Normandie property. Bernardo Wills will be performing site planning and design. Discussion was had on the use of the site for stormwater and development of the property for its best use. Foothills property is being explored for a joint water/wastewater operations. Ed Lukas is evaluating the needs of the departments to determine the area.

Administrative Reports and Standing Updates

Other Updates/Reports:

Link Spokane Update:

Katherine Miller gave an update on Link. The next meeting with the subcommittee on Street design standards in September and then a public meeting after that.

2017 Construction Update:

Kyle Twohig gave a brief update on the communication with ESBA on the Sprague project. The first phase, from Napa to Stone is now open and the schedule should allow the rest to open before Labor Day. Kyle gave a brief update on the two other tanks near East Sprague as well as the TJ Meenach closure.

Executive Session:

None.

Adjournment

The meeting adjourned at 2:45 p.m.

STANDING COMMITTEE MINUTES
City of Spokane
Public Works Committee
August 14, 2017

Attendance:

Committee Members Present:

Council Member Amber Waldref, Committee Chair
Council Member Mike Fagan
Council Member Lori Kinnear
Council Member Candace Mumm

Committee Members Absent:

Council Member Breean Beggs
Council President Ben Stuckart
Council Member Karen Stratton

Staff Present:

Scott Simmons, Director, Public Works
Mike Coster, Superintendent, RPWRF
Anna Everano, Legislative Assistant, City Council
Marlene Feist, Strategic Development Director
Jacob Fraley, Legislative Assistant, City Council
Ken Gimpel, Business Services Director

Gary Kaesemeyer, Director, Street Department
Brian McClatchey, Policy Advisor, City Council
Louis Meuler, Planner, Planning Services Department
Katherine Miller, Director, Integrated Capital Management Department
Skyler Oberst, Legislative Assistant, City Council
Steve Riggs, Fleet Services Director
Loren Searl, Water Department
Kyle Twohig, Operations Manager, Engineering Services

Guests Present:

Kip Hill, Spokesman Review

Council Member Waldref called the meeting to order at 1:30 p.m.

Review and Approval of Minutes:

Council Member Waldref asked for a motion to approve the minutes of the July 10, 2017 meeting.

- **Action Taken:**
- Council Member Fagan moved to approve the minutes of the July 10, 2017 meeting as presented; the motion was seconded by Council Member Kinnear. The minutes were approved unanimously.

Consent Agenda

Purchase Two John Deere Loaders with Plows:

Gary Kaesemeyer discussed the purchase of two additional loaders with plows. The existing two loaders will be fitted with plows for the winter as well. Discussion was had on the size of the loaders, the purchase price of the loaders and plows and the speed and use of the equipment. This will be discussed in further detail during the upcoming Study Session on Thursday, August 17th.

- **Action Taken:**
- None

Value Blanket Renewal for Debris Recycling and Purchase of Recycled Materials:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Value Blanket Order for Vending Machine Inventory Management Services:

Loren Searl discussed the vending machine contract with Fastenal that manages inventory on parts and supplies. He discussed the increased efficiency and cost savings through inventory management rather than through individual purchases. The Waste to Energy Facility has been using this system.

- **Action Taken:**
- None

Sole Source Purchase of Boerger Rotary Lobe Pumps and Parts:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Amendment No. 4 Control Facility Construction CSO Basin 26:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Utilities Engineering/Design Agreement with WSDOT:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract Renewal to Purchase Sodium Bisulfite for RPWRF:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Contract Renewal to Purchase Sodium Hypochlorite for RPWRF:

There being no questions on this item, it will be forwarded to Council for consideration.

- **Action Taken:**
- None

Council Requests

None.

Staff Requests**Update on Fleet Staffing:**

Scott Simmons gave a brief overview of the analysis that Steve Riggs and his staff have completed to evaluate Fleet Services operations. Steve discussed the use of Vehicle Equivalent Analysis to compare the operations to industry standards for rightsizing the fleet technician staffing. The analysis included reviewing outside contracts, overtime, staffing plan, vehicle repair/maintenance turnaround times, and preventative maintenance performance. The 2018 budget will include the increase of five full time employees including a dedicated Fleet Buyer position. The increase to staffing will be budget neutral through standard operating procedure improvements, the use of software and staff training. Discussion was had on the buyer position and how it would be aligned with Fleet and the City's Purchasing Department. Sally Stopher said the alignment is being evaluated and they are working through the details to model buyer positions across the City. Scott Simmons said there would be a Special Budget Ordinance early next month for the position to meet the vehicle purchasing needs as soon as possible.

Update on NPDES Permit:

Scott Simmons gave a brief update on the NPDES permit renewal process. The permit has been given an administrative extension and adjustments were granted by Ecology to the NLT construction milestones and contract timing of CSO outfall control.

Administrative Reports and Standing Updates**Other Updates/Reports:****2017 Construction Update:**

Kyle Twohig gave a brief update on the COS 14 and 15 that will have public meetings tomorrow night. Kyle discussed the stormwater treatment on sight using Silva cells around trees and under sidewalk solutions. Kyle discussed the construction plans for the next CSO tanks on Cedar and First Avenue. CSO 25 located near Main and Cedar will be coordinated with the piping for other projects as well as keeping detours open. Kyle gave an update on CSO 26, today work is being done to install a bypass for the outfall. Council Member Kinnear asked if there had been discussion about not reopening Spokane Falls Boulevard by the Library. Scott replied that the decision would need to be made by early spring with design options. The integrated capital team has started to look at the vehicle and pedestrian traffic. Kyle gave an update on the Post Street Bridge that will be done by Progressive Design Build and discussed the use and programming of the bridge in the future.

Executive Session:

None.

Adjournment

The meeting adjourned at 2:50 p.m.

General Notices

MERIT SYSTEM RULES
OF THE
CIVIL SERVICE COMMISSION
CITY OF SPOKANE

State of Washington

As Adopted August 15, 2017

COMMISSIONERS
Craig Hult
Mark Lindsey
Judith Gilmore
Pam DeCounter

Scott Stephens

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**CIVIL SERVICE COMMISSION
CITY OF SPOKANE**

INTRODUCTION

TO ALL CITY EMPLOYEES

First, a word of welcome to new members of the City of Spokane classified service. We are glad you have become an employee of the City and trust you will find your career to be pleasant and mutually productive. "BETTER SERVICE TO THE PUBLIC, OUR EMPLOYER," is uppermost in the minds of our more experienced people. You, too, can share this attitude with pride as you fit into your new role with us. This rulebook has been prepared to assist you in understanding the obligations and benefits which are now yours as a classified City employee. We hope it will provide you a clear picture of the City and its merit system policies as they affect your job. Should you have any questions regarding the merit system as it affects your employment, please feel free to visit or telephone our office for assistance.

As employees of the City of Spokane, we are partners in the very important task of giving the people of this City the kind of municipal service we can all point to with pride. We are certain all classified employees will do their share in maintaining this fine record of efficient and courteous service.

The administration of a merit system is frequently associated with technical rules and regulations. To the average person it has little news value except where a political "scrap" or a political boss is involved. But, the merit system, conceived as an engine of aggressive efficiency in government, challenges the imagination. The public demands efficiency and good administration. The civil service merit principle is not a system of cumbersome red tape designed to keep out of public positions worthy citizens or to hamper administrative officials in the management of their employees. On the contrary, it is a system which provides an open, competitive field for all citizens to prove their fitness to enter the public service, and furnishes the administrative officials with lists of qualified eligible who may be appointed with reasonable assurance that they will render effective, meritorious service.

The original purpose of a merit system was, and to a certain extent still is, to counteract the spoils system. But, since then, it has become much more. If properly administered, it works hand-in-hand with administrative officials and employees to help solve personnel problems. Fundamentally, every citizen should have an equal opportunity to prove his/her fitness for public positions, and the City is entitled to the best available and qualified employees. The development of a merit system has been one of the most important factors in raising the standards of government service, and of increasing the respect of all citizens for their public servants. We must see that the merit system is protected, strengthened, and encouraged.

In its original concept, the merit system aimed as much at protecting the administrator as the employee. It was found that by removing the pressure of political preferment in the selection of governmental employees, more competent and conscientious people would enter government service. Today, as never before, the highest possible standards of administrative organization and operation are needed if government is to measure up to the task of providing desired services economically and efficiently, and still remain responsive to the citizens it serves.

The Spokane Civil Service Commission is a member of several professional personnel associations whose members periodically gather together to exchange ideas and to improve methods of testing, selection, classification, and promotion. Through these conferences and exchange of ideas, we are enabled to render better service to City departments and to assure the public that their employees in City government will constantly be of a higher type.

Cordially yours,
SPOKANE CIVIL SERVICE COMMISSION

RULE I GENERAL

Reference: Charter, Sec. 52 (b), (c), (f), Sec. 53 (j), (k), (l), Sec. 55 and Sec. 56.

Section 1. PURPOSE: The general purpose of these rules is to establish uniform methods of practice and procedure for the administration of the Civil Service program as provided in the Charter of the City of Spokane. The intent of the Charter is interpreted to require that the City of Spokane and its employees shall have reasonable assurance that employment matters will be dealt with on a uniform, equitable basis so that the citizens of Spokane may derive the benefits and advantages which can be expected to result from a competent staff of employees. Merit principles of competition and fitness shall govern in the procedures for selection, employment, promotion and retention.

Section 2. APPLICATION: These Rules shall apply to all positions and offices in the City service except:

1. Offices to which election is made by the people.
2. Appointive members of Boards and Commissions.
3. Appointive officers as specified by the Charter.
4. Temporary/Seasonal and project positions.
5. Such other positions as may hereafter be excluded by law or the Commission.

Section 3. MEETINGS: All regular meetings and hearings of the Commission shall be conducted in accordance with the Washington State Open Public Meetings Act, chapter 42.30 RCW. Notice and agenda shall be published at least 10 days prior to such meeting or hearing. One regular meeting shall be held each calendar month on the third Tuesday thereof, in the City Council Chambers at 9:30 a.m., with a staff briefing to be conducted beginning no earlier than 9:00 a.m. immediately preceding the regular meeting. Special meetings of the Commission may be called at any time by the Chair, or by a majority of the members. Three members of the Commission shall constitute a quorum. A simple majority of the quorum is necessary to take action other than action by the Commission under Rule XI, which shall require at least three affirmative votes. Each Commission member is expected to notify the Chief Examiner prior to a scheduled meeting if that member will not be able to attend the meeting. Such notice will serve to establish such absence as excused. All attendance at meetings shall be recorded in the Minutes of the meeting and unexcused absences of appointed members will be reported to the Mayor.

Section 4. ORDER OF BUSINESS: Robert's "Rules of Order," except as otherwise herein provided, shall guide the Commission in its proceedings.

Section 5. STAFF: The staff of the Commission shall consist of a Chief Examiner and such assistants and employees as may be required. The Chief Examiner shall perform such duties and maintain such records as the Commission and the City Charter may require and shall act as Secretary for the Commission and keep minutes of its proceedings. Under the direction of the Chief Examiner the staff shall be empowered to act for and in the name of the Commission in the conduct of daily routine business.

Section 6. EQUAL EMPLOYMENT OPPORTUNITY: The City of Spokane is an equal opportunity employer. All persons who meet the established qualification standards will be considered equally for employment or promotion. No person shall be discriminated for or against in employment, promotion, retention or any other personnel action on the basis of any protected class recognized by State or Federal law or City policy, except where a bona fide occupational qualification exists. Every employee in the classified service of the City shall have the right to appeal such discriminatory acts in accordance with provisions of the City Charter and Rules of the Commission. The Civil Service Commission shall notify the Human Resources Office of any such appeals upon their receipt.

Section 7. RULES: Any additions or amendments to these rules must be in writing and filed with the Secretary of the Commission at least 10 days prior to action thereon, shall be acted upon only at a regular meeting of the Commission and shall not become effective until 10 days after publication thereof in the *Official Gazette* of the City of Spokane. All rules shall be reviewed by a committee composed of an equal number of employee group representatives and management representatives appointed by the Secretary-Chief Examiner on a periodic basis not to exceed five years. The Rule Review Committee shall be representative of the work force. Rule changes proposed by the Committee shall be forwarded to the Civil Service Commission for their consideration. At the request of either labor or management, three employee representatives and three management representatives from the Rules Review Committee shall meet and review administrative decisions made by the Chief Examiner. The review shall be to determine the impact of these decisions on the rules.

Section 8. SEVERABILITY: If any section or part of any section of these rules is held by any Court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part thereof.

RULE II DEFINITIONS

The Civil Service Rules will defer to appropriately negotiated agreements under Chapter 41.56 RCW.

1. **APPLICANT** – A person who applies to take an examination for appointment to a classified position in the City service.
2. **APPOINTEE** – A person who has been appointed or employed.
3. **APPOINTING OFFICER** – The head of a department or other officer authorized in writing by the Mayor, who appoints subordinates in a department or office.
4. **APPOINTIVE OFFICER** – One exempted from classified service by the provisions of the City Charter.
5. **APPOINTMENT** – The placement of an eligible in a position in the City service under the City Civil Service Rules.
6. **CANDIDATE** – An applicant who has been admitted to an examination.
7. **CERTIFICATION** – The act of notification to an appointing authority by the Commission as to which persons are officially eligible to be considered for appointment to a vacant position.
8. **CHARTER** – The Charter of the City of Spokane.
9. **CITY SENIORITY** – The length of time an employee has worked for the City in classified positions.
10. **CLASSIFICATION PLAN** – The process of identifying the duties and responsibilities of classified positions and the placement of these positions at their correct relative levels of responsibility.
11. **CLASSIFICATION REVIEW** – A periodic study of a classification specification to determine if changes or modifications are warranted.
12. **CLASSIFICATION SENIORITY** – The length of time an employee has been regularly appointed to and has performed the duties of present classification.
13. **CLASSIFICATION SPECIFICATION** – A consolidation of all job descriptions which are the same or similar in degree of responsibility or of complexity or require the same skill, knowledge or experience to perform, and from which is determined the basic levels required to perform satisfactorily the work of any one of such positions.
14. **CLASSIFICATION TITLE** – An assigned descriptive designation for the duties performed in a related group of jobs.
15. **CLASSIFIED OFFICER OR EMPLOYEE** – Any person filling a position in the classified service whose appointment has been approved by the Commission and for which compensation is paid by the City.
16. **CLASSIFIED SERVICE** – Those regular positions, not specifically exempted by the Charter, which have been determined to be under the rules and regulations of the Civil Service Commission.
17. **COMMISSION** – The Civil Service Commission of the City of Spokane. As used in these rules the term Commission is interpreted to include its staff for all routine administrative matters.
18. **COUNCIL** – The City Council of the City of Spokane.
19. **DEMOTION** – The reduction of an employee from a higher classification to a lower classification .
20. **DEPARTMENT** – A major and separate administrative segment of the City organization, the head of which gains operational authority from the Charter or Ordinance and is responsible directly to the Mayor or those designated to act on the Mayor's behalf.
21. **DEPARTMENTAL SENIORITY** – The length of time an employee has worked in a department.

- 22. DISABILITY** – Any impairment meeting the definition of “disability” under State or Federal law or City policy.
- 23. ELIGIBLE LIST** – A list consisting of names of those persons who have successfully completed an examination, who are placed thereon in descending order according to their final rating, and who will be considered for appointment to a vacant position.
- 24. EXAMINING PHYSICIAN** – The medical doctor or physician designated by the City to examine applicants or employees.
- 25. GRADING** – The numerical designation which identifies the range of difficulty, responsibility and level of qualification requirements of the positions included in the classified service
- 26. JOB DESCRIPTION** – A detailed listing of the duties, tasks or operations and responsibilities undertaken and performed by an individual in the execution of the job.
- 27. JOB SURVEY** – An in-depth study to determine the proper classification of a certain position.
- 28. LAID-OFF LIST** – A list of employees in the classified service of the City who have been removed from active service and from the City payroll because of lack of work or funds, deletion of the job, or position, or for failure to meet the minimum qualifications of the job or for other good cause.
- 29. LEAVE OF ABSENCE** – Leave granted to an employee other than regular sick or annual vacation leave.
- 30. MAYOR** – The elected Chief Executive Officer of the City of Spokane.
- 31. MUTUAL PASS OVER** – When the appointing officer and the eligible are in agreement that the best interests of the City would be met by appointing someone lower on the list.
- 32. OPEN ENTRY ELIGIBLE LIST** – A list of applicants other than promotional who have qualified for employment by examination under the City Civil Service Rules.
- 33. OPEN ENTRY PROBATIONARY PERIOD** – A trial period for employees in an open entry classification not to exceed one year, during which the probationer's performance will be evaluated by management. Probationary employees may be discharged without appeal rights to the Civil Service Commission.
- 34. OUT OF CLASSIFICATION** – Performing work not reflected in the job description for the current classification held by an employee.
- 35. PASSED OVER** – To select for appointment a person at a lower place on the eligible list.
- 36. PERMANENT EMPLOYEE** – An employee who has been duly employed under the City Civil Service Rules and has satisfactorily served the original entry probationary period.
- 37. PROJECT EMPLOYEE** – An employee hired to perform a specific project or work, which is non-recurring in nature or is created by an unforeseen event which will not exceed two calendar years from the date of hire without review by the Civil Service Commission.
- 38. PROMOTION** – The movement of an employee from a lower classification to a higher classification.
- 39. PROMOTIONAL ELIGIBLE LIST** – A list of employees who have qualified for promotion by examination under the City Civil Service Rules.
- 40. PROMOTIONAL PROBATIONARY PERIOD** – A trial period for promoted employees, not to exceed six months, during which the probationer may be returned to a position in his/her former classification without appeal rights to the Civil Service Commission.
- 41. PROVISIONAL APPOINTMENT** – An interim appointment to a classified position pending the establishment of an eligible list.
- 42. PROVISIONAL EMPLOYEE** – An employee assigned to fill a regular classified position pending the establishment of an eligible list.

- 43. REASONABLE ACCOMMODATION** – Modification required by State or Federal law or City policy for a qualified individual with a disability.
- 44. SURVEY** – To observe and define the duties, activities and responsibilities of a job or position.
- 45. TEMPORARY/SEASONAL EMPLOYEE** – An employee used to fill a position on a temporary/seasonal basis not to exceed 960 hours in a twelve month period from their date of hire, unless an extension has been granted through proper channels. Questions of classified work shall be surveyed by Civil Service Staff.
- 46. TRAINEE/APPRENTICE** – An employee assigned to an in-service training or apprentice position.
- 47. TRANSFER** – Movement of an employee from a classified service position to another in the same classification or to a related classification when no promotion or demotion is involved.
- 48. WORKING DAYS** – As used in these Rules, the term working days is construed to mean Monday through Friday, except holidays.

RULE III CLASSIFICATION

Reference: Charter, Sec. 52 (e), and Sec. 53 (a), (c).

Section 1. GENERAL: The Commission shall develop and administer a classification plan for all classified positions as provided by the Charter, utilizing approved job descriptions in the development of classification specifications. Each position shall be assigned a classification title and no appointment to any such classification shall be made except as provided by these rules.

Section 2. CLASSIFICATION REVIEWS: Generally, classification reviews will be conducted for each classification within the classified service every two years. During the Classification review, the minimum qualifications shall be reviewed and agreed upon by labor and management. At any time, either labor or management has the right to submit changes in minimum qualifications. Should labor and management agree with the minimum qualifications, such changes shall be made and reported to the Commission. If labor and management cannot come to an agreement, the recommendations of each party shall be submitted to the Commission for its review; the Commission's decision shall then be adopted.

Section 3. JOB SURVEYS: A department head, employee, or an authorized employee representative, may request a survey of a specific job. Specifications common to a group of positions requiring similar duties and responsibilities shall thereafter be compiled.

Section 4. TITLES: Classification titles for each position in the classified service shall be as nearly as possible descriptive of the general duties attached thereto, and shall be the same for all offices and places requiring the same service, regardless of the location of the employment. Such classification titles shall be used to designate employees' positions or jobs in all official communications, reports, payrolls and records of the City.

Section 5. GRADING: The Commission shall create classifications so as to place each type of service in a separate group by dividing each group into grades on the basis of equivalent functions.

Section 6. RECLASSIFICATION:

(a) A reclassification request may be made in writing by an appointing officer, a department head, employee or an authorized employee representative by filing the request with the Commission, or the Commission may on its own, direct that a survey be conducted. Upon receipt of request, the Commission, prior to initiation of the survey, will notify the appointing officer, department head, Human Resources Director, affected employee and, if represented, the appropriate employee bargaining representative. If the Survey shows that the duties or responsibilities of a position have substantially changed to the extent that the preponderance of the work is no longer representative of the assigned classification, the position shall be reclassified by order of the Commission, subject to budget approval by the City Council. If an employee or the City wishes to appeal a Civil Service staff determination that a job should or should not be reclassified, an appeal must be filed with the Commission within fifteen (15) working days of notification of the determination. The appealing party has the burden to show that the determination is incorrect.

(b) Whenever a position is reclassified which involves upgrading the position, the incumbent shall be required to take the current examination for the new classification. Providing the incumbent has held the position and has been doing the work of the higher classification for at least one year prior to initiation of the survey and regardless of other promotion rules

meets the minimum eligibility requirements, should the incumbent pass the examination the incumbent's name shall be certified for the position and the incumbent may be appointed thereto. Should the incumbent not have been doing the work of the higher classification for at least one year, the incumbent shall be required to compete on the same basis as other applicants; providing that when an eligible list is already in existence for the new classification, the incumbent shall have the privilege of taking the examination prior to certification or appointment to the position; providing further, that appointments made under this subsection shall be subject to the rules governing probationary employees from the date of certification to such reclassification. No employee may receive more than one promotion within a department through the reclassification process without approval of the Civil Service Commission.

(c) When the qualifications of a classification are adjusted upward, all incumbents of that classification shall be deemed to possess such qualifications for the purpose of retaining their positions and such adjustment shall not affect their present status; however, they shall not be considered for promotion or advancement to any higher classified position for which they do not possess qualification.

(d) Should the reclassification result in downgrading, the affected employee may retain the reclassified position at the lower level or may request a transfer to another position in his/her present classification. Upon notification of the reclassification action, the employee shall have thirty (30) calendar days to request transfer. Upon a request for transfer, the affected employee shall accept transfer to the first available position at which time the reclassification shall be implemented. Failure to accept transfer to the first available position shall result in reclassification to the lower position.

Section 7. NEW POSITIONS:

(a) Whenever a new office or position is to be created in the classified service, the appropriate Department Head shall supply the Commission with a statement of the general duties, responsibilities and other matters affecting the character and responsibilities of such position. The Commission shall thereupon investigate the proposed position and advise as to its correct classification title. Should the new position require the creation of a new classification specification, Commission staff will develop the class specification; and, upon gaining concurrence from management and the appropriate bargaining unit(s) that the specification accurately describes the new position, the specification shall be presented to the Commission for adoption. If labor and management cannot come to an agreement, the recommendations of each party shall be submitted to the Commission for its review; the Commission's decision shall then be adopted.

(b) Any established agency or individual position, other than as provided in sub-paragraph (c) following, which subsequently comes under control and direction of the City government and is funded through the regular City budget process shall be absorbed into the Civil Service classified merit system in the following manner: The parent department, or the Mayor if there is no existing department, shall provide to the Commission a statement outlining the reasons and conditions as to how the agency or program became part of City government. The statement shall identify all existing or proposed positions. Upon approval by the Commission positions shall be identified and classified by the Civil Service staff. Incumbent employees, not otherwise covered by a superseding law, agreement, or regulation, shall be given a qualifying exam to determine their fitness for the position. Unsuccessful applicants must be terminated as soon as a regular eligible list is certified.

(c) Any grant program or special revenue sharing program shall be administered in conformance with the conditions of the program and be initially identified by the recipient department, with approval of the Commission, as seasonal, project or indefinite. A program that can qualify as temporary/seasonal shall be so recognized and employees in such program shall not be subject to Civil Service. A project is a non-recurring program that will have a minimum duration of six months, will not exceed two calendar years, and is for a specific project or set of projects. A program that can qualify as non-recurring shall be so recognized and employees in such program shall not be subject to Civil Service. All other programs and any seasonal program which lasts beyond one year duration and any non-recurring program which lasts beyond two years may be recognized as indefinite and subject to Civil Service hiring procedures as though such were permanent classified positions. The staffing of all grant or special revenue sharing programs, whether identified as seasonal, project or indefinite, should be by recruitment and appointment, insofar as practicable, through Civil Service processes and existing eligible list for commensurate positions. Trainees appointed through any of the above programs shall be subject to the conditions of Rule IV, Section 15.

Section 8. PAYROLL CERTIFICATION: The City shall not approve or pay any salary, wage or compensation for services of any employee within the classified service of the City unless said payroll bears the certificate of the Commission or of its Chief Examiner or other authorized agent that the persons therein named have been employed in compliance with the terms of the Charter and the Civil Service Rules. The refusal to certify an individual employee shall not affect the remainder of the payroll.

Section 9. CHANGE OF STATUS: Any change in employment that may affect the status of an employee shall be reported to the Commission by the appointing officer through the Human Resources Director. In all instances, except in

unforeseen emergencies, the change of status report must be forwarded to the Commission as soon as circumstances will allow and prior to the effective date of such change.

RULE IV EXAMINATIONS AND ELIGIBLE LISTS

Reference: Charter, Sec. 53 (b), (c), (d), (e), (g), and Sec. 54.

Section 1. GENERAL: The Commission shall provide for free and competitive examinations open to all those who meet the eligibility requirements for all positions within the classified service. The Commission shall provide for notice of such examination, general qualifications for applicants, practical tests and creation of eligible lists. Examinations shall be held as required, and at such time and place as designated by the Commission.

Section 2. NOTICE: Notice of examinations shall be published in at least one issue of the *Official Gazette* and shall be posted in the office of the Commission as well as in departments, and given such other publicity as deemed necessary. Such notice shall give the date and character of the examination and shall indicate the general qualifications required of applicants. Notices shall fix the period in which applications will be received.

Section 3. FILING: Applicants shall not be admitted to any examination for a position in the classified service until they shall have filed an application under oath upon a form provided by the Commission, which shall show that the established requirements have been met. Application forms shall conform to State and Federal law. Applications must be filed before expiration of the filing period. Applications requiring clarification shall be returned to the applicant to provide supplemental information needed to complete the application by a designated deadline. Applicants shall be provided with written or electronic notification of the date, time and place of the examination. Presentation at the appointed time of a picture ID verified against the list of eligible applicants for the examination shall entitle the applicant to enter the class for examination.

Section 4. QUALIFICATIONS: Examination notices shall contain a minimum age and such other minimum occupational qualifications established for the position by the Commission.. Every applicant must affirm, in a manner satisfactory to the Commission, that he or she is able to perform the essential functions of the position to which appointment is sought, with or without reasonable accommodation. The Commission may refuse to examine an applicant, or, after examination, to certify an eligible, and may remove the applicant's name from an eligible list for any of the following reasons:

- (a) Prior dismissal from City employment for cause as set forth in Rule VIII Section 4.
- (b) Inability to perform the essential functions of the job, with or without reasonable accommodation.
- (c) Intentional false statement in any material fact, or deception or fraud in securing examination, certification or appointment.
- (d) Does not meet requirements as contained in examination announcement.
- (e) Any cheating on examinations or any other willful violation of the provisions of this rule.

Section 5. CHARACTER OF EXAMINATIONS:

(a) Examinations shall be practical in their character and shall relate only to those matters which will fairly test the general fitness of the persons examined to discharge the duties of the classification to which they seek to be appointed. Any appropriate method of testing may be used, such as, but not limited to: written, physical, oral, performance, or evaluation of training and experience. No questions pertaining to an individual's inclusion in any protected class recognized by State or Federal law or City policy will be allowed at any examination or proceeding unless a bona fide occupational qualification has been obtained.

(b) Each examination shall consist of one or more tests to which weights shall be assigned prior to the examination representing the relative value of each test to the whole. Each test shall be rated independently by the examiner. Appropriate scientific techniques and procedures shall be utilized in rating the results of examinations and in determining the final scores of the competitors. In determining the type of examinations to be used, due regard shall be taken of the number of candidates and of the number of vacancies which may be expected to occur during a reasonable period of time. All applicants for the same examination shall be accorded uniform and equal treatment in all phases of the examination and rating procedure.

Section 6. CONDUCT OF EXAMINATIONS: No limitations shall be made as to the number of applicants to be received for examination. The Commission may limit the number of applicants to be examined at any one time or during any one

session; however, when practicable all examinees shall be examined at the same time. Any attempt to cheat or copy from a competitor will render that person ineligible for that examination and the applicant shall be considered as having failed. Any necessary explanations will be made to all examinees equally. Examiners are forbidden to explain the meaning of any written question furnished the examinee or to make remarks or suggestions that may assist in its solution. Reasonable accommodations will be made for examinees with disabilities. Examinees whose basic language is other than English, will be provided interpreters to assist them in understanding the questions, if a request is made at the time of application. In no event shall such interpreters assist by suggesting answers to questions. An examinee who withdraws from an examination, after filling out the identification card and receiving either a copy of the questions or an explanation of the test to be conducted, shall be considered as having failed. A record shall be maintained of the results of any test administered.

Section 7. TYPES OF TESTS: Examinations shall consist of any one or a combination of the following types of tests; however, examinations are not limited solely to those listed. Other practical and appropriate types of tests which may be developed may also be used provided they conform to the general merit principles governing other tests. All tests shall be related to the classification title being examined.

(a) WRITTEN: A written test is any test which evaluates skills, knowledge, and abilities and other characteristics required for job performance by the use of written questions. It is usually associated with mental or visual abilities. Any conversation or communication between or among examinees during the test is strictly prohibited. No material of any kind which might be of assistance in the test, except that specifically authorized, will be allowed and any such material must be surrendered to the examiner before the test commences. During the examination no examinee will be permitted to leave the room except in the case of urgent necessity and notice to an examiner, and then only when accompanied by an examiner. An exception to the foregoing shall be permitted when the test is of exceptional duration in which case a general break may be allowed at the halfway point; however, the prohibition against conversation or communications shall remain in force.

(b) PHYSICAL FITNESS: A physical fitness test is one in which the examinee demonstrates physical ability to perform given tasks. It may include but not be limited to, demonstration of strength, endurance, agility or coordination. The test may be scored and weighted in the total examination or it may be administered on a simple pass-fail basis wherein the examinee must meet an established minimum score, but such score will not be considered in the total examination. Each individual test in the battery will be explained and demonstrated to the examinees as a whole prior to commencement. Additional explanation may be given at any time. No examinee shall be permitted a second chance on any individual test unless there are unusual and extenuating circumstances, and then only if personally authorized by the Chief Examiner or a designated representative. Only authorized examiners shall record scores. Each score recorded shall be initialed by the examiner. An examiner shall stop an examinee at any time an unsafe condition is observed or when it is not safe for the examinee to continue the test. The Chief Examiner or a designated representative will determine whether the examinee may subsequently complete the test. Individual scores in the test battery shall be accumulated and averaged to obtain the final score.

(c) PERFORMANCE: A performance test may be accomplished by use of: paper and pencil, machines, hand tools, or an Assessment Center. The test measures the degree of skill or ability demonstrated by the examinee. The test may be explained to the examinees as a whole or each may be given a written description or diagram of the task to be performed prior to commencement. In the case of an Assessment Center, labor and management shall identify prospective assessors; however, the final decision on assessors shall be made by the Chief Examiner. No assistance of any kind, other than necessary tools or material, will be allowed in the performance of the test. Unless instructed to interact during an exercise or an Assessment Center, any conversation or communication between or among examinees concerning the tasks to be performed is strictly prohibited.

(d) ORAL: An oral test is normally used to evaluate knowledge and abilities not easily tested by other means. The board shall consist of no less than two and preferably three examiners who shall be selected from among persons knowledgeable in the fields or subjects being tested. The interview and questioning process shall be structured so that one basic set of questions shall be developed and asked of all examinees. Additional questions may be asked by board members to explore subject areas more thoroughly providing each examinee is asked the same basic questions. Interviews shall be confidential and individual responses shall not be discussed outside the examination room. Group situations also may be used wherein a subject or problem is given to the examinees as a whole for discussion. The board would then evaluate each individual examinee's participation in the discussion. Background information provided to the board shall be confined to that which is pertinent to the class. Names of candidates shall be used in oral board examinations unless a candidate objects in advance of the examination. An evaluation form shall be prepared listing those traits to be evaluated. Each member of the board shall enter on a copy of the form, separately and independent of each other, the evaluation of the examinee. The separate evaluations will then be totaled and averaged to obtain the final score. The consolidated evaluation form will be made available to a promotion applicant for three working days following notification of examination results for review and information. Whenever practicable the same board members shall not be used for successive examinations.

(e) OTHER: Other tests, such as an evaluation of training and experience, may be devised from time to time and used for appropriate classifications. Such tests shall follow the principle of job relatedness in their applications and use. Procedures shall be developed and established for their administration and methods of scoring shall be established prior to their use.

Section 8. VETERANS PREFERENCE: Veterans shall be given additional credit in accordance with State law. Applicants seeking Veterans preference credit must provide proof of Veteran status on or before the test date. Credit shall be given only after the applicant has attained a passing rating in the examination procedure.

Section 9. SCORING: All examination papers remain the property of the Commission and shall be retained in its files. No unnecessary delay will occur in the marking and scoring of the examination papers. As soon as the scoring is completed, candidates will be notified whether they passed or failed and their position on the eligible list. Any applicant failing to attain a passing score in two consecutive examinations for the same classification shall not again be eligible for examination in that classification within six months from date of last examination.

Section 10. PROMOTIONAL EXAMINATIONS: Promotional examinations will be conducted under the same provisions as prescribed in this Rule, except as modified in Rule VI.

Section 11. REVIEW OF ANSWER KEY: The answer key or other documents for an open entry examination shall not be made available for review.

Section 12. POSTPONEMENT OF EXAMINATION: Whenever it may appear to the Commission, by reason of the small number of applicants for any examination, either original or promotional, that such examination has not been given sufficient publicity, or for other good and sufficient cause, the Commission may postpone said examination to a later date. All persons having applications on file for the particular examination shall be immediately notified of the postponement and shall be further notified of the new date and time at which they are to appear for such examination.

Section 13. CONTINUOUS EXAMINATIONS: Original entrance examinations for classifications in which the need continually exceeds the availability of appointees, OR for classifications which management, labor, and the Civil Service Commission agree that continuous examinations are in the best interest of the City, shall be administered as applications are received with results merged into one eligible list according to final ratings. On such examinations, a candidate who achieves a passing score on one part of an examination need not repeat that part if re-tested within a six-month period. The final grade of a candidate who repeats any part of an examination will be based on the latest test results.

Section 14. ELIGIBLE LISTS:

(a) Applicants whose general score on the examination meets or exceeds the established minimum passing score shall be enrolled upon the Eligible List, in order of their general average standing. On open entry eligible lists there shall be no priority of ranking between or among persons receiving the same average score on the examination. If the examination were for promotion, the first appointed to the position from which promotion is sought, shall have priority. There shall be no limit to the number of eligible lists on which an individual's name may appear at any one time.

(b) Eligible lists shall be effective from the date of their approval by the Commission and shall continue in force for a period of two years; provided, that for justifiable cause, the Commission may, on its own initiative and in writing, declare said list void at any time after it has been in existence one full year, or extend the life of said list beyond two years; provided further, that such extension shall in no event be for more than ninety days. Should labor and management jointly submit a request for voiding an eligible list, the Commission may, after a meeting, declare the list voided.

Section 15. TRAINEE/APPRENTICE POSITIONS: The City may, upon approval of the Commission, establish in-service training or apprentice positions. Merit principles shall be followed in determining appointees who shall then be given the status of provisional appointments. Training positions normally are of short duration and used to train persons to perform entry-level jobs. Apprentice positions are for the purpose of assisting persons to obtain full-skill level in a craft or trade. Apprentice programs must be similar in scope to State approved apprentice programs. Prior to or upon completion of the appropriate program the enrolled person shall take the original entrance examination for the position concerned. If the trainee passes the examination and successfully completes the training program, the trainee's name shall be carried at the top of the appropriate open eligible list until regular appointment is made or removed as provided in Section 16 following.

Section 16. REMOVALS: The Commission shall remove the name of an eligible from the list if the eligible has:

- (a) Been certified and passed over a total of three times, to include one time each by at least three different appointing authorities for appointment; however, in open entry classes confined to one department, the eligible shall be removed after the appointing authority has twice interviewed the eligible and hired a different eligible from the list.
- (b) Failed to respond to a notice of interview or appointment; however, if satisfactory reasons are presented within thirty calendar days, for such failure to respond, the Commission may reinstate the name upon the eligible list.

(c) For cause as in Section 4 of this Rule or for any of the following reasons:

- (1) Any failure to notify the Civil Service Commission of a change in name, address or telephone number.
- (2) Any failure or refusal to accept appointment or promotion without notification to the Civil Service Commission of good cause for such failure or refusal.
- (3) Any request to the Civil Service Commission to be removed from an eligible list.
- (4) Any declination to interview.

RULE V APPOINTMENT AND PROBATION

Reference: Charter, Sec. 53 (d), (f), (h), (i)

Section 1. GENERAL: No appointing officer shall select or appoint any person for or to any position within the classified service except as provided within these Rules; nor shall the Commission approve the appointment of any person except as provided by these Rules. Vacancies in the classified service shall be filled by requisition and certification as provided herein.

Section 2. REQUISITION: Whenever a position is to be filled in the classified service, the appointing officer shall make requisition to the Commission upon a form provided. Appointing officers are encouraged to submit requisitions in advance of actual need so as to maintain continuity of work insofar as possible.

Section 3. CERTIFICATION: Upon receipt of a requisition the Commission will ascertain the availability for employment of personnel on the appropriate list. Certification shall be made from the eligible list current at the time a requisition is received and in the following manner.

FIRST: From the laid-off list the same number of names of persons laid off from that department as there are vacancies, in the inverse order of their lay off, for positions in the class from which they were laid off.

SECOND: From the laid-off list, names of those persons laid off outside of the department, the number needed in addition to the above to equal the vacancies, by classification seniority, for positions in the class from which they were laid off.

THIRD: The highest eligible from a uniformed promotional eligible list. The three highest eligibles from a non-uniformed promotional eligible list and the three highest eligibles from that Department on that list. Certifications from promotional lists shall include the names of those on the list to whom approved leave has been granted. Selection of an eligible from the Departmental supplemental list will not give rise to an appeal from the three highest eligibles on the promotional eligible list; nor will selection of an eligible from the promotional eligible list give rise to an appeal from the three highest eligibles on the Departmental supplemental list. However, a passed over eligible from the Department supplemental list shall have the same right of appeal as a passed over eligible from the promotional eligible list.

FOURTH: From an original eligible list for appointment to the classification in which the vacancy occurs, the names, addresses, and telephone numbers of the ten highest available eligibles. On open entry eligible lists there shall be no priority of ranking between or among persons receiving the same average score on the examination.

Where the eligible list is for the Firefighter classification: the names, addresses and telephone numbers of the ten highest eligibles for the first vacancy and an additional four names for every additional vacancy.

FIFTH: Names of those classified employees requesting reduction or transfer shall be certified in addition to the above listed eligibles in the second through fourth category. Those laid off employees who do not fall under the first or second category will be certified as transfers for positions to which they are eligible.

If fewer than ten names appear on an original entry eligible list only such name or names shall be certified; but, the appointing officer may reject such certification in which case the Commission shall declare the list exhausted. Another examination then will be held and ten names certified.

Names of those persons remaining on an exhausted eligible list shall be accorded the following consideration: If name has been on an original entry eligible listing or on a promotional eligible listing, the eligible shall automatically be placed at the top of the new listing, open or promotional listing respectively, with eligibility expiring in accordance with original date of eligibility.

Section 4. ACTION BY APPOINTING AUTHORITY:

(a) Upon receipt of a certification, the appointing officer shall interview and consider each eligible in the order of certification. The appointing officer may within twenty (20) working days select one of the eligibles and so notify the Commission on the form provided. If for cause the name/s of all those on an original entry certification are rejected or passed over, the appointing officer shall so notify the Chief Examiner in writing. The Chief Examiner shall consider reasons presented and may authorize certification of additional original entry names. If a promotional certification is rejected the appointing officer shall include the reasons on the certification form which will be promptly forwarded to the Commission.

Civil Service employee files shall be used to review employee performance. Under no circumstances shall a letter of suspension older than three (3) years or a letter of reprimand older than two (2) years be considered as a basis for a Promotional Pass Over. Counseling forms shall never be considered.

No promotion certification shall be rejected except for reasonable cause and no promotional eligible shall be passed over except for reasonable cause. Reasonable cause for passing over a promotional eligible may include the following:

1. An eligible's documented substandard work performance, or
2. An eligible's documented prior disciplinary problems, or
3. Documented errors in an eligible's judgment, or
4. Any other documented performance-related reasons, or
5. Mutual Passover

(b) If selection is not made within twenty (20) working days of receipt, the certification may be withdrawn and the position declared vacant, unless a written request for extension has been approved by the Commission, and not to be filled until such time as the appointing officer again shall request certification.

(c) Upon receipt of a rejected promotional certification, or a certification which passed over a promotional eligible, the Chief Examiner shall without delay notify the eligible/s in writing. A rejected uniformed promotion eligible or a passed over non-uniformed promotion eligible shall have the right to petition the Commission within five working days from the date of said notification. The petition must be in writing and filed with the Chief Examiner who shall then notify the Human Resources Director. The Commission shall thereupon set a date of hearing in the same manner as provided by the Charter and Rule XI for appeals.

(d) The appointing officer may, at his/her option, select an employee certified from a promotion list who is on an approved leave of absence. An employee so selected shall, upon return to active duty, be appointed to the advance position after first showing that the established qualifications are still met. The standing on the eligible list of an employee passed over by reasons of absence on approved leave shall not be jeopardized and the employee shall retain his/her proper position during the life of the list regardless of the number of certifications made. When, upon such selection, the position continues to remain unfilled by reason of such absence, requisition shall again be made and upon certification, the appointing officer may appoint one of those so certified to fill the position in a temporary capacity until such time as the first selectee returns to duty. An employee so appointed and holding such temporary appointment at the time the next requisition is received for the same classification and in the same department shall be awarded a probation appointment and time served in the temporary appointment shall be credited towards the probation period. When the first selectee returns to duty and receives appointment the temporary appointee will be returned to the permanent classification held and position on the eligible list and such time served in a temporary capacity shall confer neither Civil Service status nor tenure in the advance position.

Section 5. SELECTION OF SENIOR ADMINISTRATIVE ASSISTANTS: Those classified positions which are identified by title and duties as being principal assistant or deputy or confidential assistant to an appointive office, or as being principal administrative officer of a major function within a department, wherein the incumbent reports and is responsible directly to an appointive head and is, as a matter of practice and policy, directly involved in establishing basic policy and in controlling the administrative affairs of a major unit, shall be governed by the certification and appointment procedures outlined herein irrespective of any other certification and appointment procedures provided in these rules. These procedures shall not change the grading or scoring methods as established elsewhere in these rules. The Commission shall maintain a current list of classifications to be included. All candidates who attain a passing score on the examination shall be certified for the vacancy in the order of their final score and without regard to promotion preference. The appointing officer shall consider each eligible in order and shall select the one thought best qualified for the position. Within twenty (20) working days of receipt of the certification the appointing officer shall notify the Commission through the

Human Resources Director and on the form provided the name of the person selected. Upon receipt of the notification, the Commission shall without delay advise the remaining eligibles of the selection. Such notification and failure to be selected shall not be considered as being "passed over" for the purposes of remaining eligible during the life of the list. Should selection not be made within twenty (20) working days then the provision of Section 4 (b) above shall apply.

Section 6. LAID-OFF LIST: When the name of an employee is certified from the laid-off list, the appointing officer from the department from which the employee was laid off shall have no choice in the selection. The person so certified shall be appointed within twenty (20) working days and a written report of the appointment filed with the Commission through the Human Resources Director. If for good and sufficient reason the appointment is not made within ten working days, the appointing officer shall so notify the Commission in writing through the Human Resources Director the reasons therefore. Upon acceptance, the Commission shall withdraw the certification and the position shall be declared vacant and not to be filled until the appointing officer again requests certification.

Section 7. NOTICE OF APPOINTMENT: Upon receipt of the notice of selection, Civil Service staff will verify that Civil Service Rules were followed in the selection, provide any required notifications, and forward the notice to the Human Resources Department for processing.

Section 8. WAIVER OF CERTIFICATION: Eligibles on an eligible list may request waiver only for those reasons which would physically prevent them from reporting; such as reasonable separation notice to present employer, illness of self or family, or absence from city. Requests shall state length of time waiver to be effective.

Section 9. FAILURE TO RESPOND: Any eligible who fails to respond within four working days of the date of appointment will forfeit all rights to the position for which the eligible was to report, and the eligible's name shall be removed from the eligible list; provided, however, that the eligible may be reinstated in proper order upon the eligible list, if, within thirty calendar days from the date of the removal notice sent, the eligible presents satisfactory reasons to the Commission for failure to report. If the position for which the eligible was to report for duty has been filled because of failure to respond the eligible shall be reinstated on the eligibility list in the proper order according to final rating as it is then constituted.

Section 10. PROBATION:

(a) All original entrance appointments shall have a probationary period not to exceed one year of regular time worked which shall commence on the date of appointment to the classified position.

(b) Removals. At any time during the probationary period the appointing officer shall remove a probationer found to be unsatisfactory. Submission of unsatisfactory proficiency reports also may be cause for removal of a probationer. The appointing officer, upon removing an unsatisfactory probationer, shall notify the Commission of such action on the form provided. The probationer, if on promotional probation, shall be returned to the former classification held as provided in Rule VII, Section 4(b). If probation is by appointment from an original eligible list, the probationer shall be dropped from the service except as provided for transfers in Rule VII, Section 2(a); OR, where a classified position is vacated to accept the original entry appointment, the probationer shall be placed on the laid off list for the previously held classification.

Section 11. PROVISIONAL APPOINTMENT: Upon receipt of a requisition for persons to fill a vacancy for which no eligible list exists, the Commission may grant authority to the appointing officer to make a provisional appointment pending examination. Provisional appointments shall be made first from within those classifications in the normal line of progression; but should no eligibles be available in those classifications, then appointment may be made of any classified employee who meets the requirements of the classification. Any such appointees may compete in examination on the same basis as any other applicants, and shall enjoy the same status as regular employees except for right of seniority and probation. A provisional appointment may be terminated by the appointing official at any time with notification to the Commission. Provisional appointments are limited to six months and the position shall be filled by regular appointment unless Civil Service is still engaged in the process of completing the recruitment to fill the regular position competitively, in which case, the provisional appointment shall continue until the list is certified and the position filled competitively. As soon as an eligible list is secured for a position filled by provisional appointment, the Commission shall certify in the regular manner provided in these rules, without further action by the appointing officer. The appointing officer shall make a regular appointment in accordance with these rules within twenty (20) working days of such certification. If no such appointment is made, the provisional appointment will be terminated at the expiration of the aforesaid twenty (20) working days, unless otherwise ordered by the Commission, and the provisional appointee returned to the former status held. Should a provisional appointee not receive a regular appointment to the position, the provisional appointee shall be returned to the former position and time so served shall be credited towards seniority in the classification to which returned.

Section 12. TEMPORARY APPOINTMENT:

(a) When services to be rendered are of a temporary character or, in the case of an emergency, for a limited period, or during an approved leave of absence of an employee who will return to the service of the City, the appointing officer shall

inform the Commission, through the Human Resources Director, stating the duration of such period, the rate of compensation, the authority for employing such temporary service, and other conditions of employment, and may select for such employment one of the first ten persons on the appropriate eligible list who, after due notice of conditions, is willing to accept appointment. In case of acceptance of appointment for temporary service, the eligible so appointed shall retain all rights to certification for a permanent position as though no temporary appointment had been given.

(b) Any person who has been appointed temporarily from an eligible list, and who at the time of said appointment was the highest on the list of eligibles willing to accept said appointment under the conditions and for a period when stated, may, in case such position is made or becomes permanent, be regularly appointed in said position irrespective of the number of higher eligibles willing to accept permanent appointment. Such appointment must have the approval of the Commission, and it shall be shown to the satisfaction of the Commission, the fact that the position would become permanent was not known to the appointing officer or department at the time the temporary appointment was made, and provided further, that the eligible list from which the temporary appointment was made is the most appropriate eligible list for such permanent position. Such regular appointment shall be subject to the provisions of Section 11 above.

(c) Temporary appointment shall be for a period not to exceed thirty calendar days except as otherwise provided in writing by the Commission. Such approval must be obtained prior to the effective date of the extension and in no event shall such extension or extensions exceed thirty calendar days each.

Section 13. DISABILITY APPOINTMENT:

(a) Disability appointments in lieu of discharge or lay off may be made of persons who are disabled to the extent they cannot perform their normal duties. A vacancy must exist in the classification to which appointment is contemplated and may be to any comparable or lesser classification which the employee is capable of performing. Every effort will be made to place a disabled person in a position which they are qualified for and able to perform. Any such disability appointment shall be terminated and the employee returned to the former classification held as soon as the employee is physically capable of resuming the regular duties. The appointing officer, prior to making a disability appointment, shall obtain a statement from a doctor approved by the City that the employee is physically capable of performing the alternate duties; and the appointing officer shall obtain a similar appropriate statement before terminating the temporary assignment. Notice of the initial and subsequent actions shall be made to the Commission on the form provided, with reasons therefore. The appointing officer shall also serve a copy of the notice on the employee.

(b) Any disability retiree may test for, and be considered for, any greater position if the requirements are met, the same as any active employee, during the first three years of disability retirement. The appropriate Pension Board shall be notified of any disability retiree who has made application for promotion. Prior to certification, the Civil Service staff shall obtain a determination from the appropriate Pension Board that the employee's disability will not hinder the individual from performing the duties of the new position. A promotion evaluation shall be completed at the time the employee is retired on disability and such evaluation shall be used in the selection process. Disabled retirees who are hired in a greater position and subsequently laid off shall have lay off rights as defined in Rule IX.

Section 14. STATUS OF EMPLOYEES: Notices of all appointments shall be submitted by the appointing officer through the Human Resources Director on the forms provided and reviewed for conformance to their rules by the Commission prior to the effective date of appointment; provided, that temporary appointments under emergency conditions do not require prior approval. Provisional, temporary, or temporary/seasonal appointment shall confer neither Civil Service status upon the appointee, nor any privilege of promotion or transfer to any other position in the service.

RULE VI PROMOTION

Reference: Charter, Sec. 53 (d), (f).

Section 1. CAREER FIELDS: The Commission shall establish broad career fields and lines of progression from lower to higher grades of service in all cases where the duties and responsibilities of the lower position tend to qualify for service in the higher.

Section 2. METHOD: Whenever a vacancy in the classified service exists, unless such vacancy is to be filled from the laid off list, or by transfer, as in Rule V, Section 3, it shall be filled by promotion from a lower classification when such lower classification contains any eligibles who have passed a promotional examination. Promotion shall be accomplished by means of a competitive examination and, except for special training and knowledge gained within a department as a prerequisite to the proper filling of a vacancy, shall be open to employees regardless of department. The Civil Service Commission, at its discretion, may provide for simultaneous open and promotional examinations with provisions for certifying promotional eligibles first.

Section 3. NOTICE: Notice of promotional examination shall be published in at least one issue of the *Official Gazette* and shall be posted in the office of the Commission as well as in departments. Such notice shall give the date and character of the examination and such other information as required.

Section 4. FILING: Applications for promotional examinations shall be made as prescribed by the Commission, and shall be filed with the Commission before expiration of the filing period.

Section 5. ELIGIBILITY:

(a) To be eligible to enter an examination for or receive promotion, an employee must satisfy the eligibility criteria, as stated in the examination announcement, by the date of the examination.

(b) Within the line of progression, if a non-probationary employee meets either the open or promotional requirements, that employee, on passing the exam, shall be placed on the promotional list.

Section 6. EXAMINATIONS:

(a) The rules governing promotional examinations shall, except as herein provided, be the same as for original entrance examinations, as stated in Rule IV. Applicants for promotion examination who are on an approved extended leave due to military service, or who are sick or injured, may be administered the examination separately from other candidates if security and integrity of the examination process can be assured. It shall be the responsibility of the applicant to request such consideration at the time of application or hospitalization. In all cases the decision of the Chief Examiner as to whether a separate examination may be conducted shall be final.

(b) Examination content shall be applicable to the specific classification and shall be based upon the Civil Service classification specification. Review of the applicability of the examination to the classification requirements shall be made by a subject matter committee consisting of one Civil Service staff member, one subject matter specialist selected by the appropriate labor organization, and one subject matter specialist selected by management. Labor and management may agree to use the same subject matter specialist. Examinations for each classification shall be reviewed periodically to insure that examinations for each classification do not substantially reflect the same questions contained in the previous examination for that classification. Prior to the administration of an exam, the labor and management subject matter specialists selected shall jointly review the exam to determine the relevancy of the questions. The labor representative or the management representative may determine that a particular question or questions may be stricken from the exam. The exam will be revised incorporating the changes. Questions shall be constructed so there is only one correct response. Any question determined to have more than one correct response shall be thrown out.

Section 7. REVIEW OF ANSWER KEY: Administration of exams will be immediately followed, prior to the candidate leaving the exam room, by a period during which candidates may write protests on questions perceived to be defective. The subject matter specialist committee that conducted the pre-test review will then review all challenges as well as all questions missed by 80 percent or more of the candidates and recommend methods of resolution of problem areas to the Chief Examiner; however, questions missed by 80 percent of the candidates will not be automatically reviewed unless there are ten or more candidates taking the examination. For three working days following grading and notification, the examinees may compare their answer sheet with the correctly keyed answer sheet to determine clerical errors.

Section 8. ELIGIBLE LISTS: Rules governing the establishment of promotional eligible lists shall be the same as provided in Rule IV for original entrance lists; except when two or more applicants have the same score, then preference on the eligible list shall be determined by their classification seniority.

Section 9. PROMOTION EVALUATION: An evaluation of an employee's job performance shall be a subject in all promotion examinations. Promotion evaluation report systems and procedures shall be developed and enforced by the Human Resources Department. They must be approved and adopted by the Civil Service Commission in advance of their use. Any procedure submitted for approval shall include as subjects for consideration, among others, the general areas of past experience and performance, preparation for advancement, and success potential for the higher position. Its weight, not to exceed 20 percent, shall be fixed by the Commission. Weights of less than 20% shall be established by concurrence between the Chief Examiner, labor and management.

Section 10. VETERANS SCORING CRITERIA AND PREFERENCE: The rule governing veterans' scoring criteria and preference in public employment for promotions shall be provided as set forth in Chapter 41.04 RCW and Chapter 73.16 RCW as adopted and may be amended by the State legislature.

Section 11. REQUISITION AND CERTIFICATION: The rules governing requisitions and certifications for promotion shall be the same as provided in Rule V; except that a promotion eligible list containing one name may constitute a valid

list and may be certified with only one name; however, where a new list has been established, any certified name or names remaining shall be placed at the top of the new list, whether open or promotional list, with eligibility of these names expiring in accordance with their respective eligibility date from the previous list.

Section 12. ACTION BY APPOINTING OFFICER: The procedure for selection shall be the same as that provided in Rule V, Section 4.

Section 13. NOTICE OF APPOINTMENT: The rules governing notices, waivers and declinations for promotion shall be the same as provided in Rule V. The appointing officer shall indicate the type of selection on the requisition form, inform the employee and send the requisition to Civil Service. Civil Service staff shall provide the selected employee with follow-up notification of the type of selection action.

Section 14. PROBATION: The probationary period for all promotional appointments shall be six months; however, absence from work for any reason which, when combined, totals more than five working days shall be considered as non-qualifying time and the probationary period shall be extended by the number of working days missed in excess of five working days not to exceed a total combined period of one year. The appointing officer shall notify the Commission of any such absences, and all applicable personnel records shall be annotated and adjusted accordingly. Other rules governing the probation procedure shall be the same as provided in Rule V.

RULE VII TRANSFER & VOLUNTARY DEMOTION

Reference: Charter, Sec. 53 (a), (c), (e), (f), (i).

Section 1. GENERAL: Transfers or voluntary demotions shall be subject to approval by the Commission and have the concurrence of the gaining department and the consent of the employee. Notice shall be filed with the Chief Examiner prior to the effective date of such action.

(a) A transferred employee shall forfeit departmental seniority and shall be placed in the junior position on the new department seniority list for the job classification. Classification seniority for promotional purposes shall not be affected and will be retained in the Civil Service records for the particular classification carried. PROVIDED: This Rule does not apply to promotions of certified eligibles appointed from a position in one department to a higher position in another department.

Section 2. TRANSFERS PERMITTED:

(a) Any permanent employee who leaves a position to accept employment by certification from an open eligible list or as a transfer shall be permanently separated from the position formerly held; provided, that any such employee shall retain the option of returning to the former position held within thirty calendar days of the new appointment. The appointing officer shall also have the option of returning such employee to the former position within thirty calendar days of the new appointment. An officer or employee who accepts certification to a higher position, the duties of which are merely temporary, shall be reinstated in the lower position without loss of seniority when such higher duty is completed.

(b) Transfer, in lieu of lay off, may be made to a position in the same classification in a different department, providing the employee consents to such transfer and, further, that a permanent or probationary employee is not displaced.

(c) When the position held by an employee is reclassified which involves a change in salary grade and the employee elects to retain the present classification, the Commission shall be notified in writing and the employee will then be transferred to the first available vacancy in the employee's present classification. When such transfer is to another department, the employee shall forfeit departmental seniority and shall be placed in the junior position on the new departmental seniority list for the job classification. (See Rule III, Section 6(c)).

(d) If the employee is requesting transfer to a different classification at the same level of compensation and he/she has taken and passed the examination for the classification to which transfer is requested, or an appropriate higher classification, within the past five years, the transfer request shall be approved and the employee shall be placed on the appropriate eligibility list.

Section 3. TRANSFERS NOT PERMITTED: Transfer shall not be permitted when the examination upon which the appointment of an employee was based was not of a character and standard to test the fitness of such employee for the position to which it is proposed to make the transfer.

Section 4. VOLUNTARY DEMOTION:

(a) An employee may request reduction to a vacancy in a previously held classification, or any lower classification for which the employee may be qualified, for physical or other good reasons. The appointing officer shall obtain a written request for such action from the employee and shall indicate thereon approval prior to forwarding it and the notice of change to the Commission through the Human Resources Director. Such reduction shall be without prejudice to the employee's future status and the employee shall be entitled to credit for previous service in both classifications. No further reference to the Commission need be made prior to effecting the reduction. PROVIDED: Such reduction shall not displace any permanent or probationary employee.

Section 5. PROBATION: If an employee is serving a probationary period at the time of transfer or voluntary demotion, the employee shall serve the remainder of his/her probation. Upon a showing of unsatisfactory performance during the probationary period, the appointing officer shall remove the probationer as prescribed in Rule V, Section 10; PROVIDED, the employee shall not displace any other employee with greater classification seniority. Should no position exist the employee shall then be given the option, of appointment to a position in the next lower classification or placement on the laid off list.

Section 6. LACK OF WORK: When it becomes necessary to effect a reduction in force because of lack of work or funds, the appointing authority shall accomplish such reduction in the order prescribed in Rule IX.

RULE VIII DISCIPLINARY ACTIONS

Reference: Charter, Sec. 53 (i) and Sec. 55.

Section 1. GENERAL: An employee in the classified service may be suspended, demoted, or discharged for disciplinary purposes by the Mayor. Notice thereof, together with a full statement of the reasons, shall be immediately filed with the Commission through the Human Resources Director who shall also serve a copy upon the employee to include notice of appeal rights. PROVIDED: No employee may be disciplined twice for the same act.

Section 2. APPEAL: Any employee disciplined under this Rule shall have the right of appeal under the procedures prescribed in Rule XI.

Section 3. HEARING: The Commission shall conduct hearings as provided in Rule XI. The Commission may sustain the disciplinary order or may order the employee reinstated.

Section 4. CONDITIONS: Employees may be suspended, demoted, or discharged under the following conditions:

(a) Any employee may be suspended for a period of not more than sixty days for cause and with loss of salary.

(b) The Mayor may demote an employee for cause by filing with the Commission a notice of such demotion together with a statement detailing the causes and stating time, place and circumstances, a copy of which shall be served on the employee. The demoted employee shall have the right of appeal and shall be given an opportunity for a hearing as provided in Rule XI, Section 5. An employee so demoted shall lose all prior rights to the higher class. The demotion shall not displace any permanent or probationary employee unless the demoted employee has classification seniority in the class to which demoted and the displaced employee can be retained in the next lower classification given that the displaced employee meets the minimum qualifications for the lower classification, or to the class from which most recently promoted without any further displacement. The results of the action shall be confined to the department of the demoted employee. If the above conditions cannot be satisfied, the demoted employee shall be placed on the laid off list for the class to which demoted.

(c) Any employee may be permanently discharged from the service for cause.

Section 5. CAUSE: Merit principles of employment shall be the primary consideration in any disciplinary action. Employees may be disciplined only for actions which would affect their ability or fitness to satisfactorily perform their assigned duties. Non-merit factors such as race, creed, color, affiliation, national origin, sex, sexual orientation, age, marital status, or the presence of any physical or mental disability may not be considered. The following conditions are compatible to the principles of merit and may be considered as cause for any classified employee to be suspended, demoted, discharged or otherwise disciplined.

(a) Has been absent from duty without approved official leave contrary to the Civil Service rules or the City personnel regulations, or has failed to report after any such leave has been officially disapproved or revoked;

(b) Has willfully or corruptly, alone or in cooperation with one or more persons, defeated, deceived or obstructed any person in respect to their right of examination; or has willfully or corruptly furnished to any person so examined any special or secret information for the purpose of either improving or injuring the prospects or chances of persons so examined, or to be examined, being examined, employed or promoted in the operation of the Civil Service and Personnel programs of the City;

(c) Is incompetent or inefficient in the performance of the duties and responsibilities of the position held;

(d) Is willfully careless or negligent of the property of the City;

(e) Any willful violation of the Charter, these Rules, any written personnel policies, written departmental rules or procedures, or of any reasonable and proper order or direction given by a supervisor, where such violation or failure to obey amounts to an act of insubordination or a serious breach of proper discipline or resulted or might reasonably be expected to result in loss or injury to the City, or the public, or to the prisoners or wards of the City;

(f) Has been guilty of conduct unbecoming an officer or employee of the City;

(g) While on duty, if an officer or an employee has aided in any manner in soliciting or collecting money from an officer or employee of the City for any purpose prohibited by the Mayor; provided, contributions solicited for approved purposes must be voluntary and no discrimination shall be permitted against an employee engaged in such acts;

(h) Has engaged, while in uniform or on duty, in the solicitation of funds or sale of tickets for any purpose except as provided in (g) above;

(i) Has used or threatened to use or attempted to use political influence in securing promotion, leave of absence, transfer, change of grade, pay, or character of work;

(j) Political activity as follows is prohibited:

- (1) While fulfilling the duties of City employment to actively engage in a political campaign for election of a person to an elective office or for the promotion of or opposition to a ballot proposition.
- (2) While fulfilling the duties of City employment to take an active part in securing or contributing monies toward the election of a person to an elective office or for the promotion of or opposition to a ballot proposition.
- (3) Use of City position, office, facilities or public resources to attempt to persuade any other employee or other person to participate in or contribute to any political campaign, for election of a person to an elective office or for the promotion of or opposition to a ballot proposition.

Nothing contained herein shall prohibit an employee from exercising voting rights, and expressing opinions on all political subjects, nor prohibit the officers of employee associations from soliciting dues or contributions from members of their associations.

(k.) Has been convicted of a felony or a gross misdemeanor;

(l.) Excessive absenteeism or habitual pattern of failure to report for duty on time without good and sufficient reason;

(m.) Has committed, or has induced or has attempted to induce an officer or employee of the City, to commit an unlawful act or to act in violation of any reasonable and lawful departmental or official regulation or order, or has taken any fee, gift or other valuable thing in the course of work or in connection with it, for personal use from any citizen, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that accorded other citizens;

(n.) Has beneficial interest, directly or indirectly, in any contract, sale, lease or purchase with or for use of the City; or accepts, directly or indirectly, any compensation, gratuity or reward from any person beneficially interested therein.

RULE IX LAY OFF

Reference: Charter, Sec. 53 (i)

Section 1. GENERAL: Whenever it becomes necessary in any department, through lack of work or funds, abolishment of the job, or other good cause to reduce the work force in that department, or for re-employment or extended leave of absence as provided in Rule X, Sections 3 and 4(d), personnel shall be laid off or reduced in grade according to the procedures established in this Rule.

(a) Reductions in force shall be confined to the department affected; except that employees who have been promoted or transferred to their present classification directly from a classification in another department may be returned to such previously held classification in the other department. No classified employee shall be laid off or reduced in grade under these conditions while there are employees not within the classified service who are serving in the same department in the same relative job or classification. For the purpose of this rule, "classified employee" includes both permanent and probationary appointees.

(b) Classification seniority tenure shall be the primary factor in determining a reduction in force, should this tenure be the same, then, the departmental seniority and the City seniority shall be considered in order.

(c) The Commission may grant permission for lay off out of the regular order upon showing by the department head in writing through the Human Resources Director of a necessity in the interest of efficient operation of the department, after giving the employee affected an opportunity for a hearing.

(d) At the time of lay off, classified employees shall, at their option, be reduced or transferred, as follows:

- (1) Within the department: reduced to the next lower, most recently held classification; OR, to the next lower classification within the official progression line, if it was created either concurrently with or subsequently to appointment in the current classification, and where either the open or promotional requirements are met; whichever is higher, provided, any such reduction shall not displace an employee with greater seniority.
- (2) Within or outside of the department: reduction or transfer as provided in Rule VII, may be requested to a classification in which a vacancy exists and in which the employee either previously held status, or, for which the character and standards are similar or related to those required in the employee's present classification.

Seniority in these instances shall be determined by combining time spent in present classification and time served in classification to which reduction or transfer is contemplated, and cumulative time served in intermediate classifications within the progression line.

(e) Any employee who has been formally charged with a felony may be laid off without pay pending court trial determination. In this instance normal lay off and reinstatement procedures will not apply; however, the appointing officer shall notify the employee and process the necessary records and forms. If the employee is found not guilty of the charge, the employee shall be immediately restored to duty and shall be entitled to all back salary, and benefits due. In other instances the Mayor shall immediately make a determination as to restoration to duty and of pay.

Section 2. LAY OFF PROCEDURE: The person with the least seniority in the classification within a department shall be the first laid off or reduced except that this provision shall not apply in the event lay off action is taken in connection with an extended leave of absence in accordance with Rule X, Section 4(d). The appointing officer shall notify the affected employee in writing a minimum of ten (10) working days prior to the effective date. The appointing officer shall prepare the order of change with copies to the Commission and the Human Resources Director on a form provided and shall obtain the approval of the Chief Examiner on behalf of the Commission prior to sending the notification out to the employee, and prior to the effective date of such order.

Section 3. REINSTATEMENT: The names of persons laid off or reduced in accordance with Section 1 (a-d), shall be placed on a laid off register, to be prepared jointly by the Commission and the Human Resources Director, with copies for both, in the inverse order of lay off; that is, the last person laid off shall be the number one person on the lay off register. Persons on the lay off register shall be given preference over all others in certification and appointment as set out in Rule V, Section 3, and Rule VI, Section 12. The names of such persons shall also be placed at the top of the Citywide promotion or open eligible list for that classification and grade in which they were employed at the time of lay off. If no eligible list exists, the names of such employees shall constitute the eligible list. In order to facilitate reinstatement, the names of such persons may also be placed on transfer lists to other classifications at the same or lower grade level to be certified as transfer requests in accordance with Rule V, Section 3, provided that the persons meet the qualifications for such other classifications. For employees who have been reduced in grade and are employed by the City, there is no limit to the duration of a laid off list; however, those hired from the laid off list after three years from the date placed thereon shall be required to serve a six-month probationary period. For employees separated from service due to layoff, there is a three-year limit to the length of time a name may be on the laid off list. All employees hired in a department other than from which they were laid off shall be required to serve a six-month probationary period.

For employees serving discipline imposed prior to the time of layoff, the layoff period shall serve as a hiatus for discipline, and the employee shall serve the remaining discipline upon reinstatement. Work Improvement Plans will be upheld and only the applicable portions will apply if the employee is reinstated to a different department.

Section 4. REINSTATEMENT PROCEDURE: Upon receipt of a requisition from a department, names will be certified from the laid off register in accordance with Rule V, Section 3, and Rule VI, Section 12. The appointing officer shall have no choice in the appointment, and shall appoint the person so certified within 10 days of the certification. If for good and sufficient reason the appointment is not made within 10 days, the appointing officer shall so notify the Commission in writing through the Human Resources Director with reasons. Upon acceptance of such notice, the Commission shall withdraw the certification and the position shall be declared vacant and not to be filled until such time as the appointing officer again requests certification.

Section 5. TEMPORARY INTERRUPTION: Any interruption of employment not in excess of 15 calendar days because of adverse weather conditions, shortage of materials or equipment, or for other unexpected or unusual reasons during which employees receive no pay, wages or salary, shall not be considered a lay off.

RULE X RESIGNATION, RETIREMENT, LEAVE OF ABSENCE

Reference: Charter, Sec. 53(1), Applicable State Statutes and City Ord.

Section 1. RESIGNATION: An employee in the classified service who wishes to leave City employment in good standing shall file with the appointing officer, at least two weeks before leaving, a written resignation and the effective date. Failure to comply with this procedure may be considered cause for denial of future employment with the City. The supervisor shall notify the Commission and Human Resources of such resignation as soon as received, and provide a copy of the cover letter. A permanent employee who has resigned in good standing may, within one year, submit a written request to the Commission for re-employment in the last permanent classification held and may be reinstated at the bottom of an open or promotional eligible list for such classification for consideration during the remaining life of said list. Re-employment in this instance shall be considered as original entrance.

Section 2. RETIREMENT: Members of the Police and Fire Departments shall be retired in accordance with their pension fund act as provided by State law. Retirement of other employees shall be as provided by State law, ordinance, the City personnel program, and rules of the City of Spokane Employees Retirement Board.

Section 3. RE-EMPLOYMENT AFTER DISABILITY RETIREMENT: A former employee retired for disability will be restored to duty in the same or similar classification held at the time of disability retirement providing certification in writing is made to the Commission by the board of the appropriate pension or retirement system, and in accordance with the applicable law or ordinance, that the employee is capable of performing the duties of that classification. Re-employment shall be in the same department from which retired. Should no vacancy exist, the person with least seniority in that classification in the same department shall be reduced to the next lower classification, or transferred, and be placed on the lay-off list as provided in Rule IX. Should the pension or retirement board certify the employee as capable of performing the duties of a lower classification, the employee shall be appointed to the first available vacancy in said lower classification.

Section 4. LEAVE OF ABSENCE:

(a) It shall be the responsibility of the Human Resources Director to advise the Commission on all leave matters which may affect the Civil Service status of any employee.

(b) Ordinary vacation and sick leave shall be accrued and granted in accordance with the provisions of the applicable ordinances, collective bargaining agreement, and the City personnel program and regulations. The granting of such leave will not affect an employee's Civil Service rights and the employee shall continue to accrue pay, leave and seniority.

(c) Special leave of absence may be granted in accordance with applicable ordinances, collective bargaining agreements, and the City personnel program in case of on-the-job injury or urgent necessity. Substantiating proof must accompany any such request for leave. Leave of absence in excess of 120 consecutive calendar days, except as otherwise provided by law, shall be without accrual of classification seniority. Leave of absence shall not be recognized by the Commission as becoming effective until approved by the employee's appointing officer and by the Human Resources Director. Any employee who departs on leave of absence prior to receiving approval of the appointing officer and the Human Resources Director may be considered to be absent without leave and subject to immediate discharge.

(d) Leave of absence extending beyond a period of 120 consecutive calendar days may result in the placement of the employee on the laid-off list. This provision shall not apply to those on active military service, educational leave, to accept an appointive position in the City, or as otherwise approved by the Commission. At the expiration of the 120 consecutive calendar day period, the appointing officer shall determine whether the employee should be placed on lay-off status and shall so notify the Commission. In the event of lay off the provisions of Rule IX pertaining to procedure and reinstatement shall apply.

(e) Leave of absence shall be granted only for that period of time which is necessary to accomplish the purpose of the request and the employee must report for duty immediately upon expiration of such leave, provided, an employee on active military service must apply for re-employment rights in accordance with law. Failure to report for duty at the expiration of leave or if a leave has been disapproved or revoked, may be considered cause for separation from the service. Upon expiration of leave of absence the employee shall, if still qualified, resume the previous position held or, if promoted, the position to which promoted under the conditions set forth in Rule V, Section 4.

(f) An indefinite leave of absence is granted by the Commission upon request of any classified employee who elects to leave the classified service to accept an appointive position. The employee shall not be deprived, due to acceptance of the appointive position, of any standing under the Civil Service Rules the employee may have had before accepting the appointive position. The employee shall retain the seniority status they had when they left the classified service, but shall not accrue any classified seniority during their leave of absence.

RULE XI APPEALS, CLAIMS, COMPLAINTS

Reference: Charter, Sec. 53 (j), (k), Sec. 55, City Personnel Ord.

Section 1. GENERAL: The Commission may investigate any and all matters relating to conditions of Civil Service employment either in response to employees' complaints, their duly authorized representatives, or on its own initiative. They shall investigate and pass upon the claim of any applicant, or any person whose name appears upon an eligible list, or who has a Civil Service classification from which deprived or separated from a position to which entitled.

Section 2. INVESTIGATION: All claims or complaints shall be in writing. The Commission, if it deems it advisable, shall cause a preliminary investigation of any complaint or claim so presented. During the course of such investigation, the duly appointed officer of the Commission shall have authority to administer oaths, require the production of relevant books or records, and the attendance of any officer, employee or other person. In the event such investigation does not resolve the matter satisfactorily, a written report shall be rendered as guidance to the Commission in the conduct of a formal hearing. In case the Commission orders such a hearing, it shall set a time and place for the same and notify the parties involved and the Human Resources Director.

Section 3. CLAIM: The claim of any applicant, or any person whose name appears on an eligible list, or who has a Civil Service classification from which deprived, or separated from a position to which entitled; or the complaint of any employee or designated representative regarding conditions of Civil Service employment, may be presented to the Commission for investigation. A claim must be made in writing, and those protesting a lay off action must be filed with the Secretary not later than 10 working days following the effective date of such lay off. Should the investigation, as provided by Section 2, above, result in a hearing, then the procedure as set forth in Section 7, following, shall prevail.

Section 4. ADMINISTRATIVE COMPLAINTS: Any employee in the classified service who desires to claim exception to an administrative action of the Commission which affects the employee's status, or any appointing officer who is in disagreement with any assigned classifications under the appointing officer's jurisdiction, may present such complaint directly to the Commission. All such complaints must be in writing and filed with the Secretary within 20 working days of notification of the action by the Commission, except as otherwise provided by these rules, and except further that in the case of a departmental disagreement regarding classifications the time limit does not apply. Failure to file within the prescribed time shall be considered as acceptance of the action of the Commission and the action shall be deemed complete. Such complaint shall not be subject to the formal appeals procedure. Should the Commission grant review of a complaint, it shall do so in any manner it deems most appropriate. Any required hearing shall be under the provisions of Section 7, following.

Section 5. APPEALS: Any employee in the classified service who has been suspended, reduced in rank or discharged as provided in Rule VIII may appeal such action to the Commission. All appeals must be in writing and filed with the Secretary within ten (10) working days from date of filing of such order with the Commission or from date of service of such order on the employee, whichever is later. The Secretary shall provide a copy to the Human Resources Director of any appeal so filed. Failure to file within the prescribed time shall be considered as acceptance of the action and the action shall be deemed complete.

Section 6. APPEALS PROCEDURE: Upon receipt of an appeal, the Commission shall set a date of hearing to be held not later than 10 working days after filing of the appeal or at the next regular meeting of the Commission; except in those cases of lay off involving court charges (see Rule IX, Section 1(e)) in which event the Commission shall, at the request of the Mayor, delay said hearing pending disposition of the charge or charges. The Commission shall transmit its decision in writing to both parties within 10 working days after conclusion of the hearing. No member of the Commission shall permit any person to discuss the merits of an appeal with a Commission member prior to the hearing.

Section 7. HEARINGS:

(a) Hearings by the Commission shall be held in accordance with State Law and shall be conducted by a quorum of the Commission; however, prior to the beginning of a hearing, if less than the full Commission is present, the Commission shall grant one continuance at the request of either party. Both parties to the hearing shall be notified in advance of such hearing and may, at their own expense, select representatives of their choosing. The Commission may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. Any fees or expense of any kind for the appearance of witnesses shall be assumed by the party requesting the issuance of subpoenas. Testimony may be under oath administered by the Commission or its agent. Unless otherwise directed by the Chair of the Commission, the City shall proceed first with presentation of its case.

(b) The Commission shall prepare and keep an official record of the hearing which shall include testimony recorded manually or electronically to include pleadings, documents, exhibits and other related items. It shall not be necessary to transcribe testimony unless requested for purposes of Commission decision, re-hearing or court review. A copy of the record shall be furnished to any party to the hearing upon request therefore and payment of the reasonable costs thereof. Informal disposition may also be made by stipulation, agreed settlement, consent order or default.

(c) Hearings shall be informal and the Commission may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The Commission shall give effect to the rules of privilege recognized by law and it may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(d) All evidence, including but not limited to, records and documents in the possession of the Commission of which it desires to avail itself, shall be offered and made a part of the record, and no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(e) Every party shall have the right of cross-examination of witnesses who testify.

(f) The Commission may take notice of judicially cognizable facts and in addition may take notice of general, technical, or scientific facts within its specialized knowledge. Parties shall be notified of the material so noticed and they shall be afforded an opportunity to contest the facts so noticed.

(g) No charges, on appeal, other than those furnished in writing as the basis for the disciplinary action shall be heard against the person so charged.

Section 8. DECISIONS:

(a) A quorum of no less than four members of the Commission shall be required in order to conduct a hearing and render a decision, provided that the decision receives at least three affirmative votes of the Commission. Decisions of the Commission on hearings shall be final and binding.

(b) Decisions and orders arising from hearings shall be in writing and shall be accompanied by findings of fact and conclusions of law which shall also be in writing or stated in the record.

(c) An employee, when reinstated after appeal of an order of suspension, reduction in rank or discharge shall be entitled to back salary from the date of such order to the date of reinstatement and to all other employee rights and benefits which will make the employee whole.

**RULE XII
RECORDS AND REPORTS**

Reference: Charter, Sec. 52 (c) and Sec. 53 (l).

Section 1. PERSONNEL RECORDS:

(a) The Human Resources Director shall set up procedures for and supervise the maintenance within departments of employee records kept in the department. These records can include letters of counseling, counseling forms, CDL paperwork, or other information not stored in Civil Service. Records referenced or used in the application of discipline may be open to inspection by the Commission or its authorized representative with authorization from the Human Resources Director or by subpoena issued pursuant to the City Charter.

(b) Civil Service – The Commission shall be the central repository for all classified personnel records, which shall contain, in addition to necessary personal history data: name, current address, and telephone number, completed application forms, department and sub-unit to which assigned, classification of any position occupied with inclusive dates, the appointing officer, salary received, length of service, any changes in status, any reports or correspondence which affect employment status, and other pertinent information deemed necessary to provide a complete history of the employee's service.

Section 2. REPORTS:

(a) Applicant and Eligible – It shall be the sole responsibility of each applicant for examination and each person on an eligible list for appointment to promptly report to the Commission any change in name, address, or telephone number. Failure to do so shall constitute cause for rejection of application or removal from the eligible list, as appropriate.

(b) Human Resources Director – The Human Resources Director and the appointing officer shall report promptly to the Commission the following information in regard to personnel and departmental organization.

- (1) Every appointment, transfer, promotion, demotion, reduction, lay off, suspension, reinstatement, leave of absence, return to duty and change of compensation.
- (2) Every termination from the service with the reasons therefore.
- (3) Every refusal or neglect to accept appointment by a person whose name has been certified.
- (4) Every vacancy and every rejection of an eligible certified from a promotion eligible list with the reason therefore.
- (5) The creation or abolition of any position and the cause of such action.
- (6) Changes in departmental organization with a detailed chart of such organizational change.
- (7) Any other reports requiring the action or sanction of the Commission.

(c) Organization Charts – The appointing officer shall have prepared and shall file with the Commission through the Human Resources Director a chart accurately reflecting the current organization and functions of the entire department. Minor revisions may be reported in memo form. Major revisions shall be cause for preparation and filing of a new chart.

RESOLUTION

BE IT RESOLVED BY THE CIVIL SERVICE COMMISSION that the foregoing rules be, and the same are hereby, adopted by the Civil Service Commission of the City of Spokane, and that the Chief Examiner/Secretary of the Commission certify a copy thereof to the City Clerk of the City of Spokane for publication in the *Official Gazette* in conformity with the provisions of the City Charter.

BE IT FURTHER RESOLVED that these Rules shall supersede all rules heretofore adopted by the Civil Service Commission.

ADOPTED, at Spokane, Washington, this 15th day of August, 2017.

CIVIL SERVICE COMMISSION

s/Craig Hult, Chair

s/Mark Lindsey, Vice-Chair

s/Judith Gilmore, Commissioner

s/Pam DeCounter, Commissioner

s/Scott Stephens,, Commissioner

Attest:

s/Gita S. George-Hatcher
Gita S. George-Hatcher
Chief Examiner

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Ordinances

These ordinances are published in this issue of the *Official Gazette* pursuant to passage by the Spokane City Council. It should be noted that these ordinances may be subject to veto by the Mayor. If an ordinance is vetoed by the Mayor, the Mayoral veto will be published in a subsequent issue of the *Official Gazette*.

ORDINANCE NO. C35524

An ordinance relating to multiple family housing property tax exemption; amending sections SMC 8.02.0695, 8.15.020, 8.15.030, 8.15.040, 8.15.050, 8.15.060, 8.15.080, 8.15.090, 8.15.100, 8.15.110, and 8.15.120; and repealing SMC section 8.15.130 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That SMC section 8.15.020 is amended to read as follows:

8.15.020 Definitions

As used in this chapter:

- A. "affordable housing" means residential housing that is rented by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.
 - 1. For the purposes of housing intended for owner occupancy, "affordable housing" means residential housing that is within the means of low or moderate-income households;
- B. "assessor" means the Spokane county assessor;
- C. "council" means the Spokane city council;

- D. "director" means the director of the City's planning department or any other City office, department or agency that shall succeed to its functions with respect to this chapter, or ~~((his))~~ their authorized designee;
- E. "high cost area" means a county where the third quarter median house price for the previous year as reported by the Washington Center for Real Estate Research at Washington State University is equal to or greater than one hundred thirty percent of the statewide median house price published during the same time period;
- F. "household" means a single person, family or unrelated persons living together;
- G. "low-income" means a single person, family or unrelated persons living together whose adjusted income is at or below eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.
1. For cities located in high-cost areas, "low-income household" means a household that has an income at or below one hundred percent of the median family income adjusted for family size, for the county where the project is located;
- H. "moderate-income household" means a single person, family or unrelated persons living together whose adjusted income is more than eighty percent but is at or below one hundred fifteen percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.

Note: For the remainder of Ordinance No. C35524, Ordinance No. C35535 and for Ordinance No. C35536, and Notices for Bids, see Part II of this Issue (Issue 35) of the *Official Gazette*.



Official Gazette

City of Spokane, Washington

Statement of City Business, including a Summary of the Proceedings of the City Council

Volume 107

AUGUST 30, 2017

Issue 35 Part II of II



MAYOR AND CITY COUNCIL

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COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

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Ordinances

These ordinances are published in this issue of the *Official Gazette* pursuant to passage by the Spokane City Council. It should be noted that these ordinances may be subject to veto by the Mayor. If an ordinance is vetoed by the Mayor, the Mayoral veto will be published in a subsequent issue of the *Official Gazette*.

ORD C35524**(Continued from Part I of this issue.)**

1. For cities located in high-cost areas, "moderate-income household" means a household that has an income that is more than one hundred percent, but at or below one hundred fifty percent, of the median income adjusted for family size, for the county where the project is located;
- I. "multi-family housing" means a building having four or more dwelling units designed for permanent residential occupancy resulting from new construction or rehabilitation or conversion of vacant, underutilized or substandard buildings to multi-family housing and does not include transient accommodations, including hotels or motels;
- J. "owner" means the property owner of record;
- K. "permanent residential occupancy" means multi-family housing that provides either rental or owner occupancy for a period of at least one month.
1. This excludes hotels and motels that predominately offer rental accommodation on a daily or weekly basis;
- L. "rehabilitation improvements" means modifications to an existing:
 1. structure the residential portion of which has been vacant for at least twelve months prior to application for exemption under this chapter, that are made to achieve a condition of substantial compliance with the applicable building and construction codes contained in Title 11 SMC and all applicable uniform codes adopted pursuant to Title 11 SMC; or
 2. occupied residential structure or mixed use structure that contains occupied residential units, that add at least four multifamily housing units;
- M. "residential targeted area" means an area within an urban center that has been so designated by the council pursuant to this chapter;
- N. "substantial compliance" means compliance with the applicable building and construction codes contained in Title 11 SMC and all applicable uniform codes adopted pursuant to Title 11 SMC that is typically required for rehabilitation as opposed to new construction;
- O. "urban center" means a compact identifiable district where urban residents may obtain a variety of products and services and which must contain:
 1. several existing or previous, or both, business establishments that may include but are not limited to shops, offices, banks, restaurants, governmental agencies;
 2. adequate public facilities including streets, sidewalks, lighting, transit, domestic water and sanitary sewer systems; and

3. a mixture of uses and activities that may include housing, recreation and cultural activities in association with either commercial or office, or both, use.

Section 2. That SMC section 8.15.030 is amended to read as follows:

8.15.030 Residential Targeted Areas – Criteria – Designation

- A. Following notice and public hearing as prescribed in RCW 84.14.040, the council may designate one or more residential targeted areas, upon a finding by the council in its sole discretion that the residential targeted area meets the following criteria:
 1. The residential targeted area is within an urban center.
 2. The residential targeted area lacks sufficient available, desirable, and convenient residential housing, including affordable housing, to meet the needs of the public who would be likely to live in the urban center if affordable, desirable, attractive, and livable residences were available; and
 3. Providing additional housing opportunity, including affordable housing, in the residential targeted area will assist in achieving one or more of the following purposes:
 - a. Encourage increased residential opportunities within the City, including mixed-income and affordable housing opportunities; or
 - b. Stimulate the construction of new multifamily housing; or
 - c. Encourage the rehabilitation of existing vacant and underutilized buildings for multifamily housing.
- B. In designating a residential targeted area, the council may also consider other factors, including whether:
 1. additional housing, including affordable housing units, in the residential targeted area will attract and maintain an increase in the number of permanent residents;
 2. an increased permanent residential population in the residential targeted area will help to achieve the planning goals mandated by the Growth Management Act under chapter 36.70A RCW, as implemented through the City's current and future comprehensive plans;
 3. encouraging additional housing in the residential targeted area is consistent with public transportation plans; or
 4. additional housing may contribute to revitalization of a distressed neighborhood or area within the City.
- C. At any time the council may, by ordinance, in its sole discretion, amend or rescind the designation of a residential targeted area pursuant to the same procedural requirements as set forth in this chapter for original designation.
- D. The following areas, as shown in Attachment A, are designated as residential targeted areas under this chapter:
 1. Downtown
 2. University District
 3. South University District
 4. Kendall Yards
 5. Monroe Corridor
 6. Market Corridor
 7. ((Lower)) Division Corridor
 8. Hamilton/Nevada Corridor

9. East Sprague Targeted Investment Pilot

10. Lower South Hill

- E. If a part of any legal lot is within a designated residential targeted area with zoning allowing for construction of multifamily housing as shown in Attachment A, then the entire lot shall be deemed to lie within such residential targeted area. The areas designated as residential targeted areas are bound by the streets described ~~((above))~~ in Attachment A. Property located outside of, but adjacent to, the described areas is not designated as residential targeted areas.

Section 3. That SMC section 8.15.040 is amended to read as follows:

8.15.040 Project Eligibility

To be eligible for exemption from property taxation under this chapter, the property must satisfy all of the following requirements:

- A. The property must be located in a residential targeted area of an urban center.
- B. The project must be multifamily housing consisting of at least four dwelling units within a residential structure or as part of a mixed-use development in which at least fifty percent of the space within such residential structure or mixed-use development is intended for permanent residential occupancy.
- C. For new construction, a minimum of four new dwelling units must be created; for rehabilitation or conversion of existing occupied structures, a minimum of four additional dwelling units must be added. Existing multifamily vacant housing that has been vacant for twelve months or more does not have to provide additional multifamily units.
- D. For rehabilitation or conversion of an existing building: ~~the residential portion of the building ((shall fail)) fails to comply with one or more standards of the applicable building or housing codes, and the rehabilitation improvements shall achieve a condition of ((substantial)) compliance with the applicable building and construction codes ((contained in and all applicable uniform codes adopted pursuant to Title 11 SMC)) , or the building has been vacant for at least a year.~~ If the property proposed to be rehabilitated is not vacant, an applicant shall provide each existing tenant housing of comparable size, quality and price and a reasonable opportunity to relocate.
- E. The project must comply with all applicable zoning requirements, land use regulations, design review requirements and building and housing code requirements contained in the Spokane Municipal Code at the time of new construction, rehabilitation or conversion.

Section 4. That SMC section 8.15.050 is amended to read as follows:

8.15.050 Application Procedure – Fee

- A. The owner of property applying for exemption under this chapter shall submit an application to the director, on a form established by the director. The owner shall verify the application by oath or affirmation. The application shall contain such information as the director may deem necessary or useful, and shall include:
1. information setting forth the grounds supporting the requested exemption including information indicated on the application form;
 2. a brief written description of the project and preliminary schematic site and floor plans of the multifamily units and the structure(s) in which they are proposed to be located; and
 3. a statement from the owner acknowledging the potential tax liability when the property ceases to be eligible for exemption under this chapter.
- B. In the case of rehabilitation or where demolition or new construction is required, the owner shall secure from the City, before commencement of rehabilitation improvements or new construction, verification of property noncompliance with applicable building and housing codes.

- C. At the time of initial application under this section, the applicant shall pay to the City an initial application fee as set forth in SMC 8.02.0695. If the City denies the application, the City will retain that portion of the fee attributable to its own actual administrative costs and refund the balance, if any, to the applicant.
- D. The director shall notify the applicant within ~~((twenty-eight))~~ thirty days of the application being filed if the director determines that an application is not complete and shall identify what additional information is required before the application will be complete. Within ~~((twenty-eight))~~ thirty days of receiving additional information, the director shall notify the applicant in writing if the director determines that the application is still not complete, and what additional information is necessary.
- E. An application shall be deemed to be complete if the director does not notify the applicant in writing by the deadlines in this section that the application is incomplete; however, a determination of completeness does not preclude the director from requiring additional information during the review process if more information is needed to evaluate the application according to the criteria in this chapter.
- F. The application shall be submitted any time before an application for a building or other construction permit. However, an applicant for the multiple family housing property tax exemption may obtain an early start approval pursuant to SMC 17F.040.100 prior to the application for the tax exemption. The improvements made to the property pursuant to the early start approval shall not qualify for the exemption.

Section 5. That SMC section 8.15.060 is amended to read as follows:

8.15.060 Application Review – Issuance of Conditional Certificate-Denial – Appeal

- A. The director may approve the application if ~~((he))~~ they ~~((finds))~~ find that:
 - 1. a minimum of four new units are being constructed or in the case of occupied rehabilitation or conversion a minimum of four additional multi-family units are being developed;
 - 2. if applicable, the proposed multi-unit housing project meets the affordable housing requirements as described in SMC 8.15.090;
 - 3. the proposed project is, or will be at the time of completion, in conformance with all local plans and regulations that apply at the time the application is approved;
 - 4. the owner has complied with all standards and guidelines adopted by the City under this chapter; and
 - 5. the site is located in a residential targeted area of an urban center that has been designated by the governing authority in accordance with procedures and guidelines indicated in RCW 84.14.040.
- B. The director shall approve or deny an application under this chapter within sixty days after receipt of the completed application.
 - 1. If the application is approved, the applicant shall enter into a conditional contract with the City, subject to approval by the city council, regarding the terms and conditions of the project and eligibility for exemption under this chapter.
 - 2. The city council's approval of the applicant's conditional contract with the City shall take place within ~~((thirty))~~ sixty days of the director's approval of the completed application.
 - 3. Upon city council approval of the contract, the director shall execute the contract as approved by the city council, and the director shall issue a conditional certificate of acceptance of tax exemption.
 - 4. The conditional certificate shall expire three years from the date of city council's approval unless an extension is granted as provided in this chapter.
- C. If the application is denied, the director shall state in writing the reasons for the denial and send notice of denial to the applicant at the address listed on the application within ten days of the denial.
- D. An applicant may appeal the director's denial of the application to the city council within thirty days of receipt of the denial.

1. The appeal before the city council will be based upon the record before the director, and the director's decision will be upheld unless the applicant can show that there is no substantial evidence on the record to support the director's decision.
2. The city council's decision on appeal is final.

Section 6. That SMC section 8.15.080 is amended to read as follows:

8.15.080 Final Certificate – Application – Issuance – Denial and Appeal

- A. Upon completion of the rehabilitation improvements or new construction as provided in the contract between the applicant and the City, and upon issuance of a temporary certificate of occupancy, or a permanent certificate of occupancy if no temporary certificate is issued, the applicant may request a final certificate of tax exemption. The applicant shall file with the director such information as the director may deem necessary or useful to evaluate eligibility for the final certificate, and shall include:
1. a statement of the amount of rehabilitation or construction expenditures made with respect to each multi-family housing unit and the total expenditures made in the rehabilitation or construction of the entire property;
 2. a description of the completed work and a statement that the rehabilitation improvements or new construction of the owner's property qualify the property for the exemption; and
 3. if applicable, a statement that the project meets the affordable housing requirements as described in SMC 8.15.090; and
 4. a statement that the work was completed within the required three years of the issuance of the conditional certificate of tax exemption.
- B. At the time of application for final certificate under this section, the applicant shall pay the appropriate fees as set forth in chapter 8.02 SMC.
- C. Within thirty days of receipt of all materials required for a final certificate, the director shall determine whether the completed work, and the affordability of the units, is consistent with the contract between the City and owner and is qualified for exemption under this chapter, and which specific improvements satisfy the requirements of this chapter.
- D. If the director determines that the project has been completed in accordance with the contract between the applicant and the City and the requirements of this chapter, including, if applicable, affordable housing requirements, the City shall file a final certificate of tax exemption with the assessor within ten days of the expiration of the thirty-day period provided under subsection (C) of this section.
- E. The director is authorized to cause to be recorded, or to require the applicant or owner to record, in the real property records of the Spokane county assessor, the contract with the City required under SMC 8.15.060(B), or such other document(s) as will identify such terms and conditions of eligibility for exemption under this chapter as the director deems appropriate for recording.
- F. The director shall notify the applicant in writing that the City will not file a final certificate if the director determines that the project was not completed within the required three-year period or any approved extension, was not completed in accordance with the contract between the applicant and the City and the requirements of this chapter, if applicable, that the affordable housing requirements as described in SMC 8.15.090 were not met, or if the owner's property is otherwise not qualified.
- G. If the director determines that the project has been completed in accordance with the contract between the applicant and the City and the requirements of this chapter, including, if applicable, affordable housing requirements, the City shall file a final certificate of tax exemption with the assessor within ~~((ten))~~ sixty days ~~((of the expiration of the thirty-day period provided under subsection (C) of this section))~~.

Section 7. That SMC section 8.15.090 is amended to read as follows:

8.15.090 Exemption – Duration – Limits

- A. The assessed value of new housing construction, conversion and rehabilitation improvements qualifying under this chapter will be exempt from ad valorem property taxation as follows:

~~((1. For properties for which applications for the multiple family housing property tax exemption eligibility are submitted under this chapter before July 22, 2007, the effective date of ESSHB 1910 enacted by the 2007 Washington State legislature, the value is exempt for ten successive years beginning January 1st of the year immediately following the calendar year of issuance of the certificate.))~~

~~((2))1.~~ For purposes for which applications for certificates of tax exemption eligibility are submitted under this chapter ~~((on or after July 22, 2007,))~~ the value is exempt for:

- a. eight successive years beginning January 1st of the year immediately following the calendar year of ~~((issuance of))~~ the recording of the Final certificate with Spokane County Assessor; or
- b. twelve successive years beginning January 1st of the year immediately following the calendar year of ~~((issuance of))~~ the recording of the Final certificate ~~((if the property otherwise qualifies for the exemption under this chapter and meets the conditions under (A)(2)(b) of this subsection))~~ with Spokane County Assessor.
- i. For the property to qualify for the twelve-year exemption, ~~((under (A)(2)(b) of this subsection,))~~ the applicant must commit to renting or selling at least twenty percent of the multi-family housing units as affordable housing units to low and moderate-income households. ~~((, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the local government under this chapter. "Low income" includes households with incomes at or below fifty percent of the area median income for the Spokane area ("AMI"), as defined by the United States Department of Housing and Urban Development ("HUD"). "Moderate income" includes households with incomes at or below eighty percent of AMI, as defined by HUD. For purposes of this section, an affordable rental unit shall mean a unit with rent that does not exceed thirty percent of income for households at or below fifty percent of the AMI, adjusted for tenant paid utilities and household size, that is rented to households whose annual income is at or below fifty percent of the AMI at all times during the entire twelve-year period. An affordable homeowner unit is a unit that is sold at an affordable level, so that households at or below eighty percent of the AMI can qualify to purchase the unit.))~~ Twenty percent of all units need to be occupied by those with a household income at or below one hundred fifteen percent of Area Median Income, established annually by U.S. Department of Housing and Urban Development (HUD).
- ii. In the case of projects intended exclusively for owner occupancy, the requirement for a minimum of twenty percent of the units to be affordable under this subsection may be satisfied solely through housing affordable to moderate-income households.

B. The exemption does not apply to the value of land or non-housing related improvements not qualifying under this chapter, nor does the exemption apply to increases in assessed valuation of land and non-qualifying improvements, or to increases made by lawful order of the Spokane County board of equalization, the Washington State department of revenue, state board of tax appeals, or Spokane County, to a class of property throughout the county or a specific area of the county to achieve uniformity of assessment or appraisal as required by law. In the case of rehabilitation of existing buildings, the exemption does not include the value of improvements constructed prior to submission of the completed application required under this chapter.

Section 8. That SMC section 8.15.100 is amended to read as follows:

8.15.100 Annual Certification and Affordability Certification

- A. Within thirty days ~~((after))~~ of the ~~((first))~~ anniversary of the date the ~~((City filed the))~~ final certificate of tax exemption was recorded at the County and each year thereafter, for the tax exemption period, the property owner shall file a certification with the director, verified upon oath or affirmation, which shall contain such information as the director may deem necessary or useful, and shall include the following information:
 1. A statement of occupancy and vacancy of the multi-family units during the previous year.
 2. A certification that the property has not changed use and, if applicable, that the property has been in compliance with the affordable housing requirements as described in SMC 8.15.090 since the date of filing of the final certificate of tax exemption, and continues to be in compliance with the contract with the City and the requirements of this chapter; and

3. If the property owner rents the affordable multi-family housing units, the property owner shall file with the City a report indicating the household income of each initial tenant qualifying as low and moderate-income in order to comply with the twenty percent requirement of SMC 8.15.090(A)(2)(b) and RCW 84.14.020(1)(ii)(B).
 - a. The reports shall be on a form provided by the City and shall be signed by the tenants.
 - b. Information on the incomes of occupants of affordable units shall be included with the application for the final certificate of tax exemption, and shall continue to be included with the annual report for each property during the exemption period.
4. A description of any improvements or changes to the property made after the filing of the final certificate or last declaration, as applicable.

B. Failure to submit the annual declaration may result in cancellation of the tax exemption.

Section 9. That SMC section 8.15.110 is amended to read as follows:

8.15.110 Cancellation of Tax Exemption – Appeal

- A. If at any time the director determines that the property no longer complies with the terms of the contract or with the requirements of this chapter, or for any reason no longer qualifies for the tax exemption, the tax exemption shall be canceled and additional taxes, interest and penalty imposed pursuant to state law.
- B. In the case of multi-family housing units rented as affordable housing, twenty percent of the units must be available to be rented to qualified low and moderate-income tenants at all times during the entire twelve-year exemption period. While an individual tenant's income may rise above the low and moderate-income level during the exemption period, the property owner must demonstrate that subsequent or different tenants of those affordable units do meet the income level requirements for the remainder of the exemption period.
- C. If after the issuance of a final tax certificate multi-family housing units rented as affordable housing fail to satisfy the requirements for the affordable housing tax exemption and the number of units fall below the twenty percent requirement, the extended twelve-year tax exemption period shall expire and the tax exemption period shall be limited to eight years from the date of the issuance of the final certificate of tax exemption.
- D. If the property owner sells the affordable multi-family housing units, the new property owner shall file with the City a report indicating that the unit was purchased at a value affordable to low and moderate-income in order to continue to comply with the twenty percent requirement of SMC 8.15.090(A)(1)(b) and RCW 84.14.020(1)(ii)(B).
- ~~((B))~~E. If the owner intends to convert the multi-family housing to another use, or if applicable, if the owner intends to discontinue compliance with the affordable housing requirements as described in SMC 8.15.090 or any other condition to exemption, the owner must notify the director and the Spokane county assessor within sixty days of the change in use or intended discontinuance.
 1. Upon such change in use or discontinuance, the tax exemption shall be canceled and additional taxes, interest and penalty imposed pursuant to state law.
- ~~((G))~~E. Upon determining that a tax exemption shall be canceled, the director, on behalf of the city council, shall notify the property owner by certified mail, return receipt requested.
 1. The property owner may appeal the determination by filing a notice of appeal with the city clerk within thirty days, specifying the factual and legal basis for the appeal.
 2. The hearing examiner will conduct a hearing pursuant to chapter 17G.050 SMC at which all affected parties may be heard and all competent evidence received.
 3. The hearing examiner will affirm, modify or repeal the decision to cancel the exemption based on the evidence received. The hearing examiner shall give substantial weight to the director's decision and the burden of overcoming that weight shall be upon the appellant.
 4. An aggrieved party may appeal the hearing examiner's decision to the Spokane county superior court as provided in RCW 34.05.510 through RCW 34.05.598.

- G. If after the issuance of a final tax certificate an owner-occupied multi-family housing unit that initially qualified as a low or moderate-income unit is sold at market rate and no longer qualifies as an affordable housing unit, that unit may lose its tax exempt status and all prior exempt taxes and penalties and interest shall become a lien on the property per RCW 84.14.110 and the subsequent owner shall no longer qualify for the tax exemption. The remaining units' tax exemption status shall not be affected.
- H. The City may adopt administrative policies and procedures to implement the reporting requirement for this section which are not inconsistent the provisions of chapter 8.15 SMC and chapter 84.14 RCW.
- I. A determination by the director to discontinue an exemption period may be appealed pursuant to SMC 8.15.110.

Section 10. That SMC section 8.15.120 is amended to read as follows:

8.15.120 2017-2018 SMC Amendments and Expiration of Program

With the 2017 amendments to the program, staff will work with applicants who have previously approved conditional contracts, who have not applied for a final certificate of exemption. Both eight and twelve year conditional contracted projects can apply for a final certificate of exemption under the amended code. Those projects will qualify for a term of exemption that the project can now meet. This does not apply to contracts that have been completed a final certificate of exemption.

The program established by this chapter shall expire December 31, ((2017)) 2028, unless repealed or extended by the city council by ordinance. Upon expiration, no further applications for a conditional certificate of tax exemption shall be accepted. Incomplete applications shall be returned to the applicant. Pending complete applications for a conditional certificate, extension of conditional certificate and final certificate shall be processed as provided in this chapter.

Section 11. That SMC section 8.15.130 is repealed.

Section 12. That SMC 8.02.0695 is amended to read as follows:

8.02.0695 Multifamily Housing Property Tax Incentive Program

- A. For an application to receive a conditional certificate of tax exemption under the multifamily housing property tax incentive program: ((Four hundred fifty dollars plus eighty dollars for each multifamily dwelling unit up to a maximum variable fee of an additional five hundred sixty dollars)) a fee of three hundred fifty dollars has to be paid in full at the time of application.
- B. For an application to extend the conditional certificate of tax exemption under the multifamily housing property tax incentive program: Four hundred dollars.
- C. For an application to receive a final certificate of tax exemption under the multifamily housing property tax incentive program: ((Two hundred dollars)) One thousand fifty dollars for each parcel receiving the tax exemption, this fee includes the required filing fees of the certificate and associated documents with the Spokane County assessor's office.

Passed by City Council August 21, 2017

Delivered to Mayor August 28, 2017

ORDINANCE NO. C35535

AN ORDINANCE relating to expansion of the area shown in Spokane Municipal Code Map 17C.370-M1, into additional areas in residential zones, where existing neighborhood commercial structures may establish an approved commercial use; and amending SMC sections 17C.370.010, 17C.370.020, and 17C.370.030.

The City of Spokane does ordain:

Section 1. That SMC section 17C.370.010 is amended to read as follows:

17C.370.010 Purpose

The purpose of this chapter is to allow existing neighborhood commercial structures that once housed a legal neighborhood commercial use to be reused for low impact neighborhood scale and neighborhood serving businesses.

The neighborhood commercial structure must have been in existence at the time of the adoption of this chapter. Several examples exist of structures that once housed neighborhood serving businesses, which are now vacant, underutilized or are in disrepair. When ~~((located on arterial streets, or when listed on the Spokane Register of Historic Places, and when))~~ meeting the code standards of this chapter, these neighborhood commercial structures are allowed to be re-occupied with neighborhood scaled services. This chapter is not intended to provide an alternative review process for conversion of public and semi-public facilities under SMC 17C.320.060.

Section 2. That SMC section 17C.370.020 is amended to read as follows:

17C.370.020 Applicability

The provisions of this chapter apply only to those existing structures where it can be documented that they once contained a legal non-residential use and where these structures are now located in a residential zone ~~((and located on a parcel with frontage on an arterial street as classified on the official City Arterial Street Map))~~. The provisions of this chapter apply only to the ~~((area shown on Map 17C.370-M4))~~ RA, RSF, RTF, RMF, and RHD zones.

Section 3. That SMC section 17C.370.030 is amended to read as follows:

17C.370.030 Procedure

A. Planning Director Administrative or Hearing Examiner Decision.

1. Establishing a ((non-residential)) use under this chapter in an eligible structure requires following the same application and posting process as a Type II or III Conditional Use Process as provided in chapter 17G.060 SMC. A Type III application is required for projects that have a floor area of three thousand square feet or more, including building additions, and for any non-residential project on a site that does not have frontage on a designated arterial (principal, minor, or collector). For projects that do not exceed this threshold, a Type II conditional use permit application is required, except the planning director may require a Type II conditional use permit application be processed as a Type III application when the director issues written findings that the Type III process is in the public interest.

2. The planning director administrative decision or hearing examiner decision is only for the use approved through the process. If a proposed change of use for the site proposes other uses that are not within the use category description approved for the site, a new planning director administrative decision or hearing examiner decision is required to determine the requirements that the new use shall follow.

B. The fee for the planning director administrative decision is the same as a Type I application. The fee for a Type III hearing examiner decision shall be the same as a Type III application.

C. A predevelopment meeting as provided in SMC 17G.060.040 is required before an application may be submitted.

D. Decision criteria ((is)) are found in SMC 17G.060.170 and applications shall follow the same procedures for a Type II or III conditional use process, as may be applicable depending on the type of application reviewed.

E. If the planning director or hearing examiner makes a determination with supporting findings that the benefits of the proposed use and improvements to the existing structure and the property on which the structure is located would mitigate potential negative impacts on the residential character of the area, then a planning director administrative decision or hearing examiner decision may be granted consistent with the following uses. The director or hearing examiner may make a determination with supporting findings that a proposed use is not permitted because the nature of the use would have negative impacts on the residential character of the area that cannot be mitigated with conditions of approval.

1. Uses Not Allowed.
Sale or leasing of:

- a. motorized consumer vehicles,
- b. fire arms,
- c. weapons,

d. ~~((medical))~~ marijuana.

2. Uses Allowed:

- a. Office uses found in SMC 17C.190.250;
- b. Retail sales and service uses found in SMC 17C.190.270; and
- c. Uses allowed within the RMF zone found in SMC 17C.110.100.

F. Development and operation standards in addition to the base zone:

- 1. The structure on the site must have been originally legally built to accommodate a non-residential use and, at the time of application, its existing use must not be classified within the institutional use category as described in Article V of chapter 17C.190 SMC, which may be converted under SMC 17C.320.060.
- 2. ~~((The site must have frontage on a designated arterial (principal, minor, or collector) street as shown on SMC 12.08.040 Official Arterial Street Map, or the building must be listed on the Spokane Register of Historic Places at the time of application.))~~ Reserved.
- 3. The site must be located within ~~((an eligible area as shown on Map 17C.370 M1))~~ the RA, RSF, RTF, RMF, or RHD zones.
- 4. The site size may not be expanded and the uses approved under this section may not expand onto surrounding sites beyond the site area ~~((at the time of this chapter's date of adoption))~~ existing on July 26, 2012. Any expansion of existing structures is subject to the current applicable development standards, except structures larger than five thousand square feet shall not be expanded. A planting of L2 see-through buffer as described by SMC 17C.200.030 shall be required for any structural expansion or provision of additional off-street parking.
- 5. Parking and loading requirements are specific to the use authorized by the hearing examiner or director and shall follow the standards in chapter 17C.230 SMC Parking and Loading for a Neighborhood Retail Zone (NR). ~~((Exceptions to the required parking and loading include:~~
 - a. ~~On street parking that is immediately adjacent to the frontage(s) of the site shall count toward the minimum parking required.~~
 - b. ~~The minimum parking required for this section is the amount specified in chapter 17C.230 SMC Parking and Loading minus the first five parking spaces. (Example: If the minimum parking required as determined in chapter 17C.230 SMC Parking and Loading is calculated at five spaces then the required parking is five minus five equals zero.))~~
- 6. Business operation hours shall be determined by the hearing examiner or director. Operational hours for non-residential uses operating later than ten p.m. and earlier than five a.m. will need to demonstrate that all off-site impacts will be fully mitigated.
- 7. Drive through facilities are prohibited.
- 8. Outdoor storage is prohibited. Outdoor seating areas and daytime display of merchandise is allowed.
- 9. Lighting shall be provided within parking lots and along pedestrian walkways. Lighting fixtures shall be limited to sixteen feet in height. All lighting shall be shielded from producing off-site glare.
- 10. All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt.
- 11. The signage standards for the CC4 zones shall apply. Temporary outdoor signage is prohibited except that one sandwich board sign is permitted. If the sandwich board sign is erected in the public right-of-way it must be consistent with SMC 17C.240.240.

G. If the hearing examiner or planning director determines that proposed use is appropriate for the site, the hearing examiner or director may attach additional conditions to the decision that may include items such as:

1. Building and property improvements that must be completed prior to issuance of a certificate of occupancy.
2. Conditions needed to mitigate off-site impacts consistent with SMC 17C.220 Off-Site Impacts.
3. Specific conditions under which the use may operate.

H. ~~Appeals ((of the Planning Director Administrative Determination)).~~

The decisions of the planning director may be appealed to the hearing examiner as provided for in SMC 17G.060.210 and follow an appeal process consistent with a Type II Conditional Use Permit application. The decisions of the hearing examiner may be appealed to superior court as provided for in SMC 17G.060.210.

Section 2. That Map 17C.370-M1, Neighborhood Commercial Structures in Retail Zones, is deleted.

Passed by City Council August 21, 2017

Delivered to Mayor August 25, 2017

Signed by Mayor August 25, 2017

ORDINANCE NO. C35536

AN ORDINANCE ADOPTING A THRESHOLD DOCKETING PROCESS FOR DECIDING WHEN COMPREHENSIVE PLAN AMENDMENT PROPOSALS WILL BE ADDED TO THE CITY'S ANNUAL COMPREHENSIVE PLAN AMENDMENT WORK PROGRAM OR ALTERNATIVELY TO AN ONGOING WORK PROGRAM OR PERIODIC UPDATE; AMENDING SECTIONS 17G.020.010, 17G.020.020, 17G.020.030, 17G.020.040, 17G.020.050, 17G.020.060, 17G.020.070, 17G.025.010 AND 08.02.010; ADOPTING NEW SECTIONS 17G.020.25 AND 17G.020.26 TO CHAPTER 17G.020 OF THE SPOKANE MUNICIPAL CODE

Whereas, pursuant to RCW 36.70A.130, the Growth Management Act ("GMA") authorizes the City to consider annual amendments to its Comprehensive Plan, but GMA generally does not require the City to approve any particular amendment(s). Absent a statutory provision mandating that the City approve a certain amendment, the decision whether or not to approve a particular amendment is within the City Council's legislative discretion;

Whereas, pursuant to GMA's authorization, the City has established an annual process for accepting and reviewing applications to amend the City's Comprehensive Plan. That process is codified in Chapter 17G.020 of the Spokane Municipal Code ("SMC");

Whereas, the City wishes to add efficiencies to the annual Comprehensive Plan amendment process by establishing a threshold process that will be used to determine which amendment proposals will be included in the City's annual Comprehensive Plan Amendment Work Program ("Threshold Review Process"). The Threshold Review Process will also be used to identify amendment proposals which may be added to other ongoing work programs, or included in the City's next required periodic update. The purpose of this threshold review process is to more efficiently handle the work load for Plan Commission and the City Council, as well as staff. It is anticipated that this early threshold review step will also potentially benefit applicants who, without early feedback, may spend considerable time and resources on proposed amendments;

Whereas, the Threshold Review Process is consistent with the practices of local jurisdictions across Washington, and is consistent with the GMA and the City of Spokane Comprehensive Plan;

Whereas, the Threshold Review Process will provide interested applicants with fully adequate forum and process for proposed applications, and is fully consistent with GMA's public notice and participation requirements;

Whereas, the Spokane City Plan Commission held a workshop to study the proposed amendment on January 25, March 22, April 26, and May 10, 2017;

Whereas, on or about April 26, 2017, the Washington State Department of Commerce was given the required 60-day notice before adoption of proposed changes to the Development Code. An acknowledgement letter from the Department of Commerce was received by the City on April 26, 2017;

Whereas, on or about June 14, 2017, the Plan Commission held a public hearing and received testimony regarding the proposal;

Whereas, this Ordinance is a categorically exempt from State Environmental Policy Act (SEPA) as procedural action as described in WAC 197-11-800(19); -- Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC section 17G.020.010 is amended to read as follows:

17G.020.010 ((Comprehensive Plan Amendment Purpose)) Purpose and Guiding Principles

- A. This chapter ~~((provides the process))~~ establishes the procedure and decision criteria that the City will use to review and amend ((for amending)) the comprehensive plan, including the annual public participation process for proposals to amend the comprehensive plan. All actions taken during the ~~((annual))~~ amendment process are legislative actions. These actions include amendments to the land use plan map ~~((or))~~ and/or text of the comprehensive plan.
- B. The guiding principles of the annual amendment process ~~((for comprehensive plan amendments))~~ are as follows:
1. Keep the comprehensive plan alive and responsive to the community.
 2. Provide for simultaneous review of proposals to allow for cumulative impact analysis of all applications on a City-wide basis and in conjunction with budget decisions.
 3. Make map adjustments based on a foundation in policy language, consistently applying those concepts citywide.
 4. Honor the community's long-term investment in the comprehensive plan, through public participation and neighborhood planning processes, by not making changes lightly.
 5. Encourage development that will enable our whole community to prosper and reinforce our sense of place and feeling of community, in an ecologically, economically and socially sustainable manner.
 6. ~~((The proposed changes))~~ Amendments to the comprehensive plan must result in a net benefit to the general public.
- C. Scope of Amendments. A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:
1. Comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;
 2. Regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;
 3. Administrative and regulatory procedures that implement the comprehensive plan; or
 4. The comprehensive plan or its implementation measures, as necessitated by annexation action.
 5. Proposed amendments may not include amendments to the urban growth area boundary.

Section 2. That SMC section 17G.020.020 is amended to read as follows:

17G.020.020 ((Timing)) Amendment Process

- ~~((A. — No more frequently than once every year, the plan commission may recommend and the city council may adopt amendments to the land use plan map, or the text of the comprehensive plan, upon finding that each proposal meets all of the following conditions and requirements. However, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(c) and every other year starting in 2005.))~~
- ~~((B.))~~ A. This chapter applies to and establishes the procedures for consideration of proposed amendments to the comprehensive plan. A proposal for ((an area-wide or)) a site-specific rezone that would implement the comprehensive plan and land use plan map (and therefore does not require plan modification) is quasi-judicial and may be considered at any time, subject to the ((application requirements of SMC 17G.060.070)) procedures set forth in chapter 17G.060 SMC.

Section 3. That there is adopted a new section 17G.020.025 to chapter 17G.020 SMC to read as follows:

17G.020.025 Initiation of Amendment Proposals

- A. Amendment proposals initiated by the public or persons or entities other than the City.
1. General. Members of the public or persons or entities other than the City Council and Spokane Plan Commission (hereinafter referred to collectively as “the public”) may initiate comprehensive plan amendment proposals subject to the provisions of this section. Amendment proposals initiated by the public are reviewed as part of an annual cycle and pursuant to a two-tiered process: a threshold review and a final review, as described below:
 - a. Threshold Review. The threshold review process will determine those proposals that will be included in the Annual Comprehensive Plan Work Program and will determine their geographic scope.
 - i. Review by Ad Hoc Committee. Pursuant to the procedural provisions of this chapter, complete applications proposing an amendment to the comprehensive plan submitted during the time period set forth in section 17G.020.060 will be reviewed by an ad hoc committee comprised of three city council members and three plan commission members. This ad hoc committee will conduct a public meeting and make a recommendation to the City Council using the criteria set forth in SMC 17G.020.026, as to which amendment proposals should be included in the Annual Comprehensive Plan Amendment Work Program.
 - ii. Consideration of Geographic Scope. The ad hoc committee shall review the geographic scope of any proposed amendments. The committee may recommend expansion of the geographic scope of a proposed amendment if nearby, similarly situated property shares the characteristics of the proposed amendment’s site. Expansion shall be the minimum necessary to include properties with shared characteristics.
 - iii. City Council Review. The City Council will hold a public hearing and will review the committee’s recommendation and the criteria set forth in section 17G.020.026, and determine which amendment proposals will be included in the Annual Comprehensive Plan Amendment Work Program, and their geographic scope. Those proposals included in the Annual Comprehensive Plan Amendment Work Program will then be referred back to staff and to the Plan Commission for the Final Review process.
 - iv. Alternative Disposition. Proposals not included in the Annual Comprehensive Plan Amendment Work Program may, at the City’s discretion, be considered as provided in subsection A.2 of this section.
 - b. Final Review. The final review process will evaluate the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program and culminate in Council action on the proposed amendments.
 - i. Plan Commission Review. The Plan Commission will review the proposed amendments included in the Annual Comprehensive Plan Amendment Work Program, hold a public hearing, and make a recommendation to the City Council as to each proposed amendment, using the criteria set forth in SMC 17G.020.030.
 - ii. City Council Action. The City Council will review the Plan Commission recommendations and the criteria set forth in SMC 17G.020.030 and decide on each proposed amendment in the Annual Comprehensive Plan Amendment Work Program.
 2. Alternatives for Proposals Not Included in the Annual Comprehensive Plan Amendment Work Program.
 - a. Ongoing Work Program. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City’s discretion, be included in a previously established ongoing work program if it raises policy or land use issues more appropriately addressed by such ongoing work program.

- b. Comprehensive Plan Periodic Update. A proposal that is not included in the Annual Comprehensive Plan Amendment Work Program may, at the City's discretion, be considered in the course of the City's next Comprehensive Plan periodic update required by RCW 36.70A.130 (5) if it addresses a matter appropriate to include in the Comprehensive Plan and is consistent with current policy implementation in the Countywide Planning Policies, GMA, and other state or federal laws and implementing regulations.

B. Amendment Proposals Initiated by the City Council or Plan Commission.

1. City Council.

- a. Initiation. Proposals to amend the Comprehensive Plan may be made by the City Council at any time. An affirmative vote of not less than a majority of the total members of the City Council is required to initiate consideration of an amendment.
- b. Review. Amendment proposals initiated by the City Council will be reviewed by the Plan Commission and acted upon by Council as set forth in subsection A.1.b of this section, Final Review.

2. Plan Commission.

- a. Initiation. Proposals to amend the comprehensive plan may be made by the Plan Commission at any time and submitted to the City Council for consideration for inclusion in the Annual Comprehensive Plan Amendment Work Program.
- b. Review. The Council will review the Plan Commission proposals and determine which will be included in the Annual Comprehensive Plan Amendment Work Program. Those proposals included will be referred back to the Plan Commission and Council for review as set forth in subsection A.1.b of this section.

3. Subarea Plan Review. The City Council may initiate a review of a subarea plan in accordance with the procedure specified in subsection B.1 of this section when it concludes that the issues arising in a subarea are of sufficient magnitude and complexity to merit review through a subarea review process. Prior to review of a subarea plan, the Council shall approve a public involvement program that has the goal of effectively and efficiently soliciting a broad spectrum of public viewpoints.

Section 4. That there is adopted a new section 17G.020.026 to chapter 17G.020 SMC to read as follows:

17G.020.026 Threshold Review Decision Criteria

The City Council may add a proposed amendment to the Annual Comprehensive Plan Amendment Work Program if the following criteria have been met

- A. The proposed amendment presents a matter appropriately addressed through the comprehensive plan; and
- B. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood or subarea planning process; and
- C. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
- D. When expansion of the geographic scope of an amendment proposal is being considered, shared characteristics with nearby, similarly situated property have been identified and the expansion is the minimum necessary to include properties with those shared characteristics; and
- E. The proposed amendment is consistent with current general policies in the comprehensive plan for site-specific amendment proposals. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, or other state or federal law, and the Washington Administrative Code; and
- F. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or

- G. State law required, or a decision of a court or administrative agency has directed such a change.

Section 5. That SMC section 17G.020.030 is amended to read as follows:

17G.020.030 Final Review Criteria

The following is a list of considerations that shall be used, as appropriate, by the applicant in developing an amendment proposal, by planning staff in analyzing a proposal, ~~((and))~~ by the plan commission and by the city council in ~~((determining whether a criterion for approval has been met))~~ making a decision on the proposal.

- A. **Regulatory Changes.**
Amendments to the comprehensive plan must be consistent with any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
- B. **GMA.**
The change must be consistent with the goals and purposes of the state Growth Management Act.
- C. **Financing.**
In keeping with the GMA's requirement for plans to be supported by financing commitments, infrastructure implications of approved comprehensive plan amendments must be reflected in the relevant six-year capital improvement plan(s) approved in the same budget cycle.
- D. **Funding Shortfall.**
If funding shortfalls suggest the need to scale back on land use objectives and/or service level standards, those decisions must be made with public input as part of this process for amending the comprehensive plan and capital facilities program.
- E. **Internal Consistency.**
1. The requirement for internal consistency pertains to the comprehensive plan as it relates to all of its supporting documents, such as the development regulations, capital facilities program, shoreline master program, downtown plan, critical area regulations, and any neighborhood planning documents adopted after 2001. In addition, amendments should strive to be consistent with the parks plan, and vice versa. For example, changes to the development regulations must be reflected in consistent adjustments to the goals or policies in the comprehensive plan. As appropriate, changes to the map or text of the comprehensive plan must also result in corresponding adjustments to the zoning map and implementation regulations in the Spokane Municipal Code.
 2. If a proposed amendment is significantly inconsistent with current policy within the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.
- F. **Regional Consistency.**
All changes to the comprehensive plan must be consistent with the countywide planning policies (CWPP), the comprehensive plans of neighboring jurisdictions, applicable capital facilities or special district plans, the regional transportation improvement plan, and official population growth forecasts.
- G. **Cumulative Effect.**
All amendments must be considered concurrently in order to evaluate their cumulative effect on the comprehensive plan text and map, development regulations, capital facilities program, neighborhood planning documents, adopted environmental policies and other relevant implementation measures.
- 1. Land Use Impacts.**
In addition, applications should be reviewed for their cumulative land use impacts. Where adverse environmental impacts are identified, mitigation requirements may be imposed as a part of the approval action.
 - 2. Grouping.**
Proposals for area-wide rezones and/or site-specific land use plan map amendments may be evaluated by geographic sector and/or land use type in order to facilitate the assessment of their cumulative impacts.

- H. SEPA.
SEPA review must be completed on all amendment proposals and is described in chapter 17E.050.
1. Grouping.
When possible, the SEPA review process should be combined for related land use types or affected geographic sectors in order to better evaluate the proposals' cumulative impacts. This combined review process results in a single threshold determination for those related proposals.
 2. DS.
If a determination of significance (DS) is made regarding any proposal, that application will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).
- I. Adequate Public Facilities
The amendment must not adversely affect the City's ability to provide the full range of urban public facilities and services (as described in CFU 2.1 and CFU 2.2) citywide at the planned level of service, or consume public resources otherwise needed to support comprehensive plan implementation strategies.
- J. UGA.
Amendments to the urban growth area boundary may only be proposed by the city council or the mayor of Spokane and shall follow the procedures of the countywide planning policies for Spokane County.
- K. ~~((Consistent Amendments))~~ Demonstration of Need.
1. Policy Adjustments.
Proposed policy adjustments that are intended to be consistent with the comprehensive plan should be designed to provide correction or additional guidance so the community's original visions and values can better be achieved. The need for this type of adjustment might be supported by findings from feedback instruments related to monitoring and evaluating the implementation of the comprehensive plan. Examples of such findings could include:
 - a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;
 - b. the capacity to provide adequate services is diminished or increased;
 - c. land availability to meet demand is reduced;
 - d. population or employment growth is significantly different than the plan's assumptions;
 - e. plan objectives are not being met as specified;
 - f. the effect of the plan on land values and affordable housing is contrary to plan goals;
 - g. transportation and/or other capital improvements are not being made as expected;
 - h. a question of consistency exists between the comprehensive plan and its elements and chapter 36.70A RCW, the countywide planning policies, or development regulations.
 2. Map Changes.
Changes to the land use plan map (and by extension, the zoning map) may only be approved if the proponent has demonstrated that all of the following are true:
 - a. The designation is in conformance with the appropriate location criteria identified in the comprehensive plan (e.g., compatibility with neighboring land uses, proximity to arterials, etc.);
 - b. The map amendment or site is suitable for the proposed designation;
 - c. The map amendment implements applicable comprehensive plan policies and subarea plans better than the current map designation.

3. Rezones, Land Use Plan Map Amendment.

Corresponding rezones will be adopted concurrently with land use plan map amendments as a legislative action of the city council. If policy language changes have map implications, changes to the land use plan map and zoning map will be made accordingly for all affected sites upon adoption of the new policy language. This is done to ensure that the comprehensive plan remains internally consistent and to preserve consistency between the comprehensive plan and supporting development regulations.

~~((L. Inconsistent Amendments.~~

~~1. Review Cycle.~~

~~Because of the length of time required for staff review, public comment, and plan commission's in-depth analysis of the applicant's extensive supporting data and long-term trend analysis, proposals that are not consistent with the comprehensive plan are addressed only within the context of the required comprehensive plan update cycle every seven years pursuant to RCW 36.70A.130(4)(C) and every other year starting in 2005.~~

~~2. Adequate Documentation of Need for Change.~~

~~The burden of proof rests entirely with the applicant to provide convincing evidence that community values, priorities, needs and trends have changed sufficiently to justify a fundamental shift in the comprehensive plan. Results from various measurement systems should be used to demonstrate or document the need to depart from the current version of the comprehensive plan. Relevant information may include:~~

- ~~a. growth and development as envisioned in the plan is occurring faster, slower or is failing to materialize;~~
- ~~b. the capacity to provide adequate services is diminished or increased;~~
- ~~c. land availability to meet demand is reduced;~~
- ~~d. population or employment growth is significantly different than the plan's assumptions;~~
- ~~e. transportation and/or other capital improvements are not being made as expected;~~
- ~~f. conditions have changed substantially in the area within which the subject property lies and/or Citywide;~~
- ~~g. assumptions upon which the plan is based are found to be invalid; or~~
- ~~h. sufficient change or lack of change in circumstances dictates the need for such consideration.~~

~~3. Overall Consistency.~~

~~If significantly inconsistent with the current version of the comprehensive plan, an amendment proposal must also include wording that would realign the relevant parts of the comprehensive plan and its other supporting documents with the full range of changes implied by the proposal.))~~

Section 6. That SMC section 17G.020.040 is amended to read as follows:

17G.020.040 Amendment (~~(Exceptions)~~) Frequency

~~((The following types of amendments may be considered more frequently than once a year, provided that all of the amendment criteria have been met, and appropriate steps have been taken to ensure public participation.)) The comprehensive plan shall be subject to continuing review and evaluation by the City. Amendment to the comprehensive plan should not be considered more frequently than once a year, except as described in RCW 36.70A.130 or in the following cases:~~

- A. Initial adoption of a specific/subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea (RCW 36.70A.130(2)(a)(i)). However, as anticipated by the comprehensive plan, redesignations are exempt that comply with and implement the comprehensive plan policies regarding designations created as a part of initial neighborhood and centers planning efforts through the neighborhood planning program. ~~((Also, future annexations will require an amendment to the land use plan map.))~~

- B. Adoption or amendment of ~~((a))~~ the shoreline master program.
- C. Amendment of the capital facilities program portion of the comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.
- D. Whenever an emergency exists. The plan commission will review a potential emergency situation, with advice from the city attorney's office, to determine if the situation does, in fact, necessitate an emergency comprehensive plan amendment. Findings must demonstrate a need of neighborhood or community-wide significance, and not a personal emergency on the part of a particular applicant or property owner. Potential emergency situations may involve official, legal or administrative actions, such as those to immediately avoid an imminent danger to public health and safety, prevent imminent danger to public or private property, prevent an imminent threat of serious environmental degradation or address the absence of adequate and available public facilities or services.
- E. Changes necessary to resolve an appeal of a comprehensive plan filed with a growth management hearings board or with the court.
- F. Changes necessary to address any recent state or federal legislative actions, or changes to state or federal regulations, such as changes to the Growth Management Act, or new environmental regulations.
- G. Changes to development regulations that are consistent with the comprehensive plan or are necessary to implement the comprehensive plan.
- H. Technical corrections that would remove typographical errors or resolve a mapping error.
- I. Amendment to the Land Use Plan Map to accommodate an annexation into the city.

Section 7. That SMC section 17G.020.050 is amended to read as follows:

17G.020.050 Amendment Applications

~~((A.))~~ Scope of Amendments.

~~A proposed plan amendment may include additions, deletions, corrections, updates, modifications or revisions to:~~

- ~~1. comprehensive plan maps, goals and policies in the various elements, including the capital facilities program and other supporting documents;~~
- ~~2. regulations that implement the comprehensive plan, including the land use code or zoning map, the shoreline master program and critical areas regulations;~~
- ~~3. administrative and regulatory procedures that implement the comprehensive plan; or~~
- ~~4. the comprehensive plan or its implementation measures, as necessitated by annexation action.~~

~~B. Applicant.~~

~~Any person or entity may apply for a comprehensive plan amendment with the exception of amendments to the UGA which are initiated by the city council or mayor of Spokane.))~~

~~((G))~~ A. ((Pre-application)) Threshold Review Application.

Prior to submitting an amendment proposal for threshold review per SMC 17G.020.025, a private applicant is required to schedule a pre-application conference ~~((by submitting the following -)).~~ The following shall be submitted prior to scheduling the predevelopment conference:

1. ~~((Pre-application))~~ Threshold review application form, including a general summary of the nature of the ~~((desired change))~~ proposed amendment.
2. The ~~((pre-application))~~ threshold review fee as specified in chapter 8.02 SMC.

~~((D))~~ B. Final Review Application ((Components)).

A private applicant for a comprehensive plan amendment must submit the following documents and fees:

1. A general application.
2. A supplemental application for a comprehensive plan text or map amendment proposal, containing the following information:
 - a. Nature of and reason for the amendment request, including whether the applicant believes the proposal is consistent ~~((or inconsistent))~~ with the current comprehensive plan, and whether the applicant believes any ~~((specific suggested changes))~~ additional amendments to the plan ~~((or))~~ and/or other related documents may be necessary to maintain the comprehensive plan's internal consistency. ~~((The applicant's decision to characterize an amendment proposal as either consistent or inconsistent does not imply that the plan commission or city council will later agree with that characterization.))~~
 - b. Statement of how the amendment request is consistent with all of the ~~((decision criteria))~~ guiding principles and final review criteria.
3. A completed SEPA checklist. A non-project supplement ~~((is))~~ will be required since all comprehensive plan amendments are considered non-project proposals.
4. A notification district map.
5. ~~((Full))~~ Except for amendment proposals initiated by the Plan Commission or City Council, the full application fee (as specified in chapter 8.02 SMC) with credit given for the ~~((pre-application))~~ threshold review fee that has already been paid.
 - a. Fees shall not be required for amendment applications submitted by a neighborhood council or resulting from a neighborhood planning process.
 - b. SMC 8.02.011(C) provides that the mayor or his/her designee may waive this fee if the applicant meets certain low-income criteria.

Section 8. That SMC section 17G.020.060 is amended to read as follows:

17G.020.060 Process for Application, Review and Decision

- A. Threshold Review ~~((Pre-application Form. Applicants must submit a pre-application form and fee in order to schedule a pre-application conference.))~~
- ~~((B))~~ 1. Pre-application Conference.
A pre-application conference is required in order to give the applicant and staff an opportunity to explore options for addressing the applicant's ~~((desired change))~~ proposed amendment. During the pre-application conference, staff will work with the applicant to consider which aspect of the planning department's work program would be the most appropriate arena for addressing their ~~((concern))~~ proposal. Staff and the applicant will also explore approaches to the amendment proposal that would help to make it consistent with the comprehensive plan. In addition, staff will do its best to advise the applicant on the extent of justification and documentation needed to support the application (depending on the degree the proposal varies from the comprehensive plan).
2. Map Amendments.
In the case of a map amendment, the applicant shall make reasonable efforts to schedule a meeting with the impacted neighborhood council(s) and document any support or concerns by said neighborhood councils(s).
- ~~((C))~~ 3. ~~((Deadline for Consideration))~~ Threshold Review Application Deadline.
~~((Applications for amendment will be accepted anytime after the applicant has completed a pre-application conference.))~~ Applications for threshold review initiated by the public must be submitted between September 1 and October 31 in order to be considered for inclusion in that cycle's Annual Comprehensive Plan Amendment Work Program. Planning staff shall have 30 days following application submittal to request additional information in order to make sure the application is counter complete.
4. Determination of Completeness.
Following determination of completeness, staff will notify the applicant in writing that it is counter complete. In the case of a map amendment, staff will notify the neighborhood council(s) in which they are located.

B. Final Review.

1. Final Review Application. An application ~~((will))~~ shall not move ahead for ~~((further consideration until it has been certified as a "complete application" by the planning department. All applications that are certified complete by November 30th will be considered concurrently during the upcoming amendment cycle. Applications must be submitted no later than October 31st if the applicant is seeking application certification by November 30th. Applications that are certified complete after November 30th will be docketed for consideration during future amendment cycles. In addition, consideration of proposals may be delayed if a large volume of requests is received or a large scale study is required in order to adequately assess a proposal))~~ final review unless it is added to the Annual Comprehensive Plan Amendment Work Program by the City Council pursuant to SMC 17G.020.025, and a final review application fee has been submitted as provided in SMC 17G.020.050(D). Final review applications and fees must be submitted no later than fifteen (15) days following the City Council's decision to place an amendment proposal on the Annual Comprehensive Plan Amendment Work Program.

~~((D. Application Certification, Docketing.~~

~~Within twenty-eight days of receiving an amendment application, planning staff will review it for completeness and adequacy, either certifying it as a "complete application" or notifying the applicant in writing as to which specific elements are missing or incomplete, according to the provisions of SMC 17G.060.090. Once staff certifies the application as complete, it is then docketed for future consideration by the plan commission and city council. (However, amendment applications are not subject to the one hundred twenty day review requirements of chapter 36.70B RCW.))~~

~~((E))2. ((Full Review — SEPA)) Review by City Staff and Agencies.~~

~~((Full)) Once the Comprehensive Plan Amendment Work Program is set by City Council and staff have received the full application(s) and fee(s), full review of proposals may begin. City staff shall notify interested city departments and agencies of all proposals on the docket and request review and comments. SEPA review and in-depth staff analysis ((begins December 1st for those proposals certified complete by November 30th)) of the proposals may require additional information and studies (such as a traffic study) which the applicant may be required to provide. ((Priority of proposal)) Timely review is ((based)) dependent on the applicant's timely response to requests for information and studies and compliance with notice requirements ((and provision of requested studies)). Related proposals are reviewed in groups according to 17G.020.030(H)(2) and (I)(1). Based on findings from the SEPA review and staff and agency analysis, the applicant may be required to conduct additional studies. If required studies are not completed sufficiently in advance of the end of the comment period to allow for adequate staff and public review, the Planning Director may defer consideration of those applications will be postponed until the next applicable amendment cycle.~~

~~((F))3. Notice of Application/SEPA.~~

~~((Within fourteen days of the completion of the review required)) When the review described in subsection ((E)) (C) above is complete, staff sends ((the)) a form of notice of application to the applicant. Applicants must complete all notice requirements 17G.020.070(D) or 17G.020.070(E) within ((sixty)) thirty days of the date the notice of application is ((sent by staff to the applicant)) provided by staff. This is a combined notice, also announcing that the proposal will be reviewed under the State Environmental Policy Act (SEPA) and comments will be accepted on environmental issues and any documents related to the proposal. If the planning director or his/her designee decides an amendment proposal could potentially affect multiple sites, staff may require that the notice of application reference all potentially affected sites.~~

~~((G))4. Public Comment Period.~~

~~The public comment period initiated by the notice of application may last up to sixty days or longer and may not be less than thirty days, depending on the complexity and number of applications. During this time period each applicant must present their proposal to representatives of all neighborhood councils related to each potentially affected site. As public comment letters are received, the planning department will input contact information into a database for later use in notifying interested parties regarding specific stages of the process.~~

~~((H))5. Plan Commission Consideration.~~

~~Plan commission consideration of each amendment proposal will be conducted at public workshops held during the public comment period. Applicants will be afforded the opportunity to address the plan commission during the workshop regarding their application. In order to stay abreast of public sentiment regarding each amendment proposal, the plan commission and staff will also review public comment correspondence ((and hold public open houses)) during this time.~~

- ((4))6. SEPA Determination.
~~((Within ten days of))~~ Following the end of the public comment period, staff will complete the SEPA threshold determination ~~((, and mail a combined notice of SEPA determination and notice of plan commission hearing to those applicants with a notice duty))~~ pursuant to SMC 17E.050 and set a hearing date with the Plan Commission. Applicants must complete all notice requirements in SMC 17G.020.070 within thirty days of the date of the applicant's receipt of the notice of Plan Commission Hearing and SEPA Determination provided by staff. If a determination of significance (DS) is made, those applications will be deferred for further consideration until the next applicable review cycle in order to allow adequate time for generating and processing the required environmental impact statement (EIS).
- ((4))7. Notice of SEPA and Hearing.
 The combined notice of SEPA determination and notice of plan commission hearing must be published ~~((within seventeen days of the end of the public comment period, and))~~ fourteen days prior to the plan commission's hearing on the amendment proposals. If the SEPA determination on an application is appealed, the plan commission and hearing examiner hearings on the file both proceed ahead on parallel tracks. If the hearing examiner's reversal of a planning director's decision regarding SEPA imposes requirements that would delay further consideration of the proposal, that application is then deferred for further plan commission consideration until the next applicable amendment cycle.
- ((K))8. Staff Report.
~~((Once the SEPA appeal period ends,))~~ Prior to the Plan Commission hearing, ~~((the))~~ staff prepares its final report, which address~~((es both))~~ SEPA and provide an analysis regarding the merits of the amendment proposal. Copies of the report are ~~((mailed))~~ provided to the applicant as well as ~~((the))~~ plan commission members, and made available to any interested person for the cost of reproduction. In addition, a copy of the proposed amendment application and the staff report is sent to the Washington state ~~((office of community, trade and economic development))~~ department of commerce and other state agencies for their sixty-day review, per RCW 36.70A106, WAC 365-195-620~~((, and subsection (1)(9) of this section))~~.
- ((L))9. Plan Commission Hearing.
 The plan commission's public hearing takes place after the SEPA ~~((appeal period has expired))~~ decision has been issued. The hearing will usually occur within thirty days of the end of the public comment period.
- ((M))10. Plan Commission Recommendation.
 The plan commission bases its recommendation on the ~~((review guidelines and required decision))~~ guiding principles, final review criteria, public input, conclusions from any required studies, the staff report, and the SEPA determination. The plan commission's findings, ~~((and conclusions regarding its recommendation))~~ conclusions and recommendations are forwarded to the city council within thirty days of their decision on their recommendation. The plan commission's recommendation may take the form of one of the following:
- ((4))a. Approval based on support for the proposal and recognition that it is ~~((either))~~ consistent with the comprehensive plan ~~((and/or that enough evidence was presented to justify the need for the change))~~ applicable guiding principles, and amendment review criteria.
- ((a))i. The plan commission may also decide to condition their approval recommendation upon modification of the proposal. If the proposal is modified substantially, an additional hearing is required. One possible modification might be to expand the geographic scope of a privately initiated amendment in order to allow for consideration of nearby property, similarly situated property or area-wide impacts.
- ((2))b. Denial for the following reason(s):
- ((a))i. The proposal ~~((does not comply with the review guidelines or decision criteria))~~ is not consistent with applicable guiding principles and/or amendment review criteria.
- ((b))ii. A majority of the plan commission believes the proposal would be more appropriately and effectively addressed through another aspect of the planning department's work program (neighborhood planning, writing new regulations, etc.).
- ((e))iii. The plan commission did not receive enough information from the applicant to be able to reach a decision based on the merits of the proposal. ~~((This could be for a variety of~~

~~reasons, including the possibility that the application mislabeled the proposal as consistent with the comprehensive plan when it was actually inconsistent.))~~

((N))11.City Council.

The city council considers the amendment proposals, public comments and testimony, staff report, and the plan commission's ~~((amendment))~~ recommendations within the context of its budget discussions, and acts on the amendment proposals prior to or at the same time as it adopts the City budget. The council may decide to approve, modify, continue consideration of or deny an amendment proposal. The council may also remand the proposal back to the plan commission for further consideration, in which case the council shall specify the time within which the plan commission shall report back with its findings and recommendations on the matter referred to it. If the council wishes to substantially modify the proposal before adopting it, the council ~~((may))~~ shall hold an additional hearing on the modified version following an opportunity for public input. The council's decision shall reflect the same decision criteria applied by the plan commission, as indicated by comments in the council's findings on each item that factors into its decision. Proposals adopted by ordinance after public hearings are official amendments to the comprehensive plan.

Denied amendments shall have to wait one year before being resubmitted unless the proposed amendment is substantially modified. ~~((However, mislabeled applications that are denied for lack of documentation sufficient to support an inconsistent proposal may reapply during the next cycle for inconsistent amendments.))~~

((O))12.Changes Made.

As soon as the adopted amendments become effective, the resulting text and map changes are made and reflected in information subsequently distributed to relevant parties, including the public, both in paper form and on the planning department's website. In addition, planning staff will maintain a running list of all comprehensive plan amendments over the years, and such list will be included as part of the comprehensive plan.

Section 9. That SMC section 17G.020.070 is amended to read as follows:

17G.020.070 Notification

- A. Application Deadline.
As a courtesy, the city will publish a reminder notice once ~~((in early January and again))~~ in early ~~((September))~~ August regarding each year's amendment application deadlines.
- B. Private Applicant.
A private applicant assumes all responsibility for the costs and timely accomplishment of notice requirements related to their amendment proposal.
- C. Text Changes.
Notice of application and notice of plan commission public hearings related to comprehensive plan or development regulation text changes require legal notice in the newspaper, and notice in the Official Gazette, written notice to neighborhood councils impacted by the text change, and prominent display on the planning services department Web site. After the notice is performed, affidavits of publishing/posting/ mailing are provided to the planning department by the applicant.
- D. Map Changes.
Notice of application and notice of plan commission public hearings related to comprehensive land use plan map amendments or area-wide rezones require legal notice in the newspaper, and notice in the Official Gazette, written notice to neighborhood councils impacted by the map change and prominent display on the planning services department Web site. If initiated by private application, additional requirements include individual notice, and posted notice, as specified in SMC 17G.060.120. In the case of an amendment proposal that could potentially affect multiple sites, requirements for individual notice shall apply to all potentially affected sites. The applicant submits affidavits of publication/posting/ mailing of the notice of public hearing to the planning services department at least ten days prior to the hearing.
- E. City Council Hearing.
Notice of city council hearings must be published in the Official Gazette, and shall also be published as a legal notice in the newspaper. Written notice shall be given to neighborhood councils impacted by the change and amendments shall be prominently displayed on the planning services department Web site.

- F. City Council Decisions.
City council decisions regarding comprehensive plan text or map amendments, development regulation text adoption or amendments, area-wide rezones or other land use decisions, regardless of whether initiated by private application, are legislative actions, and as such, only require notice in the Official Gazette. They do not require individual notice, even if numerous map changes could result from such an amendment. However, the city council may decide to provide notice of their decisions on site-specific or area-wide land use amendment proposals according to SMC 17G.060.190.
- G. Duration, Content of Notice.
Notice of plan commission public hearings shall be published at least fourteen days in advance of the hearing. Notice of city council public hearings must be published at least fourteen days before the hearing is scheduled to take place. When appropriate, notices should announce the availability of relevant draft documents upon request on the planning services department Web site.
- H. Transmittal to State, Notice of Intent to Adopt.
At least sixty days prior to final adoption, copies of proposed amendments to the comprehensive plan or development regulations (e.g., application, staff report, draft ordinance) must be provided to the Washington state ~~((office of community, trade and economic development (CTED)))~~ department of commerce (Commerce) ~~((as well as to other state agencies identified on a list distributed by CTED to planning jurisdictions,))~~ for their review and comment. In addition, copies of adopted amendments must be transmitted to ~~((CTED))~~ Commerce within ten days after final adoption (RCW 36.70A.106, WAC 365-195-620).

Section 10. That SMC section 17G.025.010 is amended to read as follows:

17G.025.010 Text Amendments to the Unified Development Code

- A. Initiation.
~~((Text amendments to this code))~~ Proposals to amend Title 17 SMC may be initiated by any of the following pursuant to the procedures set forth in this chapter:
1. Property owner(s) or their representatives;
 2. Any citizen, agency, neighborhood council, or other party; or
 3. A ~~((City))~~ city department, the plan commission, or the city council.
- B. Applications. ~~((Applications shall be made on))~~ Amendment proposals shall be submitted on an application form (s) provided by the City. Application fees are specified in chapter 8.02 SMC.
- C. Application Submittal for Amendment Proposals Initiated by Persons or Entities other than the City.
1. ~~((After submittal of an applicant initiated application, the application))~~ Privately-initiated amendment applications must be submitted no later than October 31 each year and shall be subject to ((a pre-application conference, counter-complete determination, and fully complete determination pursuant to chapter 17G.060 SMC)) the threshold review and docketing procedures set forth in chapter 17G.020.025 SMC, using the following criteria:
 - a. The proposed amendment presents a matter appropriately addressed through an amendment to Title 17 SMC; and
 - b. The proposed amendment does not raise policy or land use issues that are more appropriately addressed by an ongoing work program approved by the City Council or by a neighborhood/subarea planning process; and
 - c. The proposed amendment can be reasonably reviewed within the resources and time frame of the Annual Comprehensive Plan Amendment Work Program; and
 - d. The proposed amendment is consistent with the comprehensive plan. The proposed amendment must also be consistent with policy implementation in the Countywide Planning Policies, the GMA, and other state or federal law; and

- e. The proposed amendment is not the same as or substantially similar to a proposal that was considered in the previous year's threshold review process, but was not included in the Annual Comprehensive Plan Amendment Work Program, unless additional supporting information has been generated; or
- f. State law required, or a decision of a court or administrative agency has directed such a change.

- 2. ~~((After submittal,))~~ If the proposed text amendment is included on the Annual Comprehensive Plan Amendment Work Program, the application ~~((shall))~~ should be placed on the next available plan commission agenda for a workshop.

D. Notice of Intent to Adopt and SEPA Review

Proposals to amend Title 17 SMC may be subject to SEPA review, unless categorically exempt. When a draft of the amendment proposal and SEPA checklist are available for review by the public, a notice describing the amendment proposal should be published in the City Gazette at time of Plan Commission workshop review, or earlier if possible. Public participation, appropriate to the scope or potential impact of the proposal, should be undertaken as outlined in SMC 17G.020.080.

~~((D))~~ E. Notice of Public Hearing.

Amendments to ~~((this code))~~ Title 17 SMC require a public hearing before the plan commission.

1. Contents of Notice.

A notice of public hearing shall include the following:

- a. The citation, if any, of the provision that would be changed by the proposal along with a brief description of that provision;
- b. A statement of how the proposal would change the affected provision;
- c. The date, time, and place of the public hearing;
- d. A statement of the availability of the official file; and
- e. Description of SEPA status; if the project is SEPA exempt, state the statutory basis for exemption; and

~~((e))~~f. A statement of the right of any person to submit written comments to the planning commission and to appear at the public hearing of the planning commission to give oral comments on the proposal.

2. Distribution of Notice.

The department shall distribute the notice to the applicant, newspaper, City Hall and the main branch of the library. The applicant is then responsible for following the public notice requirements outlined in SMC 17G.060.120, Public Notice – Types of Notice.

F. Plan Commission Recommendation – Procedure.

Following the public hearing, the plan commission shall consider the proposal and shall prepare and forward a recommendation to the city council. The plan commission shall take one of the following actions:

- 1. If the plan commission determines that the proposal should be adopted, it may, by a majority vote, recommend that the city council adopt the proposal. The plan commission may make modifications to any proposal prior to recommending the proposal to city council for adoption. If the modifications proposed by the plan commission are significant, the plan commission shall accept testimony on the modifications before voting on the modified proposal, unless the proposed modifications are within the scope of alternatives available for public comment ahead of the hearing;
- 2. If the plan commission determines that the proposal should not be adopted, it may, by a majority vote, recommend that the city council not adopt the proposal; or
- 3. If the plan commission is unable to take either of the actions specified in subsection (E)(1) or (2) of this section, the proposal will be sent to city council with the notation that the plan commission makes no recommendation.

- G. Approval Criteria.
The City may approve amendments to this code if it finds that:
1. The proposed amendment is consistent with the applicable provisions of the comprehensive plan; and
 2. The proposed amendment bears a substantial relation to public health, safety, welfare, and protection of the environment.
- H. City Council Action.
Within sixty days of receipt of the plan commission's findings and recommendations, the city council shall consider the findings and recommendations of the commission concerning the application and shall hold a public hearing pursuant to council rules. Notice of city council hearings must be published in the Official Gazette. The applicant shall also publish a legal notice in the newspaper at least two weeks prior to the hearing by the city council. (~~By a majority vote, the city council shall~~) The city council may:
1. Approve the application;
 2. Disapprove the application;
 3. Modify the application. If modification is substantial, the council must either conduct a new public hearing on the modified proposal (unless the modification is within the scope of alternatives available for public comment ahead of the hearing); or
 4. Refer the proposal back to the plan commission for further consideration.
- I. Transmittal to the State of Washington.
At least sixty days prior to final action being taken by the city council, the Washington department of commerce ("commerce") shall be provided with a copy of the amendments in order to initiate the sixty-day comment period. No later than ten days after adoption of the proposal, a copy of the final decision shall be forwarded to commerce.
- J. Inapplicability to certain chapters.
This section does not apply to the following chapters of the Spokane Municipal Code: 17F.040 (International Building Code, International Residential Code, International Energy Conservation Code), 17F.050 (National Electrical Code), 17F.080 (International Fire Code), 17F.090 (International Mechanical Code), and 17F.100 (Uniform Plumbing Code) (collectively referred to as the "construction standards"). The construction standards specified in this subsection may be amended, after notice to the Plan Commission, pursuant to the City Council's regular legislative process, subject to the requirements of Chapter 43.21C RCW, if any, and further subject to RCW 19.27.040 and 19.27.060, and shall, to the extent they apply to single-family or multifamily residential buildings, be submitted for the approval of the State Building Code Council pursuant to RCW 19.27.074(1)(b).

Section 11. That SMC section 08.02.069 is amended to read as follows:

08.02.069 Comprehensive Plan and Land Use Code Amendments

- A. A (~~pre-application~~) threshold review fee of five hundred dollars shall be charged for applications submitted pursuant to SMC 17G.020.010(G)(3) and shall be credited to the full application fee pursuant to SMC 17G.020.010(G)(4)(e).
- B. The fee for a proposal to change the comprehensive plan, map or text, or other land use codes, is five thousand dollars plus one thousand seventy five dollars per each additional increment of ten acres of site for comprehensive plan map changes plus the cost of publishing the notice of hearing in the newspaper.
- C. A fee of eighty-five dollars per hour may be charged to cover a particular planning staff service for the applicant that greatly exceeds the above fees or is not covered by the fees listed above.
- D. For a formal written interpretation of the comprehensive plan: One thousand seventy-five dollars.

Passed by City Council August 21, 2017

Delivered to Mayor August 28, 2017

Notice for Bids

Paving, Sidewalks, Sewer, etc.

REQUEST FOR QUALIFICATIONS

POST ST. BRIDGE REPLACEMENT DESIGN-BUILD PROJECT 2017105

City of Spokane Public Works Division – Engineering Services Department

RFQ #4370-17

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, SEPTEMBER 18, 2017**, in the City of Spokane, Civil Service Testing Room, Fourth Floor, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for the Post St. Bridge Replacement Design-Build Project 2017105 for the City of Spokane Engineering Services Division – Public Works Department.

The City will hold an informational meeting for potential Proposers regarding this RFQ on August 31, 2017. Attendance at this meeting is not a prerequisite to being a Proposer. The meeting will be held from 11:00 AM to 12:00 PM at Spokane City Hall, Third Floor Conference Room 3B, 808 W. Spokane Falls Blvd., Spokane, WA 99201.

The Request for Qualifications document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201 at purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, September 18, 2017**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) paper unbound original, eight (8) bound paper copies, and two (2) electronic copies (usb flash drives) of the Proposal to:

**City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201**

The right is reserved to reject any and all Proposals and to waive any informalities in the Proposals. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with:

“RFQ #4370-17 POST ST. BRIDGE REPLACEMENT DESIGN-BUILD PROJECT 2017105, DUE 9/18/2017”

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: August 23 & 30, 2017

REQUEST FOR PROPOSALS

HRGC/HRMS ANALYSIS OF ENVIRONMENTAL SAMPLES

City of Spokane Riverside Park Water Reclamation Facility

RFP #4372-17

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, SEPTEMBER 11, 2017**, in the City of Spokane City Hall Civil Service Department Testing Room, Fourth Floor, 808 West Spokane Falls Boulevard,

Spokane, Washington 99201, for **HRGC/HRMS ANALYSIS OF ENVIRONMENTAL SAMPLES** for the City of Spokane Riverside Park Water Reclamation Facility.

The Request for Proposals document is available by contacting Connie Wahl, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane, WA 99201 at purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on Monday, September 11, 2017**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) paper original, one (1) paper copy, and one (1) reproducible digital copy (CD or thumb drive) of the Proposal to:

**City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201**

The right is reserved to reject any and all Proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer/Proposal when considering this contract.

All response packages are to be clearly marked with:

“RFP #4372-17, HRGC/HRMS ANALYSIS OF ENVIRONMENTAL SAMPLES, DUE 9/11/2017”

Connie Wahl, C.P.M., CPPB
City of Spokane Purchasing

Publish: August 30 & September 6, 2017

REQUEST FOR PROPOSALS

DOWNTOWN STUDY AREA PARKING STRATEGY AND FEASIBILITY PLAN

City of Spokane Parking Services

RFP #4389-17

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, SEPTEMBER 11, 2017** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **DOWNTOWN STUDY AREA PARKING STRATEGY AND FEASIBILITY PLAN** for the City of Spokane Parking Services.

The Request for Proposals document is available by contacting Thea Prince, City of Spokane Purchasing, 4th Floor, City Hall, 808 West Spokane Falls Blvd, Spokane WA 99201, purchasinghelp@spokanecity.org.

Proposal documents should be submitted to City of Spokane Purchasing **no later than 1:00 p.m. on the due date**. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

Submit one (1) original; one (1) paper copy and one (1) reproducible digital copy (thumb drive or CD) of the Proposal to:

**City of Spokane - Purchasing
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane, Washington 99201**

The right is reserved to reject any and all Proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the Proposer when considering this contract.

All response packages are to be clearly marked with:

“RFP #4389-17, DOWNTOWN STUDY AREA PARKING STRATEGY AND FEASIBILITY PLAN, DUE 9/11/17”.

Thea Prince
City of Spokane Purchasing

Publish: August 23 & 30, 2017

TERMINAL TRACTOR (OFF-ROAD)

Fleet Services Department

BID #4397-17

Sealed bids will be opened at 1:15 p.m., **MONDAY, SEPTEMBER 11, 2017** in the Civil Service Testing Room, 4th Floor – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **TERMINAL TRACTOR (OFF-ROAD)** for the City of Spokane Fleet Services Department.

Detailed specifications and proposal forms are available from City Purchasing, by contacting Thea Prince at purchasinghelp@spokanecity.org

Submittal Instructions:

Bid proposal forms may be submitted to the Purchasing Department **until 1:00 P.M. on the date of opening**. Proposals must be sent sufficiently ahead of time to be received by the opening date and time. City of Spokane is not responsible for proposals delivered late.

Submit two (2) copies, one (1) Original Paper copy and one (1) reproducible digital copy (CD or Thumb Drive) to:

**Division of Purchasing
City of Spokane
4th Floor – City Hall
808 W. Spokane Falls Blvd.
Spokane WA 99201**

The right is reserved to reject any and all proposals and to waive any informalities in the bidding. Special attention will be directed to the qualifications of the proposer when considering this contract. **Only firm proposals with signatures will be tabulated.**

Envelopes containing proposals are to be marked:

TERMINAL TRACTOR (OFF-ROAD), BID #4397-17, DUE 9/11/17”.

Thea Prince
Purchasing Department

Publish: August 30 & September 6, 2017
