



# 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

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# General Notices

**SPOKANE CITY COUNCIL RULES OF PROCEDURE****RULE 1 - GENERAL PRINCIPLES****Rule 1.1 PURPOSE**

The Spokane City Council adopts these Rules to govern the conduct of City Council business. These Rules do not confer upon any person who is not a member of the Council any right to a particular procedure, nor do they affect the validity or legality of any Council action.

**Rule 1.2 DUTY OF MUTUAL RESPECT**

It is the constant duty of each Council member to treat each other, City staff, and the public with respect. Likewise, all persons who attend a Council meeting must act respectfully toward all persons who attend a meeting. Mutual respect between Council members and towards staff includes, but is not limited to, not intentionally disclosing private information about a Council member or staff such as personal telephone numbers or home address without the permission of the Council member or staff.

**Rule 1.3 DUTY OF ETHICAL CONDUCT**

- A. Every Council member must uphold the constitution, laws, and regulations of the State of Washington and the Charter and ordinances of the City.
- B. Conflicts of Interest.

- 1. No Council member shall have an interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur an obligation of any nature that may be in conflict with the proper discharge of his or her duties as an elected official or as a Council member.
- 2. No Council member in his or her official capacity may participate in a transaction involving the City with a party in which the Council member, or a family member, owns a beneficial interest.
- 3. Should a Council member have a conflict of interest, or become aware that he or she has or may have a conflict of interest, that Council member shall immediately inform the Council of the conflict of interest and abstain from any Council action in connection with that matter.

**C. Confidential information.**

- 1. No Council member may accept employment or engage in any business or professional activity that might reasonably require or induce him or her to disclose confidential information acquired by reason of the Council member's official position.
- 2. No Council member may disclose confidential information gained by reason of his or her official position or otherwise use the information for his or her personal gain or benefit or the gain or benefit of another.
- 3. No Council member may disclose confidential information to any person not entitled or authorized to receive the information. Notwithstanding the foregoing, the City Council may, upon the affirmative vote of six (6) Council members taken in an open meeting, authorize the release of specific information which would otherwise be deemed confidential information, including without limitation discussions held in executive session .
- 4. For purposes of these rules, "confidential information" means (i) specific information, rather than generalized knowledge, received by a Council member as a result of his or her position that is not available to the

general public on request; (ii) information furnished to a Council member under circumstances as to suggest the information is confidential, including when the provider of the information identifies the information as confidential; (iii) information made confidential by law, including specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy; or (iv) other information made confidential by the Public Records Act ("PRA") (Chapter 42.56 RCW) or the Open Public Meetings Act ("OPMA") (Chapter 42.30 RCW).

- D. No Council member may use or authorize the use of facilities of the City, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the purpose of or opposition to a ballot proposition. Council members shall comply with RCW 42.17A.555 (Use of public office or agency facilities in campaigns—Prohibition—Exceptions).

#### **Rule 1.4 ROBERT'S RULES OF ORDER**

Matters of procedure not otherwise provided for herein are, insofar as practical, determined by reference to *Robert's Rules of Order, newly revised*.

#### **Rule 1.5 AMENDMENT**

These rules may be amended by resolution of the City Council.

### **RULE 2 – MEETINGS**

#### **Rule 2.1 PLACE AND TIME OF MEETINGS**

- A. As provided in the SMC 02.01.010, the regular meeting of the City Council is at 3:30 p.m. every Monday in the Council Chambers. If a Monday is a City Holiday, that week's regular meeting may be held on the next day that is not a holiday if a quorum is available, unless cancelled at the discretion of the Council President.
- B. The 3:30 p.m. Council session is a briefing session in which the Council receives staff reports on matters of interest, committee reports, background information from staff regarding matters on the advance agenda for the next week's meeting and for that day's agenda, making any adjustments to the agenda and agreeing as to any issues of procedure for that day's meeting. Once the advance agenda has been reviewed, the City Council shall approve the agenda by motion.
- C. At the conclusion of the briefing session, there is an administrative session during which action will be taken on consent agenda items. Upon request of any Council member, an item on the consent agenda will be carried over to the legislative session.
- D. At the conclusion of the administrative session, or at other time properly announced, the City Council may adjourn into executive session consistent with the OPMA. Before so doing, the Chair shall announce the subject matter of the executive session with as much particularity as will not frustrate the purpose of the executive session and the estimated duration of the executive session. The Council determines which person(s) shall attend each executive session.
- E. The 6:00 p.m. Council session is the legislative session, during which the Council may take public testimony, discuss and take action on agenda items, and for holding the open forum.

#### **Rule 2.2 OPEN FORUM**

- A. At each meeting, prior to the legislative agenda, an amount of time not to exceed thirty minutes is devoted to public comment. When all agenda items have been acted on, unless it is 10:00 p.m. or later, the open forum shall continue for an amount of time not to exceed thirty minutes. If no one wishes to speak at the second open forum session, the open forum shall be concluded.
- B. At the beginning of the open forum session staff will collect the sign-up sheet(s) and deliver them to the Chair. The order of the speakers and the appropriate time limits for the speakers will be determined at the discretion of the Chair. Each speaker may be limited to three minutes.
- C. No action, other than a statement of Council consensus to take up the matter as a future agenda item, will be taken during the open forum.

- D. The open forum is a limited public forum; all matters discussed in the open forum shall relate to the affairs of the City. No person shall be permitted to speak regarding items on the current or advance agendas, pending hearing items, or initiatives or referenda in a pending election. Individuals speaking during the open forum shall address their comments to the Council President and shall not use profanity, engage in obscene speech, or make personal comment or verbal insults about any individual.
- E. To encourage wider participation in open forum and a broad array of public comment and varied points of view, no person shall be permitted to speak at open forum more often than once per month. However, there is no limit on the number of items on which a member of the public may testify, such as legislative items, special consideration items, hearing items, and other items before the City Council and requiring Council action that are not adjudicatory or administrative in nature, as specified in Rules 5.3 and 5.4.

### **Rule 2.3 ADJOURNED MEETINGS**

- A. At the conclusion of the open forum, unless there is further business before the Council, the Chair shall adjourn the meeting until the next regularly scheduled Council meeting.
- B. Any meeting may be adjourned to a place and time set by motion. Unless otherwise specified in the motion, the meeting will be adjourned to the place and time fixed for the next regular meeting. If a regular meeting be adjourned to a place and time specified, that adjourned meeting is a regular meeting.
- C. If at the time fixed for the beginning of any meeting, or at any time in the course of a meeting, less than a quorum be present, the Council President, or in the President's absence any member, or if there are no Council members present then the City Clerk, shall declare the meeting adjourned to the next regular meeting.
- D. If a meeting is adjourned prior to the completion of the City Council's agenda, all matters on the agenda not disposed of shall be continued to the adjourned meeting. The City Clerk or other person designated by the Clerk shall post a written notice of adjournment conspicuously on or near the main door of the place of any meeting which has been adjourned. The notice shall be posted as soon as possible after the adjournment and shall state the fact of adjournment and the place and time to which the meeting was adjourned.
- E. At 11:00 p.m. or at any time thereafter, it shall be in order for any member to move, or for the Chair to declare, based on the opinion that the business at hand cannot be concluded within a reasonable time, that a regular meeting be adjourned.

### **Rule 2.4 SPECIAL MEETINGS**

A special meeting may be called by the Council President or by passage of a motion made during a regular meeting. All such special meetings shall be noticed in compliance with the OPMA and Rule 4.2 of these Rules.

### **Rule 2.5 STUDY SESSIONS**

The Council President may schedule study sessions as needed for receiving information on staff matters, staff briefings, and discussion among Council members on issues of public concern. Study sessions are held in a workshop format, with no public hearing, no Council action to dispose of any item unless the study session was noticed as a special meeting in compliance with the OPMA and Rule 4.2 of these rules. A quorum of the Council is not necessary in order to proceed with a study session, though a quorum is required for the Council to take any action to dispose of any item.

### **Rule 2.6 QUORUM**

A quorum is four (4) or more Council members present and qualified to act, unless a particular action requires the affirmative vote of more than four. The quorum for the adoption of an ordinance making an emergency expenditure as provided in RCW 35.33.081 and .091, adoption of an ordinance effective immediately under subsection 19(a)(1) of the Charter, and override of a veto as provided in subsection 16(b) is five (5).

## **RULE 3 – AGENDA**

### **Rule 3.1 FUNCTIONS OF AGENDA**

The agenda serves to introduce items to the Council, to establish the order of business and to give notice to the public. The notice of a special meeting is the agenda for such meeting.

**Rule 3.2 INTRODUCTION OF ITEMS**

- A. Items may be placed on a regular legislative meeting agenda by the Council President or any Council member; provided, however, subject to Rule 5.6 (Suspension of Rules), and regardless of whether the item originates with a Council member or the administration, no item may be placed on the legislative agenda unless it has first been presented in a committee or study session as provided in Rules 7.1 and 9.2. Agenda items related to activities of a board or commission or a city Council standing committee may be placed on the agenda by the city administrator, the Council President, by any Council member, or by motion of the City Council. A Council member may not utilize administrative staff, other than Council staff or staff of the legal department, for the preparation of an agenda item without the direction of the Council President or the Mayor.
- B. Regular meeting agendas are prepared by the City Clerk in the manner and format prescribed by the City Council and consistent with administrative policies and procedures and these Rules.

**Rule 3.3 AGENDA PROCESS**

- A. The process of submitting agenda items and preparing the agenda for all Council meetings shall be consistent with these Rules and any administrative policies and procedures governing Council meetings and agenda items. In a conflict between these Rules and an administrative policy and procedure, these Rules shall control.
- B. An agenda item is submitted using the agenda sheet presented to the City Clerk and in the template provided for in the exhibit to these Rules.
- C. The wording for the agenda item and the relevant information placed on the agenda sheet is provided by the person submitting the item. The City Clerk and City Attorney's office staff may edit agenda items for grammatical or typographical errors.
- D. Each Council member shall become familiar with all agenda items and the accompanying information.

**RULE 4 – TIME AND NOTICE****Rule 4.1 NOTICE BY AGENDA**

Except as provided below, the agenda is the only required meeting notice.

**Rule 4.2 SPECIAL MEETINGS**

Notice of every special meeting shall be given in writing to every Council member, Council staff, the Mayor, the City Attorney, and to all parties who have on file with the City Clerk a request for such notices. The notice shall be delivered personally, electronically, by mail, by facsimile or otherwise, so as to be received at least 24 hours before the meeting or as otherwise provided for in RCW 42.30.080. The notice shall state the place and time of the meeting and the business to be conducted. The Council shall not make final disposition of any matter not included in the notice. Notices of special meetings are prepared by the City Council Office staff and issued by the City Clerk's office.

**RULE 5 – CONDUCT OF MEETINGS****Rule 5.1 THE CHAIR**

- A. The Council President, or in his or her absence or incapacity that Council member elected by the Council to serve as Council President *pro tem* pursuant to SMC 03.01.120(A), each of whom is referred to in these Rules as "the Chair," shall preside over meetings of the Council and cause the business of the Council to be transacted in accordance with these rules. The presiding officer may yield the Chair to a member of the Council's choice to conduct a portion of the meeting.
- B. The Chair shall determine all questions of parliamentary procedure, subject to appeal as provided in this Rule 5.1.2, but shall liberally grant leave to the City Council Policy Advisor and/or City Attorney to speak to the question. A ruling of the Chair can be appealed, before the ruling is acted on, by any Council member's announcement of an appeal, which appeal is perfected by receiving a second. The Chair shall then state the question in terms of upholding the ruling and may state his or her reasons for the ruling. Then the member appealing has the floor to open debate on the appeal. Upon the close of debate, the Council shall vote on the appeal.

- C. The Chair may not make a motion. The Chair may second a motion only if there is no other second and only for the purposes of discussion. The Chair may vote as any other Council member.
- D. The Chair has the authority to recess, subject to appeal, any meeting when noise, disturbance, indecorum, or other circumstances warrant a recess to enable the Council to conduct its meeting in an appropriate manner. The Chair may direct any person disrupting the meeting to be removed from the chambers or to otherwise eliminate a source of disruption.
- E. The Chair has the authority to recess a meeting upon the request of any Council member. Recognizing that fatigue, discomfort, and tedium detract from the quality of participation in deliberative process on the part of all participants, the Chair is encouraged to call or grant requests for recesses as such frequency as dictated by the time of day, temperature, and other factors.

## **Rule 5.2 ORDER OF BUSINESS**

- A. Briefing Session.  
The regular order of business in a briefing session is as follows:
  - 1. Roll call;
  - 2. Council or staff reports of matters of interest;
  - 3. Background information from staff regarding matters on the advance agenda;
  - 4. Discussion of and any adjustments to the advance agenda for the following week's meeting;
  - 5. Approval by motion of the advance agenda;
  - 6. Any new background for items on the current agenda; and
  - 7. Discussion of and any adjustments to the current agenda.
- B. Administrative Session.  
The regular order of business in an administration session is as follows:
  - 1. Reading of consent agenda items by the Clerk;
  - 2. Request(s), if any, to consider any specific consent agenda items separately from the consent agenda;
  - 3. Action on the consent agenda; and
  - 4. Action on any items considered separately from the consent agenda.
- C. Executive Session.  
The business of an executive session is determined case by case within the restrictions of the OPMA and other provisions of state law.
- D. Legislative Session.  
The regular order of business in a legislative session is as follows:
  - 1. Pledge of Allegiance, words of inspiration, special introductions;
  - 2. Roll call to establish the presence of a quorum;
  - 3. Council and Committee reports;
  - 4. Announcement of adjustments to the agenda;
  - 5. Council appointments and approval of Mayoral appointments;
  - 6. Administrative report;

7. Open forum (first session);
  8. Reading of each agenda item by the Clerk;
    - a. Report by staff and questions to staff;
    - b. Motion and second (except for a hearing in which case the motion is made at the close of the hearing);
    - c. Comment from citizens;
    - d. Deliberation by Council, and such further dialogue with staff and citizens as Council may desire; and
    - e. Vote.
  9. Open forum (second session, if needed).
  10. Adjournment.
- E. Items shall be acted upon in the order in which they appear on the agenda, provided items may be taken out of order, combined, or separated at the Chair's discretion, absent objection of a majority of the Council. Items on the agenda may be grouped under various headings or sections and entire sections may be read and acted upon at one time at the discretion of the Chair unless a majority of the Council decides otherwise.
- F. All City Council appointments or Mayoral appointments which require City Council approval shall be announced and voted upon by motion during the legislative session; provided, that the confirmation of mayoral nominations of department heads, the City Clerk, and the City Attorney, pursuant to Section 24 of the City Charter, shall be by resolution.

### **Rule 5.3 SPEAKING DURING COUNCIL MEETING**

- A. Members of the public may address the Council regarding items on the Council's legislative agenda, special consideration items, hearing items, and other items before the City Council requiring Council action that are not adjudicatory or administrative in nature. This rule shall not limit the public's right to speak during the open forum.
- B. No one may speak without first being recognized for that purpose by the Chair. Except for named parties to an adjudicative hearing, a person may be required to sign a sign-up sheet and provide his or her address as a condition of recognition. In order for a Council member to be recognized by the Chair for the purpose of obtaining the floor, the Council member shall either raise a hand or depress the call button on the dais until recognized by the Council President.
- C. Each person speaking at the public microphone shall verbally identify him(her)self by name and, if appropriate, representative capacity.
- D. Each speaker shall follow all written and verbal instructions so that verbal remarks are electronically recorded and documents submitted for the record are identified and marked by the Clerk.
- E. In order that evidence and expressions of opinion be included in the record and that decorum befitting a deliberative process be maintained, no modes of expression not provided by these rules, including but not limited to demonstrations, banners, applause, profanity, vulgar language, or personal insults will be permitted.
- F. A speaker asserting a statement of fact may be asked to document and identify the sources of the factual datum being asserted.
- G. When addressing the Council, members of the public shall direct all remarks to the Council President and shall confine remarks to the matters that are specifically before the Council at that time.
- H. When any person, including members of the public, City staff, and others, are addressing the Council, Council members shall observe the same decorum and process, as the rules require among the members *inter se*. That is, a Council member shall not engage the person addressing the Council in colloquy, but shall speak only when granted the floor by the Council President. All persons and/or Council members shall not interrupt one another. The duty of mutual respect set forth in Rule 1.2 and the rules governing debate set forth in *Robert's Rules of Order, newly revised*, shall extend to all speakers before the City Council. The City Council Policy Advisor and/or City Attorney

shall, with the assistance of Council staff, assist the Council President to ensure that all individuals desiring to speak shall be identified, appropriately recognized, and provided the opportunity to speak.

#### **Rule 5.4 PUBLIC TESTIMONY REGARDING LEGISLATIVE AGENDA ITEMS – TIME LIMITS**

- A. The City Council shall take public testimony on all matters included on its legislative agenda, with those exceptions stated in Rule 5.4(B). Public testimony shall be limited to the final Council action. Public testimony shall be limited to three (3) minutes per speaker, unless, at his or her discretion, the Chair determines that, because of the number of speakers signed up to testify, less time will need to be allocated per speaker in order to accommodate all of the speakers. The Chair may allow additional time if the speaker is asked to respond to questions from the Council.
- B. No public testimony shall be taken on consent agenda items, amendments to legislative agenda items, or procedural, parliamentary, or administrative matters of the Council.
- C. For legislative or hearing items that may affect an identifiable individual, association, or group, the following procedure may be implemented:
  1. Following an assessment by the Chair of factors such as complexity of the issue(s), the apparent number of people indicating a desire to testify, representation by designated spokespersons, etc., the Chair shall, in the absence of objection by the majority of the Council present, impose the following procedural time limitations for taking public testimony regarding legislative matters:
    - a. There shall be up to fifteen (15) minutes for staff, board, or commission presentation of background information, if any.
    - b. The designated representative of the proponents of the issue shall speak first and may include within his or her presentation the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. Up to thirty (30) minutes shall be granted for the proponent's presentation. If there be more than one designated representative, they shall allocate the 30 minutes between or among themselves.
    - c. Three minutes shall be granted for any other person not associated with the designated representative who wishes to speak on behalf of the proponent's position.
    - d. The designated representative, if any, of the opponents of the issue shall speak following the presentation of the testimony of expert witnesses, visual displays, and any other reasonable methods of presenting the case. The designated representative(s) of the opponents shall have the same time allotted as provided for the proponents.
    - e. Three minutes shall be granted for any other person not associated with the designated representative who wishes to speak on behalf of the opponents' position.
    - f. Up to ten minutes of rebuttal time shall be granted to the designated representative for each side, the proponents speaking first, the opponents speaking second.
  2. In the event the party or parties representing one side of an issue has a designated representative and the other side does not, the Chair shall publicly ask the unrepresented side if they wish to designate one or more persons to utilize the time allotted for the designated representative. If no such designation is made, each person wishing to speak on behalf of the unrepresented side shall be granted three minutes to present his/her position, and no additional compensating time shall be allowed due to the fact that the side has no designated representative.
  3. In the event there appears to be more than two groups wishing to advocate their distinct positions on a specific issue, the Chair may grant the same procedural and time allowances to each group or groups, as stated previously.
- D. The time taken for staff or Council member questions and responses thereto shall be in addition to the time allotted for any individual or designated representative's testimony.

#### **Rule 5.5 VOTING**



- A. Except where a majority plus one vote is required, (e.g., Charter section 19, RCW 35.33.081), and unless otherwise provided herein, all motions, except a motion to adjourn (which passes by a majority of votes cast), to carry must receive at least four affirmative votes.
- B. If a motion receives a majority of favorable votes, but less than four, and if further voting cannot produce four votes for any motion, either:
  - 1. The matter will be continued, or
  - 2. if it appears that because of disqualification or other reason the Council will not obtain four votes for any motion to dispose of the matter, it shall be declared that no action was taken and the status quo shall prevail.
- C. Upon a tie vote, the status quo prevails and the matter upon which the vote was cast.
- D. The votes on any ordinance or formal resolution shall be individually taken and recorded. As to any other matter, voting shall be by voice vote unless any member requests, prior to action on the next item of business, a different method, such as a show of hands or a roll call vote. Unless the Council shall order otherwise, the alternative to voice vote shall be the electronic system currently in use.
- E. In all cases of voting by other than voice vote, the City Clerk shall record the names of those voting on each side of the question and of those abstaining. In cases of voice vote, it shall be sufficient for the Chair to announce, and the record to reflect, whether the motion carried or failed. Regardless of method of voting, each Council member shall have the right, before the next matter is considered, to explain the reasons for his or her vote and such a request shall be regarded as a matter of privilege.
- F. A Council member may abstain from voting on any matter before the Council when he or she has a direct personal or pecuniary interest not common to other members of the Council. In order to abstain from voting, a Council member must sufficiently describe to all other members of the Council during the Council meeting, the existence and nature of the interest which supports his or her abstention.

#### **Rule 5.6    SUSPENSION OF THE RULES**

These Rules may be temporarily suspended for a particular matter by five affirmative votes.

#### **Rule 5.7    RECONSIDERATION**

A Council member who voted on the prevailing side regarding an item voted on during an administrative session may move reconsideration of that item at that day's legislative session or at the next briefing session. All legislative decisions of the City Council regarding ordinances, resolutions, and hearing items are final. When permissible, a Council member may re-submit a subsequent ordinance or resolution to repeal or modify a prior City Council action.

#### **Rule 5.8    PARTICIPATION BY TELEPHONIC COMMUNICATION**

- A. A Council member may participate telephonically in all or part of a Council meeting if:
  - 1. Prior approval is given by the Council President for good cause, whose approval shall not be unreasonably withheld;
  - 2. All persons participating in the meeting are able to hear each other at the same time, such as by the use of a speaker phone; and
  - 3. The Council member participating telephonically shall have reviewed all of the applicable material and participated in the relevant portion of the Council meeting related to the topic to which the Council member is voting on.
- B. Any technical prohibitions or difficulties that prevent all parties present at the Council meeting from adequately communicating with one another will negate any authorization previously given by the Council President.

### **RULE 6 – ADJUDICATIVE APPEALS AND HEARINGS**

- A. Adjudicative hearings are quasi-judicial hearings involving named parties. Testimony during adjudicative

hearings is limited to the parties involved in the hearing. Public testimony is not accepted in adjudicative hearings. Where procedures for appeals and hearings have been established by ordinance, the Council shall follow those procedures. If a conflict arises between the ordinance and Council rules, the ordinance shall prevail. Where there are no established procedures for an adjudicative appeal or hearing, the Council shall implement the following procedure.

- B. No person shall be allowed to discuss any matter pending hearing with any member or members of the Council except in the Council Chambers in the regular course of a Council meeting. Each Council member shall vigorously strive to avoid any outside communication from anyone in any form concerning a matter pending hearing or decision. If an outside contact cannot be avoided, the Council member shall immediately make a note of the contact and shall at the beginning of the Council's hearing on the matter announce the fact of the contact, the identity of the person, and the substance of the communication. If the communication be in written form, the Council member shall as soon as possible file it with the City Clerk.
- C. When the Council's discussion and vote on a hearing item is at a meeting other than the hearing, it shall be the obligation of every Council member participating in the action to be familiar with the facts in order to reach an informed, independent judgment. When a member discussing or voting on the matter was not present at the hearing, that member will have familiarized him(her)self with the hearing item based upon any audio or video recording of the hearing and all documents contained in the record. A Council member shall not be briefed by anyone except in an open meeting.
- D. A Council member shall disqualify him(her)self from participating in a hearing whenever bias, interest, or other influences will prevent or appear to prevent him or her from exercising fair-minded, independent judgment on the facts and established policy. Disqualifying influences include prejudgment of the issues that cannot be swayed by the facts in evidence, a partiality or personal bias for or against a party, and a personal pecuniary interest in the subject matter. Examples of disqualifying bias include a close personal, family, or business relationship with a party, ownership of property the value of which might be affected by the decision, and a business or personal financial situation that might be affected by the decision.
- E. Should a Council member be aware of circumstances which might appear to disqualify him or her, he or she can either disqualify himself or herself or explain the circumstances before the hearing and let the rest of the Council, by majority vote, decide whether he or she can participate. Should the Council be aware of circumstances which might appear to disqualify a member, the Council may, by majority vote, disqualify the member. The Council's discussion concerning disqualification of a member may occur in executive session. A disqualified member shall be absent from the dais during the hearing and during discussion and voting.
- F. In all adjudicatory appeals and hearings, Council members are acting in their quasi-judicial capacity and shall comply with all applicable provisions of state law including the appearance of fairness doctrine (Chapter 42.36 RCW) and the code of ethics for municipal officers in contract interests (Chapter 42.23 RCW).
- G. Adjudicatory Appeal Hearing Procedures.  
At the hearing on the appeal, the following rules apply:
  - 1. Oral argument on appeal is limited to parties of record.
  - 2. Oral argument on appeal is limited to thirty minutes per side. If there is more than one appellant or more than one person wishing to present oral argument on appeal, the total time allowed to all such persons is thirty minutes. Any time reserved for rebuttal or surrebuttal is deducted from the time allowed for opening argument. Time taken to respond to questions from the City Council is not deducted from the time allowed for argument.
  - 3. Argument is presented first by the appellant in support of the appeal followed by the respondent in opposition to the appeal.
  - 4. No new evidence may be presented during oral argument. Matters found by the hearing officer or body to be facts in the record are presumed to be true and accurate. Oral argument is limited to stating why the record does or does not support the decision.
  - 5. The City Council may not consider any new facts or evidence on appeal. The City Council's review of appeals is limited to the record prepared by the hearing officer or body, including the verbatim transcript of the hearing, the written appeal, memoranda submitted, and, if permitted, oral arguments presented in accordance with the requirements of this section. Closed record appeals before the City Council must be

concluded within 90 days of the date the appeal is filed unless all parties agree to a longer period.

6. Supplemental documents.

- a. The parties to the appeal may file memoranda regarding the appeal. Such memoranda must be filed by the agenda deadline for the meeting preceding the meeting set for consideration of the appeal.
- b. Any replies to the memoranda must be filed by the agenda deadline for the meeting set for consideration of the appeal.
- c. The City Clerk distributes such memoranda and responsive documents to all parties to the appeal, the City Council, the City Attorney, the Planning Director, and the Hearing Examiner.
- d. Neither memoranda nor responses may contain any new facts or evidence or discuss matters outside the record. They are limited to stating why the record does or does not support the decision.

H. The City Council may supplement these rules in a case-by-case situation in order to provide due process to all participants in a hearing.

## **RULE 7 – ORDINANCES AND FORMAL RESOLUTIONS**

### **Rule 7.1 FILING**

- A. Unless impractical in a given case, ordinances and formal resolutions shall be filed with the Clerk by the advance agenda (Wednesday at 1:00 p.m.) deadline. Copies of ordinances and formal resolutions submitted by the advance agenda deadline shall be included in the Council's packet which will be made available by the second Friday preceding the meeting for which the ordinance is on the agenda. In any event, an ordinance or formal resolution must have been filed with the Clerk prior to the meeting of which it is an agenda item. No ordinance or formal resolution, except emergency measures, shall be passed until it has been on file with the Clerk for at least three (3) business days, including the day of the Council meeting.
- B. If an ordinance or formal resolution has not been on file with the Clerk for at least three (3) business days, its reading shall be a reading in full. If an ordinance or formal resolution has been so pre-filed, it shall be sufficient reading to read its title or a summary.
- C. Each ordinance or formal resolution shall be identified by its title and by the name of the Council Member or administration official sponsoring it, and every sponsor shall, when filing the same with the City Clerk, specify the committee of origin for the ordinance or formal resolution. Subject to Rule 5.6 (Suspension of Rules), every ordinance or formal resolution must be first presented to its committee of origin before it may be placed upon the Council's agenda for first reading (for ordinances) or for Council consideration (for formal resolutions).
- D. For each ordinance or formal resolution which would have an impact on the fiscal condition of the City, the sponsor must check the box to note the fact of the fiscal impact and describe the fiscal impact of the ordinance or resolution when preparing the agenda sheet.

### **Rule 7.2 AMENDMENT**

- A. Amendment of the wording of an ordinance or formal resolution on file does not require repetition of all filing and reading procedures. The Council may elect to defer final action until the amendatory language has been embodied in the document and the document resubmitted, or to pass or adopt the measure as amended in which case the City Council Policy Advisor and/or City Attorney shall be responsible for redrafting or changing the document for record purposes.
- B. A revised version of an ordinance or formal resolution may be substituted for the one in the packet between readings or between meetings when the differences between the two versions are minor. When a substituted ordinance or formal resolution makes a significant change from the earlier version, it is to be processed as an original item. That is, a substituted ordinance will be given first reading and carried over and a substituted resolution will be deferred or the Council may take action to amend and substitute the revised version for the version previously filed.
- C. The deletion of an emergency clause converts the ordinance to a regular ordinance which requires a second reading at a subsequent meeting. The addition of an emergency clause requires the ordinance to be deferred to

allow public hearing.

### **Rule 7.3 SUBJECT MATTER**

The Council shall not consider or pass any ordinance or resolution the subject matter of which is not directly related to local affairs or municipal business if action by the City Council does not result in the adoption of a new or amendment to an existing ordinance or resolution or affect any City policy or practice.

## **RULE 8 – PROCESSING ORDINANCES**

### **Rule 8.1 PUBLICATION, SIGNATURE AND RECORDING**

- A. An ordinance passed by the City Council shall, within five days thereafter, be presented to the Mayor.
- B. An ordinance:
  - 1. Making the annual tax levy,
  - 2. Adopting the original annual budget,
  - 3. Making appropriations,
  - 4. Implementing a local improvement district or confirming the assessments therefor,
  - 5. Which is an emergency budget ordinance,
  - 6. Which is an emergency ordinance, or
  - 7. Which has been approved by the electors by referendum or initiativeshall become effective immediately upon passage.
- C. Ordinances signed by the Mayor, and the approved parts of ordinances that have been partially vetoed, will thereupon be filed with the Clerk for recording and publication if not already published.
- D. Ordinances not signed by the Mayor after ten days will be filed with the Clerk for signature, recording and publication as necessary.

### **Rule 8.2 VETO**

If within ten (10) days of presentment the Mayor vetoes an ordinance or part of an ordinance and signs a veto message, the ordinance or part thereof, along with the veto message, is returned to the City Council, which shall provide a copy to the City Clerk. If requested by the Council President or any Council member, the City Clerk shall schedule the matter for the next available agenda. If, within thirty days of the Mayor's veto or partial veto, the ordinance receives at least five votes for passage, it shall thereupon take effect. It will be signed by the Council President, or two Council members, and filed with the City Clerk for publication and recording.

## **RULE 9 – COMMITTEES**

### **Rule 9.1 STANDING COMMITTEES – ESTABLISHMENT AND MEMBERSHIP**

- A. There shall be four (4) standing committees, as follows:
  - 1. Public Safety and Community Health;
  - 2. Finance and Administration;
  - 3. Urban Development;
  - 4. Public Infrastructure, Environment and Sustainability.
- B. Committee membership shall be comprised of a minimum of one (1) council member from each council district,

and additional members as desired. Standing committees composed of more than three (3) Council members shall be noticed as meetings of the Council where no legislative action shall occur.

- C. The Council President may chair two (2) standing committees, as determined in his or her sole discretion. All other committee chairs and vice-chairs shall be determined by majority vote of the council.
- D. The Council shall confirm the standing committee membership and leadership by resolution adopted at the second meeting in January of each year or as soon thereafter as possible.

## **Rule 9.2 COMMITTEE PROCESS**

- A. One of the functions of standing committee meetings is to provide the city administration and city staff an opportunity to update members of the committee regarding department programs, plans, and other administrative activities and future City Council administrative and legislative agenda items. Another function of the standing committees is to dedicate time to discussing strategic initiatives with the city administration and measuring progress of these initiatives.
- B. All standing committees shall be open to the public except when the committee adjourns into executive session. No public testimony will be taken during standing committee meetings. Participation in a standing committee meeting shall be limited to standing committee members, appropriate staff and other individuals recognized by the committee. Participation by Council Members, including deliberation and voting, shall be open to all Council members when the standing committee is meeting as a committee of the whole and as a special Council meeting. Participation by Council members in a standing committee that is not a committee of the whole shall be limited to just the appointed Council members. Upon motion of the City Council, a standing committee meeting may be conducted as a meeting of the full City Council, in which case, a special meeting notice shall be issued and the meeting shall be conducted in a study session format.
- C. Each committee shall meet monthly at 1:15 p.m. in the Council Briefing Center, except where cancelled at the discretion of the chair, in the following order:
  - 1. Public Safety and Community Health: First Monday of each month
  - 2. Urban Development: Second Monday of each month
  - 3. Finance and Administration: Third Monday of each month
  - 4. Public Infrastructure, Environment, and Sustainability: Fourth Monday of each month
  - 5. If there is a fifth Monday in a month, that date is reserved for an additional study session as needed.
  - 6. If a committee meeting falls on a scheduled City Holiday, the chair can cancel the meeting or reschedule on a Monday morning in the same month.
- D. Committee meeting agendas are formalized under the following process:
  - 1. Three Wednesdays prior to the committee meeting, the chair's legislative aide or administrative staff will circulate a request for agenda items.
  - 2. No later than 5 p.m. on the Wednesday occurring 12 days before the committee meeting, suggested agenda items and briefing papers (for both consent and discussion items) are due to be submitted to the legislative aides or administrative staff who circulated the request for agenda items.
    - a. At that time, the briefing paper template should be filled out and must indicate whether the preparer prefers the item to be a consent item or a discussion agenda item.
    - b. Agenda items that require no discussion at committee meetings (consent items) can be placed on any committee's agenda.
    - c. As many supporting documents as are available should be attached to the briefing paper.
  - 3. By the Friday occurring 10 days before the committee meeting, the preliminary agenda, with briefing papers, is to be sent out to all Council Members for review.

4. No later than 5 p.m. on the Monday occurring 1 week before the committee meeting, Council Member requests for additional information on any agenda item are due.
5. At any time after briefing papers are submitted, the committee Chair, Vice Chair and administrative leads meet at least once to create and/or finalize the agenda.
6. The Wednesday at 5 p.m. prior to the committee meeting. is the deadline for all supporting documents for briefing papers and addenda, if any.
7. After the final agenda is approved by the Chair, the legislative aide or administrative staff circulates the final agenda by 5pm on the Thursday prior to the committee meeting.

Any deviation from the schedule above (accepting briefing papers past the deadlines for example), must be approved by the Committee Chair.

- E. The regular order of business for committee meetings is as specified in the Agenda Template document attached as an exhibit to these Rules.
- F. Each item presented in committee must be accompanied by a briefing paper, using the Briefing Paper Template attached as an exhibit to these Rules, unless waived in the particular case by the committee chair.

Each ordinance or resolution must be presented by the Council sponsor in a committee before it may be filed for first reading. With the consent of the Council President, an item may be presented in a regular Council study session which has been noticed as a public meeting instead of a committee.

- G. By declaration of the Chair (subject to appeal) or by motion of the Council, any matter before the Council may be referred to a committee, except that no committee shall investigate the facts of, nor shall any member or members of the Council take independent action on, any pending or contemplated adjudicated matters.

### **Rule 9.3 INTER-GOVERNMENTAL COMMITTEES AND BOARDS**

Unless governed by other regulations, statutes, or ordinances, appointment of full slate of Council members to inter-governmental committees or boards shall be made by the Council President to be confirmed by a majority of the City Council. All appointments shall be made consistent with the governmental documents creating the inter-governmental committee.

### **Rule 9.4 AD HOC COMMITTEES**

Ad hoc committees with specified functions may be established for a designated term or for a specific task, by resolution. Unless specified in the resolution which created the ad hoc committee, matters of committee business such as the appointment process and qualifications for membership, the number of members, and the deadline for any resulting reports of the ad hoc committee shall be determined by the committee itself.

## **RULE 10 – MISCELLANEOUS**

### **Rule 10.1 COUNCIL POSITION VACANCY**

- A. Upon the occurrence of a vacancy of a City Council position other than that of Council President, the Council President shall announce the vacancy within seven (7) days of the vacancy occurring and call for interested parties to submit their applications for consideration by a deadline agreed to by the Council.
- B. Upon the close of the deadline, each member of the Council shall review the applications, interview on an individual basis whichever applicant they desire to interview, and select those individuals who they believe should be interviewed by the entire City Council.
- C. The Council, by motion, shall establish a committee to compile the Council members' list of candidates to be interviewed. The committee shall submit to the Council the compiled list of candidates to be interviewed by the entire City Council.
- D. The Council shall conduct interviews of each individual candidate selected for interviews. The interviews shall be open to the public.

- E. Upon completion of the interviews, the Council, pursuant to RCW 42.30.110(1)(h), may go into executive session to evaluate the qualifications of each candidate.
- F. The Council shall take final action appointing a candidate to fill the vacancy during an open public meeting.
- G. Provisions regarding the selection of a candidate for a City Council vacancy not set forth by these rules shall be determined by the City Council by motion during an open public meeting.
- H. If the Council President position becomes vacant, the City Council may elect to appoint one of the existing Council members to fill the position of Council President without following the selection procedure set forth above. If, upon a motion of the City Council, the City Council decides to consider someone other than an existing Council member to fill the vacant position of Council President, the City Council shall follow the selection procedure set forth above.

Adopted by Resolution 2017-0010 December 11, 2017

*Exhibits:*

Briefing Paper template

Committee Agenda template

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

**Exhibit 1  
Briefing Paper template**

### Briefing Paper (Committee Name)

<b>Division &amp; Department:</b>	
<b>Subject:</b>	
<b>Date:</b>	
<b>Contact (email &amp; phone):</b>	
<b>City Council Sponsor:</b>	
<b>Executive Sponsor:</b>	
<b>Committee(s) Impacted:</b>	
<b>Type of Agenda item:</b>	<input type="checkbox"/> Consent <input type="checkbox"/> Discussion <input type="checkbox"/> Strategic Initiative
<b>Alignment:</b> (link agenda item to guiding document – i.e., Master Plan, Budget, Comp Plan, Policy, Charter, Strategic Plan)	
<b>Strategic Initiative:</b>	
<b>Deadline:</b>	
<b>Outcome:</b> (deliverables, delivery duties, milestones to meet)	
<b>Background/History:</b> <i>Provide brief history e.g. this is the 3<sup>rd</sup> and final 5 year extension of the contract which was put in place in 2007.</i>	
<b>Executive Summary:</b> <ul style="list-style-type: none"> <li><i>Provide details in bullet format</i></li> </ul>	
<b>Budget Impact:</b> Approved in current year budget? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Annual/Reoccurring expenditure? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If new, specify funding source: Other budget impacts: (revenue generating, match requirements, etc.)	
<b>Operations Impact:</b> Consistent with current operations/policy? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Requires change in current operations/policy? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Specify changes required: Known challenges/barriers:	



## Exhibit 2 Committee Agenda template

### ----- COMMITTEE MEETING AGENDA FOR [Click here to enter a date.](#)

1:15 p.m. – City Council Briefing Center

The Spokane City Council's ----- Committee meeting will be held at 1:15 p.m. on [Click here to enter a date.](#) in City Council Briefing Center –Lower Level City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington.

The meeting will be conducted in a standing committee format. Because a quorum of the City Council may be present, the standing committee meeting will be conducted as a committee of the whole council.

The meeting will be open to the public, with the possibility of moving or reconvening into executive session only with the members of the City Council and the appropriate staff. No legislative action will be taken. No public testimony will be taken and discussion will be limited to appropriate officials and staff.

#### AGENDA

- I. Call to Order at 1:15 p.m.
- II. Approval of Minutes
- III. Consent Items
- IV. Discussion Items *(as needed)*
  - A. Council Requests
  - B. Staff Requests
- V. Strategic Plan Session
  - A. Item A
  - B. Item B
- VI. Adjournment:

Next Committee meeting will be [Click here to enter a date.](#)

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** *The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [msteinolfson@spokanecity.org](mailto:msteinolfson@spokanecity.org). Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.*

# 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. C35568

An Ordinance changing the zone from Residential Single-Family (RSF) to Residential Single-Family Compact (RSF-C) for property located 1217 E 15<sup>th</sup> Ave in the City and County of Spokane, State of Washington, by amending the Official Zoning Map.

**WHEREAS**, the Hearing Examiner held a public hearing on this matter on October 5<sup>th</sup>, 2017, on the request of the owner of certain property zoned RSF, and generally located at the northeast intersection of Ivory St and 15<sup>th</sup> Ave in the City and County of Spokane, State of Washington, and on October 17<sup>th</sup>, 2017, recommended approval of said zone change for said property subject to conditions; and

**WHEREAS**, this designation is not a major action significantly affecting the quality of the environment; and

**WHEREAS**, the City Council, upon public hearing, adopts the Findings, Conclusions, and Decision of the Hearing Examiner, dated October 17, 2017 and further determines that this rezone furthers the accomplishment of the Land Use Element of the Comprehensive Plan, encourages orderly development of a type and at a time that enhances the neighborhood, and does not produce adverse effects on the local environment; NOW, THEREFORE - - -

The City of Spokane does ordain that the Director of Planning Services be directed to change the Official Zoning Map adopted by Spokane Municipal Code Section 17A.040.020, so as to designate the property described as:

### **Roosevelt Addition L5 and the W30ft of L6, B1**

in the County of Spokane, State of Washington, with a Residential Single Family Compact Zone.

**Passed by City Council December 18, 2017  
Delivered to Mayor December 21, 2018.**

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## ORDINANCE NO. C35569

AN ORDINANCE APPROVING AND CONFIRMING THE 2018 ASSESSMENTS AND ASSESSMENT ROLL FOR THE EAST SPRAGUE PARKING AND BUSINESS IMPROVEMENT AREA, PREPARED UNDER ORDINANCE C35377 AS CODIFIED AND AMENDED IN CHAPTER 4.31C SMC.

WHEREAS, the Spokane City Council on November 13, 2017 passed Resolution 2017-0095, which provided notice and set a date for hearing on the assessments to be levied under the above identified ordinance; and

WHEREAS, pursuant to Resolution No. 2017-0095, a public hearing was held on December 18, 2017 to take public testimony regarding the assessments and assessment roll for the East Sprague Parking and Business Improvement Area; and

WHEREAS, the assessment roles have been on file in the Office of the City Clerk for public review and inspection; and

WHEREAS, the City Council, through this ordinance, intends to levy assessments in the East Sprague Business Improvement District to provide programs and services, which will specifically benefit the businesses and properties in the District; and

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. The 2018 assessments and the assessment roll of the East Sprague Parking and Business Improvement

Area, established under Ordinance C35377, as codified and amended in Chapter 4.31C SMC, are hereby approved and confirmed. The assessments and assessment roll are attached hereto, available in the Office of the City Clerk, City Treasurer.

Section 2. Each of the businesses, as described in RCW 35.87A.020, lots, tracts, and parcels of land and other property, including improvements thereon, multi-family residential, mixed-use projects (as described in RCW 35.87A.020 (3), hotels, motels, government, and others, shown upon said rolls are hereby declared to be specially benefited by the programs authorized in Ordinance C-35377, as amended, in at least the amount levied against the same. The method of assessment is based upon the Special Assessment Formula in Exhibit A.

Section 3. Pursuant to SMC 4.31C.100, the projects, programs, activities and budget for the 2018 East Sprague Parking and Business Improvement Area as presented to the City Council are hereby approved and may be revised by the City Council pursuant to a subsequent motion.

Section 4. The City Clerk is hereby directed to certify and transmit the assessment rolls to the City Treasurer for collection, pursuant to City Ordinance and state law.

Section 5. That the assessments shown in the roll on file in the Office of the City Clerk may be paid in two installments with the first half of the assessment due and payable on the 31<sup>st</sup> day of January, 2018, and the second half of the assessment due and payable on the 31<sup>st</sup> day of July, 2018. Prior to the due date, ratepayers shall be sent a bill stating the amount of the assessment due and payable. If the assessment is not paid within thirty (30) days after its due date, a delinquency charge shall be added in the amount of ten percent (10%) of the assessment, not to exceed one hundred dollars (\$100) in addition to the processing fee. All assessments, or part thereof, shall also bear interest at the rate of twelve percent (12%) per annum, or part thereof, of delinquency. Within thirty (30) days of the due date(s), the City Treasurer or his/her designee shall send a late notice of the unpaid assessment including the assessment of appropriate interest, penalty and fees. Interest, penalties and other fees will be collected on any unpaid balance or portions thereof from the date the account became due.

Any ratepayer, aggrieved by the amount of an assessment or delinquency charge, shall request, within sixty (60) days of the assessment or charge, a meeting and/or hearing before the Ratepayer Board, and, if not satisfied with the decision of the Ratepayer Board, appeal within ten (10) days from the date of the decision, the matter de novo, to the City's Hearing Examiner, in the manner provided for in the City's Municipal Code. Failure to request a hearing shall result in a waiver of the right to challenge the assessment.

Section 6. This ordinance shall take effect and be in full force from and after the date of its passage.

**Passed by City Council December 18, 2017  
Delivered to Mayor December 21, 2018.**

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### **ORDINANCE C35570**

AN ORDINANCE APPROVING AND CONFIRMING THE 2018 ASSESSMENTS AND ASSESSMENT ROLL FOR THE DOWNTOWN SPOKANE PARKING AND BUSINESS IMPROVEMENT AREA, PREPARED UNDER ORDINANCE C-32923 AS CODIFIED AND AMENDED IN CHAPTER 4.31 SMC.

WHEREAS, the Spokane City Council on November 13, 2017 passed Resolution 2017-0094, which provided notice and set a date for hearing on the assessments to be levied under the above identified ordinance; and

WHEREAS, pursuant to Resolution No. 2017-0094, a public hearing was held on December 18, 2017 to take public testimony regarding the assessments and assessment roll for the Downtown Spokane Parking and Business Improvement Area; and

WHEREAS, the assessment roles have been on file in the Office of the City Clerk for public review and inspection; and

WHEREAS, the City Council, through this ordinance, intends to levy assessments in the Downtown Spokane Business Improvement District to provide programs and services, which will specifically benefit the businesses and properties in the District; and

THE CITY OF SPOKANE DOES ORDAIN:

Section 1. The 2018 assessments and the assessment roll of the Downtown Spokane Parking and Business Improvement Area, established under Ordinance C-32923, as codified and amended in Chapter 4.31 SMC, are hereby approved and confirmed. The assessments and assessment roll are attached hereto, available in the Office of the City Clerk, City Treasurer.

Section 2. Each of the businesses, as described in RCW 35.87A.020, lots, tracts, and parcels of land and other property, including improvements thereon, multi-family residential, mixed-use projects (as described in RCW 35.87A.020 (3), hotels, motels, government, and others, shown upon said rolls are hereby declared to be specially benefited by the programs authorized in Ordinance C-32923, as amended, in at least the amount levied against the same. The method of assessment is based upon the Special Assessment Formula in Exhibit A.

Section 3. Pursuant to SMC 4.31.100, the projects, programs, activities and budget for the 2018 Downtown Parking and Business Improvement Area as presented to the City Council are hereby approved and may be revised by the City Council pursuant to a subsequent motion.

Section 4. The City Clerk is hereby directed to certify and transmit the assessment rolls to the City Treasurer for collection, pursuant to City Ordinance and state law.

Section 5. That the assessments shown in the roll on file in the Office of the City Clerk may be paid in two installments with the first half of the assessment due and payable on the 31<sup>st</sup> day of January, 2018, and the second half of the assessment due and payable on the 31<sup>st</sup> day of July, 2018. Prior to the due date, ratepayers shall be sent a bill stating the amount of the assessment due and payable. If the assessment is not paid within thirty (30) days after its due date, a delinquency charge shall be added in the amount of ten percent (10%) of the assessment, not to exceed one hundred dollars (\$100) in addition to the processing fee. All assessments, or part thereof, shall also bear interest at the rate of twelve percent (12%) per annum, or part thereof, of delinquency. Within thirty (30) days of the due date(s), the City Treasurer or his/her designee shall send a late notice of the unpaid assessment including the assessment of appropriate interest, penalty and fees. Interest, penalties and other fees will be collected on any unpaid balance or portions thereof from the date the account became due.

Any ratepayer, aggrieved by the amount of an assessment or delinquency charge, shall request, within sixty (60) days of the assessment or charge, a meeting and/or hearing before the Ratepayer Board, and, if not satisfied with the decision of the Ratepayer Board, appeal within ten (10) days from the date of the decision, the matter de novo, to the City's Hearing Examiner, in the manner provided for in the City's Municipal Code. Failure to request a hearing shall result in a waiver of the right to challenge the assessment.

Section 6. This ordinance shall take effect and be in full force from and after the date of its passage.

**Passed by City Council December 18, 2017  
Delivered to Mayor December 21, 2018.**

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#### **ORDINANCE NO. C35571**

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

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

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

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

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

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

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

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

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

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

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

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

**NOW, THEREFORE**, the City of Spokane does ordain:

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

**Section 01.07.003 Title; Purpose and Intent**

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

**Section 01.07.005 Definitions**

- A. "Agency" means the City of Spokane Contract and Business Standards Compliance Office within the City's Department of Grants Management and Financial Assistance or its delegate.
- B. "Authorized committee" means the political committee authorized by a candidate for the office of Mayor, City Council Member, or municipal court judge to accept contributions or make expenditures on behalf of the candidate or public official.
- C. "Bona fide political party" means:
  - 1. An organization that has been recognized as a minor political party by the Washington Secretary of State;
  - 2. The governing body of the state organization of a major political party, as defined in RCW 29A.04.086, that is the body authorized by the charter or bylaws of the party to exercise authority on behalf of the state party; or

3. The country central committee or legislative district committee of a major political party.
- D. "Candidate" means any individual who seeks election to the office of Mayor, member of the Spokane City Council, or Municipal Court Judge, whether or not successfully. An individual is deemed to seek election when he or she first:
1. Solicits or receives contributions;
  2. Makes expenditures or reserves space or facilities with intent to promote his or her candidacy for office;
  3. Announces publicly or files for office;
  4. Purchases advertising space or broadcast time to promote his or her candidacy;
  5. Makes expenditures or solicits or receives contributions to explore the possibility of seeking election to the office of Mayor, member of the Spokane City Council, or Municipal Court Judge; or
  6. Gives his or her consent to another person or political committee to take on behalf of the individual any of the actions in subsections 1, 2, 4, or 5 of this section.
- E. "Caucus political committee" means a political committee organized and maintained by the members of a major political party in the Washington State Senate or Washington State House of Representatives.
- F. "City office" means any elective office established by Section 5 of the Spokane City Charter, namely, Mayor, City Council member, and Municipal Court judge.
- G. "Collectively bargain" means the performance of the mutual obligations of the public employer, including the City of Spokane or the Mayor, and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours, and working conditions, which may be peculiar to an appropriate bargaining unit of the public employer, except that by such obligation neither party may be compelled to agree to a proposal or be required to make a concession unless otherwise allowed under Washington state law.
- H. "Continuing political committee" means a political committee that is an organization of continuing existence not established in anticipation of any particular election campaign.
- I. "Contract" has the same meaning as in SMC 07.06.040.
- J. "Contractor" means any person or entity who has received the award of a contract, submitted a bid or proposal in any form for the award of a contract, including any other person or entity who seeks the award of the contract and is contesting, appealing or protesting the award of the contract as proposed. The term shall include the proprietor for a sole proprietorship, each partner or principal having an equity interest of ten percent (10%) or more for a partnership and each corporate officer, corporate director, or shareholder of ten percent (10%) or more of the outstanding shares of stock for a corporation. The term shall also include any subcontractor authorized to provide all or a portion of goods, labor, or services in fulfillment of an award of a contract. This definition does not include the employees of such as person or, if the person is a union, the members of that union.
- K. "Contribution" means a loan, gift, deposit, subscription, forgiveness or indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, sums paid for tickets to fundraising events, the financing by a person of the dissemination, distribution, or republication, in whole or in part, of broadcast, written, graphic, or other form of political advertising or electioneering communication prepared by a candidate, a political committee, or its authorized agent, or anything of value, including personal and professional services for less than full consideration. "Contribution" also includes an expenditure made by a person in cooperation, consultation, or concert with, or at the request of suggestion of, a candidate, a political committee, the person or persons named on the candidate's or committee's registration form who direct expenditures on behalf of the candidate or committee, or their agents. "Contribution" does not include:
1. Interest on moneys deposited in a political committee's account;
  2. Ordinary home hospitality;
  3. The rendering of legal or accounting services on behalf of a candidate or an authorized political committee but only to the extent that the services are for the purpose of ensuring compliance with city of state election or public disclosure laws;

4. The rendering of personal services of the sort commonly performed by volunteer campaign workers;
  5. Incidental expenses personally incurred by campaign workers not in excess of \$25, in the aggregate, during the applicable period, personally paid for by a volunteer campaign worker; or
  6. An internal political communication primarily limited to the members of a political party organization or political committee, or to the officers, management staff, or stockholders of a corporation or similar enterprise, or to the members of a labor organization or other membership organization.
- L. "Designated Treasurer" means the individuals appointed by an incidental committee, responsible for filing and maintaining the incidental committee's statement of organization with the City of Spokane Clerk's Office.
- M. "Election for city office" means any primary, general, or special election for city office as defined in this section.
- N. "Elected official" means any person elected by a general or special election to city office as defined in this section, and any person appointed to fill a vacancy in any such office.
- O. "Election cycle" means the first day of January in the year prior to the general election for the office the candidate is seeking, until 14 days after the date of the general election or until the election results are certified, whichever occurs last.
- P. "Entity" means any business corporation, group, agency, nonprofit corporation, limited liability partnership, limited partnership, limited liability company, and general cooperative association.
- Q. "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. "Expenditure" also includes a promise to pay, a payment, or a transfer of anything of value in exchange for goods, services, property, facilities, or anything of value for the purpose of assisting, benefitting, or honoring any public official or candidate, or assisting in furthering or opposing any election campaign. "Expenditure" does not include the partial or complete repayment by a candidate, political committee, or incidental committee of the principal of a loan, the receipt of which loan has been properly reported.
- R. "Foreign-owned entity" means any entity, regardless of type of entity, jurisdiction of incorporation, or principal place of business, which is owned 51% or more by a foreign national or a foreign government.
- S. "General election" means the election of a person to city office of Mayor, excluding primary elections.
- T. "Incidental committee" means any nonprofit organization, regardless of purpose, not otherwise defined as a political committee but that may incidentally make a contribution or an expenditure in support of, or opposition to, any candidate for city office, whether directly or through a political committee.
- U. "Independent expenditure" means an expenditure that:
1. is made in support of or in opposition to a candidate for city office by a person who is not:
    - a. A candidate for that office;
    - b. An authorized committee of that candidate for that office;
    - c. A person who has received the candidate's encouragement or approval to make the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office; or
    - d. A person with whom the candidate has collaborated for the purposed of making the expenditure, if the expenditure pays in whole or in part for political advertising supporting that candidate or promoting the defeat of any other candidate or candidates for that office.
  2. pays in whole or in part for political advertising that either specifically names the candidate supported or opposed, or clearly and beyond any doubt identifies that candidate without using the candidate's name; and
  3. whether alone or in conjunction with other expenditure(s) by the same person in support of or in opposition to that candidate, has a value of eight hundred dollars (\$800) or more. A series of expenditures, each of which is



under eight hundred dollars (\$800), constitutes one independent expenditure if their cumulative value is eight hundred dollars (\$800) or more.

- V. "Person" means an individual, partnership, joint venture, public or private corporation, association, federal, state or local government entity or agency however constituted, candidate, committee, political committee, incidental committee, continuing political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.
- W. "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, a candidate for Mayor, member of the Spokane City Council, municipal court judge, or any city ballot proposition.
- X. "Surplus funds" means the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate with respect to that election.

#### **Section 01.07.010 Local Voters' Pamphlet – Pro and Con Committee Statements**

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

#### **Section 01.07.020 Voter Registration & Election Resources**

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

#### **Section 01.07.030 Mandatory Limitations on Campaign Contributions**

- A. No candidate for city office, or any political committee acting on behalf of such candidate, shall solicit or accept campaign contributions of more than five hundred dollars (\$500) from any person in any election for city office as reflected on candidate filings with the Washington State Public Disclosure Commission.



- B. A candidate for city office, and any political committee acting on behalf of such candidate, shall only accept or receive a campaign contribution during the election cycle in which the candidate will appear on the ballot.
- C. The limitations imposed by SMC 01.07.030(A) shall not apply to a candidate's contributions of his or her own resources to his or her own campaign, or contributions to the candidate's campaign by the candidate or the candidate's spouse or assets of their marital community. If a candidate makes personal contributions to their campaign in aggregate of \$11,500 or more of his or her own funds, including surplus funds from a previous campaign, or independent expenditures are made in support of a candidate or in opposition to his or her opponent in aggregate of \$11,500, all candidates for election to that office may surpass the contribution limits set forth in SMC 01.07.030(A) and may solicit and accept contributions up to the limits allowed by the Washington Public Disclosure Commission. The remainder of this chapter shall apply to all candidates.
- D. Candidate filings with the Washington State Public Disclosure Commission shall constitute the evidence of contributions received during an election cycle for the purposes of enforcement of the penalty for violation.
- E. The provisions of SMC 01.07.030(C) regarding contributions of personal resources shall not apply to loans made to the candidate's campaign.
- F. Surplus funds, as defined by SMC 01.07.005, from a candidate's prior campaign and contributions received by a candidate in connection with a campaign for another office may be used by that candidate for the candidate's current campaign only to the extent that such funds are derived from contributions that were within the limitations imposed by this chapter. If such funds are from a campaign not governed by this chapter, a candidate may use only so much of each contribution previously received as would have been allowable as a contribution under this chapter if it had applied to that campaign. The source of a candidate's surplus campaign funds shall be determined to be derived from the most recent contributions received by such candidate or that candidate's political committee which in total equal the amount of the surplus campaign funds.
- G. Beginning in 2019, campaign contribution limits may be adjusted by the Spokane City Council in the December of any odd-numbered year. In no event shall campaign contribution limits per election established by this chapter shall in no event be greater than 1.5% of the city of Spokane's median household income as calculated by the U.S. Census Bureau's American Community Survey for the prior year.

#### **Section 01.07.040 Prohibition on Campaign Contributions by Contractors**

- A. No City of Spokane elected official or any candidate for city office, or any political committee acting on behalf of such elected official or candidate, shall knowingly solicit or accept any contribution directly or indirectly from any entity or person who, in the two years prior to the election cycle has earned or received more than fifty thousand dollars (\$50,000) under a contractual relationship with the City. No City of Spokane elected official, candidate for city office, or any political committee acting on behalf of an elected official or candidate for such office, shall knowingly solicit a contribution for himself or herself or for any political party, political committee, incidental committee, or campaign committee, directly or indirectly from any entity or person who in the prior two years has earned or received more than fifty thousand dollars (\$50,000) under a contractual relationship with the City.
- B. No City of Spokane elected official, candidate for city office, or any political committee acting on behalf of an elected official or candidate of such office, shall knowingly solicit or accept any contribution from a contractor during a contract award period. If a City of Spokane elected official or candidate for city office or a political committee acting on their behalf unknowingly accepts a contribution from a contractor during a contract award period, it shall be the duty of the elected official or candidate for such position or political committee acting on their behalf to return the contribution within ten (10) days after he or she becomes aware of the violation.
- C. It is a violation of this chapter for an entity or its subsidiary(ies), parent company or affiliate(s), to reimburse an employee, officer, director, or partner of such entity for political contributions in support of a candidate for city office or for or against any city initiative or referendum.
- D. Contributions made or solicited prior to the effective date of this ordinance is not a violation of this ordinance.
- E. The receipt of legal campaign contributions by the Mayor, member of the Spokane City Council, a Municipal Court Judge, or a candidate for city office shall not be considered a conflict of interest as defined by Spokane Municipal Code 01.4A.030 when approving and executing contracts on behalf of the City of Spokane.

#### **Section 01.07.050 Disclosure of Campaign Contributions by City Bargaining Units**

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

#### **Section 01.07.060 Identification of Contributors Required**

Any entity that makes campaign contributions to a candidate for city office, independent expenditures for or against a candidate for city office, or for or against a City ballot measure shall have an active registration with the Washington Secretary of State or equivalent state agency of the donors' headquarters or primary location.

#### **Section 01.07.070 Disclosure by Political Committees**

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

#### **Section 01.07.080 Contributions by Incidental Committees**

- A. An incidental committee must file a statement of organization with the City of Spokane's City Clerk's Office within two weeks after the date the committee has the expectation of making payments, contributions, including in-kind contributions of staff time and office-related equipment, resources, and rent to an affiliated committee, or expenditures of at least five thousand dollars (\$5,000) in any election cycle, or to a political committee or an incidental committee.
- B. An incidental committee's statement of organization shall include the following:
1. The name and address of the committee, its officers, its designated treasurer, and any affiliated persons or committees;
  2. The names of any candidates supported or opposed by the committee and the office the candidate is seeking;
  3. Any City of Spokane initiative or referendum supported or opposed by the committee;
  4. Names of the ten largest aggregate contributions received in the current calendar year from a single person of five hundred dollars (\$500) or greater, including any persons tied as the tenth largest source of contributions received.
- C. If an incidental committee first meets the criteria of SMC 1.07.090(A) in the last three weeks before an election, then it must file the statement of organization with the City of Spokane's City Clerk Office within three business days.

- D. An incidental committee shall update their statement of organization when the committee has received a contribution that would change the information required under SMC 1.07.080(B)(4) or made any expenditures or commitment of expenditures directly or indirectly in support of or in opposition to any election campaign or to a political or incidental committee in which the total exceeds two hundred dollars (\$200) since the last report.
- E. The City of Spokane shall publish the incidental committee's statement of organization on the City's election resources website within five business days of receipt and shall be made publicly available for viewing in-person within two business days of receipt.

#### **Section 01.07.090 Contributions by Foreign-Owned Corporations**

All entities making contributions to candidates and political committees participating in elections for city office, or in support of or in opposition to a City of Spokane initiative or referendum shall provide certification to the receipt of the donation at the time of the donation that the entity is not a foreign-owned entity as defined by SMC 01.07.005(R)

#### **Section 01.07.100 Complaints and Investigations – Curing of Violations; Process**

- A. Any person who has reason to believe that another person is in violation of the requirements of this chapter may file a complaint with the Agency. The Agency may also, on its own initiative, investigate or audit the records or documents of any person the Agency believes may be in violation of this chapter.
- B. Upon receiving a complaint under SMC 01.07.100(A), the Agency shall, within five (5) days, send a written Notice of Violation ("NOV") to the person accused of the violation, stating the asserted factual basis for the allegation. The person receiving a NOV shall respond within five (5) days, with either documentation that there was no violation or that the violation has been cured.
- C. A violation of SMC 01.07.070 may be cured by publishing on the city's website and in newspaper of general circulation in the Spokane area the names of the top three persons or entities making the largest contributions in excess of seven hundred dollars (\$700) during the twelve-month period preceding the date on which the advertisement is initially published or otherwise presented to the public.
- D. Upon reviewing the complaint and the response, if any, the Agency shall determine whether (i) there is reasonable cause to believe that a violation of this chapter has occurred or is occurring, or (ii) that the violation has been cured, and shall notify the complaining person and the accused person in writing of that determination. The Agency shall strive to reach a determination as to whether a violation has occurred within 30 days of its receipt of a complaint.
- E. It is a violation of this chapter to fail or refuse to provide documents or access to documents requested by the Agency in the process of investigating a possible violation of this chapter.

#### **Section 01.07.110 Enforcement**

- A. Unless otherwise specified herein, violation of the requirements of this chapter is a class 1 civil infraction.
1. Each day in which a person remains in violation of SMC 01.07.030, 01.07.040, 01.07.060, or 01.07.080, constitutes a separate class 1 civil infraction.
  2. Each communication made in violation of SMC 01.07.070 constitutes a separate class 1 civil infraction. For purposes of this section, "communication" means the sending of a single piece of direct mail or the actual airing of a single radio or television advertisement.
- B. If the Agency determines, pursuant to SMC 01.07.100(C), that a violation of this chapter has occurred or is occurring, the Agency shall refer the matter to the City Attorney's or City Prosecutor's office for the filing of a civil infraction(s) pursuant to chapter 01.05, SMC. In any action brought to enforce this chapter, the court may order the return of any contributions received in violation of this chapter and the city may recover all costs of investigation, in addition to any other remedies allowed by law.
- C. A candidate, political committee, or incidental committee may not use contributions to pay any fine imposed by the Agency under this chapter.
- D. When referring an enforcement action to the City Attorneys' office or City Prosecutor's office, the Agency shall also notify the person subject to the NOV that they are ineligible to receive contributions until such person comes into compliance with this chapter or until the matter is determined by the Municipal Court, whichever occurs first.

**Section 01.07.120 Limitations Period**

A person filing a complaint under SMC 01.07.100 may do so only until May 31 of the year following the election cycle to which the complaint pertains. It is an affirmative defense to any enforcement action taken under this chapter that the complaint was filed beyond the limitation period stated in this section. By way of illustration only, a complaint alleging a violation of this chapter which occurred in 2019 must, in order to be timely, be filed on or before May 31, 2020.

**Section 01.07.130 Publicity**

The Agency shall, in conjunction with the City Clerk's office, publish on the City's website in a location in common with all other election resources:

1. Each NOV issued by the Agency, including the date of issuance, identity of both the complaining person and the person alleged to have violated this chapter, and the final disposition of the NOV;
2. Notices of ineligibility for contributions required under SMC 01.07.110(B)(4), including the beginning and end dates of the ineligibility; and
3. The additional disclosures permitted under SMC 01.07.100(C) to cure a violation of this chapter.

**Section 01.07.140 Severability**

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

**Section 01.07.150 Annual Reporting**

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

**Section 2.** That section 07.06.500 of the Spokane Municipal Code is amended to read as follows:

**Section 07.06.500 Bidder/Contractor Responsibility Criteria (Mandatory)**

Before contract award, the bidder shall meet the following bidder responsibility criteria to be considered a responsible bidder. The bidder may be required by the City of Spokane to submit documentation demonstrating compliance with the criteria. The bidder and all subcontractors included in the bid must:

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

**Section 3.** That there is enacted a new section 07.08.149 of the Spokane Municipal Code to read as follows:

**Section 07.08.149 Transparent Democracy Fund**

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

**Passed by City Council December 18, 2017**

**Delivered to Mayor December 21, 2018.**

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**ORDINANCE NO C35575**

An ordinance amending Ordinance No. C-35457, passed the City Council November 28, 2016, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2017, making appropriations to the various funds, departments, and programs of the City of Spokane government for the fiscal year ending December 31, 2017, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2017 budget Ordinance No. C-35457, as above entitled, and which passed the City Council November 28, 2016, it is necessary to make changes in the appropriations of the Street Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM:	1100-99999	Street Fund	
	99999-	Streets Unappropriated Reserves	<u>\$ 600,000</u>
TO:	1100-21800	Street Fund	
	42660-59951	Reserve for Budget Adjustment	<u>\$ 600,000</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to establish a contingency budget appropriation for ice and snow control, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage..

**Passed by City Council December 18, 2017**

**Delivered to Mayor December 21, 2018.**

# Policies and Procedures

## CITY OF SPOKANE ADMINISTRATIVE POLICY AND PROCEDURE

**ADMIN 5300-17-06 / LGL 2017-0030**

**EFFECTIVE DATE: July 11, 2017**

**REVISION EFFECTIVE DATE: December 15, 2017**

**TITLE: Information Security**

### 1.0 GENERAL

- 1.1 This policy is based upon ISO/IEC 27002:2013(E) and is structured to include the 19 main security category areas within the standard.

This policy is a high level policy which is supplemented by additional security policy documents which

provide detailed policies and guidelines relating to specific security controls.

- 1.2 Information is an asset that the organization has a duty and responsibility to protect. The availability of complete and accurate information is essential to the organization functioning in an efficient manner, and to providing products and services to our community.

The purpose and objective of this Information Security Policy is to set out a framework for the protection of the City of Spokane's information assets:

- 1.2.1 To protect the city's information from all threats, whether internal or external, deliberate or accidental
- 1.2.2 To enable secure information sharing
- 1.2.3 To encourage consistent and professional use of information
- 1.2.4 To ensure that users are clear about their roles in using and protecting information
- 1.2.5 To ensure business continuity and minimize business damage
- 1.2.6 To protect the City of Spokane from legal liability and the inappropriate use of information.

- 1.3 This document and the information security policies adopted by the City of Spokane hereunder (collectively, the "Information Security Management System") define the principles and terms of City of Spokane's Information Security Management Program (the "Information Security Program") and the responsibilities of the members of the City of Spokane community in carrying out the Information Security Program.

The information resources included in the scope of the Information Security Policies are:

- 1.3.1 All data, regardless of the storage medium (e.g., paper, cloud based, electronic tape, cartridge, disk, CD, DVD, external drive, copier hard drive, etc.) and regardless of form (e.g., text, graphic, video, audio, etc.).
- 1.3.2 The computing hardware and software Systems that process, transmit and store data; and
- 1.3.3 The Networks (as defined in Section IV below) that transport data.

The Information Security Management System are City of Spokane-wide policies that apply to all individuals who access, use or control Information Resources at the City of Spokane, including staff, temporary staff, seasonal staff, as well as contractors, consultants and other agents of the City of Spokane and/or individuals authorized to access Information Resources by affiliated company or organization.

#### 1.4 TABLE OF CONTENTS

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

#### 2.0 DEPARTMENTS/DIVISIONS AFFECTED

Applicable to all departments and divisions.

### 3.0 REFERENCES

City of Spokane Policies and Procedures (See Appendices)

ISO27001 Sections: 5.1.a and A.4.2

ISO/IEC 27002:2013(E)

PCI-DSS Section: 12.1

RCW 42.56.420c

Spokane Municipal Code (See Appendices)

### 4.0 DEFINITIONS

4.1 “Asset” means anything that has value to the organization.

4.2 “Control” is defined as managing risk, including policies, procedures, guidelines, practices.

4.3 “Guideline” is a description that clarifies what should be done and how.

4.4 “Information Security” means Information Security Preservation of confidentiality, integrity and availability of information.

4.5 “Policy” is the overall intention and direction as formally expressed by management.

4.6 “Risk” is the combination of the probability of an event and its consequences.

4.7 “Third Party” is when a person or body that is recognized as being independent.

4.8 “Threat Potential” is the cause of an unwanted incident, which may result in harm to a system.

4.9 “Vulnerability” is the weakness of an asset that can be exploited by one or more threats.

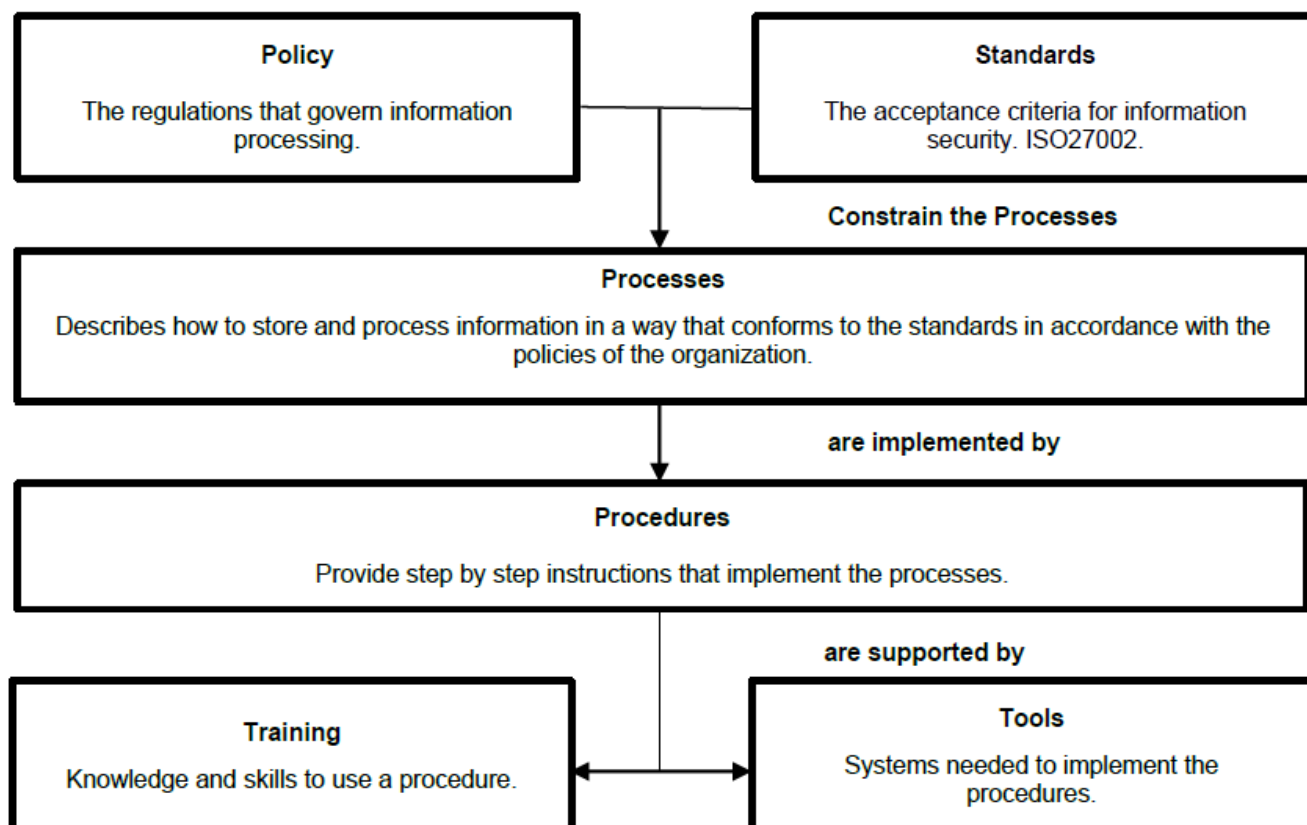
4.10 “Network” means the electronic information resources that are implemented to permit the transport of data between interconnected endpoints. Network components may include routers, switches, hubs, cabling, telecommunications, VPNs and wireless access points.

4.11 “ISO” is defined as Information Security Officer.

4.12 “CITO” is defined as Chief Innovation Technology Officer.

### 5.0 POLICY

5.1 The Information Security Policy is a high level document, and adopts a number of controls to protect information. The controls are delivered by policies, standards, processes, procedures, supported by training and tools.



1: Information Security Policy Overview Chart

- 5.2 This policy outlines the framework for management of Information Security within the organization.

The Information Security Policy, standards, processes and procedures apply to all staff and employees of the organization, contractual third parties and agents of the organization who have access to the organization's information systems or information.

The Information Security Policy applies to all forms of information including:

- 5.2.1 Hard copy data printed or written on paper
- 5.2.2 Information stored in manual filing systems
- 5.2.3 Communications sent by post / courier, fax, electronic mail
- 5.2.4 Stored and processed via servers, PC's, laptops, mobile devices
- 5.2.5 Stored on any type of removable media, CD's, DVD's, tape, USB memory sticks and digital cameras.

- 5.3 Operations Management and Risk

- 5.3.1 IT Operating Responsibilities and Procedures

IT operating responsibilities and procedures will be documented. Changes to IT facilities and systems will be controlled. Capacity and performance managed, and development, test and operational systems will be segmented, logically or physically to ensure appropriate separation of duties. Separation of duties between Application Development, operational group such as the Help Desk, Network Engineering or Information Delivery Services duties will be clearly defined.

- 5.3.2 Risk Mitigation



Risk mitigation will be put in place to ensure data and information which is collected, analyzed, stored, communicated and reported upon will not be subject to theft, misuse, loss and corruption.

#### 5.3.3 Logging and Monitoring

Logging and monitoring of system users and administrator/operator activities, exceptions, faults and information security events will be logged and stored allowing future review. System clocks will be synchronized.

#### 5.3.4 Risk Assessment

The organization will undertake risk assessments to identify, quantify, and prioritize risks. Controls will be selected and implemented to mitigate the risks identified.

#### 5.3.5 Vulnerability Management

Vulnerability management will include a patched management program, and there will be rules in place governing software installation by users.

### 5.4 Security Policy

#### 5.4.1 Information Security Policy Document

The information security policy document sets out the organizations approach to managing information security.

The information security policy is approved by management and is communicated to all staff and employees of the organization, contractual third parties and agents of the organization.

#### 5.4.2 Review

The security requirements for the organization will be reviewed at least annually by the Information Security Officer (ISO). Formal requests for changes will be raised for incorporation into the Information Security Policy, processes, and procedures to be approved by the Chief Information Technology Officer (CITO).

### 5.5 Organization of Information Security

#### 5.5.1 Statement of Management Intent

- a. It is the policy of the City of Spokane to ensure that Information will be protected from a loss of:
  - i. Confidentiality: so that information is accessible only to authorized individuals.
  - ii. Integrity: safeguarding the accuracy and completeness of information and processing methods.
  - iii. Availability: that authorized users have access to relevant information when required.
- b. The ISO will review and make recommendations on the security policy, policy standards, directives, procedures, Incident management and security awareness education.
- c. Regulatory, legislative and contractual requirements will be incorporated into the Information Security Policy, processes and procedures.
- d. The requirements of the Information Security Policy, processes, and procedures will be incorporated into the organization's operational procedures and contractual arrangements.
- e. Guidance will be provided on what constitutes an Information Security Incident.

- f. All breaches of information security, actual or suspected, must be reported and will be investigated.
- g. Business continuity plans will be produced, maintained and tested.
- h. Information security education and training will be made available to all staff and employees.
- i. Information stored by the organization will be appropriate to the business requirements.
- j. ISMS program review functions done by the CITO and Director of IT and the ISO. An annual review of program objectives requires annual signoff.

#### 5.6 Information Security Coordination

- 5.6.1 The security of information will be managed within an approved framework through assigning roles and coordinating implementation of this security policy across the organization and in its dealings with third parties.

#### 5.7 Asset Management

- 5.7.1 The organization's assets will be appropriately protected.
- 5.7.2 All assets (data, information, software, computer and communications equipment, and service utilities) will be accounted for by the appropriate city department.

#### 5.8 Human Resources Security

- 5.8.1 The organizations security policies will be communicated to all employees, contractors and third parties to ensure that they understand their responsibilities.
- 5.8.2 Security responsibilities will be detailed in job descriptions and in terms and conditions of employment.

#### 5.9 Physical and Environmental Security

- 5.9.1 Critical or sensitive information processing facilities will be housed in secure areas.
- 5.9.2 The secure areas will be protected by defined security perimeters with appropriate security barriers and entry controls.
- 5.9.3 Critical and sensitive information will be physically protected from unauthorized access, damage and interference.

#### 5.10 Communications and Operations Management

- 5.10.1 The organization will operate its information processing facilities securely.
- 5.10.2 Responsibilities and procedures for the management, operation and ongoing security and availability of all data and information processing facilities will be established.
- 5.10.3 Appropriate operating procedures will be put in place.
- 5.10.4 Segregation of duties will be implemented, where appropriate, to reduce the risk of negligent or deliberate system misuse.

#### 5.11 Access Control

- 5.11.1 Access to all information will be controlled.
- 5.11.2 Access to information and information systems will be driven by business requirements. Access will be granted or arrangements made for employees, partners, suppliers according to their role, only to a level that will allow them to carry out their duties.

- 5.11.3 A formal user registration and de-registration procedure will be implemented for access to all information systems and services.

## 5.12 Cryptography

- 5.12.1 Where cryptography requirements exist in order to protect sensitive information for customers, or federal or state requirements require, the organization will use encryption, plus cryptographic authentication and integrity controls such as digital signatures and message authentication codes, and cryptographic key management.

## 5.13 Information Systems Acquisition, Development and Maintenance

- 5.13.1 The information security requirements will be defined during the development of business requirements for new information systems or changes to existing information systems.
- 5.13.2 Controls to mitigate any risks identified will be implemented where appropriate.

## 5.14 Information Security Incident Management

- 5.14.1 Information security incidents and vulnerabilities associated with information systems will be communicated in a timely manner.
- 5.14.2 Formal incident reporting and escalation will be implemented.
- 5.14.3 All employees, contractors and third party users will be made aware of the procedures for reporting the different types of security incident, or vulnerability that might have an impact on the security of the organization's assets.
- 5.14.4 Information security incidents and vulnerabilities will be reported as quickly as possible to the ISO and Director of IT.

## 5.15 Business Continuity Management

- 5.15.1 The organization will put in place arrangements to protect critical business processes from the effects of major failures of information systems or disasters and to ensure their timely resumption.
- 5.15.2 A business continuity management process will be implemented to minimize the impact on the organization and recover from loss of information assets. Critical business processes will be identified.
- 5.15.3 Business impact analysis: After action review will be conducted following disasters, security failures, loss of service, and lack of service availability.

## 5.16 Supplier Relations

- 5.16.1 The organization will implement policies, procedures, awareness guideline to protect the organization's information that is accessible to IT outsourcers and other external suppliers throughout the supply chain, agreed within the contracts or agreements.
- 5.16.2 Service delivery by external suppliers should be monitored, and reviewed/audited against the contracts/agreements. Service changes should be controlled.

## 5.17 Compliance

- 5.17.1 The organization will abide by any law, statutory, regulatory or contractual obligations affecting its information systems.
- 5.17.2 The design, operation, use and management of information systems will comply with all statutory, regulatory and contractual security requirements.

# 6.0 RESPONSIBILITIES

- 6.1 The ISO is responsible for the maintenance and review of the Information Security Policy, processes and procedures.

- 6.2 Heads of Department are responsible for ensuring that all staff and employees, contractual third parties and agents of the organization are made aware of and comply with the Information Security Policy, processes and procedures.
- 6.3 The organization's auditors will review the adequacy of the controls that are implemented to protect the organization's information and recommend improvements where deficiencies are found.
- 6.4 All staff and employees of the organization, contractual third parties and agents of the organization accessing the organization's information are required to adhere to the Information Security Policy, processes and procedures.
- 6.5 Failure to comply with the Information Security Policy, processes and procedures will lead to disciplinary or remedial action, up to and including termination.

## 7.0 APPENDICES

7.1 <https://my.spokanecity.org/opendata/documents/policies/>

7.2 <https://my.spokanecity.org/smc/>

# Job Opportunities

**We are an equal opportunity employer and value diversity within our organization. We do not discriminate on the basis of race, religion, color, national origin, gender identity, sexual orientation, age, marital status, familial status, genetic information, veteran/military status, or disability status.**

## SENIOR PUBLIC SAFETY SYSTEMS ANALYST SPN 155 OPEN ENTRY

**DATE OPEN:** Monday, December 25, 2017      **DATE CLOSED:** Sunday, January 7, 2018 at 11:59 p.m.  
**SALARY:** \$74,353.68 annual salary, payable bi-weekly, to a maximum of \$90,869.76

### DESCRIPTION:

Other duties you may perform include, but are not limited to, the following examples of work:

- Coordinates and/or leads activities pertaining to the planning, design and development of new software applications by writing programs using a variety of operating systems and modern computer languages in order to improve public safety business systems; may serve as lead worker over subordinate professional, technical and other staff by assigning, directing and monitoring their work on a regular or project basis.
- Customizes and modifies existing public safety applications; analyzes and corrects complex operational problems to ensure the smooth operation of specific applications systems.
- Plans and coordinates the setup, installation, and configuration of CAD and voice recording systems to include new software releases and upgrades; implements, configures, and tests related CAD applications.
- Conducts periodic system checks to ensure CAD, phone, and mobile paging systems are accurately processing calls and that corrections are properly reflected in the information display on inbound calls to emergency dispatch/communications centers.
- Troubleshoots and resolves complex problems with servers, databases, emergency communications applications; works with vendors to resolve issues when appropriate.
- Provides advanced professional technical support for users regarding public safety applications issues; resolves difficult technical problems; communicates with department managers and staff regarding issues.
- Monitors and modifies complex database configurations; maintains database indexing; develops SQL queries and builds ad hoc reports upon request.
- Plans, coordinates, and implements security measures to protect data and applications; maintains security of user profiles for applications; adds and removes users when necessary.
- Implements and documents backup and recovery processes and leads capacity planning for CAD and voice recording systems.
- Develops, tests, and implements complex scripts to automate common functions or system operations; develops, maintains, and publishes complex custom crystal reports.
- Researches and performs complex integration of software packages into existing public safety applications using

current technology to improve the business model; builds and demonstrates application prototypes for discussion with users; solicits and documents feedback; makes design corrections; ensures a proper interface with other systems, including electronic interfaces where applicable.

- Provides applications-related training to end users, employing a variety of software and methodologies to create instructional presentations; organizes and coordinates meetings to inform and instruct groups and/or individuals regarding custom software.
- Participates on applications development, improvement and integration projects; may serve as project leader on large or complex projects; develops complex project technical criteria, software configurations and specifications; communicates with vendors and contractors to research products and services; performs cost/benefit analyses; participates in project budget development.
- Finds opportunities to develop and improve operational efficiencies and recommends new hardware, software, tools, equipment and methodologies to expedite and/or improve existing processes.

**MINIMUM QUALIFICATIONS:**

**Open Entry Requirements:** All requirements must be met at the time of application.

**Education and Experience:**

A Bachelor's degree from an accredited four-year college or university with major coursework in computer science, information systems, or a related field; AND four years of professional information technology experience that emphasized the development, enhancement and maintenance of emergency communications systems and related public safety applications, including two years at a journey level. An equivalent combination of education, training and experience may also be qualifying. NOTE: Current City employees in the Information Systems Analyst line of progression, and who meet the open-entry requirements based on IT experience in the Police and/or Fire Department, will have their names certified in accordance with Civil Service Rule VI, Section 5(b).

**EXAMINATION DETAILS:**

Applicants must meet the minimum qualifications and pass the examination for this position to be eligible for hire. The examination will consist of a Training & Experience (T&E) Evaluation, weighted at 100%. Subject matter experts will evaluate and rate candidates' T&E responses using predetermined scoring criteria and benchmarks.

Upon request, at time of application, the City will provide alternative accessible tests to individuals with disabilities that impair manual, sensory or speaking skills needed to take the test, unless the test is intended to measure those skills.

**\*\*\* ATTENTION: Please read the following examination information carefully and completely. \*\*\***

T&E Evaluation Details (weighted 100%)

The T&E Evaluation is the Civil Service test for this position and will be administered in the following manner: Civil Service will review the details of your online application to determine whether minimum qualifications have been met – verification of education via college transcripts is required.

- Qualified candidates will be issued the T&E Evaluation form by email and will have one week to return the completed form in accordance with the following schedule:

Date Application Received	Date T&E Form Issued	Deadline to Submit T&E Form
December 25 – December 31	Monday, January 1	5:00 p.m. (PST) on Monday, January 8
January 1 – January 7	Monday, January 8	5:00 p.m. (PST) on Monday, January 15

**TO APPLY:**

Applications must be completed online at: <http://my.spokanecity.org/jobs> by 11:59 p.m. on the filing cut-off date. Qualified applicants are encouraged to apply immediately. Copies of required additional documents may be attached to your application or submitted via any of the following:

- Email: [civilservice@spokanecity.org](mailto:civilservice@spokanecity.org) with Job Title – Applicant Name in the subject line of the email
- In person or mail to: Civil Service Commission, 4<sup>th</sup> Floor-City Hall, 808 W. Spokane Falls Blvd., Spokane, WA 99201
- Fax: (509) 625-6077

By order of the SPOKANE CIVIL SERVICE COMMISSION, dated at Spokane, Washington, this 22nd day of December 2017.

CRAIG HULT  
Chair

GITA GEORGE-HATCHER  
Chief Examiner

# Notice for Bids

## Supplies, Equipment, Maintenance, etc.

### **ANNUAL HVAC SERVICES - WTEF** **City of Spokane Solid Waste Disposal Department – Waste to Energy Facility**

**BID #4427-17**

Sealed bids will be opened at 1:15 p.m., **MONDAY, JANUARY 8, 2018** in the Council Chambers, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **Annual HVAC Services – WTEF** Scheduled and Unscheduled for the City of Spokane Solid Waste Disposal Department – Waste to Energy Facility.

Detailed specifications and proposal forms are available from City Purchasing, by contacting Thea Prince at [purchasinghelp@spokanecity.org](mailto: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**. Bids 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 one (1) paper original of the bid response to:**

**Division of Purchasing  
City of Spokane  
4<sup>th</sup> 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 bids are to be marked:

**“ANNUAL HVAC SERVICES – WTEF SCHEDULED AND UNSCHEDULED, BID #4427-17, DUE 01/08/18”.**

Thea Prince  
Purchasing Department

Publish: December 20 & 27, 2017

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### **REQUEST FOR QUALIFICATIONS**

#### **FINAL SCOPING FOR SIX (6) LIBRARY LOCATIONS** **City of Spokane Library**

**RFQ #4432-18**

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening on **MONDAY, JANUARY 29, 2018** at the Spokane Public Library—Downtown Library, 906 West Main Avenue, Spokane, Washington 99201, for **FINAL SCOPING FOR SIX (6) LIBRARY LOCATIONS** for the City of Spokane Library.

The Request for Qualifications document is available by contacting Andrew Chanse (Executive Director, Spokane Public Library at [achanse@spokanepubliclibrary.org](mailto:achanse@spokanepubliclibrary.org)).

Proposal documents should be submitted to Spokane Public Library **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 Spokane Public

Library is not responsible for Proposals delivered late. **Only firm Proposals with signatures will be evaluated.**

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

**Spokane Public Library  
Attention: Andrew Chanse  
906 West Main Avenue  
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:

**“RFQ #4432-18, FINAL SCOPING FOR SIX (6) LIBRARY LOCATIONS, DUE 01/29/19”.**

Thea Prince  
City of Spokane Purchasing

Publish: December 27, 2017 & January 3, 2018

# Minutes

## NOTICE

**Monday December 18, 2017**

The minutes for the Monday, December 18, 2017, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published in the Wednesday, January 3, 2018, issue of the *Official Gazette*.

## **CIVIL SERVICE COMMISSION MEETING MINUTES November 21, 2017**

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

### **Amend Agenda:**

A motion to amend the agenda to remove the classification of SPN 563 - Street Maintenance Operator was put forth by Ms. Pam DeCounter and seconded by Mr. Scott Stephens.

The amended agenda passed unanimously.

### **Agenda Item I.**

#### **Approval of Minutes:**

Mr. Craig Hult asked for a motion to adopt the minutes. Ms. Judith Gilmore made the motion and it was seconded by Ms. DeCounter. The motion passed unanimously.

### **Agenda Item II.**

#### **Staff Activities:**

#### **October:**

Announcements issued:	9	Classifications revised:	4
Examinations:	15	Classifications new/deleted:	4/0
Requisitions received:	19	Requisitions certified:	20
Class Surveys completed:	0	Class Surveys in progress:	6
Requisitions pending:	14	Requisitions canceled:	2
Title Change	3		

Average days from department initiation of request to receipt in Civil Service:	4.8
Average days from requisition receipt to certification:	10.2

Percentage certified within 24 hours:	100%
Average days from department initiation to completion of hire	2.5

Ms. George-Hatcher provided statistics on number of applicants over time. In October there were a total of 440 applicants for all positions. Staff participated in two Police recruiting meetings in October, the STEM job fair at EWU as well as the ACCESS job fair at the Red Lion hotel.

Ms. George-Hatcher also provided an update regarding the 2018 budget that the additional increases in the Civil Service budget for an additional staff member were not approved although the numbers were well within the 1% that the Charter states Civil Service may use. The rationale provided by Mr. Tim Dunivant for the increases were that Civil Service's budget had increased considerably between 2013 and 2017. The 2013, 2014, and 2015 budgets were created and submitted by the previous Chief Examiner. Ms. George-Hatcher provided information on the accomplishments over the past 4 years and that there was an increase in the 2016 budget, still within the mandated 1% of the classified personnel budget per the City Charter due to one additional hire, staff promotions, implementation of new technology, continuous testing for Police and Fire entry level uniformed positions, contracts to conduct adverse impact analysis, analyze the language of recruitments to ensure inclusivity and non-discrimination, conduct job analyses, item banking and other essential enhancements. She stated that the increase between 2016 and 2017 was only 2.06% and was within the mandated 1% of the classified personnel budget as mandated by the City Charter.

Ms. Crystal Rodgers, Civil Service Office Coordinator was invited to the podium by the Chief Examiner. Ms. Rodgers spoke about the increases in workload and presented a few graphs showing that requisitions were up by 37% since 2013. Ideally, she said, Analysts should have about six tests to work on at a time. At this point, the Analysts' work is double what they should normally have.

Ms. George-Hatcher requested any Analysts who may wish to speak on the matter to comment. Mr. Hult said he understands the budget constraints placed on the department and also understands the work load issues and that the Commission would be discussing the budget issues shortly. Ms. Gilmore reminded the Commission that they had just passed a resolution for the supported employment program that will add additional work to staff (Agenda Item III – Supported Employment Program - was placed ahead of the Staff Report due to the Mayor's schedule).

Ms. George-Hatcher announced to the Commission that she will be retiring in April of 2018.

### **Agenda Item III. Supported Employment**

Ms. George-Hatcher introduced the concept of implementing a Supported Employment Program for hiring individuals with significant disabilities. Pursuant to a request from Mayor Condon and the City Administration, Ms. George-Hatcher conducted research into other jurisdictions with supported employment programs and developed a paper with various options for implementation. The Chief Examiner described the options she provided in the paper, that it had been sent out to management and all the bargaining units as well as the Civil Service Diversity Recruitment Committee, and explained how the program could either be adopted within the Civil System under Rule IV- Examinations and Eligible Lists, Section 15 – Trainee and Apprentice Positions or outside the system with a Charter change.

Ms. George-Hatcher introduced Mayor David Condon to address the Commission about his thoughts on the implementation of a Supported Employment Program. Mayor Condon described his administration's vision for a 21<sup>st</sup> century workforce which includes a diverse labor force with a push to include veterans, women, minorities and those with disabilities. The Supported Employment Program for persons with significant disabilities would identify positions within the City that could be classified under Civil Service and would create jobs for those with intellectual disabilities. Mayor Condon introduced a representative from Skils'kin, Mr. Mark London. Mr. London explained what Skils'kin does to assist those with significant disabilities including helping them with job skills, resume writing and job training. He also described how job coaches can assist when an individual achieves employment with communications between employer and employee and address other work related issues. Mr. Hult asked about the longevity of the job coaches. Mr. London explained that coaches eventually fade out but can stay on with the employee for as long as needed. The cost for the job coach is paid for by the agency working with the individual and not the employer. Ms. Gilmore stated that job coaches seem like a key and asked how the Civil Service process and coaching would work together. Mayor Condon said that he envisioned these positions as City employees with all the benefits and rights of any City employee.

Ms. George-Hatcher clarified to the Commission that they will be voting on either: (1) the Supported Employment Program within the confines of the Civil Service rules, specifically under Rule IV, Section 15 – Trainee/Apprentice program or (2) to have the Supported Employment Program outside of Civil Service which would necessitate changes to the City Charter. This program if adopted under Civil Service would have separate classifications. The Chief Examiner reported that Human Resources is currently in the process of identifying tasks that are not currently being done by already established classifications.



Ms. George-Hatcher commented that there are still many questions that will need to be worked on such as issues pertaining to layoffs, promotions, transferability between the Supported Employment Program and other Civil Service classifications among others. Mayor Condon's desire is that this would not be just a training program but a full employment program. Ms. George-Hatcher explained how the trainee program would enable persons with significant disabilities to enter the Supported Employment Program and after a short period of time, the individuals in the trainee program would be appointed as classified employees subject to all the Civil Service rules. She was of the opinion individuals would be provided with the appropriate type of test designed to determine qualifications which may not necessarily be a written exam and may involve other types of selection measures.

Mr. Scott Stephens asked about support from bargaining units and if the supported employment program hires would be represented. Ms. Christine Cavanaugh, HR Director, stated that most likely they would be Local 270 members and that the union was supportive.

Mayor Condon thanked the Commission for their time and said he hoped that his vision for a 21<sup>st</sup> century workforce would be realized. Mr. Hult asked Mr. Piccolo if there would be any Charter violations if the program was adopted under Civil Service Rules as proposed. Mr. Piccolo responded that there were no legal concerns and that the program adopted within Civil Service Rules would not violate the Charter. He said the rules provide a way for the Supported Employment Program to exist within the confines of Civil Service.

Mr. Hult asked for comments from staff and the audience. Ms. DeCounter asked about other outside organizations besides Skills'kin that the City would be working with and also asked about how this will be paid for. Ms. Cavanaugh stated that for the success of the program, they are working with only Skills'kin for ease and streamlining. Also, there is no funding source for this program but that the experience, integration and things that we can all learn makes this a worthwhile program regardless of the cost. Ms. George-Hatcher said she had also been in touch with Sima Thorpe of ARC and that information on this was also provided to the Civil Service Diversity Recruitment Committee. She also expressed that the program will add to the workload of Civil Service Analysts and another benefit of the request for an additional Analyst for 2018.

Mr. Hult read both resolution options to the Commission.

A motion to adopt the Supported Employment Program through the Civil Service rules was put forth by Ms. Gilmore and was seconded by Mr. Lindsey. The resolution passed unanimously.

#### **Agenda Item IV. Class Resolution**

##### **Adopt:**

SPN 154    Public Safety Systems Analyst  
SPN 155    Senior Public Safety Systems Analyst  
SPN 156    Supervisory Public Safety Systems Analyst  
SPN 577    WTE Maintenance Planner

##### **Title Change:**

SPN 174 Buyer I            to    SPN 174 Assistant Procurement Specialist  
SPN 176 Buyer II        to    SPN 176 Procurement Specialist  
SPN 177 Senior Buyer    to    SPN 177 Senior Procurement Specialist

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

#### **Agenda Item V. Voiding of Lists**

A request for the current Permit Technician I and the Senior Project Manager lists to be voided has been brought forth with the concurrence of both labor and management.

There was discussion and clarification provided by the Chief Examiner regarding the situation.

Ms. Kris Becker Development Service Manager addressed the Commission, provided input and responded to questions.

A motion to void the current Permit Technician I and Senior Project Manager List was put forth by Ms. Gilmore and seconded by Mr. Lindsey. The motion carried unanimously.

**Agenda Item VI.****Administrative Complaint**

An administrative complaint has been brought forth by Mr. Tim Dunivant in response to the decision made by the Chief Examiner. Ms. Gita George-Hatcher, the Chief Examiner determined that Ms. Kimberly Bustos who was terminated from her non-classified position as Director of Accounting had reinstatement rights to her classified position of Division Accountant from which she was granted an indefinite leave of absence by the Civil Service Commission. Additionally, the Chief Examiner determined that Ms. Bustos also had bumping rights for the Division Accountant position, over someone with less seniority than her.

The summary of Mr. Dunivant's complaint is that civil Service Rules do not distinguish between voluntary and involuntary separations and therefore there should be no difference as to bumping rights; that Ms. Bustos should not be provided reinstatement rights after five years of having left the classified service; and that the rights provided to exempt employees returning to the classified service are greater than those provided to classified employees who move from one classified position to another.

Ms. George-Hatcher provided a background of the complaint and that the decision before the Commission was to determine whether the Chief Examiner's interpretation and application of Article IV, Section 24 of the Spokane City Charter and Rule X Section 4 (f) of the Civil Service Rules in the case of the reinstatement rights of Ms. Kimberly Bustos who was on an approved indefinite level of absence were interpreted and applied correctly, consistent with past practice as well as with guidance and interpretation by past Chief Examiners.

Mr. Michael Piccolo responded with respect to process, that the Chief Examiner would proceed first and then the City would present its case with witnesses being sworn in.

The Chief Examiner, Ms. George-Hatcher provided a historical account of Ms. Bustos' initial hire as Division Accountant on 9/2/2008, her subsequent request for an indefinite leave of absence effective 7/9/2012 to accept the non-classified/exempt position of Chief Accountant and then later, another exempt position of Director of Accounting. The Chief Examiner provided information and documentation pertaining to notification received regarding the separation of Ms. Bustos from her non-classified/exempt position and her response to Mr. Dunivant. The Chief Examiner also provided recent and detailed examples of others who had been on approved leaves of absences and returned to their positions. She provided the example of Ms. Karen Stratton who returned to her classified position, bumping a less senior employee in the classification from which she received approval for an indefinite leave of absence. The Chief Examiner also provided the example of Mr. Mark Serbousek who was on an approved indefinite leave of absence and returned after 24 years. Mr. Serbousek was placed on layoff from the classified position he had occupied at the time of approval for an indefinite leave of absence as that position no longer existed in the department. Mr. Serbousek demoted in lieu of layoff and remains on the layoff register for his previous classification of Principal Engineer despite having accepted another position since then.

The Chief Examiner provided information on her decision making in this case and that she reviewed the language of the Charter, the Civil Service Rule, and documentation of the guidance provided by the previous two Chief Examiners, Mr. Glenn Kibbey and Mr. Denny Desmarais with Mr. Desmarais' guidance occurring even before the language of the Charter was included in the Rule Book in 2008 and which remains consistent with the historic application of the Charter language and Rule X, Section 4(f).

Further, the Chief Examiner pointed out that the termination letter provided to Ms. Bustos on September 29, 2017 signed by City Administrator Theresa Sanders contained language informing Ms. Bustos that she may have bumping rights and to contact Civil Service concerning the same. The letter also stated that if Ms. Bustos did not have bumping rights, that her employment would end on October 13, 2017.

The Chief Examiner also responded to other concerns in Mr. Dunivant's complaint including Mr. Dunivant's opinion that the bumping rights should be the same whether the separation was voluntary or involuntary, that exempt employees should not have greater rights than classified employees with respect to returning to the classified service and that classified promotional rules be applied to exempt employees.

Mr. Nathaniel Odle from the City Attorney's Office addressed the Commission and stated that he was representing the City and Mr. Dunivant. Mr. Odle provided a summary of the complaint and also gave a history of Ms. Bustos' employment and termination. He stated that Ms. Bustos was terminated "for cause." Mr. Odle stated that Mr. Serbousek voluntarily demoted and that Ms. Stratton was terminated because Mayor Verner was leaving office and the new Mayor replaced her with his staff. Mr. Odle stated that because classified employees terminated for cause are not allowed to return to their classified positions that exempt employees terminated for cause should also not be allowed to return to their classified positions.

Mr. Odle summarized the document explaining reinstatement from indefinite leaves of absence and opined that exempt employees who are separated wither due to "removal" by the Mayor or due to deletion of the positon due to reorganization either should be treated as though they were being laid off because of the explanation provided in scenarios 1 and 2.

Mr. Tim Dunivant was sworn in and he addressed the Commission. He said he doesn't have anything to add to Mr. Odle's presentation. He stated he agrees with Mr. Desmarais' language that the rules do not provide any greater or lesser rights; that the indefinite leave of absence is for the purpose of ensuring that there is no break in service and neither adds nor subtracts rights. He stated that he has struggled to understand why an employee who voluntarily demotes for personal reasons has less rights than someone who is terminated for cause.

Ms. Bustos was sworn in and addressed the Commission. Ms. Bustos stated that at a meeting she had with Mr. Tim Dunivant, on 9/29/2017. Mr. Dunivant suggested that she contact Civil Service as well, consistent with bumping rights language in the termination letter. Additionally, Ms. Bustos read from an email she had sent Mr. Dunivant after the termination regarding some staffing ideas. She read the email response from Mr. Dunivant thanking her and letting her know that he thought she could be an asset to the City, that here were pressing needs in some departments where she could add significant value. She said this was contrary to the statement that she was terminated for cause. Ms. Bustos also stated that she is a CPA in good standing that her entire career has been in the public service and that in the nine years she has been at the City she received one evaluation, she has never been under any Work Improvement Plan, has never been reprimanded for anything or other discipline in her file.

Ms. George- Hatcher provided clarification that the reinstatement rights provided to Mr. Serbousek on his termination were consistent with that provided to Ms. Bustos and past practice.

The Chief Examiner also clarified how the rules address voluntary demotions. There is no requirement for any hiring official to hire someone from a voluntary demotion list and no bumping rights are provided whether voluntarily demoting from a classified position or from an exempt position.

Mr. Lindsey requested that that the Human Resources Director address that Commission as Rule X requires the Human Resources Director Ms. Christine Cavanaugh to advise the Commission on all leaves of absence. Ms. Cavanaugh addressed the Commission. She said she drafted the letter for the Mayor's signature and in this case the City Administrator as the designee of the Mayor and said that as she crafted that letter she did not anticipate that it would be interpreted in the manner than it was with respect to bump back rights as the termination was for cause. Ms. Cavanaugh stated that she did not state that the letter was for cause as this is not required in an exempt position and that she did not want to harm Ms. Bustos' chance for other employment.

Additional clarification was provided by both Ms. Cavanaugh and Ms. George-Hatcher as well as additional comments and questions by members of the Commission.

Mr. Dunivant again addressed the Commission at the request of Mr. Craig Hult. Mr. Hult asked why there was not more than one performance review in nine years. Mr. Dunivant stated that frequent feedback is provided and that he was not the supervisor for the entire period. He said he had expressed concerns to her verbally that were not placed in her file.

Ms. Gilmore stressed that if there are problems with employees, that they should be documented always. She stated that under Rule X, Section 4 (f) an employee on an indefinite leave is able to return and that an indefinite leave is indefinite. Additionally she said during the lengthy rule review process and the study sessions with the Commission, nothing was brought up regarding Rule X, Section 4 (f).

A motion to deny the complaint from Mr. Dunivant was put forth by Mr. Lindsey and seconded by Mr. Scott Stephens. Mr. Stephens made a comment that he has had experience with indefinite leaves and that the purpose of this is to encourage current City employees to apply for and serve in appointed positions. Mr. Stephens expressed that without some sort of mechanism to return to the classified service, there would be no incentive for the employee and no opportunity to retain a good employee. The motion passed with one dissenting vote, thereby denying Mr. Dunivant's complaint and upholding the Chief Examiner's decision.

#### **Agenda Item VII.**

##### **Request for Investigation**

Local 270 had requested a review of a matter brought forth by a Local 270 member. This issue has since been resolved and per Local 270, has been removed from the agenda.

The Commission went into executive session at 11:54 a.m. and returned at 12:15 p.m.

**Agenda Item VIII.  
Other Business**

There being no additional business to come before the Commission, the meeting was adjourned at 12:16 p.m.

# Hearing Notices

## NOTICE OF PUBLIC HEARING

The Spokane City Plan Commission will hold a public hearing January 10, 2017 at 3:30 p.m., in the City Council Chambers, Lower Level of City Hall, 808 West Spokane Falls Blvd., to receive public testimony on City Council Member Lori Kinnear's proposed Historic Preservation & Demolition Ordinance update in the Spokane Municipal Code. This item has been reviewed under the threshold requirement of the State Environmental Policy Act (SEPA) and a determination of non-significance has been issued. Copies of the proposal are available from Council Member Kinnear's office, 7<sup>th</sup> Floor, City Hall, 808 W. Spokane Falls Boulevard, Spokane, Washington, weekdays from 9:00 a.m. to 5:00 p.m., or online at: <https://my.spokanecity.org/citycouncil/items-of-interest/demolition>. Please contact Jacob Fraley, Council Member Kinnear's legislative aide, at 625-6715 for further information.

**AMERICANS WITH DISABILITIES ACT (ADA) INFORMATION:** The City of Spokane is committed to providing equal access to its facilities, programs and services for persons with disabilities. The Spokane City Council Chamber in the lower level of Spokane City Hall, 808 W. Spokane Falls Blvd., is wheelchair accessible and also is equipped with an infrared assistive listening system for persons with hearing loss. Headsets may be checked out (upon presentation of picture I.D.) at the City Cable 5 Production Booth located on the First Floor of the Municipal Building, directly above the Chase Gallery or through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6363, 808 W. Spokane Falls Blvd, Spokane, WA, 99201; or [msteinolfson@spokanecity.org](mailto:msteinolfson@spokanecity.org). Persons who are deaf or hard of hearing may contact Human Resources through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

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