



# Official Gazette

## City of Spokane, Washington

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

Volume 108

**JANUARY 17, 2018**

Issue 3



### MAYOR AND CITY COUNCIL

MAYOR DAVID A. CONDON

COUNCIL PRESIDENT BEN STUCKART

COUNCIL MEMBERS:

BREEAN BEGGS (DISTRICT 2)

KATE BURKE (DISTRICT 1)

MIKE FAGAN (DISTRICT 1)

LORI KINNEAR (DISTRICT 2)

CANDACE MUMM (DISTRICT 3)

KAREN STRATTON (DISTRICT 3)

### The Official Gazette

(USPS 403-480)

Published by Authority of City Charter Section 39

The Official Gazette is published weekly by the Office of the City Clerk  
5th Floor, Municipal Building, Spokane, WA 99201-3342

Official Gazette Archive:

<http://www.spokanecity.org/services/documents>

To receive the Official Gazette by e-mail, send your request to:  
[clerks@spokanecity.org](mailto:clerks@spokanecity.org)

### INSIDE THIS ISSUE

|                   |    |
|-------------------|----|
| MINUTES           | 38 |
| HEARING NOTICES   | 49 |
| GENERAL NOTICES   | 51 |
| ORDINANCES        | 52 |
| JOB OPPORTUNITIES | 81 |
| NOTICES FOR BIDS  | 82 |

**The Official Gazette**

USPS 403-480

0% Advertising

Periodical postage paid at  
Spokane, WA**POSTMASTER:****Send address changes to:**

Official Gazette

Office of the Spokane City Clerk

808 W. Spokane Falls Blvd.

5th Floor Municipal Bldg.

Spokane, WA 99201-3342

**Subscription Rates:**

Within Spokane County:

\$4.75 per year

Outside Spokane County:

\$13.75 per year

**Subscription checks made  
payable to:**

City Treasurer

**Address Change:**

Official Gazette

Office of Spokane City Clerk

808 W. Spokane Falls Blvd.

5th Floor Municipal Bldg.

Spokane, WA 99201-3342

# Minutes

**MINUTES OF SPOKANE CITY COUNCIL****Monday, January 8, 2018****BRIEFING SESSION**

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

**Roll Call**

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

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

**Advance Agenda Review**

The regularly scheduled City Council meeting on Tuesday, January 16, 2018, is cancelled; therefore, there is no advance agenda to review.

**ADMINISTRATIVE SESSION****Appointment of Council President Pro Tem**

Council President Stuckart suggested a motion to appoint Council Member Mike Fagan as the Council President Pro Tem since he is the longest serving member, along with the Council President, on the City Council. The following action was taken:

**Motion** by Council Member Stratton, seconded by Council Member Kinnear, **to appoint** Council Member Fagan as Council President Pro Tem; carried 6-1 (**Council Member Mumm voting "no"**).

**Current Agenda Review**

The City Council received an overview from staff on the January 8, 2018, Advance Agenda items.

**Letter to Representatives to Express Strong Support for the Passage of H.B. 1535, the Responsible Representation Act (CPR 2018-0032)**

Council President Stuckart requested a motion to suspend the Council Rules in order to add for consideration a letter from City Council to Representatives Timm Ormsby, Steve Tharinger, and Marcus Riccelli expressing the City Council's strong support for the passage of H.B. 1535, the Responsible Representation Act. Council President Stuckart noted he passed out a copy of the letter to City Council and the City Clerk. The following actions were taken:

**Motion** by Council Member Fagan, seconded by Council Member Beggs, **to suspend** the Council Rules; **carried unanimously.**

**Motion** by Council Member Fagan, seconded by Council Member Mumm, **to add** the letter (to today's Consent Agenda); **carried unanimously.**

Council Member Mumm provided an overview of H.B. 1535, which she noted was set for hearing by the House of Representatives for tomorrow morning. She stated the legislation is in regard to elections by district for better representation.

**Resolution 2018-0001**

Council Member Beggs provided an overview of Resolution 2018-0001, which is Council's response to the Administration snow plan that went out to neighborhoods and for which the Council received feedback. He noted the

resolution has been tweaked a little bit. He further commented the plan is always subject to revision as Neighborhood Services and Streets continues to get good feedback. He stated his own observation has been that the Street Department has been responsive to changes. He then provided an overview of the changes to the resolution. The following action was taken:

**Motion** by Council Member Beggs, seconded by Council Member Kinnear, **to amend** Resolution 2018-0001 (supporting the City of Spokane's revamped snow response plan for the 2017-18 winter and encouraging community members to collaborate with the City to keep the community moving during winter weather events) as reflected in the material (revised Resolution 2018-0001) passed out and as provided to the City Clerk (by Council Member Beggs); **carried unanimously**.

### CONSENT AGENDA

**Upon motion by Council Member Fagan, seconded by Council Member Beggs, the City Council unanimously approved Staff Recommendations for the following:**

Intergovernmental Agreement between the County of Spokane and the City regarding Commute Trip Reduction Implementation. (OPR 2018-0003)

Low Bids of:

- a. Holt Services, Inc. (Edgewood, WA) for Havana Well Field—\$1,199,088 (plus tax). An administrative reserve of \$119,908.80 (plus tax), which is 10% of the contract price (plus tax), will be set aside. (East Central Neighborhood) (OPR 2018-0004 / ENG 2016142)
- b. T. LaRiviere Equipment & Excavation, Inc. (Athol, ID) for Central Avenue Well #2 Rehabilitation—\$995,429.30 (plus tax). An administrative reserve of \$99,542.93, which is 10% of the contract price (plus tax), will be set aside. (OPR 2018-0005 / ENG 2016133)

Amendment to Contract with Historical Research Associates, Inc. (Missoula, MT) for Cultural Resource consultant On-Call Services—increase of \$300,000. Total Contract Amount: \$600,000. (Various Neighborhoods) (OPR 2016-0848 / ENG 2016196)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through December 29, 2017, total \$28,536,984.54, with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$24,386,455.48. (CPR 2018-0002)
- b. Payroll claims of previously approved obligations through December 16, 2017, 2017: \$6,414,605.77. (CPR 2018-0003)
- c. Payroll claims of previously approved obligations through December 30, 2017, 2017: \$6,981,965.59. (CPR 2018-0003)

City Council Meeting Minutes: TBD Governing Board-November 20, 2017, December 11, 2017, December 14, 2017 and December 18, 2018. (CPR 2018-0013)

City Council Letter to Representatives Timm Ormsby, Steve Tharinger, and Marcus Riccelli to express City Council's strong support for the passage of H.B. 1535, the Responsible Representation Act. (CPR 2018-0032)

### Council Recess/Executive Session

The City Council adjourned at 3:43 p.m. The City Council immediately reconvened into an Executive Session to discuss pending litigation and real estate matters for 10 minutes. City Attorney Mike Ormsby and Assistant City Attorney Sam Faggiano were present for the Executive Session. The City Council reconvened again at 6:00 p.m. for the Regular Legislative Session.

### LEGISLATIVE SESSION

#### Pledge of Allegiance

The Pledge of Allegiance was led by Council President Stuckart.

**Welcome to Council Member Burke**

Council President Stuckart welcomed new City Council Member Burke. The audience welcomed Council Member Burke with a round of applause.

**Moment of Silence**

Council President Stuckart noted that last month there was a remembrance of all the homeless people that died on the streets of Spokane. He called for a moment of silence in remembrance of all those who have died. He noted that last year 47 people died on the streets of our City.

**Roll Call**

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

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

**PROCLAMATIONS**

Month of January *Human Trafficking Awareness Month*

Council Member Kinnear read the proclamation and presented it to Nicole Bishop of the Human Rights Commission, as well as other representatives who accompanied Ms. Bishop at the podium. The Spokane Police Department recognizes the insidious nature of human trafficking and works closely with Federal and State partners to combat this serious issue, rescue victims and stalk perpetrators of these crimes. During the month of January, the Spokane Human Rights Commission along with anti-trafficking agencies will be spreading awareness of human trafficking within the community, including events fit for all ages to attend in observance of Human Trafficking Awareness Month. Nicole Bishop provided remarks on human trafficking in the area and the importance of Human Trafficking Awareness Month.

**COUNCIL COMMITTEE REPORTS****Public Safety and Community Health Committee Meeting**

Council Member Kinnear reported on the Public Safety and Community Health Committee meeting held earlier today (January 8). Minutes of the Public Safety and Community Health Committee meeting are filed with the City Clerk's Office and are available for review following approval by the Public Safety Committee. Council Member Kinnear as part of her report welcomed new Assistant Fire Chief Trisha Wolford.

There were no **Administrative Reports**.

**Boards and Commissions Appointments - See Council Action under Resolution 2018-0002.**

**OPEN FORUM**

**Alfredo Llamedo** remarked on Uber and Lyft. He stated as an Uber and Lyft driver that he has experienced the opposite from the taxi drivers. He indicated he does not harass taxi drivers and he is out there to make a living, to pick up riders, and take them where they want to go.

**Jerry Beaver** noted he is a business representative for the Pacific Northwest Regional Council of Carpenters. He noted the Carpenters have recently gotten involved with a nonprofit in Spokane area – Sleep in Heavenly Peace – that builds bunk beds for young children that do not have beds currently. He stated the Carpenters partner with the nonprofit to get young women involved in the construction industry as well as to give back to the community of Spokane, Spokane Valley, and other surrounding areas. He asked the Council if there will be any participation possible from anyone of the members to come down to the Carpenters event and show how much the community cares about our youth. The event is scheduled for January 18 from 9 a.m. to 1 p.m. at the Carpenters Local 59 Union Hall, 127 E. Augusta.

**James Earl** remarked on HOC (House of Charity). He also spoke regarding people sleeping outside underneath the Brown Street Bridge. He suggested a solution of putting people in zombie homes. He also commented on cannabis hiring laws. He suggested passing an ordinance to make it easier for people to get jobs who do cannabis.

**Mercy Aguilar** noted the Women's March had a couple of hiccups and the funder pulled out but the rally and March are still being put on. She invited City Council to attend. It will be at the Convention Center on Spokane Falls Boulevard on January 21. She noted people will start lining up at noon at the red wagon and the March starts at 1:00 p.m. and doors open to the Convention Center from 1:00 p.m. to 5:30 p.m.

**Kristine Schuler** remarked on the new (pedestrian-bicycle) bridge and the naming of it. She indicated she's not sure how much or how long the bridge will last. She referenced the naming of the bridge project and the name standing the test of time. She said the name should last as long as the bridge and stated we should not name the bridge after a person. She indicated she saw on twitter "Lilac City Bridge," and she suggested voting for this name or any other name that is not the name of a person.

**Henry Valder** requested we stop with the panhandling law. He stated the constitution gives people certain rights and that's one of them – Freedom of Speech. He also remarked on the people who died on City streets. In addition, he remarked on community court, the Dream Center, and community centers. He also remarked on the homeless count, the Give Real Change, prayer, and provided other remarks.

## LEGISLATIVE AGENDA

There were no **Special Budget Ordinances**.

There were no **Emergency Ordinances**.

## RESOLUTIONS

### Resolution 2018-0001

Council Member Beggs provided an overview of Resolution 2018-0001. Public testimony was received and Council commentary held, after which the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2018-0001** (as amended during the 3:30 p.m. Administrative Session) supporting the City of Spokane's revamped snow response plan for the 2017-18 winter and encouraging community members to collaborate with the City to keep the community moving during winter weather events.

### Resolution 2018-0002

Upon consideration of Resolution 2018-0002, Council President Stuckart requested the following three recommend changes (to the list of City Council Member appointments attached to Resolution 2018-0002), and he requested a motion to make the changes:

1. add Council Member Mumm to the Association of Washington Cities Board of Directors;
2. replace Council Member Kinnear with Council Member Fagan on the Police Pension Fund; and
3. replace Council Member Fagan with Council Member Burke on the Red Light Committee.

The following action was taken:

**Motion** by Council Member Fagan, seconded by Council Member Mumm, to so move (**to make** the changes as presented by Council President Stuckart); **carried unanimously**.

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

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2018-0002** appointing City Council members to boards, committees, and commissions for 2018 (as amended).

### Resolution 2018-0003

Subsequent to an opportunity for public testimony, with no individuals requesting to speak, and an opportunity for Council commentary, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2018-0003** declaring an Emergency and authorizing the City's Fire Department to contract with Bauer Compressors (Livermore, CA), in lieu of public bidding, for the purchase of two Bauer Breathing Air Compressors—estimated cost \$160,000 (incl. tax).

## FINAL READING ORDINANCES

### Final Reading Ordinance C35572

Council President Stuckart provided a brief overview of Final Reading Ordinance C35572. Subsequent to an opportunity for public testimony, with no individuals requesting to speak, and an opportunity for Council commentary, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Final Reading Ordinance C35572** relating to special budget ordinances; amending SMC sections 7.08.010, 7.09.015 and 8.19.030.

#### **Final Reading Ordinance C35574**

Council President Stuckart provided a brief overview of Final Reading Ordinance C35574. Subsequent to an opportunity for public testimony, with no individuals requesting to speak, and the opportunity for Council questions and commentary, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Final Reading Ordinance C35574** relating to the Spokane Employees' Retirement System amending Spokane Municipal Code Sections 3.05.020, 3.05.025, 3.05.030, 3.05.040, 3.05.050, 3.05.070, 3.05.120, 3.05.130, 3.05.160, 3.05.165, 3.05.166, 3.05.168, 3.05.170, 3.05.180, 3.05.190, 3.05.210, 3.05.260, 3.05.270, 3.05.275 and adopting a new section 3.05.167 to chapter 3.05 of the Spokane Municipal Code.

There were no **First Reading Ordinances**.

### **SPECIAL CONSIDERATIONS**

#### **Consideration of Mayoral Veto of Ordinance C35571 (Spokane Fair Elections Code)**

Upon consideration of the Mayoral Veto of Ordinance C35571 (Spokane Fair Elections Code), Council President Stuckart provided a presentation pertaining to the ordinance. Public testimony was received and Council commentary and debate ensued. Council President Stuckart requested a motion to override the veto. The following action was taken:

**Motion** by Council Member Beggs, seconded by Council Member Mumm, **to override** the (Mayoral) veto on the Campaign Finance Reform Ordinance (Spokane Fair Elections Ordinance); **carried 6-1 (Council Member Fagan voting "no")**.

There were no **Hearings**.

### **SECOND OPEN FORUM**

**Alan McDowell** addressed last year's net neutrality council protest. He stated net neutrality can be a major preventative tool to prevent illegal content and sex trafficking in the future. He also remarked on over compliance among community partners. He stated in 2018 he will work to build accurate evaluations to be provided live on the scene by SPD to prevent unlawful detainments, and he provided other remarks.

#### **ADJOURNMENT**

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 7:43 p.m.

The regularly scheduled City Council Meeting for Tuesday, January 16, 2018, has been canceled. (There is no meeting on Monday, January 15, 2018, due to the recognized observance of Martin Luther King Jr. Day).

The January 22, 2018, 6:00 p.m. Legislative Session will be a Town Hall Session held in City Council Chambers.

---

### **CORRECTED MINUTES OF SPOKANE CITY COUNCIL**

**Monday, December 11, 2017**

#### **BRIEFING SESSION**

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

#### **Roll Call**

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

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

### **Advance Agenda Review**

The City Council received an overview from staff on the December 18, 2017, Advance Agenda items.

#### Contract Extension with Spokane C.O.P.S. (OPR 2015-1058)

Upon review of the Contract Extension with Spokane C.O.P.S. for one year, Council President Stuckart requested Major Eric Olsen work with Council Member Stratton and Legal on making the extension a three-year contract extension and then City Council can substitute the updated version next week and then approve it.

#### Resolution 2017-0109

Council President Stuckart requested a motion to replace the previously filed version of Resolution 2017-0109 with the version that was emailed out earlier today. He provided an overview of the changes. The following action was taken:

**Motion** by Council Member Fagan, seconded by Council Member Waldref, to so move **(to accept** the updated version as presented by Council President Stuckart); **carried unanimously.**

#### Final Reading Ordinance C35571 Enacting the Spokane Fair Elections Code

Council President Stuckart noted a revised version of Ordinance C35571 has been sent to City Council and he provided an overview of the changes. He requested a motion to replace the previous version for the revised version. The following action was taken:

**Motion** by Council Member Waldref, seconded by Council Member Kinnear, **to replace** previously filed version with updated revised version; **carried unanimously.**

#### First Reading Ordinance C35573 Amending Ordinance C35423

Finance and Administration Division Director Tim Dunivant, on behalf of staff, requested withdrawal of First Reading Ordinance C35573 (amending Ordinance C35423 vacating a portion of Ross Court, North Crescent Avenue, North Center Street, Hamlin Street, and a portion of a nearby alley), as it turns out after (further) review staff does not need the ordinance. Council President Stuckart indicated the ordinance is off the agenda.

### **Action to Approve December 18, 2017, Advance Agenda**

Following staff reports and Council inquiry and discussion regarding the December 18, 2017, Advance Agenda items, the City Council took the following action (pursuant to Council Rule 2.1.2):

**Motion** by Council Member Fagan, seconded by Council Member Waldref, **to approve** the Advance Agenda for Monday, December 18, 2017 (as amended); **carried unanimously.**

## **ADMINISTRATIVE SESSION**

### **Current Agenda Review**

The City Council reviewed the December 11, 2017, Current Agenda for any changes.

#### Resolution 2017-0100 Amending the City Council's Rules of Procedure

Council President Stuckart requested a change to the Rules of Procedure to amend (the first sentence under) 9.1.C to read: "The Council President may chair two (2) standing committees, as determined in his or her sole discretion." He noted this language matches SMC 2.005.010.D.2. The following action was taken:

**Motion** by Council Member Fagan, seconded by Council Member Waldref, to so move **(to amend** the Council Rules of Procedure as presented by Council President Stuckart); **carried unanimously.**

## **CONSENT AGENDA**

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

Blanket Order with Roadwise Inc. (Tacoma, WA) for liquid deicer for the City Street Department—estimated annual usage is 8000 tons estimated cost of \$1,400,000 (incl. tax). (OPR 2017-0835)



Value Blanket Renewal with Connell Oil (Spokane, WA) for the Fleet Services Department for lubricants utilizing Washington State Contract #02411—\$300,000. (OPR 2015-0730)

Purchases by Fleet Services of:

- a. (1) eleven cabs with various Truck Bodies and Accessories from Freightliner Northwest—\$458,015.74 and (2) eleven chassis from Columbia Ford (Longview, WA) using Washing State Contract #05916 for various departments—\$527,387.21. Total Contract Amount: \$982,402.95. (OPR 2017-0836; BID 4401-17; OPR 2017-0852)
- b. two Ford F350s from Columbia Ford (Longview, WA) utilizing state contract #05916 for the Street Department—\$68,599.86 (incl. tax) (OPR 2017-0837)

Value Blanket orders for Fleet Services with:

- a. Goodyear Commercial Tire and Services (Spokane, WA) for the purchase of Duraseal and Police tires using Washington State Contract #01712 from December 1, 2017 through March 31, 2019—Estimated expenditure of \$625,000. (OPR 2017-0838)
- b. GCR Tires, Inc. (Spokane, WA) for the purchase of miscellaneous new tires using state contract #01712—\$524,375. (OPR 2017-0839)
- c. Washington Auto Carriage (Spokane, WA) for the purchase of Wausau snow plow parts for three years with one, two year renewal—\$75,000. (OPR 2017-0840)

Three-Year Contracts for Fleet Services for auto body repair services with:

- a. Toby's Body and Fender, Inc. (primary contractor)—\$260,000. (OPR 2017-0841; BID 4394-17)
- b. Watson Paint and Body Works, Inc. (secondary contractor)—\$40,000. (OPR 2017-0842; BID 4394-17)

Contracts for Calendar Year 2018 with Spokane Neighborhood Action Partners utilizing HUD CDBG funds to:

- a. make Essential Repair Program home repair grants to low-income homeowners—\$520,000. (OPR 2017-0843)
- b. manage the Single Family Rehabilitation home rehab loan program for low-income homeowners—\$1,288,641. (OPR 2017-0844; BID 4076-14)

Contract with Truepoint Solutions, LLC (Incline Village, NV) for Accela software professional services and support to create an online complaint form for the Code Enforcement Department from November 15, 2017 through February 28, 2018 unless terminated sooner—\$48,760. (OPR 2017-0845)

Contract with Colvico Inc. (Spokane, WA) for replacement of the Ray Street Well Station Transformer—\$105,118 (incl. tax). (OPR 2017-0846; BID 4413-17)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through December 1, 2017, total \$9,864,343.40 (Check Nos. 543484-543711; ACH Payment Nos. 44493-44822), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$9,558,500.76. (CPR 2017-0002)
- b. Payroll claims of previously approved obligations through February 11, 2017: \$7,267,685.32 (Payroll Check Nos. 547321-547446). (OPR 2017-0003)

City Council Meeting Minutes: November 20, 2017, November 27, 2017 and November 30, 2017. (CPR 2017-0013)

Contract with T. LaRiviere Equipment & Excavation (PR 2016-0017; ENG 2014107) (deferred from December 4, 2017, Agenda) (taken separately)

Council Member Mumm requested a motion to defer the Contract with T. LaRiviere Equipment and Excavation (for Lincoln Street/Monroe Street - 2<sup>nd</sup> Avenue to Main Avenue) for one more week. She noted an email has been received from Engineering Director Kyle Twohig that explained they are still negotiating and awaiting supporting documents on the remaining amount. Following Council commentary, the following action was taken:



**Motion** by Council Member Mumm, seconded by Council Member Stratton, **to defer** the Contract with T. LaRiviere for one more week (to December 18, 2017); **carried unanimously**.

### **Council Recess/Executive Session**

The City Council adjourned at 4:30 p.m. No Executive Session was held. The City Council reconvened again at 6:00 p.m. for the Regular Legislative Session.

## **LEGISLATIVE SESSION**

### **Pledge of Allegiance**

The Pledge of Allegiance was led by Cub Scout Pack No. 344.

### **Roll Call**

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

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

There were no **Boards and Commissions Appointments**.

### **PROCLAMATIONS**

Week of December 10, 2017 *Spokane Municipal Community Court Week*

Council Member Kinnear read the proclamation. Judge Mary Logan, accompanied by the Community Court team, accepted the proclamation. The proclamation notes the Spokane Municipal Community Court was established on December 9, 2013. The program has been subsequently funded by joint effort Community Court grants from the Center of Court Innovation (CCI) and the U.S. Department of Justice's Bureau of Justice Assistance (BJA). This problem solving court has had great success in its work in the Downtown Spokane core helping to lift those experiencing homelessness out of poverty by providing opportunities to engage with our community, volunteer work, commitment, and interaction between Court personnel and homeless service providers. The City of Spokane celebrates the Court's 4<sup>th</sup> Anniversary and new expansion to the Northeast Community Center by recognizing the success and promising future potential of the Community Court as well as their tremendous contribution to public safety, unity, and prosperity in our City. The proclamation encourages all citizens to celebrate the fourth anniversary of the Court as well as the inauguration of the new branch at Northeast Community Center.

### **ADMINISTRATIVE REPORTS**

Laura Renz, with the Northwest Service Dog Alliance, announced that City Council is the recipient of the Alliance's first award. She recognized Council Member Fagan for going above and beyond by holding a series of public forums and receiving feedback before he proceeded with his agenda on helping what became the Northwest Service Dog Alliance. She thanked the City Council for all the help given to the disabled community this past year. She noted the service dog community thanks City Council, especially Council Member Fagan, from the bottom of their hearts as they continue with their efforts for the handlers, businesses, and the community as a whole. Ms. Renz stated the Northwest Service Dog Alliance proudly presents the Spokane City Council and Councilman Mike Fagan with a Certificate of Appreciation for all of their efforts.

### **COUNCIL COMMITTEE REPORTS**

#### **Public Infrastructure, Environment and Sustainability (PIES) Committee**

Council Member Waldref reported on the PIES Committee meeting held earlier today (December 11, 2017). Minutes of the PIES Committee meeting are filed with the City Clerk's Office and are available for review following approval by the PIES Committee.

## **OPEN FORUM**

**Leo Jenkins** commented he looked through the 350 pages of the agenda for this evening and noted there is a lot of planning being done for snow removal. He stated he asked the City to make efforts to spend as much of citizen tax revenue as it can on businesses within our City limits.

**Jerry Beaver** spoke regarding apprenticeship utilization in the City of Spokane.

**Henry Valder** requested anyone wishing to donate to the to the Vets Garage can donate some snow blowers and tools and spoke about the City's Real Change program. He also remarked on the number of vets dying of suicide each year, homelessness, and made other remarks.

**Val Whaley** remarked on sexual misconduct and the power of control and power of manipulation.

## LEGISLATIVE AGENDA

### SPECIAL BUDGET ORDINANCE

#### Special Budget Ordinance C35567

Council President Stuckart provided a brief overview of Special Budget Ordinance C35567. There was an opportunity for public testimony, with no individuals requesting to speak. The following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **passed Special Budget Ordinance C35567** amending Ordinance No. C35457 passed by 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 and appropriating funds in:

Solid Waste Collection Fund

FROM: Unappropriated Reserves, \$1,800,000;

TO: Operating Transfer Out – Disposal, same amount.

(This action provides additional funds for the purpose of an operating transfer from the Solid Waste Collections Department to the Solid Waste Disposal Department due to increased tonnage processed in 2017.)

There were no **Emergency Ordinances**.

### RESOLUTIONS

#### Resolution 2017-0100

Council Member Waldref provided an overview of Resolution 2017-0100 (as amended during the 3:30 p.m. Briefing Session). Two citizens provided public testimony on the matter. Council commentary ensued, after which the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2017-0100** amending the City Council's Rules of Procedure (as amended).

#### Resolution 2017-0102

Subsequent to an opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2017-0102** of the City of Spokane, Washington, granting Comcast Cable Communications Management LLC a Franchise Extension through June 30, 2018.

#### Resolution 2017-0103

Subsequent to an opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted** Joint City, County, and Spokane Airport Board **Resolution 2017-0103** for new hangar and gateway improvements at Felts Field Airport—expense of \$5,000,000.

**For Council action on Resolution 2017-0101, see section of minutes following "First Reading Ordinances."**

### FINAL READING ORDINANCES

#### Final Reading Ordinance C35565

Council President Stuckart provided introductory remarks regarding Final Reading Ordinance C35565 adopting the Annual Budget of the City of Spokane for 2018. Several motions to amend the budget were presented and Council commentary held, with the following actions taken:

**Motion** by Council Member Stratton, seconded by Council Member Fagan, **to take** \$20,000 from General Fund Unappropriated Reserves and move it to the Spokane Police Department's C.O.P.S. Contractual Services line item; **carried unanimously**.

Prior to action being taken on the above motion, Council Member Stratton indicated the funds will be used to further the organization's mission of crime prevention, community safety, and community outreach. She noted the motion aligns with the City's Strategic Plan relating to a safe and healthy community.

**Motion** by Council Member Stratton, seconded by Council President Stuckart, **to replace** the budget ordinance, C35564, with the ordinance that City Council received prior to this meeting (6:00 p.m. Legislative Session), **with friendly amendment** by Council Member Mumm and accepted by Council Member Stratton and Council President Stuckart, that the CPI be tied to a certain month, such as an August to August CPI; **rejected 3 to 4 (Council Members Beggs, Kinnear, Mumm, and Waldref voting "no")**.

**Motion** by Council Member Stratton, seconded by Council Member Mumm, **to eliminate** the vacant Director of Planning, Community, and Economic Development position in the Economic Development budget; **carried 4-3 (Council Members Beggs, Kinnear, and Waldref voting "no")**.

Council Member Stratton indicated the position is vacant and have not heard any indication of the position being filled, and she noted the salary is about \$130,000. Council President Stuckart noted he would be open at a later time to looking at funding a temp seasonal on this in order to pay Rick Romero.

**Motion** by Council Member Stratton, seconded by Council President Stuckart, **to fund** four clerks in Utility Billing to be paid for by Interfund (billing out to various departments); **carried unanimously**.

Prior to action on the above motion, Council Member Stratton stated this is a greatly understaffed office at this time and more utility billing clerks are necessary to deliver excellent customer service. She stated this is a sustainable financial decision that will provide long term savings for our taxpayers and business continuity and stability in our utility billing practices. Finance and Administration Division Director Tim Dunivant clarified as to whether the clerks are I's, II's, or III's. Council Member Stratton indicated they are Clerks II's, starting at Level (Step) 1.

**Motion** by Council Member Stratton, seconded by Council President Stuckart, **to eliminate** the one office manager position and six clerks in the Public Works Customer Service Program Budget and move the one office manager position and six clerks to the Solid Waste Collection Administration Program Budget; **carried unanimously**.

Prior to action on the above motion, Council Member Kinnear indicated this action does not mandate that the manager and clerks actually stay where they are; that they could still be moved. Council Member Stratton stated it is her very strong preference they would stay in Solid Waste Collections and that hopefully with the four new positions in Utilities that would be enough that they wouldn't have to move them over physically.

**Motion** by Council Member Stratton, seconded by Council President Stuckart, **to eliminate** the three Refuse District Supervisor positions in the Solid Waste Collection Solid Waste Operations program budget and add five Refuse Collector I's at Step1 to the Solid Waste collection Solid Waste Operations program budget; **carried 6-1 (Council Member Waldref voting "no")**.

Prior to action on the above motion, Council President Stuckart stated his concern is that as collections in yard waste have gone up, the work has gone up, that is reflected by the move tonight in transferring \$1.8 million because we had that in excess to go over to disposal (reference Special Budget Ordinance C35567). It was confirmed recycling has gone up, yard waste has gone up, and construction haul offs have gone up. He stated at this point eliminating the five Collectors and at the same hiring three supervisors is the wrong message to send when what we should be doing is offering excellent customer service to our citizens. Council Member Stratton added that for 2018 that department (Solid Waste) is not going to be able to have any temporary seasonal workers and so the five additional collectors would be very useful in assisting on routes, covering for people that are sick, and keeping up with the increased busy schedule. Council Member Beggs inquired how many of these positions are in the current 2017 Budget. Council President Stuckart indicated all five are in the 2017 Budget. Council Member Beggs stated it's not adding the five positions; it's just not eliminating the positions. Council President Stuckart clarified that we'd be reverting to the count of collectors and supervisors that were approved for the 2017 Budget. Council Member Mumm inquired if the motion is budget neutral. Council President Stuckart stated it is approximately \$50,000 more in salary cost and the cost would come out of excess revenue in Solid Waste. Council Member Waldref indicated she would support adding back the five refuse collectors, but not eliminating the supervisors.

**Motion** by Council Member Beggs, seconded by Council Member Waldref, to accept the Finance and Administration Division Director's budget memo (reflecting last minute changes to the budget); **carried unanimously**.

**Upon Unanimous Roll Call Vote**, the City Council **passed Ordinance C35565** adopting the Annual Budget of the City of Spokane for 2018 (as amended), making appropriations to the various funds of the City of Spokane for the year ending December 31, 2018, providing it shall take effect immediately upon passage.

#### **FIRST READING ORDINANCES**

**The following ordinances were read for the First Time with further action deferred:**

- ORD C35568** Changing the zone from Residential Single-Family (RSF) to Residential Single-Family Compact (RSF-C) for property located 1217 E 5<sup>th</sup> Ave in the City and County of Spokane, State of Washington, by amending the Official Zoning Map.
- ORD C35569** Approving and confirming the 2018 assessments and assessment roll for the East Sprague Parking and Business Improvement Area, prepared under Ordinance No. C35377 as codified and amended in Chapter 4.31C SMC.
- ORD C35570** Approving & confirming the 2018 assessments and assessment roll for the Downtown Parking and Business Improvement Area (Business Improvement District - BID), prepared under Ordinance No. C32923 as codified & amended in Chapter 4.31 SMC.
- ORD C35571** Enacting the Spokane Fair Elections Code; instituting campaign contribution limits and disclosure requirements; amending chapter 1.07 and sections 1.02.950, 1.05.210, 7.06.500, and 7.08.149 of the Spokane Municipal Code. (As amended during the 3:30 p.m. Briefing Session)

#### **Resolution 2017-0101**

Council Member Waldref and Rick Romero of Public Works provided an introduction and overview of Resolution 2017-0101. Subsequent to Council commentary and the opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

**Upon Unanimous Roll Call Vote**, the City Council **adopted Resolution 2017-0101** adopting the City of Spokane's Joint Strategic Plan.

There were no **Special Considerations**.

There were no **Hearings**.

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

#### **ADJOURNMENT**

There being no further business to come before the City Council, the Regular Legislative Session of the Spokane City Council adjourned at 7:47 p.m.

---

#### **STANDING COMMITTEE MINUTES** **City of Spokane** **Urban Development Committee** **12/11/2017 – FINAL**

#### **Attendance**

Council President Ben Stuckart, Council Member Mumm, Council Member Karen Stratton, Council Member Laurie Kinnear, Council Member Amber Waldref, Council Member Mike Fagan, Council Member Breean Beggs, Gavin Cooley, Andrew Worlock, Hannalee Allers, Nathen Calene, Anna Everano, Jacob Fraley, Jacqui Halvorson, Brian McClatchey, Adam McDaniel, Skyler Oberst, Teri Stripes, Heather Trautman, Alicia Ayars, Shauna Harshman, Abigail Martin, Andrew Chanse, Kevin Freibott, Meghan Duval, Ed Lukas, Marlene Feist, Sally Stopher, Kris Becker, Lisa Key, Melissa Owen, Laura Williams

Non-City Employees: Mike Lassiter – STA, Andrew Rowles – DSP, Julius Lang – Center for Court Innovation, Crystal Rodriguez – Center for Court Innovation

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

The meeting minutes for November were approved.

**Agenda Items:****1. Center for Court Innovation – Council President Stuckart**

Council President Stuckart introduced Julius Lang and Crystal Rodriguez from the Center for Court Innovation. They briefed the Committee regarding their grants from the Justice Department. The City of Spokane received a grant from the Center for Court Innovation and the Department of Justice. Out of 70 applications the City of Spokane was 1 of 10 that were chosen for the grant. The model pioneered in Spokane is pushing the model of what a Community Court can do throughout the country.

**2. Snow Plow Resolution – Council Member Beggs**

Council Member Beggs briefed the Committee regarding this item. Please see attached briefing paper and resolution.

**3. Strategic Plan Session – Subarea Planning Evaluation & Prioritization – Lisa Key**

Lisa Key, Director of Planning, Shauna Harshman – Planning, and Melissa Owen - Planning briefed the Committee regarding this item. Please see attached briefing paper and presentation.

**4. Urban Development: Partner Updates & Reporting**

DSP/BID – Gavin Cooley briefed the Committee regarding this item.

Spokane Transit Authority – Mike Lassiter from STA briefed the Committee regarding this item.

**5. Urban Development: Performance Measures Update**

Gavin Cooley briefed the Committee regarding this item.

**6. Economic Update**

Gavin Cooley briefed the Committee regarding this item. Please see attached presentation.

**Consent Items:**

All consent items were approved and moved forward to be heard by the City Council.

**Executive Session:**

There was no Executive Session at this meeting.

**Adjournment**

The meeting was adjourned at 2:44 p.m.

# Hearing Notices

## Notice of City Council Public Hearing Amendments to Spokane Municipal Code Related to Cottage Housing, Pocket Residential Development, and Compact Lot Standards (Proposed Ordinance C35575)

Notice is hereby given that there will be a public hearing before the Spokane City Council at its regularly scheduled meeting on January 29, 2018, beginning at 6:00 PM in the City Council Chambers, Lower Level of City Hall at 808 West Spokane Falls Boulevard, Spokane, Washington. This public hearing is regarding amendments to the Development Code, relating to cottage housing, pocket residential development, and compact lot standards, amending Spokane Municipal Code (SMC) chapters 17A.020, 17C.110, 17C.230, and 17G.080; adopting a new section 17C.110.209 to chapter 17C.110 SMC; and repealing SMC section 17C.110T.002. The proposal would expand areas where these alternative residential development methods may be used at the levels permitted by the comprehensive plan, while enhancing design guidelines, as recommended by the City Plan Commission. Public testimony will be taken on this ordinance at the hearing on January 29, 2018. This hearing or portions thereof may be continued at the discretion of the City Council.

**Any person may submit written comments on the proposed action or call for additional information at:**

City of Spokane Planning & Development, Attn: Nathan Gwinn, 808 West Spokane Falls Blvd, Spokane, WA 99201  
509-625-6893 [ngwinn@spokanecity.org](mailto:ngwinn@spokanecity.org)

Documents relating to this proposal are available for viewing at:

[my.spokanecity.org/projects/infill-housing-strategies-infill-development/](http://my.spokanecity.org/projects/infill-housing-strategies-infill-development/)

Location: Certain residential zones in the city of Spokane: specifically, the RA, RSF, RSF-C, and RTF zones. A zoning map is available for viewing at: [maps.spokanecity.org](http://maps.spokanecity.org)

Description of Proposal: Code amendments to Cottage Housing (SMC 17C.110.350) for larger unit floor area, subdivision of internal units, slight increases in height and density, attention to standards for development perimeters, and to allow in the RTF zone. Also, allow Pocket Residential (private access and new lots; SMC 17C.110.360), and some smaller lots (Table 17C.110-3), in the RSF zone, with no changes to aggregate site density for those development tools, using limited design standards.

SEPA: This proposal has been reviewed under the State Environmental Policy Act (SEPA) under Spokane Municipal Code Title 17E, Chapter 17E.050. A Determination of Non Significance (DNS) was issued on November 29, 2017 under WAC 197-11-340(2). During the comment period, no comments were received regarding this DNS.

**Only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision of the Plan Commission and City Council.**

**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.

Publish: January 17 & 24, 2018

---

**Notice of City Council Public Hearing  
Proposed Ordinance No. C35576**

**Update to Spokane Municipal Code Chapters 17C.340.110 – Home Occupations, and  
17C.370.030 - Existing Neighborhood Commercial Structures in Residential Zones.**

Notice is hereby given that there will be a public hearing before the City of Spokane City Council at their regularly scheduled meeting on January 29, 2018, beginning at 6:00 PM in the City Council Chambers, Lower Level of City Hall at 808 West Spokane Falls Boulevard, Spokane, Washington. This public hearing is regarding the proposed update to the Spokane Municipal Code Chapters 17A.020 – Definitions, 17C.340.110 – Home Occupations, and 17C.370.030 - Existing Neighborhood Commercial Structures in Residential Zones. The specific action proposed is the adoption by City Council of the updated language to the aforementioned chapters of the Spokane Municipal Code as recommended by the City of Spokane Plan Commission. These updates are housekeeping items resulting from the proposed updates to the City's Sign Code. Public testimony will be taken on the Sign Code update at the Hearing on January 29, 2018. This hearing or portions thereof may be continued at the discretion of the City Council.

**Any person may submit written comments on the proposed action or call for additional information at:**

City of Spokane Planning & Development, Attn: Lisa Key, 808 West Spokane Falls Blvd, Spokane, WA 99201 509-625-6187 [lkey@spokanecity.org](mailto:lkey@spokanecity.org).

Documents relating to this proposal are available for viewing at:

<https://my.spokanecity.org/projects/sign-code-update/>

Location: The City of Spokane is located in Spokane County, Washington State. The updated language applies to all property within the City's corporate boundary.

Description of Proposal: The City of Spokane has proposed updates to the City's sign code to update standards related to off-premises signage, ensure compliance with a 2015 U.S. Supreme Court decision, *Reed v. Town of Gilbert*, as well as other updates to ensure administrative clarity. As a result of those proposed changes additional housekeeping changes are needed to other sections of the SMC to ensure consistent application of signage standards.

SEPA: A Determination of Non Significance (DNS) was issued on November 15, 2017 under WAC 197-11-340(2). No comments were received regarding this determination.

**Only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision of the Plan Commission and City Council.**

**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.

Publish: January 17 & 24, 2018

---



**Notice of City Council Public Hearing  
Update to Spokane Municipal Code Chapter 17C.240 – Signs  
(Proposed Ordinance C35577)**

Notice is hereby given that there will be a public hearing before the City of Spokane City Council at their regularly scheduled meeting on January 29, 2018, beginning at 6:00 PM in the City Council Chambers, Lower Level of City Hall at 808 West Spokane Falls Boulevard, Spokane, Washington. This public hearing is regarding the proposed update to the Spokane Municipal Code Chapter 17C.240 - Signs. The specific action proposed is the adoption by City Council of the updated language to the City's signage standards as recommended by the City of Spokane Plan Commission. Public testimony will be taken on the Sign Code update at the Hearing on January 29, 2018. This hearing or portions thereof may be continued at the discretion of the City Council.

**Any person may submit written comments on the proposed action or call for additional information at:**

City of Spokane Planning & Development, Attn: Lisa Key, 808 West Spokane Falls Blvd, Spokane, WA 99201  
509-625-6187 [lkey@spokanecity.org](mailto:lkey@spokanecity.org).

Documents relating to this proposal are available for viewing at:

<https://my.spokanecity.org/projects/sign-code-update/>

Location: The City of Spokane is located in Spokane County, Washington State. The sign code update applies to all property within the City's corporate boundary.

Description of Proposal: The City of Spokane is proposing changes to the City's sign code to update standards related to off-premises signage, ensure compliance with a 2015 U.S. Supreme Court decision, *Reed v. Town of Gilbert*, as well as other updates to ensure administrative clarity.

SEPA: This proposal has been reviewed under the State Environmental Policy Act (SEPA) under Spokane Municipal Code Title 17E, Chapter 17E.050. A Determination of Non Significance (DNS) was issued on September 26, 2017 under WAC 197-11-340(2). No comments were received regarding this DNS.

**Only the applicant, persons submitting written comments, and persons testifying at a hearing may appeal the decision of the Plan Commission and City Council.**

**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.

Publish: January 17 & 24, 2018

# General Notices

**NOTICE OF SEPA DETERMINATION  
PROPOSED AMENDMENT TO SPOKANE MUNICIPAL CODE  
CHAPTERS 17D.040, 17G.010, 08.02 and 07.08**

Notice is hereby given that the City of Spokane Planning Department has issued a non-project DNS (Determination of Non-significance) on a proposal to amend the City Code; in specific to repeal of SMC 17D.040; adoption of new chapter: 17D.100; amend sections 17G.010.210, 08.02.031, and 08.02.065; and adopt a new section 07.08.151. Comments regarding this DNS must be submitted no later than 5pm on January 25, 2018. Any person may submit written comments on the proposed action or call for additional information at:

*City of Spokane Planning and Development Services  
Attn: Tirrell Black, Associate Planner  
808 West Spokane Falls Boulevard, 3rd Floor*



Spokane, WA 99201-3333

Phone (509) 625-6300

[tblack@spokanecity.org](mailto:tblack@spokanecity.org)

**Description of Proposal:** The proposed ordinance enhances protections for historic landmarks and districts, as well as provides increased incentives and new funding for historic preservation. More specifically, it provides for the creation of historic districts to be listed on the Spokane Register of Historic Places. The proposal also creates a more thorough and, at times, restrictive process by which the appropriateness of demolition of historic buildings and buildings in historic districts may be determined, among other procedural improvements. The specific action proposed at this time is repealing chapter 17D.040; adopting a new chapter 17D.100; amending sections 17G.010.210, 08.02.031, and 08.02.065, and adopting a new section 07.08.151 of the Spokane Municipal Code.

Additional information about this project can be found at

<https://static.spokanecity.org/documents/citycouncil/interest-items/demolition/demo-ord-final-draft-2018-01-08.pdf>

Publish: January 17 & 24, 2018

---

**CANCELLATION  
SPOKANE CITY/COUNTY HISTORIC  
LANDMARKS COMMISSION**

**MEETING OF  
WEDNESDAY, JANUARY 17, 2018  
\*\*\*\*\*CANCELED\*\*\*\*\***

Please be advised that the meeting of the Spokane City/County Historic Landmarks Commission, previously scheduled for Wednesday, January 17, 2018, in the City Council Briefing Center-Lower Level of City Hall, 808 West Spokane Falls Boulevard, has been canceled. The next tentatively scheduled meeting will be February 21, 2018.

# 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. 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 or 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:

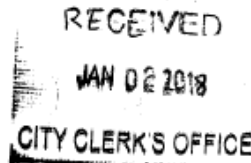
- A. Have a current certificate of registration as a contractor in compliance with chapter 18.27 RCW, which must have been in effect at the time of bid submittal;
- B. Have a current Washington Unified Business Identifier (UBI) number;
- C. If applicable, show proof of:
  1. Industrial insurance (workers' 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.

January 2, 2018



CITY OF SPOKANE  
808 W. SPOKANE FALLS BLVD.  
SPOKANE, WASHINGTON 99201-3327  
509.625.6250

**Veto Message regarding Ordinance No. C35571** – Relating to enacting the Spokane Fair Elections Code; instituting campaign contribution limits and disclosures requirements.

To the President and Members of the City Council, and to the City Clerk:

Robust debate over campaign finance reform is a healthy thing for our election process to ensure individual voices and desires are heard at the ballot box. Running for elected office is foundational to our democratic process, and I wholeheartedly support debate and discussion about improving our campaign finance rules statewide.

Unfortunately, as well-intended as it might have been, Ordinance C35571 fell short of that mark by creating redundant oversight, targeting local businesses, and leaving the City vulnerable to constitutional challenges on at least two fronts. For those reasons, I have vetoed the ordinance.

The City should instead look to reform our state campaign finance rules and change rule-making process at the Washington State Public Disclosure Commission. Sen. Andy Billig's DISCLOSE Act appears to address many of the issues raised by Ordinance C35571.

Like many of the recent City Council-driven changes that impact local businesses, campaign finance reform is best accomplished at the state level to avoid redundant systems of oversight. The state PDC already regulates one of the most complex and developed set of statewide campaign finance laws in the country. As Council President Stuckart noted from the dais on December 18, "Our state campaign finance system...is one of the best in America." In fact, a recent PDC investigation found a local PAC did not follow state law for reporting independent expenditures and fined the PAC.

Any reform must be evenly applied and not target local business interests in violation of their free-speech rights. This ordinance bans campaign donations from certain City contractors – whose political influence is already shielded by the City's strict low-bid process – while freely permitting donations from public-sector unions that negotiate their contracts behind closed doors. The fundamental right to participate in the political process is recognized as a part of our free-speech liberties under the First Amendment. The U.S. Supreme Court has directed that any restrictions on free speech must be viewpoint-neutral; a law restricting speech cannot favor one group's speech over the speech of another similarly situated group. The ordinance violates this principle by prohibiting certain contractors that bid on contracts through a low-bid process – which by its very nature is designed to eliminate the possibility or suspicion of quid pro quo

City Clerk  
January 2, 2018  
Page 2

corruption – from making political contributions to local campaigns, while not placing the same restriction on unions, who also enter into high-dollar contracts with the City.

The ordinance treats candidates who choose to self-fund their campaigns differently, giving their opponents the ability to exceed the Ordinance-imposed contribution limits. This concept is akin to statutes that the U.S. Supreme Court has struck down on at least two separate occasions.

Finally, the ordinance lacks a fiscal note outlining the cost of administering this new regulation.

Continuing this piece-meal approach to local legislation is not building a healthier Spokane. It puts our citizens at risk of expensive litigation and continues to paint Spokane as a City that places uneven and heavy-handed restrictions on local businesses.

Sincerely,



David A. Condon  
Mayor

**Passed by City Council December 18, 2017**  
**Delivered to Mayor December 21, 2017.**  
**Mayoral Veto January 2, 2018**  
**Veto Override by City Council January 8, 2018**

---

#### **ORDINANCE NO. C35572**

An ordinance relating to special budget ordinances; amending SMC sections 7.08.010, 7.09.015 and 8.19.030.

The City of Spokane does ordain:

Section 1. That SMC Section 7.08.010 is amended to read as follows:

##### **7.08.010 General Fund Established**

- A. There is established a "general fund" into which all sums of money collected by the City for any purpose whatsoever shall be deposited unless otherwise provided by ordinance directing the deposit into some specific fund other than the general fund.
- B. There is established within the general fund a contingency reserve account which shall consist of a specific portion of the unappropriated general fund balance.
  1. At each and every budget cycle commencing with year 2001 and every year thereafter, an amount from the unappropriated general fund balance at each such year-end shall be appropriated to the contingency reserve account.
  2. Additional funds may be added to the contingency reserve account in such amounts and at such additional times during the ensuing budget year in accordance with standard ~~((emergency))~~ special budget ordinance procedures.
- C. The targeted funding level within the contingency reserve account shall initially be ten percent of budgeted general fund expenditures.
  1. The City shall, on a best efforts basis, take such steps necessary to meet the targeted funding level no later than December 31, 2008, and each year thereafter.

2. During each budget cycle, the chief financial officer shall report to the city council on the contingency reserve account including current and estimated future funding levels consistent with the City's six-year general fund financial forecast. This annual report shall include analysis and consideration of the proper targeted funding level in relation to changing conditions and prudent fiscal practices.
- D. Disbursements from the contingency reserve account are for the purpose of meeting extraordinary expenditures and are to be governed by the following criteria:
1. Unforeseen circumstances arising after the adoption of the annual budget which require an unavoidable and non-continuing allocation; or
  2. Unforeseen emergency threatening health and/or safety of the citizens; or
  3. Unanticipated non-continuing expenses are needed to fulfill an unfunded legislative mandate; or
  4. Significant operating efficiencies can be achieved resulting in clearly identified near-term and offsetting cost savings.
- E. Appropriation from the contingency reserve account is by the standard (~~(emergency)~~) special budget ordinance procedure.
- F. There is established within the general fund a revenue stabilization account which shall consist of a specific portion of the unappropriated general fund balance.
1. At each and every budget cycle commencing with year 2007 (for the 2008 budget) and every year thereafter, amounts from the unappropriated general fund balance shall be appropriated to the revenue stabilization account until such time the account is funded to the targeted funding level as listed in this section.
  2. Additional funds may be added to the revenue stabilization account during the ensuing budget year in accordance with standard (~~(emergency)~~) emergency budget ordinance procedures.
  3. The initial targeted funding level within the revenue stabilization account shall be three and one-half percent of budgeted general fund revenues.
    - a. The City shall, on a best efforts basis, take such steps necessary to meet the initial targeted funding level no later than April 30, 2008, and each year thereafter.
    - b. Annually during each budget cycle, the chief financial officer shall report to the city council on the revenue stabilization account including current and proposed future funding levels consistent with revenue growth projected in the City's six-year general fund financial forecast and a discussion of investment activity within the account for the period and investment planning in place for future periods. This annual report shall also include analysis and consideration of the proper targeted funding level going forward in relation to changing conditions and prudent fiscal practices.
    - c. Disbursements from the revenue stabilization account may be made to mitigate a general fund revenue shortfall deemed by the city council to meet the following criteria:
      - i. The revenue shortfall results from revenue collections considered to be materially short of the amount budgeted, or the revenue shortfall results from projected baseline (existing) budgeted revenues for any ensuing year increasing by less than the assumed long-term revenue growth rate in the City's six-year general fund projection for the immediate year; and
      - ii. The revenue shortfall is expected to persist through the end of the fiscal year; and
      - iii. The revenue shortfall is reasonably expected to persist for a period no longer than three years. A revenue shortfall expected to persist beyond three years shall be directly addressed in the current annual budget process through long-term budget measures.
    - d. Disbursements from the revenue stabilization account may include amounts budgeted in the general fund to supplement revenue shortfalls that occur in other City funds.
    - e. Appropriation from the revenue stabilization account is by enactment of an ordinance pursuant to standard procedures except that the ordinance shall be passed by a vote of one more than a majority of the council except where an appropriation is already included in the regularly adopted annual budget.

Section 2. That SMC section 7.09.015 is amended to read as follows:

**7.09.015 Personnel/Position Transfers**

- A. Transfer of all classified personnel shall be accomplished pursuant to the City's civil service rules.
- B. The elimination of a position in a department which accompanies, precedes, or results in the transfer of that position to another department shall be accompanied by an interfund transfer of the budgeted funds for the transferred employee's position from the former department to the new department.
- C. Inter-departmental transfers of job positions and interfund transfers, as described in this section, outside of the annual budget process as described in Section 25 of the City Charter, SMC 07.15.005, and chapter 35.33, RCW, shall not occur unless the City Council approves an ((~~emergency~~)) special budget ordinance to accomplish the transfer.

Section 3. That SMC section 8.19.030 is amended to read as follows:

**8.19.030 Permitted Use of Funds**

- A. No asset forfeiture funds may be expended beyond the purposes allowed under applicable state and federal law and may not supplant existing funding.
- B. Asset forfeiture funds under the control of the Police Department may only be spent by appropriation and approval of the Spokane City Council under its applicable policies for approving budgets and expenditures.
- C. The City Council will not approve spending of any asset forfeiture funds absent a request by the Chief of Police. The Chief of Police may request expenditure of asset forfeiture funds as part of the preparation and submission of the annual budget to City Council or by requesting approval of an ((~~emergency~~)) special budget ordinance.

**Passed by City Council January 8, 2018**

**Delivered to Mayor January 12, 2018.**

---

**ORDINANCE NO. C35574**

An ordinance relating to the Spokane Employees' Retirement System amending Spokane Municipal Code Sections 03.05.020, 03.05.025, 03.05.030, 03.05.040, 03.05.050, 03.05.070, 03.05.120, 03.05.130, 03.05.160, 03.05.165, 03.05.166, 03.05.168, 03.05.170, 03.05.180, 03.05.190, 03.05.210, 03.05.260, 03.05.270, 03.05.275 and adopting a new section 03.05.167 to chapter 03.05 of the Spokane Municipal Code.

--Now, Therefore,

The City of Spokane does ordain:

Section 1. That SMC 03.05.020 is amended.

**Section 03.05.020 Definitions**

- A. "Accumulated contributions" means the sum of all normal contributions deducted from the compensation of a member, and in-lieu payments of employees' contributions by the City, standing to the credit of the member's individual account, together with contribution interest as established pursuant to SMC 4.14.070(D)(1) compounded ((~~quarterly~~)) monthly.
- B. "Annuity" means payments derived from contributions made by a member as provided in SMC 3.05.190.
- C. "Beneficiary" means any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit provided in this chapter and chapter 4.14 SMC.
- D. "Board" means "board of administration" as provided in chapter 4.14 SMC.
- E. "City" means the City of Spokane.
- F. "City service" means service by an employee rendered to the City for compensation and, for the purpose of this chapter and chapter 4.14 SMC, a member shall be considered as being in City service only while the member is receiving compensation for such service.

- G. "Compensation" means the compensation including base pay, shift differential, overtime, holiday pay, hazardous duty pay and out-of-classification pay, payable in cash, plus the monetary value, as determined by the board, of any allowance in lieu thereof. It shall not be reduced by salary reduction contributions to the City's cafeteria plan or Section 457 plan, or effective January 1, 2001, any qualified transportation fringe benefit plan under Internal Revenue Code section 132(f)(4). Compensation in excess of the limitations set forth in Internal Revenue Code section 401(a)(17) shall not be included in determining benefits, but this restriction does not apply to any individual who was a member prior to January 1, 1996.
- H. "Contribution interest," unless changed by the board as provided in SMC 4.14.070, means the interest rate on member contributions, which shall be set equal to the average daily interest rate for the 5-year US Treasury Note from July 1 of the previous year to June 30 of the current year, rounded to the nearest 0.25%. The new interest rate will be effective as of July 1 of the current year, beginning in 2016.
- I. "Creditable service" means such City service as is evidenced by the record of normal contributions received from the employee plus prior City service if credit for same is still intact or not lost through withdrawal of accumulated contributions as provided in SMC 3.05.120. ~~((The maximum creditable service from all sources including military service is thirty (30) years under the formula in SMC 3.05.160 and thirty five (35) years under the formulas in SMC 3.05.165 and SMC 3.05.166.))~~ The maximum creditable service will be based on the benefit formula eligibility in SMC 3.05.025.
- J. "Employee" means any regularly appointed employee or elected official of the City or of the Spokane public library.
- K. "Final compensation" has different meanings that depend on whether the member's benefit is calculated using Tier 1, Tier 2, Tier 3 or Tier 4. For benefits calculated under Tier 1 and Tier 2, "final compensation" means the annual average of the member's compensation during the highest consecutive two-year period of service for which service credit is allowed for purposes of determining retirement benefits for members described in SMC 3.05.025(A) or (B). ((For members described in SMC 3.05.025(C))) For benefits calculated under Tier 3, "final compensation" means the annual average of the member's compensation during the highest consecutive three-year period of service for which service credit is allowed. For benefits calculated under Tier 4, "final compensation" means the annual average of the member's compensation during the highest consecutive three-year period of service for which service credit is allowed; for this purpose, the portion of a member's compensation for any year shall not include overtime in excess of twenty percent (20%) of the member's base salary for that year. Final compensation shall not be reduced to reflect salary reduction contributions to the City's cafeteria plan or Section 457 plan, or effective January 1, 2001, any qualified transportation fringe benefit plan under Internal Revenue Code section 132(f)(4). Compensation in excess of the limitations set forth in Internal Revenue Code section 401(a)(17) shall not be included as final compensation when determining benefits, but this restriction does not apply to any individual who was a member prior to January 1, 1996.
- L. "Fiscal year" means any year commencing with January 1st and ending with December 31st next following.
- M. "Member" means any person included in the membership of the retirement system as provided in SMC 3.05.030.
- N. "Normal contributions" means the contributions at the rate provided for in SMC 3.05.040(A) and (B).
- O. "Participation date" means the date on which an employee initially joined the retirement system from which the employee had uninterrupted deposit of contributions. If an employee who joins the system terminates and their accumulated contributions are withdrawn is subsequently rehired as a City employee, then that employee's participation date shall be their rehire date and not the date on which the employee was originally hired, whether or not that employee redeposits their contributions as permitted under SMC 3.05.120(C). If an employee becomes subject to SMC 3.05.260 and is rehired following retirement, then any additional retirement allowance earned by that employee shall be determined as if the member's participation date is based on the rehire date.
- P. "Pension" means payments derived from contributions made by the City as provided for in SMC 3.05.190.
- Q. "Regular interest," unless changed by the board as provided in SMC 4.14.070, means the actuarial assumption rate of interest which compounded annually shall place the retirement fund on a sound actuarial basis.
- R. "Retirement allowance" means any payments made to a member or successor upon retirement for service or disability.
- S. "Retirement fund" means "employees' retirement fund" as created and established in SMC 3.05.070 and SMC 7.08.601. "Retirement system" means "Spokane Employees' Retirement System" (SERS), provided for in this chapter.
- T. "Tier 1" means the benefit formula in SMC 3.05.160.
- U. "Tier 2" means the benefit formula in SMC 3.05.165.



V. "Tier 3" means the benefit formula in SMC 3.05.166.

W. "Tier 4" means the benefit formula in SMC 3.05.167.

Section 2. That SMC 03.05.025 is amended.

**Section 03.05.025 Benefit ((Formulas)) Formula Eligibility**

- A. An employee of the City (~~((hired-))~~)with a participation date prior to January 1, 2009(~~((;))~~). The member shall be entitled to elect at the time of retirement whether to receive his their benefit under Tier 1, Tier 2, Tier 3, or Tier 4.~~((the current benefit formula in SMC 3.05.160 as available therein, or to receive his benefit under the alternate benefit formula in SMC 3.05.165 as available therein. A member of the retirement system who has terminated employment prior to January 1, 2009, who has not taken a withdrawal of his accumulated contributions will remain under the benefit formula in SMC 3.05.160 and shall not be entitled to elect the alternate formula in SMC 3.05.165.))~~
- B. ~~((The alternate benefit formula in SMC 3.05.165 shall be the exclusive benefit for employees of the City hired on or after January 1, 2009, but before January 1, 2015. The benefit formula in SMC 3.05.165 shall also apply as of January 1, 2009, to any employee who was covered by the benefit formula in SMC 3.05.160, takes a withdrawal of his accumulated contributions after termination pursuant to SMC 3.05.120(A) or (B), and is rehired on or after the applicable date in the preceding sentence, regardless of whether the employee restores his prior service under the prior benefit formula pursuant to SMC 3.05.120(C) or SMC 3.05.260. The alternate benefit formula in SMC 3.05.165 will also apply to a member who retired under the benefit formula in SMC 3.05.160, was rehired, and whose benefit was suspended pursuant to SMC 3.05.260. ))~~An employee of the City with a participation date on or after January 1, 2009, but before January 1, 2015. The member shall be entitled to elect at the time of retirement whether to receive their benefit under Tier 2, Tier 3, or Tier 4.
- C. ~~((The alternate benefit formula in 6 shall be the exclusive benefit for employees of the City hired on or after January 1, 2015. The benefit formula in shall also apply as of January 1, 2015, to any employee who was covered by the benefit formula in or, takes a withdrawal of his accumulated contributions after termination pursuant to, and is rehired on or after the applicable date in the preceding sentence, regardless of whether the employee restores his prior service under the prior benefit formula pursuant to or. The alternate benefit formula in SMC 3.05.166 will also apply to a member who retired under the benefit formula in or, was rehired, and whose benefit was suspended pursuant to SMC 3.05.260.))~~An employee of the City with a participation date on or after January 1, 2015, but before January 1, 2018. The member shall be entitled to elect at the time of retirement whether to receive their benefit under Tier 3 or Tier 4.
- D. ~~((The basic provisions of the benefit formula in SMC 3.05.160 and alternate benefit formulas in SMC 3.05.165 and SMC 3.05.166 are summarized in SMC 3.05.167. ))~~An employee of the City with a participation date on or after January 1, 2018. The member shall be entitled to receive their benefit under Tier 4.
- E. The basic provisions of the benefit formula for Tier 1, Tier 2, Tier 3, and Tier 4 are summarized in SMC 3.05.168

Section 3. That SMC 03.05.030 is amended.

**Section 03.05.030 Membership**

- A. Any new employee must become a member of the retirement system and make contributions required by SMC 3.05.040 on the date of hire, except:
1. temporary, seasonal, or new hire provisionals, as defined by the City Charter and the City civil service commission;
  2. members of the police and fire departments who are entitled to benefits under state-enacted retirement programs;
  3. participating employees hired under the Comprehensive Employment and Training Act (CETA) and United States Department of Labor (DOL). This proscription does not apply to permanent nonparticipant staff members of the City and Spokane City-County employment and training consortium or its successor. ~~((Furthermore, CETA participants whose membership was previously terminated and who received a refund of contributions may at such time as they become regular City employees redeposit refunded contributions in accordance with SMC 3.05.120;))~~
  4. other non-City-funded employees in temporary employment programs as determined by the board.
- B. Any other employee who is an elected official may, at any time prior to the completion of five (5) years of continuous service, elect to deposit with the retirement system an amount equal to what would be or would have been the elected

official's normal contributions if a member of the retirement system during this period of service, with regular interest as determined by the board. The City matches said funds and deposits the same in the retirement fund in a manner similar to that provided for the matching of the normal contributions under the provisions of this chapter, provided that no such elected official shall obtain any benefits of the provisions of the retirement system except contribution interest accruing at the rate provided for interest on employees' normal contributions. The return of any such funds so deposited shall be governed by the provisions as to the return of normal contributions. If and when any such elected official becomes a member the sums so deposited by this member shall be transferred to the credit of such member. Any elected official entering the retirement system under this provision shall ~~((become-))~~ have a ((member-)) participation date as of the date of such election to join the system and shall not be considered a member until the date of such election.

Section 4. That SMC 03.05.040 is amended.

### Section 03.05.040 Contributions

A. The normal rates of contributions of members are those adopted by the board, subject to the approval of the ~~((city council-))~~ City Council. The rates so adopted remain in full force and effect until revised or changed by the board in the manner provided in chapter 4.14 SMC.

1. Contributions by Members.

Prior to January 1, 2009, each member shall contribute six and seventy-two one-hundredths percent (6.72%) of the member's compensation. Effective January 1, 2009, the rate of contribution was prospectively increased to seven and seventy-five hundredths percent (7.75%). Effective September 1, 2014, the rate of contribution is prospectively increased to eight and twenty-five hundredths percent (8.25%). Effective December 17, 2017, the rate of contribution is prospectively increased to nine percent (9.00%). ~~((It is contemplated that said contribution by members will, when added to the City's contribution, be enough to properly fund the retirement benefits-))~~ Although designated as employee contributions that reduce the member's salary, the City government, as the employer, shall pay such contributions to the retirement fund pursuant to Internal Revenue Code section 414(h). The member will not have an option of choosing to receive the contributed amounts directly instead of having them paid by the City government to the retirement fund. The picked-up contributions will be included as Social Security wages up to the Social Security wage base, and will also be included in calculating the member's final compensation. It is contemplated that the aggregate normal contributions made by the City into the retirement fund will be enough to properly fund the retirement benefits payable hereunder.

2. Contribution by the City Government.

The City government will ~~((match-))~~ make contributions in an amount that matches the members' in-lieu ((payment of the employees'-)) contributions.

3. Contribution Rate Review

In the event that an official actuarial report for a given fiscal year, prepared at the direction of the board, indicates that the Actuarially Determined Employer Contribution Rate (within the meaning of GASB) is greater than the City's contributions, the City shall, subject to approval by the board and City Council, prospectively increase both the employee contribution rate and the City's matched contribution rate by up to 1.00% of the member's compensation without further bargaining unit negotiation. Increases are limited to once per fiscal year.

In the event that an official actuarial report for a given fiscal year, prepared at the direction of the Board, indicates that the retirement system is fully funded (within the meaning of GASB), the City may, subject to approval by the board and City Council, prospectively decrease both the employee contribution rate and the City's matched contribution rate by up to 1.00% of the member's compensation without further bargaining unit negotiation. Decreases are limited to once per fiscal year.

B. Subject to the provisions of this chapter and chapter 4.14 SMC, the board certifies to the head of each office or department the normal rate of contribution for each member provided for in subsection (A) of this section. The head of the department applies such rate of contribution to the compensation of each and every payroll; and each of said in-lieu amounts are paid by the director of accounting into the retirement fund, hereinafter provided for, and are credited by the board, together with contribution interest, to an individual account of the member for whom the contribution was made. Contribution interest is credited to each individual account at such periods as the board may determine. ~~((The City government's in-lieu payment vests-))~~ Any in-lieu payments contributed by the City are fully and immediately vested for the benefit of the employee immediately upon payment into the retirement fund.

C. The director of accounting transfers to the retirement fund an amount equal to the aggregate normal contributions as soon as administratively practicable following each payroll period.

Section 5. That SMC 03.05.050 is amended.

### **Section 03.05.050 Allowance for Service**

#### **A. Determination.**

1. Subject to the following and all other provisions of this chapter, including such rules and regulations as the board may adopt in pursuance thereof, the board, subject to the approval of the ~~((city council--))~~City Council, determines and may modify allowance for service.
2. Time during which a member is absent on leave without pay may not be allowed in computing service.
3. Each member must file with the retirement system such information affecting ~~((his--))~~their status as a member as the board may require.

#### **B. Military Service.**

Any member is given credit for any period served by him in the military service of the United States, in time of war or upon the call of the President, if at the time of such service such member was a regular employee under leave of absence. Certificate of honorable discharge from and/or documentary evidence of such service must be submitted to the board in order to obtain credit for such service.

#### **C. Preservation of Credits Under Contract.**

The board is authorized from time to time to enter into agreements with other public retirement systems in the ~~((state--))~~State of Washington relative to the mutual acceptance of members and preservation of service credits under such rules and regulations as may be necessary to carry into effect the provisions of this chapter or for its proper operation.

#### **D. Notwithstanding anything in this chapter to the contrary, effective December 12, 1994, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Internal Revenue Code section 414(u). The board may promulgate regulations implementing this section.**

Section 6. That SMC 03.05.070 is amended.

### **Section 03.05.070 Employees' Retirement Fund**

#### **A. The City treasurer shall be the custodian of the retirement fund as provided in SMC 7.08.601. The retirement fund created hereby shall be a trust fund held for the exclusive benefit of the members of the retirement system and their beneficiaries. Except as provided under 3.05.240(B), no part of the corpus or income of the retirement fund shall be used for, or diverted to, purposes other than for the exclusive benefit of the members or their beneficiaries and the payment of fees and expenses of maintaining and administering the retirement system. All benefit formulas under SMC 3.05.160, SMC 3.05.165 ~~((and))~~ SMC 3.05.166 and SMC 03.05.167 are encompassed within the retirement fund without separate accounting.**

#### **B. This section shall be interpreted to allow the following:**

1. A return of the contribution to the City or its application as a credit on future contributions after the board determines that the City has paid or overpaid the contribution under a mistake of fact.
2. The making of refunds required by law; and
3. Termination of the retirement system and distribution of its assets to the City after all liabilities with respect to the members and their beneficiaries have been satisfied.

Section 7. That SMC 03.05.080 is amended.

### **Section 03.05.080 City's Contribution**

There shall be paid into the retirement fund by contributions of the City the amounts necessary to pay all pensions and other benefits allowable under this chapter to members on account of prior service and minimum allowances provided for in SMC 3.05.160, SMC 3.05.165 ~~((and))~~ SMC 3.05.166, and SMC 3.05.167. There shall also be paid into the retirement fund by contributions of the City the amounts necessary to pay its share of disability pensions allowable under this chapter. Until the amount accumulated in the retirement fund becomes at least as large as the present value of all amounts thereafter payable from said fund, the amount annually due to the said fund under this section shall be the amount payable from said fund in the ensuing fiscal year on account of prior service, disability, and minimum allowances above referred to.

Section 8. That SMC 03.05.120 is amended.

### Section 03.05.120 Refund of Contributions

A. Accumulated Contributions in Excess of One Thousand Dollars.

Should the service of a member be discontinued, except by death or retirement, and the member has accumulated contributions in excess of one thousand dollars (\$1,000), the member may elect to withdraw the member's accumulated contributions. Such payment shall be made as soon as administratively practical after the board approves the member's election, which election shall be made not later than six (6) months after the day of discontinuance. The City shall receive credit for the full amount deposited by the City in the retirement fund for such member's benefit plus contribution interest. If a member's service is discontinued and the member ~~((leaves))~~ does not elect to withdraw accumulated contributions ~~((if--))~~ from the retirement system, the board may, in its discretion, charge each such member reasonable administrative expenses for maintenance of the accumulated contributions. Upon reaching the age for required distributions under Internal Revenue Code section 401(a)(9), a single lump sum distribution of all contributions plus contribution interest will be made as soon as administratively possible.

B. Accumulated Contributions of One Thousand Dollars or Less.

Should the service of a member be discontinued, except by reason of death, and the member has accumulated contributions of one thousand dollars (\$1,000) or less, the member shall be paid, not later than six (6) months after the day of discontinuance, the member's entire accumulated contributions.

C. Redeposit.

Any member may redeposit in the retirement fund, within one (1) year of being rehired, an amount equal to that which the member previously withdrew therefrom, or a portion thereof, at the last termination of membership, such redeposit using the current regular interest rate as determined by the board to be paid into the retirement fund in accordance with rules established by the board. In the event such redeposit is made by a member, an amount equal to the accumulated contributions so redeposited shall again be held for the benefit of said member, and shall no longer be included in the amounts available to meet the obligations of the City on account of benefits that have been granted or liabilities that have been assumed on account of prior service of members, and the retirement system shall reinstate the prior service credit, or the portion thereof, for such member, who will rejoin the retirement system pursuant to SMC 3.05.025(B). Effective January 1, 2009, redeposit may also be made by a direct trustee-to-trustee transfer to the retirement fund from a plan qualified under Internal Revenue Code sections 457(b) or 403(b) or by a direct rollover to the retirement fund from an individual retirement account or annuity qualified under Internal Revenue Code section 408. The board may establish rules and procedures for acceptance of such deposits, transfers, or rollovers, including procedures to account for pre-tax transfers and rollovers and after-tax payments.

Section 9. That SMC 03.05.130 is amended.

### Section 03.05.130 Service Retirement

Retirement of members for service is made by the board as follows:

A. Any member in the City service may voluntarily retire by filing with the retirement system a written application, stating a desire to be retired and the effective date of retirement, which date shall not be earlier ~~((that))~~ than the date on which such application is filed with the retirement system and the member's Normal Retirement Date as described in the following:

B. Normal Retirement Date, for members ~~((described in 3.05.25(A) and 3.05.25(B)))~~ retiring under Tier 1 or Tier 2:  
A member's normal retirement date is the first day of the calendar month ~~((coinciding))~~ coincident with or next following the latest of the day on which the member has:

1. attained the age of sixty-two (62), or
2. completed five (5) years of ~~((creditable))~~ City service.

C. Normal Retirement Date, for members described in 3.05.25(C) retiring under Tier 3 or Tier 4:

A member's normal retirement date is the first day of the calendar month ~~((coinciding))~~ coincident with or next following the latest of the day on which the member has:

1. attained the age of sixty-five (65), or
2. completed seven (7) years of ~~((creditable))~~ City service.

A member is fully vested upon attaining the member's normal retirement date, provided the member remains actively employed with the City through such normal retirement date.

Section 10. That SMC 03.05.160 is amended.

### **Section 03.05.160 Allowance on Service Retirement, Tier 1**

The provisions of this section govern the retirement benefits of members ~~((described in))~~ with eligibility under SMC 3.05.025(A)(, including the members who were retirees prior to January 1, 2009, and those active employees as of January 1, 2009, and who affirmatively elect to receive benefits under it pursuant to SMC 3.05.025)) and who elect to retire under Tier 1.

#### **A. Normal Retirement Benefit.**

1. Subject to the minimum and maximum retirement benefits described in this section, a member's annual normal retirement benefit is determined by multiplying two and fifteen one-hundredths percent (2.15%) of the member's final compensation by the member's years of creditable service exclusive of qualified military service, and a benefit purchased by the contributions of the City equal to one and two-thirds percent (1-2/3%) of the final compensation multiplied by the number of years of qualified military service, not to exceed five (5) years as this type of service is otherwise defined and provided for in this chapter. In no case can the normal retirement benefit exceed sixty-four and five-tenths percent (64.5%) of final compensation.
2. A member shall be eligible to receive annual normal retirement benefits on or after the member's normal retirement date pursuant to 3.05.130(B), provided the member has made application with the retirement system pursuant to 3.05.130(A) and has terminated active employment with the City.

#### **B. Accrued Retirement Benefit.**

A member's annual accrued retirement benefit is determined for any date by multiplying two and fifteen one-hundredths percent (2.15%) of the member's final compensation by the member's years of credited service. In no case can the annual accrued retirement benefit exceed sixty-four and five-tenths percent (64.5%) of final compensation.

#### **C. Vested Benefit.**

1. Any member who terminates active employment with the City will be eligible to receive a service retirement allowance at the age of fifty (50), provided at time of member's termination, the member both:
  - a. has at least five (5) years of ~~((creditable))~~ City service; and
  - b. elects to leave member's accumulated contributions in the retirement system.
2. Every member desiring to take advantage of this vesting provision must file a request with the retirement system when terminating active employment.

#### **D. Early Retirement.**

A member may retire before the member's normal retirement date under 3.05.130(B) if the member has ~~((met all))~~ as of the desired retirement date, satisfied all of the following requirements:

1. the member has attained the age of fifty (50);
2. ~~((applied for early retirement;))~~ the member has completed five (5) years of City service;
3. ~~((terminated active employment with the City; and-))~~ the member has applied for early retirement; and
4. ~~((completed five (5) years of creditable service-))~~ the member has terminated active employment with the City

#### **E. Early Retirement Benefit Calculation.**

Early retirement benefits are calculated in the same manner as normal retirement benefits.

#### **F. Payment of Benefits.**

After retirement, normal or early retirement benefits will be payable throughout the remainder of the member's lifetime. However, if a member dies before the total of the retirement benefits paid to the member equals the member's accumulated contributions at the time of retirement, and if the member has not elected an optional form of retirement benefit in accordance with SMC 3.05.210, an amount equal to the difference between the retirement benefits paid and the member's accumulated contributions at the time of retirement will be paid to the member's beneficiary.

G. Ad Hoc Performance Adjustment.

The board is authorized to grant discretionary annual ad hoc performance adjustments effective July 1st of each fiscal year. The rate of the performance adjustment is determined by the board based upon financial, actuarial, and other data and is limited to a maximum of a three percent (3%) adjustment in any given fiscal year. The adjustment is noncompounding and based upon a retiree's original pension amount. The board has adopted a board rule which contains further information on the necessary criteria for ad hoc performance adjustments.

Section 11. That SMC 03.05.165 is amended.

**Section 03.05.165 Allowance on Service Retirement(~~(—Alternate Formula (Rule of 75))~~), Tier 2**

The provisions of this section govern ~~((a)) the retirement benefits of members ((described in--))SMC 3.05.025(A)((whose benefits are not governed by SMC 3.05.160))~~ or 3.05.025(B),((and (b) the retirement benefits of members described in 3.05.025(B))) who elect to retire under Tier 2.

A. Normal Retirement Benefit.

1. A member's annual normal retirement benefit is determined by multiplying two percent (2%) of the member's final compensation by the member's years of creditable service exclusive of qualified military service, and a benefit purchased by the contributions of the City equal to one and two-thirds percent (1-2/3%) of the final compensation multiplied by the number of years of qualified military service, not to exceed five (5) years as this type of service is otherwise defined and provided for in this chapter. In no case can the normal retirement benefit exceed seventy percent (70%) of final compensation.
2. A member shall be eligible to receive annual normal retirement benefits on or after the member's normal retirement date under 3.05.130(B), provided the member has made application with the retirement system pursuant to 3.05.130(A) and has terminated active employment with the City.

B. Accrued Retirement Benefit.

A member's annual accrued retirement benefit is determined for any date by multiplying two percent (2%) of the member's final compensation by the member's years of credited service. In no case can the annual accrued retirement benefit exceed seventy percent (70%) of the member's final compensation.

C. Vested Benefit.

1. Any member who terminates active employment with the City will be eligible to receive a service retirement allowance at the member's normal retirement date under SMC 3.05.130(B), provided that at time of termination, the member both:
  - a. has at least five (5) years of ~~((creditable--))~~City service; and
  - b. elects to leave member's accumulated contributions in the retirement system.
2. Every member desiring to take advantage of this vesting provision must file a request with the retirement system when terminating active employment.

D. Early Retirement Benefit.

A member may retire before the member's normal retirement date under SMC 3.05.130(B) if the member has, as of the desired retirement date, satisfied all of the following requirement ("Rule of 75")~~((the member has attained a minimum age of fifty (50), has at least five (5) years of creditable service, and the sum of the member's age and years of creditable service total at least seventy-five (75)))~~

1. the member has attained a minimum age of fifty (50);
2. the member has at least five (5) years of City service;
3. the sum of the member's age and years of City service total at least seventy-five (75);
4. the member has applied for retirement; and
5. the member has terminated active employment with the City.

Solely for purposes of the "Rule of 75" in the preceding sentence, creditable service for part-time employees will be determined pursuant to regulations established by the board. An active member may also retire on or after having attained the member's normal retirement date under SMC 3.05.130(B) In either case the member must apply for retirement benefits under SMC 3.05.130(A) and terminate from active employment with the City in order to retire.

E. Payment of Benefits.

After retirement, benefits will be payable throughout the remainder of the member's lifetime. However, if a member dies before the total of the retirement benefits paid to the member equals the member's accumulated contributions at the time of retirement, and if the member has not elected an optional form of retirement benefit in accordance with SMC 3.05.210, an amount equal to the difference between the retirement benefits paid and the member's accumulated contributions at the time of retirement will be paid to the member's beneficiary.

Section 12. That SMC 03.05.166 is amended

**Section 03.05.166 Allowance on Service Retirement(~~(—Alternate Formula (Rule of 80))~~), Tier 3**

The provisions of this section govern the retirement benefits of members with eligibility described in SMC 3.05.025(C) and who elect to retire under Tier 3.

A. Normal Retirement Benefit.

1. A member's annual normal retirement benefit is determined by multiplying two percent (2%) of the member's final compensation by the member's years of creditable service exclusive of qualified military service, and a benefit purchased by the contributions of the City equal to one and two-thirds percent (1-2/3%) of the final compensation multiplied by the number of years of qualified military service, not to exceed five (5) years as this type of service is otherwise defined and provided for in this chapter. In no case can the normal retirement benefit exceed seventy percent (70%) of final compensation.
2. A member shall be eligible to receive annual normal retirement benefits on or after the member's normal retirement date under SMC 3.05.130(C), provided the member has made application with the retirement system pursuant to 3.05.130(A) and has terminated active employment with the City.

B. Accrued Retirement Benefit.

A member's annual accrued retirement benefit is determined for any date by multiplying two percent (2%) of the member's final compensation by the member's years of credited service. In no case can the annual accrued retirement benefit exceed seventy percent (70%) of the member's final compensation.

C. Vested Benefit.

Any member who terminates active employment with the City will be eligible to receive a service retirement allowance at the member's normal retirement date under SMC 3.05.130(C), provided that at time of termination, the member both:

1. has at least seven (7) years of (~~creditable~~)City service; and
2. elects to leave member's accumulated contributions in the retirement system.

Every member desiring to take advantage of this vesting provision must file a request with the retirement system when terminating active employment.

D. Early Retirement Benefit.

A member may retire before the member's normal retirement date under SMC 3.05.130(C) if the member has, as of the desired retirement date, satisfied all of the following requirements ("Rule of 80"): (~~the member has attained a minimum age of fifty (50), has at least seven (7) years of creditable service, and the sum of the member's age and years of creditable service total at least eighty (80).)~~)

1. The member has attained a minimum age of fifty (50);
2. the member has at least seven (7) years of City service;
3. the sum of the member's age and years of City service total at least eighty (80);
4. the member has applied for retirement; and
5. the member has terminated active employment with the City .



- E. Solely for purposes of the "Rule of 80" in the preceding sentence, (~~creditable~~)City service for part-time employees will be determined pursuant to regulations established by the board. An active member may also retire on or after having attained the member's normal retirement date under SMC 3.05.130(C). In either case the member must apply for retirement benefits under SMC 3.05.130(A) and terminate active employment with the City.
- F. Payment of Benefits.  
After retirement, benefits will be payable throughout the remainder of the member's lifetime. However, if a member dies before the total of the retirement benefits paid to the member equals the member's accumulated contributions at the time of retirement, and if the member has not elected an optional form of retirement benefit in accordance with SMC 3.05.210, an amount equal to the difference between the retirement benefits paid and the member's accumulated contributions at the time of retirement will be paid to the member's beneficiary.

Section 13. That there is adopted a new section 03.05.167 to chapter 03.05 of the Spokane Municipal code to read as follows:

#### **Section 03.05.167 Allowance on Service Retirement, Tier 4**

The provisions of this section govern the retirement benefits of members with eligibility described in SMC 3.05.025(D) and who elect to retire under Tier 4.

##### A. Normal Retirement Benefit.

1. A member's annual normal retirement benefit is determined by multiplying two percent (2%) of the member's final compensation by the member's years of creditable service exclusive of qualified military service, and a benefit purchased by the contributions of the City equal to one and two-thirds percent (1-2/3%) of the final compensation multiplied by the number of years of qualified military service, not to exceed five (5) years as this type of service is otherwise defined and provided for in this chapter. In no case can the normal retirement benefit exceed eighty percent (80%) of final compensation.
2. A member shall be eligible to receive annual normal retirement benefits on or after the member's normal retirement date under SMC 3.05.130(C), provided the member has made application with the retirement system pursuant to 3.05.130(A) and has terminated active employment with the City.

##### B. Accrued Retirement Benefit.

A member's annual accrued retirement benefit is determined for any date by multiplying two percent (2%) of the member's final compensation by the member's years of credited service. In no case can the annual accrued retirement benefit exceed eighty percent (80%) of the member's final compensation.

##### C. Vested Benefit.

Any member who terminates active employment with the City will be eligible to receive a service retirement allowance at the member's normal retirement date under SMC 3.05.130(C), provided that at time of termination, the member both:

1. has at least seven (7) years of City service; and
2. elects to leave member's accumulated contributions in the retirement system.

Every member desiring to take advantage of this vesting provision must file a request with the retirement system when terminating active employment.

##### D. Early Retirement Benefit.

A member may retire before the member's normal retirement date under SMC 3.05.130(C) if the member qualifies for either "Tier 4 Unreduced Early Retirement" or "Tier 4 Reduced Early Retirement, each as described below:

1. A member qualifies for Tier 4 Unreduced Early Retirement if the member has, as of the desired retirement date, satisfied either a, or b, below:
  - a. The member meets all of the following criteria ("Rule of 90"):
    - i. The member has attained a minimum age of fifty (50);
    - ii. the member has at least seven (7) years of City service;
    - iii. the sum of the member's age and years of City service total at least ninety (90);

- iv. the member has applied for retirement; and
  - v. the member has terminated active employment with the City; or
- b. The member meets all of the following criteria ("30 Year Rule"):
  - i. The member has attained a minimum age of fifty (50);
  - ii. The member has at least thirty (30) years of City service;
  - iii. The member has applied for retirement; and
  - iv. The member has terminated active employment with the City.

Tier 4 Unreduced Early Retirement benefits are calculated in the same manner as normal retirement benefits. Solely for purposes of the "Rule of 90", City service for part-time employees will be determined pursuant to regulations established by the Board.

- 2. A member qualifies for Tier 4 Reduced Early Retirement if the member has, as of the desired retirement date, satisfied all of the following
  - a. the member has attained the age of fifty (50);
  - b. the member has completed seven (7) years of City service;
  - c. the member has applied for early retirement; and
  - d. the member has terminated active employment with the City.

Tier 4 Reduced Early Retirement benefits are equal to a member's normal retirement benefit subject to an early retirement factor which reduces the the benefit payable at early retirement by two and five-tenths (2.5%) per year for the lesser of the following determined as of the date early retirement is to begin:

- a. The excess of (a) ninety (90) over (b) the member's attained age plus whole years of City service; and
- b. The excess of (a) sixty-five (65) over (b) the member's attained age.

An active member may also retire under Tier 4 on or after having attained the member's normal retirement date under SMC 3.05.130(C). In all cases, to retire under Tier 4, the member must apply for retirement benefits under SMC 3.05.130(A) and terminate active employment with the City.

#### E. Payment of Benefits.

After retirement, benefits will be payable throughout the remainder of the member's lifetime. However, if a member dies before the total of the retirement benefits paid to the member equals the member's accumulated contributions at the time of retirement, and if the member has not elected an optional form of retirement benefit in accordance with SMC 3.05.210, an amount equal to the difference between the retirement benefits paid and the member's accumulated contributions at the time of retirement will be paid to the member's beneficiary.

Section 14. That SMC 03.05.167 is amended

#### **Section 03.05.16((7))8 Summary of Benefits**

- A. Plan defaults for those retiring under SMC 3.05.160, Tier 1:
  - 1. Calculation factor equals two and fifteen hundredths percent (2.15%) per year of creditable service.
  - 2. Calculation is capped at thirty (30) years of creditable service or sixty-four and one-half percent (64.5%) of final compensation.
  - 3. Final compensation based on highest two (2) consecutive years.
  - 4. At time of retirement, employee can switch to retirement structure in subsection (B) of this section – all criteria must be met.
  - 5. Five (5) years of City service for vesting.

6. Minimum early retirement age is fifty (50) with five (5) years (~~((creditable))~~) City service.
  7. Normal retirement age is sixty-two (62) years.
  8. Disability factor is one and twenty-five hundredths percent (1.25%).
  9. Military leave factor is one and two-thirds percent (1-2/3%).
  10. Portability and vested groups in place prior to January 1, 2009, are part of these defaults.
- B. Plan defaults for those retiring under SMC 3.05.165(~~(—Alternate Formula (Rule of 75))~~), Tier 2:
1. Calculation factor equals two percent (2%) per year of creditable service.
  2. Calculation is capped at thirty-five (35) years of creditable service or seventy percent (70%) of final compensation.
  3. Final compensation based on highest two (2) consecutive years.
  4. Tier 2 “Rule of 75” (age plus years of (~~((creditable))~~) City service must equal at least seventy-five (75) points).
  5. Five (5) years City service for vesting.
  6. Minimum retirement age is fifty (50) years.
  7. Normal retirement age is sixty-two (62) years.
  8. Employee with at least five (5) years (~~((creditable))~~) City service will be able to retire at sixty-two (62).
  9. No change to disability calculation.
  10. Military leave factor is one and two-thirds percent (1-2/3%) and these defaults.
  11. Portability and vested groups in place after January 1, 2009 but prior to January 1, 2015, are part of these defaults.
- C. Plan defaults for those retiring under SMC 3.05.166 (~~(—Alternate Formula (Rule of 80))~~), Tier 3:
1. Calculation factor equals two percent (2%) per year of creditable service.
  2. Calculation is capped at thirty-five (35) years of creditable service or seventy percent (70%) of final compensation.
  3. Final compensation based on highest three (3) consecutive years.
  4. Tier 3 “Rule of 80” (age plus years of (~~((creditable))~~) City service must equal at least eighty points (80).
  5. Seven (7) years City service for vesting.
  6. Minimum early retirement age is fifty (50) years.
  7. Normal retirement age is sixty-five (65) years.
  8. Employee with at least seven (7) years (~~((creditable))~~) of City service will be able to retire at sixty-five (65).
  9. No change to disability calculation.
  10. Military leave factor is one and two-thirds percent (1-2/3%) and these defaults.
- D. Plan defaults for those retiring under SMC 3.05.167, Tier 4:
1. Calculation factor equals two percent (2%) per year of creditable service.
  2. Calculation is capped at forty (40) years of creditable service or eighty percent (80%) of final compensation.
  3. Final compensation based on highest three (3) consecutive years, with overtime and base salary capped at one hundred and twenty percent (120% of base salary).

4. Normal retirement age is sixty-five (65) years.
5. Seven (7) years of City service for vesting.
6. Employee with at least seven (7) years of City service will be able to retire at sixty-five (65).
7. Unreduced Early Retirement:
  - a. Minimum early retirement age is fifty (50) years.
  - b. Satisfies at least one of the following:
    - i. "Rule of 90" (age plus years of City service must equal at least ninety points (90)).
    - ii. "30 Year Rule" (must have at least 30 years of City service).
8. Reduced Early Retirement: member can retire before normal retirement date, but the benefit is subject to reduction to reflect early commencement of benefits.
  - a. Early retirements reduced by two and five-tenths percent (2.5%) times the lesser of:
    - i. The excess of ninety (90) over the sum of the member's attained age plus whole years of City service; or
    - ii. The excess of sixty-five (65) over the member's attained age.
9. No change to disability calculation.
10. Military leave factor is one and two-thirds percent (1-2/3%) and these defaults.

E. General Plan Defaults.

1. Portability members hired or repurchasing time on or after January 1, 2009, will be part of the defaults for the ~~(("Alternate Formula" under either SMC 3.05.165 or 3.05.166, whichever))~~ plan tier that coincides with their participation date of repurchase, and must meet the criteria in relating subsection (B or C) of this section between both systems to be eligible to retire in SERS.
2. Pensioners who are rehired by the City on or after January 1, 2009, and suspend their pensions, will be part of the defaults for the ~~(("Alternate Formula" under either SMC 3.05.165 or 3.05.166, whichever coincides with their date of rehire))~~, plan Tier that coincides with their participation date as they earn time toward a second pension.
3. Employees who had previously withdrawn their retirement contributions and are rehired on or after January 1, 2009, will be part of the defaults for the ~~(("Alternate Formula" under either SMC 3.05.165 or 3.05.166, whichever coincides with their date of rehire))~~ plan Tier that coincides with their participation date, regardless if they buy back previous service time.

Section 15. That SMC 03.05.170 is amended

**Section 03.05.170 Payment Upon Death of Member**

A. Eligible to Retire.

If a member who had not retired but had named the member's spouse as the sole primary beneficiary and who was eligible to retire pursuant to SMC 3.05.160, SMC 3.05.165 or, SMC 3.05.166, or SMC 3.05.167 whichever applies, or who had at least thirty (30) years of creditable service dies, then the member's surviving spouse may elect to receive:

1. death benefits provided for in this section, or
2. a retirement allowance payable only for the remainder of the surviving spouse's life and equal to that which would have been received had the deceased member retired on the date of death under the provisions of Option E as provided in SMC 3.05.210, or
3. in lieu of either of the above, a lump sum cash payment not to exceed one-half of the deceased member's accumulated contributions and a retirement allowance in accordance with Option E as provided in SMC 3.05.210, but reduced proportionately by the amount of cash withdrawn from this selection.

**B. Not Eligible to Retire.****1. Repayment of Contributions.**

Upon the death of any member not eligible to retire, there shall be paid to the member's estate, or to such persons as the member shall have nominated by written designation duly executed and filed with the retirement system, the member's accumulated contribution with contribution interest, less payments made therefrom to the member, if any. Effective January 1, 2009, a non-spouse designated beneficiary shall be permitted to elect a direct trustee to trustee transfer of such distribution to an individual retirement account established for the purposes of receiving the distribution on behalf of an individual who is a designated beneficiary and who is not the surviving spouse of the participant, which shall be treated as an inherited individual retirement account within the meaning of Internal Revenue Code section 408(d)(3)(C).

**2. Death of Active Married Member.**

Alternatively, upon the death of any active member who is eligible to vest in the retirement system, who is married at the time of death, and whose surviving spouse has been properly nominated as sole primary beneficiary, the surviving spouse may elect to leave the accumulated contributions in the retirement system and, on such date as the member would have been eligible, apply for and receive such retirement allowance as is allowed under retirement Option E as provided in SMC 3.05.210 as established in this chapter. Such retirement will be calculated as if the member had been eligible to retire at the time of death, and will be based upon the age of the surviving spouse at the time when the member would have been eligible to retire. Any retirement allowance calculated under this section will be based on the accumulations and earnings of the member as of the date of retirement.

Section 16. That SMC 03.05.180 is amended

**Section 03.05.180 Disability Retirement**

- A. Any member while in City service may be retired by the board for permanent and total disability, either ordinary or accidental, upon examination, if the member has not attained normal retirement age but has at least five (5) years of creditable service if the member is described in SMC 3.05.025(A) or (B), or has at least seven (7) years of creditable service if the member is described in SMC 3.05.025(C) or (D), provided that the required number of years of creditable service must have been credited to the member over a period of not to exceed ten (10) years immediately preceding member's disability retirement. The member's disability retirement shall be under the Tier corresponding to his participation date and the member cannot elect to receive a disability retirement under subsequent tiers.
- B. Such member, within three (3) months after the discontinuance of City service, or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of City service, but not later than one (1) year after discontinuance of City service, shall be examined by a physician or surgeon appointed by the board upon the application of the head of the office or department in which said member is employed, or upon application of said member or a person acting in the member's behalf, stating that the member is permanently and totally incapacitated, either physically or mentally, for the performance of duty and ought to be retired. If such medical examination shows, to the satisfaction of the board, that the member is permanently and totally incapacitated either physically or mentally for the performance of duty and ought to be retired, the board shall retire the member for disability forthwith. Alternatively, the board is entitled to consider a disability determination made by the Social Security Administration as conclusive evidence that a member is disabled for the purposes of determining disability status in the retirement system.
- C. Any member who shall suffer accidental permanent and total disability while engaged in the City service shall be retired forthwith and shall not be required to have the minimum number of years of creditable service as required for ordinary disability under SMC 3.05.180(A).
- D. The board shall secure such medical services and advice as it may deem necessary to carry out the purpose of this section and of SMC 3.05.200, and shall pay for such medical services and advice such compensation as the board shall deem reasonable.

Section 17. That SMC 03.05.190 is amended

**Section 03.05.190 Allowance on Disability Retirement**

- A. Upon retirement for disability (disability retirement) as hereinabove provided, so long as the disability is not due to substance abuse, willful misconduct, or violation of law (of which the board shall be the judge), a member shall receive a disability retirement allowance consisting of:
1. an annuity which shall be the actuarial equivalent of the member's accumulated contributions at the time of retirement; and

2. a pension purchased by the contributions of the City which, together with the annuity provided by the member's accumulated contributions, shall make the disability retirement allowance, equal to one and one-fourth percent (1.25%) of the member's final compensation (defined as appropriate based on ~~((whether the member is--))~~the member's eligibility as described in SMC 3.05.025(~~((A), (B) or (C)))~~), multiplied by the number of years of service which would be creditable to the member were the member's services to continue until the member had attained normal retirement age (i.e. age 62 for members described in SMC 3.05.025(A) and (B), and age 65 for members described in SMC 3.05.025(C) and (D)); provided, however, the minimum disability retirement allowance shall be two thousand four hundred dollars (\$2,400) per year for duty-related causes, and one thousand two hundred dollars (\$1,200) per year for non-duty-related causes.
- B. If disability is due to substance abuse, willful misconduct or violation of law on the part of the member, the board in its discretion may pay to said member in one lump sum the member's accumulated contributions in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the City to such member and, upon receipt of such payment, membership in the retirement system shall cease.
- C. Upon the death of a member while in receipt of a disability retirement allowance, the member's accumulated contributions, as they were at the date of retirement, less any annuity payments, shall be paid to the member's estate, or to such persons as the member shall have nominated by written designation duly executed and filed with the retirement system.

Section 18. That SMC 03.05.210 is amended

### **Section 03.05.210 Optional Allowance on Retirement**

A member may elect to receive, in lieu of the retirement allowance, as provided for in SMC 3.05.160, SMC 3.05.165 ~~((--or))~~, SMC 3.05.166 or SMC 3.05.167, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one of the options set forth below. Election of any option must be made by written application filed with the retirement system and does not become effective unless approved by the board.

- A. Option A.  
The lesser retirement allowance will be payable to the member throughout the member's life, provided that if the member dies before the member receives in annuity payments referred to in SMC 3.05.160(A)(1), SMC 3.05.165(A)(1) ~~((--or))~~, SMC 3.05.166(A)(1) or SMC 3.05.167(A)(1) a total amount equal to the amount of accumulated contributions as it was at the date of retirement, the balance of such accumulated contributions will be paid in one sum to the member's estate or to such person as the member shall nominate by written designation duly executed and filed with the retirement system.
- B. Option B.  
The lesser retirement allowance will be payable to the member throughout the member's life, provided that if the member dies before the member receives in annuity payments referred to in SMC 3.05.160(A)(1), SMC 3.05.165(A)(1) ~~((--or))~~, SMC 3.05.166(A)(1) or SMC 3.05.167(A)(1) a total amount equal to the amount of accumulated contributions as it was at the date of retirement, the said annuity payments resulting from accumulated contributions will be continued and paid to the member's estate or such person as the member shall nominate by written designation duly executed and filed with the retirement system, until the total amount of annuity payments shall equal the amount of accumulated contributions as it was at the date of retirement.
- C. Option C.  
The member elects a "guaranteed period" of any number of years. If the member dies before the lesser retirement allowance has been paid for the number of years elected as the "guaranteed period," the lesser retirement allowance will be continued to the end of the "guaranteed period," and during such continuation be paid to the member's estate or to such person as the member shall nominate by written designation duly executed and filed with the retirement system.
- D. Option D.  
The lesser retirement allowance will be payable to the member throughout life and, after the death of the member, one-half of the lesser retirement allowance shall be continued throughout the life of, and paid to, the spouse of the member, named at time of retirement, if surviving.
- E. Option E.  
The lesser retirement allowance will be payable to the member throughout life, and after death of the member, it shall be continued throughout the life of, and paid to, the spouse of the member named at time of retirement, if surviving.

Once the form of payment in which the member's benefit has become effective (i.e., in either the retirement allowance as provided for in SMC 3.05.160, SMC 3.05.165, SMC 3.05.166 or SMC 3.05.167 or one of the five optional forms of benefit provided for above), the form in which that member's benefit is payable is irrevocable and cannot thereafter be changed at any time or for any reason.

Section 19. That SMC 03.05.260 is amended

### **Section 03.05.260 Suspension of Allowance During Employment**

The payment of any retirement allowance to a member who has been retired will be suspended during the time the member is for any reason an employee of the City and until qualifying for a benefit pursuant to SMC 3.05.165~~((-or))~~, SMC 3.05.166 or SMC 3.05.167, provided that payment for vacation or sick leave earned in the City service prior to retirement may be made without suspension of allowance, and, provided further, that this provision does not apply to retirees who:

- A. become elected officials of the City and do not elect to join the system; or
- B. enter into personal services contracts with the City; or
- C. employees who, subsequent to retirement, are rehired pursuant to the following criteria:
  - 1. The position filled is of a temporary/seasonal nature; and
  - 2. The position is filled only with the approval of the director of human resources or the mayor's office and their bargaining unit; and
  - 3. Employment is limited to nine hundred sixty (960) hours per twelve-month period; and
  - ~~((4. The human resources office prepares an annual report to the board on the usage of retirees.))~~
  - ~~((5.))~~4. There is a minimum of one pay period between the time an employee retires and is rehired as a temporary/seasonal employee.

Section 20. That SMC 03.05.270 is amended

### **Section 03.05.270 Preliminary Cost**

The ~~((city council))~~ City Council appropriates annually from the retirement fund the amount it deems necessary for the purpose of paying the expenses of administering the retirement system and the purchase of fiduciary responsibility insurance. The board annually submits to the ~~((city council))~~ City Council its estimate of the amount necessary to pay such expenses.

Section 21 That SMC 03.05.275 is amended

### **Section 03.05.275 Portability of Benefits**

- A. The board is authorized to contract with the board of administration of the Tacoma employees' retirement system and/or board of administration of the Seattle employees' retirement system (each called a "participating system") for the portability of retirement benefits of employees who are also members of the retirement systems of the cities of Tacoma and Seattle, respectively. The following terms and conditions shall apply in addition to such other requirements as may be established by rule of the board or the agreement with participating systems:
  - 1. The member must be in the active service of a participating system on or after the effective date of the board's agreement for portability; a member retired from any of the three systems on the effective date of the ordinance codified in this chapter is not eligible.
  - 2. Creditable service may accrue in only one participating system at a time. A member who leaves City employment to enter military service may only receive creditable service for ~~((his-))~~ their military service in one of the participating systems according to its rules.
  - 3. A member may combine service credit in two or more participating systems for the sole purpose of determining the member's eligibility to receive a service retirement allowance, but the member may not aggregate service credit in two or more retirement systems for the purpose of determining the percentage factor to be used in calculating a service retirement allowance.
  - 4. A member of two or more participating systems who is eligible to retire under any system may elect to retire from all the member's systems and to receive a service retirement allowance. Each participating system shall calculate the allowance using its own criteria except that the member shall be allowed to use the member's base salary from any participating system as the compensation used in calculating the allowance. "Base salary" means the salary or wages used by the participating system during a payroll period for making contributions to

the system by its members generally. It includes salary or wages paid for personal services and wages and salary deferred under the provisions of the Internal Revenue Code. It excludes overtime payments (except as to service for the City of Spokane), non-money maintenance compensation and lump-sum payments for deferred annual leave, unused accumulated vacation, unused accumulated annual leave, any form of severance pay, any bonus for voluntary retirement, any other form of leave, or any similar lump-sum payment.

5. The retirement allowances shall be paid separately by each participating system. Post-retirement adjustments, if any, shall be based upon the payments made by each participating system to the member.
6. The total retirement allowances provided through portability of benefits shall not be less than the benefits payable by each participating system were there no portability.
7. A participating system may pay a member of two or more systems a lump sum in lieu of a monthly benefit if the initial monthly benefit would be less than fifty dollars.
8. If a member of two or more participating systems dies in service in any system, the surviving spouse shall receive the same benefit from each system that would have been received if the member were active in the system at the time of ~~((his-))~~their death based upon service actually established in that system.
9. The terms and conditions of the board's agreement with the board of a participating system both establishes and limits the portability of benefits provided. The board's agreements may be amended from time to time or supplemented by an agreement with the State of Washington for portability with state retirement systems. If the board amends its agreement with the board of a participating system or makes modifications to provide portability with state systems, the rights, terms and conditions for portability are subject to amendment or abolition at any time before a member retires.
10. A member who:
  - a. earned retirement credit for service in a participating system,
  - b. withdrew ~~((his-))~~their contributions from that system,
  - c. lost service credit by making the withdrawal, and
  - d. is now an active member of another participating system may restore ~~((his or her-))~~their prior service credit in the participating system of ~~((his or her-))~~their former municipal employer by redepositing an amount determined by the system board within one year after January 1, 1991. Any individual hired after January 1, 1992, shall be provided with a one-year period under portability to repay contributions. This does not extend the time period for those individuals in the system who have not taken advantage of the one-year "windowed" period from January 1, 1991, to December 31, 1991. The amount shall be measured by the accumulated contributions withdrawn, plus compound regular interest which would have accumulated on the withdrawn contributions from the date of withdrawal until the date of his redeposit.
- B. As authorized by RCW 41.54.061 the City irrevocably elects to participate in the portability of public retirement systems as contemplated by chapter 41.54 RCW, and to pay for the additional cost it may incur as a result of the benefits provided. The eligibility of members for the portability of public retirement systems, the benefits available thereunder, the limitations (including RCW 41.54.080), and the procedures shall be as set out in chapter 41.54 RCW.
- ~~((C.))~~The benefit formula ~~((shall also apply prospectively to-))~~for any member who was covered by ~~((the-))~~an earlier benefit formula~~((-in))~~, and takes a withdrawal of ~~((his-))~~their accumulated contributions after termination pursuant to SMC 3.05.120(A) or (B), and who is subsequently rehired~~((-on or after January 1, 2009))~~, will have benefits determined based on their participation date, regardless of whether the member restores ~~((his-))~~their prior service under the prior benefit formula pursuant to portability rights under this SMC 3.05.275.~~((Additionally, the benefit formula in SMC 3.05.166 shall also apply prospectively to any member who was covered by the benefit formula in SMC 3.05.160 or SMC 3.05.165, takes a withdrawal of his accumulated contributions after termination pursuant to SMC 3.05.120(A) or (B), and is rehired on or after January 1, 2015, regardless of whether the member restores his prior service under the prior benefit formula pursuant to portability rights under this SMC 3.05.275.))~~



# 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.**

## **MAIL CENTER SPECIALIST SPN 007 OPEN ENTRY**

**DATE OPEN:** Monday, January 15, 2018      **DATE CLOSED:** Sunday, January 21, 2018 at 11:59 p.m.  
**SALARY:** \$35,642.16 annual salary, payable bi-weekly, to a maximum of \$55,645.20

### **DESCRIPTION:**

Performs specialized technical Mail Center functions in compliance with USPS regulations and provides interoffice mail delivery within City Hall.

### **DUTIES:**

Processes incoming/outgoing mail for City Hall; receives and sorts incoming mail for employees and departments; arranges courier services and schedules to outside offices; assures that all outgoing mail and courier service deliveries are ready for pick-up at designated times; verifies security of mail prior to delivery; prepares and processes overnight express mail using a variety of carriers.

Process customer's bills by operating inserter; coordinates and schedules large volume special mailing projects which involves planning, processing and delivery to the BMEU of presort standard, presort, and first class mail for domestic and foreign destinations.

Monitors postal accounts/balances for postage meters, presort standard, and postage due; initiates requests for vouchers to replenish accounts; calculates additional postage for presort and first class mail to be applied over and above the Zip+4 rate; calculates and prepares monthly billing for individual departments.

Ensures departments comply with USPS regulation, policies, and guidelines.

Operates standard office machines and personal computer

Tracks UPS, USPS, and Federal Express packages using the internet; operates UPS online system to perform transactions; addresses presort standard mailings using desktop computer program.

Operates, maintains, and adjusts 7-station inserting machine, de-collator, mailing machine, tabbing machine, desktop labeling/ mailing program, and automobile.

Routinely handles confidential material, warrants, and notices.

Delivers or picks-up mail at the U. S. Post Office to meet critical schedules.

Performs related work as required.

### **MINIMUM QUALIFICATIONS:**

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

**Education and Experience:** High school diploma or equivalent; and two years of clerical experience, with one year of experience or training in mail center operations or equipment, such as meters and inserters.

**Licenses and Certifications:** Must possess a valid driver's license.

**REQUIRED ADDITIONAL DOCUMENTS:** Must be received in our office by the closing date, preferably attached to application.

- Copy of unofficial college transcripts, including name of institution, applicant name, courses/credits taken, and GPA. – if applicable.
- DD Form 214 (Member-4) or NGB Form 22, if applicable. (See RCW 41.04.010 as to how Veterans' Preference is applied.)

**EXAMINATION DETAILS:**

\*\*\*NOTE: This recruitment is for one week only.\*\*\*

Applicants must meet the minimum qualifications and pass the examination for this position to be eligible for hire. The examination will consist of a Supplemental Questionnaire, weighted at 100%.

**SUPPLEMENTAL QUESTIONNAIRE INSTRUCTIONS**

The Supplemental Questionnaire is designed to elicit sufficient job-related information and will be used to evaluate the amount and quality of the applicant's previous job-related experience, as well as any other information deemed important to performing the duties of the position.

The Supplemental Questionnaire is the Civil Service examination for this position and must be completed online at the time of application.

Responses should be consistent with the information on your application and are subject to verification.

Changes or corrections to your responses cannot be made once your application packet has been submitted. Duplicate applications will be disqualified.

Resumes will not be accepted in lieu of completing the "Work Experience" and "Education" sections of the online employment application.

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.

**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 10th day of January 2018.

CRAIG HULT  
Chair

GITA GEORGE-HATCHER  
Chief Examiner

# Notice for Bids

## Paving, Sidewalks, Sewer, etc.

**REQUEST FOR QUALIFICATIONS****PROJECT NO. 2018054****2018-2019 CONSTRUCTION MANAGEMENT ON-CALL SERVICES****City of Spokane Department of Engineering Services**

Sealed proposals are due by 1:00 p.m. on **MONDAY, FEBRUARY 5, 2018** to the Engineering Department on the second floor of Spokane City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201-3343.

Submit (1) one original and (3) three paper copies of the Proposal to:

City of Spokane – Engineering Services  
2nd Floor – City Hall  
808 W. Spokane Falls Blvd.  
Spokane WA 99201-3343

Place each copy of the Proposal in a separate sealed envelope. On the front of each envelope, clearly note it contains the original or a copy and place the following information:

2018-2019 CONSTRUCTION MANAGEMENT ON CALL SERVICES  
YOUR COMPANY NAME

**Copies of the Request for Qualifications are available at [www.cityofspokaneplans.com](http://www.cityofspokaneplans.com)**

**NOTE:** Proposals will not be accepted by fax or email.

Publish January 17 and 24, 2018

# Notice for Bids

## Supplies, Equipment, Maintenance, etc.

**STRATEGIC MARKETING INITIATIVE**  
City of Spokane

**RFP #4429-18**

Sealed proposals will be acknowledged at 1:15 p.m., **MONDAY, JANUARY 29, 2018** in the City Council Chambers – Lower Level – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington 99201, for **STRATEGIC MARKETING INITIATIVE** for the City of Spokane.

Detailed specifications and proposal forms are available from City Purchasing, by contacting Thea Prince at [purchasinghelp@spokanecity.org](mailto:purchasinghelp@spokanecity.org)

**Submittal Instructions:**

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

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

**Division of Purchasing  
City of Spokane  
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 proposals are to be marked:  
**STRATEGIC MARKETING INITIATIVE, RFP #4429-18, DUE 1/29/18”.**

Thea Prince  
Purchasing Department

Publish: January 10 & 17, 2018

---

