



Official Gazette

City of Spokane, Washington

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

Volume 110

JULY 8, 2020

Issue 28



MAYOR AND CITY COUNCIL

MAYOR NADINE WOODWARD

COUNCIL PRESIDENT BREEAN BEGGS

COUNCIL MEMBERS:

KATE BURKE (DISTRICT 1)

MICHAEL CATHCART (DISTRICT 1)

LORI KINNEAR (DISTRICT 2)

CANDACE MUMM (DISTRICT 3)

KAREN STRATTON (DISTRICT 3)

BETSY WILKERSON (DISTRICT 2)

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Minutes

NOTICE

MEETING MINUTES OF SPOKANE CITY COUNCIL
Monday, June 29, 2020

The minutes for the Monday, June 29, 2020, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published in the Wednesday, July 15, 2020, issue of the *Official Gazette*.

STUDY SESSION MEETING MINUTES
SPOKANE CITY COUNCIL
Thursday, June 18, 2020

A regularly scheduled Study Session of the Spokane City Council was held virtually on the above date at 11:04 a.m. in the City Council Chambers, Lower Level – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington. Council President Beggs and Council Members Cathcart, Kinnear, Mumm, Stratton and Wilkerson were present via Webex. Council Member Burke was absent. The public was encouraged to tune in to the meeting live on Channel 5, at <https://my.spokanecity.org/citycable5/live>, or by calling in.

Pursuant to Governor Jay Inslee's Fourth Updated Proclamation 20-28.4, dated May 29, 2020, all public meetings subject to the Open Public Meetings Act, Chapter 42.30 RCW, are to be held remotely and the in-person attendance requirement in RCW 42.30.030 has been suspended until at least through July 1, 2020. The purpose of the meeting was to hold discussion on the following topics:

- SPD/SFD Fleet Update
- SIP Loan Options
- Police Reform Initiative

Note: Discussion on the Police Reform Initiative was not held as this item was moved to the Council's June 25, 2020, study session.

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

The meeting adjourned at 12:56 p.m.

STUDY SESSION MEETING MINUTES
SPOKANE CITY COUNCIL
Thursday, June 25, 2020

A regularly scheduled Study Session of the Spokane City Council was held virtually on the above date at 11:03 a.m. in the City Council Chambers, Lower Level – City Hall, 808 West Spokane Falls Boulevard, Spokane, Washington. Council President Beggs and Council Members Burke, Cathcart, Kinnear, Mumm, Stratton and Wilkerson were present via Webex. The purpose of the meeting was to hold discussion on the following topics:

- CP Beggs Draft Police Reform Resolution
- Sewer Service MOU
- Solid Waste Rate Setting

The public was encouraged to tune in to the meeting live on Channel 5, at <https://my.spokanecity.org/citycable5/live>, or by calling in.

Pursuant to Governor Jay Inslee's Fourth Updated Proclamation 20-28.4, dated May 29, 2020, all public meetings subject to the Open Public Meetings Act, Chapter 42.30 RCW, are to be held remotely and the in-person attendance requirement in RCW 42.30.030 has been suspended until at least through July 1, 2020.

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

The meeting adjourned at 12:37 p.m.

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*.



Mayor Nadine Woodward

July 3, 2020

Spokane City Council
808 W. Spokane Falls Blvd.
Spokane, WA 99201

RECEIVED
JUL 02 2020
CITY CLERK'S OFFICE

Dear Council President Breean Beggs and City Council Members,

After great consideration and conversations with community members, today I vetoed Ordinance C35870 relating to prohibiting the use of "mesquite" devices. While well intentioned, the Ordinance eliminates a necessary tool for valued employers throughout our downtown core.

From listening to constituents and business leaders, it is clear that our downtown core business owners need every available tool accessible to protect their property. While we continue to pursue other avenues to ensure the safety and comfort of all citizens who frequent our downtown, such as the upcoming opening of a true downtown police precinct and increased foot patrols to promote greater community engagement, a business owner should have the right to use non-obtrusive methods to protect their business from loitering in front of their establishments.

Additionally, with an Ordinance that spanned two Administrations and was voted on amidst a global pandemic, we do not believe there was adequate community involvement on such an important topic. Our community's eyes and ears have been directed toward our Police Guild contract, the Black Lives Matter movement, and our COVID-19 economic and health crisis. The timing of action to strip businesses of an important tool who are struggling to stay open and keep people employed amid devastating closures and unforeseen restrictions is unfortunate. Councilmember Cathcart even stated during the 6:00 pm Council Meeting on June 22nd, "I can't support this. I think, right now, we are asking so much of our businesses." This statement was echoed by Councilmember Stratton as well.


It is with the interest of all citizens and the safety and vibrancy of our downtown in mind that I vetoed Ordinance C35870. It is my hope that you will take this action as a call to reopen dialogue with our community to find appropriate tools and solutions to address loitering and criminal activity and consider how to best support our business owners during this time.

Sincerely,

Nadine Woodward
Mayor

The City of Choice

808 W. Spokane Falls Blvd. • Spokane, Washington 99201 5345
Phone: 509.625.6250 FAX: 509.625.6533

 Agenda Sheet for City Council Meeting of: 12/16/2019		Date Rec'd 12/2/2019 Clerk's File # ORD C35870 Renews #
Submitting Dept	CITY COUNCIL	Gross Ref #
Contact Name/Phone	KATE BURKE 625-6275	Project #
Contact E-Mail	KATEBURKE@SPOKANECITY.ORG	Bld #
Agenda Item Type	Final Reading Ordinance	Requisition #
Agenda Item Name	0320 - PROHIBITING HIGH-FREQUENCY EMITTING DEVICES KNOWN AS "MOSQUITOS"	
Agenda Wording An ordinance prohibiting the use of devices which emit high-frequency sound designed to be audible only to children and young adults, often called "mosquitos"; amending sections 10.08D.030, 10.08D.050, and 10.08D.140 of the Spokane Municipal Code.		
Summary (Background) Devices often called "mosquitos" emit painful high-frequency sound which, by design, is intended to be audible to children and young adults. "Mosquitos" are intended to create such painful or annoying sound within a public area that people will be compelled to leave the area. The use of these "mosquito" devices in public spaces is a disproportionate, unproven and likely counter-productive method which contradicts our goal to create a vibrant and welcoming city.		
Fiscal Impact	Grant related? NO Public Works? NO	Budget Account
Neutra \$		#
Select \$		#
Select \$		#
Select \$		#
Approvals		Council Notifications
Dept Head	MCCLATCHY, BRIAN	Study Session
Division Director		Other PSCH Committee, 12/2/2019
Finance	BUSTOS, KIM	Distribution List
Legal	PICCOLO, MIKE	
For the Mayor	ORMSBY, MICHAEL	
Additional Approvals		PASSED BY SPOKANE CITY COUNCIL:
Purchasing		<i>[Signature]</i> 6/25/2020
FIRST READING OF THE ABOVE ORDINANCE HELD ON 12-9-2019 AND FURTHER ACTION WAS DEFERRED <i>[Signature]</i> CITY CLERK		CITY CLERK

ORDINANCE NO. C-35870

An ordinance prohibiting the use of so-called "mosquito" devices; amending sections 10.08D.030, 10.08D.050, and 10.08D.140; and enacting a new section 10.08D.145 of the Spokane Municipal Code.

NOW THEREFORE, the City of Spokane does ordain:

Section 1. That section 10.08D.030 of the Spokane Municipal Code is amended to read as follows:

Section 10.08D.030 Definitions

All terminology used in this chapter which is not defined below shall be interpreted in conformance with the most recent definitions used by the American National Standards Institute (ANSI) or its successor body.

- A. "A-weighted sound level" means the sound pressure level in decibels measured using the A-weighted network on a sound level meter as specified by the American National Standards Institute specification for sound level meters as now existing or as hereafter amended or modified. The level so read is designated dBA.
- B. "Ambient sound" means the sound level at a given location that exists as a result of the combined contribution in that location of all sound sources, excluding the contribution of a source or sources under investigation for violation of this chapter and excluding the contribution of extraneous sound sources.
- C. "Amplified" means to increase a sound level by electronic, mechanical or other means.
- D. "Amplification equipment" means any device, whether mechanical, electrical, or other, used to increase the loudness or volume and intensity of sound.
- E. "Background sound level" means the level of all sounds in a given environment, independent of the specific source being measured.
- F. "Commercial noise" means noise emitted from commercial activities including those noises generated by a combination of equipment, facilities, operations, or activities employed in the production, storage, handling, sale, purchase, exchange, or maintenance of a product, commodity, or service and those noise levels generated in the storage or disposal of waste products.
- G. "dBA" means the sound level as measured with a sound level meter using the A-weighted network. This frequency weighting network for the measurement of sound levels shall comply with standards established by the American National

Standards Institute specifications for sound level meters S1.4-1983 (R2006) / S.14A-1985 (R2006), or as amended.

- H. "Decibel" (dB) means the practical unit of measurement for sound pressure level; the number of decibels of a measured sound is equal to twenty times the logarithm to the base ten of the ratio of the sound pressure to the pressure of a reference sound (twenty micropascals); abbreviated "dB."
- I. "EDNA" means environmental designation for noise abatement, which is an area within which maximum permissible noise levels are established by the Washington State department of ecology and this chapter.
- J. "Exterior electrical equipment noise" means noise emitted from electrical equipment located on the exterior of structures in all land use zones including, but not limited to, noise emitted from equipment used for heating and cooling of buildings.
- K. "Law enforcement officer" means a police officer or other officials who have a limited police commission.
- L. "Lmax" means the maximum recorded root mean square (rms) A-weighted sound level for a given time interval or event. Lmax "fast" is defined as a 125-millisecond time-weighted maximum.
- M. "L(n)" means sound level that is exceeded "n" percent of the time. For example a sound that exceeded a certain level eight percent of the time would be designated L08. A level exceeded ninety percent of the time would be designated as L90. The L90 descriptor is used to characterize the ambient condition in environments with extraneous sounds.
- N. "Mosquito device" means an electronic device which emits sound at a frequency of 17 kHz or above.
- (("Plainly audible" means any sound for which any of the content of that sound, such as, but not limited to, comprehensible musical rhythms, is communicated to a person using his or her unaided hearing faculties. For the purposes of the enforcement of this chapter, the detection of any component of sound, including, but not limited to, the rhythmic bass by a person using his unaided hearing faculties is sufficient to verify plainly audible sound. It is not necessary for the person to determine the title, specific words or artist of music, or the content of any speech.))
- O. "Performer" means an artist who engages in any constitutionally-protected expressive activities on a public right-of-way, including but not limited to the following: acting, singing, playing musical instruments, pantomime, juggling, magic, dancing, reading, puppetry, sidewalk art, and reciting.

- P. "Plainly audible" means any sound for which any of the content of that sound, such as, but not limited to, comprehensible musical rhythms, is communicated to a person using his or her unaided hearing faculties. For the purposes of the enforcement of this chapter, the detection of any component of sound, including, but not limited to, the rhythmic bass by a person using his unaided hearing faculties is sufficient to verify plainly audible sound. It is not necessary for the person to determine the title, specific words or artist of music, or the content of any speech.
- Q. "Public disturbance noise" means unreasonable sound a person causes or permits to be caused, either originating from the real or personal property the person possesses or controls, or from the person or his personal property while on public property or the public right-of-way. "Unreasonable sound" is defined in this chapter.
- R. "Public right-of-way" means a public highway, road, street, avenue, alley, driveway, path, sidewalk, roadway, or any other public place or public way.
- S. "Receiving property" means real property, including, but not limited to, buildings, grounds, offices and dwelling units from which sound levels from sound sources outside the property may be measured. Individual offices or dwelling units within a building may constitute a receiving property.
- T. "Sound amplification equipment" means any machine or device for the amplification of the human voice, music or any other noise or sound.
- U. "Sound level" means a weighted sound pressure level measured by the use of a sound level meter using an A-weighted network and reported as decibels, dBA.
- V. "Sound level meter" means any instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner and that complies with standards established by the American National Standards Institute specifications for sound level meters S1.4-1983 (R2006) / S1.4A-1985 (R2006), or as amended.
- W. "Unreasonable sound" means any excessive or unusually loud sound that unreasonably annoys, disturbs, interferes with, injures or endangers the peace, comfort, health, repose or safety of a reasonable person of normal sensitivities, or that causes injury or damage to property or business.

Section 2. That section 10.08D.050 of the Spokane Municipal Code is amended to read as follows:

Section 10.08D.050 Unlawful Sounds – Maximum Permissible Environmental Sound Levels and Prohibited Frequencies

A. It is unlawful for any person to cause or permit sound, or for any person in possession or control of real or personal property to permit sound to intrude into the real property of another person whenever the sound exceeds the maximum permissible sound levels set forth in this chapter. Noise violations not otherwise identified in this chapter shall be subject to the sound limitations identified in SMC 10.08D.050 through SMC 10.08D.080.

B. It is unlawful for any person to use, deploy, or activate a mosquito device as defined in this chapter which is audible in any public space or right of way in Spokane, or to use, deploy, or activate any device which generates sound at a frequency of 8 kHz to 17 kHz and which is audible in any public space or right of way in Spokane for longer than five (5) minutes in any one-hour period.

Section 3. That section 10.08D.140 of the Spokane Municipal Code is amended to read as follows:

Section 10.08D.140 Violation – Penalty

~~A. A first violation of this chapter (, except as noted in subsection (B)) shall be a misdemeanor, the maximum penalty for which shall be ninety days in jail or a fine of one thousand dollars, or both such fine and imprisonment.~~

~~1. Upon the first criminal conviction, the court shall impose a minimum mandatory fine of five hundred dollars, of which two hundred fifty dollars shall not be suspended or deferred.~~

~~2. Upon a subsequent conviction, the court shall impose a minimum mandatory fine of seven hundred dollars, of which four hundred dollars shall not be suspended or deferred.~~

~~3. Mandated minimums shall include statutory costs and assessments.~~

B. The first violation of SMC 10.08D.080, SMC 10.08D.090(C) and SMC 10.08D.120 caused by sounds) shall constitute a class 2 civil infraction. A second violation within a one year period shall be a ((misdemeanor pursuant to SMC 10.08D.140(A)))class 1 civil infraction. A third violation within a one-year period shall be a misdemeanor.


~~((C-))~~B. No person shall be cited under this chapter unless the person engaged in the prohibited conduct has been notified by a law or code enforcement officer that the conduct violates this chapter, ((and)) has been given an opportunity to comply, and has refused to comply. If the individual fails to comply, a law or code enforcement officer may ((than))then ((issue a citation))take enforcement action under this section.

Section 4. That there is enacted a new section 10.08D.145 of the Spokane Municipal Code to read as follows:

Section 10.08D.145 Violation deemed a nuisance.

Violation of SMC 10.08D.050, 10.08D.070 or 10.08D.090 is a nuisance. Any individual who is harmed by the nuisance may file a civil action for abatement pursuant to chapter 7.48, RCW.

PASSED by the City Council on June 22, 2020



Council President

Attest:

City Clerk

Approved as to form:


Assistant City Attorney

VETOED!

Mayor

7/2/2020

Date

Effective Date

ORDINANCE NO. C35914

An ordinance relating to the eligibility of City employees to remain in SERS when transitioned to SREC and PFD; amending SMC sections 03.05.020, 03.05.030, 03.05.040, 03.05.070, 03.05.080, and 03.05.090 of the Spokane Municipal Code.

Section 1. The SMC section 03.05.020 is amended to read as follows:

3.05.020 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 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. City service also includes: (i) service by an employee of SREC for the limited period of time during which the employee also qualifies as a SREC Member; and (ii) service by an employee of SPFD for the limited period of time during which the employee also qualifies as a SPFD Member.

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 will be based on the benefit formula eligibility in SMC 3.05.025. Creditable service includes service rendered by: (i) a SREC employee during the period of time that the SREC employee also is a SREC Member; and (ii) a SPFD employee during the period of time that the SPFD employee also is a SPFD Member.

J. "Employee" means any regularly appointed employee or elected official of the City or of the Spokane public library. Employee also includes: (i) regularly appointed employees of SREC for the limited period of time during which such employees also qualify as SREC Members; and (ii) regularly appointed employees of SPFD for the limited period of time during which such employees also qualify as SPFD Members.

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 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 (and by SREC and SPFD, as applicable) 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.)~~) "SPFD" means Spokane Public Facilities District.

U. (~~("Tier 2" means the benefit formula in SMC 3.05.165.)~~) "SPFD Member" means any actively employed City employee whose employment was directly transferred to SPFD and who, at the time of such transfer, was an active member of SERS.

V. (~~("Tier 3" means the benefit formula in SMC 3.05.166.)~~) "SREC" means Spokane Regional Emergency Communications.

W. (~~("Tier 4" means the benefit formula in SMC 3.05.167.)~~) "SREC Member" means any actively employed City employee whose employment was directly transferred to SREC and who, at the time of such transfer, was an active member of SERS.

X. "Tier 1" means the benefit formula in SMC 3.05.160.

Y. "Tier 2" means the benefit formula in SMC 3.05.165.

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

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

Section 2. The SMC section 03.05.030 is amended to read as follows:

3.05.030 Membership

A. Any new employee of the City 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; or
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 have a 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.

C. An employee of SREC who is a SREC Member will continue to be treated as a SREC Member for so long as that individual remains continuously employed with SREC. A SREC Member will cease to be treated as continuously employed with SREC on the date on which he or she terminates active employment with SREC. Once an individual who qualifies as a SREC Member terminates employment as a SREC employee, that individual can again become a benefit accruing member under SERS if and only if either (1) he or she is subsequently rehired as an employee of the City, or (2) he or she is subsequently rehired as an employee of SREC (or SPFD) within three (3) years of initial termination of employment with SREC and (i) was immediately placed in layoff status at the time of termination from SREC, (ii) continuously maintained layoff status while separated from SREC, (iii) is either (a) rehired directly from layoff status by SREC (in which case that individual will again be treated as a SREC Member) or (b) rehired directly from layoff status by SPFD (in which case that individual will subsequently treated as a SPFD Member), and (iv) did not withdraw contributions from SERS. With respect to an individual employed by SREC as a SREC Member, the term "City" as used in this chapter of the SMC shall be construed to include SREC, where appropriate and applicable.

D. An employee of SPFD who is a SPFD Member will continue to be treated as a SPFD Member for so long as that individual remains continuously employed with SPFD. A SPFD Member will cease to be treated as continuously employed with SPFD on the date on which he or she terminates active employment with SPFD. Once an individual who qualifies as a SPFD Member terminates employment as a SPFD employee, that individual can again become a benefit accruing member under SERS if and only if either (1) he or she is subsequently rehired as an employee of the City, or (2) he or she is subsequently rehired as an employee of SPFD (or SREC) within three (3) years of initial termination from SPFD and (i) was immediately placed in layoff status at the time of termination from SPFD, (ii) continuously maintained layoff status while separated from SPFD, (iii) is either (a) rehired directly from layoff status by SPFD (in which case that individual will again be treated as a SPFD Member) or (b) rehired directly from layoff status by SREC (in which case that individual will subsequently treated as a SREC Member), and (iv) did not withdraw contributions from SERS. With respect to an individual employed by SPFD as a SPFD Member, the term "City" as used in this chapter of the SMC shall be construed to include SPFD, where appropriate and applicable.

Section 3. The SMC section 03.05.040 is amended to read as follows:

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. 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%). Although designated as employee contributions that reduce the member's salary, the City government (and, where applicable, SREC and SPFD), 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 (and, where applicable, by SREC and SPFD) 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 (and SREC and SPFD) 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 make contributions in an amount that matches the members' (other than SREC Members' and SPFD Members') in-lieu contributions. SREC will make contributions in an amount that matches the SREC Members' in-lieu contributions. SPFD will make contributions in an amount that matches the SPFD Members' in-lieu 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 (and SREC's and SPFD'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 (and SREC's and SPFD'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 (and SREC's and SPFD'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. Any in-lieu payments contributed by the City (and SREC) 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 4. The SMC section 03.05.070 is amended to read as follows:

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 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 to SREC and SPFD, as applicable) or its application as a credit on future contributions after the board determines that the City (or SREC and SPFD, as applicable) 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 (or to SREC and SPFD, as applicable) after all liabilities with respect to the members and their beneficiaries have been satisfied.

Section 5. The SMC section 03.05.080 is amended to read as follows:

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 SMC 3.05.166, and SMC 3.05.167. SREC shall contribute to the retirement fund the amounts necessary to pay its share of the pensions and other benefits allowable under this chapter with respect to benefits accrued by SREC employees while SREC Members. SPFD shall contribute to the retirement fund the amounts necessary to pay its share of the pensions and other benefits allowable under this chapter with respect to benefits accrued by SPFD employees while SPFD Members. There shall also be paid into the retirement fund by contributions of

the City (and SREC and SPFD, as applicable) 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 6. The SMC section 03.05.090 is amended to read as follows:

Section 03.05.090 Released Matching Funds

Contributions by the City shall match contributions made by the employee or in-lieu payments. Similarly, contributions (i) by SREC shall match contributions made by SREC employees or in lieu payments by those during periods of time those employees are SREC Members and (ii) by SPFD shall match contributions made by SPFD employees or in lieu payments by those during periods of time those employees are SPFD Members. The City (and SREC and SPFD, as applicable) is not entitled to a repayment of the matching contributions made when an employee ceases to be employed by the City (or by SREC and SPFD, as applicable). All such contributions are identified as released matching funds to provide for future retirements. The City's (and SREC's and SPFD's) liability for prior service credits, disability pensions, minimum pensions, and military service is offset by the released matching funds.

**Passed by City Council June 29, 2020
Delivered to Mayor July 2, 2020**

ORDINANCE NO. C35916

An ordinance amending Ordinance No. C35857, passed by the City Council December 16, 2019, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2020, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2020, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2020 budget Ordinance No. C35857, as above entitled, and which passed the City Council December 16, 2019, it is necessary to make changes in the appropriations of the Human Services Grant Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

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

FROM:	1540-95588- 99999-33114-99999	HUD ESG COVID-19 Contractual Services	<u>\$991,359</u>
TO:	1540-95588- 65410-54201-99999	HUD ESG COVID-19 Contractual Services	<u>\$866,685</u>
	1540-95588- 65430-51991-99999	HUD ESG COVID-19 Contra Salaries	<u>\$42,643</u>
	1540-95588- 65430-52991-99999	HUD ESG COVID-19 Contra Benefits	<u>\$24,723</u>
	1540-95588- 65430-54992-99999	HUD ESG COVID-19 Contra Other	<u>\$57,308</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to provide funding to prevent, prepare for, and respond to the coronavirus pandemic among individuals and families who are homeless or receiving homeless assistance and to support additional homeless assistance and homelessness prevention activities to mitigate the impacts of COVID-19, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

**Passed by City Council June 29, 2020
Delivered to Mayor July 2, 2020**

ORDINANCE NO. C35917

An ordinance amending Ordinance No. C35857, passed by the City Council December 16, 2019, and entitled, "An ordinance adopting the Annual Budget of the City of Spokane for 2020, making appropriations to the various funds of the City of Spokane government for the fiscal year ending December 31, 2020, and providing it shall take effect immediately upon passage", and declaring an emergency.

WHEREAS, subsequent to the adoption of the 2020 budget Ordinance No. C35857, as above entitled, and which passed the City Council December 16, 2019, it is necessary to make changes in the appropriations of the Public Safety & Judicial Grants Fund, which changes could not have been anticipated or known at the time of making such budget ordinance; and

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

The City of Spokane does ordain:

Section 1. That in the budget of the Public Safety & Judicial Grants Fund, and the budget annexed thereto with reference to the Public Safety & Judicial Grants Fund, the following changes be made:

FROM:	1620-91781 21250-33116	Public Safety & Judicial Grants - Dept of Justice	<u>\$391,333</u>
TO:	1620-91781- 21250-51215	Overtime	65,078
	1620-91781- 21250-52110	FICA	4,831
	1620-91781- 21250-53502	Minor Equipment	73,621
	1620-91781- 21250-53201	Operating Supplies	76,051
	1620-91781- 21250-54201	Contractual Services	<u>171,752</u>
			<u>\$391,333</u>

Section 2. It is, therefore, by the City Council declared that an urgency and emergency exists for making the changes set forth herein, such urgency and emergency arising from the need to create revenues and expenditure budget for acceptance of Department of Justice Grant Funds to cover COVID 19 Public Safety costs, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

**Passed by City Council June 29, 2020
Delivered to Mayor July 2, 2020**



Notice for Bids

Supplies, Equipment, Maintenance, etc.

LIFT STATION ASSESSMENT

City of Spokane Integrated Capital Management Department

RFQu # 5288-20

Description: The City of Spokane is soliciting electronic Qualification Proposals for a Lift Station Assessment.

A Pre-Proposal Conference is scheduled to be held on Monday, July 20, 2020 at 1:00 p.m., local time, via Microsoft Teams Meeting. The link is:

https://teams.microsoft.com/_#/pre-join-calling/19:meeting_YzFIZDU1YzctMGFmOC00YzFILWExNWEtNGJmZWJjZjA3ODBi@thread.v2

All prospective Proposers should attend; however, attendance is not mandatory.

Sealed Proposals will be acknowledged at the 1:15 p.m. public bid opening via WebEx meeting on **MONDAY, AUGUST 3, 2020** for Lift Station Assessment for the City of Spokane Integrated Capital Management Department.

The WebEx Meeting link is: <https://spokanecity.webex.com/spokanecity/653c81080ba64cd2a50d02c8218feca1?siteurl=spokanecity&MTID=m180495493bbed3ca071cef011df017de>.

The access code is: **969 608 025** and the password is: **3r3mXepmPM5**.

The Request for Qualifications document is available for download through the City of Spokane's online procurement system <https://spokane.procurement.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person.

It is the responsibility of Proposers to check the City of Spokane's online procurement system identified above for Addenda or other additional information that may be posted regarding this Request for Qualifications.

Questions from potential Proposers will be accepted through the "Clarifications" tab under the associated project number in the online procurement system.

All Qualification Proposal documents shall be submitted electronically through the City of Spokane's online procurement system **no later than 1:00 p.m. on Monday, August 3, 2020**. Hard copy and/or late submittals will not be accepted. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals submitted late.

The right is reserved to reject any and all Proposals and to waive any informalities.

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

Publish: July 8 & 15, 2020

PLAN ADMINISTRATION AND RECORD KEEPING SERVICES

City of Spokane Retirement Department

RFP #5309-20**Description: The City of Spokane is soliciting electronic Proposals for PLAN ADMINISTRATION AND RECORD KEEPING SERVICES**

Sealed Proposals will be unsealed and acknowledged at the 1:15 p.m. public bid opening via WebEx meeting on **MONDAY, JULY 27, 2020** for PLAN ADMINISTRATION AND RECORD KEEPING SERVICES for the City of Spokane Retirement Department. **The WebEx Meeting link is:** <https://spokanecity.webex.com/spokanecity/j.php?MTID=m058d8967449e56d8908731b4900246d3>. The access code is: **965 272 875** and the password is: **7j8sPf7Mwbf**.

The Request for Proposals document is available for download through the City of Spokane's online procurement system <https://spokane.procurement.com>. Registration is required to view and download this solicitation. Solicitation documents will not be mailed, e-mailed, or provided in person.

It is the responsibility of Proposers to check the City of Spokane's online procurement system identified above for Addenda or other additional information that may be posted regarding this Request for Proposals.

Questions from potential Proposers will be accepted through the "Clarifications" tab under the associated project number in the online procurement system.

All Proposal documents shall be submitted electronically through the City of Spokane's online procurement system **no later than 1:00 p.m. on Monday, July 27, 2020**. Hard copy and/or late submittals will not be accepted. Proposals must be sent sufficiently ahead of time to be received by the required date and time. The City of Spokane is not responsible for Proposals submitted late.

The right is reserved to reject any and all Proposals and to waive any informalities.

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

Publish: July 1 & 8, 2020

