



# Official Gazette

## City of Spokane, Washington

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

Volume 115

DECEMBER 10, 2025

Issue 50



### MAYOR AND CITY COUNCIL

MAYOR LISA BROWN

COUNCIL PRESIDENT BETSY WILKERSON

COUNCIL MEMBERS:

JONATHAN BINGLE (DISTRICT 1)

MICHAEL CATHCART (DISTRICT 1)

PAUL DILLON (DISTRICT 2)

KITTY KLITZKE (DISTRICT 3)

KATE TELIS (DISTRICT 2)

ZACK ZAPPONE (DISTRICT 3)

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### INSIDE THIS ISSUE

MINUTES	1510
HEARING NOTICES	1521
GENERAL NOTICES	1522
ORDINANCES	1522

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# Minutes

**NOTICE****MEETING MINUTES OF SPOKANE CITY COUNCIL****Monday, November 24, 2025**

The minutes for the Monday, November 24, 2025, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published in the Wednesday, December 17, 2025, issue of the *Official Gazette*.

**NOTICE****MEETING MINUTES OF SPOKANE CITY COUNCIL****Monday, December 1, 2025**

The minutes for the Monday, December 1, 2025, Spokane City Council Meeting were not available for publication in this issue of the *Official Gazette*. The minutes will be published in the Wednesday, December 17, 2025, issue of the *Official Gazette*.

**MINUTES OF SPOKANE CITY COUNCIL****Monday, November 17, 2025****AGENDA REVIEW SESSION**

The Agenda Review Session of the Spokane City Council held on the above date was called to order at 3:33 p.m. in the Council Chambers in the Lower Level of the Municipal Building, 808 West Spokane Falls Boulevard, Spokane, Washington. A recording of the meeting can be found at the following link: <https://vimeo.com/spokanecitycouncil>.

**Roll Call**

On roll call, Council President Pro Tem Dillon and Council Members Bingle (appearing virtually), Cathcart, Klitzke, Lambdin (appearing virtually), and Zappone were present. Council President Wilkerson arrived at 3:44 p.m.

City Administrator Alex Scott; Giacobbe Byrd, Director-City Council Office; City Council Policy Advisor Chris Wright; and City Clerk Terri Pfister were also present for the meeting.

There were no **Interviews of Nominees to Boards and Commissions**.

**BRIEFING ON AGENDA ITEMS****Final Agenda for November 17, 2025**

The City Council received a briefing from staff on the following agenda items, and Council inquiry and commentary was held, with response by staff:

- Ordinances (ORDs C36811 thru C36815) raising the utility tax rate by one-half percent – Chris Wright

**Updated Draft Agenda for November 24, 2025**

There were no requests for staff to brief agenda items.

**Draft Agenda for December 1, 2025**

The City Council received a briefing from staff on the following agenda items, and Council inquiry and commentary was held, with response by staff:

- Special Budget Ordinance C36802 (accepting the Washington Traffic Safety Commission DUI Court grant) – Sarah Thompson
- Emergency Ordinance C36803 (relating to animal control regulations) – Shae Blackwell

- Resolution 2025-0107 (approval and endorsement of funding for contracts for CHHS arising from the HEART Fund) – Dawn Kinder who was accompanied by Arielle Anderson
- Resolution 2025-0108 (approval and endorsement of funding for contracts for CHHS arising from the HOME-ARP program) – Dawn Kinder who was accompanied by Arielle Anderson
- Resolution 2025-0109 (approval and endorsement of funding for contracts for CHHS arising from the FY26-28 Eviction/Homelessness Prevention) – Dawn Kinder who was accompanied by Arielle Anderson
- Resolution 2025-0110 (subrecipient contracts for the operation of inclement weather surge capacity beds) – Dawn Kinder who was accompanied by Arielle Anderson
- Resolution 2025-0111 (subrecipient contracts for the operation of scattered site shelters) – Dawn Kinder who was accompanied by Arielle Anderson
- Final Reading Ordinance C36770 (vacating the alley between Central Avenue and Columbia Avenue) – Eldon Brown
- First Reading Ordinance C36808 (“Pathways to Eviction Diversion for Spokane” – Council Member Dillon

(Council President Wilkerson entered the meeting at 3:44 p.m.)

## CONSIDERATION OF AMENDMENT AND DEFERRAL REQUESTS

City Council Policy Advisor Chris Wright facilitated amendment and deferral requests.

### November 17, 2025, Final Agenda

Final Reading Ordinances C36776 and C36777 (Both as amended during November 3, 2025, 3:30 p.m. Agenda Review Session (Council Sponsors: Council President Wilkerson and Council Member Klitzke))

**Motion** by Council Member Dillon, seconded by Council Member Klitzke, **to defer** Final Reading Ordinance C36776 (relating to municipal sewer services) and Ordinance C36777 (relating to municipal water services) to final consideration on December 8, 2025; **carried 7-0**.

Final Reading Ordinance C36801 (Council Sponsors: Council Members Klitzke and Dillon)

**Motion** by Council Member Zappone, seconded by Council Member Dillon, **to amend** Ordinance C36801 (adopting a local option transportation tax for commercial parking) with the Wilkerson proposed amendment (filed November 12, 2025); **carried 7-0**

**Motion** by Council Member Klitzke, seconded by Council Member Zappone, **to suspend** the Council Rules and add Final Reading Ordinance C36801, as amended, to tonight’s (November 17, 2025) agenda; **failed 4-3**.

**Motion** by Council Member Cathcart, seconded by Council Member Dillon, **to suspend** Council Rules and add Ordinance C36801, as amended, to First Reading Ordinances on tonight’s (November 17, 2025) Agenda; **carried 7-0**.

First Reading Ordinances C36811, C36812, C36813, C36814, and C36815 (Council Sponsors: (Council President Wilkerson and Council Member Klitzke))

**Motion** by Council Member Dillon, seconded by Council Member Klitzke, **to suspend** the Council Rules and add just Ordinances C36811, C36812, C36813, C36814, and C36815 for first reading on November 17, 2025, and final consideration on November 24, 2025; **carried 5-1**.

### November 24, 2025, Updated Draft Agenda

OPR 2025-0781 – Consultant Agreement for Clean Building Act Compliance (Council Sponsors: Council President Wilkerson and Council Member Dillon)

**Motion** by Council Member Dillon, seconded by Council Klitzke, **to amend** OPR 2025-0781 with the Dillon proposed amendment; **carried 6-1**.

OPR 2025-0782 – Association of Washington Cities Energy Audits Grant (Council Sponsor: Council President Wilkerson)

**Motion** by Council Member Dillon, seconded by Council Member Zappone, **to suspend** Council Rules and **just amend** OPR 2025-0782 with the Dillon proposed amendment without triggering an automatic one-week deferral of the item; **carried 7-0**.

OPR 2025-0783 – Personal Services Agreement and Memorandum of Understanding between the City, Arts Commission, and Spokane Arts (Council Sponsor: Council Member Dillon)

**Motion** by Council Member Dillon, seconded by Council Member Klitzke, **to amend** OPR 2025-0783 with the Dillon/Wilkerson proposed amendment; **carried 4-3**.

Final Reading Ordinance C36794 (Council Sponsors: Council Members Dillon and Cathcart)

**Motion** by Council Member Zappone, seconded by Council Member Klitzke, **to amend** Final Reading Ordinance C36794 (Mid-Biennial Budget) with the Wilkerson/Dillon proposed amendment; **carried 6-1**. (Note: On October 20, 2025, Council Rules regarding timing of amendments to the Mid-Biennial Budget were pre-emptively suspended so adoption of this amendment required no rules suspension or automatic deferral.)

**December 1, 2025, Draft Agenda**

Continuation of Hearing on Vacation of Cedar Street between the south line of Carlisle Avenue and the north line of Montgomery Avenue (ORD C36736) (Hearing continued from November 3, 2025, Agenda during November 3, 2025, 6:00 p.m. Legislative Session) (Council Sponsors: Council President Wilkerson and Council Member Bingle)

**Motion** by Council Member Zappone, seconded by Council Member Klitzke, **to continue** the Cedar Street vacation hearing to January 26, 2026; **carried 5-2.**

**Council Action on Resolution 2025-0097 (This item was deferred to December 8, 2025, Agenda during November 3, 2025, 3:30 p.m. Agenda Review Session.) (Council Sponsors: Council Members Bingle and Cathcart)**

**Motion** by Council Member Cathcart, seconded by Council Member Bingle, **to indefinitely defer** Resolution 2025-0097 (relating to historic districts, and proposing a pause on the designation of new districts) which was scheduled to be on the December 8, 2025, Agenda; **carried 7-0.**

**Action to Approve Agendas**

The City Council took the following action (pursuant to Council Rule 2.1.B):

**Motion** by Council Member Zappone, seconded by Council Member Dillon and Klitzke, **to approve** the November 17, 2025, Final Agenda, as amended, November 24, 2025, Updated Draft Agenda, as amended, and December 1, 2025, Draft Agenda; **carried 7-0.**

**Council Recess/Executive Session**

The City Council recessed at 4:19 p.m. and immediately reconvened into an Executive Session to discuss potential and pending litigation and labor negotiations for 30 minutes. City Attorney Mike Piccolo and Assistant City Attorneys Elizabeth Schoedel and Lynden Smithson were present for the Executive Session. At 4:49 p.m., the Executive Session was extended for five additional minutes. The Executive Session ended at 4:54 p.m., at which time the Agenda Review Session also ended. The City Council reconvened at 6:04 p.m. for the Legislative Session.

**LEGISLATIVE SESSION****Land Acknowledgement**

Council President Wilkerson started the meeting off by reading the "Land Acknowledgement" (adopted by City Council on March 22, 2021, under Resolution 2021-0019) which appears on page 2 of the agenda.

**Pledge of Allegiance**

The Pledge of Allegiance was led by Council President Wilkerson.

**Roll Call**

On roll call, Council President Wilkerson and Council Members Bingle (appearing virtually), Cathcart, Dillon, Klitzke, Lambdin (appearing virtually), and Zappone were present.

Shae Blackwell, Legislative Assistant—City Council Office; City Council Policy Advisor Chris Wright; and City Clerk Terri Pfister were also present for the meeting.

There were no **Proclamations and Salutations.**

There were no **Reports from Community Organizations.**

There was no **Poetry at the Podium.**

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

**CONSENT AGENDA**

After an opportunity for public testimony, with none provided, and Council commentary, the following actions were taken:

**Upon 5-2 Voice Vote**, the City Council **approved** Purchase from Bud Clary Chevrolet (Longview, WA) of two new Chevrolet Blazer Electric Vehicles for Spokane Fire Department CARES team—\$94,158.41 (incl. tax). (Council Sponsors: Council President Wilkerson and Council Member Zappone) (This item was taken separately at request of Council Member Cathcart.)

**Upon 7-0 Voice Vote**, the City Council **approved** Staff Recommendations for the following items:

Brush and Fuels Service Agreement with the Washington State Department of Ecology to provide Washington Conservation Corps members to complete environmental or disaster services projects—\$72,380. (OPR 2025-0765) (Council Sponsors: Council President Wilkerson and Council Member Bingle)

Accept grant funding from the Department of Justice Office of Community Oriented Policing Services from the Law Enforcement Mental Health and Wellness Act grant program—\$186,250 Revenue. (OPR 2025-0766) (Relates to Special Budget Ordinance C36792) (Council Sponsors: Council President Wilkerson and Council Member Zappone)

Accept Washington Association of Sheriffs and Police Chiefs (WASPC) Mental Health Field Response Grant fiscal years 2025 to 2027 (formally known as BHU Grant)—\$620,000 Revenue. (OPR 2025-0767) (Relates to Special Budget Ordinance C36793) (Council Sponsors: Council President Wilkerson and Council Member Zappone)

Consultant Agreement with LSB Consulting Engineers (Spokane) for Structural Engineering On-Call Services for 2026-2027 (Non-Federal Aid)—not to exceed \$750,000.00. (OPR 2025-0774 / ENG 2025077) (Various Neighborhoods) (Council Sponsors: Council Member Klitzke)

Report of the Mayor of pending:

- a. Claims and payments of previously approved obligations, including those of Parks and Library, through November 7, 2025, total \$8,777,093.09 (Check Nos.: 615161-615344; Credit Card Nos.: 002364-002404; ACH Nos.: 146332-146606), with Parks and Library claims approved by their respective boards. Warrants excluding Parks and Library total \$8,589,609.29. (CPR 2025-0002)
- b. Payroll claims of previously approved obligations through November 8, 2025: \$9,984,681.73 (Payroll Check Nos. 579023-579128). (CPR 2025-0003)

Minutes: City Council Meeting Minutes: October 20, 2025. (CPR 2025-0013)

Grant Agreement with the Department of Ecology to develop and implement a regional Stormwater Education program for communities with a NPDES Permit II—\$250,475 Revenue. (OPR 2025-0748) (Council Sponsors: Council Members Klitzke and Bingle) (Deferred as amended from November 10, 2025, Agenda, to November 17, 2025, Agenda, during November 10, 2025, 3:30 p.m. Agenda Review Session)

## LEGISLATIVE AGENDA

(Note: The agenda items were taken out of order and Hearing items were considered first.)

### SPECIAL BUDGET ORDINANCES

**Special Budget Ordinance C36790 (Relates to OPR 2025-0729) (Council Sponsors: Council President Wilkerson and Council Member Zappone)**

After an opportunity for public testimony and Council commentary, with none provided, the following action was taken:

**Upon 6-1 Roll Call Vote**, the City Council **passed Special Budget Ordinance C36790** amending Ordinance No. C36626 passed by the City Council December 9, 2024, and entitled in part "An Ordinance adopting a Biennial Budget for the City of Spokane," and amending it to increase Fire's overtime budget, and declaring an emergency.

**Ayes:** Bingle, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** Cathcart  
**Abstain:** None  
**Absent:** None

**Special Budget Ordinance C36791 (Council Sponsors: Council President Wilkerson and Council Member Zappone)**

After an opportunity for public testimony and Council commentary, with none provided, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **passed Special Budget Ordinance C36791** amending Ordinance No. C36626 passed by the City Council December 9, 2024, and entitled in part "An Ordinance adopting a Biennial Budget for the City of Spokane," and amending it to realize wildfire mobilization reimbursements, and declaring an emergency.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None

**Special Budget Ordinance C36792 (Relates to OPR 2025-0766) (Council Sponsors: Council President Wilkerson and Council Member Zappone)**

After an opportunity for public testimony and Council commentary, with none provided, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **passed Special Budget Ordinance C36792** amending Ordinance No. C36626 passed by the City Council December 9, 2024, and entitled in part "An Ordinance adopting a Biennial Budget for the City of Spokane," and amending it to accept a LEMHWA (Law Enforcement Mental Health and Wellness Act) Grant, and declaring an emergency.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone

**Nos:** None

**Abstain:** None

**Absent:** None

**Special Budget Ordinance C36793 (Relates to OPR 2025-0767) (Council Sponsors: Council President Wilkerson and Council Member Zappone)**

After an opportunity for public testimony and Council commentary, with none provided the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **passed Special Budget Ordinance C36793** amending Ordinance No. C36626 passed by the City Council December 9, 2024, and entitled in part "An Ordinance adopting a Biennial Budget for the City of Spokane," and amending it to accept a Mental Health Field Response Grant, and declaring an emergency.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone

**Nos:** None

**Abstain:** None

**Absent:** None

There were no **Emergency Ordinances**.

**RESOLUTIONS****Resolution 2025-0098 (Council Sponsors: Council President Wilkerson and Council Members Dillon and Cathcart)**

After public testimony and an opportunity for Council commentary, with none provided, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **adopted Resolution 2025-0098** providing for the sale of surplus City property.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone

**Nos:** None

**Abstain:** None

**Absent:** None

**Resolution 2025-0095 (Deferred as amended from November 10, 2025, Agenda, to November 17, 2025, Agenda, during November 10, 2025, 3:30 p.m. Agenda Review Session) (Council Sponsors: Council Members Lambdin and Dillon)**

After an opportunity for public testimony, with none provided, and Council commentary, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **adopted Resolution 2025-0095** committing the City Council to regularly hosting Community Days and develop an engagement strategy.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone

**Nos:** None

**Abstain:** None

**Absent:** None

**FINAL READING ORDINANCES**

For Council action on Final Reading Ordinance C36775, see section of minutes under "Hearings."

For Council action on Final Reading Ordinance C36776, see section of minutes under 3:30 p.m. Agenda Review Session.

**For Council action on Final Reading Ordinance C36777, see section of minutes under 3:30 p.m. Agenda Review Session.**

**Final Reading Ordinance C36780 (Council Sponsors: Council Members Klitzke and Bingle)**

After an opportunity for public testimony and Council commentary, with none provided, the following action was taken:

**Upon 6-1 Roll Call Vote**, the City Council **passed Final Reading Ordinance C36780** relating to General Facilities Charges (GFCs) for public utilities and services; amending SMC sections 13.03.0734, to chapter 13.03 of the Spokane Municipal Code; and 13.04.2044 to chapter 13.04 of the Spokane Municipal Code; and setting an effective date.

**Ayes:** Bingle, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** Cathcart  
**Abstain:** None  
**Absent:** None

**Final Reading Ordinance C36781 (Council Sponsors: Council Members Klitzke and Bingle)**

After an opportunity for public testimony and Council commentary, with none provided, the following action was taken:

**Upon 7-0 Roll Call Vote**, the City Council **passed Final Reading Ordinance C36781** relating to transportation impact fees; amending SMC section 17D.075.180 to chapter 17D; of the Spokane Municipal Code; and setting an effective date.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None

**For Council action on Final Reading Ordinance C36786, see section of minutes under “Hearings.”**

**For Council action on Final Reading Ordinance C36801, see section of minutes under 3:30 p.m. Agenda Review Session and also see First Reading Ordinances.**

**FIRST READING ORDINANCES**

The following Ordinances were read for the first time, with further action deferred. Public testimony was received on the First Reading Ordinances.

**For Council action on First Reading Ordinance C36769, see section of minutes under “Hearings.”**

**ORD C36778** Prohibiting algorithmic rent price fixing, adopting a new Section 10.57.180 to Chapter 10.57 and amending Sections 07.08.158, 10.57.060, 10.57.130 and 10.57.140 of the Spokane Municipal Code. (Council Sponsors: Council Members Zappone and Klitzke) (As amended during November 10, 2025, 3:30 p.m. Agenda Review Session) (First Reading deferred from November 10, 2025, Agenda, to November 17, 2025, Agenda, during November 3, 2025, 3:30 p.m. Agenda Review Session, thereby deferring Final Reading to November 24, 2025, Agenda)

**ORD C36752** Concerning adoption of public rules by the City of Spokane and creating new Chapters 3.14, 10.21, 12.14, 15.07, and 18.12 of the Spokane Municipal Code, amending sections of Titles 1, 3, 4, 7, 8, 10, 12, 13, 15 and 16A of the Spokane Municipal Code, and adding new sections 03.07.350 and 08.15.150 to the Spokane Municipal Code. (Council Sponsors: Council President Wilkerson and Council Member Cathcart) (First Reading deferred as amended from November 10, 2025, Agenda, to November 17, 2025, Agenda, during November 10, 2025, 3:30 p.m. Agenda Review Session, thereby deferring Final Reading to November 24, 2025, Agenda)

**ORD C36811** Relating to the annual rates for water utility and services; amending chapter 13.04 of the Spokane Municipal Code; and setting an effective date. (Added to agenda during the 3:30 p.m. Agenda Review Session) (Council Sponsors: Council President Wilkerson and Council Member Klitzke)

**ORD C36812** Relating to the annual rates for the sewer utility and services; amending chapter 13.03 of the Spokane Municipal Code; and setting an effective date. (Added to agenda during the 3:30 p.m. Agenda Review Session) (Council Sponsors: Council President Wilkerson and Council Member Klitzke)

- ORD C36813** Relating to the annual rates for the solid waste utilities and services; amending chapter 13.02 of the Spokane Municipal Code; and setting an effective date. (Added to agenda during the 3:30 p.m. Agenda Review Session) (Council Sponsors: Council President Wilkerson and Council Member Klitzke)
- ORD C36814** Relating to Utilities, Franchise Taxes; amending section 08.10.030(A)(3), (4) and (7) to chapter 08.10 of the Spokane Municipal Code; and setting an effective date. (Added to agenda during the 3:30 p.m. Agenda Review Session) (Council Sponsors: Council President Wilkerson and Council Member Klitzke)
- ORD C36815** Relating to the annual rates for water-wastewater public utilities and services; amending chapter 13.035 of the Spokane Municipal Code; and setting an effective date. (Added to agenda during the 3:30 p.m. Agenda Review Session) (Council Sponsors: Council President Wilkerson and Council Member Klitzke)
- ORD C36801** Adopting a local option transportation tax for commercial parking for the purpose of funding transportation system and safety improvements, and establishing incentives for efficient land use that meet the goals of the City's Comprehensive Plan; amending the title of SMC Chapter 08.07D, Section 08.07D.050, adopting a new Chapter 08.22 to Title 08 of the Spokane Municipal Code; and setting an effective date of April 1, 2026. (As added during the 3:30 p.m. Agenda Review Session. Previous first reading of the ordinance held November 10, 2025.)

There were no **Special Considerations**.

## HEARINGS

(Note: Hearing items were taken at the beginning of the Legislative Agenda.)

Hearing on Vacation – Alley Between College Avenue and Bridge Avenue and Between Summit Boulevard and Lindeke Street and Related First Reading Ordinance C36769 (Council Sponsors: Council Members Bingle and Dillon)

City Engineer Eldon Brown of Development Services provided an overview of the vacation and public testimony was received, after which the following action was taken:

**Motion** by Council Member Klitzke, seconded by Council Member Cathcart, **to close** the hearing; **carried 7-0.**

Following Council and staff commentary, the following action was taken:

**Motion** by Council Member Klitzke, seconded by Council Member Cathcart, **to continue** the hearing until December 8, 2025; **carried 7-0.**

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None

Hearing on Final Reading Ordinance C36786 (Council Sponsors: Council President Wilkerson and Council Member Zappone)

After an opportunity for staff reports, with none provided, and an opportunity for public testimony, with no individuals requesting to speak, the following action was taken:

**Motion** by Council Member Cathcart, seconded by Council Member Klitzke, **to close** the hearing; **carried 7-0.**

There was then an opportunity for Council commentary, with none provided, after which the following action was taken:

**Motion** by Council Member Dillon, seconded by Council Member Klitzke, **to approve** (and thereby pass) Final Reading Ordinance C36786 of the City of Spokane, Washington, adopting a Six-year Citywide Capital Improvement Program for the years 2026 through 2031; and amending the Citywide Capital Improvement Program (CIP) as referenced in Appendix C of the City of Spokane Comprehensive Plan; **carried upon 7-0 Voice Vote.**

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone  
**Nos:** None  
**Abstain:** None  
**Absent:** None



Hearing on Final Reading Ordinance C36775 (Council Sponsors: Council Members Bingle and Dillon)

Historic Preservation Officer Megan Duvall provided an overview of Final Reading Ordinance C36775 relating to the adoption of the Cannon Hill Park Local Historic District Overlay Zone and Design Standards and Guidelines, and public testimony was received, after which the following action was taken:

**Motion** by Council Member Dillon, seconded by Council Member Klitzke, **to close** the hearing; **carried 7-0**.

There was then an opportunity for Council commentary, with none provided, and the following action was taken:

**Motion** by Council Member Dillon, seconded by Council Member Klitzke, **to approve** (and thereby pass) Final Reading Ordinance C36775 relating to the adoption of the Cannon Hill Park Local Historic District Overlay Zone and Design Standards and Guidelines; adopting new SMC sections 17D.100.285; **carried upon 7-0 Voice Vote**.

**Ayes:** Bingle, Cathcart, Dillon, Klitzke, Lambdin, Wilkerson, and Zappone

**Nos:** None

**Abstain:** None

**Absent:** None

Continued Hearing on 2026 Mid-Biennium Modification Budget (FIN 2025-0001) (Council Sponsors: Council president Wilkerson and Council Member Dillon)

There was an opportunity for staff reports, with none provided, and an opportunity for public testimony, with no individuals speaking, after which the following action was taken:

**Motion** by Council Member Cathcart, seconded by Council member Klitzke, **to continue** the budget hearing to November 24, 2025; **carried 7-0**.

[The City Clerk left the meeting at 7:58 p.m. (pursuant to Council Rule 2.2.A). Open Forum speaker information and motion of adjournment and adjournment time were provided by the City Council Office for the minutes.]

### OPEN FORUM

The following individual(s) spoke during the Open Forum:

- David Stasney
- Larry Andrews
- Sunshine Wigen
- Will Quinn

### ADJOURNMENT

**Motion** by Council Member Dillon, seconded by Council Member Klitzke, **to adjourn**; **carried**.

There being no further business to come before the City Council, the meeting adjourned at 8:07 p.m.

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### SPECIAL MEETING MINUTES

City of Spokane

City Council Study Session, City Hall, Council Briefing Center

808 W Spokane Falls Blvd.

November 7, 2025

**Call to Order:** 11:01 a.m.

#### **Attendance:**

Council Members Present: Council President Betsy Wilkerson, Council Members Michael Cathcart, Jonathan Bingle, Kitty Klitzke, Zack Zappone, Shelby Lambdin, Paul Dillon.

#### **Agenda Item:**

Council Member Discussion on Proposed 2026 Mid-Biennial Budget Modification led by Council Budget Director Kate Fairborn (slides on file for review in the City Clerk's Office)

- Revenue Overview
  - ◇ Sales tax

- ◇ Property tax
- ◇ Discussion on other revenue opportunities
- Expense Overview
  - ◇ Review proposed modifications
  - ◇ Discussion on council priorities
- Discussion on executive and administrative reorganization
- Next steps and timeline for council budget memo and midbiennial budget modification adoption

**Executive Session:**

None

**Adjournment:**

The meeting adjourned at 12:53 p.m.

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**SPECIAL MEETING MINUTES**  
**City of Spokane**  
**City Council Study Session, City Hall, Council Briefing Center**  
**808 W Spokane Falls Blvd.**  
**November 11, 2025**

**Call to Order:** 11:05 a.m.

**Attendance:**

Council Members Present: Council President Betsy Wilkerson, Council Members Michael Cathcart, Jonathan Bingle (arrived at 11:11 a.m. and left at 12:24 p.m.), Kitty Klitzke, Zack Zappone, Shelby Lambdin (arrived at 11:15 a.m.), and Paul Dillon.

**Agenda Item:**

Council Member Discussion on Proposed 2026 Mid-Biennial Budget Modification led by Council Budget Director Kate Fairborn. Council President began the meeting by excusing council office central staff from the meeting to go about their normal work duties.

- Revenue
  - ◇ Discussion began with the Council Budget Director explaining that her projections for General Fund revenue in 2026 are 4.3M less than the administration's, which could be within a margin of error.
  - ◇ Discussion on potential additional revenue sources.
    - ◆ CP Wilkerson suggested phasing in the proposed parking lot tax offset by a 0.5% utility tax that would sunset after one year.
    - ◆ Council Members discussed the impacts of this option on Spokane residents.
    - ◆ Council Members discussed the viability of looking at car tab fees.
- FTE
  - ◇ Discussion on the budget for FTE across the city, including but not limited to the Council Office, the Mayor's Office, City Cable 5, Code Enforcement, Clerks Office, City Prosecutor, Project Management Office, etc.
  - ◇ Debate on the various Council Member priorities for how to allocate budget for staff across the city amidst budget challenges.
- Other Council Priorities
  - ◇ Discussion on Arts and the budget decisions necessary to begin staffing the commission with City staff.
  - ◇ Discussion on potentially allocating additional funding for a national fire chief search, SCRAPS, and jail costs.
  - ◇ Discussion about potential funding for the library and the need for a study session dedicated specifically to their budget.
  - ◇ Discussion on the need for a retreat on council office structure and operations.
- Executive and administrative reorganization
  - ◇ Discussion on whether council members have concerns about the budget impact of the reorganization.
  - ◇ Discussion about whether this proposal could be implemented at the biennial budget in 2027.
- Next steps and timeline for council budget memo and midbiennial budget modification adoption
  - ◇ The Council Office Director formed various ad-hoc workgroups of no more than 3 council members to follow up on various outstanding budget items.

**Executive Session:**

None

**Adjournment:**

The meeting adjourned at 12:35 p.m.

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**SPECIAL MEETING MINUTES**  
**City of Spokane**  
**City Council Study Session, City Hall, Council Briefing Center**  
**808 W Spokane Falls Blvd.**  
**November 13, 2025**

**Call to Order:** 11:05 a.m.

**Attendance:**

Council Members Present: Council President Betsy Wilkerson, Council Members Michael Cathcart, Jonathan Bingle (left at 12:20 p.m.), Kitty Klitzke (left at 12:20 p.m.), Zack Zappone, Shelby Lambdin, Paul Dillon (arrived at 11:06 a.m.).

**Agenda Item:**

- Library Budget Presentation and Discussion with Andrew Chanse & Nicole Edwards
  - ◇ Review of Spokane Public Library voter history
  - ◇ Review of Spokane Public Library services, including reservable meeting spaces, kiosks, hours, and programming
  - ◇ Review of locations and team members
  - ◇ Review of Library revenue, expenditures, and fund balance
  - ◇ Review of the reduced operations with reduced general fund allocation
  - ◇ Council Member questions and dialogue about Library budget details
- State and Federal Lobbyist Funding Discussion among Council Members
  - ◇ Discussion about whether the term of these contracts could be modified considering the current budget situation and existing FTE capacity
  - ◇ Discussion about the legislative agenda being a key function of council

**Executive Session:**

None

**Adjournment:**

The meeting adjourned at 12:35 p.m.

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**STANDING COMMITTEE MINUTES**  
**City of Spokane**  
**Public Infrastructure, Environment, and Sustainability Committee**  
**City Council Chambers**  
**November 17, 2025**

**Call to Order:** 12:03 PM

Recording of the meeting may be viewed here: <https://vimeo.com/1137842551?fl=pl&fe=s>

**Attendance**

Committee Members Present:

Council Member Michael Cathcart (arrived 12:07), Council President Betsy Wilkerson (arrived 12:04), Council Member Zack Zappone (virtual, arrived 12:10), Council Member Paul Dillon (arrived at 12:30), Council Member Kitty Klitzke, Council Member Shelby Lambdin (virtual), Council Member Jonathan Bingle (virtual).

**Agenda Items**

**Discussion Items**

1. PUBLIC WORKS MONTHLY DIRECTOR'S REPORT FOR NOVEMBER 2025 MARLENE FEIST (10 minutes)
2. UTILITY TAX & UTILITY RATE ORDINANCES - MARLENE FEIST (5 minutes)
3. MARTIN LUTHER KING JR. FAMILY OUTREACH CENTER AT EAST CENTRAL COMMUNITY CENTER PRESENTATION - SARA CLEMENTS-SAMPSON (20 minutes)
4. 2025 ARTERIAL STREET MAINTENANCE REVIEW - CLINT HARRIS (5 minutes)
5. 2025 BIKE/PEDESTRIAN MAINTENANCE REVIEW - CLINT HARRIS (5 minutes)
6. 2025-2026 WINTER MAINTENANCE REVIEW - CLINT HARRIS (5 minutes)
7. CONTRACT AMENDMENT THORPE TUNNEL ALTERNATIVES - NATE SULYA (5 minutes)
8. RESOLUTION APPROVING 2027 "SAFE STREETS FOR ALL" PROJECTS ABIGAIL MARTIN (10 minutes)
9. COUNCIL STAFF, BOARD & COMMISSION UPDATES - KITTY KLITZKE (10 minutes)

**Consent Items**

1. ENGINEERING SERVICES FOR THE UPRIVER DAM SPILLWAY GATE REPLACEMENT PROJECT (WATER & HYDROELECTRIC SERVICES)
2. PUBLIC RULE UPDATE TO WATER/WASTEWATER GFC'S (PUBLIC WORKS)
3. AMENDMENT TO OPR 2025-0689 TO INCREASE COST (FLEET SERVICES)
4. PAYMENT PROCESSING SERVICES SPOKANE COUNTY EXTENSION (PUBLIC WORKS)
5. ACCEPT WTSC CERTIFIED OFFICER PHLEBOTOMY PROGRAM GRANT FOR FY25-26 (POLICE)
6. SPECIAL BUDGET ORDINANCE - FY25-26 WTSC PHLEBOTOMY PROGRAM (POLICE)

**Executive Session**

None.

**Adjournment**

The meeting adjourned at 12:59 PM

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**SPECIAL MEETING MINUTES**  
**City of Spokane**  
**Special Budget Meeting, Central Library, Events Space B**  
**906 W Main Ave**  
**November 20, 2025**

**Call to Order:** 11:05 a.m.

**Attendance:**

Council Members Present: Council President Betsy Wilkerson, Council Members Michael Cathcart, Jonathan Bingle, Kitty Klitzke (arrived at 11:17 a.m.), Zack Zappone, Shelby Lambdin, and Paul Dillon

**Agenda Item:**

- Discussion on various potential council member proposed amendments to the Mid-Biennial Budget Modification:
  - ◇ Dialogue on the proposed Dillon/Wilkerson amendment, which would restore Council staff funding, restoring some funding to the Library (bridge funding to 2027), restoring funding for a City Cable 5 FTE, and add funding for a public defender position.
    - ◆ Discussion about the amount of funding needed to meet the library's needs in 2026.
    - ◆ Discussion about reductions to library operations if not funded more than what is included in the Wilkerson/Dillon proposal.
    - ◆ Discussion about the particulars around Library funding needs
  - ◇ Presentation from CM Zappone on a potential amendment proposal that reduces funding from the council office, adds additional funding to the Library budget up to 770K, and includes funding for a fire authority analysis.
    - ◆ Discussion about where the highest use of investment is in the city and the community impact of these decisions.
    - ◆ CM Cathcart expressed concern about oversight of library funding and support for additional funding only if it is used to maintain or enhance neighborhood library operations.
    - ◆ Discussion about the community benefit of libraries and lack of efficiency in the council office.
    - ◆ Discussion about efforts to compromise and frustration about not spending the time discussing how the council office operates, including expectations and evaluation.
  - ◇ Discussion on the potential to make deeper non-personal cuts, including to travel and operating supplies budget lines.
    - ◆ Conversation about the potential of asking administration for a number of non-personnel cuts and putting those funds into reserves.
  - ◇ Discussion about the budget impact of Mayor's proposed re-organization and the timing of the proposal.
  - ◇ Discussion on next steps.

**Executive Session:**

None

**Adjournment:**

The meeting adjourned at 12:14 p.m.

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**SPECIAL MEETING MINUTES**  
**City of Spokane**  
**City Council Special Meeting for Kate Telis Swearing In**  
**City Hall, Council Chambers**  
**808 W Spokane Falls Blvd.**  
**November 25, 2025**

**Call to Order:** 5:00 p.m.

**Meeting Recording:** <https://vimeo.com/1143205407?share=copy&fl=sv&fe=c>

**Attendance:**

Council Members Present: Council President Betsy Wilkerson, Council Members Kitty Klitzke, Zack Zappone, Paul Dillon, and Kate Telis.

**Agenda Item:**

Swearing-in of Kate Telis as Spokane City Council Member

**Executive Session:**

None

**Adjournment:**

The meeting adjourned at 5:14 p.m.

# Hearing Notices

## BUILDING OFFICIAL SHOW CAUSE HEARING NOTICE

Notice is hereby given that the Building Official has caused proper notice to be served upon the persons responsible for 1810 W GARDNER AVENUE, SPOKANE, WASHINGTON, 99201, PARCEL NUMBER 25131.5227, LEGAL DESCRIPTION **IDES 3RD L24 B1**, in compliance with the Spokane Municipal Code stating that a show cause hearing on this matter will be held before the Building Official on January 6<sup>th</sup>, 2026 at 1:30 p.m. These hearings are held at 808 W Spokane Falls Blvd. Spokane. WA 99201, in the Council Briefing Room, Lower Level, City Hall. Remote participation is also available via Microsoft Teams, and remote participation information for this hearing will be posted on the City website as well on each agenda, which can be found under the substandard building topic here:

<https://my.spokanecity.org/neighborhoods/code-enforcement/topics/>

Notice is hereby given that attention has been directed to anyone who knows the present address or whereabouts of the owner or to any new owner or person in the position of responsibility over this property to contact the City of Spokane regarding plans to correct deficiencies and avoid potential outcomes of the show cause hearing, which may include a demolition or receivership order. Not hearing further on this matter the said show cause hearing will proceed. For more information on this hearing, including information regarding participation in the remote hearing, please contact:

Jennifer Loparco  
Code Enforcement, City of Spokane  
808 West Spokane Falls Blvd.  
Spokane, WA 99201-3333  
509-625-6300  
[jloparco@spokanecity.org](mailto:jloparco@spokanecity.org)

**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 Council Briefing Center 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.) through the meeting organizer. Individuals requesting reasonable accommodations or further information may call, write, or email Human Resources at 509.625.6373, 808 W. Spokane Falls Blvd., Spokane, WA, 99201; or [ddecorde@spokanecity.org](mailto:ddecorde@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: December 10 and 17, 2025

# General Notices

## NARCOTICS NOTICE OF SEIZURE AND INTENDED FORFEITURE

Recipient:

**Ivan A. Machado-Rascon**  
13725 32<sup>nd</sup> Ave NE #C342,  
Seattle WA 98125

SPD Report #: 2025-20206605  
Date of Seizure: 10/6/2025  
Seizure Number: 25-027

This is to notify you that pursuant to **RCW 69.50.505**, the property listed below has been seized by the **Spokane Police Department (SPD)** because they believe that it was used to facilitate the sale of controlled substances or it is proceeds acquired in whole or in part from a sale or series of sales of controlled substances in violation of RCW 69.50, RCW 69.41 or RCW 69.52 and **are subject to seizure and forfeiture and NO PROPERTY RIGHT EXISTS IN THEM.**

It is the intent of SPD to seek forfeiture of the seized property. Pursuant to RCW 69.50.505, property that is used to facilitate the sale of controlled substances, or is acquired in whole or in part with proceeds traceable to a sale or series of sales of controlled substances, or furnished or intended to be furnished in exchange for a controlled substance can be seized and kept by a law enforcement agency. If you would like to make a claim because this property belongs to you and/or you are an interested party, you **MUST, within forty-five days of the service of this notice**, notify the Spokane Police Department in writing of your claim of ownership or right to possession to the item(s) seized. Send your written claim (certified mail preferred) to:

**Forfeiture Claim,  
SPD Civil Enforcement Unit,  
1100 West Mallon,  
Spokane, WA 99260**

In your letter, please identify the property you are claiming and whether you wish to request a copy of the police report documenting the seizure of the property. You will then receive notice of a hearing date.

Your failure to notify the Spokane Police Department in writing of a claim of ownership or right to possession of the items specified below within forty-five days of the service of this notice constitutes a default forfeiture and a loss of your right to an adjudicative hearing regarding this matter. RCW 69.50.505(4); RCW 34.05.440.

### **THE FOLLOWING PROPERTY HAS BEEN SEIZED:**

Item #	Description
3	\$16,630.00

Publish: November 26 and December 3, 10, 17, 24, and 31, 2025

# 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*.**

**Note: Ordinance C36733 is being republished as the section header for 08.21.030 was inadvertently left off.**

### **ORDINANCE NO. C36733**

An ordinance establishing the Affordable Housing Permit Fee Deferral Program; adopting a new Chapter 08.21 of the Spokane Municipal Code.

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

**Section 1** . There is enacted a new chapter 08.21 to Title 08 of the Spokane Municipal Code to read as follows:

**Chapter 08.21 Affordable Housing Permit Fee Deferrals Program**

- 08.21.010 Purpose
- 08.21.020 Definitions
- 08.21.030 Project Applicability
- 08.21.040 Application Process
- 08.21.050 Permit Fees Eligible for Deferral
- 08.21.060 Permit Fees Due
- 08.21.070 Placement of Lien
- 08.21.080 Program Administration

**Section 08.21.010 Purpose**

Permit fees related to housing development, construction, or rehabilitation represent a significant hurdle to housing development in Spokane. This section establishes the Affordable Housing Permit Fee Deferrals Program, creating a limited deferred payment program of certain building and construction fees until the end of construction to lower barriers to affordable housing development.

**Section 08.21.020 Definitions**

<b>Term</b>	<b>Definition</b>
Affordable Housing Developer	An individual, group of individuals, partnership, corporation, association, municipal corporation, state agency, or other person undertaking affordable housing development.
Affordable Housing Development	The construction or reconstruction of affordable housing, consistent with the specific project requirements under the programs set forth in Section 08.21.030.
Certificate of Occupancy	A legal document used to identify the approved use and/or occupancy of a building or a portion thereof. A Certificate of Occupancy is required before a building or structure can be used or occupied, and whenever there is a change in the existing occupancy of a building or portion thereof.
Owner	The property owner of record.
Project	A development, redevelopment, or rehabilitation of a building occurring as part of an overall site plan.

**Section 08.21.030 Affordable Housing Permit Fee Deferrals Program Project Applicability**

- A. To qualify for the Affordable Housing Permit Fee Deferrals Program, a project shall be approved or recommended for funding for one or more of the following housing programs:
1. Multi-Family Housing Tax Exemption twelve-year (12-year) or twenty-year (20-year) program provided in SMC 08.15, so long as the project includes affordable housing units;
  2. Sales and Use Tax for Affordable and Supportive Housing provided in SMC 08.07B;
  3. HEART Program set forth in SMC 08.07C;
  4. Parking 2 People Program provided in SMC 08.07D; or
  5. Commercial Conversion Program provided in SMC 08.07E.
  6. Home Investment Partnership Program (HOME) (Cranston-Gonzalez National Affordable Housing Act of 1990 (P.L. 101-625))
- B. Approval or qualification for the programs listed above shall not grant a right to any deferred payment of permit fees under this chapter.

**Section 08.21.040 Application Process**

An owner or developer of an eligible project seeking to defer building and construction permit fees under this chapter must complete the following procedures:

- A. The owner or affordable housing developer must apply to the City in writing, on forms adopted by the Development Services Department. The application must contain the following:
1. Proof of approval for an affordable housing sales and use tax deferral program or funding award recommendation as described in SMC 08.21.030;
  2. A description of the affordable housing project and site plan;
  3. A statement of the expected number of affordable housing units to be created; and
  4. Estimated construction cost and post-construction valuation.
- B. A statement that the owner or developer is aware that a real property lien will be placed on the parcel or parcels associated with the affordable housing development, which lien may be removed upon the time the deferred building and construction permit fees are paid in full.



- C. A statement that the owner or developer is aware that a certificate of occupancy will not be issued until all deferred building and construction permit fees are paid in full.
- D. The owner or developer must verify the application by oath or affirmation.

#### **Section 08.21.050 Permit Fees Eligible for Deferral**

- A. Building and construction permit fees eligible for deferral under the Affordable Housing Permit Fee Deferrals Program are:

<b><u>Building and Construction Permits</u></b>	<b><u>Spokane Municipal Code Reference</u></b>
Building Permit	SMC 08.02.031(A)
Street Obstruction Permit	SMC 17G.010.210(D)

- B. No other permit fees shall be deferred under the Affordable Housing Permit Fee Deferrals Program unless approved by the Director of Community and Economic Development. Deferral of other permit fees shall be subject to the provisions of this chapter.
- C. A project approved under the Affordable Housing Permit Fee Deferrals Program may defer eligible permit fees up to \$150,000.

#### **Section 08.21.060 Permit Fees Due**

- A. Any permit fees deferred under the Affordable Housing Permit Fee Deferrals Program shall be paid (1) before a certificate of occupancy or temporary certificate of occupancy is issued or (2) at the expiration of each permit with a deferred fee, if the project is abandoned before completion.
- B. All deferred permit fees shall be paid by the owner or developer regardless of whether the project is completed.

#### **Section 08.21.070 Placement of Lien**

- A. A lien may be filed on all parcels approved under the Affordable Housing Permit Fee Deferrals Program, equivalent to all deferred building and construction permit fees.
- B. Liens should be placed by the City in a manner that minimizes the financing risk of affordable developers and ensures completion of the affordable housing project.
- C. A lien placed by the City shall only be removed when fees are paid in full by the developer or owner.

#### **Section 08.21.080 Program Administration**

- A. The Development Services Center may, through administrative policies and procedures, place a limit on the total number and amount of fee deferrals to be outstanding at any one time.
- B. An administrative fee may be applied and added to the repayment of the deferred fees.
- C. Any administrative fee shall be due at the time of repayment by the owner or developer.
- D. Administrative fees shall be used to support the administration of the program.
- E. The Development Services Center may establish project evaluation criteria, policies, and procedures consistent with this chapter and any provisions for public rules in the Spokane Municipal Code.

**Section 2. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 3. Clerical Errors.** Upon approval by the city attorney, the city clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local, state, or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

**Passed by City Council October 20, 2025  
Delivered to Mayor October 27, 2025**



**ORDINANCE NO. C36770**

An ordinance vacating the alley between Central Avenue and Columbia Avenue, from the east line of Freya Street to the west line of Sycamore Street,

**WHEREAS**, a petition for the vacation of the alley between Central Avenue and Columbia Avenue, from the east line of Freya Street to the west line of Sycamore Street has been filed with the City Clerk representing 100% of the abutting property owners, and a hearing has been held on this petition before the City Council as provided by RCW 35.79; and

**WHEREAS**, the City Council has found that the public use, benefit and welfare will best be served by the vacation of said public way; -- **NOW, THEREFORE**,

The City of Spokane does ordain:

**Section 1.** That the alley between Central Avenue and Columbia Avenue, from the east line of Freya Street to the west line of Sycamore Street is hereby vacated. Parcel number not assigned. Located in the Northeast Quarter of Section 34, Township 26 North, Range 43 E.W.M.

**Section 2.** An easement is reserved and retained over and through the entire vacated area for the utility services of Avista Utilities, Lumen, Comcast and TDS Telecom to protect existing and future utilities.

**Passed by City Council December 1, 2025**  
**Delivered to Mayor December 3, 2025**

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**ORDINANCE NO. C36778**

AN ORDINANCE prohibiting algorithmic rent price fixing, adopting a new Section 10.57.180 to Chapter 10.57 and amending Sections 07.08.158, 10.57.060, 10.57.130 and 10.57.140 of the Spokane Municipal Code.

**WHEREAS**, software has become available for the use of proprietary non-public information provided to landlords to suggest and set rent prices and other lease terms; and

**WHEREAS**, the Office of the Washington State Attorney General has previously filed suit alleging that software for the use of algorithmic rent fixing may violate the state's Consumer Protection Act; and

**WHEREAS**, the Washington State Legislature considered regulating such algorithmic rent fixing in Senate Bill 5469 in the 2025 legislative session; and

**WHEREAS**, the industry-wide use of such algorithms can drive up rent and vacancies and arguably constitute unlawful price-fixing; and

**WHEREAS**, the City of Spokane webpage states that Spokane has over eighty thousand renters; and

**WHEREAS**, The City Council is interested in protecting those residents who rent and in addressing factors that artificially inflate the demand for rental housing; and

**WHEREAS**, by nature of anti-competitive violations, it can be difficult for tenants and prospective tenants to prove collusion, collaboration, or other uncompetitive behavior between for-profit landlords and property managers; and

**WHEREAS**, a study on algorithmic rent-fixing and collusion was published in *Urban Science* in August 2025; and

**WHEREAS**, the study identifies the effects that algorithmic rent-fixing has on neighborhoods and districts, of which algorithmic rent-fixing has the most impact on with price increases through collusive monopolies; and

**WHEREAS**, the neighborhood effects of those engaging in algorithmic rent-fixing, and collusive activity generally, can be artificially minimized by arguing that the market analysis should be done at larger market scale, thereby diluting the portion of the market that their monopoly constitutes; and

**WHEREAS**, other localities have passed similar legislation prohibiting algorithmic rental price fixing, including Seattle, Minneapolis, Berkeley, and Jersey City;

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

**Section 1.** That Section 07.08.158 of Spokane Municipal Code is amended to read as follows:

**07.08.158 Legal Services and Relocation Fund**

A. There is established a special revenue fund entitled the "legal services and relocation fund" into which shall be paid two percent of all revenue collected pursuant to SMC 8.07C each year for five calendar years (2023-2027) to seed

the fund and then it shall thereafter be maintained with 100% proceeds from substandard housing enforcement actions by the Legal Services and Relocation Program and monetary sanctions collected from enforcement actions pursuant to Chapter 10.57.

- B. As provided in the annual budget, the “legal services and relocation fund” is appropriated to provide for legal services and relocation funds arising out of rental units that fall below standards of habitability, as established by SMC 10.57.070. The city council may also provide for additional revenues to be paid into such fund from time to time from any available funds of the City.

**Section 2.** That a new Section 10.57.005 is added to Chapter 10.57 of Spokane Municipal Code as follows:

#### **10.57.005 Definitions**

For the purposes of this chapter:

- A. “Algorithm service provider” means any person that uses any methodology, including a computer, software, or other technology, used by two or more persons, that uses nonpublic competitor information to recommend, align, stabilize, set, or otherwise influence the prices, supply levels, occupancy rates, lease contract terms, or rental contract terms, of residential dwelling units.
1. “Algorithm service provider” does not include standard property management software, market research tools, or data analysis services that do not constitute collusive or anti-competitive practices.
- B. “Coordinate” and “coordinating” shall mean an algorithm service provider is:
1. Collecting nonpublic historical, anticipated, or contemporary prices, price changes, supply levels, occupancy rates, or lease or rental contract termination and renewal dates of residential dwelling units from two or more landlords; and
  2. Analyzing or processing nonpublic competitor information through the use of a system or software that utilizes an algorithmic or other automated process to provide recommendations regarding rental prices, lease renewal terms, or occupancy levels to more than one landlord;
  3. “Coordinate” and “coordinating” do not include publishing rental price estimates that:
    - a. Are solely based on publicly available information; or
    - b. Are equally available to all members of the public; or
    - c. Do not require a contract, agreement, or registration to obtain.
- C. “Dwelling unit” has the meaning as defined in SMC 17A.020.040.
- D. “Landlord” means the owner, lessor or sublessor of the dwelling unit or the property of which it is a part, and in addition, means any person designated as a representative of the landlord.
- E. “Nonpublic competitor information” means information or data that is:
1. Not available to the general public; and
  2. Relates to property or residential rental dwelling units other than those owned or managed by the landlord receiving or using generated pricing recommendations from an algorithm service provider; and
  3. Such information or data is less than one-hundred eighty (180) days old.
- F. “Person” has the meaning as defined in SMC 01.02.100.
- G. “Stabilize” means for two or more landlords to use nonpublic competitor information from an algorithm service provider to coordinate the vacancy rates of residential rental dwelling units to generate favorable prices or terms of agreement

**Section 3.** That Section 10.57.060 of Spokane Municipal Code is amended to read as follows:

#### **10.57.060 Consistency with Chapter 59.18.RCW**

- A. The provisions of this chapter shall be interpreted and enforced in a manner that is consistent with the provisions of Chapter 59.18 RCW.
- B. Terms in this chapter shall have the meaning set forth in Chapter 59.18 RCW unless a different meaning is expressly provided herein.

**Section 4.** That Section 10.57.130 of Spokane Municipal Code is amended to read as follows:

#### **Section 10.57.130 Anti-Retaliation Protections**

- A. Purpose and Intent.  
Due to fears of retaliation, tenants may fear speaking up about housing habitability issues, practices relating to collection of past due rent, or organizing as tenants. State law provides protection against retaliation, and the City of Spokane intends for its code to provide additional protections.

**B. Prohibition on retaliation.**

1. No landlord or owner or manager of residential rental real property in Spokane may intimidate any person because that person is engaging in activities designed to make other persons aware of, or encouraging such other persons to exercise rights granted or protected by the fair housing laws, or engaging in political speech or political organizing.
2. No person may threaten any employee or agent with dismissal or an adverse employment action, or take such adverse employment action, for any effort to assist any person in the exercise of their fair housing rights.
3. Landlords are prohibited from retaliating against individuals for invoking their rights or protections under subsections 10.57.115, 10.57.116, 10.57.160, ~~((and))~~ 10.57.170, and 10.57.180.
4. For purposes of this section, "fair housing laws" and "fair housing rights" include the federal Fair Housing Act, and the Washington Law Against Discrimination.

**Section 5.** That Section 10.57.140 of Spokane Municipal Code is amended to read as follows:

**10.57.140 Private Right of Action**

- A. Any person or class of persons who claim to have been injured by a violation of sections 10.57.020(H), 10.57.110, 10.57.120, 10.57.130, 10.57.160, ~~((or))~~ 10.57.170, or 10.57.180 may commence a civil action in Superior Court, not later than three (3) years after the occurrence of the alleged violation to obtain relief with respect to such violation. Upon prevailing, such aggrieved person may be awarded reasonable attorneys' fees and costs, and such other legal and equitable relief as appropriate to remedy the violation including, without limitation, the payment of compensatory damages, a penalty of up to \$500, and injunctive relief.
- B. If a landlord fails to comply with the requirements of sections 10.57.020(H), 10.57.110, 10.57.120, 10.57.130, 10.57.160, ~~((or))~~ 10.57.170, or 10.57.180, and such failure was not caused by the tenant, the tenant may terminate the rental agreement by written notice pursuant to law.

**Section 6.** That a new Section 10.57.180 is added to Chapter 10.57 of the Spokane Municipal Code as follows:

**Section 10.57.180 Prohibition on Algorithmic Rental Price Fixing**

- A. Exceptions. This section does not apply to coordinating functions provided with either short-term rentals as defined in SMC 17C.316.020 or hotels as defined in SMC 17C.348.020.
- B. Violation. It is a violation of this section for:
  1. Any landlord, in or affecting commerce, to contract with or otherwise exchange anything of value in return for the coordinating services of an algorithm service provider, as defined in Section 10.57.005 SMC.
  2. Any algorithm service provider, in or affecting commerce, to provide coordinating services to two or more landlords.
  3. It is not a violation of this section for a landlord to use a system or software recordkeeping tool absent conduct otherwise prohibited under this section.
- C. Penalty. The City may file a civil action in a court of competent jurisdiction for violations of Section 10.57.180 for civil penalties of up to five thousand dollars per violation. Each instance of coordinating services for each dwelling unit shall be considered a separate violation. The court may award reasonable attorney's fees and costs to the City if the City is the prevailing party.
- D. Revocation of Business License. Pursuant to Section 08.01.321(A)(7), the City of Spokane may cancel or revoke the business license of a landlord, landlord's agent, or algorithm service provider successfully found in violation of this section and shall not be eligible to obtain a City of Spokane business license for five years thereafter.
- E. Submission of Violations. Tenants, landlords, and the employees or contractors of landlords are encouraged to submit violations of this section to the City Attorney and the Residential Rental Housing Navigator.

**Section 7. Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

**Section 8. Clerical Errors.** Upon approval by the City Attorney, the City Clerk is authorized to make necessary corrections to this ordinance, including scrivener's errors or clerical mistakes; references to other local state or federal laws, rules, or regulations; or numbering or referencing of ordinances or their sections and subsections.

**Passed by City Council December 1, 2025  
Delivered to Mayor December 3, 2025**

**ORDINANCE NO. C36787**

An Ordinance approving and confirming the 2026 Assessments and Assessment Roll for the Downtown Spokane Parking and Business Improvement Area, prepared under Ordinance C32923 as codified and amended In Chapter 04.31 SMC, and setting an effective date.

**WHEREAS**, on October 27, 2025, the Spokane City Council passed Resolution 2025–0090 which provided notice and set a date for hearing on the assessments to be levied under the above identified ordinance; and

**WHEREAS**, pursuant to Resolution 2025–0090, a public hearing was held on December 1, 2025 to take public testimony regarding the assessments and assessment roll for the Downtown Spokane Parking and Business Improvement Area; and

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

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

**THE CITY OF SPOKANE DOES ORDAIN:**

**Section 1.** The 2026 assessments and the assessment roll of the Downtown Spokane Parking and Business Improvement Area, established under Ordinance C32923, as codified and amended in Chapter 04.31 SMC, are hereby approved and confirmed. The assessments and assessment roll are attached hereto as Appendix A, available in the Office of the City Clerk and City Treasurer.

**Section 2.** Each of the businesses, as described in RCW 35.87A.020, lots, tracts, and parcels of land and other property, including improvements thereon, multi-family residential, mixed-use projects as described in RCW 35.87A.020 (4), hotels, motels, government, and others, shown upon said rolls are hereby declared to be specially benefited by the programs authorized in Ordinance C32923, as amended, in at least the amount levied against the same. The method of assessment is based upon the Special Assessment Formula in Appendix B.

**Section 3.** Pursuant to SMC 04.31.100, the projects, programs, activities and budget for the 2026 Downtown Parking and Business Improvement Area as presented to the City Council are hereby approved and may be revised by the City Council pursuant to a subsequent motion.

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

**Section 5.** That the assessments shown in the roll on file in the Office of the City Clerk are due on January 31, 2026. The ratepayer may elect to make payments in two installments with the first half of the assessment due and payable on the 31<sup>st</sup> day of January, 2026, and the second half of the assessment due and payable on the 31<sup>st</sup> day of July, 2026. Prior to the due date, ratepayers shall be sent a bill stating the amount of the assessment due and payable. If the assessment is not paid within thirty (30) days after its due date, a delinquency charge shall be added in the amount of ten percent (10%) of the assessment, not to exceed one hundred dollars (\$100) in addition to the processing fee. All assessments, or part thereof, shall also bear interest at the rate of twelve percent (12%) per annum, or part thereof, of delinquency. Within thirty (30) days of the due date(s), the City Treasurer or his/her designee shall send a late notice of the unpaid assessment including the assessment of appropriate interest, penalty and fees. Interest, penalties and other fees will be collected on any unpaid balance or portions thereof from the date the account became due.

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

**Section 6.** This ordinance, being one to implement local improvement districts or confirming assessments therefor, shall take effect and be in full force from and after the date of its passage pursuant to Section 19.A of the Spokane City Charter.

**Passed by City Council December 1, 2025**  
**Delivered to Mayor December 3, 2025**

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**ORDINANCE NO. C36788**

An Ordinance approving and confirming the 2026 Assessments and Assessment Roll for the East Sprague Parking And Business Improvement Area, prepared under Ordinance C35377 as codified and amended In Chapter 04.31C SMC, and setting an effective date.

**WHEREAS**, on October 27, 2025, the Spokane City Council passed Resolution 2025–0091 which provided notice and set a date for hearing on the assessments to be levied under the above identified ordinance; and

**WHEREAS**, pursuant to Resolution 2025–0091, a public hearing was held on December 1, 2025 to take public testimony regarding the assessments and assessment roll for the Downtown Spokane Parking and Business Improvement Area; and

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

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

**THE CITY OF SPOKANE DOES ORDAIN:**

**Section 1.** The 2026 assessments and the assessment roll of the East Sprague Parking and Business Improvement Area, established under Ordinance C35377, as codified and amended in Chapter 04.31C SMC, are hereby approved and confirmed. The assessments and assessment roll are attached hereto as Appendix A, available in the Office of the City Clerk and City Treasurer.

**Section 2.** Each of the businesses, as described in RCW 35.87A.020, lots, tracts, and parcels of land and other property, including improvements thereon, multi-family residential, mixed-use projects as described in RCW 35.87A.020 (4), hotels, motels, government, and others, shown upon said rolls are hereby declared to be specially benefited by the programs authorized in Ordinance C35377, as amended, in at least the amount levied against the same. The method of assessment is based upon the Special Assessment Formula in Appendix B, attached below.

**Section 3.** Pursuant to SMC 04.31C.100, the projects, programs, activities and budget for the 2026 East Sprague Parking and Business Improvement Area as presented to the City Council are hereby approved and may be revised by the City Council pursuant to a subsequent motion.

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

**Section 5.** That the assessments shown in the roll on file in the Office of the City Clerk are due on January 31, 2026. The ratepayer may elect to make payments in two installments with the first half of the assessment due and payable on the 31<sup>st</sup> day of January, 2026, and the second half of the assessment due and payable on the 31<sup>st</sup> day of July, 2026. Prior to the due date, ratepayers shall be sent a bill stating the amount of the assessment due and payable. If the assessment is not paid within thirty (30) days after its due date, a delinquency charge shall be added in the amount of ten percent (10%) of the assessment, not to exceed one hundred dollars (\$100) in addition to the processing fee. All assessments, or part thereof, shall also bear interest at the rate of twelve percent (12%) per annum, or part thereof, of delinquency. Within thirty (30) days of the due date(s), the City Treasurer or his/her designee shall send a late notice of the unpaid assessment including the assessment of appropriate interest, penalty and fees. Interest, penalties and other fees will be collected on any unpaid balance or portions thereof from the date the account became due.

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

**Section 6.** This ordinance, being one to implement local improvement districts or confirming assessments therefor, shall take effect and be in full force from and after the date of its passage pursuant to Section 19.A of the Spokane City Charter.

**Passed by City Council December 1, 2025  
Delivered to Mayor December 3, 2025**

**APPENDIX B – 2026 ESBID PBIA****EAST SPRAGUE BUSINESS IMPROVEMENT DISTRICT  
Special Assessment Matrix**

Estimated Annual Revenue	% Assessment based on Land Square Footage (LSF)	% Assessment based on Taxable Assessed Value (TAV)	Total Parcels	
<b>\$92,730.16</b>	75%	25%	238	
Benefit Area	Minimums	Maximums	Rate per LSF	Rate per \$1,000 TAV
Zone 1: Center and Corridor	\$345.01	\$1,656.07	3.4 cents	60 cents
Zone 2: General Commercial	\$172.51	\$828.03	1.7 cents	30 cents
Zone 3: Industrial	\$89.70	\$414.02	0.8 cents	15 cents

2026 represents the eleventh assessment year for the East Sprague BID since 2016. Per Section 04.31C.040(C)(3) of the Spokane Municipal Code, for subsequent years the assessment will continue on a three-year cycle and follow the inflationary change provided in SMC 04.31C.040(C)(2). The eleventh year represents the second year of a three-year cycle.

Per SMC 04.31C.040(C)(2)(c), to account for inflation and maintain the equivalent buying power, the assessment rate on LSF will be increased by an Inflationary Factor. For 2026, the assessments will equal the “fifth year” multiplied by a CPI factor that is the lesser of 3 percent or the percentage change in CPI for All Urban Consumers (CPI-U) West Region between June 2024 and June 2025. The TAV rate will remain the same.

In 2022, City Council approved Ordinance C36255 to ensure that the annual assessment stays apace with inflation, which amended the assessment formula such that the minimum and maximum LSF amounts are adjusted annually in the same percentage and manner as determined by the Inflationary Factor.

The CPI for All Urban Consumers (CPI-U): West Region between June 2024 and June 2025 was 2.7 percent. Therefore, 2026 assessments were increased by 2.7 percent for the 2026 assessment year. The minimum and maximum LSF amounts were increased by the 2.7 percent inflationary factor as well.

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**ORDINANCE NO. C36802**

AMENDING ORDINANCE NO. C36626, ENTITLED IN PART, “AN ORDINANCE ADOPTING A BIENNIAL BUDGET FOR THE CITY OF SPOKANE”, AND AMENDING IT TO ACCEPT THE WASHINGTON TRAFFIC SAFETY COMMISSION DUI COURT GRANT, AND DECLARING AN EMERGENCY.

**WHEREAS**, subsequent to the adoption of the biennial budget Ordinance No. C36626, as above entitled in part, and which passed the City Council December 9, 2024, it is necessary to make changes in the appropriations of the Miscellaneous 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 Council of Spokane does ordain:

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

- 1) Increase revenue by \$160,000.
  - A) Of the increased revenue, \$160,000 is provided by the Washington Traffic Safety Commission for the DUI Court in the Municipal Court department.
- 2) Increase appropriation by \$160,000.
  - A) Of the increased appropriation, \$157,500 is provided solely for professional services.
  - B) Of the increased appropriation, \$2,500 is provided solely for office supplies.



**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 accept the Washington Traffic Safety Commission DUI Court grant, and because of such need, an urgency and emergency exists for the passage of this ordinance, and also, because the same makes an appropriation, it shall take effect and be in force immediately upon its passage.

**Passed by City Council December 1, 2025**  
**Delivered to Mayor December 3, 2025**

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**LEVEL 3 TELECOM OF WASHINGTON, LLC**  
**TELECOMMUNICATIONS (NONCABLE) FRANCHISE**

**Ordinance No. C36816**

An ordinance granting a non-exclusive franchise to use the public right-of-way to provide noncable telecommunications service to the public to Level 3 Telecom of Washington, LLC, subject to certain conditions and duties as further provided.

**WHEREAS**, the City Council on November 10, 2025 adopted Ordinance C36762 granting a non-exclusive franchise to Level 3 Telecom of Washington, LLC ("Grantee") to provide certain telecommunications services; and

**WHEREAS**, following adoption, it was discovered Ordinance C36762 included provisions for wireless and cable telecommunication services that the Grantee does not provide or maintain; and

**WHEREAS**, the City of Spokane and Grantee wish to amend the terms of the franchise to eliminate services not provided or maintained by Grantee;

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

- Section 1. Definitions
- Section 2. Parties, grant
- Section 3. Limits on permission
- Section 4. Effective Date, Term
- Section 5. General provisions
- Section 6. Plans; Locate, Relocate
- Section 7. Grantee to restore affected areas
- Section 8. Information, good engineering, inspections
- Section 9. Limited access, no obstruction, accommodation
- Section 10. Undergrounding
- Section 11. Facilities for City Use
- Section 12. Liability; No duty
- Section 13. Insurance
- Section 14. Taxes, fees
- Section 15. Franchise administration
- Section 16. Additional

**Section 1. Definitions**

"City" means the City of Spokane and its legal successors.

"Administering officer" is the designee of the Mayor who administers this Franchise.

"Facilities" means the equipment, fixtures and appurtenances necessary for Grantee to furnish and deliver telecommunications services as provided in the Franchise. It includes poles, antennas, transmitters, receivers, equipment boxes, backup power supplies, power transfer switches, electric meters, coaxial cables, fiber optic cables, wires and conduits and related materials and equipment,

"Municipal infrastructure" means the roadbed and road area, street and sidewalk paving, curbing, utility easements (unless there are relevant use, structure or other restrictions), associated drainage facilities, combined sewer tanks, bike paths and other construction or improvements pertaining to public travel. It further includes municipal water and sewer lines or other municipal utility facilities, as well as municipal traffic signal, street lighting and communications facilities in the right-of-way or other areas or easements open for municipal use. It further includes skywalks, street trees, plants, shrubs, lawn and other ornamental or beautification installations owned by the City in the right-of-way or other ways open for public travel or municipal use, and accepted for municipal management or control as such. The definition is intended to encompass any municipal physical plant, fixtures, appurtenances or other facilities located in or near the right-of-way or areas or easements opened and accepted for municipal use.

"Public right-of-way" or "right-of-way" means land acquired by or dedicated to the City for public roads and streets, but does not include state or county highways; land dedicated for roads, streets, and highways not opened and not improved for use by the public; structures, including poles and conduits, located within the right-of-way; federally granted trust lands or forest board trust lands; lands owned or managed by the state parks and recreation commission; private property; or federally granted railroad rights-of-way acquired under 43 U.S.C. 912 and related provisions of federal law that are not open for motor vehicle use.

"Telecommunications service" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means for hire, sale, or resale to the general public. For the purpose of this definition, "information" means knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. For purposes of this definition, "telecommunications service" excludes the over-the-air transmission of broadcast television or broadcast radio signals and "cable service" as defined in 42 USC 522 (5) or other distribution of multichannel video programming (as provided in RCW 35.99.010(7)).

## **Section 2. Parties, grant**

- A. This is a Franchise agreement between the City of Spokane as Grantor, hereafter also "City", and Level 3 Telecom of Washington, LLC, as Grantee, hereafter also "Grantee". Grantee is registered with the WUTC as a competitive telecommunications company and is a Delaware limited liability company whose home office is 931 14<sup>TH</sup> Street, Denver, Colorado 80202. Any notice sent hereunder to Grantee shall be sent, via certified mail, return receipt requested, or express carrier with notice deemed given upon receipt or first refusal, to:

Level 3 Telecom of Washington, LLC  
Attn: National ROW  
931 14<sup>th</sup> Street  
Denver, Colorado 80202

Email: Alexis.Cutler@lumen.com ,ROW-DF@lumen.com

Any contact necessary for effectuating this Franchise or any logistics hereunder shall be made to: Phone: (805) 719-6882; email: alexis.cutler@lumen.com, ROW-DF@lumen.com

Any notice sent hereunder to the City shall be sent, via certified mail, return receipt requested, or express carrier with notice deemed given upon receipt or first refusal, to:

City of Spokane  
808 West Spokane Falls Boulevard  
Spokane, WA 99201  
Attention: City Clerk's Office

With a copy to:  
City of Spokane  
808 West Spokane Falls Boulevard  
Spokane, WA 99201  
Attention: City Attorney's Office

- B. In return for promises made and subject to the stipulations and conditions stated, the City grants to Grantee general permission to enter, use, and occupy (including, but not limited to, permission to relocate, install, operate, maintain, replace, relocate, excavate, repair, reinstall, restore and upgrade fiber optic cable, small cell devices) the Public right-of-way, to locate Facilities to provide Telecommunications service and related services to the public in the City of Spokane and/or to transport telecommunications services through the City and for no other purpose. This grant expressly does not include permission to use the Public right-of-way for cable service or cable television service. The grant is by way of general permission to occupy the right-of-way, and not in place of specific location permits. In accepting this Franchise, Grantee stipulates and agrees to the City's authority to issue and require the Franchise and stipulates and agrees to the other terms and conditions hereof.

## **Section 3.Limits on Permission**

- A. Should the City determine Grantee is using the Franchise beyond its purpose set forth in Section 2B above, or functioning as a cable operator or performing other business functions beyond the scope of permission extended in the Public right-of-way, the City reserves the right to cancel this Franchise and require Grantee to follow any applicable requirements to obtain a cable franchise or other franchise from the City.
- B. Permission granted is in the nature of a quitclaim of any interest or authority the City has to make the grant, without warranty of authority by the City to the Grantee. It does not extend beyond the right-of-way, to areas such as buildings or private areas not reserved for general utility access. Grantee is solely responsible to make its own arrangements for any



access needed to such places. Permission granted is nonexclusive. Grantee stipulates that the City may grant similar permission to others, provided that any such use by others does not unreasonably interfere with Grantee's use and placement of its Facilities in any right-of-way. The City additionally reserves the right to engage in any lawful municipal function, whether or not including any line of business engaged in by Grantee.

- C. The grant of permission from the City does not extend to municipal buildings or other municipally owned or leased structures or premises held in a proprietary or ownership capacity. For such locations, Grantee should make specific written lease arrangements directly with the municipal department controlling such building or other structure or area, all arrangements to be approved in accord with applicable requirements.

#### **Section 4. Effective Date, Term**

This Franchise is effective as of the effective date of the Ordinance ("Effective Date"); PROVIDED, that it shall not be effective unless and until the written acceptance of this ordinance by the Grantee, signed by its proper officers, shall be filed with the City Clerk within thirty (30) days of enactment. It expires at midnight ten (10) years thereafter. This does not affect the City's right to revoke the Franchise for cause, abandonment, or because of breach of any material promise, condition or stipulation stated herein.

#### **Section 5. General Provisions**

- A. Grantee is and will remain in good standing as a limited liability company registered to do business in the State of Washington, and pay all taxes or fees applicable thereto. Grantee will maintain a public telephone number 24 hours a day, seven days a week for the City's access, personally staffed at least during normal business hours. The Grantee will notify the City within five business days if Grantee's contact information changes.
- B. Grantee will reasonably coordinate its activities with other utilities and users of permitted areas to avoid unnecessary cutting, damage or disturbance to the Public right-of-way, and to conduct its planning, design, installation, construction and repair operations to cause minimal interference with the life and usefulness of the paving and municipal infrastructure. Grantee agrees that its uses in franchised areas are subordinate to Municipal infrastructure needs and uses, the general public travel and access uses and the public health, safety, welfare, and convenience, except as may be otherwise required by law. Grantee promises to minimize or avoid any hazard, danger or inconvenience to Municipal infrastructure needs and uses, public travel, and the public health, welfare, safety, and convenience.
- C. Grantee will maintain membership with the Inland Empire Utility Coordinating Council (IEUCC) or other similar or successor organization designated to coordinate underground fixture locations and installations. Grantee is familiar with Ch. 19.122 RCW, Washington State's "Underground Utilities" statute and understands, will abide by and adhere to local procedures, customs and practices relating to the one-call locator service program and will see to it that its contractors or others working in the right-of-way on Grantee's behalf are similarly well informed.

#### **Section 6. Plans; Locate, Relocate**

- A. Grantee's plans for construction or installation shall be submitted to the Administering officer under such advance notification as the Administering officer may reasonably require, with a copy of such plans to the City's ITSD Director, Developer Service Director, City Engineer, and any other information requested by the City. When required by the City of all utilities, Grantee promises that all its new installations shall be placed in the standard location for buried telecommunications fiber cable not to be less than (30) thirty inches below the paved surface and as determined by general ordinances, resolutions, regulations, rules, or policies of the City, or applicable state or federal law, including RCW 35.99.060 related to relocation costs, in effect on the date that permits or authorizations are issued for the applicable Facilities, or as designated by the Administering officer. In the event that cable is needed to be installed above ground, all above ground pedestals or other above ground structures besides telephone poles and related guide wire supports are subject to separate review and approval by the Administering officer, in addition to other Franchise requirements. If the proposed location of the Grantee's facility is already occupied by City utilities and there is not enough space for Grantee's facility, the Grantee is required to submit new plans showing the location that the Grantee will now be occupying. Grantee will not be considered to have breached the Franchise or acted in such a way as to terminate the Franchise if it reduces the amount of Public right-of-way occupied.
- B. Pursuant to RCW 35.99.060, the City reserves the right to change, regrade, relocate, or vacate the Public right-of-way and/or skywalk over the right-of-way. If Grantee is required to relocate its cable, relocation costs incurred by Grantee will be reimbursed by the City and/or any other entity requiring the relocation or funding the project that is requiring the relocation, subject to the conditions set forth in Section 6. The City agrees to give Grantee preliminary notice of any such request ("initial notice date"). Grantee must submit design plans within sixty (60) days of an initial notice date, with relocation to be accomplished within one hundred and eighty (180) days of the initial notice date or thirty days of the City's final approval of Grantee's design plan, whichever is later. In addition, the City agrees to work with Grantee to give additional advance notice as may be reasonable under the circumstances or to extend additional time, considering the nature and size of the project and other factors. Upon expiration of the time limits specified, Grantee will relocate, remove, or reroute its Facilities, as ordered by the Administering officer. This provision prevails over others in the event of conflict or ambiguity. In case of emergency, the City will provide notice as soon as reasonably practicable, giving reasonable consideration also for Grantee's needs.

- C. Under the provisions of RCW 35.99.060, the Administering officer may require Grantee to relocate its Facilities within the right-of-way, when reasonably necessary for construction, alteration, repair, or improvement of the right-of-way for purposes of public welfare, health, or safety. The same terms and timelines as exists in Section 6(B) shall apply for the relocation contemplated in this Section 6(C).
- D. Grantee shall complete the relocation by the date specified by the Administering officer, unless extended by said official after a showing by Grantee that the relocation cannot be completed by the date specified using best efforts and meeting safety and service requirements. As provided in RCW 35.99.060, Grantee may not seek reimbursement for its relocation expenses from the City except for City requested relocations:
1. Where Grantee has paid for the relocation cost of the same Facilities in the right-of-way at the request of the City within the past five years, Grantee's share of the cost of relocation will be paid by the City when the City is requesting the relocation;
  2. Where aerial to underground relocation of authorized Facilities in the right-of-way is required by the City, where Grantee has any ownership share of the aerial supporting structures, the additional incremental cost of underground compared to aerial relocation, or as provided for in the approved tariff if less, will be paid by the City requiring relocation; and
  3. Where the City requests relocation in the right-of-way solely for aesthetic purposes, unless otherwise agreed to by the parties.
  4. The parties agree that "relocation" refers to a permanent movement of Facilities required of Grantee by the City, and not a temporary or incidental movement of Facilities, such as a raising of lines to accommodate house moving and the like, or other revisions Grantee would accomplish without regard to Municipal request.
- E. As provided by RCW 35.99.060, where a project is primarily for private benefit, the private party or parties shall reimburse Grantee for Grantee's cost of relocation in the same proportion to the private party's or parties' contribution to the costs of the project. Grantee understands however that the City has no obligation to collect such reimbursement and enforcement of any such rights shall be solely by Grantee. Upon stipulation of all parties, the Administering officer may arbitrate any dispute referenced in this subsection E or refer the matter to the Hearings Examiner, provided, costs of the same as may be assessed by the City shall be borne by the all of the participants in equal proportion. Grantee is not otherwise precluded from recovering costs associated with relocation, consistent with applicable state or federal law, where it does not directly or indirectly create additional liability or expense to the City.
- F. The Administering officer may require the relocation, adjustment or securing of Facilities at Grantee's expense at any location in the event of an unforeseen emergency that creates an immediate threat to the public safety, health, or welfare. Where the City reasonably determines to abandon or vacate any right-of-way or other permitted area, it is the Grantee's responsibility to resolve any question of Grantee's continued occupancy or use of such areas directly with the owner of such areas.
- G. Pursuant to RCW 35.99.070, upon request of the City and only if the request does not unreasonably delay Grantee's planned construction, Grantee will work with the City to provide access to conduit or other equipment the Grantee is placing in the public right of way when feasible and upon the City entering into a contract as contemplated in such law.

#### **Section 7. Grantee to Restore Affected Areas**

Subject to Section 6 as it may apply, whenever Grantee damages or disturbs any location in the Public right-of-way or other permitted area, Grantee will promptly restore the same to its condition immediately preceding such damage or disturbance at its expense, as reasonably required by the Administering officer. Grantee will restore and patch all surfaces cut in accord with the City's generally applicable Pavement Cut Policy, on file with the Administering officer to maintain and preserve the useful life thereof. Any damage or disturbance by Grantee to facilities, fixtures or equipment of the City shall be promptly repaired. Pavement restorations shall be maintained in good condition and repair by Grantee until such time as the area is resurfaced or reconstructed. If Grantee fails or delays for more than thirty (30) days after receipt of written notice from the City or the Administering officer in performing any obligation here or elsewhere in the Franchise following receipt of written notice of such failure or delay, the City may proceed to correct the problem and bill Grantee for the actual expense, upon such reasonable notice as determined by the Administering officer under the circumstances. Grantee will reimburse City within thirty (30) days following receipt of an invoice together with reasonably supporting documentation evidencing such expense.

#### **Section 8. Information, Good engineering, Inspections**

- A. Grantee will supply information reasonably requested by the Administering officer such as installation inventory, location of existing Facilities, maps, plans, all FCC filings on behalf of Grantee which relate to operational data in the City, and as-built drawings of Grantee's installations or other information reasonably related to Grantee's Facilities, unless the information is confidential and/or proprietary. The information shall be in format compatible with City operations. Grantee is responsible for defending any public record requests as it may desire; provided, however, that City provides Grantee with prior written notice of any such request.
- B. Grantee property and Facilities shall be constructed, operated and maintained according to good engineering practice. In connection with the civil works of Grantee's system, such as trenching, paving, compaction and locations, Grantee promises to comply with the American Public Works Association Standard Specifications, the edition being that in current use by the City, together with the City Standard Plans and City's Supplemental Specifications thereto, all as now or

hereafter amended, excluding existing non-conforming uses and other changes to the Specifications which do not apply to previously-constructed improvements and/or wireless communications facilities. Grantee promises its system shall comply with the applicable federal, state and local laws, and the National Electric Safety Code and Washington Electrical Construction Code, where applicable. Grantee will familiarize itself with the City of Spokane's Specifications and other right-of-way installation and location requirements, on file with the Administering officer and make reasonable effort to be familiar with updates or changes thereto.

#### **Section 9. Limited Access, No Obstruction, Accommodation**

- A. The City reserves the right to limit or exclude Grantee's access to a specific route, Public right-of-way or other location when, in the reasonable judgment of the Administering officer, there is inadequate space, a pavement cutting moratorium, subject to the requirements of applicable law, unnecessary damage to public property, public expense, inconvenience, interference with City utilities, or for any other reasonable cause determined by the Administering officer, provided, it shall do so consistent with the Federal Telecommunications Act of 1996 and RCW 35.99.050 as applicable.
- B. Grantee must raise any concerns under the aforementioned laws or other applicable laws which it believes limit the City's authority or Grantee's obligations to the City pertaining to this Franchise at the time such issue is first known or should have been reasonably known by Grantee.
- C. Grantee will not materially interfere with Municipal infrastructure uses of the Public right-of-way or other permitted areas. Grantee shall maintain a minimum underground horizontal separation of five (5) feet from City water facilities and ten (10) feet from above-ground City water facilities including sewer and storm water facilities unless modified in writing; PROVIDED, that for development in new areas, the City, together with Grantee and other utility purveyors or authorized users of the right-of-way, will develop and follow the Administering officer's reasonable determination of a consensus for guidelines and procedures for determining specific utility locations, subject additionally to this Franchise. Subject to Section 6, the City may require Grantee to make reasonable accommodation for public or third party needs in the construction of Grantee Facilities in the right-of-way as, in the reasonable judgment of the Administering officer, are necessary to preserve the condition of, or reduce the interference with, such right-of-way, and a reasonable apportionment of any expenses of any such accommodation; PROVIDED, that this Franchise creates no third party beneficial interests. Notwithstanding the foregoing, it remains the responsibility of the Grantee to anticipate and avoid conflicts with other right-of-way occupants or users, other utilities, franchisees, or permittees existing within the right-of-way as of the date of this Ordinance. The City assumes no responsibility for such conflicts.

#### **Section 10. Undergrounding**

The City reserves the right to develop a general policy on undergrounding and to require Grantee's participation therein, in coordination the City's underground program for other utility service providers, as a condition of Grantee's new installation or major maintenance or restoration construction activities of overhead facilities under this Franchise. The purpose of this section is to recognize and preserve the City's control over uses of the Public right-of-way, consistent with the Municipal policy favoring undergrounding of overhead lines for aesthetic reasons.

#### **Section 11. Facilities for City Use**

- A. Except as covered by mutual agreement and pursuant to RCW 35.99.070, whenever Grantee constructs, relocates or places ducts or conduits in the Public right-of-way as part of the Facilities, Grantee will, upon request of the City and only if the request does not unreasonably delay Grantee's planned construction, provide the City where technically feasible, judged by objective engineering standards, with additional duct or conduit and related structures necessary to access the conduit at its actual incremental out-of-pocket costs plus 10% to cover all internal costs. The parties agree to execute any documents needed to satisfy RCW 35.99.070 as it may apply. The City may review supporting third party billings to support incremental cost claims. Unless otherwise agreed, the City further agrees not to resell, lease, sublease, or grant an IRU or other right to use in any Grantee Facilities provided under this paragraph, or use such Facilities to provide communications services for hire, sale or resale, to the public or any third party which is not a governmental entity. All Facilities supplied shall be maintained to technical specifications.
- B. Upon the City and Grantee entering into a separate pole attachment agreement, the City will be permitted to attach to aerial poles for aerial fiber cabling and required mounting hardware in situations where the existing pole agreements between Grantee and the other party would not be violated by the City's attachment use of the aerial pole.
- C. Grantee agrees to notify the City ITSD Director, Developer Service Director, and City Engineer at least sixty (60) days prior to opening a trench or placing overhead lines at any location to allow the parties to implement paragraph B herein as those provisions may apply. As to all matters encompassed in this Section, the parties further agree to do anything required by law to maintain the effectiveness of such arrangements and to negotiate in good faith any matters not otherwise fully resolved. Each party acknowledges receipt of good and adequate consideration for all matters encompassed in this Section.

**Section 12. Liability; No duty**

- A. Grantee waives all claims, direct or indirect, for loss or liability, whether for property damage, bodily injury or otherwise, against the City arising out of Grantee's enjoyment of Franchise or permit privileges. This waiver does not apply to negligent or intentional acts of the City outside a governmental or regulatory capacity, such as granting this franchise or permits. Except to the extent caused by the negligent or intentional acts of the City, Grantee will indemnify and hold the City, its boards, officers, agents and employees ("City") harmless from any and all third party claims, accidents, losses, or liabilities arising from or by reason of any intentional or negligent act, occurrence or omission of the Grantee, whether singularly or jointly with others, its representatives, permittees, employees or contractors, in the construction, operation, use, or maintenance of any of the Grantee's property or Facilities.
- B. Grantee accepts that access to any franchised area is furnished "as is". The City has made no assessment or guarantee as to its suitability for Grantee needs or compatibility of Grantee uses with other needs. City and Grantee waive any immunity they may have under Title 51 RCW and affirm that the City and Grantee have specifically negotiated this provision, as required by RCW 4.24.115, to the extent it may apply. This waiver has been mutually negotiated.
- C. It is not the intent of this Ordinance to acknowledge, create, or expand any duty or liability of the City for any purpose. Any City duty nonetheless deemed created shall be a duty to the general public and not to any specific party, group, or entity.
- D. A Party's liability for any claim arising under or relating to this agreement shall be limited solely to direct damages and shall exclude any indirect, special, incidental or consequential damages.

**Section 13. Insurance**

- A. Grantee shall furnish satisfactory evidence of commercial general liability insurance and maintain the same in good standing, with limits of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) general aggregate, with the City of Spokane included as an additional insured as their interest may appear under this Agreement.
- B. Any Grantee insurance policy shall be primary and non-contributory with any insurance or program of self-insurance that may be maintained by the City. On or before June 1st of each year and at the time of granting this Franchise, as a condition of Franchise validity, Grantee shall file with the City Clerk, with copy to the City Risk Manager, proof of continued insurance coverage, in the amounts required in this Section, through a Certificate of Insurance, including the blanket additional insured endorsement indicating City coverage required herein

**Section 14. Taxes, fees**

- A. No Franchise fee is assessed for telecommunications service providers in accord with the prohibition of state law (RCW 35.21.860). If the prohibition of telecommunications service provider franchise fees is removed or modified to allow a franchise fee, the parties agree to negotiate this provision as a material term on which agreement is required for continuation of this franchise, PROVIDED, the City must give one hundred eighty (180) days' notice to invoke this provision and any franchise fee under it shall be prospective in nature.
- B. Nothing in this Franchise shall otherwise limit the City's power to tax or recover any lawful expenses in connection with this Franchise. Grantee agrees to pay all taxes as due and any lawful expenses within ninety (90) days of receipt of billing pursuant to this Franchise. Failure to pay within ninety (90) days after demand by the City and exhaustion of any applicable remedies is a material breach of this Franchise.

**Section 15. Franchise Administration**

Questions of application or interpretation of this Franchise are determined by a court of competent jurisdiction. Nothing in the Franchise limits the City's police or regulatory power in general or over its right-of-way or other franchised areas. For the performance of all franchise obligations, time is of the essence. All City acts under this Franchise are discretionary guided by considerations of the public health, safety, esthetics and convenience.

**Section 16. Additional**

- A. Grantee may assign this Franchise or any of its rights under this Franchise or delegate any of its duties under this Franchise, with the prior written consent of the City, which consent will not be unreasonably withheld, conditioned or delayed, provided, however, that Grantee may assign this Franchise or any of its rights under this Franchise or delegate any of its duties under this Franchise to (i) any entity that it controls, is under common control with or is controlled by or (ii) any entity that is the survivor of a merger, consolidation or other business combination or that acquires all or substantially all of the assets of Grantee. The City may not assign this Franchise or any of its rights under this Franchise or delegate any of its duties under this Franchise, without the prior written consent of Grantee. Any assignment or delegation in violation of this Section is null and void.

No capital stock may ever be issued based on any permission to use or occupy the right-of-way or other permitted areas or the value thereof. The City will provide written notice of any condemnation or annexation actions that would affect Grantee's rights. In any condemnation proceeding brought by the City, Grantee shall not be entitled to receive any return thereon, except for its value.

B. This Franchise may be revoked by the City Council by resolution because of any material breach, after giving at least thirty (30) days' written notice to Grantee and opportunity to cure. Similarly, Grantee may elect to terminate this Franchise because of any material breach of the City's obligations, after giving at least thirty (30) days' written notice to the City and opportunity to cure. Except as otherwise provided for in this Franchise, and upon written notice, the defaulting party will have thirty (30) days to cure defaults under the terms of this Franchise. Neither party is in default of this Franchise if the party provided written notice commences to cure the default within the thirty (30) day period and diligently and in good faith continues to cure the default. If any default exists after the applicable cure period, the non-defaulting party may, without prejudice to any other rights or remedies at law or in equity or under this Franchise, terminate this Franchise.

No forbearance by the City of any term or condition of this Franchise shall ever comprise a waiver or estoppel of the City's right to enforce said term or condition. Grantee may surrender its Franchise to the City upon sixty (60) days written notice to the Administering officer, subject to acceptance by the City, by a resolution of the City Council.

C. Upon termination, surrender or expiration of the Franchise, Grantee may be required to remove all its Facilities as ordered by the Administering officer or otherwise abandon the cable in place, first removing all electronics, if any, rendering the same safe. In the event removal is required, Grantee shall remove the Facilities within one hundred eighty (180) days of receipt of written notice from City or such other time as may be mutually agreed upon by the parties. Grantee will have no further obligations under this Franchise. In the alternative, the parties may agree to abandon some or all of the Facilities in place.

D. Grantee understands that this Franchise applies to itself as well as all third-party users, assigns, successors or any other entity enjoying de facto Franchise privileges derived from permission extended to Grantee herein and Grantee shall assure that any contracts with such users, assigns, successors or entities so provide. Additionally, Grantee accepts full responsibility with said users, assigns, successors, or entities, jointly and severally, to the City for full performance of all Franchise obligations.

E. This Franchise is governed by the laws of the State of Washington, and venue for any litigation arising out of or in connection with privileges extended herein is stipulated to be in Spokane County.

F. (Force Majeure) Except as otherwise provided in this Franchise, neither party hereto will be in default under this Franchise if and to the extent that any failure or delay in a party's performance of one or more of its obligations hereunder, is caused by any of the following conditions, and such party's performance is excused and extended during the period of any such delay: act of God (such as, flood, back water caused by flood, tornado, earthquake, and unforeseeably severe weather); fire; government codes, ordinances, laws, rules, regulations or restrictions not in effect at the time of execution of this Franchise (collectively, "Regulations"); war or civil disorder; or vandalism, or any other events beyond the reasonable control of the party seeking relief under this Section, provided that the party claiming relief under this Section promptly notifies the other in writing of the existence of the event relied on and the cessation or termination of the event. The party claiming relief under this Section must exercise reasonable efforts to minimize the time for any such delay.

Both parties hereto acknowledge that events under this Section may occur which are incapable of being cured to allow the parties to enjoy the full benefit of their rights under the Franchise. If a party is unable to conduct its business due to an event of force majeure as described in this Section, and the force majeure occurs and remains uncured after sixty (60) days, the party not claiming inability to perform under force majeure may, at its option, terminate this Franchise without further obligation.

G. (Authority to Sign) Each party hereto hereby represents and warrants to the other that the person or entity signing this Franchise on behalf of such party is duly authorized to execute and deliver this Franchise and to legally bind the party on whose behalf this Franchise is signed to all of the terms, covenants and conditions contained in this Franchise.

#### **Section 17. Effect on Prior Ordinance.**

Upon adoption of this ordinance by the City Council, this ordinance shall be deemed to supersede Ordinance C36762 and control the terms and conditions of the franchise granted herein in all respects.

**Passed by City Council December 1, 2025**

**Delivered to Mayor December 3, 2025**

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# Policies & Procedures

CITY OF SPOKANE  
ADMINISTRATIVE POLICY

ADMIN 0325-25-09  
LGL 2025-0028

TITLE: CODE OF ETHICS ACKNOWLEDGEMENT – BOARDS AND COMMISSIONS

EFFECTIVE DATE: December 3, 2025

## 1.0 GENERAL

- 1.1 The Code of Ethics applies to all elected and appointed officers of the City of Spokane. The purpose of this policy is to ensure non-elected appointees to the City of Spokane's board and commissions review and acknowledge awareness of the City's Code of Ethics and prohibition on conflicts of interest.

## 1.2 TABLE OF CONTENTS

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

## 2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to appointed members of City boards, commissions, and committees, including those representing the City of Spokane on a governing body of a public agency, that are subject to nomination by the Mayor or appointment by the City Council.

## 3.0 REFERENCES

SMC 01.04B

## 4.0 DEFINITIONS

- 4.1 "Appointed" means appointed by the Spokane City Council.
- 4.2 "Governing Body" means those boards, commissions or committees that qualify as a governing body under RCW 42.30.020.
- 4.3 "Member" means an appointed member of a board, commission, or committee that qualifies as a governing body of a public agency pursuant to the OPMA.
- 4.4 "Public Agency" means those agencies and subagencies that qualify as a public agency under RCW 42.30.020.

## 5.0 POLICY

- 5.1 All appointed members of a City of Spokane board, commission, or committee, or appointed members representing the City of Spokane on a governing board of a public agency shall review the City of Spokane's Code of Ethics and acknowledge by signature awareness of the provisions regarding conflicts of interest in SMC 1.04B.050.
- 5.2 All appointed members of a City of Spokane governing board, or appointed members representing the City of Spokane on a governing board of a public agency shall take appropriate action to avoid the creation of any potential or actual conflicts of interest, including consulting with the City Attorney's Office or the Ethics Commission to determine the appropriate course of action to avoid the potential or actual conflict of interest.

- 5.3 In the event of a potential or actual conflict of interest that cannot be resolved, the appointed member shall notify the Office of the Mayor of the potential or actual conflicts of interest and must recuse themselves from participating in any action of the governing board that would be impacted by an apparent or actual conflict of interest.

## 6.0 PROCEDURE

- 6.1 All appointed members of a City of Spokane governing board, or appointed members representing the City of Spokane on a governing board of a public agency, shall return a signed Conflict of Interest/Code of Ethics Acknowledgement Form to the Office of the Mayor.

## 7.0 RESPONSIBILITIES

- 7.1 The Office of the Mayor and the department and/or department head/staff most closely associated with a board, commission, or committee is responsible for implementing this policy.

## 8.0 APPENDICES

Appendix No. 1 – Conflict of Interest/Code of Ethics Acknowledgment Form

### **CONFLICT OF INTEREST/CODE OF ETHICS ACKNOWLEDGMENT FORM**

As an appointee to a City of Spokane board or commission, I understand that I am subject to the City's Code of Ethics as adopted in Chapter 1.04B of the Spokane Municipal Code (SMC). I have reviewed the Code of Ethics and am aware of the provisions regarding conflicts of interest in SMC 1.04B.050.

As a member of a City board or commission, I agree to take appropriate action to avoid the creation of any potential or actual conflicts of interest, including consulting with the City Attorney's Office or the Ethics Commission to determine the appropriate course of action to avoid the potential or actual conflict of interest. In the event of a potential or actual conflict of interest that cannot be resolved, I agree to notify the Office of the Mayor of the potential or actual conflict of interest. I agree to recuse myself from participating in any action of the board or commission that would be impacted by an apparent or actual conflict of interest.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Name of Board or Commission

\_\_\_\_\_  
Signature                      Date

CITY OF SPOKANE  
ADMINISTRATIVE POLICY

ADMIN 0325-25-10  
(Replaces ADMIN 0520-25-06)  
LGL 2017-0035

TITLE: OPEN GOVERNMENT TRAINING FOR ELECTED OFFICIALS, GOVERNING BOARD MEMBERS AND  
PUBLIC OFFICERS  
EFFECTIVE DATE: October 20, 2017  
REVISION EFFECTIVE DATE: January 23, 2025

## 1.0 GENERAL

- 1.1 The Washington State legislature enacted the Open Government Training Act effective July 1, 2014. The Act provides in part that:
- a. Every member of a governing board of a public agency must complete training on the requirements of the Open Public Meetings Act (OPMA) (RCW 42.30.205);
  - b. Each local elected official and each person appointed to fill a vacancy in a local office must complete training regarding the provisions of the Public Records Act (PRA) and records retention (RCW 42.56.150);
  - c. Public records officers must complete training regarding the provisions of the PRA and records retention (RCW 42.56.152).

This policy sets forth the process by which the City will ensure that all members of City boards, commissions, and committees; all elected and appointed officials to elective office; and all public records officers, including designated departmental public records coordinators, complete the required training.

## 1.2 TABLE OF CONTENTS

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

## 2.0 DEPARTMENTS/DIVISIONS AFFECTED

This policy shall apply to members of City boards, commissions, and committees which constitute a governing body of a public agency pursuant to the OPMA, all elected and appointed officials of elective office and all designated public records officers, including designated departmental public records coordinators.

## 3.0 REFERENCES

RCW 42.30.205  
RCW 42.56.150  
RCW 42.56.152  
ADMIN 0260-17-05  
ADMIN 0260-17-03  
ADMIN 5300-17-06

## 4.0 DEFINITIONS

- 4.1 "Appointing Authority" means either the Mayor or the City Council depending on which is appointing a member to a board, commission, or committee, or the governing body which has appointment authority by state law or city ordinance.
- 4.2 "Elected Official" means the mayor, the council president and the members of the city council whether elected or appointed to their respective elective office pursuant to state law or city ordinance.
- 4.3 "Governing Body" means those City boards, commissions or committees that qualify as a governing body under RCW 42.30.010 (2).
- 4.4 "Member" means an appointed member of a city board, commission, or committee that qualifies as a governing body of a public agency pursuant to the OPMA.
- 4.5 "Public Records Officer" or "Records Officer" means the person designated under RCW 40.14.040 as the officer responsible for compliance with records retention requirements under state law or 42.56.580 as the officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with public records disclosure requirements. Reference Section 5.1.2 of City policy and procedure ADMIN 0260-17-03 for designated Records Officers. For purposes of this policy "Records Officer" shall also include designated departmental records coordinators (reference 6.2.1 of City policy and procedure ADMIN 0260-17-05).

## 5.0 POLICY

- 5.1 All members of a city board, commission or committee shall complete the open government training relating to the OPMA requirements pursuant to RCW 42.30.205 and the requirement of the PRA contained in Chapter 42.56 RCW.
- 5.2 Elected officials shall complete open government training relating to the PRA requirements and records retention protocols pursuant to RCW 42.56.150.
- 5.3 All designated public records officers or records officers shall complete the open government training relating to the PRA and public records retention pursuant to RCW 42.56.152.



## 6.0 PROCEDURE

- 6.1 Appointed Members of Boards, Commissions and Committees. Upon appointment to a city board, commission, or committee, the Appointing Authority, or its designee, shall provide instructions to the member on how to complete the required training. The instructions shall state:

Washington State law requires that all members of city boards, commissions and committees complete training on the requirements of the Open Public Meeting Act, Chapter 42.30 RCW, within 90 days of appointment. Please visit the City's Board & Commission website (<https://my.spokanecity.org/bcc/vacancies/>) for more information regarding open government training.

The information contained on the City's website shall state:

*As part of your appointment, you shall, within ninety (90) days of your appointment ((letter)), complete training regarding the Open Public Meetings Act and the Public Records Act. The training can be completed online through the Attorney General website at <http://www.atg.wa.gov/open-government-training>. You will need to review the written material under Lesson 1 regarding open government and then watch the videos under Lesson 2, regarding Public Records Act training, and Lesson 3, regarding the Open Public Meeting Act training. Once you have completed the training, you can upload the attached certificate of training and file the certificate with the City Clerk's Office. You may contact the City Clerk's Office at 625-6350 if you have any questions.*

The member shall complete the open government training relating to the OPMA requirement pursuant to RCW 42.30.205.

- 6.2 Elected or Appointed Officials to Elective Office. Upon election or appointment to elective office, the elected official shall complete the open government training relating to the OPMA and PRA requirements and records retention protocols pursuant to RCW 42.30.205 and RCW 42.56.150.
- 6.3 Designated Public Records Officer. The designated public records officers shall complete the open government training relating to the PRA and public records retention protocol pursuant to RCW 42.56.152.
- 6.4 Board, Commission and Committee Members, elected officials and public records officers may complete their respective required training through the Attorney General's internet based training at <http://www.atg.wa.gov/open-government-training> or through other government agencies such as the Secretary of State, through public section related associations such as the Association of Washington Cities. Please contact the City Attorney's Office if you are uncertain if the training in question qualifies to satisfy the requirements of state law. Once the training is completed, the member, elected official or public records officer or records officer shall complete the Certificate of Training, which shall be filed with the City Clerk's Office. The training shall be completed within ninety (90) days of the member assuming his or her duties as a board or commission member, the elected official taking the oath of office or the public records officer assuming responsibilities as a public records officer or records officer. Training must be completed at least once every four years.
- 6.5 Administrative Policy Regarding City- and Personally-Owned Communication Devices. The City has adopted Administrative Policy No. 5300-17-06 regarding City- and Personally-Owned Communication Devices, which regulates the use of how such devices can and cannot be used by volunteers such as board, commission and committee members. The City departments are to review this policy with their respective boards and commissions members.

## 7.0 RESPONSIBILITIES

- 7.1 The department and/or department head/staff most closely associated with a board, commission or committee shall be responsible to implement this policy to make sure new members and reappointed members receive the appropriate training and that the Certificates of Training are filed with the City Clerk's Office. A list of boards, commissions and committees and their respective departments and/or department heads or staff is included as Appendix No. 1, which may be updated as appropriate by the City Clerk.
- 7.2 The Office of the Mayor shall be responsible to implement this policy as it relates to the Mayor.
- 7.3 The Office of the City Council shall be responsible to implement this policy as it relates to the Council President and Council Members.
- 7.4 The City Clerk's Office shall be responsible to implement this policy as it relates to the designated public records officer or records officer.

## 8.0 APPENDICES

Appendix No. 1 – List of Boards, Commissions and Committees

**Appendix 1: List of Boards, Commissions, and Committees and the  
respective departments**

Arts Commission  
Bicycle Advisory Board- Planning and Economic Development Department  
Civil Service Commission – Civil Service Department  
Climate Resilience and Sustainability Board – Mayor’s Office  
Community Housing and Human Services Board – CHHS Department  
Decennial District Board- City Council  
Design Review Board - Planning and Economic Development Department  
Employees’ Retirement System Board – Retirement Department  
Ethics Commission – City Attorney’s Office  
Fire Pension Board – Retirement Department  
Historic Landmarks Commission – Historic Preservation Department/Officer  
Human Rights Commission – Office of Civil Rights, Equity, & Inclusion  
Library Board – Spokane Public Library  
Ombuds Commission – Office of Police Ombuds  
Public Development Authority (PDA)  
    Northeast PDA - Planning and Economic Development Department  
    University District PDA - Planning and Economic Development Department  
    S3R3 Solutions (formerly West Plains/Airport Area PDA – Planning and Economic Development Department  
Park Board – Parks and Recreation Department  
Parking and Business Improvement Area Rate Payers Advisory Boards  
    Downtown PBIA – DSP Director  
    East Sprague PBIA – Business and Developer Services Department  
Plan Commission – Planning and Economic Development  
Police Advisory Committee – Police Department  
Police Pension Board – Retirement Department  
Salary Review Commission – City Council and Human Resources Department  
Spokane Hotel-Motel Commission  
Tourism and Cultural Investment Committee - City Council Office  
Transportation Commission - Planning and Economic Development Department  
Urban Forestry Tree Committee – Parks and Recreation Department  
West Quadrant Tax Increment Financing Neighborhood Project Advisory Committee – Planning and Economic Development Department

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