

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

May 12, 2009

Honorable Mary Verner, Mayor
City of Spokane
808 W. Spokane Falls Blvd.
Fifth Floor
Spokane, WA 99201

Dear Mayor Verner:

As you know on Monday, May 4, 2009 the Spokane City Council amended the Spokane Municipal Code to clarify that advertising is permitted on bus benches in the right of way. At that meeting there was an extensive discussion about the process for formalizing the placement of bus benches in the right of way and upgrading the bus bench physical plant.

In your remarks at that meeting you stated several times that your office had a Request for Proposals (RFP) already prepared for issuance that would initiate the process for placing benches on an interim basis while new standards were being developed for bus benches in the City. At one point you stated that the RFP could be issued the day after the City Council meeting. Your representations regarding the speed with which an RFP could be issued were relied upon by the Council in fashioning the amendments adopted that night.

It has now been over one week since the City Council meeting and no RFP has been issued. My prior email to you has also not been answered. Your office, however, is still proceeding with its plan to have bus benches removed in the City as of May 25, 2009. Our company is caught between a

rock and a hard place. Your office is pushing to have the existing bus benches removed.¹ Your office is simultaneously delaying the process for replacing those benches even though you represented to the Council and the public that the RFP process would commence immediately after the meeting on May 4, 2009. **More importantly the members of the public who ride the bus and rely on the existence of bus benches will find themselves deprived of a place to sit if you do not fulfill the promises you made at the May 4, 2009 Council meeting.**

Responsible citizenship and compliance with the law were discussed extensively at the May 4, 2009 City Council meeting. Responsible citizenship and compliance with the law are encouraged and fostered by responsible leadership. Responsible leadership exists when elected officials live up to the promises and representations they make to their constituents.²

At the May 4, 2009 City Council meeting, several members of the Council requested our company show a gesture of “good faith” and improve the condition of the physical plant. In response to those requests, this company has undertaken a multi-faceted program to upgrade the condition of the very benches which your office is seeking to remove in the next two

¹ Prior to May 4, 2009 you claimed that the order to remove bus benches was issued because the advertising they display was illegal under City code. We respectfully disputed the claim at that time. That dispute was rendered moot by the amendment adopted by the City Council on May 4, 2009. Therefore I believe there is no legal basis for your office to continue its efforts at having the existing bus benches removed. As discussed extensively at the meeting the Council’s amendment clears the way for an interim agreement to govern the placement of bus benches while standards and permanent regulations are put in place.

² At the May 4, 2009 meeting our company was unjustly chastised for operating “without a contract”. Due to the fact that my ability to testify was repeatedly overruled by the Chair many important facts did not get a fair presentation at that meeting. For example the **fact** that during a meeting held in May, 2008 you and your staff expressly promised us that a process would be put in place to address standards and regulations for the placement of bus benches in the City. And that until that process ran its course we would not be subjected to an order to remove our benches was conveniently omitted from remarks made to the Council by you and your staff. The May, 2008 promise sounds very similar to the promises you made last Monday. I am concerned that a pattern may be developing where your office promises one thing when it is being scrutinized in public and then does another after the scrutiny is over. The lack of any action on the RFP even after you specifically stated it was ready to be issued the next day seems to be another example of the double standard.

weeks. We have hired an advisor to evaluate each bench for ADA compliance and to implement any recommendations from that report. We are also in the process of reviewing all bus benches to repair any problem caused by vandalism or other factors. Finally, as a gesture of “good faith” toward your office and in anticipation of the RFP that you promised to issue immediately, we have begun removing benches within the City limits of Spokane.

It is time for your office to respect the wishes of the Council and adhere to the promises you made at that meeting.

The representations and promises you made on May 4, 2009 were not broad statements made during the heat of a campaign. They were specific statements about actions that your office had already taken and specific representations about how your office would proceed as soon as the Council enacted the amendments that were being deliberated. The public, the City Council and our company came away from that meeting expecting immediate action because you promised immediate action.

I respectfully request that your office immediately issue the bus bench RFP pursuant to the representations which you made last week. Failure to do so means that the public, the Council and our company were lulled into a false sense of accomplishment so that your office could push its agenda once the issue was out of the light of public scrutiny. I look forward to the issuance of the RFP. Thank you for your time and consideration in this matter.

Sincerely,

Sunset Outdoor Advertising Co.

By:

Its: Manager

Cc: Mr. Joe Shogan
Mr. Al French
Ms. Nancy McLaughlin
Mr. Steve Corker
Mr. Richard Rush
Mr. Robert Apple
Mr. Richard Allen
Mr. Jonathan Brunt