



PUBLIC RECORDS REQUEST
(RCW 42.56)

DEPARTMENT: _____

NAME: James P. Emacio, Chief Civil Deputy Prosecuting Attorney

DATE: April 9, 2014

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ADDRESS: W. 1115 Broadway Avenue

CITY: Spokane

STATE: Washington

ZIP: 99260

IDENTIFICATION/DESCRIPTION OF RECORDS(S) SOUGHT: Please be as specific as possible when completing your public records request. We will be better able to process your request if you clearly identify the record(s) you are seeking. Your description of the record(s) must be reasonably and sufficiently identifiable to enable us to locate the record(s) you seek. If you can identify specific dates, locations, buildings, premises, topics, departments, or people involved, it will better assist us in the search for your requested record(s).

The City has no duty to create a record, nor is the City obligated to compile information from various records so that the information is in a form that is more useful to the requestor.

PUBLIC RECORD REQUEST:

See Attachment "A", attached hereto and incorporated herein by reference consisting of an eight (8) page document.

I understand that the City may not legally provide a list of individuals pursuant to this public records request if the request is for commercial purposes. Therefore, I certify that any list of individuals obtained through this request will not be used for commercial purposes. ([RCW 42.56.070\(9\)](#))

Signature: _____

DEPARTMENTAL NOTES/COMMENTS:

SUBMIT COMPLETED FORM TO:

City Clerk's Office
5th Floor City Hall
808 W. Spokane Falls Blvd.
Spokane, WA 99201
(509) 625-6350
FAX: (509) 625-6217

ATTACHMENT "A" to PUBLIC RECORD REQUEST

BACKGROUND

On March 17, 2014 the Spokane City Council held a public hearing on the adoption of Ordinance No. C-35079.

The Ordinance generally limited the provision of sewer and water service in expanded areas of the UGA until all legal challenges to any expansion had been exhausted.

During that public hearing and a subsequent press conference, there were several statements made by Council members that are the subject of this public records request.

REQUEST

Pursuant to chapter 42.56 RCW, please provide copies any and all public records sent, received, possessed or maintained by the City or Spokane and any of its departments as well as the City Council to support the statements made at March 17, 2014 public hearing and / or March 31, 2014 press conference.

For the purpose of this request, the terminology "public records" shall mean that term as defined in RCW 42.56.010(3) and includes, but is not limited to, phone logs, phone message recordings, correspondence, e-mails, reports, pictures, documents, calendars, agendas documenting meeting, and communications in any format whatsoever.

In some instances there are quotations or comments regarding the public record requested to further assist in locating the public record.

Please provide any response(s) in installments with regard to each numbered item.

The responses are requested on or before April 30, 2014 as they are needed in conjunction with upcoming meeting(s).

The undersigned agrees to pay any and all costs for any public records as provided for in RCW 42.56.120 and the City's policy. Provided, however, in as much as the request is by a public entity, the undersigned would request that any fees be waived.

The statements made and /or public records requested are:

1. An electronic copy of the HDR Rate Study and Executive Summary performed in 2007-2008 and a summary of the rate increases projected to cover the cost of City's wastewater facility upgrades and expansion to include all costs associated with the Combined Sewer Overflow project and compliance with directives from the Department of Ecology, Environmental Protection Agency, agreed settlements with other governmental agencies to include Native American Tribes to address the discharge to the Spokane River.
2. City of Spokane's adopted policy regarding the extension of sewer and water line mains to service new developments in the City of Spokane.

3. City of Spokane's adopted policy regarding the extension of sewer and water line mains to service new developments in the Spokane City Service areas but outside of the City's municipal boundaries.
4. City of Spokane's policy regarding charging customers in the City's service area but outside its corporate boundaries a surcharge for being served by the City.
5. Since ratepayers in the City's sewer and water utilities located outside the City's corporate boundaries are charged a surcharge for service please provide any documents quantifying the additional cost burden incurred by the City for providing service to these customers.
6. Copies of all cost analysis performed prior to March 17, 2014 that quantified the costs to Spokane City taxpayers for extending sewer and/or water mains to the following areas added to the Urban Growth Area by Spokane County: Human Society Site (Havana and Lyons), George Paras Property (Glenrose), George Caulkins Property (Glenrose), Moran Prairie (Palouse Highway and 62nd), West Thorpe Road, Cheney-Spokane Road, Kuntz Farms, West Plains Jail Site, Geiger Spur addition at SR902 and Craig Road, Palisades Park, Junior Academy (Government Way), and Cemeteries at Government Way.
7. The net reduction to the UGA for the City of Spokane was 371 acres and a population reduction of 356 residents.

Please provide copies of any and all economic analysis done prior to March 17, 2014 that demonstrates that this reduction resulted in a cost increase to the Spokane City taxpayer or ratepayer for the extension of sewer and water lines.

8. In its adopted 2001 Comprehensive Land Use Plan the City of Spokane indicated it could accommodate an increase in population in its 20 year projection of approximately 54,000. In the 2013 UGA update the City of Spokane lowered its population projection by approximately 7,000 residents.

Please provide copies of any and all financial analysis that describes how this reduction meets the goals of the City with regard to increasing density to reduce infrastructure cost.

9. Please provide copies of list(s) of neighborhoods that have identified through their neighborhood planning process their desire to have parts of their neighborhoods demolished to accommodate the construction of apartment buildings, condo's or townhouses and the re-gentrification of their neighborhood as anticipated in the Comprehensive Land Use Plan to achieve the City's desired density.
10. Please provide copies of the financial analysis that demonstrates how the reduction of the population and land area attributed to the Spokane City's UGA constitutes a "stealth tax increase". Please provide copies of any documents quantifying the amount of the tax increase and in what form it occurred.

11. Please provide the copies of financial analysis that supports Councilwoman Mumm's statement that the increases in citizen's existing utility bills are the result of the County's expansion of the UGA.
12. Please provide copies of the financial analysis that supports the assertion that reducing the number of ratepayers will reduce the cost per ratepayer for utility services. Please provide copies of the financial analysis that demonstrates that fewer customers for the utility will retire fixed cost at a lower rate than more customers.
13. In the early 1980's the City of Spokane extended sewer and water transmission lines to the West Plains.

Please provide copies of the cost of that project.

Please provide copies of documents indicating what percentage of the cost was paid for by the ratepayer.
14. The City of Spokane extended a 24" diameter water line to Fairchild Air Force Base.

Please provide copies of documents indicating the total cost of that project and what was the cost to the ratepayer for that line.
15. Please provide copies of documents identifying where a developer has used the "Transitional Housing" sections of the residential housing code and how it contributed to increasing the density of the project.
16. Please provide copies of documents listing requests for an increase in residential or commercial density in the last 5 years that was approved by the City's Planning Commission but rejected by the City Council.
17. Please provide copies of all documents which inventory undeveloped lots located in the corporate boundaries of the City that are available for in-fill development. Please provide copies of documents which identify the total potential density that can be accommodated on the available lots identified above and what percentage of the total population allocation that in-fill represents to meet the City's desired goals.
18. Councilwoman Waldref stated, "We need investment in urbanized areas or where streets and utility services already exist".

Please provide copies of documents which identify any area included in the expansion of the UGA and serviced by the City of Spokane or in the Spokane service area that does not already have streets or utility main services.
19. Councilwoman Waldref stated, "I don't believe that we need to be developing any piece of property in the county".

Please provide copies of any legal opinion(s) of why this statement does not violate the intent of the City's utility service agreement to provide service to the unincorporated area.

Please provide copies of any documents substantiating that Ms. Waldref support reducing the size of the City's service area boundaries and allow other purveyors to provide that service.

20. Councilwoman Waldref stated, "Developing without a plan causes a negative impact on our city utilities".

Please provide copies of any financial analysis that quantifies the negative impact to City utilities created by the reduction in the UGA boundary and population adopted by the county for the City of Spokane.

21. Councilwoman Waldref stated, "When the county improperly added land to the UGA and expects the City to serve it with water and sewer".

Please provide copies of any documents identifying lands added to the UGA for the City of Spokane that is not in the City's service area for water and sewer.

22. Councilwoman Mumm stated, "I don't know if you notice that your sewer bill seems to keep climbing and water's been holding ok but that is a big chunk and we really need to protect our customers of sewer and water and so we do that by adequately planning according to the growth management act and our six year sewer and water plan and we make sure we can afford to plan what we build and then we have this situation where we ask the county not to do this and they go forward and do it and then it is found to be illegal".

Please provide copies of all financial analysis performed prior to March 17, 2014 that quantifies how the expansion of the UGA has impacted existing bills for sewer and water as implied by Ms. Mumm.

Please provide the copies of all financial analysis done prior to March 17, 2014 that quantifies the cost incurred by the Spokane City taxpayer for the extension of sewer or water line main to serve the areas added to the UGA within the City's service area.

23. Mr. Snyder in his closing comments on March 17, 2014 stated, "we are simply trying to close a loop hole".

Please provide copies of any legal authority or any court ruling or statute upon which the concept of "vesting" is defined as a loop hole.

24. Mr. Snyder states, "it won't impact housing affordability" but then describes that if you want affordable housing you can move to Rockford or Spangle.

Please provide copies of the any financial analysis that supports the conclusion that restricting the amount of available land for housing will not have a negative impact on the cost of housing in the corporate boundaries of the City of Spokane.

25. Mr. Snyder states, "So if affordability was really everyone's top priority there's plenty of places where people can go but the truth is affordability isn't everything and that's one of the reasons why people choose the City of Spokane to live in".

Please provide copies of any documents setting forth the data to support this statement.

Please provide copies of any documents which show the population growth inside the corporate limits of the City of Spokane since 2000 compared with the growth that has occurred outside the City's corporate boundaries.

Please provide copies of any the results of any independent survey that supports this statement.

26. Mr. Snyder states, "When the County Commissioners decided to put forward 4,000 acres into the urban growth area against the wishes of their own planning commission it was basically a stealth tax increase on not just the City of Spokane residents but the residents of the entire Spokane County".

Please provide copies of any list of the times that the City Council has either voted against the recommendations of the City's Planning Commission or excluded the commission from commenting on land use issues that the City Council took action on ie elimination of the Multi-Family Housing Tax Exemption, density reduction on City owned property at Monroe and Cora, etc.

Please provide copies of the statutory authority to levy a "stealth tax" as implied by Mr. Snyder.

Please provide copies of the financial analysis that quantifies the cost to the Spokane City taxpayer for extending sewer line mains, water line mains or streets to accommodate new development.

Please provide copies of the financial analysis that indicates that there is no cost to meet the needs of growth inside the City of Spokane.

Please provide copies of the financial analysis that quantifies the cost to the Spokane County taxpayer for extending sewer main lines, water main lines and streets to accommodate new development in the County.

Please provide copies of documents which describe how a net reduction in the population for the future growth of the City of Spokane has resulted in an increase in cost.

27. Mr. Snyder states, "This loop hole we are trying to close is dealing with a situation where we may have a broken water main, we may be out of compliance with state law with the amount of water loss that we have in the utility system".

A properly managed utility has the cost of line maintenance built into the rate structure and that cost is borne by all of the rate payers both inside and outside of the City's corporate boundaries. The inability of the City to maintain its infrastructure is not unique to the expansion of the UGA if properly managed.

Is Mr. Snyder's point that the City's utilities are not properly managed?

Please provide copies of any state law is the City violating with its water utility?

28. Mr. Snyder states, "But we may be forced to make those situations worse by offering services outside our borders because the County Commissioners forced us to. That doesn't make sense. I can't go to somebody in Manito, West Central or Logan and say to them I'm sorry we have to wait to repair your water main because we have to spend our time and energy dragging out our existing services beyond our borders".

If Mr. Snyder does not want to honor the City's service area agreements would he support reducing the size of the service area to allow other purveyors to provide those services?

Please provide copies of any documentation evidencing that the Spokane County Commissioners have forced the City of Spokane to extend sewer line mains or water line mains beyond the City's service boundaries.

Please provide copies of any documentation evidencing where the break in a City water line main has had to wait for repair until a water line extension into the county took place first as a priority.

Please provide copies of any policy document that states that City residents are secondary to system rate payers.

The revenue from rate payers outside the corporate boundaries of the City of Spokane pay a surcharge to the utility system that is then taxed at a gross up rate of 20%+ to benefit the City taxpayers not the rate payers.

Please provide copies of any financial analysis that quantifies how the City taxpayer is benefited from the non-resident utility rate payer.

29. Mr. Snyder states, "It's a simple loop hole fix".

Please provide copies the state legislative statute or court ruling that gives the City the legislative authority to change or alter state law regarding "vesting".

30. Mr. Snyder states, "All it does is it allows the state law take its course and if folks don't like that they should go to the legislature and ask the GMA to be changed because that is what we are dealing with here."

The state laws regarding vesting are the law of the land. When there was an attempt this last session to change the vesting laws it never got out of the Rules Committee and to the floor for a vote.

Please provide a copy of the Oath of Office wherein Mr. Snyder swore to uphold the laws of the State of Washington.

Please provide a copy of the Spokane City's Charter regarding Code of Ethics as well as the City's Ethics Ordinance.

31. At the Press Conference of March 31, 2014, Council President Stuckart states, "Planning staff analysis contained in the Draft Supplemental Environmental Impact Statement documented a cost of \$64 million dollars in additional cost attributable to this expansion of the UGA".

The net impact on the City of Spokane's population allocation was a reduction of 356 residents and 74 acres of land.

Please provide copies of any financial analysis that quantifies the cost impact to the City of Spokane taxpayers and rate payers.

Please provide copies of the financial analysis that compares the cost of doing nothing verses the reduction of allocation attributable to the City of Spokane.

32. Mr. Stuckart states, "the unfortunate outcome of prioritizing these new development projects over infrastructure needs for the current water and sewer customers".

Please provide a copy of list of City utility projects that will be deferred to accommodate extending sewer mains and water mains to the areas added to the UGA.

33. Mr. Stuckart states, "Poorly planned expansion of the UGA costs the residents of the City and County untold millions of dollars in service extension and maintenance liability".

Please provide copies of the financial analysis that quantifies the cost to City and County residents for water and sewer main line extensions.

Please provide copies of the financial analysis that quantifies the cost to City and County residents for the cost of maintaining sewer and water line extensions.

34. Mr. Snyder states, "The Commissioners have essentially created a shadow city of urban growth around the City of Spokane. Each time they expand the UGA it acts as a stealth tax increase for our citizens".

While Mr. Snyder admits that the growth around the City of Spokane is "urban" and not "rural" which is consistent with the Growth Management Act, he fails to quantify the amount and nature of the "stealth tax".

Please provide copies of the financial analysis that quantifies the "stealth tax" and the legislative authority to impose such a tax.

Please provide copies of the RCW that states that all growth must occur within a city.

Please provide copies of documents that quantify the number of City of Spokane residents that are not Spokane County residents.

35. Councilwoman Waldref states, "I participated in review of the UGA expansion and I was alarmed at the amount of land that the Commissioners added over all objections".

Please provide copies of the attendance records for Ms. Waldref to the meetings of the Growth Management Steering Committee of Elected Officials wherein the overwhelming majority of the

elected officials of jurisdictions throughout the county approved a UGA expansion and population increase in excess of the final action of the County Commissioners.

36. Councilwoman Mumm states, "I am concerned that these areas are not in our adopted growth plans and will drive our sewer and water bills higher".

Please provide copies of document which evidence that Ms. Mumm is aware of the City's sewer and water service area plans and policies.

Please provide copies of the financial analysis that quantifies the cost impact on the City's sewer and water utilities for the reduction of the City's population projection and UGA boundary.

Please provide any evidence that the UGA expansion adopted by the County Commissioners and supported by a majority of the elected officials in the 13 jurisdictions throughout the County will have a negative cost impact on sewer and water bills for the taxpayers of the City of Spokane.