

01/20/09

AGENDA SHEET FOR COUNCIL MEETING OF: January 12, 2009

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DEC 30 2008
CITY CLERK'S OFFICE
SPOKANE, WA
AgSht04.25.2008
CITY OF SPOKANE

Submitting Dept.
Office of the City Council

Contact Person/Phone No.
Council Person Al French
625-6255

Council Sponsor
Council Person Al French

ADMINISTRATIVE SESSION

- Contract
- Report
- Claims

LEGISLATIVE SESSION

- Emergency Ord
- Resolution
- Final Reading Ord
- First Reading Ord
- Special Consideration
- Hearing

CITY PRIORITY

- Communications
- Economic Development
- Growth Management
- Human Services
- Neighborhoods
- Public Safety
- Quality Service Delivery
- Racial Equity/Cultural Diversity
- Rebuild/Maintain Infrastructure

- CLERK'S FILE
- RENEWS
- CROSS REF
- ENG
- BID
- REQUISITION

RS 2008-0130

STANDING COMMITTEES

(Date of Notification)

- Finance _____
- Neighborhoods _____
- Planning/Community & Econ Dev _____

- Public Safety _____
- Public Works _____

Neighborhood/Commission/Committee Notified: _____
Action Taken: _____

AGENDA

WORDING:

(If contract, include the term.)

An ordinance submitting a proposition to amend the Charter of the City of Spokane to correct various obsolete provisions and typographical and grammatical errors.

BACKGROUND:

(Attach additional sheet if necessary)

This ordinance would provide that a ballot proposition be placed before the electorate regarding amendments to the City Charter to correct various obsolete provisions and typographical and grammatical errors.

RECOMMENDATION:

Fiscal Impact: <input type="radio"/> N/A	Budget Account: <input type="radio"/> N/A
<input type="radio"/> Expenditure: \$	#
<input type="radio"/> Revenue: \$	#
<input type="radio"/> Budget Neutral	

ATTACHMENTS: Include in Packets:
On file for Review in Office of City Clerk:

SIGNATURES:

City Council Member

Michael Piccolo
Legal

Division Director

Al French
For the Mayor

Finance

Alexander J. Shapiro
Council President

DISTRIBUTION: Mike Piccolo, Legal Dept.

COUNCIL ACTION:

FIRST READING OF THE
ABOVE ORDINANCE WAS HELD ON
January 05, 2009
AND FURTHER ACTION WAS DEFERRED
Jenni K. Gates
CITY CLERK

PASSED BY
SPOKANE CITY COUNCIL:
January 12, 2009
Jenni K. Gates
CITY CLERK

C-34385

C 34385

ORDINANCE NO. C - 34385

An ordinance submitting a proposition to amend the Charter of the City of Spokane to correct obsolete provisions and typographical and grammatical errors.

Section 1. That Section 1 of the City Charter of the City of Spokane be amended to read as follows:

Section 1 Name

The corporate name of this city shall be SPOKANE, WASHINGTON, hereinafter referred to in this charter as the "City" or the "City of Spokane."

Section 2. That Section 4 of the City Charter of the City of Spokane be amended to read as follows:

Section 4 Powers -- How Exercised

All power of the city, unless otherwise provided in this Charter, shall be exercised by the mayor and city council in a strong-mayor form of government. They shall be subject to the control and direction of the people at all times by the initiative, referendum and recall provided for in this Charter.

Section 3. That Section 5 of the City Charter of the City of Spokane be amended to read as follows:

Section 5 Elective Officials

- a. The elective offices of the city shall be the mayor, council president and six council members. The mayor shall be the chief ~~((administrative))~~ executive officer of the city. The city council, consisting of the council president and six council members, shall constitute the legislative body of the city. They shall be elected to a term of four years each by the qualified electors of the city in the manner provided in this Charter and by the general laws of the state.
- b. The city shall be apportioned into three council districts of generally equal population, numbered one (1) through three (3). Each district shall have two city council positions, numbered one (1) and two (2).
- c. General municipal elections are held in November in odd-numbered years. At one such election there shall be elected the mayor, council president and three council members in position number one (1); at the next, the three council members in position number two (2) shall be elected.
- d. Candidates for city council shall be nominated and elected by the electors within each candidate's district; candidates for mayor and council president shall be nominated and elected by the electors of the entire city.

Section 4. That Section 6 of the City Charter of the City of Spokane be amended to read as follows:

Section 6 Qualifications

- a. A person must be a qualified elector of the City of Spokane and have been a resident of the city, and of the appropriate council district, for the ~~((immediately preceding))~~ one year immediately preceding ~~((at))~~ the time of filing as a candidate for, or ~~((at))~~ the time of appointment to ~~((,))~~ the office of mayor, council president or council member. No person shall be eligible to hold the office of council president or council member in any city council district after having served two consecutive terms as any council member or any other elective city office except mayor. No person shall be eligible to hold the office of mayor after having served two consecutive terms as mayor or any other elective city office except council member or council president. No person shall be eligible to hold any elective city office while holding any other elective public office, nor shall any elective official of the city engage in any other capacity in city employment or office. More than one-half term shall count as a whole term. Terms served prior to the enactment of this amendment shall not be counted.
- b. An elected office shall be declared vacant, pursuant to Section 8(a) of this Charter, should the official cease to maintain residency in the city, and primary residency within his or her district, in the case of council members. A council member shall not be disqualified from his or her current term of office if district lines change, causing the council member to live outside his or her respective district. ~~((If, or when,))~~ When this affects a current council member, that person shall be allowed to complete his or her current term of office. Residence and voting within the limits of any territory, which has been included in, annexed to or consolidated with the city, shall be construed to be residence within the city.

Section 5. That Section 8 of the City Charter of the City of Spokane be amended to read as follows:

Section 8 Vacancies

- a. The office of mayor, council president or council member shall be deemed vacant because of:
 1. failure to qualify within ten days after certification of election or as otherwise provided by state law, or
 2. death, or
 3. resignation, or
 4. removal from office by recall, or
 5. failure to maintain residency requirement of the office ~~((removal from the city)),~~ or

6. absence by the council president or a council member from four consecutive regularly scheduled meetings of the city council without being excused by the council, or
 7. conviction of a felony, or
 8. incompetency judicially declared. ~~((, or))~~
 9. ~~((removal from the council district, if appointed or elected to represent a district.))~~
- b. A vacancy on the council of a council member elected by district shall be filled by the selection of a qualified person, resident in the district in which the vacancy occurs, by majority vote of the remaining members of the council. The appointee so selected holds office until the next general municipal election at which election a person is elected to the office for the unexpired term, or for the next full term, as the case may be.
 - c. In the event of a vacancy in the office of mayor or council president, the members of the council may follow the procedure of Section 8(b), or they may elect one of their number to the vacant office of mayor or council president and follow the procedure of Section 8(b) to appoint a person from the district in which the vacancy occurred to the position left vacant by the person assuming the office of mayor or council president.

Section 6. That Section 8.5 of the City Charter of the City of Spokane be amended to read as follows:

Section 8.5 Recall of Elected Official for Violation of Code of Ethics

- A. An elected official of the City may be subject to a recall election if the ethics committee determines that the elected official has knowingly committed a violation of the code of ethics, that the violation constitutes moral turpitude rendering the elected official unfit to remain in office and that there are no mitigating circumstances. The ethics committee may make a recommendation to the city council that the elected official be subject to a recall election and that his or her name be placed on a recall election ballot to be placed before the elector for determination. The recommendation of the ethics committee that an elected official be subject to a recall election shall be in addition to any other available penalties established by ordinance.
- B. The city council, by a vote of a majority plus two ~~((of the city council))~~, may pass a resolution to place the elected official's name on a recall election ballot for action by the voters of the City on the next available general or special election established by state law. The city attorney ~~(('s office))~~ shall ~~((be responsible to))~~ prepare ~~((and submit))~~ a ballot synopsis for the recall election.
- C. If approved by a majority of the electors voting in the election, the elected official shall be removed from office effective the date the recall election

results are certified by the county auditor.

- D. The city council may adopt, by ordinance, procedures to implement the provisions of this Charter section. Such procedures shall be consistent with the provisions of this Charter section.

Section 7. That Section 9 of the City Charter of the City of Spokane be amended to read as follows:

Section 9 Council President and Council

- a. The council president shall preside at all meetings of the city council. The council president shall be a member of the city council with equal rights and privileges and entitled to vote on all matters coming before the city council, but shall possess no veto power. The council president shall exercise such other powers and perform such other duties consistent with the office as are ~~((or may be))~~ conferred ~~((or imposed))~~ by this Charter and by the city council.
- b. The city council shall establish its own rules and order of business.
- c. Four ~~((persons making up the))~~ council members shall be a quorum for the transaction of business, but in the absence of a quorum the members present may adjourn the meeting to a later date.
- d. The city council shall have authority to employ such staff as it may deem necessary. Such employees shall serve at the pleasure of the city council and shall not be under civil service while so employed.

Section 8. That Section 10 of the City Charter of the City of Spokane be amended to read as follows:

Section 10 Meetings

The city council shall meet at the time and place fixed by ordinance, but must hold regular weekly meetings unless prior notification of the meeting cancellation is provided. Special meetings shall be called by the city clerk on the written request of the mayor, council president or a majority of the council members. Such request shall state the matter(s) to be considered and no other matter(s) shall be considered at such special meeting. At least twenty-four hours notice of the time and place of such special meeting and the matters to be considered shall be given to each council member and to others as may be provided by state law. All meetings of the city council shall be public, except as otherwise provided by state law.

Section 9. That Section 11 of the City Charter of the City of Spokane be amended to read as follows:

Section 11 Voting Power

Every ordinance and resolution shall require an affirmative vote of at least four council members for passage, and the ayes and nays shall be taken and **recorded by the city clerk ((entered in the journal))**. Upon the request of any member, the ayes and nays shall be taken on any question and **recorded by the city clerk ((entered upon the journal))**.

Section 10. That Section 12 of the City Charter of the City of Spokane be amended to read as follows:

Section 12 Form and Manner of Legislation

All legislation and appropriations of money shall be by ordinance; save where there is a special fund created for a particular purpose, payments from such fund shall be made on order of the city council. Every ordinance and resolution shall be in writing and filed with the clerk before a vote is taken thereon, **((and upon every such vote the ayes and nays shall be called and recorded))**.

Section 11. That Section 15 of the City Charter of the City of Spokane be amended to read as follows:

Section 15 Time of Passage

- a. Every ordinance except those enacted under the provisions of Section 19(a) of this Charter shall have two public readings by title, which readings shall not be on the same day. At least three **consecutive business** days shall elapse between the introduction and the final passage of any ordinance, except as otherwise provided in this Charter **or state law**.
- b. Every ordinance appropriating moneys for any purpose shall be considered and passed in the manner prescribed by state law. Every ordinance, except those enacted under the provisions of Section 19(a) of this Charter, authorizing the entering into of any contract involving a liability on the part of the city in excess of five thousand dollars shall remain on file at least five **calendar** days before its passage.

Section 12. That Section 16 of the City Charter of the City of Spokane be amended to read as follows:

Section 16 Ordinances -- Signing and Attesting

- a. Every ~~((bill))~~ **ordinance**, except those which become emergency ordinances, passed by the city council shall, within five days thereafter, be presented to the mayor.
- b. Within ten days after its presentation, the mayor shall either sign the ~~((bill))~~ **ordinance** and return it to the city ~~((council,))~~ **clerk** or veto the ~~((bill))~~ **ordinance** and return it to the city ~~((council))~~ **clerk** with a written and signed statement of the reasons for ~~((his or her))~~ **the mayor's** veto or sign and partially veto an appropriation ~~((bill))~~ **ordinance** and return it to the city ~~((council))~~ **clerk** with a written and signed statement of the reasons for ~~((his or her))~~ **the** partial veto. If an ordinance is not returned by the mayor within ten days after its presentation it shall be deemed enacted without ~~((his or her))~~ **the mayor's** signature. Within thirty days after ~~an~~ ~~((bill))~~ **ordinance** has been vetoed and returned or partially vetoed and returned, the city council may override the veto or partial veto by enacting the ~~((bill))~~ **ordinance** by a minimum five affirmative votes.
- c. Every ordinance passed by the city council shall be signed by the mayor, or the council president or two city council members in the event of prior mayoral veto, and attested by the city clerk.
- d. An ordinance passed by a majority plus one of the whole membership of the council, designated as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace as provided in Section 19(a)1, may be made effective upon ~~((adoption))~~ **passage** and shall not be subject to veto by the mayor.

Section 13. That Section 17 of the City Charter of the City of Spokane be amended to read as follows:

Section 17 Ordinances -- Publication of

Every ordinance shall be published once in the Official Gazette, hereinafter provided for, within ten days after its passage **by the city council**.

Section 14. That Section 18 of the City Charter of the City of Spokane be amended to read as follows:

Section 18 Ordinances -- Recording and Authentication

Every ordinance ~~((after its enactment shall be recorded in a book kept for that purpose, which record shall be attested by the clerk))~~ **shall be attested by the city clerk and recorded in the city clerk's office.**

Section 15. That Section 19 of the City Charter of the City of Spokane be amended to read as follows:

Section 19 Ordinances -- When Effective

- a. The following ordinances may be passed by the city council on the first reading by title and shall take effect immediately upon passage, unless otherwise provided in the ordinance:
 1. An ordinance necessary for the immediate preservation of the public peace, health or safety or for the immediate support of city government and its existing public institutions; provided it has in its preamble or body a statement of the facts giving rise to the necessity for immediate effectiveness and it is passed by a vote of one more than a majority of the council;
 2. An ordinance **or resolution ((making)) setting** the annual tax levy;
 3. An ordinance adopting the annual budget;
 4. An ordinance making appropriations;
 5. An ordinance implementing local improvement districts or confirming assessments therefor;
 6. An ordinance which has been approved by the electors by referendum or initiative.
- b. ~~((Except as otherwise provided herein, t))~~**The** effective date of an ordinance shall be thirty days after its enactment unless a later day is specified in the ordinance **or this charter**. An ordinance which is subject to the veto power of the mayor and which is not vetoed, or the approved portions of an ordinance which has been partially vetoed, shall be deemed enacted on the date that it is approved by, or ten days after it is presented to, the mayor. An ordinance which is vetoed, or the vetoed portions of an ordinance, shall be deemed enacted on the date that the city council overrides the veto or partial veto. An ordinance which is not subject to the veto power of the mayor shall be deemed enacted on the date it is approved by the city council.

Section 16. That Section 20 of the City Charter of the City of Spokane be amended to read as follows:

Section 20 Direct Legislation -- When Effective

Ordinances ~~((adopted))~~ **passed** by the **electorate ((s))** of the city shall take effect at the time fixed therein, or, if no such time is designated therein, at the date of the ~~((adoption thereof))~~ **election certification**.

Section 17. That Section 22 of the City Charter of the City of Spokane be amended to read as follows:

Section 22 Administrative Branch

- a. Except as otherwise provided by this Charter, neither the council president, the city council, nor any member thereof shall give orders to any subordinate of the city under the jurisdiction of the mayor, either publicly or privately. However, the city council and the council president are not precluded from requesting information from city staff. ~~((Nor shall the))~~ The council president or any council member shall not attempt to coerce or influence ~~((the mayor))~~ a city employee ~~((in respect))~~ regarding ~~((to))~~ any contract or the purchase of any supplies.
- b. While fulfilling the duties of city employment, no city employee shall actively engage in a political campaign for mayor, council president, council or other elective city office or take an active part in securing or contributing moneys toward the election of any candidate for elective city office. No city employee shall use such position, office, facilities, or public resources to attempt to persuade any other employee or ~~((other))~~ person to participate in or contribute to any political campaign for mayor, council president, city council member, or other elective office.
- c. Nothing in this section shall be construed to prevent the city council in proper cases from ratifying or confirming any action by the mayor.

Section 18. That Section 24 of the City Charter of the City of Spokane be amended to read as follows:

Section 24 Mayor

The mayor shall be the executive ~~((and administrative))~~ officer of the city. In addition to the powers and duties granted a chief executive and/or administrative officer under the law of the state of Washington ~~((given or imposed upon the chief executive and/or administrative officer of a city))~~, the mayor shall have the following powers and duties:

1. ~~((The mayor shall have))~~ the power to appoint and remove the administrative heads and assistant administrative heads in each department of the city government, provided the appointment of an administrative head shall be subject to the approval of the city council and, further provided, that the head or assistant head of any department shall not be deprived by any such removal of any standing under the civil service provisions of this Charter which the employee may have had before appointment as head or assistant head of a department.
2. ~~((The mayor shall have))~~ the power to appoint and remove a city clerk, provided such appointment shall be subject to the approval of the city council.

3. ~~((The mayor shall have))~~ the power to appoint and remove the city attorney, provided such appointment shall be subject to the approval of the city council.
4. ~~((The mayor shall have))~~ the power to appoint and remove, subject to the civil service provisions of this Charter, all other officers and employees of the city of Spokane or to authorize the head of a department or officer responsible to the mayor to appoint and remove subordinates in such department or office.
5. ~~((The mayor shall))~~ the power to make all other appointments required to be made by the mayor by the laws of the state of Washington and in the manner provided thereby.
6. ~~((The mayor at his or her option shall have))~~ the power to appoint and remove a chief or assistant administrative officer who, under the general supervision of the mayor, shall assist the mayor, supervise, in the discretion of the mayor, the administrative offices and perform such other duties as are delegated to the position, from time to time, by the mayor. The salary of such administrative officer shall be fixed in the discretion of the mayor but shall not exceed one hundred ten percent of the salary of the highest paid employee of the city (other than the mayor or such administrative officer) or such higher amount as set by the city council, from time to time.
7. ~~((The mayor shall have))~~ the power to appoint and remove an executive secretary and assistants not subject to civil service, whose compensation shall be fixed by the city council.
8. Whenever the city council shall be required to appoint any member of a board, commission, or other body, unless the appointee is a council member, it shall be the duty of the mayor to nominate a suitable person for such appointment. If the city council refuses to appoint any ~~((nomination))~~ nominee of the mayor, then the mayor shall, within ninety days thereafter, nominate another person to fill the office, and may continue to nominate until appointment. If the mayor fails to make another such nomination within ninety days, then the city council shall select a suitable person to fill the office.
9. ~~((The mayor may cause))~~ the power to initiate the removal of a council appointee, other than a council member appointee to a committee of the council, by recommending such removal to the city council. The council shall consider the request. If a majority of the council is in favor, the appointee shall be removed. Upon such removal, the vacancy for the unexpired term, if any, shall be filled by appointment in the same manner as if at the beginning of the term, except as otherwise provided in this Charter.
10. ~~((The mayor shall))~~ the duty to see that all laws and ordinances are faithfully enforced and that law and order are maintained in the city.
11. ~~((It shall be))~~ the duty of the mayor annually at the second meeting of the city council in October to communicate by message to the city council a statement of the conditions and affairs of the city, and to recommend the

adoption of such measures ~~((as))~~ he or she may deem expedient and proper. ~~((He or she))~~ The mayor shall ~~((, further, have the right to))~~ make special communication to the city council from time to time as he or she may deem useful and proper, and shall submit reports on city matters when so requested by the city council.

12. ~~((The mayor shall))~~ the duty to prepare and present to the city council a budget and a budget message setting forth the programs proposed for the city during the next fiscal year.
13. ~~((The mayor shall have))~~ the power to recommend to the city council for adoption such measures and ordinances as may be deemed expedient and to make such other recommendations to the city council concerning the affairs of the city as may seem desirable.
14. ~~((The mayor shall have))~~ the power to veto ordinances or parts of ordinances passed by the council and submitted to him or her as provided herein but such veto may be overridden by the vote of a majority of all council members plus one more vote.
15. ~~((The mayor shall have))~~ the power to make investigation into the affairs of the city under the supervision of the mayor or any department or division, or the proper performance of any contract or obligation running to the city of Spokane.
16. ~~((The mayor shall))~~ the power to make recommendations in connection with the awarding of public contracts and shall see that all contracts made by the City of Spokane are faithfully performed.
17. ~~((The mayor shall))~~ the duty to hold no employment other than that of the city.
18. ~~((It shall be))~~ the duty ~~((of the mayor))~~ to approve for payment and submit to the city council at each meeting for its allowance all claims and bills.

Section 19. That Section 25 of the City Charter of the City of Spokane be amended to read as follows:

Section 25 Administrative Departments

Administrative departments shall be created or discontinued by the city council at the time of the adoption of the annual budget, as the public business may demand. ~~((Pending further action by the city council, the administrative departments now in existence shall be continued.))~~ The rights, powers and duties of the departments shall be prescribed, distributed, assigned, established or discontinued by ordinance.

Section 20. That Section 26 of the City Charter of the City of Spokane be amended to read as follows:

Section 26 Salary

Except as otherwise provided by this Charter, ~~((the))~~ city officers, assistants and employees shall receive such salary or compensation as the city council shall fix by ordinance and the same shall be payable at such times as the city council shall determine.

Section 21. That Section 30 of the City Charter of the City of Spokane be amended to read as follows:

Section 30 City Engineer -- Qualifications

~~((No person))~~ The city engineer shall be ~~((eligible to the position of city engineer, who has not been a civil engineer of practical experience for the period of))~~ a licensed civil engineer and shall have practiced engineering not less than five years ~~((next))~~ immediately preceding his or her appointment.

Section 22. That Section 34 of the City Charter of the City of Spokane be amended to read as follows:

Section 34 Oath of Office

Every elected officer, before entering upon the duties of office, shall make and file with the clerk an oath or affirmation to support the Constitution of the United States and of the State of Washington, and to perform faithfully, honestly and impartially the duties of office.

Section 23. That Section 36 of the City Charter of the City of Spokane be amended to read as follows:

Section 36 Officers or Employees Not To Be Interested in Contracts

- a. Any member of the city council having a personal interest in any matter brought before the council shall declare the same to the council president and shall not vote or otherwise participate on said matter.
- b. No officer or employee of the City of Spokane having the power ~~((or duty))~~ to perform an official act ~~((or action))~~ related to a contract or transaction which is or may be the subject of an official ~~((act or))~~ action of the city shall:
 1. have or acquire any interest in such contract or transaction; or
 2. have solicited, accepted or granted a present or future gift, favor, service or other thing of value from or to any person involved in a contract or transaction with the City of Spokane.

- c. All contracts of the city shall be free from all influence of or benefit to, **directly or indirectly**, any officer or employee of the city. This shall apply to the solicitation or receiving of any pay, commission, money or other thing of value, or any benefit, profit or advantage, directly or indirectly, from or by reason of any improvement, alteration or repair required by authority of the city, or any contract to which the city shall be a party, except for the lawful compensation or salary as such officer or employee, and except as hereinafter provided.

Section 24. That Section 38 of the City Charter of the City of Spokane be amended to read as follows:

Section 38 Contracts and Documents -- Execution of

All written contracts, bonds and instruments of every kind and description to which the city shall be a party shall be executed in the name of the city by the mayor or the council president under the direction of the city council **or their respective designees**, and attested by the **city** clerk, and when necessary, shall be acknowledged.

Section 25. That Section 39 of the City Charter of the City of Spokane be amended to read as follows:

Section 39 Publicity Provisions -- Official Gazette

- a. The mayor shall cause to be ~~((printed and))~~ issued each week a ~~((pamphlet))~~ **document** entitled the Official Gazette, in which shall be published a summary of the council's proceedings. **The Official Gazette may be published on the City's official web-site or other reasonable medium.**
- b. All official ~~((and))~~ city matters which by this Charter, or by order of the mayor or city council, are or may be required to be published shall be published in the Official Gazette, unless other publication is required by the laws of the State of Washington or the United States.
- c. A copy of the Official Gazette shall be furnished without charge to the State Library, the Spokane Public Library, the newspapers of Spokane and to ~~((all))~~ persons ~~((who present themselves at City Hall))~~ **requesting a copy.** ~~((Copies shall also be mailed to current subscribers.))~~

Section 26. That Section 40 of the City Charter of the City of Spokane be repealed:

~~((Section 40 Mayor to Assume Duties of Manager~~

~~The duties and responsibilities which have heretofore been imposed upon any commissioner or the city manager by ordinance now in effect shall be performed by the mayor.))~~

Section 27. That Section 41 of the City Charter of the City of Spokane be amended to read as follows:

Section 41 Park Board -- How Created

A park board is hereby created which shall consist of ten (10) electors of the City of Spokane, who shall be appointed by the council; and one member of the council to be designated by the council. ~~((The ten appointed members of the park board existing at the time of the adoption of this Charter shall continue to serve respectively until the first Tuesday of February next preceding the expiration of their terms, as at present fixed, and until their successors are appointed.))~~ The council shall have power to remove any member for cause and to fill vacancies ~~((in))~~ on the board

Section 28. That Section 42 of the City Charter of the City of Spokane be amended to read as follows:

Section 42 Park Board -- Term of Office

The term of office of the 10 appointed members shall be 5 years ~~((, provided that the present members at the time this amendment is adopted shall serve the remainder of their 10 year terms previously provided for in the Charter. Members appointed after the effective date of this amendment))~~ shall be limited to two terms. ~~((,))~~ Less than a half term shall not constitute ~~((ing))~~ a term should an individual be appointed to fill the unexpired term of one, who for any reason, does not serve his or her entire five year term. The term of office of two members shall expire each year on the first Tuesday of February at 12:00 noon. ~~((The mayor shall designate the members as to expiration of term.))~~

Section 29. That Section 44 of the City Charter of the City of Spokane be amended to read as follows:

Section 44 Park Board -- Organization

- a. On the second Tuesday of February of each year the board shall elect a president and a vice president from its members, and a secretary, who may, or may not, be a member of the board.
- b. Six members of the board shall constitute a quorum for the transaction of business, and ~~((but))~~ six affirmative votes shall be necessary to adopt or carry any measure. The board shall have regular public meetings at least once a month, at their regular place of meeting.
- c. The board shall have the power to make by-laws and rules for the conduct of business.

Section 30. That Section 45 of the City Charter of the City of Spokane be amended to read as follows:

Section 45 Park Board -- Accounts and Reports -- Annual Statements

The board shall keep books of account and records of all its transactions. The board, at the end of each month and at the end of each fiscal year, shall furnish to the council a detailed report of receipts and expenditures and a statement of all other business transacted, which shall be ~~((published in the Official Gazette))~~ maintained by the park department. All records, books and files of the board shall be open to public inspection.

Section 31. That Section 46 of the City Charter of the City of Spokane be amended to read as follows:

Section 46 Park Board -- Compensation

No member of the board ~~((unless he be)),~~ except the secretary, shall receive any compensation. The compensation of the secretary shall be fixed by the board.

Section 32. That Section 47 of the City Charter of the City of Spokane be amended to read as follows:

Section 47 Office of Park Board

~~((Whenever there shall be suitable accommodations in the city building, the office of the park board shall be maintained therein.))~~ The office of the park board shall be located in a suitable location as determined by the park board and approved by the mayor.

Section 33. That Section 51 of the City Charter of the City of Spokane be amended to read as follows:

Section 51 Disbursement of Park Funds

All taxes levied for park purposes, as provided in this Charter, all moneys realized from the sale of park bonds, all moneys appropriated by the council for park purposes or received by the park board from any other source, shall be turned into and kept in a fund designated the park fund and be deemed appropriated and shall be used exclusively for the purposes set forth in this article, and shall be expended upon the order of such officer or officers of the park board as may be selected by it for that purpose by resolution; copies of such resolution, duly certified, shall be filed with the ~~((commissioner of finance))~~ **accounting director**. Said moneys shall be paid out by the treasurer upon warrants, checks, drafts, notes or other order of the City of Spokane signed by the authorized city staff ~~((the auditor))~~.

Section 34. That Section 52 of the City Charter of the City of Spokane be amended to read as follows:

Section 52 Election of Civil Service Commissioners -- Organization and Employees -- Finances -- Payroll Approval -- Personnel Administration

- a. (a) There is created a civil service commission which shall be composed of five members, hereinafter referred to as the "commission," ~~((whose terms of office shall commence on January 1, 1961))~~. The commission members shall be appointed as follows ~~((: two members shall be appointed by the city council, one for a term of two years, and one for a term of four years, and until their successors are appointed and qualified; one member shall be appointed by the presidents of the bargaining units for the officers of the police and for the officers of the fire departments, acting jointly, for a term of two years and until his or her successor is appointed and qualified; and one member shall be appointed by the employee members of the Spokane employees' retirement board for a term of four years, and until his or her successor is appointed and qualified. The four members so appointed shall appoint the fifth member of the commission for a term of four years and until his or her successor is appointed and qualified. Thereafter,))~~ biennially, one member shall be appointed by the city council and one member shall be appointed by a joint committee composed of the police and fire officers unions and the employee members of the Spokane employees' retirement board, each for a term of four years, and every four years a fifth member shall be appointed by the other four commissioners for a term of four years, all to serve until their successors have been appointed and qualified.

Any person other than an elective official, officer, or employee of the City of Spokane shall be eligible to the office of civil service commissioner if ~~((he))~~ the person is a citizen of the United States and a resident of the City of Spokane. All appointments to the commission shall be filed with the city clerk of the City of Spokane and before any commissioner shall take office ~~((he or she))~~ the person shall take and file an oath of office with the city clerk.

The civil service commissioners shall receive such compensation as shall be fixed by the city council by ordinance. Vacancies shall be filled by appointment as in the case of original appointments.

The incumbent members of the civil service commission or their successors appointed by the city council shall serve as commissioners until the appointment and qualification of the new commission members hereunder.

- b. Immediately after their appointments, and each two years thereafter, the commission shall organize by electing a chairman and vice chairman from its members. It shall adopt rules for the conduct of its meetings and hearings, and shall hold regular meetings at least once a month and such additional meetings as may be required for the proper discharge of its duties. Three members shall constitute a quorum. All meetings and hearings of the commission shall be open to the public.
- c. The commission shall employ a chief examiner and such civil service assistants and employees as may be necessary, who shall be under civil service. The chief examiner shall also act as secretary for the commission. ~~((He or she))~~ The chief examiner shall keep minutes of its proceedings, which shall be public, and preserve all reports made to it. He or she shall keep a record of all examinations held and perform such other duties as the commission may prescribe.
- d. The city council shall provide in the city budget for each fiscal year a sum of not less than one-half of one percent, nor more than one percent, of the last completed fiscal year's total payroll of the classified city employees included within the scope of this article. The funds so provided shall be used for the support of the commission, and be under the control of the commission. Any unexpended funds at the end of the fiscal year shall revert to the general fund of the city.
- e. Neither the head of any department nor the city auditor shall approve or pay any salary, wage, or compensation for services of any employee within the scope of this article unless a payroll, estimate, or account for such salary, wage, or other compensation contains the names of persons to be paid, the amount to be paid the position, and such other information which, in the judgment of the commission, should be furnished on the payroll; and such payroll, estimate, or account bears the certificate of the commission, or of its chief examiner or other authorized agent, that the

persons therein named have been appointed or employed in compliance with the terms of this article and the civil service rules; and that the payroll, estimate, or account, is, insofar as known to the commission, a true and accurate statement. The commission shall refuse to certify the salary or wages of any such employee whom it finds to be illegally or improperly appointed or employed. The refusal to so certify shall not affect the remainder of a payroll.

- f. The mayor and the commission acting jointly, shall have authority to adopt rules, consistent with this article, setting forth the principles and procedures to be followed in the adoption of any personnel program.
- g. Employees within the scope of this article who have served a period of time equivalent to the required probationary period in any position classified prior to March 8, 1955, shall retain their positions, unless removed for cause. Employees within the scope of this article who have served a period of two years prior to the effective date of this amendment in any position which is hereafter classified shall retain their positions, unless removed for cause, provided such classification is made by the commission prior to March 1, 1961.

Section 35. That Section 61 of the City Charter of the City of Spokane be amended to read as follows:

Section 61 Fees

At the time of filing a declaration of candidacy, the candidate shall pay all fees in the amount and manner as ~~((the city clerk a fee equal to one percent of the annual salary for the office sought or as otherwise))~~ provided by state law.

Section 36. That Section 72 of the City Charter of the City of Spokane be amended to read as follows:

Section 72 Neighborhood Councils Program – Organization

- A. The neighborhood councils and community assembly shall have the power to make by-laws and rules for the conduct of their business.
- B. The neighborhood councils and community assembly shall act as advisors to the city council and the mayor.
- C. The office of neighborhood services shall act as the staff support for the neighborhood councils program and as the liaison between the neighborhood councils, the community assembly, the city council, the mayor and the various city departments.
- D. The neighborhood councils program shall operate within the management structure of the Spokane City government as a separate department. ~~((Such department shall be established within 60 days after the passage of this Charter amendment.))~~

- E. There shall be established a position within the office of neighborhood services designated as the director of neighborhood services.

Section 37. That Section 81 of the City Charter of the City of Spokane be amended to read as follows:

Section 81 General Power

The people of Spokane in regard to local legislative matters ~~((of a general and permanent nature))~~ shall have the power of direct legislation by initiative and referendum.

Section 38. That Section 82 of the City Charter of the City of Spokane be amended to read as follows:

Section 82 The Initiative

The initiative shall be exercised in the following manner and in accordance with the general laws of the state:

- a. Petition: A petition signed by registered and qualified electors of the city, accompanied by the proposed legislation or measure in the form of a proposed ordinance, and requesting that such ordinance be submitted to a vote of the people, if not passed by the council shall be filed with the city clerk.
- b. Action by Council Upon Petition -- Fifteen Per Centum Petition: If such petition be signed by registered and qualified electors in number at least equal to fifteen per centum of the total number of votes cast at the last preceding general municipal election, the city council shall either pass such ordinance without alteration, or submit it to popular vote at the next available special or general municipal election.

Less Than Fifteen Per Centum Petition: If such petition be signed by registered and qualified electors in number at least equal to five but less than fifteen per centum of the total number of votes cast at the last preceding general municipal election, the council shall either pass such ordinance without alteration or submit it to popular vote at the next available general municipal election.

Section 39. That Section 83 of the City Charter of the City of Spokane be amended to read as follows:

Section 83 Referendum

If, prior to the date when any ordinance shall take effect, a petition signed by qualified electors in number at least equal to ten per centum of the total number of votes cast at the last preceding general municipal election, shall be filed with

the city clerk, protesting against the enactment of such ordinance, it shall be suspended from taking effect. Thereupon the council shall reconsider such ordinance, and, if it does not entirely repeal the same, shall submit it to popular vote at the next municipal election; or, the council, in its discretion, may call a special election for that purpose; and such ordinance shall not take effect, unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof.

Section 40. That Section 85 of the City Charter of the City of Spokane be amended to read as follows:

Section 85 Capital Expenditures

- a. ~~((That the city charter of the City of Spokane be amended to provide that a))~~ **A** vote of the people shall be required for capital expenditures (excepting that no vote of the people shall be required for expenditures to provide for the necessary and legitimate expenses of the city, including maintenance and operation of existing facilities, assessments for construction of storm sewers, sanitary sewers, landfills, water mains and trunklines, street maintenance and construction, resurfacing streets, snow and ice control, and/or expenditures of an emergency nature) requiring indebtedness of the taxpayers and property owners for capital projects, including the ~~((proposed))~~ mass burn plant for refuse disposal (Waste to Energy Plant).
- b. The use of public funds for the construction of any new vehicular bridge in the Central Falls Area of the Spokane River, defined in the Shoreline Management Plan ~~((Spokane Municipal Code 11.15.052))~~ as the area between Division and Monroe Streets, including Havermale and Canada Islands, shall require an affirmative majority vote of approval by the City electors, except as otherwise provided by the constitution and laws of the state. For the purposes of this subsection the construction of any new vehicular bridge shall not include the maintenance, resurfacing, renovation, or expansion of existing vehicular bridges.
- c. Capital expenditures for capital projects requiring a vote of the people shall include but not be limited to coliseums, convention centers, stadiums, planetariums and new proposed projects not currently the obligation of the taxpayers and property owners.
- d. No councilmanic bonds shall be used for capital projects. Any proposal for capital expenditures submitted to the voters must designate the revenue source sought for funding of a project or projects.
- e. ~~Upon the filing of this petition [Initiative No. C-28871] and validation of signatures hereon the city council is restrained from further signing of any contract or contracts requiring the indebtedness of the taxpayers and property owners until the next general municipal election when the voters have accepted or rejected this initiative.~~

Section 41. That Section 99 of the City Charter of the City of Spokane be amended to read as follows:

Section 99 Specified Location

Franchises for railroads and franchises for power lines in excess of thirty-five thousand volts shall specify plainly the streets or other public places or parts thereof to which they apply, and any other franchises shall state the bounds of the district or districts in which they shall be exercised. The city shall have the power, ~~((no matter))~~ whether or not it is specified in any franchise, to regulate by ordinance, consistent with state law, the placing of wires carrying electricity.

Section 42. That Section 100 of the City Charter of the City of Spokane be amended to read as follows:

Section 100 Publication

Proposed ordinances for the granting of franchises or a summary thereof, shall be filed with the city clerk and published once a week for four successive weeks in ~~((the official newspaper of the city))~~ a newspaper of general circulation before their final reading and final passage by the city council. No proposed ordinance granting any franchise shall be placed upon the city council's agenda for final passage within thirty days after its first reading.

Section 43. That Section 116.1/2 of the City Charter of the City of Spokane be amended to read as follows:

Section 116.5½ Liability for Utilities and Franchise Holders

Any utility or transportation company, quasi municipality or other person occupying the right-of-way with roadway, pipe, poles and wires or other fixed conduit or facility, shall be responsible to maintain its property and the right-of-way it occupies in a safe condition and as specified by franchise or easement, if any.

Section 44. That Section 125 of the City Charter of the City of Spokane be amended to read as follows:

Section 125 Amendment of the Charter

This Charter may be amended by majority vote of the electorate of the city ~~((on such amendments))~~. The provisions of this Charter, with respect to submission of legislation to popular vote by the initiative, or by the council of its own motion, shall apply to and include the proposal, submission and adoption of amendments.

The council may make further regulations for carrying out the provisions of this article, not inconsistent herewith.

Section 45. That Section 128 of the City Charter of the City of Spokane be amended to read as follows:

Section 128 Specific Powers

In addition to the powers that may be specially conferred upon ~~((such))~~ the plan commission by ordinance, it shall have power to investigate and make recommendations to the city council in relation to all matters pertaining to the living conditions of the city; the betterment of facilities for doing public and private business therein; the elimination of slums; the correction of unhealthful housing conditions; the proper laying out, platting and naming of streets, squares and public places, and the numbering of buildings and houses therein; the location, planning and architectural designing of public buildings; and, generally, all things tending to promote the health, convenience, safety and well being of the city's population, and to further its growth along consistent, comprehensive and permanent plans.

Section 46. That this ordinance be submitted to the electorate of the City of Spokane for their approval or rejection at the special municipal election to be held on March 10, 2009 in conjunction with the state scheduled special election, as the following proposition:

CITY OF SPOKANE
PROPOSITION NO. 2

Shall the City Charter for the City of Spokane be amended to correct various obsolete provisions and typographical and grammatical errors as provided by Ordinance No. C- 34385?

Approved.....
Rejected.....

Section 47. Effective Date

This ordinance, if approved by the electorate, shall take effect and be in full force upon the issuance of the certificate of election by the Spokane County Auditor's Office.

PASSED BY THE CITY COUNCIL ON January 12, 2009.

Alexander Joe Shogan, Jr.
Council President

Attest:

Approved as to form:

Levi H. Wolfe
City Clerk

Michael P. Pincus
Assistant City Attorney

Max B. Veneer
Mayor

01.13.09
Date

