

A Brief Summary of River Park Square

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The history of River Park Square is a lesson in cowardice, in-curiosity, a culture of corruption, and, most telling, people more interested in “bread and circuses” than the welfare of a community.

From the outset, the River Park Square fix was in. There was some shouting of wrongdoing, but only a few had the courage to fight, and even then most gave up.

The debates of right and wrong in judicial settings were the hope of those who knew the score. The problems of River Park Square went beyond the political. The problems could have been solved or prevented if the courts had had the courage to do what should have been under the Washington State Constitution and the rule of law. Looking back though, one has the impression the fights were lost at the outset. The judges of the courts at all levels did not have the courage to obey the law, obey the constitution and the city charter. Instead the judges changed the law, ignored the law, and where necessary because it would be too obvious to disobey the law, the judges ignored facts, misstated facts and rewrote the facts so desired results could be achieved. The decision of the Washington Supreme Court which gutted the meaning of the Gift of Public Funds rule so the state could give millions, maybe billions to a baseball team, did not help.

In an important River Park Square Case, the case which held the City of Spokane had to loan money to the Spokane Parking Public Development Authority, the judges led by judge Chief Judge Stephen Brown “tricked the facts” with regarding to the lease. *Eugster v. City of Spokane*, 118 Wash.App. 383, 421 - 22, 76 P.3d 741 (2003). If the lease said loan money was to go to the payment of debt service on the Garage Bonds the court could not order the city to make the loan. This would have been a clear violation of the River Park Square Financing Ordinance (C-31823). The judges got around this problem by saying the lease had not been signed, when it

fact it had. With the facts so tricked, the city loans were made and money went to pay the Garage Bonds.

This lease provision – loan money to the payment of Garage Bonds – was one of the greatest wrongs in the sad history of RPS.

This is what happened in July and August, 1998. The developer could not get a bond rating company to rate the Garage Bonds “investment grade.” So in July of 1998 an amendment was made to the proposed garage lease which said that city loans to the garage would be used to pay the bonds. In the next two weeks and on the strength of that change Standard & Poor’s issued an investment grade rating and the bonds could be sold. The officers of the PDA signed the illegal lease on September 18, 1998.

These facts went unreported. They go unreported in the so-called “independent report.” They go unreported for what reason? The investigator knew of them. They are true. Everyone – city council members, judges, know of these facts. Therefore, why not report them. As I have said, the history of River Park Square is a lesson in cowardice, incuriosity and a culture of corruption.

But, the wealthy got their money, and the electorate got its “bread and circuses.” Under today’s measure our leaders and our lumpen electors will conclude, must conclude, the disregard of virtue was worth the cost.

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