

ETHICS COMMISSION/CITY OF SPOKANE



MEETING NOTICE AND AGENDA

JUNE 10, 2015 - 4:00 P.M.

CITY COUNCIL BRIEFING CENTER

LOWER LEVEL OF CITY HALL

808 W. SPOKANE FALLS BLVD., SPOKANE, WA

The meeting will be open to the public.

I. Call to Order

- a. Introduction of members and guests.

II. Action Items (requires a quorum for a motion, second, and vote)

- a. Approval of February 23, 2015 minutes. (Attachment No. 1)
- b. Request from city employee Kyle Twohig for approval of contract with a former employee. (Attachment No. 2)
- c. Request from city employee Brian Schaeffer for approval of contract with a former employee. (Attachment No. 3)
- d. Review of:
 - 1. revised Policy and Procedure Manual (Attachment No. 4),
 - 2. draft Employee Handbook (Attachment No. 5),
 - 3. new complaint form (Attachment No. 6) and
 - 4. draft statement regarding continuing compliance with the Code of Ethics by retiring or departing city employees and officials (Attachment No. 7).
- e. Review of Commission membership. (Attachment No. 8)

III. Calendar (Regular meetings at 4:00 pm on the first Wednesday of the last month of each quarter)

- a. September 2, 2015
- b. December 2, 2015

IV. Adjournment

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 Christine Cavanaugh at (509) 625-6383, 808 W. Spokane Falls Blvd., Spokane, WA, 99201; or ccavanaugh@spokanecity.org. Persons who are deaf or hard of hearing may contact Ms. Cavanaugh at (509) 625-6383 through the Washington Relay Service at 7-1-1. Please contact us forty-eight (48) hours before the meeting date.

ATTACHMENT 1

CITY OF SPOKANE ETHICS COMMISSION MEETING MINUTES

February 25, 2015

Present:

Troy Bruner, EC Chair
Levi Liljenquist, EC Member
Monica Holland, EC Member
Michael Piccolo, Assistant City Attorney
Rebecca Riedinger, Staff Liaison, Minutes

Troy Bruner – Call to Order at 4:08 p.m.

Approve/Enter Minutes from prior meeting.

The first matter is a request for Advisory opinion from Kyle Twohig. Kyles states that this matter is very similar to his last request wherein he is seeking to hire a former City employee who has retired in July. The city is working a CSO project and they would like to have his expertise on this job. There is discussion regarding any potential conflicts. Levi moves that the Commission approve this request and all are in favor. Motion approved.

Discussion regarding former employee, Michael Werner's, statement acknowledging his leaving employment with the City and affirming he did not benefit from working with the company on a parking meter project with the City prior to his going to work for them. Troy states the Commission acknowledges receipt of this statement and states he appreciates the foresight of providing this information.

Mike Piccolo offers news articles that offer insight in the role of Ethics issues in connection to Municipal issues.

Meeting adjourned.

ATTACHMENT 2

Rebecca,
See below request for review by the ethics commission.

Engineering Services is asking for review of a matter for the Ethics Committee with regard to SMC 1.04.030 and hiring a former City employee as a temporary seasonal worker that has retired within the past 12 months.

Engineering Services' Construction Management Office would like to hire William Todd, a retired Field Engineer as a Temporary Seasonal employee to primarily act in a mentorship role to the new field engineers in the office. Over the past two years, we have lost more than 100 years of combined experience due to the retirements of 3 field engineers.

Mr. Todd would be working FOR one or more of the newer field engineers assisting them with some of their duties, primarily on the paperwork side including:

Documenting and negotiating project issues

Writing change orders

Answering contractor and citizen questions

Identifying and resolving traffic control problems

Compiling contractor payments for approval

Bill's experience and advice is invaluable, and will greatly enhance our office in helping transition and train new field engineers (3 of the 4 have < 12months experience) and inspectors (3 new additions in May 2015). Additionally, he will be able to advise and train consultants who will be managing city construction projects hired to handle our excess project load.

The terms of his employment will be in accordance with the newly submitted Labor 270 rules including: pay equivalent to the hourly rate of last employment, maximum 960 hours of work, less than 20hrs per week, retired for a minimum 1 pay period before returning to work, etc.

He will work in an advisory and decision making capacity which can easily be mistaken as supervisory; however, we will ensure that Bill does not work in a supervisory capacity. This has been discussed with Labor 270 and we all feel comfortable that he can perform the above mentioned duties without violating any terms of the temporary seasonal agreements.

Engineering would appreciate this to be considered at the earliest time available of the committee.

Thank you very much for your consideration,
Kyle Twohig

ATTACHMENT 3

Spokane FIRE DEPARTMENT



ROBERT S. WILLIAMS
FIRE CHIEF

Troy Bruner, Chair Ethics Committee City of Spokane
808 West Spokane Falls Blvd.
Spokane, WA 99201

Re: Request for Decision from the City of Spokane Ethics Committee

Mr. Bruner,

The Fire Department is seeking review and approval for consulting services with a soon-to-be former City employee per the *duty to inform* provision of SMC 1.04A.030 O 3.

Robert (Bob) Hanna worked for the City of Spokane for nearly thirty-six years, most recently as the Deputy Fire Chief of Operations. When Chief Hanna served as Battalion Chief, he developed and implemented the Fire Department's staffing program called Telestaff. Since its implementation, all other officials that had integral knowledge of Telestaff have retired, leaving Chief Hanna as the sole employee with institutional knowledge on the program's design and intricacies.

We see the following benefits to the City of Spokane:

- Telestaff provides scheduling to the Police and Fire Departments. Both systems were designed by Chief Hanna and without his expertise, there is a high likelihood of critical mistakes that would impact Payroll and nearly every other system that Telestaff interfaces with. Protecting the Telestaff system is critical to the success of both Police and Fire.
- Retain Chief Hanna's knowledge and background for the transition to a replacement Deputy Chief over an adequate period of time that can be managed appropriately.

Thank you for taking the time to review this matter. I am happy to provide any additional information or meet with you or the committee at your convenience

Sincerely,

Brian Schaeffer
Assistant Fire Chief

ATTACHMENT 4

CITY OF SPOKANE ETHICS COMMISSION POLICY AND PROCEDURAL MANUAL

RULE 1 – GENERAL PRINCIPLES

1.1 PURPOSE

It is the purpose of the City of Spokane Ethics Commission ("Commission") in adopting this policy and procedure manual to provide a method of conduct for its meetings, hearing and other activities. This policy and procedural manual shall not conflict with the City's Code of Ethics contained in Chapter 1.04A SMC. In the event of a conflict, the Code of Ethics shall prevail.

1.2 ROBERT'S RULES OF ORDER

Matters of procedure not otherwise provided for herein shall, insofar as practical, be determined by reference to Robert's Rules of Order, Newly Revised.

Rule 2. Meetings

2.1 Scheduling and Announcement of Meetings. The Ethics Commission shall schedule and announce its meet times consistent with City policy and the Open Public Meetings Act, Chapter RCW 42.30. Other than meetings to consider and decide complaints regarding violations of the Code of Ethics, Commission members may participate in meetings by phone with prior approval of the chairperson. All meetings of the Ethics Commission shall be open to the public.

2.2 Quorum- Voting. Four members of the Commission shall constitute a quorum for transaction of business. A simple majority of the four-member quorum is necessary to take action, other than action by the Commission in determining and issuing its written findings and conclusions regarding a complaint, which shall require four affirmative votes of the Commission members present for the meeting.

2.3 Meetings. Regularly scheduled Commission meetings shall be held on the third Wednesday in March, June, September and December beginning at 4:00. P.M. Meetings shall be held in the Briefing Center located in the basement level of City Hall, W. 808 Spokane Falls Blvd.

A regular meeting may be cancelled or rescheduled or a special meeting scheduled at the direction of the chairperson consistent with the Open Public Meeting Act.

2.4 **Agenda.** The chairperson shall prepare the meeting agenda with the assistance of City staff.

Rule 3. Commission Membership and Staff

3.1 Appointment and Terms. Commission members' appointments and terms shall be in accordance with SMC 1.04A.080.

3.2 Chairperson. The Commission members shall elect a chair and vice-chair who shall serve for one year and may be reappointed for one additional term.

3.2 Staff Director. The staff director appointed by the City Attorney pursuant to SMC 1.04A.080 C shall assist the Commission, its chairperson and other assigned staff with its duties and obligations set forth in Chapter 1.04A SMC. As part of the employee training process under SMC 1.04A.120, the staff director may assist individual employees or officials with specific questions regarding compliance with the Code of Ethics that pertain to the employee or official. The staff director shall not provide direction or guidance to ethical issues related to allegations against employees or officials but shall direct those complaints to the Commission.

Rule 4. Complaint Process

4.1 Filing of Complaints. Complaints shall be filed with the Commission chairperson or with the staff person assigned to assist the Commission pursuant to the process set forth in SMC 1.04A.100 and within the time period set forth in SMC 1.04A.150. Complaints must be written, signed by the complainant and directed to the Commission. The complaint shall set forth the facts which the complainant believes substantiates a violation of the Code of Ethics and which provisions of the code the complainant believes were violated.

Within five business days of the filing of the complaint with the Commission, the Chairperson, or his or her designee, shall inform the complainant that the Commission has received the complaint and shall provide a copy of the complaint to the employee or official (hereinafter referred to as the respondent) identified in the complaint as having violated the code of ethics.

4.2 Recording of Complaints. Upon receipt, complaints shall be assigned a reference number. The Commission shall maintain and keep current for public inspection a status sheet which shall contain with respect to each complaint: its reference number, the date received by the Commission, the name of the complainant, the name of the respondent, and its present status, including the date of any hearings scheduled.

4.3 Adjudication Process

(1) Within fifteen business days of receipt of the complaint, the Commission shall request an initial written response to the complaint from the respondent, which shall be filed with the Commission at least ten business days before the Commission schedules an initial meeting to review the complaint. The initial response shall pertain to whether the complaint should be dismissed pursuant to SMC 1.04A.110 D. 1. a. – f. and shall not address the merits of the complaint.

(2) Within thirty days of the receipt of the complaint by the Commission, the Commission shall schedule an initial meeting to review in order to make a determination consistent with SMC 1.04A.110 D.

(3) If the Commission determines the complaint alleges facts which, if found to be true, would be sufficient to constitute a violation of the Code of Ethics, it shall schedule a time to meet with the respondent to create a stipulation resolving the complaint, the determination of compliance and the penalty, if any to be imposed consistent with SMC 1.04A.110 E. Such meeting shall be open to the public.

4.4 Complaint Hearing Process. Complaints that are not resolved through the adjudication under SMC 1.04A.110 D or the stipulation process under SMC 1.04A.E, shall proceed to an investigation process pursuant to SMC 1.04A.110 F.

4.5 Notice of Hearing and Respondent's Answer

(1) The Commission shall provide notice of the public hearing to the complainant and the respondent.

(2) The notice shall include the Commission's determination regarding jurisdiction and the factual allegation, as well as the date, time and place for the hearing. The notice shall provide that the respondent shall be entitled to appear in person or otherwise, with or without counsel, submit testimony, be fully heard, and present and cross-examine witnesses.

(3) The respondent may file a written answer to the complaint with the Commission any time after receipt of the complaint but not later than ten days prior to the hearing date.

(4) Notice of the hearing shall be provided to all parties no less than fourteen day before the hearing date, unless the parties stipulate otherwise.

4.6 Conduct of Hearings

- (1) Hearings shall be conducted consistent with SMC 1.04A.110.F. – K..
- (2) All hearings conducted under this section are open to the public. The Commission's deliberations on a shall be conducted consistent with SMC 1.04A.100 A. 2., the Open Public Meeting Act and other applicable regulations.
- (3) The respondent shall be a party to the hearing and permitted to testify before the Commission. All parties involved in the complaint are prohibited from an ex parte communication with the Commission. Neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the Commission beyond that which is permitted by Chapter 1.04A SMC.

4.7 Prehearing Conferences

- (1) In any proceeding, the Commission on its own motion or upon request by a party or their authorized representative may direct the parties to appear at a specified time and place for a conference to consider:
 - (a) Simplification of issues;
 - (b) The necessity of amendments to the hearing notice;
 - (c) The possibility of obtaining stipulations, admissions of facts and of documents;
 - (d) Limitation on the number of witnesses; and
 - (e) Procedural and such other matters as may aid in the disposition of the proceeding.

- (2) Following the prehearing conference, the chairperson shall issue an order reciting the action taken and decisions made at the conference.

Rule 5. Procedures Applicable to Advisory Opinions

The Commission shall issue advisory opinions upon request with regard to the application Chapter 1.04A.170 SMC and the rules adopted under the chapter. The following procedures apply to requests for advisory opinions:

- (1) Requests for advisory opinions may be made by any person subject to the Code of Ethics. A request must be stated hypothetically unless the individual requests a specific opinion concerning his or her own conduct and situation. Requests must be written, signed, and directed

to the chair of the Commission. Requests shall supply such information as the Commission requires enabling it to issue the opinion.

(2) Within five business days of the filing of the request for an advisory opinion with the Commission, the Chairperson, or his or her designee, shall inform the party filing the request that the Commission has received the request and of any subsequent meeting.

(3) The Commission shall within sixty calendar days either:

- (a) Issue a written advisory opinion; or
- (b) notify the person requesting such opinion that the request is denied and the reason(s) for the denial.

(4) Upon receipt, requests shall be assigned a reference number. The Commission shall maintain and keep current for public inspection a status sheet which shall contain with respect to each request: Its reference number, the date received by the Commission, and its present status.

(5) The Commission shall make available to the public copies of the status sheets and advisory opinions issued by the Commission.

Rule 6 Penalties

6.1 Purpose. The purpose of this rule is to set forth the criteria that the Commission may consider when imposing penalties for a violation of chapter 1.04 SMC.

6.2. Criteria for Determining Sanctions.

In determining the appropriate penalties, including the amount of any civil penalty, the Commission may consider the following factors, as well as other factors which the Commission may find appropriate in a particular case:

(1) The monetary cost of the violation, including:

- (a) The cost of the violation to the City;
- (b) The value of anything received or sought in the violation;
- (c) The amount of any damages incurred by the City as a result of the violation;
- (d) The costs incurred in enforcement, including reasonable investigative costs;

(2) The nature of the violation, including whether the violation:

- (a) Was continuing in nature;
- (b) Was motivated by financial gain;
- (c) Involved criminal conduct;
- (d) Impaired a function of the agency;
- (e) Tended to significantly reduce public respect for or confidence in city government or city government officers or employees;
- (f) Involved personal gain or special privilege to the violator;

(3) Aggravating circumstances, including whether the violator:

- (a) Intentionally committed the violation with knowledge that the conduct constituted a violation;
- (b) Attempted to conceal the violation prior to the filing of the complaint;
- (c) Was untruthful or uncooperative in dealing with the Commission or the Commission's staff;
- (d) Had significant official, management, or supervisory responsibility;
- (e) Had committed prior violations found by the Commission;
- (f) Incurred no other sanctions as a result of the violation;

(4) Mitigating factors, including:

- (a) Prior corrective action taken against the violator;
- (b) Prior recovery of damages to the state;
- (c) The unethical conduct was approved or required by the violator's supervisor or agency;
- (d) The violation was unintentional;
- (e) The violator relied on advice from Commission staff or designated ethics advisers;
- (f) Other mitigating factors deemed relevant by the Commission.

6.3. Process for Implementing Decision.

The Commission may utilize all available procedures to implement its decision including providing a copy of the decision to the appropriate administrative officer or commission or board chairperson.

ATTACHMENT 5

CITY OF SPOKANE CODE OF ETHICS HANDBOOK

The Spokane City Council adopted the City's Code of Ethics in January of 2006 (Ordinance No. C-33785) and updated the Code of Ethics with the recognition of the Ethics Commission through the adoption of Ordinance No. C-35148 in January of 2015. The City's Code of Ethics is set forth in Chapter 1.04A of the Spokane Municipal Code and is applicable to elected and appointed officials, exempt-confidential employees and represented employees pursuant to applicable collective bargaining agreements.

SMC 1.04A.010 A describes the purpose of the Code of Ethics as follows:

It is the policy of the City of Spokane to uphold, promote and demand the highest standards of ethics from all of its employees and City officers, whether elected, appointed or hired. City officers and employees shall maintain the utmost standards of responsibility, trustworthiness, integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants including the appearance of impropriety, and never use their City position, authority or resources for personal gain.

This Employee Handbook provides a summary of the Code of Ethics and is intended to provide City officials, officers and employees with an introduction to the City's ethics requirements. This Employee Handbook does not replace the Code of Ethics. Additional ethical standards may also apply to specific employees based upon their own professional occupation or license. Additional information regarding the Code of Ethics, the Ethics Commission and its past decisions can be found on the City's website at:

<https://my.spokanecity.org/bcc/commissions/ethics-commission/>.

Prohibited Conduct

The main focus of the Code of Ethics is to identify the prohibited conduct that would constitute an ethical violation. SMC 1.04A.030 sets forth the prohibited conduct summarized as follows:

A. Conflicts of Interest – In order to avoid having a conflict of interest or impropriety, or an appearance of conflict of interest or impropriety, no City officers or employees are to have a direct or indirect interest or engage in a business, transaction or professional activity that might be seen as a conflict with

the officer or employee's discharge of his or her official duties, the conduct of official city business or as adverse to the interest of the City.

An employee who becomes aware that he or she might have a potential conflict of interest that arises in the course of his or her official duties shall notify in writing his or her supervisor of the potential conflict of interest.

B. Personal Interests in Contracts Prohibited - City officer or employee are not to participate in their official capacity as a City officer or employee in the making of a contract in which he or she has a direct or indirect personal interest or performs some function of the contract requiring the exercise of discretion on behalf of the City.

C. Personal Influence in Contract Selection Prohibited - City officer or employee are not to influence the City's selection of, or its conduct of business with an entity having or proposing to do business with the City if the City officer or employee has a personal interest in or with the entity, unless such interest is a remote interest.

D. Representation of Private Person at City Proceeding Prohibited - City officer or employee are not to appear on behalf of a person, other than himself/herself or a family member, or except as a witness under subpoena, before any regulatory governmental agency or court of law in an action to which the City or a City officer in an official capacity is a party, or accept a retainer or compensation that is contingent upon a specific action by the City.

E. Certain Private Employment Prohibited - City officer or employee are not to engage in or accept private employment, or render services for, any private interest when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties.

F. Personal Interest in Legislation Prohibited - No City officer or employee may directly or indirectly benefit from any legislation or contract to which the City shall be a party except for the lawful compensation or salary of the City officer or employee unless such interest is a remote interest where the facts and extent of such interest is disclosed. This prohibition does not apply to council members participating in the enactment of legislation when his or her interest is remote and has been disclosed and the legislation is applicable to the general public.

G. Continuing Financial Interest - Where a City officer, employee, or family member of a City officer or employee has a substantial ongoing financial relationship with a corporation, firm, or person seeking a contract, or proposing to do business with the City, the City officer or employee shall not influence or participate in the City's contract selection of or conduct business with such corporation, firm, or person; nor influence or participate in the City's contract selection of, or conduct business with, a corporation, firm, or party competing against a party that a City officer or employee has such a substantial ongoing financial relationship.

H. Disclosure of Confidential Information - No City officer or employee shall, except as required or reasonably believed to be required for the performance of his/her duties, disclose confidential information gained by reason of his/her official position or use such information for his/her own personal interest.

I. Acceptance of Compensation, Gifts, Favors, Rewards or Gratuity - City employees cannot directly or indirectly solicit any gift or give or receive any gift, whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form, when it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or the gift was intended to serve as a reward for any official action on the employee's part. Public officials and city employees may accept de minimis gifts such as calendars, coffee mugs, flowers, candy, and other similar items that are given as a customary business practice and have no material significance to the recipient. Such gifts from any one source cannot exceed one hundred dollars in value in any twelve-month period. City employees should report any gift to their immediate supervisor.

J. Fair and Equitable Treatment – City officers and employees shall not knowingly use their office or position, the employment of any person under their control or direction, or any City-owned property or personal benefit, gain or profit. Nor shall a City officer or employee use the power or authority of their office or position with the City in a manner intended to induce or coerce any other person to provide such City officer or employee or any other person with any compensation, gift, or other thing of value.

K. False and Frivolous Complaints Prohibited –No person subject to the Code of Ethics shall knowingly file a false complaint or report of a violation of the Code of Ethics. However, a person who files a complaint with a good faith belief that a violation of the Code of Ethics has occurred shall be protected by the City's Whistleblower Protection policy as set forth in SMC 1.04A.180.

L. Aiding Others Prohibited - No City officer or employee may knowingly aid or assist any City officer or employee in the violation of any provision of this Code of Ethics.

M. Commission of Acts of Moral Turpitude or Dishonesty Prohibited - No City officer or employee shall commit any act of moral turpitude or dishonesty relating to their duties or position as a City officer or employee or arising from

business with the City. Conviction of a felony or a misdemeanor involving moral turpitude or dishonesty, the nature of which demonstrates lack of fitness for the position held, shall be considered conclusive evidence of a violation of this Code of Ethics. Demonstrated acts of moral turpitude or dishonesty are not limited to felony or misdemeanor criminal convictions.

N. Prohibited Conduct After Leaving City Service – After leaving City employment, the former officer or employee may not disclose or use any privileged confidential or proprietary information gained because of their employment with the City. Within one year of leaving City office or employment, the former officer or employee may not:

- a. participate in matters involving the City if, while in the course of employment with the City, the former City officer or employee was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter;
- b. represent any person as an advocate in any matter in which the former City officer or employee was involved while a City officer or employee; or
- c. participate as or with a bidder, vendor or consultant in any competitive selection process for a City contract in which he or she assisted the City in determining the project, or work to be done, or the process to be used.

There are exceptions including approval from the Ethics Commission when the City desires to contract with the former officer or employee for expert or consulting services or when the officer or employee is acting on behalf of a governmental agency if the Ethics Commission determines that the service to the agency is not adverse to the City's interest.

Potential Penalties – A stipulation or determination by the Ethics Commission that a violation has occurred shall subject the party found in violation to any of the following penalties, which may be imposed by the Ethics Commission:

1. A cease and desist order as to violations of this Code of Ethics.
2. An order to pay to the City damages sustained by the City that are caused by the conduct constituting the violation.
3. A civil penalty of up to five thousand dollars per violation or three times the economic value of anything received or sought in violation of this chapter or rules adopted under it, whichever is greater.

An employee of the city who commits a violation of this chapter may be subjected to disciplinary action, up to and including termination from employment; provided that such disciplinary action is consistent with Career Service Guidelines and any applicable collective bargaining agreement.

A member of a board or commission may also receive a recommendation to the City Council that they be removed from the board or commission or may be suspended from the board or commission by the Ethics Commission in lieu of a fine or damages.

In the case of an elected official, a written reprimand may be issued by the Ethics Commission if the Commission determines that while the elected official did violate the Ethics Code, there was no intent to commit the violation.

As appropriate, the Ethics Commission may refer the disposition of a complaint to the City or County prosecuting attorney's office for appropriate action.

Complaint Process

Filing of Complaints. Complaints shall be filed with the Ethics Commission chairperson or with the staff person assigned to assist the Commission pursuant to the process set forth in SMC 1.04A.100 and within three years of the date of the alleged violation. Complaints must be written, signed by the complainant and directed to the Commission. The complaint shall set forth the facts which the complainant believes substantiates a violation of the Code of Ethics and which provisions of the code the complainant believes were violated.

Adjudication Process. The Ethics Commission engages an adjudication process to resolve complaints. The Commission shall request an initial written response to the complaint from the respondent, which shall pertain to whether the complaint should be dismissed pursuant to the reasons set forth in SMC 1.04A.110 D. 1. a. – f., which includes the Commission's lack of jurisdiction, the matter is moot, corrective action has already been taken, and the alleged violation would be a minor or de minimis violation. The initial response shall not address the merits of the complaint. The Commission shall conduct a hearing to determine whether the complaint shall not be dismissed pursuant to SMC 1.04A.110 D.

Stipulation Process. If the Commission determines that the complaint shall not be dismissed pursuant to SMC 1.04A.110 and that the complaint alleges facts, which, if found to be true, would be sufficient to constitute a violation of the Code of Ethics, it shall schedule a time to meet with the respondent to create a stipulation resolving the complaint, the determination of compliance and the penalty. Such meeting shall be open to the public.

Investigation and Hearing Process. Complaints that are not resolved through the adjudication or the stipulation process under SMC 1.04A.E, shall proceed to an investigation and hearing process pursuant to SMC 1.04A.110 F.

ATTACHMENT 6

CITY OF SPOKANE ETHICS COMMISSION

ETHICS COMPLAINT FORM

Please review the City of Spokane's Code of Ethics – Chapter 1.04A SMC – before completing this complaint form. When you have completed this form, submit it to:

City of Spokane Ethics Commission
Attention:

Pursuant to the City of Spokane's Code of Ethics, I am filing a complaint regarding conduct which I believe constitutes a violation of the City's Code of Ethics.

Name, position, and department of person(s) I believe to have violated the Code of Ethics:

Name: _____

Position/Title: _____

Nature of Code of Ethics violation:

What specific provision of SMC 1.04A.030 do you believe has been violated?

Describe in as much detail as possible the alleged Code of Ethics violation conduct. Attach additional sheets of paper, if necessary. Please include all documentation you believe demonstrates a violation. Your description should include the date, location and frequency of the alleged violation.

Names and positions of the persons who may have witnessed the event:

Evidence or documentation

Please list any evidence or documentation that would support your allegation of a Code of Ethics violation. Indicate whether you can personally provide that information.

Complainant Declaration

I declare under penalty of perjury of the laws of the State of Washington that to the best of my knowledge, information, and belief formed after reasonable reflection, the information in the complaint is true and correct.

Complainant's Signature

Date

Date and Place (e.g. City, State)

Name (please print): _____

Address: _____

Phone Number(s): _____

E-Mail Address: _____

ATTACHMENT 7

Application of City of Spokane Code of Ethics to Former City Employees.

The City of Spokane's Code of Ethics, Chapter 1.04A SMC, is applicable to City elected and appointed officers and employees. It is the purpose of the Code of Ethics to establish a policy of the City to uphold, promote and demand the highest standards of ethics from all of its employees and City officers. While the Code of Ethics is applicable to current City officers and employees, sections of the Code of Ethics apply to former City officers and employees. As a soon-to- be retired City officer or employee, it is important for you to be aware of these requirements.

SMC 1.04A.030 O lists the specific conduct City officers and employees are prohibited from engaging in after leaving City service, which are as follows:

1. Disclosure of Privileged, Confidential or Proprietary Information Prohibited.
No former City officer or employee shall disclose or use any privileged, confidential or proprietary information gained because of his or her City employment.
2. Participation in City Matters Prohibited.
No former City officer or employee shall, within a period of one year after leaving City office or employment:
 - a. participate in matters involving the City if, while in the course of employment with the City, the former City officer or employee was officially involved in the matter, or personally and substantially participated in the matter, or acted on the matter;
 - b. represent any person as an advocate in any matter in which the former City officer or employee was involved while a City officer or employee; or
 - c. participate as or with a bidder, vendor or consultant in any competitive selection process for a City contract in which he or she assisted the City in determining the project, or work to be done, or the process to be used.

There are exceptions to the one year prohibition on employment if a City wishes to contract with a former officer or employee for expert or consulting services within the one year period of the officer or employee leaving the City, which requires notice to and approval from the City Ethics Commission. There are other exceptions for former officers and employees acting on behalf of a government agency and officials elected to serve a governmental entity.

Please consult with the Ethics Commission staff if you have questions regarding prohibited conduct for former City officers and employee by calling the Ethics Commission staff director Mike Piccolo at 625-6237.

ATTACHMENT 8

ETHICS COMMISSION MEMBERSHIP

Members

Term Expiration

1) Alice Buckles	12/31/2017 (1 st Term)
2) Vacant	
3) Levi Liljenquist	12/01/2016 (2 nd Term)
4) Troy Bruner, Chair	12/31/2016 (2 nd Term)
5) Monica Holland (Attorney)	11/30/2015 (2 nd Term)
6) Stephen Sennett	11/30/2015 (1 st Term)
7) Brian Steverson (Education)	11/30/2015 (1 st Term)

➤ SMC 1.04A. 080 Ethics Commission

- A. The Ethics Commission shall be comprised of seven members who shall be appointed by the mayor and confirmed by the city council. The initial six members shall be appointed for a one-, two- and three-year term and may be reappointed for one additional three-year term. The seventh member who shall be appointed by members of the Ethics Commission shall serve an initial three-year term and may be reappointed for a second three-year term. The Ethics Commission appointees shall include representatives from the following segments of the community:
1. A person with a professional or academic background in the legal profession including attorneys, law professors or members of the judiciary.
 2. A person from local business with experience in human resources/personnel.
 3. A person who possesses familiarity with government and the political process.
 4. A person with experience in ethics.
- B. All reasonable efforts shall be used to locate individuals who satisfy the requirements in subsection (A). In the event that any one of the requirements in subsection (A) cannot reasonably be satisfied, a substitute may be appointed. The substitute shall have a background in a profession which includes a code of ethics as an element of the profession.