

July 19, 2015

Troy Bruner, Chair City of Spokane Ethics Commission

Mr. Bruner

Re: Referral of ethics violation by Councilman Mike Fagan

Dear Mr. Bruner:

I am referring what I believe to be a violation of the Code of Ethics for the City of Spokane to you for investigation and disposition.

### Summary:

Councilman Mike Fagan received a confidential legal memorandum on July 10, 2015, clearly marked "Confidential Attorney/Client Communication" and communicated the contents of this article to an Inlander reporter and was subsequently distributed in an online article on July 15, 2015.

### Background:

This issue came to light as I reviewed press reports in the aftermath of a very long council meeting Monday night. I then reviewed the memorandum mentioned in the Inlander article and realized that it was confidential. I also noticed that the conclusions in the memorandum are different than what was publically stated by Councilman Fagan.

In a subsequent conversation with Council President Stuckart I received word that because of the article the Clerk's office received a public records request for this memorandum. This raises serious concerns:

- The potential exists that legal will not continue to advise Council if they do not believe we will follow confidentiality rules
- Misconstruing the contents of a confidential memorandum to the public misleads them causing even more distrust when they will never be able to read the memorandum
- We may have potential litigation from multiple parties against the City on this matter and Councilmember Fagan's public comments reveal information on the City's internal legal analysis and that information could be used against the City in a legal proceeding

### Analysis:

The Spokane City Charter and Spokane Municipal Code vest in the City Attorney the authority and duty to act as the City's legal advisor. The client of the City Attorney is the City of Spokane. When the City Attorney provides confidential written advice to the Mayor and



COUNCIL MEMBER JON SNYDER DISTRICT 2, POSITION 2

SPOKANE CITY COUNCIL

808 W. Spokane Falls Blvd.

Spokane, WA 99201-3335

Council, only the Mayor or Council may waive any attorney-client privilege on behalf of the City. No other person may waive the privilege without authorization from the recipient of the confidential correspondence. When written advice is given to an official government body or department, for example the City Council, only the body-not individual members- may waive that privilege.

In this instance Councilman Fagan provided the Inlander and its 60,000 reader's confidential information from the City Attorney's office to the general public. In doing so he violated the attorney-client privilege held by the Spokane City Council. There was no vote to waive this privilege and thus, no authority. This confidential information is still in the public domain.

The Spokane Code of Ethics prohibits disclosure of confidential or privileged information gained by reason of a public official's position. SMC 01.04.0303(H) mirrors RCW 42.23.070 ("No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit"). Disclosure of privileged or confidential information gained through official channels constitutes "official misconduct" under both State and Spokane Municipal law.

### Conclusion:

I believe due to the harm this may cause the body (City Council) and my own status a member of the harmed body, I have an obligation to bring this to your attention.

Sincerely,

Jon Snyder Councilmember District 2 AMERICA'S BEST READ URBAN WEEKLY | LEARN MORE »

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Wednesday, July 15, 2015

### **NEWS**

### Center for Justice will challenge immigration initiative in court Posted By Jake Thomas on Wed, Jul 15, 2015 at 12:56 PM

The Center for Justice intends to challenge the legality of an initiative petition that, if passed, would overturn a city policy that bars police and other employees from contacting individuals solely to ascertain their immigration status.

Rick Eichstaedt, the group's executive director, tells the *Inlander* that supporters of the petition illegally placed prejudicial text on the petitions used to collect signatures.

The language added to the petition is a "legislative history" that lists members of Spokane City Council who voted for "Spokane to become a sanctuary for illegal aliens." The petition goes on to list Councilmen Mike Allen and Mike Fagan as the members of the council "who voted to prevent Spokane from becoming a sanctuary for illegal aliens, and to defend the right of taxpayers, police and other city employees to refuse finance and harbor lawless activity."

### LEGISLATIVE HISTORY

Ordinances C35164 and C35167 were passed by 5-2 Council votes on October 20 and October 27, 2014, respectively.

Members who voted for Spokane to become a sanctuary for illegal aliens:

Benjamin Stuckart (term ends 2015) Candace Mumm (Dist 3 term ends 2017) Jon Snyder (Dist 2 term ends 2017) Karen Stratton (Dist 3 term ends 2015) Amber Waldref (Dist 1 term ends 2017)

Members who voted to prevent Spokane from becoming a sanctuary for illegal aliens, and to defend the right of taxpayers, police and other city employees to refuse

finance and harbor of lawless activity: Mike Allen (Dist 2 term ends 2015)

Mike Fagan (Dist 1 term ends 2015)

Date of Mayor's signature:

IS

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es

David Condon (term ends 2015) Ord. C35164 on November 6, 2014 Ord. C35167 on November 12, 2014 Prime Sponsor: Benjamin Stuckart

Eichstaedt says that past legal challenges to initiatives have been based on their substance, citing attempts from business and government entities to prevent Envision Spokane from having its sweeping measures placed on the ballot.

(term ends 2015)

"This case is really different because we are saying they didn't follow the process," says Eichstaedt, who notes that this a "novel question" for the court to consider.

Under Spokane's initiative process, city lawyers issue an opinion on the legality of the initiative and then write for it an accompanying ballot title and brief narrative, which cannot be modified.

The lawsuit Eichstaedt is planning on filing later this week in Spokane Superior Court will argue that the added text was "biased and prejudicial" and supporters broke the law by adding it to the petitions outside of the city's initiative process.



Rick Eichstaedt

Jackie Murray, the initiative's sponsor, couldn't be reached for comment. But Councilman Mike Fagan, who has advised and supported the initiative campaign, says he doubts that Eichstaedt will prevail.

"Shame on the Center for Justice for going after something that we already have a legal opinion on, costing the taxpayers' money to defend this," says Fagan.

Fagan says that Mike Piccolo, a city attorney, has already issued an opinion stating that because supporters didn't modify the ballot title, summary or format, it was acceptable for them to add the language.

For the last 16 years, Fagan has worked as co-director of Voters Want More Choices, a political action committee that has sponsored ballot initiatives intended to lower taxes in Washington. He says that his group has often added language to its petitions that express the urgency of the issue and appealing to volunteers.

"The Center for Justice is reaching," says Fagan. "This is such a huge national issue."

On Monday, Spokane City Council voted to send the petitions to the county for validation. If the

7/17/2015 Center for Justice will challenge immigration initiative in court | Bloglander | The Pacific Northwest Inlander | News, Politics, Music, Calendar, Events in ... Center for Justice prevails, the initiative will not appear on the November ballot.

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Tags: Rick Eichstaedt, Mike Fagan, Center for Justice, News, Image

### RELATED STORIES



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By Jake Thomas



[UPDATED] JOHN AHERN, MIKE FAGAN ANNOUNCE BIDS FOR SPOKANE CITY COUNCIL

### SPEAKING OF...



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It seems not "his" way, it s the long-standing policy of the Spokane Pice a Department that was codified and supported by Condon, also.

2 likes, 0 dislikes 🐭 like 👻 dislike



Posted by Ahernia on 07/16/2015 at 12:55 AM



leave it to our pot smoking council president to spend more of our money just to get his way. How stupid can he be?

3 likes, 5 dislikes 👞 like 🚏 dislike

Posted by Larry L Lambeth on 07/15/2015 at 4:18 PM

| 17/2015 | Center for Justice will challen | ge immigration initiative in court   Bloglan | der   The Pacific | Northwest Inlander   Nev | vs, Politics, Music, Calend | ar, Events in |
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### OFFICE OF THE SPOKANE CITY ATTORNEY

CONFIDENTIAL ATTORNEY / CLIENT COMMUNICATION LEGAL MEMORANDUM

TO:

COUNCIL PRESIDENT BEN STUCKART

MEMBERS OF THE CITY COUNCIL

FROM:

MICHAEL J. PICCOLO, ASSISTANT CITY ATTORNEY

SUBJECT: CITIZEN INITIATIVE REGARDING IMMIGRATION STATUS

INFORMATION

DATE:

JULY \_\_\_, 2015

CC:

MAYOR DAVID CONDON

THERSA SANDERS, CITY ADMINISTRATOR

NANCY ISSERLIS, CITY ATTORNEY

Issue: Does adding additional information to an initiative petition sheet beyond the mandatory requirements violate the Spokane Municipal Code and, if so, what options are available to the City Council.

**Brief Answer** 

### Initiative Petition to Spokane City Council for REPEAL of Illegal Alien Sanctuary and Harboring. Initiative No. [TBD]

We, the undersigned citizens and legal voters of the City of Spokane, Washington require that this ordinance known as Initiative No. [TBD] - a true and correct copy of which is printed on the reverse - be passed without alteration by the Spokane City Council, or be submitted to electors of the City of Spokane for their approval or rejection at the next available general municipal election. If submitted to election the proposed ordinance shall appear as the following proposition: Statement of Subject: Spokane Initiative No. [TBD] concerns immigration status information. Concise Description: This measure would remove from the Spokane Municipal Code words added effective November 2014 which prohibit city employees from acquiring or ascertaining immigration status information in the course of lawful duties. Should this measure be enacted into law? Yes \( \text{No} \) No \( \text{D} \) \( \text{Ballot Summary: This measure would repeal "Immigration Status Information" Chapter 3.10.050 SMC and amend Chapter 3.10.040 "Biased-free Policing" thereby eliminating City of Spokane prohibition of city employee use of immigration status information, without majority votes of Council and voters, and mandate an advisory vote of the people on any immigration status information ordinance voted by the Council after November 2014.

[signature page]

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPOKANE:

Section 1. New Chapter 3.10.060 is hereby added to the Spokane Municipal Code to read as follows:

3.10.060 Respect for Law: The City of Spokane shall not limit the ability of any city employee from collecting immigration status information, communicating immigration status information and cooperating with federal law enforcement authorities unless such regulation is approved by a majority vote of the City Council and a majority vote of the people at an election.

Section 2. Chapter 3.10.040 SMC (Ord. No. C35164 relating to bias-free policing), is hereby amended.

### 3.10.040 Biased-Free Policing

A. The City of Spokane is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair and equitable manner.

B. Spokane Police Department Officers and all officers commissioned under the Spokane Police Department shall be prohibited from engaging in bias-based profiling.

C. Bias-based profiling is defined as an "act of a member of the Spokane Police Department or a law enforcement officer commissioned by the Spokane Police Department that relies on actual or perceived race, national origin, color, creed, age,((eitizenship status,)) gender, sexual orientation, gender identity, disability, socio-economic status, or housing status or any characteristic of protected classes under federal, state or local laws as the determinative factor initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons to suspected unlawful activity."

D. The Spokane Police Department shall maintain policies consistent with this section.

Section 3. Chapter 3.10.050 SMC (Ord. No. C35167 relating to immigration status information), is hereby repealed.

### (( 3.10.050 Immigrant Status Information

A. Unless required by law or court order, no Spokane City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.

B. Spokane Police Department officers shall have reasonable suspicion to believe a person has been previously deperted from the United States, is again present in the United States, and is committed or has committed a felony criminal-law violation before inquiring into the immigration status of an individual.

C. The Spokane Police Department shall not investigate, arrest, or detain an individual based solely on immigration status.

D. The Spokane Police Department shall maintain policies consistent with this section. ))

Section 4. Advisory Vote: Any ordinance that regulates city employee use of immigration status information after December 1, 2014, must be put on the ballot as an advisory vote of the people at the next general election.

Section 5. Construction: The provisions of this measure are to be liberally construed to effectuate the intent, policies, and purposes of this measure.

Section 6. Severability: If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

####

RECEIVED

NOV 26 2014

CITY CLERK'S OFFICE SPOKANE, WA REQUIRED WARNING:

Under Washington law every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes herein any false statement, shall be guilty of a misdemeanor

# Initiative Petition to Spokane City Council for REPEAL of Illegal Alien Sanctuary and Harboring. Initiative No. [TBD]

tion status information. Concise Description: This measure would remove from the Spokane Municipal Code words added effective November 2014 which prohibit city employees from repeal "Immigration Status Information" Chapter 3.10.050 SMC and amend Chapter 3.10.040 "Biased-free Policing" thereby eliminating City of Spokane prohibition of city employee use acquiring or ascertaining immigration status information in the course of lawful duties. Should this measure be enacted into law? Yes 🛘 No 🔾 Ballot Summary: This measure would of immigration status information, without majority votes of Council and voters, and mandate an advisory vote of the people on any immigration status information ordinance voted by We, the undersigned citizens and legal voters of the City of Spokane, Washington require that this ordinance known as Initiative No. [TBD] - a true and correct copy of which is printed municipal election. If submitted to election the proposed ordinance shall appear as the following proposition: Statement of Subject: Spokane Initiative No. [TBD] concerns immigraon the reverse - be passed without alteration by the Spokane City Council, or be submitted to electors of the City of Spokane for their approval or rejection at the next available general the Council after November 2014.

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of The City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once.

Date Signed /201 201/201 /201 phone (optional) phone (optional) phone (optional) phone (optional) Spokane Street Address & Zip Code eMail address (optional, to stay informed) Email: Email: Email: Email: Print Name Voter Signature-Spokane City only

Immediately ask Friends to SIGN & MAIL to: RESPECT SPOKANE, P.O. Box 7226, Spokane, WA 99207. Your petition must be received by March. \* PLEASE DUPLICATE THIS PETITION (ONE SHEET, DOUBLE-SIDED) FOR ADDITIONAL SIGNATURE LINES\*

BE IT ENACTED BY THE PEOPLE OF THE CITY OF SPOKANE:

Section 1. New Chapter 3.10.060 is hereby added to the Spokane Municipal Code to read as follows:

3.10.060 Respect for Law: The City of Spokane shall not limit the ability of any city employee from collecting immigration status information, communicating immigration status information and cooperating with federal law enforcement authorities unless such regulation is approved by a majority vote of the City Council and a majority vote of the people at an election.

Section 2. Chapter 3.10.040 SMC (Ord. No. C35164 relating to bias-free policing), is hereby amended.

### 3.10.040 Biased-Free Policing

A. The City of Spokane is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair and equitable manner.

B. Spokane Police Department Officers and all officers commissioned under the Spokane Police Department shall be prohibited from engaging in bias-based profiling.

C. Bias-based profiling is defined as an "act of a member of the Spokane Police Department or a law enforcement officer commissioned by the Spokane Police Department that relies on actual or perceived race, national origin, color, creed, age,((citizenship status,)) gender, sexual orientation, gender identity, disability, socio-economic status, or housing status or any characteristic of protected classes under federal, state or local laws as the determinative factor initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons to suspected unlawful activity."

D. The Spokane Police Department shall maintain policies consistent with this section.

Section 3. Chapter 3.10.050 SMC (Ord. No. C35167 relating to immigration status information), is hereby repealed.

# ((3.10.050—Immigrant Status Information

A. Unless required by law or court order, no Spokane City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.

B. Spokane Police Department officers shall have reason able suspicion to believe a person has been previously deported from the United States, is again present in the United States, and is committed or has committed a felony criminal law violation before inquiring into the immigration status of an individual.

G. The Spokane Police Department shall not investigate, arrest, or detain an individual based solely on immigration status.

B. The Spokane Police Department shall maintain policies consistent with this section: ))

Section 4. Advisory Vote: Any ordinance that regulates city employee use of immigration status information after December 1, 2014, must be put on the ballot as an advisory vote of the people at the next general election.

Section 5. Construction: The provisions of this measure are to be liberally construed to effectuate the intent, policies, and purposes of this measure.

**Section 6.** Severability: If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Ordinances C35164 and C35167 were passed by 5-2 Council votes on October 20 and October 27, 2014, respectively.

Illegal Alien Sanctuarians having voted "YES": Ben Stuckart (term ends 2015) Candace Mumm (Dist 3 term ends 2017), Jon Snyder (Dist 2 term ends 2017), Karen Stratton (Dist 3 term ends 2015) and Amber Waldref (Dist 1 term ends 2017)

Americans Respectful of Law having voted "NO": Mike Allen (Dist 2 term ends 2015) and Mike Fagan (Dist 1 term ends 2015)

Date of Mayor David Condon (term ends 2015) signature: Ord. C35164 November 6, 2014; Ord. C35167 November 12, 2014

Prime Sponsor: Ben Stuckart (term ends 2015)

# INSTRUCTIONS:

STEP 1: Make 2-sided copies of this blank paper petition for friends. Or download the petition file from www.RespectWashington.us and print 2-sided.
STEP 2: Fill signature lines immediately. Signed petitions must be received by March 2015. Do not procrastinate. Fill this petition this week.
STEP 3: Mail petition and contribution (check please, no cash) to:

www.RespectWashington.us P.O. Box 7226, Spokane, WA 99207 (509) 565-0244

Please help us cover the costs of this petition by enclosing your most generous check when you mail in your signed petition sheet. Thank you.

PAID FOR BY RESPECT WASHINGTON

RECEIVED

CITY CLERK'S OFFICE SPOKANE, WA

### **WARNING**

Under Washington State law every person who signs an initiative or referendum petition with any other than his or her true name, knowingly signs more than once, or signs when he or she is not a legal voter; or signs a petition when he or she is otherwise not qualified to sign, or who makes any false statement on such petition may be guilty of a misdemeanor.

Initiative Petition to the Spokane City Council

INITIATIVE NO. 2015-1

We, the undersigned citizens and legal voters of the City of Spokane, Washington, respectfully direct that this proposed ordinance, known as Initiative No. 2015-1, a full, true, and correct copy of which is printed herein, be passed without alterations by the Spokane City Council, or be submitted to the electors of the City of Spokane for their approval or rejections at the next available special or general municipal election. If submitted to election, the proposed ordinance shall appear as the following proposition.

### **CITY OF SPOKANE**

PROPOSITION NO. 2015 - \_\_\_\_

### AN ORDINANCE RELATING TO IMMIGRATION STATUS INFORMATION

The City Council adopted Ordinance Nos. C-35164 and C-35167, regarding biased-free policing and immigration status information respectively, prohibiting the inquiry of an individual's immigration status by city officers or employees unless required by law or court order. This proposition would remove from the Spokane Municipal Code words added by the ordinances which prohibit city employees from acquiring or ascertaining immigration status information in the course of lawful duties. Should this proposition be enacted into law?

| <br>YES |
|---------|
| <br>NO  |

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once.

(The full text of the proposed ordinance is printed on reverse side of this page and continuing on the pages following)

| PETITIONERS SIGNATURE (as on voters registration) | PRINTED<br>NAME | RESIDENCE<br>ADDRESS<br>(Street<br>Address) | DAYTIME PHONE AND OR E-MAIL ADDRESS (optional) | DATE OF<br>SIGNATURE |
|---|-----------------|---|--|----------------------|
|   |                 |   |  |                      |

Jackie Murray, Respect Washington, P.O. Box 7226, Spokane, WA 99207 (509) 565-0244

### **Summary of Measure**

### THE LAW AS IT CURRENTLY EXISTS:

SMC 3.10.040, regarding biased-free policing, and 3.10.050, regarding immigration information status, prohibit city officers or employees from inquiring into an individual's immigration information status or engaging in activities designed to ascertain the immigration status of any person unless required by law or court order.

### THE EFFECT OF THE PROPOSAL, IF APPROVED:

This proposition would amend SMC 3.10.040, repeal SMC 3.10.050, and adopt a new section SMC 3.10.060, thereby eliminating the prohibition of city employee use of immigration status information. Any future regulations limiting the ability of any city employee from collecting immigration status information, communicating immigration status information and cooperating with federal law enforcement authorities would require a majority vote of the City Council and of the people at the next general election.

### ORDINANCE NO. C - \_\_\_\_

AN ORDINANCE RELATING TO IMMIGRATION STATUS INFORMATION; AMENDING SMC SECTION 3.10.040; REPEALING SMC SECTION 3.10.050 AND ADOPTING A NEW SECTION 3.10.060 TO CHAPTER 3.10 OF THE SPOKANE MUNICIPAL CODE

The City of Spokane does ordain:

Section 1. That SMC 3.10.040 is amended to read as follows:

### 3.01.040 Biased-Free Policing

- A. The City of Spokane is committed to providing services and enforcing laws in a professional, nondiscriminatory, fair and equitable manner.
- B. Spokane Police Department Officers and all officers commissioned under the Spokane Police Department shall be prohibited from engaging in bias-based profiling.
- C. Bias-based profiling is defined as an "act of a member of the Spokane Police

Department or a law enforcement officer commissioned by the Spokane Police Department that relies on actual or perceived race, national origin, color, creed, age, ((citizenship status,)) gender, sexual orientation, gender identity, disability, socioeconomic status, or housing status or any characteristic of protected classes under federal, state or local laws as the determinative factor initiating law enforcement action against an individual, rather than an individual's behavior or other information or circumstances that links a person or persons to suspected unlawful activity."

D. The Spokane Police Department shall maintain policies consistent with this section.

Section 2. That SMC 3.10.050 is repealed.

### ((3.10.050 Immigrant Status Information

- A. Unless required by law or court order, no Spokane City officer or employee shall inquire into the immigration status of any person, or engage in activities designed to ascertain the immigration status of any person.
- B. Spokane Police Department officers shall have reasonable suspicion to believe a person has been previously deported from the United States, is again present in the United States, and is committed or has committed a felony criminal-law violation before inquiring into the immigration status of an individual.
- C. The Spokane Police Department shall not investigate, arrest, or detain an individual based solely on immigration status.
- D. The Spokane Police Department shall maintain policies consistent with this section.))

Section 3. That there is adopted a new section 3.10.060 to chapter 3.10 of the Spokane Municipal Code to read as follows:

### 3.10.060 Respect for Law

The City of Spokane shall not limit the ability of any city employee from collecting immigration status information, communicating immigration status information and cooperating with federal law enforcement authorities unless such regulation is approved by a majority of the city council and a majority vote of the people at the next general election.

### Section 4. Construction

The provisions of this ordinance are to be liberally construed to effectuate the intent, policies and purpose of this measure.

### Section 5. Severability.

Should any provision of this ordinance or its application to any person or circumstances be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

### Section 6. Effective Date.

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

Section 7. That this ordinance be submitted to the voters of the City of Spokane for their approval or rejection at the next applicable election under Section 82 of the Spokane City Charter.

### REQUIRED WARNING:

Under Washington law every person who signs an initiative or referendum petition with any other than his or her true name, knowingly signs more than once, or signs when he or she is not a legal voter, or signs a petition when he or she is otherwise not qualified to sign, or who makes any false statement on such petition may be guilty of a misdemeanor.

# Initiative Petition to the Spokane City Council Initiative No. 2015-1

special or general municipal election. If submitted to election, the proposed ordinance shall appear as the following proposition: which is printed herein - be passed without alteration by the Spokane City Council, or be submitted to electors of the City of Spokane for their approval or rejection at the next available We, the undersigned citizens and legal voters of the City of Spokane, Washington require that this ordinance known as Initiative No. 2015-1 - a full, true and correct copy of

# City of Spokane Proposition No. 2015-1

# An Ordinance Relating to Immigration Status Information

immigration status information in the course of lawful duties. Should this proposition be enacted into law? Yes  $\square$  No  $\square$ prohibiting the inquiry of an individual's immigration status by city officers or employees unless required by law or court order. This proposition would remove from the Spokane Municipal Code words added by the ordinances which prohibit city employees from acquiring or ascertaining The City Council adopted Ordinance Nos. C-35164 and C-35167, regarding biased-free policing and immigration status information respectively, Summary of Measure

the next general election eliminating the prohibition of city employee use of immigration status information. Any future regulations limiting the ability of any city employee from collecting immigration status ininquiring into an individual's immigration information status or engaging in activities designed to ascertain the immigration status of any person unless required by law or court order. formation, communicating immigration status information and cooperating with federal law enforcement authorities would require a majority vote of the City Council and of the people at THE EFFECT OF THE PROPOSAL, IF APPROVED: This proposition would amend SMC 3.10.040, repeal SMC 3.10.050, and adopt a new section SMC 3.10.060, thereby THE LAW AS IT CURRENTLY EXISTS: SMC 3.10.040, regarding biased-free policing, and 3.10.050, regarding immigration information status, prohibit city officers or employees from

Each of us for himself or herself says: I have personally signed this petition; I am a legal voter of The City of Spokane; my residence address is correctly stated; and I have knowingly signed this petition only once. (The full text of the proposed ordinance is printed on the reverse side of this page.)

|   | 2.     |   | 1.     |   |
|---|--------|---|--------|---|
|   | X      |   | X      | Petitioner's Signature (as on voter's registration) Spokane <u>City</u> voters only |
|   |        |   |        | Print Name  |
| eMail address (optional to stay informed)  Email: |        | eMail address (optional, to stay informed) Email: |        | Spokane Street Address & Zip  |
| phone (optional)                                  | //2015 | phone (optional)                                  | //2015 | Date Signed   |

Immediately ask Friends to SIGN & MAIL to:

RESPECT WASHINGTON, P.O. Box 7226, Spokane, WA 99207

## ORDINANCE NO. C - 2015-1

3.10.040; REPEALING SMC SECTION 3.10.050 AND ADOPTING A NEW SECTION 3,10,060 TO CHAP-AN ORDINANCE RELATING TO IMMIGRATION STA-TUS INFORMATION; AMENDING SMC SECTION TER 3.10 OF THE SPOKANE MUNICIPAL CODE

# The City of Spokane does ordain:

to bias-free policing), is amended to read as follows: Section 1. That SMC 3.10.040 (Ord. No. C35164 relating

## 3.10.040 Biased-Free Policing

and enforcing laws in a professional, nondiscriminatory, fair and equitable manner. A. The City of Spokane is committed to providing services

be prohibited from engaging in bias-based profiling commissioned under the Spokane Police Department shall B. Spokane Police Department Officers and all officers

or housing status or any characteristic of protected classes ed unlawful activity." or circumstances that links a person or persons to suspect rather than an individual's behavior or other information tor initiating law enforcement action against an individual, under federal, state or local laws as the determinative facentation, gender identity, disability, socio-economic status color, creed, age,((citizenship status,)) gender, sexual oriof the Spokane Police Department or a law enforcement C. Bias-based profiling is defined as an "act of a member that relies on actual or perceived race, national origin, officer commissioned by the Spokane Police Department

consistent with this section. D. The Spokane Police Department shall maintain policies

Section 2. That SMC 3.10.050 SMC (Ord. No. C35167 relating to immigration status information), is repealed

# ((3.10.050 Immigrant Status Information

status of any person, or engage in activities designed to ascertain the immigration status of any person. officer or employee shall inquire into the immigration A. Unless required by law or court order, no Spokane City

B. Spokane Police Department officers shall have reasondeported from the United States, is again present in the able suspicion to believe a person has been previously

> immigration status of an individual. felony criminal-law violation before inquiring into the United States, and is committed or has committed a

arrest, or detain an individual based solely on immigra-The Spokane Police Department shall not investigate,

cies consistent with this section. )) The Spokane Police Department shall maintain poli-

to chapter 3.10 of the Spokane Municipal Code to read as Section 3. That there is adopted a new section 3.10.060

vote of the people at the next general election. 3.10.060 Respect for Law: The City of Spokane shall not approved by a majority of the city council and a majority law enforcement authorities unless such regulation is tion status information and cooperating with federal migration status information, communicating immigralimit the ability of any city employee from collecting im

are to be liberally construed to effectuate the intent; policies, and purposes of this measure. Section 4. Construction: The provisions of this measure

stances is not affected. application of the provision to other persons or circum be held invalid, the remainder of the ordinance or the dinance or its application to any person or circumstances Section 5. Severability: Should any provision of this or-

Section 6. Effective Date. This ordinance, if approved Auditor's Office. the issuance of the certificate of election by the Spokane by the voters, shall take effect and be in full force upon

at the next applicable election under Section 82 of the of the City of Spokane for their approval or rejection Section 7. That this ordinance be submitted to the voters Spokane City Charter

## LEGISLATIVE HISTORY

October 27, 2014, respectively. by 5-2 Council votes on October 20 and Ordinances C35164 and C35167 were passed

a sanctuary for illegal aliens: Members who voted for Spokane to become

Amber Waldref (Dist 1 term ends 2017) Karen Stratton (Dist 3 term ends 2015) Jon Snyder (Dist 2 term ends 2017) Candace Mumm (Dist 3 term ends 2017) Benjamin Stuckart (term ends 2015)

finance or ignore lawless activity: police and other city employees to refuse to aliens, and to defend the right of taxpayers, from becoming a sanctuary for illegal Members who voted to prevent Spokane

Mike Fagan (Dist 1 term ends 2015) Mike Allen (Dist 2 term ends 2015)

Date of Mayor's signature: David Condon (term ends 2015)

Prime Sponsor: Benjamin Stuckart Ord. C35167 on November 12, 2014 Ord. C35164 on November 6, 2014

term ends 2015

STEP 3: Mail petition and contribution (check please, STEP 2: Fill signature lines immediately. www.RespectWashington.us and print 2-sided. tion for friends. Or download the petition file from STEP 1: Make 2-sided copies of this blank paper petino cash) to: Do not procrastinate. Fill this petition this week

P.O. Box 7226, Spokane, WA 99207 www.RespectWashington.us (509) 565-0244

Please help us cover the costs of this petition by enclosing your most generous check when you mail in your signed petition sheet. Thank you PAID FOR BY RESPECT WASHINGTON

Voters OK'd this policy in 2012, politicians took it away, this initiative brings it right back again

### **Tougher to Raise Taxes**

Let the Voters Decide on 2/3-For-Taxes Constitutional Amendment

### **Ballot Title**

Statement of the Subject: Initiative Measure No. 1366 concerns state taxes and fees.

Concist Description: This measure would decrease the sales tax rate unless the legislature refers to voters a constitutional amendment requiring two-thirds legislative approval or voter approval to raise taxes, and legislative approval for fee increases.

Should this measure be enacted into law? Yes M No a

### **Ballot Measure Summary**

This measure would decrease the state retail sales tax rate on April 15, 2016, from 6.5 percent to 5.5 percent. The sales tax rate would not be decreased if, by April 15, 2016, two-thirds of both legislative houses refer to the ballot a vote on a constitutional amendment that requires two-thirds legislative approval or voter approval to raise taxes, and majority legislative approval to set the amount of a fee increase.

### WARNING:

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.

### INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable Kim Wyman,

Secretary of State of the State of Washington

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that this petition and the proposed measure known as Initiative Measure No. 1366, and entitled, "Initiative Measure No. 1366 concerns state taxes and fees. This measure would decrease the saies tax rate unless the legislature refers to voters a constitutional amendment requiring two-thirds legislative approval or voter approval to raise taxes, and legislative approval for fee increases." a full, true, and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the 3rd day of November, 2015; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

| Printed Name of Voter (registered voters only) | Signature of Voter | Birthdate<br>(for verification) | Your Home Address     | City    | County |
|--|--------------------|---------------------------------|-----------------------|---------|--------|
| uJohn Smith                                    | John Smith         | 10-22-53                        | 1213 Mockinghird Lake | TUCOVUR | Fierce |
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### PH: 425-493-9127 · www.VotersWantMoreChoices.com

Please get as many signatures as you can and mall this petition back to us as soon as possible. Fold it, put it in an envelope, and mall it, along with a donation (made payable to "2/3 Constitutional Amendment" - any amount will help) to:

> 2/3 Constitutional Amendment, PO Box 18250, Spokane, WA 99228

The government only gives us until July 2nd, 2015 to gather 246,000 valid signatures. Time is short — ACT NOW.

Paid for by 2/3 Constitutional Amendment • PO Box 18250 • Spokane, WA 99228 • PH: 425-493-9127 • FAX: 509-467-4323 www.VotersWantMoreChoices.com • jakatak@comcast.net

To get more petitions, call or email us, <u>OR PREFERABLY.</u> to save you time and to save our campaign time and resources, make your own copies (both front & back must be photocopied and petition size cannot be reduced — final size must remain 11"x17"). Take this petition to any printer who can print on 11"x17" paper (FedEx Kinko's, Office Depot, Staples, etc.). COLOR PETITIONS AREN'T NECESSARY — BLACK AND WHITE IS OK.

### TEXT OF 2/3 CONSTITUTIONAL AMENDMENT INITIATIVE 1366

AN ACT Relating to taxes and fees imposed by state government, amenaling RCW 92-08-020, 43-153-031, and 43-135-0415 adding new sections to chapter 43,135 RCW; creating new sections and providing a confingent expiration date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON

INTENT

NEW SECTION See. 1. Over the past roomly years, the tax payers have been required to pay increasing taxes and fees to the state, humpering economic growth and limiting opportunities for the citizens of Washington

The people declare and establish that the state needs to exercise fiscal restraint by either reducing tax buildens or furtiting tax increases to only those considered necessary by more than a bare

majority of legislators.

Since 1993, the voters have repeatedly passed maintives requiring two-thirds legislative approval or voter approval to raise taxes and majority legislative approval for fee increases. However, the people have not been allowed in vote on a continuous amendment requiring these protections even though the people have approved them on innurence occasions.

This measure provides a reduction in the burden of state laxes by reducing the sales tax, enabling the entirens to keep more of their own money to pay for increases in other state taxes, and fees due to the lack of a constitutional amendment requiring two-thirds legislature refers to the ballat for a vote a constitutional amendment requiring two-thirds legislature approval or voter approval to raise taxes and majority legislature approval for fee increases. The people want to ensure that and fee increases are consistently a last recort.

REDUCE THE SALES TAX UNLESS...
Sec. 2. RCW 82 08 020 (Tax imposed -Retail sales-Retail cor rental) and 2014 c 140 s 12 are each amended to read as follows:

(1) There is leviced and collected a tax equal to (isny) five and five-tenths percent of the selling price on each retail sale in this state of:
(a) Tangible personal property, unless the sale is specifically excluded from the RCW 82 04 050 definition of retail sale.

(b) Digital goods, digital codes, and digital automated services, if the sale is included within the RCW 82 04 050 definition of retail sale: (c) Services, other than digital automated services, included within the RCW 82 04 050 definition of retail safe.

(d) Extended warranties to consumers; and

(e) Anything else, the sale of which is malided within the RCW 82,94,050 definition of retail sale

82.04.050 definition of retail sale.

(2) There is kivied and collected an additional tax on each cetail car
tental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tentax
percent of the selling price. The revenue collected under this subsection must be deposited in the
multimodal transportation account created in RCM 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of tiree-tenths of one
percent of the selling price on each retail sale of a motor vehicle in the state, other than retail car
tentals laxed under subsection (2) of this section. The revenue collected under this subsection must
be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.329, but does not include

(a) Firm tractors or farm vehicles as defined in RCW 46 04 180 and 46 04 (81, unless the farm tractors or farm vehicle is for use in the production of marijuana.

(b) Off-road schueles as defined in RCW 46 04 365.

(c) Nonhighway vehicles as defined in RCW 46-09-310, and

(d) Snowmobiles as defined in RCW 46 04 546

(d) horoymobiles as defined in SCW 40.09.546
 (5) Beginning on December 8, 2005. (1) for percent of the taxes collected under subsection (1) of this section must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue intentified in this subsection must be deposited in the performance audits of government account retailed in RCW 43.09.475.
 (6) The taxes imposed under this chapter apply to successive retail sales of the same property.

(7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as wided in RCW 82.12.020.

VIGEO IN ILLW \$2.12.020

"UNJESS THE LEGISLATURE REPERS TO THE BALLOT FOR A YOTE."

CONSTITCTIONAL AMENDMENT REQUIRING TWO-THIRDS LEGISLATI

APPROVAL OR YOTER APPROVAL TO RAISE TAXES AND MAJORITY

LEGISLATIVE APPROVAL FOR FEE INCREASES

NEW SECTION Sec. 3. (1) Section 2 of this act takes effect April 15, 2016, unless the contingency in subsection (2) of this section occurs.

(2) If the legislature prior to April 15, 2016, refers to the ballot for at vote a constitutional amendment requiring two-thirds legislature approval or voter approval to raise taxes as defined by voter-approved initiatives 960, 1035, and 1185 and section 6 of this act and majority legislative approval for fee uncrease as required by voter-approved initiatives 960, 1035, and 1185 and section 6 of this act and majority legislative approval for fee uncrease as required by voter-approved initiatives 960, 1035, and 1185 and codified in RCW 43 135 035 and further defined by subsection (a) of this action, section 2 of this action, section 2 of this act expures on April 14, 2016.

(a) "Majority legislative approval for fee increases" means only the legislature may set a fee increase's amount and must list it in a bill so it can be subject to the ten-year cost projection and other accountability procedures required by RCW 43.135.031.

### STATUTORY REFERENCE UPDATES

Sec. 4. RCW 43.135.031 (Bills mising taxes or fees — Cost analysis — Press rolease — Notice of bearings — Updated analyses) and 2013 v 1 s 5 are each amended to read as follows:

of nearings— Opticion intervests and 2013 (19) are each agreement in read a critical (1). For any bill introduced in either the house of representatives or the senate that raises taxes as ectioned by (IREW-35:13-034)) segting to right or increases fees, the office of financial management must expeditiously determine its cost to the taxpayers in its first tenyeurs of imposition,

must promptly and without delay regure the results of its analysis by public press release we comail to each member of the house of representatives; each member of the sease, the news media, and the public and must post and members their recleases on this web site. Any terryear cets projection must include a year-by-year localdown. For any bill containing more than one revenue source a mineral projection or extense source as course will be included along with the bill's itstal tendence on the projection. The press release shall include the nemes of the legislators, and their contact information, who are sponsores and consumers of the bill so they can provide information to, and unswer questions from the public

answer questions from, the public

(2) Any time any legislative commutice schedules a public hearing on a hill that raises taxes
as defined by ((NCW-4)-43-4944)) section for this set or thereages fees the office of financial
management must promptly and without delay report the results of its ment up-to-date analysis of
the bill required by subsection (1) of this section and the date, time, and location of the hearing by
public press release via e-mail to each member of the hours of representatives, each member of
the senate, the news media, and the public, and must post and manutam there releases on this value.

The press release via e-mail to each member of the hours of and manutam there releases on this value.

The press release via e-mail to each member of the legislators, and there conducted information required by
are members of the legislators e-manutice conducting the hearing so they can provide information
to, and answer questions from, the public to, and answer questions from, the public

to, and answer questions from, the public

(3) Each time a bill that ramer taxes as defined by ((HCW 43-83-63-6))) seriem 6 of this act or
mercases fees is approved by any legislative committee as by at least a comple majority in either
the house of representatives or the senate, the offere of financial management must expeditiously
recommend and redetermose it keps-gur cost projection due to ancondemnt or other changes during
the legislative process. must promptly, and without delay report the results of its most up-to-date
analytis by public, peets releasts us co-mult to each member of the house
of representatives, each member of the senate, the news media, and the
public, and must pert and maintain those releases on its work size. Any
ten-year cost projection must include a vear-by-year breakdown. For any
hil containing more than one revenue source, a ten-year cost projection
for each revenue source will be included along with the bill's total tenyear cost projection. The press release that metode the names of the
legislators, and their constant information, and how they veded on the
built to they can provide information and how they veded on the
built of they can provide information and how they veded on the

pubble.

(4) For the purposes of this section, "names of legislators, and their contact information" includes each legislator's position (senator or representative), dast name. Tast name, party affiliation (for example, Demostat of Republicon), early or town they live in, office phone number, and office e-mail address.

(5) For the purposes of this section, "news untila" means any member of the prets or medit organization including newspapers radio, and television, that signs up with the office of financial management to receive the public press releases by c-mail

(6) For the purposes of this section, "the public" incans any person, group, or organization that signs up with the office of financial management to receive the public press releases by e-mail. Sec. 5. RCW 43 135 48 Tax legislation.—Advisory to be —Duttes of the attempt general and secretary of state — Exemption) and 2013 of 4.6 are each amended to read as follows.

Secretary of state—Exemption and 2013 of 13.6 are each amended to read at follows:

11(a) After folly 1, 2011, I flegislative action intaing taxes at defined by (IRCW 13-13-03-1)

section 6 of this set is blocked from a public vote or is not referred to the people by a referendampetation found to be sufficient under RCW 29A-72, 250, a measure for an advisory vote of the people is required and shall be placed on the next general election build and after this chapter (b) If figislative action raising taxes cannoted after July 1, 2011, involves more than one revenue source, each tax being increased shall be subject to a separate measure for an advisory vote of the people under the requirements of this chapter.

people under the requirements of this chapter.

(2) No later than the first of August, the attorney general will said written notice to the secretary of state of any tax increase that is subject to an advisory vote of the people, under the provisions and exceptions provided by this chapter. Which five days of receiving such written notice from the attention, general, the secretary of state well assign a serial number for a measure for an advisory vote of the people and transmitt one easy of the uncause bearing its serial number to the attention general are required by RCW 294.72. HB, for any tax interease identified by the attention general as meeting an advisory vote of the people for that year's general election ballot. Saturdays, Sundays, and legal helithys are not counted in calculating the time basis in this subsection.

and regard noticity's are not confined in calculating the time marks as this subsection.

(3) For the purposes of dus section, "blocked from a public vote-includes adding an emergency clause to a bill increasing taxes, bonding or contractually obligating taxes, or otherwise preventing a referendum on a bill increasing taxes.

a referendum on a bill increasing laxes.

(4) If logislative action rating taxes is referred to the people by the logislature or is included in an initiative to the people found to be sufficient under RCW 29A 72.250, then the tax increase is except from an advisory vote of the people under this chapter.

NEW SECTION Sec. 6, A new section is added to chapter 43, 135 RCW and reads as follows:

For the purposes of this chapter, "raises taxes" means any action or combination of actions by the state legislature that increases state tax recruit deposited in any fund budget, or account, regardless of whether the re-causes are deposited into the general fund.

### CONSTRUCTION CLAUSE

<u>NEW SECTION</u>. See, 7. The provisions of this act are in be liberally construed to effectuate the month policies, and purposes of this act.

### SEVERABILITY CLAUSE

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or occumulance is beld invalid: the reniamble of the act or the application of the provision to other persons or cumulatines is not affected.

### TITLE OF THE ACT

NEW SECTION. Sec. 9. This act is known and may be exted as the "Taxpayer Protection Act." = ESD =

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