

# **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: Rebecca Riedinger  
Office of the City Attorney  
5<sup>th</sup> Floor Municipal Building  
W. 808 Spokane Falls Blvd.  
Spokane, WA 99201

or at: [riedinger@spokanecity.org](mailto:riedinger@spokanecity.org)

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: Mike Fagan

Position/Title: Council Member, District 1

**Nature of Code of Ethics violation:**

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

SMC 1.04.0303(H)

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.

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, 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.

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

Spokane City Council President Stuckart and Councilmembers Allen, Waldref, Stratton,  
and Mumm.

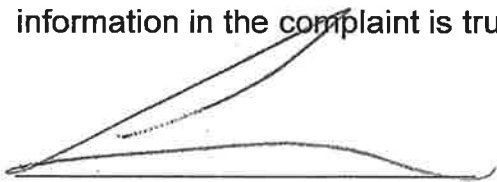
**Evidence or documentation**

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.

July 2015 Confidential Memorandum from Mike Piccolo regarding citizen initiative  
regarding immigration status information; Inlander article by Jake Thomas entitled,  
"Center for Justice will challenge immigration initiative in court," (July 15, 2015).

**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

10/6/15  
Date

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

10/6/15 Spokane WA

Name (please print): Jon Snyder

Address: 808 W. Spokane Falls Blvd, Spokane, WA 99201

Phone Number(s): 509-625-6254

E-Mail Address: jsnyder@spokanecity.org



COUNCIL MEMBER JON SNYDER  
DISTRICT 2, POSITION 2  
SPOKANE CITY COUNCIL  
808 W. Spokane Falls Blvd.  
Spokane, WA 99201-3335

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

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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:

David Condon (term ends 2015)  
Ord. C35164 on November 6, 2014  
Ord. C35167 on November 12, 2014

Prime Sponsor: Benjamin Stuckart  
(term ends 2015)

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.

"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



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

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**AFTER LONG HEARING, COUNCIL SENDS IMMIGRATION-PETITION SIGNATURES FOR REVIEW**

By Jake Thomas



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By Jake Thomas



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

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By Jake Thomas

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Comments (2)

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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.

report

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?

report

3 likes, 5 dislikes ~ like dislike

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

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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 ☐ No ☐ **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, ((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 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 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]

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 ☐ No ☐ **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.

Each of us for himself or herself says: 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.

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

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 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 or 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.

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

Illegal Alien Sanctionarians having voted "YES":

Ben Shuckart (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 Wal-dref (Dist 1 term ends 2017)

Americans Respectful of Law having voted "NO":

Mike Allen (Dist 2 term ends 2015) and Mike Pagan (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 Shuckart (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](http://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](http://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

NOV 26 2014

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?

\_\_\_\_ YES

\_\_\_\_ 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 NAME	RESIDENCE ADDRESS (Street Address)	DAYTIME PHONE AND OR E-MAIL ADDRESS (optional)	DATE OF 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**

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 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 special or general municipal election. If submitted to election, the proposed ordinance shall appear as the following proposition:

**City of Spokane Proposition No. 2015-1**

**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? Yes ☐ No ☐**

**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.

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.)

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

**Immediately ask Friends to SIGN & MAIL to:**

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

**\*PLEASE DUPLICATE THIS PETITION (ONE SHEET, DOUBLE-SIDED) FOR ADDITIONAL SIGNATURE LINES\***

## ORDINANCE NO. C - 2015-1

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 (Ord. No. C35164 relating to bias-free policing), is amended to read as follows:

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

#### (( 3.10.050—Immigrant Status Information

A. Unless required by law or court orders no Spokane City officer or employee shall inquire into the immigration status of any persons 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.

~~E. 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 measure are to be liberally construed to effectuate the intent, policies, and purposes 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 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.

## 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 to finance or ignore lawless activity:

Mike Allen (Dist 2 term ends 2015)  
Mike Fagan (Dist 1 term ends 2015)  
Date of Mayor's signature:

David Condon (term ends 2015)  
Ord. C35164 on November 6, 2014  
Ord. C35167 on November 12, 2014  
Prime Sponsor: Benjamin 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](http://www.RespectWashington.us) and print 2-sided.

**STEP 2:** Fill signature lines immediately.

Do not procrastinate. Fill this petition this week.

**STEP 3:** Mail petition and contribution (check please, no cash) to:

[www.RespectWashington.us](http://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

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.

**Concise 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 ☒ No ☐

## 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 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," 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 (for verification)	Your Home Address	City	County
John Smith	John Smith	1-2-5	1234 Washington Lane	Tacoma	Pierce
1		- -			
2		- -			
3		- -			
4		- -			
5		- -			
6		- -			
7		- -			
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Signature \_\_\_\_\_